



- Vehicle access for any further residential subdivision facilitated by the draft amendment should be via Hall Street.
- Applications proposing the use of Mud Walls Secondary Road (Reeve Street) for vehicle access may need to be accompanied by a Traffic Impact Assessment and to meet satisfactory standards with regard to safety and construction.
- The road network within any future residential subdivision should involve a continuous path of travel and should incorporate direct access to adjacent community facilities.
- Planning instruments such as rights of way and building exclusion zones need to be applied to the lots subject to the s.43A permit to ensure further future subdivision potential is not compromised by inappropriate development.

### **Council's response to the representations**

Council's report considered the representation in the context of the draft amendment and permit and recommended no changes to the amendment or subdivision were warranted.

### **Commission's assessment of the draft amendment**

#### ***The draft amendment***

The draft amendment is to rezone 8.7ha of the western portion of 8 Hall Street, Campania from Intensive Agriculture to Village.

#### ***Site and Locality***

The site is located at the south eastern end of the township of Campania and consists of 15.1ha of predominantly flat land currently containing a dwelling and outbuildings with the remaining land fenced to form paddocks used for dry land grazing. The site has road frontage to both Hall and Reeve Streets. Reeve Street is the section of Colebrook Road through Campania. The DIER representation referred to this stretch of road as Mudwalls Secondary Road and the planning scheme refers to Colebrook Road and Mudwalls Road without defining the location of these roads. Adjacent land uses include a recreation ground immediately to the west, Campania District High School to the north and rural land fringing the remaining peripheries. Residential development of urban densities are located within close proximity to the west of the site.

Campania is located approximately 25 km north east of Hobart in the Coal River valley. Census figures from 2006 indicate that Campania had a population of 239. The town is essentially based on a primary industry economy which services the surrounding agricultural land uses.

#### ***Relevant provisions of the scheme***

The intent of the Intensive Agriculture zone is to:

- (a) *give priority to the sustainable use of land within the Coal River Valley for intensive agricultural purposes;*
- (b) *protect agricultural land from development, including rural residential uses, which would reduce potential production values in the future and increase the potential for residential – v – agricultural use conflicts;*
- (c) *encourage expansion and diversity of agricultural opportunities within the zone, with allowance for subdivision only for intensive agricultural uses;*

- (d) *ensure that buildings are predominantly integral and subservient to the agricultural use of the land;*
- (e) *ensure that land is used and developed within its capability as defined by the Land Capability Classification System; and*
- (f) *ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.*

The intent of the Village zone is to:

- (a) *give priority to maintaining Kempton, Bagdad, Campania, Tunbridge, Parattah and Tunnack as local settlements;*
- (b) *allow for a broad range of uses within the settlements provided they do not adversely affect the amenity of the settlement, nor place undue burden on the Council to provide infrastructure services; and*
- (c) *encourage, where possible, the centralisation of future commercial and business development in positions close to existing facilities.*

The standards for subdivision in the Village zone are provided in Table 3.2 of the scheme which states:

<b>Zone</b>	<b>Minimum Lot Size</b>	<b>Minimum Internal Rectangle</b>	<b>Minimum Frontage</b>
Village (sewered)	600m <sup>2</sup>	15m x 15m	4.0m
Village (unsewered)	0.5ha, or larger as required for the treatment of waste	15m x 15m	4.0m

Use and development in the Village zone is set out in Table 3.3 of the scheme. The table provides for a wide range of uses consistent with Village zoning including a provision that makes discretionary commercial uses permitted where fronting the main street in the towns of the Southern Midlands including Campania. As part of the draft amendment the provision benefiting commercial uses by making them permitted is removed for the section of Reeve Street south of the recreation ground.

***Consideration of issues raised by the Representor***

*Consistent with Council's strategic objectives*

The representation contended the rezoning should align with Council's strategic plan for the region.

Council submitted that Campania is confined by significant agricultural land to the east and rural residential land to the west making the availability of land for future residential purposes scarce. Campania has 37.5 ha of land zoned Village but much of this land is bound in large lots with uses such as the school and school farm, Flour Mill Park and the sport and recreation ground, which are not available for subdivision. Rezoning the site to Village provides a land bank for residential growth within an existing, planned and serviced area representing consolidation of a township that has adequate social infrastructure to sustain future urban growth facilitated by the draft amendment.

