



NOTICE OF AMENDMENT TO THE TASMANIAN PLANNING SCHEME- SOUTHERN MIDLANDS

Notice is hereby given pursuant to s.8 of the Land Use Planning and Approvals Regulations 2014 that the Tasmanian Planning Commission has approved Amendment DA2023-040 to:

1. Rezone the land from Future Urban Zone to Village Zone 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2)
2. Removal of the priority vegetation area overlay from part of 1844 Midland Highway, Bagdad (folio of the Register 184820/2).

The approved amendment came into operation on 10 June 2024.

The approved amendment can be viewed at the Council's website, www.southernmidlands.tas.gov.au, or at the Development & Environmental Services Office during normal office hours at 85 Main Street, Kempton (03) 6254 5050.

Dated 20 June 2024

T.F. Kirkwood
General Manager

TASMANIAN PLANNING COMMISSION

Our ref: DOC/24/19481
Officer: Paola Barlund
Phone: 03 6165 6835
Email: tpc@planning.tas.gov.au

4 June 2024

Mr Tim Kirkwood
General Manager
Southern Midlands Council

Attention: Mr Grant Finn
Manager - Development & Environmental Services
Southern Midlands Council

By email: mail@southernmidlands.tas.gov.au
gfinn@southernmidlands.tas.gov.au

Dear Mr Kirkwood

Tasmanian Planning Scheme - Southern Midlands
Amendment DA2023-040
Rezone the land at 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2) from the Future Urban Zone to the Village Zone

The Commission's decision to modify and approve the above amendment and the instrument under the *Land Use Planning and Approvals Act 1993* (the Act) is enclosed.

The Commission will make the necessary amendments to the planning scheme and the planning scheme maps to give effect to the amendment.

The planning authority is also required to give notice of the Commission's decision on the draft amendment as set out in the *Land Use Planning and Approvals Regulations 2014*.

If you require further information, please contact Paola Barlund, Planning Adviser, on 03 6165 6835.

Yours sincerely



Paola Barlund
Planning Adviser

Attachments:

- Southern Midlands - draft amendment DA2023-040 - Decision and reasons, 23 May 2024
- Southern Midlands - draft amendment DA2023-040 - Approved effective, 10 June 2024

Approved



Effective date: 10 June 2024

TASMANIAN PLANNING COMMISSION

Tasmanian Planning Scheme - Southern Midlands

Draft amendment DA2023-040

Modified amendment DA2023-040 - Tasmania Planning Scheme - Southern Midlands

1. Rezone 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2) from the Future Urban Zone to the Village Zone, as shown below.



2. Remove the priority vegetation area overlay from part of 1844 Midland Highway, Bagdad (folio of the Register 184820/2, as shown below).



TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme - Southern Midlands
Amendment	DA2023-040 - rezone 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2) from Future Urban Zone to Village Zone
Planning authority	Southern Midlands Council
Applicant	JMG Engineers and Planners
Date of decision	23 May 2024

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

Claire Hynes
Delegate (Chair)

Dianne Cowen
Delegate

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone land at 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2) (the site) from Future Urban Zone to Village Zone.

Site information

The site measures 3.822ha and is located on the eastern side of the Midland Highway, adjacent to the Bagdad village area. The site is surrounded by the Midland Highway to the west, the Bagdad Rivulet to the east, and the new residential subdivision at 10 East Bagdad Road to the north. The site includes two separate titles, folios of the Register 184820/1 and 184820/2.

The site accommodates a single dwelling and is mainly open pastureland. The bushfire-prone areas overlay applies to the whole site, the waterway and coastal protection area overlay covers a portion of the site aligning with the eastern boundary and Bagdad Rivulet and the priority vegetation area overlay covers a portion of the site located close to the Midland Highway frontage.

The site is located within the Bagdad village area and adjacent parcels are zoned Agriculture to the east, Village to the north, Village to the west and Future Urban to the south. The surrounding area is generally characterised by rural living and agricultural land use.

Issues raised in representations

Three representations were received during the public notification process.

The following specific issues were raised:

- support for the draft amendment;
- no objection or formal comment; and
- pedestrian access to be a DDA compliant footpath.

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response, TasWater made a representation stating no objection to the draft amendment and that TasWater did not wish to attend any hearing.

