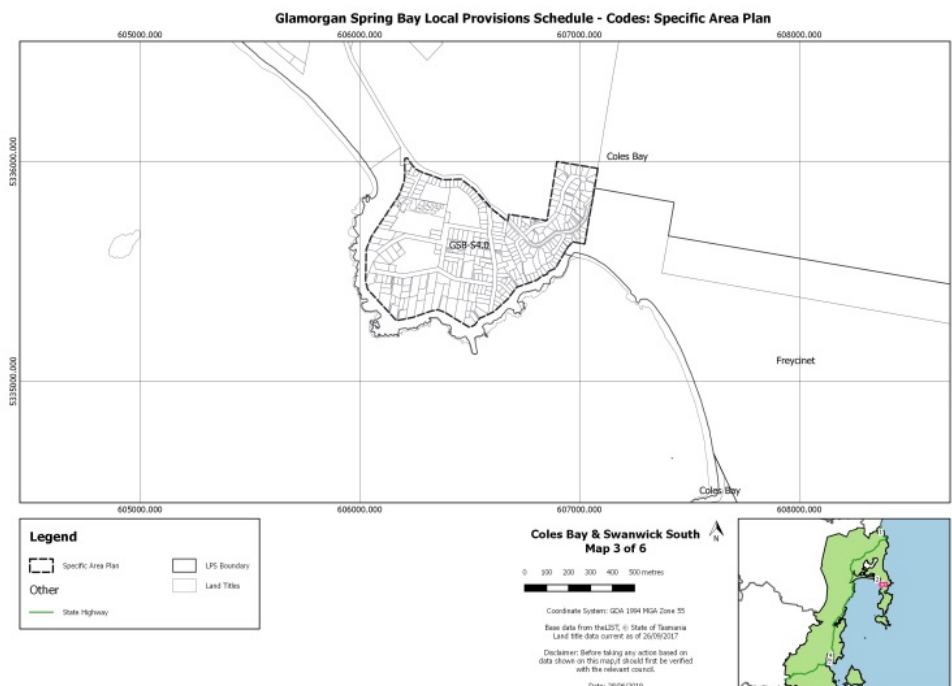




HELP SHAPE TASMANIA'S FUTURE

YOUR GUIDE TO INFLUENCING THE DEVELOPMENT OF YOUR LOCAL PLANNING RULES
(LOCAL PROVISIONS SCHEDULE)



Extract from the Glamorgan Spring Bay Draft Local Provisions Schedule (LPS) with a proposed Specific Area Plan over Coles Bay, allowing for new non-residential uses across the whole area.

VERSION 1 – MARCH 2020



Planning is critical, as it affects every inch of Tasmania, and our well-being.

The State Government is introducing changes via the development of the new and about-to-be implemented statewide Tasmanian Planning Scheme.

PMAT believes these changes will weaken the planning system and the protections for places we live in and love about Tasmania.

Planning schemes must offer a balance between development, individual rights and community amenity, and not just make it easier for development at the cost of communities and wild places.

Every land title across every Municipality is about to be transitioned to the new planning scheme with 23 zones, 16 codes and site specific planning rules through the development of each Council's Local Provisions Schedule.

Your representation on Council's Draft Local Provisions Schedule can help protect your land and places you care about.

This guide will show you how to make a representation.

As of March 2020, seven Councils (Meander Valley, Brighton, Central Coast, Glamorgan Spring Bay, Burnie, Clarence and Circular Head) had advertised their Draft Local Provisions Schedule for public comment and are either at the exhibition, hearing, or modification stage of the development of their draft LPSs.

Twenty two Councils are almost ready for exhibition or are developing their Draft Local Provisions Schedule.



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YOUR GUIDE – YOUR FUTURE

Who should use this Guide?

This is Version 1.0 of *Your Guide to Influencing the Development of Your Local Planning Rules (Local Provisions Schedule)*.

It is intended to be used by individuals and community groups who:

- are interested in how their home, land or the places that they care about will be treated under the Tasmanian Planning Scheme; and/or
- care about land use planning and the future of Tasmania.

The Tasmanian Planning Scheme will replace all existing Interim Planning Schemes which currently apply in each of the 29 local government areas.

Guide Purpose

The purpose of this guide is to help you influence the development of your local planning rules (Local Provisions Schedule) in your municipality, through the public consultation process.

Every land title in your municipality is about to be transitioned to a new zone, code or site specific planning rule through the development of a Local Provisions Schedule (LPS).

You will have 60 days to comment on your LPS and the opportunity to present at hearings which will be held by the Tasmanian Planning Commission.

The development of the LPS is the last stage in the implementation of the Tasmanian Planning Scheme. Once the LPS is signed off in your municipality, the Tasmanian Planning Scheme will be operational.

How areas are zoned etc will dictate how they can be used and developed now and into the future.

Notes on this Version

This is Version 1.0 of this guide. The guide is a living document – it is not exhaustive and is a work in progress information guide. The guide will be updated if and when necessary. Please send any suggested additions to PMAT [here](#).

Guide Structure

This guide provides an explanation of the draft LPS approval process and how you can engage in this process. Tables 1 and 2 outline the zone and code purpose and key issues and considerations. Two case studies provide examples of how you or your community could engage in the draft LPS approval process. Appendices 1 to 3 include notes for properties with high conservation values, with or without conservation covenants.



Please Share the Guide

Please share this guide with your community group, friends, family or local Council.

The free guide can also be downloaded from PMAT's website [here](#).

You can also join PMAT's database [here](#) for updates and Like PMAT's Facebook page [here](#).

Disclaimer

This guide has been prepared in good faith, with great care and with professional input. However, the accuracy of all the information cannot be warranted or guaranteed. This guide is not legal advice and PMAT recommends that independent expert advice be obtained where required. PMAT bears no liability for any damages or other consequences to third parties resulting from their use and/or interpretation of this report.

PMAT continues to do the best job it can in the absence of other accessible explanatory material and with very limited resources, to help inform the public and support the community through the complexities of the development of the Tasmanian Planning Scheme.



WHAT IS PMAT?

The [Planning Matters Alliance Tasmania](#) (PMAT) is a growing network of almost [60 community groups](#) from across Tasmania, united with a common concern over the weakening of the state's planning laws and the need for a shared vision for our future.

To achieve the best future for Tasmania and all Tasmanians, PMAT believes the land use planning system must be underpinned by the six key principles, outlined in our [Platform document](#).

PMAT believes that an effective land use planning system is one which provides for economic development that respects our local amenity and character, safeguards our natural and cultural heritage, our sense of place, our brand, and allows the Tasmanian community to participate transparently in planning and development decisions that affect their future.

Planning schemes must offer a balance between development, individual rights and community amenity, and not just make it easier for development at the cost of communities and wild places.

The State Government is introducing changes via the development of the new and about-to-be implemented statewide Tasmanian Planning Scheme (TPS). PMAT believes these changes will weaken the planning system and the protections for places we live in and love around Tasmania. Land use planning is critical, as it affects every inch of Tasmania, and our well-being.

PMAT'S [key issues](#) of concern regarding the Tasmanian Planning Scheme include:

- Reduces the community's right to have a say and in many instances removes appeal rights, weakening democracy;
- In urban areas smaller block sizes, higher buildings built closer to fences, and multi-unit developments in all residential areas are allowed. Neighbourhood amenity and character, privacy and sunlight into your backyard, home and on your solar panels are not adequately protected. Rights to challenge inappropriate developments are very limited;
- Commercial tourism development can be approved in most national parks and reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no guarantee of public comment and no appeal rights over public land on almost 50% of the State;
- Exemptions in the Natural Assets Code (i.e. Agriculture, Commercial and Residential Zones) and mapping conventions mean many areas of native vegetation/habitat will not be assessed or protected, impacting biodiversity and losing valuable urban trees;
- No provision for affordable or social housing;
- No Code for Aboriginal Heritage, Stormwater, On-site Waste Water or Geoconservation;
- Forestry, mine exploration, fish farming and dam construction remain largely exempt;
- Threatens Tasmania's brand including natural and cultural heritage; and there is
- No opportunity to embed sustainable transport, green building design and emissions reductions considerations into the planning process.



Together, we can ensure Tasmanians have a say in a planning system that prioritises the health and well-being of the whole community, the liveability of our cities, towns and rural areas, and the protection of the natural environment and cultural heritage.



WHAT IS PLANNING?

Land use planning is the process through which governments, businesses, and residents come together to shape their communities. Planning is fundamental to our way of life and it's vital we get it right.

Planning is like an ecosystem. If the components are healthy, then the system it supports is more likely to be healthy.

Planning affects every inch of Tasmania, on both private and public land, and our well-being: our homes, our neighbour's house, our local shops, work opportunities, schools, parks and transport corridors. Planning shapes our cities, towns and rural landscapes. Well thought through strategic planning can build strong, thriving, healthy and sustainable communities.

Transparent planning processes are also critical to a healthy democracy.

Planning schemes are the key set of planning rules that dictate what development and use is allowed in different areas and when the community has a say. Not all land uses are regulated via our planning system: Forestry (including Private Timber Reserves), marine farming and dam construction remain largely outside our planning schemes, meaning your right to have a say about these key industries is very limited.

If you're concerned about protecting what matters to you and your community, don't wait for the planning rules to change and then complain if you don't agree with the developments allowed.

Have your say NOW and help protect what is valuable and strengthen the community's right to have a say.



TASMANIA'S PLANNING SYSTEM

Figure 1 depicts Tasmania's Resource Management and Planning System (the RMPS). This diagram shows how the key components of the Resource Management and Planning System feed into the Tasmanian Planning Scheme – including the context of the Local Provisions Schedule. It also shows the central role of the Tasmanian Planning Commission, which sits at the heart of our planning system.

