

General Manager

Northern Midlands Council

Email to: tps@nmc.tas.gov.au

Dear Sir

REPRESENTATION TO LOCAL PROVISIONS SCHEDULE

Agriculture zoning for Longford House, 120 Catherine St and 116 Catherine St (CT 168940/1), Longford

Town Planning Solutions Pty Ltd was engaged to make representation to the Northern Midlands Local Provisions Schedule (LPS) on behalf of my clients who owns land at Longford House, 120 Catherine St and the adjoining title at 116 Catherine St, Longford (subject lands).

We submit the Agricultural zoning proposed under the *Local Provisions Schedule* (LPS) is not appropriate for lands identified as part of Council's future growth, based on the requirements of the *Northern Tasmanian Regional Land Use Strategy* (RLUS), *Greater Launceston Plan* (GLP) and *Guideline No. 1 – Local Provisions Schedule: zone and code application* (Guideline No.1).

We also note the increase attenuation buffer over the Austral Bricks site from 200 metres under the *Northern Midlands Interim Planning Scheme 2013* (Interim Scheme) to 500 metres under the LPS/TPS regime. We submit this is not consistent with the nature of the activity or its location within an identified growth area for Longford, as identified in the Longford Development Plan. We urge the Council to review the width of the buffer in this location.



Figure 1 – Location plan and context (source: LISTmap)

The subject lands are highlighted in blue on Figure 1 in relation to the greater Longford area. Figure 2 provides greater detail, with the subject lands shown bordered in red, which also shows the relationship to the existing Longford village to the north and east.



Figure 2 – existing site conditions (source: LISTmap)

The subject lands have the following characteristics:

- an approximate combined area of 8.4 hectares;
- frontages to Catherine St for both titles, providing access into the lands to a Council maintained road;
- 120 Catherine St has a second frontage and access point to Wilmore's Lane, with a second access point;
- both titles have frontage to the Burleigh Street road reservation (CT 137103/30);
- 120 Catherine St has a substantive heritage listed house, known as Longford House, and associated gardens occupying approximately half of the title, with other outbuildings, a dam and hedgerows to the boundaries of the title;
- both titles are identified for heritage values at Clause NORC6.1.200 of the LPS as part of the Longford House titles;
- 116 Catherine St contains cleared pasture lands, with hedgerows to title boundaries;
- known historical land use includes residential for Longford House and grazing for 116 Catherine;
- land capability of Class 3 and 4¹; in the Longford Development Plan and LISTmap;
- there are no known hazards associated with the land²; and
- adjoining land uses are described as follows:
 - west rural/agricultural
 - South rural/lifestyle
 - East rural lifestyle
 - North rural
 - Southeast industrial /bulky goods (Austral Bricks site).

¹ P31-32 Longford Development Plan 2012

² Ibid & LISTmap

LISTmap identifies that the subject land is within the Rural Resource zone of the *Northern Midlands Interim Planning Scheme 2013*, with various overlays.

We also note that the as the property has a Local Heritage Place listing, the provisions of clause 7.4 of the TPS apply to any future proposals. This is similar to clause 9.5 of the Interim Planning Scheme. These clauses allow discretionary consideration of uses that would otherwise be prohibited, on the basis that the proposed use will provide for the restoration or ongoing maintenance of the heritage values of the site listed either under the planning scheme or on the Tasmanian Heritage Register. We support the use of this clause for the subject properties.

ZONING

Local Provisions Schedule

The subject area is identified as within the Agriculture zone of the LPS and subject to a range of overlays under various Codes, as shown in Figure 3 and Figure 4. The subject lands are bordered in black.