Council referred to the land use strategy from the 'Joint Land Use Planning Initiative' (JLUPI) that recognised Campania as one of the few towns where there is limited land available for residential subdivision.

The JLUPI has stated:

*'In Campania, the school farm accounts for the vacant residential land and is not likely to be available for development in the near future. In the specific case of Campania this will necessitate some controlled expansion of the town.'*

Council also referred to their Annual Report 2007-2008 that refers to '*Campania remains a town where subdividable land is in shortest supply*'.

Currently Campania has residential subdivision taking place to the north of the town. Mr Mackey submitted that the third stage of that development was to be progressed and that would complete the development for the last significant parcel of land capable of subdivision in Campania. Mr Mackey further submitted that various uses prevented the intensification of the town and development to the south provided the remaining area for expansion. Council's preference is to encourage residential development close to Campania to provide residential land for workers in the district and to support various services including the school that the community wishes to retain its viability.

The extension of Village zoning to the south in terms of the structure of the town has merit. Council's strategy to promote the development of Campania, based on the services provide, is supported.

#### *Access to Reeve Street*

Current Village zoning for part of the subject land has a frontage to Reeve Street of some 130m. The addition of the adjoining title for rezoning to Village will add approximately 22 metres to this frontage.

DIER's representation is principally that Reeve Street (Mudwalls Road) as a State road should not be considered as frontage for development. Mr Mathers referred to DIER not opposing the rezoning but sought to limit the intensification of accesses on to State roads and to use existing formed accesses where possible.

Whilst matters of access relate more to the permit and any subsequent permits the draft amendment is relevant to the extent of the policy aspects of Reeve Street providing frontage for development.

The relevant section of Reeve Street is a straight road with houses with approximately 20m frontages lining the western side of the road. This section of road is 60kmph speed restricted. The planning scheme has the road as category III (sub-arterial) and for within the 60kmph access in terms of a high traffic generator, low traffic generator or new public road junction is permitted, unless some other aspects of the planning scheme triggers a discretion.

A Traffic Impact Assessment will be required for a low generator or public road junction in accordance with clause 8.6.2(c) of the planning scheme at the time when access to Reeve Street is required.

In terms of the policy of the planning scheme access to Reeve Street is permitted. Despite this permitted status, the next point is, should all access requirements for the site be to Hall Street as contended by DIER?

Hall Street is a minor residential street that provides access to the school which is the extent of its construction. A policy position to confine all access to Hall Street concentrates traffic on the environs of the school. In contrast a through road linking Hall Street to Reeve Street provides the additional road network and greater permeability for vehicular movement within the Village, which is preferred.

The DIER representation in consideration of the large lots proposed in the permit advocated the protection of the proposed Village zoning for closer settlement through rights of way and building exclusion zones. The showing of a notional subdivision layout and provisions to retain the eventual closer settlement has merit and is a matter that is addressed in the permit.

In terms of policy considerations the matters raised in the DIER representation do not lead to the modification or rejection of the draft amendment.

#### *Conversion of agricultural land*

The next consideration is the conversion of agricultural land. Council submitted that although the site is zoned Intensive Agriculture it did not meet the strategic objectives associated with the zone's intent because it is not connected to the Coal River Irrigation Scheme, thereby the land is unable to fulfil its productive agricultural potential. Council advised that there was no additional water available for irrigation and there were no plans in the immediate future to extend the irrigable area to encompass the subject land. As raised later, despite the site mostly being within the Coal River Irrigation District, no irrigation water is available.

The relevant facts are:

- Campania is an agricultural area and expansion of the town is constrained by agricultural land.
- The agricultural report for the applicant defines the site as class 4/5 land with poor quality soil.
- No irrigation water is available from the south east irrigation scheme which cannot meet the demand from already established irrigators.
- The soil quality improves towards the eastern end of the title.
- The conversion to residential will not impact on local and state agricultural outputs.

The conclusion is the land is not suitable for intensive agriculture and is confined to dry land farming. Further, the agriculture report contended that if a reliable supply of water became available in the future, the prevailing soil types especially the deep sands, severely restrict the extent of farming practices that could be successfully completed on a sustainable basis. The conversion of agricultural land is further considered below in terms of the *Interim State Policy on the Protection of Agricultural Land 2008*.