Planning authority's response to the representations

The planning authority considered the representations and recommended no modifications to the draft amendment were required, as follows:

That, Council:

1. consider the representations received in regard to draft amendment DA2023-040, together with the responses provided above;
2. advise the Tasmanian Planning Commission that three representations were received during the public exhibition;
3. forward a copy of this report to the Tasmanian Planning Commission, being Council's assessment of the merit of the representations in accordance with Section 40K(2) of the *Land Use Planning and Approvals Act 1993* (the Act); and

4. pursuant to Section 40K(2) of the Act, recommend to the Tasmanian Planning Commission that no modification to the Scheme Amendment DA2023-040 is required.

Date and place of hearing

The hearing was held at the Commission's office on Level 3, 144 Macquarie Street, Hobart on 15 March 2024.

Appearances at the hearing

Planning authority: Mr Grant Finn, Manager Development and Environmental Services,
Southern Midlands Council
Ms Bernadette Conde, Planning Officer, Southern Midlands Council

Applicant: Mr Matt Clark, Managing Director - MC Planners, planning consultant for
the landowner

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Tasmanian Planning Scheme – Southern Midlands Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report and any information obtained at a hearing and any technical matters.
2. A hearing was convened to assist the Commission consider the matters associated with the issues, including settlement planning and activity centre hierarchy.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS; and
 - (b) is in accordance with section 32; and
 - (c) furthers the objectives set out in Schedule 1; and
 - (d) is consistent with each State policy; and
 - (da) satisfies the relevant criteria in relation to the TPPs; and
 - (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and
 - (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and
 - (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
 - (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.
4. Where relevant, these matters are discussed below.

Regional land use strategy

5. The relevant regional land use strategy is the Southern Tasmania Regional Land Use Strategy 2010-2035 (the regional strategy).
6. In its section 40F report, the planning authority responded to the Activity Centre policies (AC 1, AC 2 and AC 3) of the regional strategy, submitting that the rezoning of the site to Village is highly unlikely to disrupt the existing Activity Centre network.
7. The planning authority also considered the draft amendment against the regional strategy's policies regarding Water Resources (WR 1, WR 2 and WR 3), which seek land use planning responses that encourage protection and manage the ecological health, environmental values and water quality of surface and groundwater.
8. The planning authority submitted:

The land adjoins the Bagdad Rivulet to the east. Future use and development of the land will be subject to the standards of the Planning Scheme and the conditions of the Planning Authority. This includes the application of the Natural Assets Code for land within the waterway and coastal protection area overlay.

Furthermore, the Planning Authority has the ability to impose conditions or require further information on water quality management through the application and assessment requirements provided in Part 6 of the Tasmanian Planning Scheme.
9. In response to the regional strategy's Managing Risks and Hazards policies (MRH 1, MRH 2, MRH 3, MRH 4, MRH 5), the planning authority noted that the site is located within a mapped bushfire prone area.
10. The planning authority stated:

Future use and development of the land, including the subdivision of the land, will be subject to the standards of the Code. A subdivision layout plan, for example, must be prepared and supported by a report provided by an accredited bushfire hazard practitioner.
11. The planning authority also considered the draft amendment against the regional strategy's policies regarding Recreation and Open Space under ROS 1 and ROS 2, which aim to plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion and community health and wellbeing. The planning authority concluded the draft amendment would provide an opportunity for improved access to the Bagdad Rivulet riparian reserve to the west through future subdivision works. It also noted that any future development on the site can be integrated into the surrounding public open space network through a connection to the footpath on the Midland Highway.
12. With respect to the Settlement and Residential Development policies (SRD 1), the planning authority submitted that Bagdad is identified as a 'village' with a 'low growth scenario'.
13. The planning authority submitted:

The 'low growth' scenario provides for less than 10% increase in the number of potential dwellings under the existing capacity as of the October 2010 declaration date of the regional strategy.

At the 2010 declaration date, the census data from 2006 was used in developing the regional strategy. This census data, for the locality of Bagdad, however, included land to north of Bagdad, as far as Melton Mowbray and the Central Highlands. This is no longer considered the locality of Bagdad. The data from 2006 is an inaccurate description of Bagdad.

14. The planning authority submitted:

However, if purely looking at the 'relatively stable boundary' of the Village Zone (a 56ha area), which has been used since the 2010 regional strategy declaration date, under the former Southern Midlands Planning Scheme 1998, the proposed rezoning only increases the village zoned land area by 3.822ha which equates to 6.825%. This is well under the growth capacity for potential dwellings as allowable under the Growth Management Strategy for Bagdad.

15. The planning authority concluded:

In reference to SRD 1 'Provide a sustainable and compact network of settlements with the Greater Hobart at its core, that is capable of meeting the projected demand', the policy is achieved through the rezoning of land already designated for future residential development subject to the provision of infrastructure and the infill development of the Bagdad Village Zone area.