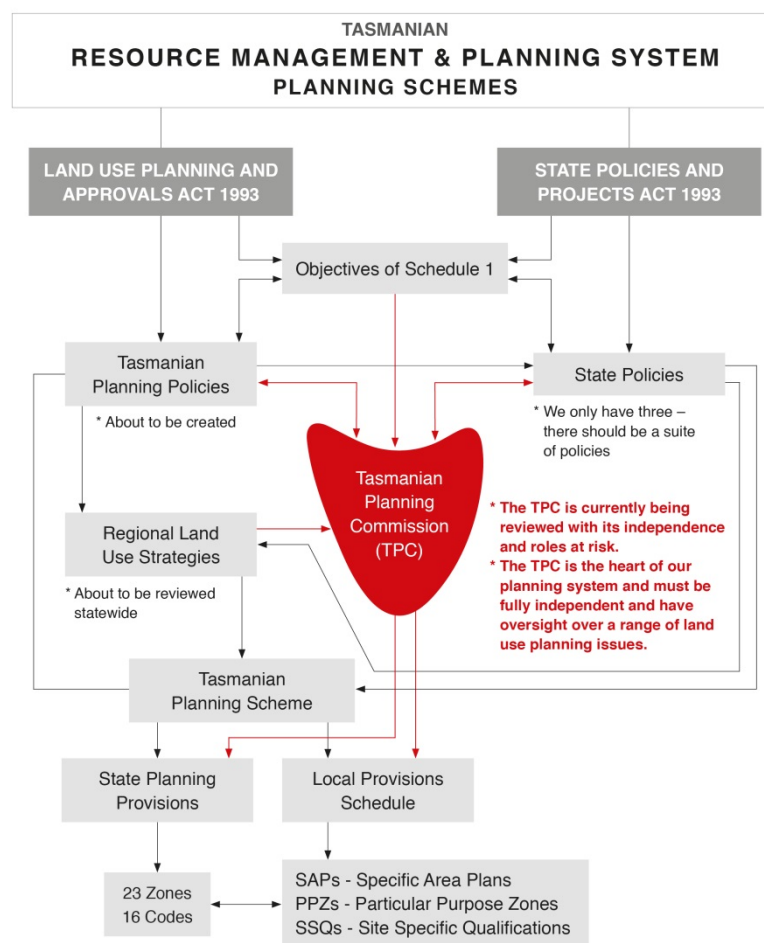


Figure 1 – Tasmania's Resource Management and Planning System.



KEY FACTS YOU NEED TO KNOW

The Single Statewide Planning Scheme

The State Government is developing a single statewide planning scheme, the Tasmanian Planning Scheme, to replace the existing Interim Planning Schemes and 2 old format/other planning schemes which currently apply in each of the 29 local government areas.

The new Tasmanian Planning Scheme will have two parts:

1. a single set of State Planning Provisions (SPPs) that apply to the entire state on private and public land (except Commonwealth controlled land); and
2. local planning rules, the Local Provisions Schedule (LPS) which apply the SPPs to each municipal area on both private and public land.

Figure 1 shows where the Tasmanian Planning Scheme and the SPPs and LPSs fit into Tasmania's planning system.

1. State Planning Provisions (SPPs)

The SPPs are the core of the Tasmanian Planning Scheme, they set the new planning rules. They state how land can be used and developed and outline assessment criteria for new use and development. These rules set out 23 zones and 16 codes that may be applied by Councils under their LPSs. Not all zones or codes will be relevant to all Councils, for example in Hobart there will be no land zoned Agriculture, and in the Midlands there will be no land subject to the Coastal Inundation Hazard area. But Councils must only apply the zones and codes in the SPPs.

Read the current version of the SPPs [here](#).

- **The Zones:** the 23 zones set the planning rules for use and development that occurs within each zone (i.e. applicable standards, specific exemptions, and tables showing the land uses that are allowed, allowable or prohibited - No Permit Required, Permitted, Discretionary or Prohibited).
- **The Codes:** the 16 codes regulate particular types of development or land constraints that occur across zone boundaries, for instance: land slip, native vegetation (natural assets), bushfire and heritage.

Key issues/considerations for Zones and Codes are outlined in Tables 1 and 2.

In addition to the zone and code provisions, the SPPs contain important information on the operation of the schemes, including Interpretation (Planning Terms and Definitions), Exemptions, Planning Scheme Operation and Assessment of an Application for Use or Development. These up-front clauses provide important context for the overall planning regime as they form the basis for how planning decisions are made. The terminology is very important, as often planning terms do not directly align with plain English definitions.



What is PMAT doing?

The SPPs were completed and approved by the Minister in 2017 so they can't currently be changed. PMAT is campaigning to amend the SPPs as well as calling for the integration of uses and development currently exempt from planning such as aquaculture and forestry. The SPPs **MUST** be reviewed within 5 years, or following the introduction of the new and yet to be developed Tasmanian Planning Policies (Figure 1). PMAT will be active in any future review process to ensure Tasmania has a planning system that genuinely sets up the State for a socially, economically and environmentally sustainable future.

2. Local Planning Rules/Local Provisions Schedule (LPS)

The local planning rules, known as the Local Provisions Schedule, is prepared by each Council and determines where zones and codes apply across your municipality and hence the planning rules relevant to different areas of the municipality. **The development of the LPS in your municipality is the last stage in the implementation of the Tasmanian Planning Scheme.** Once the LPS is signed off in your municipality, the Tasmanian Planning Scheme will be operational.

The LPS comprise:

- maps showing WHERE the SPP zone and codes are applied in YOUR local municipal area; and
- any approved departures from the SPP provisions for YOUR local municipal area.

View the Draft LPS approval process [here](#).

Other LPS rules to note - Zone Purpose

If Councils choose to apply a certain zone in their LPS (eg Inner Residential, Rural Living or Agriculture Zone), the rules applying to that zone will be the prescriptive rules set out in the SPPs and are already approved by the Government. Councils cannot change the SPPs or apply different zones. Zones will be applied to areas where the future planning of that area is consistent with the zone purpose. This means it is important to become familiar with the Zone Purpose for all the zones in the SPPs in preparing your representation to an LPS. See Tables 1 and 2.

Site Specific Planning Rules

If your Council decides that areas within its municipality are not suited to one of the standard 23 zones then it may be able to consider one of three site specific planning rules:

- **Particular Purpose Zone (PPZ)** – is a group of provisions consisting of (i) a zone that is particular to an area of land; and (ii) the provisions that are to apply in relation to that zone. It usually will apply to a particular land use (eg UTAS Sandy Bay campus or a hospital, Reedy Marsh, Dolphin Sands).
- **Specific Area Plan (SAP)** - being a plan consisting of (i) a map or overlay that delineates a particular area of land; and (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs. SAPs are specific to that site and sit over the top of a zone. For example, the proposed Coles Bay SAP



sits over the underlying Low Density Residential Zone and the SAP rules allow for a broader scope of new non-residential uses across the whole of Coles Bay. SAPs are often used for greenfield residential subdivision to allow higher density housing, to plan for roads and to protect areas of vegetation and open space (eg SAPs are also proposed for Cambria Green, Huntingfield, Jackeys Marsh, Blackmans Bay Bluff). Also see Case Study 2 below - Local Provisions Schedule – Rosny Hill Nature Recreation Area.

- **Site Specific Qualification (SSQ)** is used to facilitate particular types of activities at certain sites (eg New Town Plaza Shopping Centre) and sit over the top of a zone.

These site specific local planning rules can be used positively or negatively. For example, they can relax planning requirements, or introduce stronger requirements than otherwise provided for by the 23 zones and 16 codes. Councils must provide a justification for using one of these tools in their *Supporting Report*. **You will also have to provide a justification if you decide to request one of these options in your representation.** If you are unable to provide supporting information to justify such departures, **still provide a submission saying what you want.**

Such departures from the SPPs can only be used if the Council and the Tasmanian Planning Commission are satisfied that:

- a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
- the area of land has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land.

If you request one of these options, your representation should address these criteria.

How are Councils progressing their LPSs?

As of March 2020, seven Councils (Meander Valley, Brighton, Central Coast, Glamorgan Spring Bay, Burnie, Clarence and Circular Head) had advertised their Draft LPSs for public comment and are either at the exhibition, hearing, or post-hearing modification stage of the development of their draft LPSs.

Twenty two Councils are almost ready for exhibition or are developing their draft LPSs.

What does this mean for community consultation?

Most Councils are yet to commence formal community consultation on their LPS. This gives us, the community, the opportunity to influence the local planning rules that apply in OUR own area.

Remember, while the rules for zones and codes have already been set by the SPPs, we can have input into WHERE OUR COUNCILS APPLY THE ZONES and CODES and any proposed departures from the SPPs.



HOW TO INFLUENCE YOUR LOCAL PROVISIONS SCHEDULE

What you can do when your Council releases the Draft LPS for Public Comment

Public Exhibition/Public Comment

You will have 60 days to make a submission. **Anyone can comment on a Draft LPS – you do not have to live in the municipality to qualify to comment.**

How to View Draft LPS Documents

The draft LPS and related documents will be available on your local Council and the [Tasmanian Planning Commission's](#) websites. You can also view the draft LPS documents in person at your local Council offices or the Tasmanian Planning Commission offices in Hobart.

Supporting Report

Part of the exhibited draft LPS is called the '*Supporting Report*'.

It is strongly recommended you read this *Supporting Report* first, as it provides the rationale for why Council has prepared their particular draft LPS. Once you've absorbed that information and considered the matters in Table 1 below you'll be better placed to delve into the draft LPS document.

How to Comment

Written representation is to be made in writing to your local Council. Do not send your representation to the Tasmanian Planning Commission.

Write a submission in response to the area/s you most care about. This might be your property, somewhere you love to visit or a place of special significance.

If you have commented informally already (i.e. some Councils such as Glamorgan Spring Bay released their Draft LPS for informal public comment) then review it and re-submit your representation with any relevant additional information. This is important as any previous submission you made during the informal consultation will not be counted as a formal submission unless you resubmit it during the formal consultation period. If the Council didn't agree with your previous submission, contact them to ask why. You can then respond to Council's opinion, which may be assisted by seeking expert advice.

In your submission, provide evidence to support your proposal such as reports, photos, maps, or quotes from Council policies or strategies. Eg regional land use strategies, structure plans, community strategic plans etc. Regional land use strategies are a key document. Encourage as many people and groups to support you as possible.

You could also engage an expert strategic planner to write a submission on your behalf. See 'Places to go for Technical Advice' in the section below.



Don't worry if you don't know the technical language. Ask the Council and/or independent experts to help advise how to make your submission technically correct. If you can't get help or are uncertain, make your submission anyway.

Share your submission with others. Share copies of your submission with local community groups, local newspapers, PMAT and others. Encourage other individuals or community groups to submit representations.

The Approval Process

View the Draft Local Provisions Schedule approval process [here](#).

Key Questions to ask your Local Council Planner and/or Councillors

You could start asking these questions now, to help you get ready for when the LPS is advertised

- Will Council hold public information sessions on the Draft LPS, including explaining planned changes to current zones and codes?
- How will my property or place I care about be zoned under the Draft LPS?
- How is this different from the current zoning?
- If the proposed zoning is unsatisfactory, what are my options? What site specific planning rules (i.e. SAP, SPQ, PPZ) could I apply or which other zones might be more appropriate?
- What codes will/could apply to my property or the place I care about?
- How are the codes being mapped for the values I care about? (eg biodiversity, heritage)
- Will you please provide me a full colour copy of all the Draft LPS documentation? Note that you could also ask your local State or Federal Parliamentarians to print a full copy.
- Also, see Case Study 1 below.