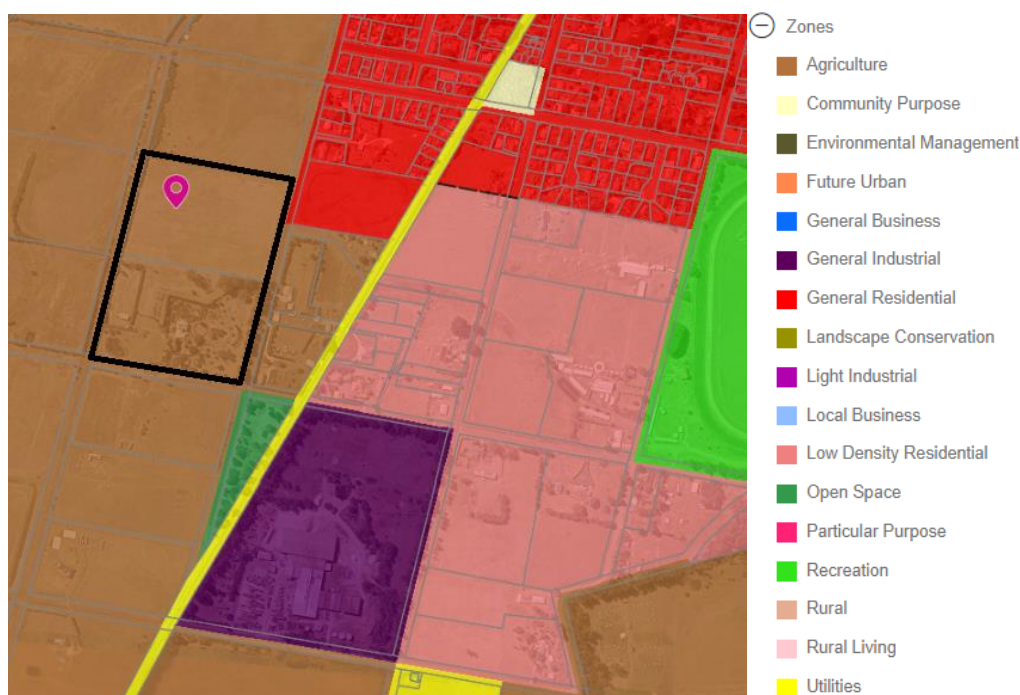


Figure 3 –Extract Northern Midlands LPS zoning regime³

The LPS mapping identifies adjoining properties to the northeast are proposed for the General Residential zone, while properties to the north and east are proposed for the Agriculture zone.

Figure 4 identifies that the titles are subject to the following overlays:

- Local Heritage Place listing (NOR C.6.1.200);
- Airport Obstacle Limitation Area (311-316m AHD, which is well above the properties and unlikely to affect any future proposals on the lands);
- Attenuation area (500m default buffer to Austral Bricks site);
- Bushfire prone areas.

It is understood that the zoning was applied in translation of the zoning regime under the Interim Scheme following the requirements of Guideline No.1 and the zone purpose statements of the TPS. This is confirmed at items 26 and 27 of Table 4 – zone transition rationale of the LPS Supporting Report, which concludes that properties under the Rural Resource zone of the Interim Scheme should transition to the Agriculture zone of under the TPS/LPS regime.

³ <https://planning.discovercommunities.com.au/connect/analyst/mobile/#!/main?mapcfg=northernmidlands>

The LPS Supporting Report identifies that Rural Resource zoned lands were reviewed for strategic uses, constraints identified in the Land Potentially Suitable for Agriculture Zone project by the State and smaller subdivision patterns around townships to provide a buffer between agricultural and more sensitive uses in towns⁴.