This is achieved through the rezoning of land at 1844 Midland Highway. This land, that is already designed for future growth per the previous Interim Planning Scheme and per Bagdad Mangalore Structure Plan, is within the established Bagdad township and pattern of development for a village.

16. The planning authority also responded to the Land Use Transport Integration Policy (LUTI 1), submitting that vehicular access to the site can be provided from the Midland Highway, and there is a bus stop located within 150m of the site.

17. The planning authority submitted:

The rezoning (and future development) of the land is compliant with the Bagdad Structure Plan 2010 which was a product of the former Joint Land Use and Planning Initiative (JLUPI) which assess the settlements and future development within the Southern Midlands, Central Highlands, Brighton and Derwent Valley Local Government Areas.

The STRLUS also references the JLUPI as the basis for the regional settlement strategy (p.85, STRLUS). The JLUPI together with the STRLUS encourages the consolidated and planned development of the region's villages, townships and other settlements in accordance with the Growth Management Strategies. This is to achieve, among many reasons, consolidation and higher density of living and urban development that will encourage social interaction, improvements and provision of quality open space areas and networks, greater opportunity for business and better utilisation of existing infrastructure networks without causing undue demand and spread of service providers (such as TasWater, TasNetworks, emergency services or social services).

The land can be entirely integrated with the surrounding and available networks and accords with future aspirations and objectives for townships such as Bagdad.

18. Prior to the hearing, the Commission directed the planning authority to provide additional information with respect to the regional strategy's policies regarding settlement and residential development and activity centres.

19. With respect to the policy SRD 1, the planning authority noted that the draft amendment aligns with the vision of the Bagdad Mangalore Structure Plan 2010 (Structure Plan), which states:

Future housing development is consolidated within the existing town centre, providing walkable neighbourhoods and providing protection of the open rural landscape, public open space and high quality agricultural land.

20. The planning authority submitted that to achieve the vision of the Structure Plan, the Village Zone is a preferred zoning choice for the site. It would allow for a contained settlement pattern to be developed within the Bagdad village area.
21. At the hearing, the Commission sought to establish the boundary extent of Bagdad settlement and the number of dwellings that existed at the declaration date of the regional strategy.
22. Following the hearing, the Commission issued a direction to the planning authority and the applicant, requesting more information on the consistency of the draft amendment with Table 3 Growth Management Strategies for Settlements and section 19.5.2 of the regional strategy.
23. To define the boundary extent of Bagdad, the planning authority submitted that the Australian Bureau of Statistics (ABS) use two statistical areas to cover the Bagdad area. These are Bagdad and Bagdad (L). The maps below illustrate the relevant areas.

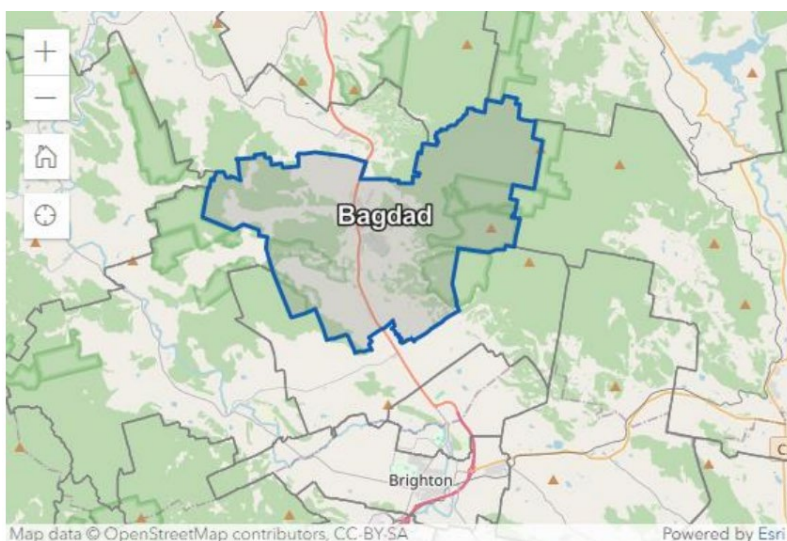


Figure 1. Bagdad settlement - source ABS data 2021



Figure 2. Bagdad (L) Statistical Area - source ABS data 2021

24. The planning authority and the applicant noted that the regional strategy does not include a map that defines the Bagdad settlement. The planning authority submitted that, to identify a 'relatively stable boundary', the existing Village Zone of Bagdad under the Tasmanian Planning Scheme - Southern Midlands is the most appropriate boundary for providing base line information with respect to understanding the residential growth of Bagdad.
25. The planning authority submitted:

A 'locality' has been accepted by the TPC in past decisions (Glamorgan Spring Bay Interim Planning Scheme 2015 amendment AM2018-07 9(a) and (b) [2019])

TASPComm 20 (24 July 2019) as the preferred ‘relatively stable boundary’ for determining a town boundary.