#### *Other Matters*

The application to Council to initiate the rezoning (Pitt and Sherry submission of December 2008) and Council's report of 10 February 2009 (s.35(4) of LUPAA) describe the attributes of the site and provide justification for the draft amendment. The principles of those reports are adopted and do not require reiteration. Principally the Village zoning provides for the extension of Campania that can be served with town water and sewerage. Eventual development of the site for the estimated 76 lots would require an enlargement of the sewerage treatment facility. Council's levies of headworks charges allow for such expansion. There is nothing adverse to Village zoning identified in the reports in terms of flora and fauna, Aboriginal heritage, historic heritage and matters requiring consideration under the planning scheme.

***Modifications to the draft amendment.***

The draft amendment requires modifications to properly show Village zoning by colour on the plan and to clarify the text.

**Commission's assessment of the s.43A permit**

The permit is to adhere the title (CT 204304/1) of 0.7ha zoned Village to the title (CT 15390/2) of 15.1ha zoned Intensive Agriculture and to subdivide the consolidated title into three lots with the eastern most lot of 6.4ha remaining in the Intensive Rural zone.

As considered in the assessment of the permit, part of the site has attributes for Village zoning. The two large lots in the Village zone show an indicative road layout and the permit conditions seek to retain the option for closer settlement without houses or other development frustrating this eventual outcome.

The permit conditions require modification principally to clarify the responsibility of the applicant.

**Application of State Policies**

*State Coastal Policy 1996*

The draft amendment is not in the Coastal zone as defined in the Policy.

*State Policy on Water Quality Management 1997*

The conditions on the permit should ensure that waste water and stormwater can be managed in accordance with the Policy. The amendment is assessed as being prepared in accordance with the *State Policy on Water Quality Management 1997*.

*Interim State Policy on the Protection of Agricultural Land 2008*

The draft amendment is subject to the Policy. The Policy defines 'agricultural land' as meaning:

*All land that is in agricultural use or has the potential for agricultural use that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.*

Relevant principles from the State Policy are as follows:

- 1. All agricultural land is a valuable resource for Tasmania and should not be unreasonably fettered by non-agricultural use and development.*

The proposed Village zoning does not have a common boundary with intensive agricultural activity with the current use being dry land farming. The permit requires tree planting within a 30m wide buffer along the zone boundary to protect future residential use from agricultural activities.

8. *The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through planning schemes taking into account the local and regional significance of that land for agricultural use.*

The draft amendment process is consistent with this principle.

9. *Planning schemes must make provisions for the appropriate protection of non-prime agricultural land within Irrigation Districts proclaimed under Part 9 of the Water Management Act 1999.*

The site is in the proclaimed Cole River Irrigation District except for a small triangular area between the sports ground and Reeve Street. The land capability assessment for the applicant reported:

*'The Rivers and Water Supply Commission has indicated that it is very unlikely irrigation water would be made available in the longer term from the already over extended South East Irrigation Scheme for areas outside those presently serviced.'*

The amendment is assessed as being prepared in accordance with the *Interim State Policy on the Protection of Agricultural Land 2008*.

#### NEPMs

The national Environmental Protection Measures are not applicable to the draft amendment.

### **Schedule 1 Objectives**

#### *Part 1 objectives*

- a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The site forms an extension to the Campania and will add to the sustainability of that settlement. There is no evidence of threats to ecological processes or genetic diversity.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water;*

The draft amendment represents the fair, orderly and sustainable use and development of land as it provides for the eventual consolidation of residential development in an area that is adequately serviced for that purpose.

- (c) *to encourage public involvement in resource management and planning;*  
The draft amendment has included public processes.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The draft amendment facilitates economic development in accordance with the above objectives.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The use or development arising from the draft amendment will involve the sharing of responsibility for resource management and planning.

**Part 2 Objectives**

The Part 2 Objectives are furthered principally in terms of helping to deliver sound strategic planning, the planning scheme to set objectives, policies and controls for the use, development and protection of land and to secure a pleasant, efficient and safe working and living environment.

**Decision**

Pursuant to Section 41(ab) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the draft amendment as set out in Annexure A and gives its approval to the draft amendment as modified pursuant to Section 42 of the Act.