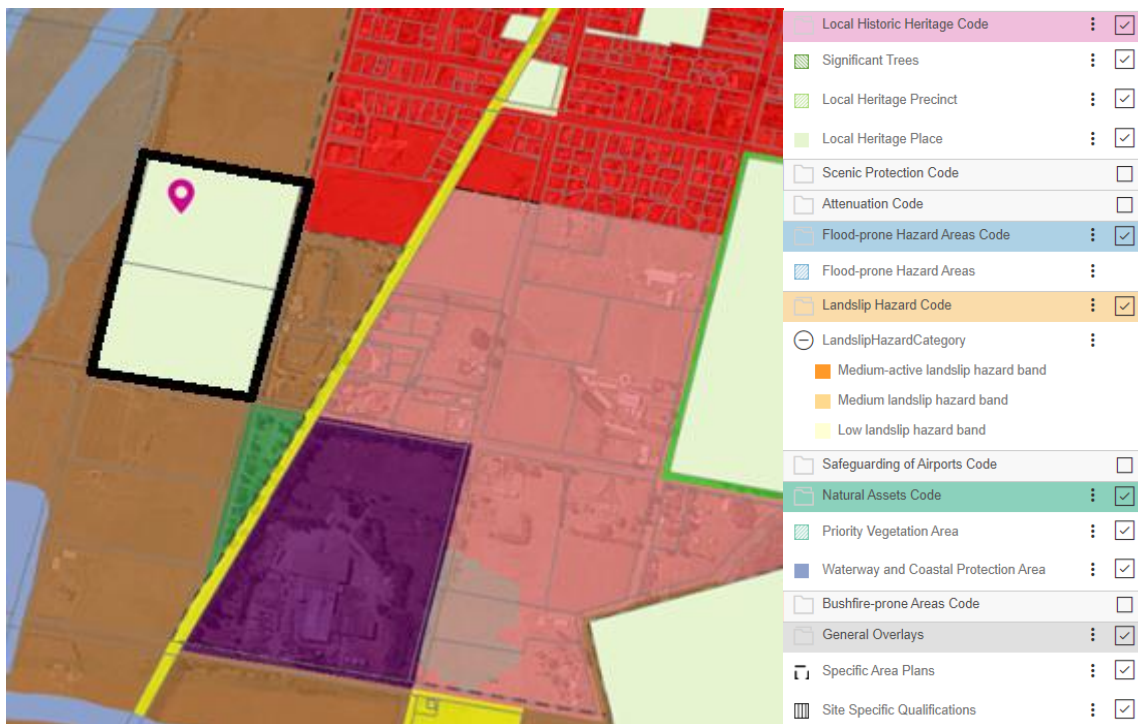


Figure 4 –Extract Northern Midlands LPS Overlays

As identified in Figure 3 and Figure 4, this area displays a fragmented title composition and generally meets these criteria.

The LPS Supporting Report provides a policy and decision framework to support rezoning of the subject and other nearby lands from Agriculture under the LPS to recognise strategic land uses (future residential expansion) and provide a buffer to the General Residential and Low-Density Residential zones within the established township.

Northern Tasmania Regional Land Use Strategy

The *Northern Tasmania Regional Land Use Strategy 2011* (NTRLUS) is the statutory land use plan that establishes the strategic and policy basis for the future development of northern Tasmania, most recently updated in 2021. The NTRLUS establishes a framework, directions for land use and regional planning policies to recognise the role of the Greater Launceston Plan within the region. It describes itself as a living document that facilitates and manages change, growth and development to 2032⁵.

It is generally accepted that maintenance of the NTRLUS has been completed on an operational, rather than strategic, basis. The NTRLUS is understood to have a number of issues that confirm many of the assumptions and the statistical data were out of date and grossly under-projected the extent and nature of growth in Northern Tasmania over the last decade. Nonetheless, it provides guidance through its strategic directions and policies and action.

Longford is identified as a Satellite settlement in Table E.1 Northern Tasmanian Regional Settlement Hierarchy and as a Regional Service Centre in the Regional Activity Centre Hierarchy.

Specific policies and actions under the Regional Activity Centres Strategies are provided at P4 and A5, as follows.

⁴ P88, LPS Supporting Report

⁵ P2, NTRLUS

<p>RAC-P4</p> <p>Promote and support the role of lower order activity centres, particularly neighbourhood and rural town centres. This will support and strengthen local communities and encourage a viable population base for regional and rural settlements, while promoting the development of new neighbourhood and local centres within <i>Urban Growth Areas</i> where appropriate.</p>	<p>RAC-A5</p> <p>Provide for lower order activity centres to be sustained through a local residential strategy or development plans to create vibrant and sustainable regional and rural communities. It should strengthen their role and function, maintaining and consolidating retail attractions, local employment opportunities, public amenities and services.</p>
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Table E2 Northern Tasmanian Regional Activity Centre Hierarchy inconsistently then defines Longford as a District Service Centre and provides for urban residential growth through infill and consolidation but makes no provision for rural lifestyle and other types of residential development.