The Village zoned area of Bagdad has remained the same area since the 2010 STRLUS declaration date when the land was under the Southern Midlands Planning Scheme 1998. This is detailed in response to Policy Reference SRD1 in the Section 34(2)(e) report.

The Village zoned area of Bagdad is approximately 56 hectares.

26. The planning authority and the applicant submitted that the dwelling numbers based on the two ABS statistical areas is shown in the table below:

Census	Total Private Dwellings - Bagdad	Total Private Dwellings - Bagdad (L)
2001	-	256*
2006	369	269*
2011	460	159
2016	486	163
2021	545	175

Figure 4. Dwelling approvals - Bagdad

27. The planning authority and the applicant submitted that there has been a 24% increase in building approvals since the declaration of the regional strategy. They concluded that, using the Bagdad (L) data, the increase in dwelling approval from the declaration date of the strategy is 27%.
28. The planning authority and the applicant noted that Bagdad is identified as a ‘village’ in the regional strategy, having a low growth strategy and mixed growth scenario.
29. The regional growth management strategy in section 19.5.2 of the regional strategy sets out that a low growth strategy allows for less than a 10% increase in the number of potential dwellings across a 25 year planning period from the number of dwellings existing at the declaration date (October 2011).
30. Both the planning authority and the applicant in their reports and at the hearing, stated the demand projections in the Structure Plan and the regional strategy are based primarily on historic growth, and on 2006 Census publications. Since 2011, population growth and related dwelling demand in Bagdad has outpaced anticipated growth as detailed in the regional strategy, resulting in higher demand for residential land.
31. The applicant further submitted that the land supply analysis in both the regional strategy and the Structure Plan is out of date and thus is of limited relevance, and the latest ABS data indicates a much higher growth rate in Bagdad.
32. The planning authority and the applicant submitted that demand for housing in Bagdad is strong, particularly due to the lack of affordable housing in the region, and Bagdad is considered a relatively affordable area to buy housing. They also stated there is a shortage of suitable, vacant residential land within Bagdad (within both Bagdad and Bagdad (L)).
33. At the hearing, the applicant and the planning authority discussed the potential lot yield of land already zoned Village within Bagdad. However, this was largely anecdotal observations as accurate data is not available. It was submitted that vacant land zoned Village in Bagdad generally has issues or characteristics which limit its subdivision potential, such as access restrictions to the Midland Highway and other lot frontage issues, land ownership complexities, topography difficulties, and natural values requiring protection (e.g. Horfield Creek).

34. The planning authority and the applicant noted the definition of a Village under the regional strategy:

“Predominantly residential settlements with a small often mixed use centre that provides for basic services and daily needs” with a “population between 200-600 (excluding any surrounding rural living areas).”
35. The planning authority and the applicant noted that the Table 3 Growth Management Strategies for Settlements of the regional strategy includes a note stating the following:

For all settlements categorised as ‘township’ or lesser, the growth strategy indicated does not preclude growth possible under existing capacity.
36. With respect to the intent of the note, the planning authority and the applicant stated:

In our view, this statement is simply stating there is no intention in the strategy to limit the development of existing zoned and serviced land within towns, villages, or small settlements. With respect to Bagdad this would include the existing Village and Future Urban zone.
37. The planning authority and the applicant concluded:

It should also be noted there are a number of qualifications expressed in the Greater Hobart 5 Residential Strategy including “Acknowledgement of the impact of non-government regulated influences on infill development, such as reluctance of financial institutions to lend money for infill development as compared to greenfield”. As stated at the hearing, this is a likely a key driver for the recent growth in Bagdad.