Places to go for Technical Advice

- [Environmental Defenders Office - Hobart](#)
- Consider engaging a strategic planner to help you write your representation. Obtain list of planners from the [Environmental Defenders Office - Hobart](#)
- [Tasmanian Conservation Trust](#)
- [North East Bioregional Network](#)
- [Friends of the Leven](#)

What happens after you have lodged your LPS Representation but before the Hearings?

Council Report

Your Council will submit a report, called a Section 35F Report, to the Tasmanian Planning Commission regarding the representations and its recommendations within 60 days of public exhibition closing. A copy of your Representation will be included in this Report, whether Council supports it or not.



This Report will be endorsed by Council at a Council Meeting before it is submitted to the Tasmanian Planning Commission for consideration.

The Tasmanian Planning Commission will then hold hearings into the representations.

You can respond to the Section 35F Report and its recommendations (plus any further submission if lodged) at the hearings. The Section 35F Report and any other submissions will be placed on [iplan](#).

What you can do when the TPC Holds Hearings into your Draft LPS

You will be given at least 14 days' notice of the hearing. All Representors will receive a notice of the hearing.

Make a Presentation

Request to make a presentation to the TPC about your representation. The TPC must hold hearings in relation to your representation.

Focus on providing information that clarifies or supports points made in your representation – see Case Study 1 below. It is also important to address any other relevant issues specifically raised by other submissions against your representation. You can also ask experts, such as legal or planning experts, to represent you at the TPC hearings, or to attend to give evidence. If financially viable for you, this is recommended if your representation was prepared by an expert or supported by an expert report as they will be best placed to respond to any technical questions or clarifications Council or TPC representatives may have during the hearing, and it has the potential to give more weight to their opinion.



MORE INFORMATION

- **Tasmanian Planning Commission** – see the *News* section on their landing page, which includes the latest information on the draft LPSs by Council. See [here](#).
- **Tasmanian Planning Commission** – see the ‘Information for the public’ section which outlines frequently asked questions, how to make an effective representation and what happens at a Commission hearing. See [here](#).
- **iplan** – Tasmania’s online resource for planning and development. See [here](#) for current LPS assessments (key word search LPS).
- **EDO Writing Representation Guide** view [here](#).
- **EDO’s (Environmental Defenders Office) Guide on the Tasmanian Government’s reform agenda** view [here](#).
- If you want to read more about Tasmania’s resource management planning system in plain English check out the **EDO website Environmental Law Handbook Chapter 4** [here](#)
- Watch this great **video on planning created by the Planning Institute of Australia** [here](#).
- **Tasmanian Planning Reform website** - if you want to read more about the government’s perspective, check out the Information [here](#). View their LPS fact sheet [here](#).
- **PMAT** - if you have general questions please contact PMAT State Coordinator Sophie Underwood Email: sophie_underwood@hotmail.com or phone 0407501999.
- **Various Council LPS Guides/Information:**
 - **Meander Valley** - see [here](#).
 - **Burnie** - see [here](#)
 - **Brighton** - see [here](#).
 - **Central Coast** - see [here](#).
 - **Clarence** – see [here](#).
 - **Glamorgan Spring Bay** - see [here](#).
 - **Circular Head** – see [here](#).



TABLE 1 - ZONE PURPOSE AND KEY ISSUES AND CONSIDERATIONS

Table 1 outlines the Zone Purpose and some of the key issues and considerations of each of the 23 zones of the SPPs. **Table 1 is not exhaustive and is a work in progress information table. Table 1 will be updated if and when necessary. Please send any suggested additions to PMAT [here](#).**

A key consideration to keep in mind is that the significant variation between the existing Interim Planning Schemes of each Council is purportedly a key reason why the Tasmanian Planning Scheme is being implemented by the State Government. Note that it is beyond the scope of this document to provide a comprehensive analysis of zone provisions between the existing Interim Planning Schemes for each Council and the SPPs.

An initial review of some the first LPSs that have been released for public comment contained a number of errors due to lack of data of local values and/or due to human error. Commenting on the draft LPS is the main opportunity for the public to ensure the correct attribution of the zones and/or codes.

Also note that an 'Acceptable Solution' is a permitted use meaning the development does not have to be advertised for public comment, it cannot be refused and is not subject to appeal rights. Acceptable solutions are the standards which, if met, mean automatic approval. Performance Criteria' means that it is a discretionary use and has to be advertised for public comment and is subject to appeal rights.

Table 1 – The 23 SPP Zones – zone purpose and key issues and considerations.

Residential Zones

- The residential zones that apply now will most likely be translated to an SPP zone of the same name, meaning the name will be the same but there may be some changes to controls. This may not apply in all cases. You need to closely review the Draft LPS.
- The purpose of these zones is to facilitate residential development, with the intention that the highest density development is in the IRZ, then the GRZ and low density in the LDRZ. Density means the number of houses in one space, eg number of dwellings on a lot or lot size. So expect apartments in the IRZ, apartments and multiple dwellings in the GRZ and large single dwellings on larger lots in the LDRZ.
- Other zones where residential use is contemplated include:
 - Village Zone (intended for smaller regional centres) now allows for a greater variety of non-residential commercial and business uses and is referred to as a 'mixed use' zone; and
 - Rural Living Zone (intended for peri-urban areas) provides a buffer to rural and agricultural zones and allow for greater hobby farm like activities. There is also a view that this Zone promotes urban sprawl by stealth, partly because of the lot sizes allowed by subdivision controls.



Zone Name	Zone Purpose Statement	Link to full zone description in SPPs	Key issues and/considerations
8.0 General Residential Zone (GRZ)	<p>8.0 General Residential Zone</p> <p>8.1 Zone Purpose The purpose of the General Residential Zone is:</p> <p>8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.</p> <p>8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>8.1.3 To provide for non-residential use that:</p> <p>(a) primarily serves the local community; and</p> <p>(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>8.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	Page 47-68	<ul style="list-style-type: none"> . Applies to land in areas that are serviced with reticulated water and sewerage system. . Land in the existing GRZ should generally remain as General Residential Zone (GRZ). . Multi-unit developments are allowed. Meaning they can be built next door to you without notification or appeal rights, if they meet all acceptable solutions in the Zone. . Rear boundary setbacks are not always required. A dwelling can be built on the rear boundary only if it doesn't extend more than 9m or 1/3 of the boundary, or if you have built on the fence, it matches the length of your house. It otherwise has to be 1.5m setback. . The GRZ has set minimum standards, called 'acceptable solutions'. If a development meets those standards, a proposal is not advertised and neighbours won't be given an opportunity to raise concerns. For example, if the house next door to you takes your views, privacy and sunshine and blocks solar access to solar panels, but it meets the minimum standards, the development will not be advertised and as a neighbour, you will have no right of appeal. Neighbourhood character has been removed from planning schemes, and there is no aesthetic design standard. This means your rights to challenge developments that impact on your street or house and protect their existing character are limited. . The GRZ allows increased density - the only way to maintain an area's character is to identify what's special about an area and attempt to preserve it with, for example, a Specific Area Plan in the LPS, or, if the area contains local heritage significance, as a local heritage precinct under the Local Historic Heritage Code. . Removes the planning scheme requirement to provide public open space as part of a subdivision.
9.0 Inner Residential	9.1 Zone Purpose	Page 69-89	. Most land in the existing IRZ is likely to remain as Inner Residential Zone (IRZ) or



Zone (IRZ)	<p>The purpose of the Inner Residential Zone is:</p> <p>9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.</p> <p>9.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.</p> <p>9.1.3 To provide for non-residential use that:</p> <p>(a) primarily serves the local community; and</p> <p>(b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.</p> <p>9.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>		<p>depending on the area, may transition to a new zone called the Urban Mixed Use Zone.</p> <p>. Same comments as the GRZ apply for residential development in IRZ. Note that the zone purpose indicates that higher density of development is to apply, and there is a government review of inner urban densities that may see special controls applied to land in IRZ to facilitate higher density housing eg apartment buildings.</p>
10.0 Low Density Residential Zone (LDRZ)	<p>10.1 Zone Purpose</p> <p>The purpose of the Low Density Residential Zone is:</p> <p>10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</p>	Page 90-103	<p>. The LDRZ applies to residential land that is constrained by servicing, topography or natural hazards or where certain values have been identified and require lower densities to preserve them. Eg if an area lacks access to water and sewerage infrastructure then Council is likely to consider this as an appropriate zoning. The main difference between the LDRZs in the SPPs and Interim Planning Schemes is that the SSPs provide for a broader range of non-residential uses.</p> <p>. Existing interim schemes have also varied in their minimum lot size for this zone, for example, in the Meander Valley Interim Scheme minimum lot sizes vary from 1600m² to 1ha depending on the area.</p>



	<p>10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.</p> <p>10.1.3 To provide for Visitor Accommodation that is compatible with residential character.</p>		<ul style="list-style-type: none"> . Therefore the zone maps for this zone may be changing significantly to reflect existing infrastructure deployment and settlement patterns. Some Councils may decide that land currently zoned LDRZ should be rezoned to GRZ or possibly even RLZ. . Multiple dwellings are discretionary (i.e. have to be advertised for public comment and can be appealed), whereas in the past they were prohibited by some Councils such as Clarence City Council. If a Council wants to maintain the current residential density they may seek to apply a Specific Area Plan (SAP) or a different zone such as RLZ, where multiple dwellings are prohibited in the SPP. . Unserviced settlements may be better served by applying a Special Area Plan (SAP) or Particular Purpose Zone (PPZ) over areas to protect natural, scenic and amenity values (i.e. to limit multiple dwellings) rather than relying on Low Density Zoning. . A key zone to watch/check.
12.0 Village Zone (VZ)	<p>12.1 Zone Purpose The purpose of the Village Zone is:</p> <p>12.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.</p> <p>12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone.</p>	Page 113-124	<ul style="list-style-type: none"> . Village Zone (VZ) land will either remain as Village Zone or go to another zone. . This zone is a small township zone and is a 'mixed use' zone. It allows for a wide range of use and development. . The Village Zone may not be appropriate for purely residential areas, as it allows for commercial uses and does not aim to protect residential amenity.
13.0 Urban Mixed Use Zone (UMUZ)	<p>13.1 Zone Purpose The purpose of the Urban Mixed Use Zone is:</p> <p>13.1.1 To provide for a mix of residential, retail, community services and commercial activities in urban locations.</p>	Page 125-136	<ul style="list-style-type: none"> . This is a new zone. It allows for both residential and commercial uses. It is likely to be applied to those areas where there is or planned to be a true mix of residential and commercial, for instance, commercial shopping strips with shop top housing or apartments. . See also previous comments for the IRZ. . This zone may replace areas of General Residential Zone and Inner Residential Zone given Zone purpose.