Section G Local Provisions Schedule Preparation Addendum of the NTRLUS applies under the terms of the implementation statement. Section G establish key principles and requirements for urban growth areas, with Map G.3 identifying the Regional Framework Plan for Northern Towns including Longford and urban consolidation areas under the RLUS, as shown in Figure 5 (subject lands bordered in black). No growth areas were identified for Longford, Evandale or other key settlements within the Northern Midlands.

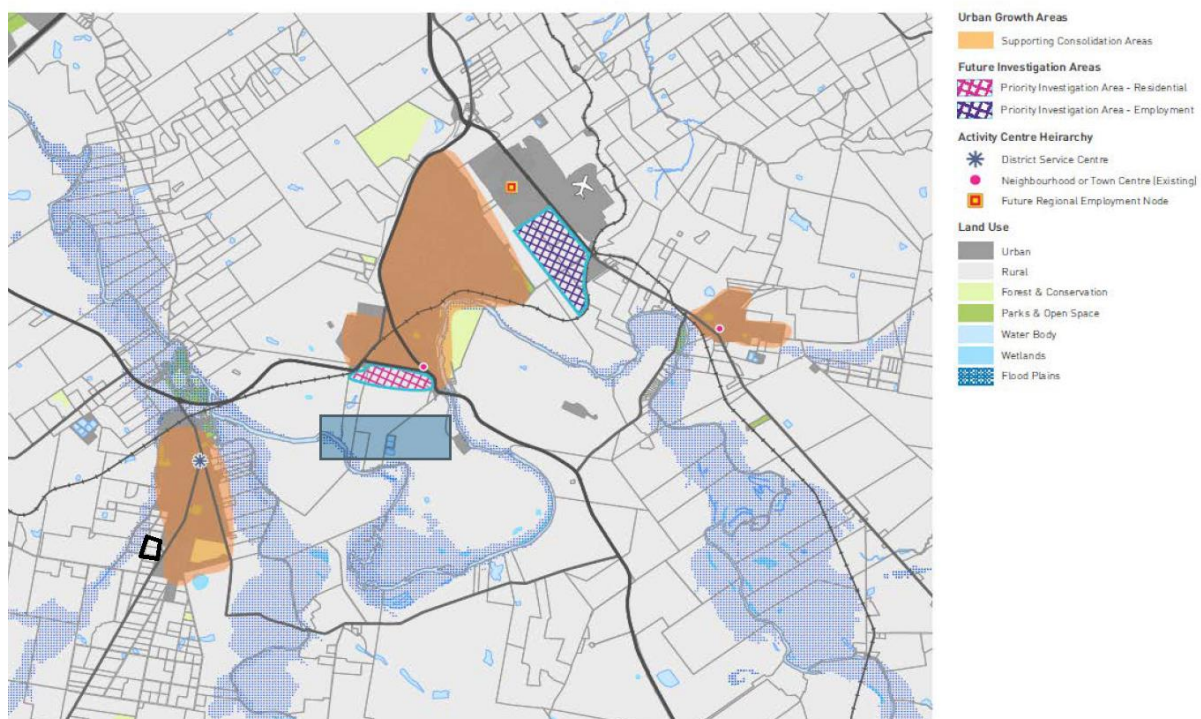


Figure 5 - RLUS Regional Framework Plan extract⁶

The dated nature of the assumptions, growth strategies and data that support the NTRLUS did not anticipate the previous 10 years of growth and were not maintained to reflect that outcome.

The Regional Activity Centres Strategies within the NTRLUS provide for future residential growth in and around Longford through local residential strategies or development plans. Longford Development Plan provides this direction, as discussed later in this representation.