Commission consideration

38. The Commission must consider whether the draft amendment is as far as practicable consistent with the regional strategy and consider the context of the circumstances of the case.
39. The Commission notes the site’s particular characteristics make it highly suitable for urban use and development. The site is positioned close to the settlement centre, it is capable of being fully serviced and it adjoins land zoned Village to the north that has been developed for residential use. While the site has access restrictions directly to and from the Midland Highway, future access can be achieved through subdivision and connecting with the road layout (Jethro Street) on adjoining land to the north.
40. The Commission also notes the site’s topography is relatively flat, it does not contain any native vegetation, it is not identified as significant agricultural land, and it is not subject to any hazards such as flooding, dispersive soils, or landslide. The site does not have any natural values or hazards that would limit future development on the site.
41. The Commission is satisfied with the justification provided by the applicant and planning authority and agrees that the draft amendment is consistent with the regional strategy’s policies regarding land use transport integration and physical infrastructure.
42. The Commission agrees with the planning authority that the site is not constrained by any natural hazards, consistent with the Managing Risks and Hazards policies.
43. With respect to policies regarding the open space network, the Commission agrees with the planning authority that the draft amendment would provide an opportunity to provide improved access to the Bagdad Rivulet riparian reserve to the west. The Commission also agrees that any future development on the site can be integrated into the surrounding public open space network through connection to the footpath on the Midland Highway.

44. With respect to the Settlement and Residential Development policies, the Commission must consider how the proposed draft amendment meets these policies.
45. In terms of residential supply and growth in the southern region, the intent of the regional strategy is to achieve a more sustainable approach to residential growth and to promote:
 - ...consolidation of existing settlements and minimisation of urban sprawl and lower density development (p. 84-85).
46. The regional strategy applies a mixed growth scenario to Bagdad. The regional strategy states (emphasis added):
 - A mixed growth scenario indicates that residential growth should come from a mix of both greenfield and infill circumstances and that **expansion of the residential zone may be required dependent upon an assessment of the yield capacity and vacancy of existing zoned land** (p. 86).
47. Regional policy SRD 1 under chapter 19, Settlement and Residential Development, is particularly relevant to the draft amendment:
 - SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.
48. The Commission finds that the overarching policy (SRD 1), which is to provide for a sustainable and compact network of settlements capable of meeting projected demand, provides the context for applying SRD 1.1.
49. The Commission considers the site is a greenfield site that has been identified for urban development through application of the Future Urban Zone. The zone purpose statements confirm the site has been strategically identified to be converted for urban use and development subject to any infrastructure constraints.
50. It is noted that the regional strategy encourages the consolidation and strengthening of rural towns and villages and aims for residential growth and development to occur in established settlements, either by densification or by expansion.
51. The Commission accepts the planning authority's and applicant's submission that the existing Village Zone of Bagdad is the preferred boundary of Bagdad for the purposes of providing data to understand the residential growth of Bagdad and defining a stable boundary. This closely matches the most recent urban centre locality defined by the ABS.
52. In the regional strategy, a low growth scenario (10%) was expected in the Bagdad settlement over the 2011-2036 period. However, the planning authority and the applicant, in their submissions and at the hearing, provided a clear justification that demonstrates this projection is no longer appropriate for Bagdad.
53. The Commission accepts that the residential growth experienced in Bagdad from the declaration date to now exceeds the projected low growth strategy envisioned in the regional policies in 2011 for the settlement. The Commission is persuaded that the projected growth strategy for Bagdad is based on out-of-date data. This does not align with sound and sustainable strategic planning principles identified in policy SRD1 of the regional strategy or the objectives in Schedule 1 of the Act.
54. The Commission accepts the evidence and submissions by the planning authority and the applicant that the demand for housing in Bagdad is strong, and there is insufficient suitable residential-zoned land available to meet this demand.
55. The Commission is persuaded that the draft amendment will facilitate the urban use and development potential of the site, consistent with the intent of the existing Future Urban Zone. It will also facilitate provision of additional supply of land for housing in Bagdad.

56. The Commission notes the site has been strategically identified for future residential development for a significant period, since 2010 with the Structure Plan which informed the site's zoning for future residential purposes, and then in 2015 with the land zoned Particular Purpose - Future Urban under the Southern Midlands Interim Planning Scheme 2015.
57. Based on the submitted evidence and circumstances of the case, including the site's characteristics discussed above, and acknowledging the urban development intent under the existing Future Urban zoning of the land, the Commission is of the view that the draft amendment is, as far as is practicable, consistent with SRD1 of the regional policies for Settlement and Development.
58. The Commission considers that further strategic work should be undertaken before considering any further change to the remaining land zoned Future Urban within the Bagdad settlement, of which the Commission observes this remaining land has differing characteristics compared with the site. A review of the Structure Plan for Bagdad would provide a more contemporary strategic planning analysis and direction for the settlement.