	13.1.2 To provide for a diverse range of use or development that are of a type and scale that support and do not compromise or distort the role of surrounding activity centres in the activity centre hierarchy.		
<p>Rural Zones</p> <ul style="list-style-type: none"> • Non-urban or rural land is generally divided into four zones (Rural (RZ), Agriculture (AZ), Rural Living (RLZ) and Landscape Conservation (LCZ)). • There is no Environmental Living, Rural Resource Zone, or Significant Agriculture Zone in the TPS. Land in each of these zones will be translated into RZ, AZ, RLZ or LCZ. • Land currently in the Environmental Living Zone will generally be zoned either as Rural Living Zone or Landscape Conservation Zone. The RLZ is designed to facilitate dwelling development and subdivision into large lots and has very few restrictions on dwellings or land clearing. The LCZ is designed to limit dwelling development, preserve land in large 20+ha lots, limit land clearing and protect environmental or landscape values. • Land currently in the Rural Resource Zone, which applies to the majority of Tasmania’s private land, could potentially transition to any of the four zones, but is most likely going to be zoned either Agriculture or Rural Zone. These are the zones that apply to farming land. Smaller lots near rural townships are likely to transition to Rural Living to act as a buffer zone and reflect existing character, and larger vegetated lots may be zoned Landscape Conservation. • Note that land currently zoned Significant Agriculture is unlikely to be allowed to be zoned as Rural Living Zone or Landscape Conservation Zone, because the primary purpose of that land is for agriculture. The TPC provided advice to Meander Valley Council that land currently zoned Significant Agriculture, but with large areas of biodiversity conservation overlay, cannot be transitioned to Rural Zone for the purposes of applying the Natural Assets Code; because the primary purpose of the land is agricultural use. What does this mean for biodiversity? If the advice is that those areas must be AZ, the Natural Assets Code will not apply despite the presence of significant biodiversity values. Arguably land could be split-zoned to allow farming and protect environmental values, for instance, part AZ and part LCZ. • A key difference between the zones are the minimum lot sizes allowed for subdivision. There is a cascading scale. The Agriculture Zone has no permitted pathway for subdivision (except for public crown land or utility purposes), so as to protect the agricultural land from fragmentation. At the other end of the spectrum, the Rural Living Zone allows for subdivision to 800m2 lots. The Landscape Conservation Zone has a discretionary minimum lot size of 20ha, again intended to protect largely vegetated areas by preventing fragmentation, while allowing some complementary residential use, eg conservation covenanted land. • Visitor Accommodation is a discretionary use class in the Agriculture and Landscape Conservation zones but permitted in the Rural Living Zone and permitted (if in existing buildings) in the Rural Zone. • Tourist operation is prohibited in the RLZ but discretionary in the other three zones. • Note - all land in these zones may potentially be subject to Private Timber Reserve (PTR). Where land is declared a PTR, the land must only be used for forestry operations (the terms of the PTR determine possible development) and the Scheme provisions do not apply to those forestry operations. 			
Zone name	Zone purpose statement	Link to full zone	Key issues and/considerations



		description in SPPs	
21.0 Agriculture Zone (AZ)	<p>21.1 Zone Purpose The purpose of the Agriculture Zone is:</p> <p>21.1.1 To provide for the use or development of land for agricultural use.</p> <p>21.1.2 To protect land for the use or development of agricultural use by minimising:</p> <p>(a) conflict with or interference from non-agricultural uses;</p> <p>(b) non-agricultural use or development that precludes the return of the land to agricultural use; and</p> <p>(c) use of land for non-agricultural use in irrigation districts.</p> <p>21.1.3 To provide for use or development that supports the use of the land for agricultural use.</p>	Page 211-219	<ul style="list-style-type: none"> . The Agricultural Zone (AZ) is a new zone. It is intended as a farming zone, for agriculture that relies on soil as the growth medium. . Land within the former Rural Resource Zone is likely to go to the AZ if it is high quality agricultural land and/or within an irrigation district. . Councils have been instructed to use the Agricultural Land Mapping Project- Identifying land suitable for inclusion within the Tasmanian Planning Scheme's Agriculture Zone, as a starting point. . The AZ now provides opportunities for a range of commercial and extractive uses which could degrade the natural values of rural areas and Tasmania's food bowl. . Residential use is permitted but new dwellings are discretionary, with an intention to limit new dwelling development and subdivision. . The Natural Assets Code does not apply in the AZ which means native vegetation is able to be removed without the need for a planning permit. . Only native vegetation clearing of remnant vegetation (not regrowth) greater than one hectare will require a forest practices plan under the <i>Forest Practices Act 1985</i>. Any clearing with an FPP is exempt from planning schemes. Clearing of regrowth and less than 1 hectare a year is therefore allowed with no permission under the Agriculture Zone. . Reliance on Forest Practices Plans removes options for public involvement and jeopardises the achievement of sustainable development and maintenance of biodiversity. . Land titles with agricultural use that also contain conservation and/or scenic values can be split (eg into Agricultural and Landscape Conservation zones).
20.0 Rural Zone (RZ)	<p>20.1 Zone Purpose The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or</p>	Page 202-10	<ul style="list-style-type: none"> . The Rural Zone (RZ) is a new zone. . Land currently zoned Rural Resource is likely to go to the Rural Zone if not in the Agriculture Zone, i.e. not high quality agricultural land but used for farming or existing strategic activities, such as feed lots, abattoirs, or industrial processing of rural produce.



	<p>marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>		<ul style="list-style-type: none"> . Allows Resource development as a No Permit Required use and extractive industry as a permitted use . This zone is intended to accommodate the widest range of commercial and extractive uses. . A single dwelling on a lot is discretionary. . Allows subdivision with a permitted minimum lot size of 40ha, which can be varied by discretion to allow almost any lot size. . Side and rear boundary setback reduced to 5m (current provisions vary but Huon Valley currently has 20m setbacks). . Combined with no minimum lot size, the setback provisions have great potential to impact on rural landscapes and character. The only way to restrict lot size would be by a SAP. . There is a risk that rezoning land to RLZ will facilitate residential sprawl around settlement boundaries. . Where land has significant natural values, is marginal for farming or related industry eg due to steep slopes or is covered by a scenic protection overlay, consider whether the more appropriate zone is LCZ. . There have already been examples in various Council's LPSs of land parcels more suitable to LCZ being placed in the default RZ, leaving them more susceptible to adverse impacts from future development proposals.
<p>11.0 Rural Living Zone (RLZ)</p>	<p>11.1 Zone Purpose The purpose of the Rural Living Zone is:</p> <p>11.1.1 To provide for residential use or development in a rural setting where:</p> <p>(a) services are limited; or</p> <p>(b) existing natural and landscape values are to be retained.</p> <p>11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential</p>	<p>Page 104-112</p>	<ul style="list-style-type: none"> . The SPPs provide for four categories of the Rural Living Zone (RLZ), with each category having a different minimum lot size; <ul style="list-style-type: none"> - Rural Living Zone A – 1 ha - Rural Living Zone B – 2ha - Rural Living Zone C – 5ha - Rural Living Zone D – 10 ha . Lot size is important as it influences the character of the area, the amount of building and clearing on the lot. . A single residential dwelling on a lot is a No Permit Required use, and multiple dwellings are prohibited unless for a home based business.



	<p>amenity.</p> <p>11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.</p> <p>11.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<ul style="list-style-type: none"> . It is intended as a residential zone on large lots. . Resource development (eg farming) to a No Permit Required use only where for grazing, and is otherwise discretionary. . Permitted side and rear boundary setback reduced to 10m (current provisions vary but Huon Valley currently has 20m setbacks), which can be varied by discretion. . Increases permitted setback for buildings for a sensitive use (i.e. dwellings) to land zoned Rural or Agriculture zone to 200m (current provisions vary but Huon Valley currently has 100m and 200m respectively), which can be varied by discretion. . Removes most building requirements other than height and setback, in the Huon Valley Interim Scheme this includes removing requirements: <ul style="list-style-type: none"> – to locate buildings and works in areas that do not require clearing of native vegetation and not on a skyline or ridgeline, – for exterior building surfaces to be non-reflective material, – to limit combined gross floor area of buildings to 375m²; and – to restrict cut and fill to less than 1m deep and only to the area required for construction of the building or access. . This means development will be much easier and more extensive in the SPP RLZ than most current schemes and is likely to have a noticeable impact on peri-urban areas, especially in reducing stands of native vegetation not classified as Priority Vegetation, reducing lot sizes and therefore dwelling density and buildings being more visually prominent. For example; there is nothing to prevent the erection of large zinc aluminium sheds. Please see Case Study 1 under section C Protecting the natural environment. . This zone is only suitable for land with minimal natural values. It is viewed by some as being used as a means for promoting urban sprawl by stealth. Hence, care needs to be shown in applying this zone to areas where visual landscape and environmental values are prized, and the choice of minimum lot size (A, B, C or D) will be critical.
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<p>22.0 Landscape Conservation Zone (LCZ)</p>	<p>22.1 Zone Purpose The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>	<p>Page 220-228</p>	<p>. A key zone to review.</p> <p>. The Landscape Conservation Zone (LCZ) is a new zone.</p> <p>. The Environmental Living Zone will not exist under the Tasmanian Planning Scheme. The LCZ is considered, by some, as the most equivalent zone to the former Environmental Living Zone as it has a similar purpose i.e. to protect and manage landscape values. Thus land currently zoned Environmental Living Zone could be transitioned to LCZ. However, there are significant changes to the use and development standards that apply, for example:</p> <ul style="list-style-type: none"> – some new discretionary uses include food services, and general retail and hire (larger allowable area); – Single residential use is permitted where located in a building envelope shown on a sealed plan, as is often the case with conservation covenanted land. <p>. Land parcels that contain high conservation values can be considered for this zone, particularly if threatened vegetation communities or threatened species presence can be demonstrated, if they adjoin additional reserves, remnant vegetation, contribute to landscape connectivity or have scenic landscape values etc. Please see – APPENDIX 1 – CONSERVATION PROPERTY NOTES and APPENDICES 2 AND 3 - TEMPLATES - CHANGE OF ZONE TO LANDSCAPE CONSERVATION.</p> <p>. Individuals with parcels containing private conservation covenants may prefer Landscape Conservation Zone. (Please see – APPENDIX 1 – CONSERVATION PROPERTY NOTES and APPENDIX 2 - TEMPLATE - CHANGE OF ZONE TO LANDSCAPE CONSERVATION.) NB: The default for private conservation covenants, reserves and crown land parcels with high conservation values are not always EMZ or LCZ and review of current zoning allocations is highly encouraged.</p> <p>. Some communities think it is appropriate to transition all land currently zoned ELZ in their municipality to LCZ. The rationale is that the RLZ and RZ allow clearing, subdivision and development that may not be consistent with character. Consider whether the RLZ with a higher minimum lot size would give the same protection.</p> <p>. Some communities may seek to transition land currently zoned Rural Resource</p>
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			<p>Zone to LCZ to protect the natural values of that land. This is particularly where the land would otherwise go to RZ.</p> <ul style="list-style-type: none"> . This is a key zone to review for parcels land with high conservation value habitat and native vegetation, particularly where the land forms part of a connected vegetated landscape. . Note that Split zoning on a single title is also possible (particularly relevant for parcels with both primary production use and a separate conservation area).
All Zones other than Residential and Rural			
Business Zones			
Zone name	Zone purpose statement	Link to full zone description in SPPs	Key issues and/considerations
14.0 Local Business Zone (LBZ)	<p>14.1 Zone Purpose The purpose of the Local Business Zone is:</p> <p>14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.</p> <p>14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity</p>	Page 137-148	<ul style="list-style-type: none"> . Land currently zoned Local Business is likely to transition to LBZ. . Key changes are to use standards for example, hours of operation, and noise. The SPPs are generally more restrictive than existing schemes, eg Launceston. . This means there is potentially more protection for residential amenity. . However – permissible building heights increase from 7m to 9m, which may impact on streetscape and sunlight to adjoining residential land. . Depending on location some Councils may also consider rezoning land to Urban Mixed Use Zone. . A zone to check as generally located close to or among residential areas.