Pursuant to Section 43H (1)(b)(ii) of the *Land Use Planning and Approvals Act 1993* the Commission modifies the permit as set out in Annexure B.



Robin Nolan  
Delegate  
Resource Planning and development Commission  
6 July 2009

Attachments:  
Annexure A: Amendment to the plan  
Annexure B: The permit

**Annexure A:**

**SOUTHERN MIDLANDS PLANNING SCHEME 1998  
AMENDMENT 02/2008**

The planning scheme is amended as follows:

1. To amend the plans to rezone land in the western portion of the parcel described in folio of the register 15390/2, (Property Identification No. 7472043) from 'Intensive Agriculture' to 'Village' as shown below.
2. To amend the ordinance at footnote (a) to Table 3.3 to insert the additional provision after 'Tunbridge':

*'(this sub-clause does not apply to land at Campania fronting Reeve Street south of the Recreation Ground)'.*



**Annexure B**

**Resource Planning and Development Commission**

**SOUTHERN MIDLANDS PLANNING SCHEME 1998**

**PERMIT N° DA 2008/3167**

**SUBDIVISION OF THREE LOTS, FROM TWO EXISTING TITLES, AT 8 HALL STREET, AND REEVE STREET, CAMPANIA,**

The Permit is granted, subject to the conditions set out below, for the subdivision of three lots, from two existing titles, for land situated at 8 Hall Street / Reeve Street Campania and described as Lot 1 on Plan 204304/1 and Lot 2 on Plan 15390.

This Permit will lapse after a period of two (2) years from the date on which it was granted if the use or development in respect of which it was granted has not substantially commenced within that period.

**CONDITIONS**

1. Subdivision shall be substantially in accordance with Development Application No. DA 2008/3167 submitted on 24 December 2008.
2. The Applicant must construct a domestic-standard vehicular access to Lot 1 from Reeve Street (Colebrook Main Road) in the location where the indicative future subdivision layout plan provides for a new public road junction. The access is to be constructed to the requirements of the road authority, the Department of Infrastructure Energy & Resources.

No works are to commence until the Department of Infrastructure Energy & Resources has issued a Works Approval for the access.

3. Lot 1 and lot 2 are to contain reciprocal rights-of-way coinciding with the future road location shown on the indicative future subdivision layout plan, to the new access to Reeve Street required in Condition 2, above and to the access point shown on Hall Street.
4. The access road at the end of Hall Street passing over that portion of Hall Street that is not a Council maintained public road and serving Lot 3, is to be upgraded by the Applicant to comply with Council's Standard Drawings S9350-01 & 02 and Standard Specification S9350-S1, modified to suit site conditions in accordance with the requirements of Council's Manager Works & Technical Services.

Upgrading work is not to commence until the approval of Council's Manager Works & Technical Services is received.

5. Erosion and sedimentation control measures are to be implemented by the Applicant during the construction phase of the subdivision. Such measures shall be in accordance with the Hobart Regional Soil and Water Management Code of Practice and to the satisfaction of Council's Manager Development & Environmental Services.
6. All works required by the conditions of approval contained within this Permit must be at the applicant's expense.
7. The Applicant must place building restriction envelopes on Lots 1 and 2 to protect the location of the future roads on those lots. The envelopes must cover the area of the future roads and are to prevent the construction of buildings within them.
8. The Applicant must establish a buffer strip 30 metres wide on Lot 3 along the boundary with Lot 1 so as to provide protection for future residential use and development on Lot 1 from agricultural activities on Lot 3:
  - (a) The buffer strip is to be planted with native trees and shrubs in accordance with a landscaping plan to be prepared by the developer to the satisfaction of Council's Manager Development & Environmental Services. Plantings are to be established in accordance with a timetable agreed with Council and specified in the landscaping plan.
  - (b) The Applicant must place a suitable restrictive covenant on the title to Lot 3 in favour of the land within Lot 1 which prevents the use of the buffer strip for intensive agricultural purposes upon the further subdivision of Lot 1.
9. The Applicant must incorporate any necessary easements in the final survey plan lodged for sealing.
10. The Applicant must lodge with Council the Final Plan of Survey, (with 2 copies) together with the Schedule of Easements (with 1 copy), a copy of the survey notes, a copy of the balance plan and Council's \$100 sealing fee.