Bagdad Mangalore Structure Plan 2010

59. The planning authority noted that the relevant local strategic document is Mangalore Structure Plan 2010 (Structure Plan).
60. The planning authority submitted in their section 40K report on the representations that:

The Structure Plan included a series of recommendations including rezonings of land which were mostly undertaken in 2014. The Structure Plan attempted to identify a Bagdad township through mapping three (3) 800m catchment area. These are the northern urban area of Bagdad, the land around the Community Club and the Bagdad School.

...

The Bagdad Mangalore Structure Plan 2010, which applies to the land, designates 'the land as a "future development area". This resulted in the land becoming a future urban zone under the former Southern Midland Interim Planning Scheme 2015 and the current Tasmanian Planning Scheme – Southern Midlands. Infrastructure for the land is now available and the land ought to be rezoned for urban development.
61. With respect to residential land demand, the planning authority stated in their pre-hearing submission the following:

According to the Structure Plan, there was enough residential land available to meet the demand for approximately 12-15 years. This estimate was based on historical growth trends that suggested an annual population growth of about 1.7%. However, recent data from the 2011, 2016, and 2021 censuses indicate that the population growth has significantly increased since the Structure Plan was created, resulting in a higher demand for residential land.
62. The planning authority noted that the land supply was expected to be depleted by 2022-2025. Due to higher than expected local and regional population growth, the planning authority considers that there is a need for additional residential land in Bagdad.
63. The planning authority concluded in their section 40K report that the Structure Plan provides a prediction of a 12-15-year supply of residential land in Bagdad, with the:

...last of the larger infill sites being developed for subdivision this year (2023). The next logical land for residential development in accordance with the Structure Plan is the land at 1844 Midland Highway.

Commission consideration

64. The Commission agrees with the planning authority that the draft amendment aligns with the Structure Plan by providing residential development in an area identified for long term residential development. The Commission further notes that the Structure Plan identifies the site as a 'future development area'.
65. The Commission observes the recommendations of the Structure Plan that continued linear development along the Midland Highway is an undesirable planning outcome and that there are opportunities for additional urban and rural development within the clustered township areas of Mangalore and Bagdad.
66. The Commission notes the Structure Plan states that there are opportunities for infill development within Bagdad's village settlement, provided that the development is site sensitive and takes into consideration the existing site qualities, such as native vegetation, topography, and landscape values.
67. The Commission considers that the draft amendment is consistent with the Structure Plan.

Suitability of the Village Zone

68. The planning authority submitted that the draft amendment is consistent with the purpose of the Village Zone stating:

The Village Zone is the zone currently used in the urban parts of Bagdad. This is a "mixed use" type zone that allows for a mixture of business, residential and community use and development. Residential use and development, however, is afforded greater priority through the amenity standards and status as "no permit required" in the use table.

The current Future Urban Zone prohibits subdivision and development that would prejudice the future rezoning and urban development of the land.

69. The applicant agreed and stated:

The proposed zoning as Village would be in keeping with the wider zoning pattern and character of the area, including the existing settlement pattern, use, layout, and development of Bagdad as the area is already urban in nature, and the land has already been identified (through the Future Urban zoning) for the expansion of the settlement.

The proposed rezoning would allow an adequate interface between the urban areas of the settlement and the Rural/Agricultural land to the east of the settlement, across the Bagdad Rivulet by providing urban uses that front the Midland Highway and generally follow the pattern of development existing with the Bagdad settlement. This pattern is characterised by Village development west of the Rivulet and Rural/Agricultural land uses to the east of the Rivulet.

70. The applicant further noted that the development pattern would be consistent with the spatial layout proposed in the Structure Plan. The Structure Plan identifies the area as a walking catchment, as it is located within 800m of the settlement and aims to consolidate residential land near Bagdad with good transport access.
71. With respect to the access, the planning authority noted that the site is accessed from the Midland Highway and there is a bus stop within walking distance to the site. A walking track on the western side of Midland Highway connects the site to the residential areas of Iden Road and Swan Street.
72. The planning authority noted that the site is not covered by any significant code overlays and is not listed in the Local Historic Heritage Code or within a state-listed property on the

Tasmanian Heritage Register. There is no identified or known Aboriginal or cultural heritage on the site or adjoining land.