	centre and an active street frontage is maintained.		
15.0 General Business Zone (GBZ)	<p>15.1 Zone Purpose The purpose of the General Business Zone is:</p> <p>15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.</p> <p>15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.</p> <p>15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.</p>	Page 149-160	<ul style="list-style-type: none"> . Land currently zoned General Business Zone is likely to transition to General Business Zone (GBZ). . The zone purpose aims to maintain the emphasis on business and retain uses in commercial cities, but also encourage a mix of commercial and inner city residential and visitor accommodation to increase vibrancy.. Maintains residential use as Permitted if above the ground floor. . Potential to give rise to apartment buildings above commercial ground floor uses . Some changes to use standards and building provisions: for example in Hobart City Council: <ul style="list-style-type: none"> – Removes separate provisions for Passive Surveillance and incorporates into building design standards; – Increases permissible building height from 9m to 12m. Within 10m of an Inner Residential Zone (IRZ) it increases from 8.5m to 9.5m but stays the same for within 10m of General Residential Zone at 8.5m. . Keep an eye on this zone if you are located near land zoned General Business.
16.0 Central Business Zone (CBZ)	<p>16.1 Zone Purpose The purpose of the Central Business Zone is:</p> <p>16.1.1 To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment</p>	Page 161-172	<ul style="list-style-type: none"> . Central Business Zone is likely to transition to Central Business Zone (CBZ) . Likely to be used in the Launceston and Hobart CBDs, but perhaps for other major activity centres. . Generally similar to General Business Zone, some Councils with a CBZ may review and, depending on growth patterns, change to General Business Zone. . Intended for the greatest mix and highest intensity of business and residential use being where services and employment is located. Likely to give rise to apartment



	<p>functions within Tasmania’s primary centres.</p> <p>16.1.2 To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.</p> <p>16.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.</p> <p>16.1.4 To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.</p>		<p>buildings. Permitted pathway maximum building height is 20m irrespective of setback to lot frontages. In Hobart’s CBD for example, this could lead to shading and wind tunnel effects within the CBD.</p> <ul style="list-style-type: none"> . Suggest review Zone purpose, check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on traffic and parking in surrounding/nearby residential streets.
<p>17.0 Commercial Zone (CZ)</p>	<p>17.1 Zone Purpose The purpose of the Commercial Zone is:</p> <p>17.1.1 To provide for retailing, service industries, storage and warehousing that require:</p> <p>(a) large floor or outdoor areas for the sale of goods or operational requirements; and</p> <p>(b) high levels of vehicle access and parking for customers.</p> <p>17.1.2 To provide for a mix of use and development that supports and does not compromise or distort the role of other activity centres in the activity centre hierarchy.</p>	<p>Page 173-184</p>	<ul style="list-style-type: none"> . Commercial Zone likely to transition to Commercial Zone (CZ). . Intended for big box retailing and service industry areas . Residential use is prohibited. . Limited controls on design or aesthetics of buildings . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on traffic and parking in surrounding/nearby residential streets. . Consider appropriateness of zoning based on proximity to residential areas



Industrial Zones			
Zone name	Zone purpose statement	Link to full zone description in SPPs	Key issues and/considerations
18.0 Light Industrial Zone (LIZ)	<p>18.1 Zone Purpose The purpose of the Light Industrial Zone is:</p> <p>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</p> <p>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	Page 185-195	<ul style="list-style-type: none"> . Light Industrial Zone likely to transition to Light Industrial Zone (LIZ). . Prioritises industrial uses and prohibits or limits uses that would constrain the industrial uses. . Increases the range of Permitted Uses. . Intended for 'light' industry, where minimal off site impacts. May be preferred interface with a zone allowing residential use or existing residences. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on traffic and parking in surrounding/nearby residential streets.
19.0 General Industrial Zone (GIZ)	<p>19.1 Zone Purpose The purpose of the General Industrial Zone is:</p> <p>19.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on adjacent uses.</p> <p>19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	Page 196-201	<ul style="list-style-type: none"> . General Industrial Zone likely to transition to General Industrial Zone (GIZ). . Not all Councils will apply this zone. . Intended for medium-heavy industry that is likely to have offsite impacts, eg, noise, odour, air pollution, light spill. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider buffer areas around GIZ and protection of existing and future residential areas. . Consider impact on traffic and parking in surrounding/nearby residential streets, especially for commercial vehicle traffic. . Consider safety and other amenity matters for workers and visitors.



National Parks and Reserves			
Zone name	Zone purpose statement	Link to full zone description in SPPs	Key issues and/considerations
23.0 Environmental Management Zone (EMZ)	<p>23.1 Zone Purpose</p> <p>The purpose of the Environmental Management Zone is:</p> <p>23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.</p> <p>23.1.2 To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p>	Page 229-236	<ul style="list-style-type: none"> .How the Environmental Management Zone (EMZ) is applied should be carefully reviewed. . It is principally intended for public land reserved for conservation purposes (e.g. National Parks, state reserves). . It may also apply to private land 'containing significant values identified for protection or conservation and where the intention is to limit use and development', and other public land such as Council reserves: see section 8A guidelines. . In some Council areas, the EMZ is currently applied to State and Council reserves (eg national parks, Wellington Park), to coastal and littoral reserves (eg 250m offshore in the Derwent River). In other Council areas, the Open Space Zone is used for Council land, coastal and littoral reserves (eg compare Clarence and Hobart). . Some individuals have considered Landscape Conservation Zone to be an appropriate choice for conservation covenanted properties. (Please see – APPENDIX 1 – CONSERVATION PROPERTY NOTES and APPENDIX 2 - TEMPLATE - CHANGE OF ZONE TO LANDSCAPE CONSERVATION.) NB: The default for private conservation covenants, reserves and crown land parcels with high conservation values is not always EMZ or LCZ and review of current zoning allocations is highly encouraged. . Crown land that is outside urban areas, or has conservation value should be considered for EMZ, for example, Future Potential Production Forest Land (FPPF Land). . Question whether it is appropriate for private land. Eg There is no minimum lot size and subdivision is permitted for limited purposes, but with broad discretionary factors to allow subdivision. . Activities allowed as Permitted may include food services, general retail and hire,



			<p>grazing, sport and recreation, tourist operation etc eg where an authority has been granted by the Director of Parks on Crown reserve land. This relies on approval under the flawed Reserve Activity Assessment process.</p> <ul style="list-style-type: none"> . This means commercial tourism developments can be approved in most national parks and reserves without any guarantee of public consultation, and no rights of appeal – effectively removing the public from having a guaranteed right of say and no appeal rights over public land on almost 50% of Tasmania.
24.0 Major Tourism Zone (MTZ)	<p>24.1 Zone Purpose The purpose of the Major Tourism Zone is:</p> <p>24.1.1 To provide for large scale tourist facilities which include a range of use and development.</p> <p>24.1.2 To provide for compatible use and development that complements or enhances the tourist facilities on the site.</p> <p>24.1.3 To provide for development that does not unreasonably impact on surrounding areas.</p> <p>24.1.4 To ensure that any commercial uses support the tourist purpose of the site and do not compromise or distort the role of existing activity centres.</p>	Page 237-246	<ul style="list-style-type: none"> . Unlikely to be applied in most Council areas. . Existing Major Tourism Zone land likely to transition to Major Tourism Zone. . Some Councils may rezone Rural Resource Land to MTZ if identified as part of their strategic plans or the relevant Regional Land Use Strategy. . Tourist Operation Use class is permitted without qualification, compared with say Meander Valley interim scheme where it was only permitted ‘if for the expansion or alteration of existing uses’. . This means new Tourist Operation uses can potentially occur in this zone without requiring public notification. . There is a view that this zone entrenches major tourism development which can be on sold and severely limits community input into developments which could have significant impacts on environment, amenity, water, traffic, and infrastructure etc. . There is no minimum lot size for subdivision in this zone which may be concerning. . There is a view that any new major tourism zoning should be undertaken as a stand-alone Tasmanian Planning Commission assessment, separate from the LPS process. . Any new application of this zoning should be carefully reviewed. Consider whether Council reserves should be in the EMZ or in the Open Space Zone. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on traffic and parking in surrounding/nearby residential streets,



			<p>especially for commercial vehicle traffic.</p> <ul style="list-style-type: none"> . Consider safety, amenity matters or potential impact to fetter existing nearby land uses.
25.0 Port and Marine Zone (PMZ)	<p>25.1 Zone Purpose The purpose of the Port and Marine Zone is:</p> <p>25.1.1 To provide for major port and marine activity related to shipping and other associated transport facilities and supply and storage.</p> <p>25.1.2 To provide for use or development that supports and does not adversely impact on port and marine activities.</p>	Page 247-251	<ul style="list-style-type: none"> . Unlikely to be applied in most Council areas. . Existing Port and Marine Zone likely to transition to Port and Marine Zone (PMZ). . Intended for major port and shipping areas. . This comparative example is based on Hobart City Council Interim Scheme 2015: <ul style="list-style-type: none"> – Larger number of use classes in the Permitted Use Category for example; Transport Depot and Distribution, and Vehicle Fuel Sales and Service without qualification. – Use Standards do not apply in this zone – consistent with Interim Schemes. – Permitted building height increased from 15m to 20 m and no setback requirements. – Permitted minimum lot size reduced from 10,000m² to 1,000m². – This means that development in this zone is enabled to be denser and higher than in the past, which may have significant impact on visual amenity for surrounding residential areas. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied.
26.0 Utilities Zone (UZ)	<p>26.1 Zone Purpose The purpose of the Utilities Zone is:</p> <p>26.1.1 To provide land for major utilities installations and corridors.</p> <p>26.1.2 To provide for other compatible uses where they do not adversely impact on the utility</p>	Page 252-259	<ul style="list-style-type: none"> . Existing Utilities zone land likely to transition to Utilities Zone (UZ). . New/additional land may be transitioned to UZ if part of major road or railway corridor under construction.
27.0 Community Purpose Zone (CPZ)	<p>27.1 Zone Purpose The purpose of the Community Purpose Zone is:</p>	Page 260-268	<ul style="list-style-type: none"> . Land zoned Community Purpose Zone is likely to transition to Community Purpose Zone (CPZ) unless Council has identified anomalies or changes to existing use patterns.