⁶ P16 RLUS

The NTRLUS clearly provides that the lands intended for future residential development, identified through a range of strategies, policies and actions, should not be located in the Agriculture zone of the LPS.

Future conversion of the subject land for residential development is consistent with the NTRLUS.

Greater Launceston Plan

The *Greater Launceston Plan 2014* (GLP) was developed to provide a unified and holistic approach to coordinate the long-term planning and management of the City and greater urban and supporting areas⁷.

The GLP identifies Longford as a Suburban Activity Centre at section 5.9⁸, with growth through consolidation and in accordance with strategic planning studies through to 2021 and then investigation of additional land areas to meet expected demand and maintain a seven-year rolling reserve⁹.

The GLP does not support use of the Agriculture zone on lands that were identified for residential conversion through the Longford Development Plan.

The GLP strategically recognises the need to identify and plan for growth for future residential development within a document prepared through a partnership of Local, State and Federal government.

Longford Development Plan 2012

The *Longford Development Plan 2012* (Development Plan) was completed by Council under the framework established by the RLUS and describes itself as a longer term (20 year) project to identify future lands for urban residential development and expansion of Longford for a target population of 3200 over the life of the document. It is available from the Northern Midlands Council website and described as an adopted development plan, though the date and minute reference for the adoption are not easily available.

The Development Plan forms a specific study under the RLUS and GLP that defines the future planning for the local area within the Activity Centres Hierarchy. It identifies a range of criteria for assessment of candidate areas for future residential development, which were examined in detail. The subject lands were within the study area and identified as a suitable location for future growth.

Site 3 within the Development Plan (refer Figure 6) was identified as follows:

SUMMARY – The class 3 land is an issue with development of this site. This aspect will need further investigation before this site can be recommended as a high priority site. The theoretical yield from this site is 250 dwellings based on the Longford average. This is a natural extension of the township being close to the recently subdivided land in Bulwer St.

The natural way to develop this site, without flooding the market with lots, is to commence development from the north – around Bulwer St and move progressively south. This will give time to consider the impact of development on Longford House and to plan accordingly – maybe with landscaping.¹⁰

Discussions with Council's Senior Planner identified that work has recommenced on implementation of the Development Plan, with the *South Longford Intensification Strategy* under way and expected to identify this and other areas for future residential development. With 10 of the 20-year timeframe for the Development Plan having lapsed and growth over that time having significantly increased land uptake and property sales, it is timely to make provision for further growth as part of the LPS.

⁷ P3, GLP

⁸ P85 GLP

⁹ P109 GLP

¹⁰ P33, Longford Development Plan

The Development Plan supports removal of the subject lands from the Agriculture zone under the LPS and use of an alternative zone that will reflect its identification for future residential use.

Identification of the subject and adjoining lands within the Development Plan as future growth areas for urban and residential conversion provides a clear basis under a Council adopted development plan to consider an alternative to the Agriculture zoning under the LPS. This is consistent with the strategic basis of both the NTRLUS and GLP.



Figure 6 - Site 3 Longford Development Plan

Guideline No.1

Guidelines AZ1 and AZ6 provide the relevant instruction for use of the Agriculture zone as follows:

- AZ 1** *The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:*
- (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*
 - (i) incorporates more recent or detailed analysis or mapping;*
 - (ii) better aligns with on-ground features; or*
 - (iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and*
- where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*
- ...
- AZ 6** *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

- (a) *local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; ...*
- (d) *for the identification, provision or protection of strategically important uses that require an alternate zone; or*
- (e) *it can be demonstrated that: ...*
 - (iii) *the Agriculture Zone is otherwise not appropriate for the land.*

Application of the Agriculture zone to land that is recognised in the NTRLUS, GLP and Longford Development Plan for strategic conversion to residential uses is not consistent with the zone purpose statements, the intent of the Guidelines for long term protection of agricultural lands, the requirements of AZ6(a) and consequentially, the intent and requirements of Guideline AZ1 for application of the Agriculture zone under a LPS.