73. In relation to the ecological values, the planning authority submitted that the site is partially covered by the priority vegetation area overlay under the Natural Assets Code. The applicant provided a natural values assessment as part of their submission. The assessment concluded that the area covered by the overlay consists of mainly exotic and improved pastures. The pine trees and the threatened species of *Lepidium hyssopifolium* recorded on the site previously are no longer present.
74. With respect to natural hazards, the planning authority noted that the site is covered by the bushfire prone areas overlay and partially by the waterway and coastal protection area overlay. The planning authority considered that the provisions of the relevant codes would ensure that any development proposed for the site would mitigate risks associated with natural hazards.
75. At the hearing, the Commission questioned whether the planning authority had considered the General Residential Zone as a more suitable zone for the site. This was based on the concept plan provided that demonstrated a typical residential subdivision that was consistent with the subdivision to the north and the allowable commercial uses under the Village Zone. Both the planning authority and the applicant remained supportive of the Village Zone, noting that it was unlikely significant commercial development would be undertaken given the location from the main road, potential viability, and adjacent residential development.
76. Following the hearing, the Commission directed the planning authority and the applicant to consider the inclusion of a Site-Specific Qualification (SSQ) to the site to restrict potential commercial uses.
77. The planning authority and the applicant responded by submitting that a SSQ would not generate a strategic outcome. The planning authority and the applicant noted that SSQs are limited to very specific circumstances in which the planning outcomes cannot be delivered by the SPPs in accordance with the Objectives of the Act. Furthermore, the planning authority and the applicant noted that the draft amendment would not meet the test under section 32(4)(a) or (b) of the Act.
78. The planning authority and the applicant concluded:
 - iii. The intention of the rezoning is to facilitate additional demand for residential housing and to build on the success of the adjoining residential subdivision to the north at 10 East Bagdad Road. This fact too was confirmed by the applicant at the hearing.
 - iv. There is insufficient demand for commercial activities within Bagdad given its proximity to Brighton (Industrial estate) and Hobart's northern suburbs.
 - v. From experience, commercial activities are generally confined to home occupation/home business whose scale, character and intensity is best described as 'cottage industry'.
 - vi. The location of commercial activities within a predominantly residential (Village zoned) area would be required to demonstrate that any potential adverse effects on the general amenity could be avoided, remedied, or mitigated.

Commission consideration

79. The Commission notes the zone purpose statements for the Village Zone include to provide for small rural centers, with a mix of residential, community services and commercial

activities. The Commission considers the draft amendment in the context of Bagdad is consistent with this zone purpose.

80. The Commission considers the draft amendment will facilitate potential provision of housing development at an underutilised site within the Bagdad settlement, which can be appropriately connected to reticulated services and can connect with the residential development on adjoining land to the north zoned Village.
81. The Commission agrees with the applicant and the planning authority that the site is not adversely constrained by natural hazards, and notes there is no identified or known Aboriginal or cultural heritage on the site or adjoining land.
82. The natural values assessment provided with the application demonstrates that the site can be developed and that there are no existing site characteristics that would prevent the future use and development of the site consistent with the Village Zone purpose statements and associated standards.
83. With respect to the potential SSQ discussed at the hearing, the Commission agrees with the applicant and the planning authority that it could not meet the test under section 32(4)(a) or (b) of the Act.
84. The Commission is persuaded that the Village Zone is suitable for the site.

Priority Vegetation Area overlay - Natural Assets Code

85. The Natural Assets Code states that the priority vegetation area overlay does not apply to land zoned Village.
86. As part of the application, the applicant submitted a natural values assessment prepared by Ms Fiona Walsh, botanist/environmental consultant for Enviro-dynamics Pty Ltd, dated September 2022. The assessment confirmed that the part of the site covered by the overlay comprises a line of pine trees and paddocks containing exotic pasture grasses, and there are no threatened vegetation communities, threatened species or threatened species habitat present.
87. At the hearing, the applicant and the planning authority both confirmed their support to remove the overlay from applying to the site as a modification to the draft amendment.

Commission consideration

88. The Commission agrees that the priority vegetation area overlay should be removed from the site, and this can be a modification to the draft amendment.

State Policies

State Policy on the Protection of Agricultural Land 2009 (PAL Policy)

89. The planning authority noted in its report supporting the draft amendment (supporting report) that the site is mapped as Land Capability 4 in the Land Capability Map and does not possess the qualities of agricultural land. The applicant submitted that the PAL Policy is not applicable to the draft amendment.

State Policy on Water Quality Management 1997 (Water Quality Policy)

90. The planning authority submitted in its supporting report that the provisions of the Tasmanian Planning Scheme provide scope to apply planning permit conditions on any future use and development on the site to manage erosion, stormwater volume and quality controls, ensuring consistency with this policy. Further, there are additional planning standards invoked

for works and development within the portion of the site that is covered by the waterway and coastal protection area overlay.