	<p>27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.</p> <p>27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.</p>		<ul style="list-style-type: none"> . Comparison based on Meander Valley Interim Planning Scheme: <ul style="list-style-type: none"> – Residential use moves from Discretionary to Permitted Use Class with new qualification ‘if for (a) Residential care facility, respite centre, retirement village or assisted housing; or (b) accommodation for staff or student of a use on the site.’ Also moves Tourist operation ‘if for a visitor centre’ from a discretionary to a permitted use class. – Introduces some new uses into the Discretionary Use Class, such as Vehicle Parking which is a prohibited use at present. – This means that ‘public spaces’ may be usurped for sporting events etc. to provide parking, again potentially operated via private organisations. – Creates an environment where the ‘commons’ are increasingly privatised. . Review any new application of the zone, and where a translation from an existing zone, whether this remains the appropriate zone to apply.
<p>28.0 Recreation Zone (RZ)</p>	<p>28.1 Zone Purpose The purpose of the Recreation Zone is:</p> <p>28.1.1 To provide for active and organised recreational use and development ranging from small community facilities to major sporting facilities.</p> <p>28.1.2 To provide for complementary uses that do not impact adversely on the recreational use of the land.</p> <p>28.1.3 To ensure that new major sporting facilities do not cause unreasonable impacts on adjacent sensitive uses.</p>	<p>Page 269-277</p>	<ul style="list-style-type: none"> . Current land zoned Recreation Zone likely to transition to Recreation Zone (RZ) unless Council has identified anomalies or changes to existing use patterns or earmarked areas as part of existing strategic plans. . Applied to current recreation areas, eg ovals and sports grounds . Comparison based on Meander Valley Interim Scheme: <ul style="list-style-type: none"> – Sports and Recreation use if for a major sporting facility is a No Permit Required use in this zone. – This means that major sporting facilities such as raceways, sports stadia etc. are as of right uses. Associated development is likely to trigger development performance criteria so still likely to require public notification – but could not argue in any representation that the use is inappropriate. – Also some changes to Use Standards and Building Standards. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on traffic and parking in surrounding/nearby residential streets, especially for commercial vehicle traffic.



			<ul style="list-style-type: none"> . Consider safety, amenity matters or potential impact to fetter existing nearby land uses.
29.0 Open Space Zone (OSZ)	<p>29.1 Zone Purpose The purpose of the Open Space Zone is:</p> <p>29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.</p> <p>29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.</p>	Page 278-283	<ul style="list-style-type: none"> . Current land zoned Open Space is likely to transition to Open Space Zone (OPZ) unless Council has identified anomalies or changes to existing use patterns or earmarked areas as part of existing strategic plans. . Applied inconsistently by Councils at present. Comparable zone is the EMZ. . Likely to be applied to public open space used for informal recreation, eg Council reserves, public parks, walking tracks. . Most interim schemes do not have any Permitted Uses and the SPP maintains this. However, some new Discretionary Use Classes have been introduced, including Resource Development if for (a) marine farming shore facility or other facility that relies upon coastal location to fulfil its purpose; or (b) grazing. . This means that ‘public spaces’ may be usurped for commercial activities. Creates an environment where the ‘commons’ are increasingly privatised. . Compare with EMZ – both zones have a large number of discretionary private uses, however Open Space Zone has no consideration of environmental values or public nature of land. EMZ is likely to be preferable zone for Council reserves. . Application of this zoning should be carefully reviewed. Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied. . Consider impact on environmental values and private use of public land. . Consider impact on traffic and parking in surrounding/nearby residential streets, especially for commercial vehicle traffic. . Consider safety, amenity matters or potential impact to restrict public access to the open space.
30.0 Future Urban Zone (FUZ)	<p>30.1 Zone Purpose The purpose of the Future Urban Zone is:</p> <p>30.1.1 To identify land intended for future urban use and development.</p>	Page 284	<ul style="list-style-type: none"> . Intended for urban growth areas before controls have been determined, to protect such land from prejudicial development (eg polluting rural industry) . Applying Future Urban Zone can uplift land value, creates development expectation. . Most interim schemes cater for this via SAPs or particular purpose zones. Councils



	<p>30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.</p> <p>30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.</p>		<p>are expected to apply the Future Urban Zone to such land.</p> <ul style="list-style-type: none"> . This may be problematic for some Councils depending on what the current underlying land zoning is. Requires Councils to have considered likely future provision of reticulated infrastructure services and suitable transport and social infrastructure such as schools and hospitals. . Most difficult to predict as to where Councils may apply this zone, but will need to be in line with relevant Regional Land Use Strategy. . Suggest review Zone purpose and check LPS map and compare with local knowledge to assess whether appropriately applied.
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Note that exempt uses in the SPPs include bee keeping; occasional use; homebased child care; home occupation; markets if on public land; and visitor accommodation where it is the owner’s main place of residence. Note that all of these uses have qualifications that must be met to maintain their exempt status, so make sure to check the detail in Table 4.1 of the SPPs. There are also exemptions for certain development and works which are itemised in: Table 4.2 Exempt infrastructure use or development; Table 4.3 Exempt building and works; Table 4.4 Vegetation exemptions; Table 4.5 Renewable energy exemptions; and Table 4.6 Miscellaneous exemptions.



TABLE 2 – CODE PURPOSE AND KEY ISSUES AND CONSIDERATIONS

The Tasmanian Planning Scheme has 16 Codes. Codes set out standards for use or development for matters which are not necessarily confined to one Zone area and can apply over and above Zone provisions, eg natural assets (biodiversity), bushfire-prone, scenic protection, telecommunications, parking etc. Where there is a conflict, Codes provisions override Zone provisions. While Codes address issues which may transcend Zone boundaries, Codes must not be used to distort the underlying zoning of land. Therefore, a Code should not alter the Zone’s purpose but it may limit or alter the manner in which a use or development can occur. Under the TPS, Councils are required to consider the purpose of any applicable Codes in determining an application for a discretionary use. Note that if a development application is for an Acceptable Solution/Permitted use then Code provisions are not considered. **Table 2 is not exhaustive and is a work in progress information table. Please send any suggested additions to PMAT [here](#).**

Note that there is no Aboriginal Heritage, Stormwater, On-site Waste Water or Geoconservation Code. This means, for example, that there is no provision for impacts on Aboriginal heritage, stormwater, wastewater and geoconservation values to be considered at the development assessment/application stage. This means that when you comment on a Development Application, these issues will not provide a basis to refuse a development and they can’t be raised in a planning appeal.

Table 2 Key issues/considerations for the 16 Codes.

Codes – State Planning Provisions	Code Purpose Statement	Strengths and Weaknesses
Signs Code	The purpose of the Signs Code is: C1.1.1 To provide for appropriate advertising and display of information for business and community activity. C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area. C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.	. As a general comment, this Code is still largely directed to car parking and does little to encourage or facilitate passive or public transport options.
Parking and Sustainable	The purpose of the Parking and Sustainable Transport	Information to come if required.



Transport Code	<p>Code is:</p> <p>C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.</p> <p>C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.</p> <p>C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.</p> <p>C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.</p> <p>C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.</p> <p>C2.1.6 To provide for parking precincts and pedestrian priority streets.</p>	
Road and Railway Assets Code	<p>The purpose of the Road and Railway Assets Code is:</p> <p>C3.1.1 To protect the safety and efficiency of the road and railway networks; and</p> <p>C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.</p>	<p>Information to come if required.</p>
Electricity Transmission Infrastructure Protection Code	<p>The purpose of the Electricity Transmission Infrastructure Protection Code is:</p> <p>C4.1.1 To protect use and development against hazards associated with proximity to electricity transmission infrastructure.</p> <p>C4.1.2 To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.</p> <p>C4.1.3 To maintain future opportunities for electricity transmission infrastructure.</p>	<p>Information to come if required.</p>
Telecommunications Code	<p>The purpose of the Telecommunications Code is:</p>	<p>Information to come if required.</p>



	<p>C5.1.1 To provide for telecommunication networks as a service for the community.</p> <p>C5.1.2 To ensure that facilities are co-located where practicable.</p> <p>C5.1.3 To ensure that facilities use mitigation measures to avoid an unreasonable loss of visual amenity.</p>	
Local Historic Heritage Code (LHHC)	<p>The purpose of the Local Historic Heritage Code is:</p> <p>C6.1.1 To recognise and protect:</p> <p>(a) the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential; and</p> <p>(b) significant trees.</p> <p>C6.1.2 This code does not apply to Aboriginal heritage values.</p>	<p>. The LHHC does not apply to Tasmanian Heritage Listed places.</p> <p>. The lack of integration between consideration of impacts on properties on the Tasmanian Heritage Register and those recognised by the Local Historic Heritage Code will lead to poor heritage preservation outcomes.</p> <p>. Limited protections for heritage places will compromise Tasmania’s important cultural precincts and erode the heritage character of listed buildings and places.</p>
Natural Assets Code (NAC)	<p>The purpose of the Natural Assets Code is:</p> <p>C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.</p> <p>C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.</p> <p>C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.</p> <p>C7.1.4 To minimise impacts on identified priority vegetation.</p> <p>C7.1.5 To manage impacts on threatened fauna species by</p>	<p>. The Natural Assets Code (NAC) does not apply in the following zones: Inner Residential, Agriculture, urban commercial, business or industrial zones, Village Zone and Urban Mixed Use Zone. It only applies in the GRZ and LDRZ at subdivision stage. For example, the NAC does not prevent land clearing in the GRZ to put up new houses.</p> <p>. The NAC only applies to ‘priority vegetation’ which is any vegetation that is mapped and is largely built on supporting ‘known’ data points of threatened flora and fauna and is presented as the ‘Priority Vegetation Overlay’ (PVO) over the LPS. This mapping layer is ONLY available for review at the same time as each LPS is under review (the Act requires an LPS to be undertaken every five years). Further to your representation you may like to raise that the Priority Vegetation Overlay should be regularly updated, as knowledge about natural values changes. For example known locations, conservation status of threatened</p>



	<p>minimising clearance of significant habitat.</p>	<p>species, which will push habitat into the ‘priority’ definition, and bushfire impacts which may alter priorities for habitat protection.</p> <ul style="list-style-type: none"> . It only seeks to ‘minimise impacts’ rather than to ‘protect values’. The purpose of the NAC is limited to the protection of threatened flora and fauna, failing to appreciate the need for broader values to be protected in order to maintain ecological processes and biodiversity. Biodiversity values are not limited to critical habitat or threatened species or vegetation communities. . The mapping is critical. If not mapped, no permit is required to remove vegetation and an ecological specialist is not required to address any impacts from potential development applications. The Tasmanian Planning Commission’s Guidelines set the standards for mapping. For the PVO to be activated during a planning decision on a property parcel, the PVO must overlap with that parcel. . If you want vegetation protected in your municipality, it needs to be mapped under the NAC or protected through another tool, eg the Scenic Protection Code or a SAP. . NB: If the PVO is significantly inadequate for your municipality, please discuss this with the Council planning department, as the LPS may need to be readvertised. . The NAC does not stop land clearing, it only requires a permit, but you have no rights to take action to protect vegetation if it is not mapped as ‘priority vegetation’ or protected by another means under the TPS. . The NAC fails to take into account contemporary best practice conservation planning (i.e. the importance of landscape connectivity and avoiding landscape fragmentation). This will allow for the ongoing decline of biodiversity across Tasmania. . The extensive exemptions from the NAC severely compromise the capacity to achieve even its limited aims of protecting threatened species.
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		<p>. A review by a PMAT member of the proposed NAC for their municipality has revealed inadequate or missing natural values data which needs to be rectified. If possible it is important to ensure the NAC mapping captures natural values present in your municipality.</p>
<p>Scenic Protection Code</p>	<p>The purpose of the Scenic Protection Code is: C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.</p>	<p>. A Scenic Protection Code (SPC) overlay can apply to scenic landscapes and road corridors across multiple zones, titles and tenure.</p> <p>. Some Councils are not including an SPC overlay in their Draft LPS so it is up to you to do most of the work if you want your beautiful scenic landscapes protected.</p> <p>. You will need support of your Council as well as the agreement of all public and private landholders affected by the proposed overlay so speak to them all early on.</p> <p>. Your proposal will need to include a completed Table (see Section 7.5 of Practice Note 8 - Drafting written LPS) and Maps (see Section 3.0 of Practice Note 7 - Draft LPS mapping technical advice October 2017 and pp 42-43 in Section 8A Guideline No.1) in the required format. You will also need to demonstrate that the proposal conforms with Guidelines SPC 1, 2 & 3.</p> <p>. The two key principles in preparing the Table are capturing the suite of Scenic Values of the proposed Scenic Protection area succinctly and comprehensively, and defining Management Objectives which are compatible with zoning definitions while serving to protect the scenic values. The Management Objectives in the Table will be applied when a development is considered discretionary.</p> <p>. As a starting point check whether there are any scenic value reports or assessments already. If not, you will need to demonstrate the scenic values. The TPC has recommended using</p>



		the Visual Management System (VMS) in the Forest Practices Authority's ' A Manual for Forest Landscape Management (Chapter 2) ' for assessing scenic values. Using the VMS methodology and language will strengthen your case.
Attenuation Code	The purpose of the Attenuation Code is: C9.1.1 To minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions. C9.1.2 To minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions.	Information to come if required.
Coastal Erosion Hazard Code	The purpose of the Coastal Erosion Hazard Code is: C10.1.1 To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that: (a) people, property and infrastructure are not exposed to an unacceptable level of risk; (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; (c) it does not increase the risk from coastal erosion to other land or public infrastructure; and (d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land. C10.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.	Information to come if required.
Coastal Inundation Hazard Code	The purpose of the Coastal Inundation Hazard Code is: C11.1.1 To ensure that use or development subject to risk from coastal inundation is appropriately located	Information to come if required.



	<p>and managed so that:</p> <p>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</p> <p>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised;</p> <p>(c) it does not increase the risk from coastal inundation to other land or public infrastructure; and</p> <p>(d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.</p> <p>C11.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.</p>	
Flood-Prone Areas Hazard Code	<p>The purpose of the Flood-Prone Areas Hazard Code is:</p> <p>C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:</p> <p>(a) people, property and infrastructure are not exposed to an unacceptable level of risk;</p> <p>(b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and</p> <p>(c) it does not increase the risk from flood to other land or public infrastructure.</p> <p>C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.</p>	Information to come if required.
Bushfire-Prone Areas Code	<p>The purpose of the Bushfire-Prone Areas Code is:</p> <p>C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and</p>	. The Bushfire Prone Areas Code fails to direct residential subdivisions away from high fire risk areas.



	constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.	
Potentially Contaminated Land Code	The purpose of the Potentially Contaminated Land Code is: C14.1.1 To ensure that use or development of potentially contaminated land does not adversely impact on human health or the environment.	Information to come if required.
Landslip Hazard Code	The purpose of the Landslip Hazard Code is: C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.	Information to come if required.
Safeguarding of Airports Code	The purpose of the Safeguarding of Airports Code is: C16.1.1 To safeguard the operation of airports from incompatible use or development. C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport	Information to come if required.



CASE STUDIES

The below case studies provide examples of how you or your community could engage in the draft LPS approval process.

Case Study 1 - Things you need to prepare for a TPC hearing

The upcoming Tasmanian Planning Scheme public hearings to allocate zonings for land in your municipality are a significant opportunity as well as a potential threat.

If you are well prepared and have gathered together evidence to support your case then some positive or at least status quo outcomes can be achieved. On the other hand without the right information it could be that many settlements and natural areas end up in inappropriate zones and without any code protection which offer minimal protection for natural and residential amenity values.

Here are some things to consider which hopefully may not be beyond the resources of individuals or groups concerned about land use planning in their municipality.

- (a) Restricting multiple dwellings especially outside serviced areas but also in settlements with important amenity values. The relevant reasons could include loss of residential amenity, impact on natural values including water quality, or inconsistency with the relevant regional land use strategy. This outcome could be achieved by a Specific Area Plan or Particular Purpose Zone.
- (b) Restricting development outside serviced settlements (especially along the coast). Could be achieved via a Specific Area Plan and would need information to justify this based on natural, scenic and amenity values.
- (c) Protecting the natural environment. Commission a report which details natural values in your area in line with the criteria set out in the Tasmanian Planning Commission process FOR THE NATURAL ASSETS CODE (that is the Priority Vegetation Overlay) which would include areas on public (this could include Future Potential Production Forest* areas) and private land.
- (d) Identifying scenic values/sites to be protected under the Scenic Protection Code. May require hiring experts to undertake analysis.

You will most likely require legal, ecological, scenic and planning experts to make the case whether it is for the whole municipality or particular parts of it.

*Anybody wanting to put in a submission on the FPPF areas could refer to the Forest Conservation Report from Brendan Mackey and the Heritage assessment and Verification report by Peter Hitchcock to demonstrate the high conservation values of the FPPF areas. See report [here](#).

**For information on how the zones and codes are applied, see the Tasmanian Planning Commission's section 8A Guidelines [here](#).



Case Study 2 – Local Provisions Schedule – Rosny Hill Nature Recreation Area

In August 2011 the Rosny Hill Nature Recreation Area Management Strategy was approved by the Clarence City Council. Importantly it included a recommendation that any new development be limited to two small areas of land that were largely devoid of natural vegetation and in places where development would not be intrusive. The remainder of the reserve was to be managed to retain and enhance natural values. These proposals were in accordance with the wishes of the local community who had participated intensely in development of the strategy.

The Rosny Hill Nature Recreation Area Management Strategy was never formalised into a statutory reserve management plan, which would have limited development to the identified development envelopes. When the Clarence planning scheme was amended in 2015 the reserve was given a zoning of ‘Recreation’ which made major tourism development permissible across the whole reserve.

In September 2019 a development application for a major tourism development for Rosny Hill was lodged with Clarence City Council, a development that will totally dominate the reserve and destroy much of the natural vegetation. This threat to the Rosny Hill Reserve could have been prevented if the planning scheme had been amended in 2015 to place appropriate planning rules, in particular to restrict development to the building envelopes identified in the strategy.

The local community is committed to stopping the current development. But while the zoning remains the same the Rosny Hill Reserve remains vulnerable to a similar oversized and inappropriate development. It is important that the Draft Clarence LPS include appropriate protections for the reserve’s natural, recreational and scenic values. One possible way to get protection from future development is to propose a Special Area Plan. The following is a hypothetical proposal.

Rosny Hill Nature Recreation Area (NRA) Specific Area Plan (SAP)

Plan Purpose:

- To provide for protection of natural vegetation including threatened flora and fauna species and habitats and allow passive recreational use.
- To facilitate visitor services development that is consistent with the protection of natural values, passive recreation, residential amenity and visual beauty as viewed from within and outside of Rosny Hill NRA.

Application of this Specific Area Plan:

SAP applies to the area identified on the overlay map (yet to be drafted). The provisions of the SAP are in substitution for the current zoning of recreation.

Local Area Objectives: Not used in this SAP.

Use standards: Not used in this SAP.