91. The applicant submitted the site is capable of being fully connected to reticulated services from TasWater (Water and Sewer Main), which will ensure water issues are adequately dealt with on-site with minimal off-site impacts. In terms of stormwater, it is proposed to detain and treat stormwater in a detention basin before discharging into the Bagdad Rivulet embankment.

State Coastal Policy 1996 (Coastal Policy)

92. The planning authority submitted that the Coastal Policy does not apply to the site.

National Environmental Protection Measures (NEPMs)

93. NEPMs are automatically adopted as State Policies under section 12A of the *State Policies and Projects Act 1993* and are administered by the Environment Protection Authority.
94. The planning authority concluded that there is no record of the site being used for contaminating activities. Any potential development resulting from the approval of the draft amendment would only include small-scale civil infrastructure, and waste, emissions and potential for contamination risk would be minor. The planning authority concluded that the draft amendment is consistent with the NEPMs.
95. The applicant submitted that the draft amendment will not significantly impact any of the identified matters under NEPMs.

Commission consideration

96. The Commission agrees with the planning authority that the draft amendment is consistent with the relevant State Policies. The Commission notes that the land is already zoned Future Urban, it is located more than 1km from the coast, and water quality management associated with the site is capable of being managed through the SPPs standards by TasWater and the Council through future development applications.

Schedule 1 Objectives

97. The planning authority submitted that the draft amendment seeks to further the Objectives of the Schedule 1 of the Act.
98. In relation to Part 1, the planning authority submitted:
 - The land has been strategically zoned as the Future Urban Zone. The land was set aside for future urban development subject to a rezoning by the Planning Authority.
 - The land is within an established urban area, and can be serviced by existing and recently expanded infrastructure.
 - The application to Council requesting the rezoning together with this assessment report demonstrates the land is capable of being used and developed with minimal clearance of habitat and can be serviced by the existing network.
99. The planning authority further submitted that the draft amendment is consistent with the regional strategy and relevant local strategies, and the draft amendment was exhibited in accordance with legislative requirements, consistent with Part 1 (b) and (c).
100. With respect to Part 2, the planning authority noted that the draft amendment would provide for further housing options in an established residential area. The site can be connected to the reticulated service infrastructure and road network, consistent with Part 2 (f) and (h). The

planning authority concluded that the draft amendment would not have any negative implications on biodiversity, farming activities or Aboriginal heritage, consistent with Part 2 (g) and (i).

Commission consideration

101. The Commission considers that the draft amendment seeks to further the objectives under Part 1 and Part 2 of the Act. The Commission finds that the draft amendment furthers all the objectives set out in Schedule 1 of the Act, with specific reference to Schedule 1, Part 1 (b), and Schedule 1, Part 2 (c), (h) and (i).
102. With respect to Part 1, the Commission is satisfied that the draft amendment provides for the fair, orderly, and sustainable use and development of the site.
103. The site is suitably located within the township of Bagdad and adjoins existing developed residential land. It can be serviced by the reticulated service network and has good access to the transport network provided by the Midland Highway. The Commission considers the site is a greenfield site that has been identified for urban development with application of the Future Urban Zone.
104. With respect to Part 2, the Commission finds that the draft amendment represents sound strategic planning as the local strategies have identified the site to be suitable for residential development. It is also noted that the site is located close to community infrastructure and public open space areas. The Commission concludes that the draft amendment would not have negative impacts on biodiversity or cultural values or agricultural production in the surrounding area.
105. The Commission is satisfied that the draft amendment seeks to further the objectives of the Resource Management and Planning System at Schedule 1 of the Act.

Modifications required to draft amendment

106. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
107. As discussed above, based on the submitted natural values assessment and the discussion at the hearing, the Commission is satisfied that the priority vegetation area overlay should be removed from applying to the portion of the site. The Commission considers this change can be addressed as a modification to the draft amendment.

Decision on draft amendment

108. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Attachments

Annexure A - Modified amendment DA2023-040

Annexure A

Modified amendment DA2023-040 - Tasmania Planning Scheme - Southern Midlands

1. Rezone 1844 Midland Highway, Bagdad (folios of the Register 184820/1 and 184820/2) from the Future Urban Zone to the Village Zone, as shown below.



2. Remove the priority vegetation area overlay from part of 1844 Midland Highway, Bagdad (folio of the Register 184820/2, as shown below.