Development standards for buildings and works



<p>Objective: To protect natural values of Rosny Hill NRA through appropriate location and height of development.</p>	
<p>Acceptable Solution* Visitor related development, including buildings, access roads and pathways and car parking must be restricted to the building envelopes identified in the overlay map which have been identified as having limited natural values.</p>	<p>Performance criteria: No performance criterion.</p>
<p>Acceptable Solution: Buildings must not be visually intrusive as viewed from within or outside of the reserve.</p>	<p>Performance criteria:</p> <ul style="list-style-type: none"> - At the highest point buildings must be no higher than the average of adjacent trees. - Buildings must utilise materials and colours to minimise contrast with natural surroundings.
<p>Objective: To manage visitor related construction to minimise the impacts on natural values and recreational and residential amenity.</p>	
<p>Acceptable Solution: Construction methods must minimise impacts to the areas outside the building envelopes:</p> <ul style="list-style-type: none"> - use of prefabricated buildings - vehicles and equipment access via a single route that is to be revegetated on completion - retain a vegetated buffer inside the building envelope to limit erosion and drainage off site. <p>Waste water must be entirely enclosed and disposed of off site. Landscaping of disturbed areas to minimise drainage and erosion off site. Use of permeable surfaces for paths or parking areas. Buildings to be constructed to minimise flammability and negate the need for vegetation management outside of the building envelope.</p>	<p>Performance criteria: No performance criterion.</p>

Development standards for subdivision

<p>Acceptable Solutions: Subdivision must not create additional lots.</p>	<p>Performance criteria: No performance criterion.</p>
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APPENDIX 1 – CONSERVATION PROPERTY NOTES

There is a rezoning opportunity for properties with high conservation values, with or without Conservation Covenants.

Summary

With the change to the Tasmanian Planning Scheme most conservation properties, including those with covenants, will be rezoned from Rural Resource to Rural or Agriculture unless you request that they be rezoned otherwise. Rural and Agriculture may be appropriate for conservation properties where part of the land is used for primary production but the new zone Landscape Conservation is more appropriate for dedicated conservation properties as it is intended to provide protection of natural values by reducing scope of future development.

The four main benefits of Landscape Conservation Zone are:

- Landscape Conservation Zone prohibits Extractive Industries (i.e. mining, quarrying), as well as plantation forestry and intensive animal husbandry (eg feed lots, piggeries, poultry farms) - all of these and many other uses incompatible with a conservation property are permitted under Rural and Agriculture Zones.
- The Landscape Conservation Zone protects against fragmentation by having a permitted minimum lot size of 50ha and a discretionary minimum lot size of 20ha, and only allowing a single dwelling on a lot. This is compared to the Rural Zone which has a permitted minimum lot size of 40ha but an open discretionary minimum lot size, which could allow fragmentation of Rural Zone land, or the Rural Living Zone with permitted minimum lot sizes of 1, 2, 5 or 10 hectares, or discretionary lot sizes of 20% smaller than the permitted minimum.
- On the non-covenanted part of a covenanted property Landscape Conservation Zone permits uses compatible with the covenanted part such as residential, visitor accommodation and home based business. Whereas, the Agriculture Zone does not automatically allow residential and has a strict agricultural test to meet.
- Having a covenanted or non-covenanted property zoned as Landscape Conservation provides the best planning protection for the land's conservation values under the *Land Use Planning and Approvals Act 1993*.

You are entitled to request rezoning of your land, or other land, to Landscape Conservation during the Draft LPS public consultation period.

Background to Zoning Changes

In the SPP there are significant changes to the Zones of relevance to conservation landholders compared with the Interim Planning Schemes (IPS). In particular, properties zoned as Rural Resource under the IPS will routinely be zoned as either Rural or Agriculture.



The zones displayed on the new Zone Maps (i.e. the LPSs) for each municipality have been determined by the local planning authority. Properties zoned as Environmental Management under the IPS should be zoned Environmental Management if they are public land, but may be rezoned to Rural or Agriculture or some other zone if on private land. **There is also a new zone under the TPS called Landscape Conservation but this has generally not been applied by councils to properties with conservation covenants.**

Landscape Conservation Zone is generally intended to replace the Environmental Living Zone to protect landscape values, and is well suited to apply to conservation covenanted land.

Why this is relevant to conservation landholders with conservation covenants

Many conservation landholders have conservation covenants on part or all of their land. The conservation covenant provides protection for the covenanted part of the property under the *Nature Conservation Act 2002* but not the part excluded from the covenant.

While a covenant provides protection from future development within the covenanted area under the *Nature Conservation Act 2002* there is no requirement (or ability) under the *Land Use Planning and Approvals Act 1993* for Councils to treat a development application differently because there is a covenant. The covenant is not relevant to any planning application and relies on the government to enforce.

Most covenanted properties are zoned as Rural Resource under their IPS, and will likely be placed into the Rural or Agriculture zone in LPS. This may be appropriate for properties where the non-covenanted part is used for primary production but Landscape Conservation is more appropriate for properties where the non-covenanted part is not used for primary production. Where the covenant covers the entire property Landscape Conservation is most appropriate for the reasons set out above.

It is possible to have different zones on each title where properties are on several titles. Split zoning on a single title is also possible.

Landholders are entitled to make a representation to their Council during the 60 day exhibition period of their LPS requesting that their property be rezoned to Landscape Conservation with supporting arguments based on the guidelines for zone application (see below).

Why this is relevant to conservation landholders without conservation covenants

For conservation properties without covenants, having the property rezoned as Landscape Conservation would provide planning protection of the natural values against future development that might diminish those values. The same can be said for neighbouring land that is also covenanted, or contains those values. The SPPs and Guideline No. 1 for applying the new zones provided by the TPC allow for zoning of a non-covenanted property as Landscape Conservation where the property contains *threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation*.



Relevant Guidelines

The following extracts from Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0), June 2018 for 22.0 Landscape Conservation Zone, 20.0 Rural Zone, and 21.0 Agriculture Zone are relevant to the case for rezoning covenanted and non-covenanted properties to Landscape Conservation. The section 8A Guideline has been made by the Tasmanian Planning Commission to assist Councils in applying the SPP zones in their LPSs and can be found [here](#).

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

LCZ 2 The Landscape Conservation Zone may be applied to:

(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;

RZ 1 The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

(c) for the identification and protection of significant natural values, ... which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

The case for requesting rezoning from Rural/Agriculture to Landscape Conservation

Properties with conservation covenants typically contain threatened fauna, flora or vegetation communities, as defined in Schedule 3A of the *Nature Conservation Act 2002*, and have previously been 'identified for protection and conservation' by the Minister for Environment.

Guideline LZ 1 indicates that titles fully covered by a conservation covenant should be zoned Landscape Conservation because the fact of the conservation covenant means they necessarily meet the Guideline, and titles partly covered by a covenant may also be zoned Landscape Conservation depending on the use of the non-covenanted part.

On titles where the covenant covers the whole area, or on partly covered titles where the non-covenanted part is unsuitable for agriculture, Guidelines RZ 1 and AZ 6 indicate that these titles should not be zoned Rural or Agriculture, respectively.



For conservation properties without covenants Guideline LCZ 2 applies but it will be necessary to demonstrate that the property contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation.

You should also consider whether the Natural Assets Code has been mapped to include your property. If it is, the mapping may assist in justifying the inclusion of your land in the Landscape Conservation Zone. If it does not apply, you may also want to ask for the Code to apply to your land to protect its values, and neighbouring land if relevant to the conservation values of your land (eg as part of a habitat corridor). The best possible protection is provided through a combination of the right zone and ensuring the Natural Assets Code applies; the Landscape Conservation Zone alone will not protect these values.

Comparison of some key TPS standards for private land in Rural, Agriculture and Landscape Conservation Zones

Summary of key differences*.

Standard	20.0 Rural	21.0 Agriculture	22.0 Landscape Conservation
Existing dwelling permitted if there is a zone change?	Yes	Yes	Yes
Existing dwelling can apply for additions, renovations, replacement dwelling, sheds and small secondary dwelling?	Yes 'Permitted'	Yes 'Permitted'	Yes 'Discretionary'
Can a landholder build on vacant land?	Yes 'Discretionary'	Yes 'Discretionary'	Yes 'Permitted' or 'Discretionary'
Can land be subdivided?	Yes (0 – 40 ha)	Yes (limited discretion)	Yes (20-50ha)
Extractive Industries (mining, quarrying)	Yes 'Permitted'	Yes 'Discretionary'	No 'Prohibited'
Plantation Forestry	Yes 'No Permit Required'	Yes 'Discretionary'	No 'Prohibited'
Intensive Animal Husbandry (eg feed lots, piggeries, poultry farms)	Yes 'No Permit Required'	Yes 'Discretionary'	No 'Prohibited'

* Refer to the State Planning Provisions for full details [here](#).



APPENDIX 2 - TEMPLATE - CHANGE OF ZONE TO LANDSCAPE CONSERVATION – WITH NO CONSERVATION COVENANT

Date XXXXX

COUNCIL NAME

Planning Department

COUNCIL ADDRESS

To the XX Council Planning Department

My/Our property (INSERT your Property Identification Number (PID)) should be considered for inclusion under the Landscape Conservation Zone in the proposed Statewide Tasmanian Planning Scheme. This is to ensure that compatible use or development does not adversely impact on the protection, conservation and management of landscape values on this and surrounding properties.

This property has identifiable conservation values that include:

LIST THE VALUES THAT MAKE YOUR PROPERTY SUITABLE FOR LANDSCAPE CONSERVATION ZONE

(DELETE THOSE NOT APPLICABLE)

- bushland areas
- large areas of native vegetation
- other areas of locally or regionally important native vegetation
- areas of important scenic values
- threatened native vegetation communities
- threatened species
- habitat and or refuge for threatened species
- important corridor habitat
- land that is recovering and is part of a larger conservation area
- links to existing reserves
- is under a covenant, Land for Wildlife or other conservation agreement
- natural areas that are stepping stones and/or refuge for wildlife
- geologically important features eg Karst
- river frontage or links to waterways and catchment services

Yours sincerely,

SIGNATURE

NAME

(Please see attached a Natural Values Report or Values Report highlighting the values mentioned above)



APPENDIX 3 – TEMPLATE – CHANGE OF ZONE TO LANDSCAPE CONSERVATION – WITH CONSERVATION COVENANT

Date XXXXX

COUNCIL NAME

Planning Department

COUNCIL ADDRESS

To the XX Council Planning Department

I/we request that our property (INSERT your Property Identification Number (PID)), which is zoned as Rural/Agriculture in the Draft COUNCIL NAME LPS, be rezoned to 'Landscape Conservation' as all/part of the property is under conservation covenant and therefore has been 'identified for protection and conservation' by the Minister for Environment. The covenanted part of the property contains threatened fauna, flora or vegetation communities, as defined in Schedule 3A of the *Nature Conservation Act 2002*, [and the non-covenanted part is not used for agriculture.]

Guideline LCZ1 in Section 8A Guideline No1 states:

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.

Furthermore, Guideline RZ1 states:

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.

OR

Furthermore, Guideline AZ 6 states:

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

(c) for the identification and protection of significant natural values, ... which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;...

It is clear from the Guidelines and the State Planning Provisions that our property is more appropriately zoned as 'Landscape Conservation'.

Yours sincerely

SIGNATURE

NAME