Designation of this land as Site 3 within local strategies complies with the requirements of Guidelines AZ1 and AZ6 for an alternative zoning to be used.

The RLUS and Guideline No.1 support an alternative zoning of the lands.

While this submission was prepared for the subject lands, the strategic basis of the Longford Development Plan suggests an alternative zoning should be considered for a wider area to reflect the fragmented nature of this area and the identified future needs of the Longford settlement.

The online mapping tool identifies that the General Residential and Low Density Residential zones are located near the subject lands.

Use of the General and Low Density Residential zones is premature at this point, as the concepts within the Development Plan require further investigation. Advice from Council suggests this will occur through the *South Longford Intensification Strategy* (yet to be completed).

As a result, there is no formally adopted strategy of Council to support use of a zone that allows for the intensive development of the subject and adjoining lands. It is likely that multiple zones (Local Business, General Residential, Low Density Residential, Rural Living and Open Space) should be applied to lands within the *South Longford Intensification Strategy*.

The TPS provides two zones for such situations through the Future Urban Zone. Guideline No.1 provides relevant instructions:

- FUZ 1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*
- FUZ 2 The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.*
- FUZ 3 The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.*
- FUZ 4 The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.*

The subject lands are identified through regional and local strategies endorsed by the Council. The Development Plan and pending *South Longford Intensification Strategy* do not support zoning for the identified future uses at this time, as further master planning and investigations are required to determine the ultimate zoning of the lands.

An alternative zoning is provided in Rural Living. This would provide a clear recognition of the future intended use, with a D categorisation preventing any further subdivision of lands for intensive use until the *South Longford Intensification Strategy* is completed and the LPS is amended by Council. Rural Living is also consistent with the heritage values and nature of use that occurs at Longford House.

Guideline No.1 provides the following for the Rural Living zone:

- RLZ 1 The Rural Living Zone should be applied to:*

- (a) *residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or*
- (b) *land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,*
unless RLZ 4 below applies.

RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:

- (a) *consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or*
- (b) *the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.*

RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:

- (a) *a reflection of the existing pattern and density of development within the rural living area; or*
- (b) *further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

RLZ 4 The Rural Living Zone should not be applied to land that:

- (a) *is suitable and targeted for future greenfield urban development;*
- (b) *contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or*
- (c) *is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

In response, we provide the following:

- RLZ1 The subject lands are larger lots that contain a significant heritage dwelling and associated gardens that are suited to lower order rural activities, where any significant agricultural activities and operations are unlikely to occur due to the fragmented nature of the area while also likely to detrimentally impact nearby lands within a range of residential zones that contain established dwellings. The subject lands are identified as constrained in the '*Land Potentially Suitable for Agriculture Zone*' LISTmap layer and form part of a larger area recognised in the Longford Development Plan and as a result, the NTRLUS and GLP for strategic land use change. Complies with a and b.
- RLZ2 The subject and adjoining lands are recognised in the Longford Development Plan for future residential conversion, as supported through the NTRLUS and GLP. Complies with a, b is not relevant.
- RLZ3 Allocation of a C or D category (5 or 10 hectare minimum lot size) would prevent further subdivision pending completion of the required strategic studies, while recognising their residential use. This is consistent with the Development Plan and the projected future conversion of the lands once additional strategic studies are completed. Complies with a, b is not relevant.
- RLZ4 Part of the subject lands are identified for future greenfield development, however this would result in split zoning of an existing and long term land holding. The subject and adjoining lands were not identified for significant landscape values under the Interim Scheme or the LPS and are identified as potentially constrained under the *Land Potentially Suitable for Agriculture Zone* layer on LISTmap. Complies with a and c, b is not relevant.

We submit that use of Rural Living C zone complies with the RLZ Guidelines and is appropriate for the subject lands.

ATTENUATION BUFFER

As previously noted, the LPS increases the default buffer that applies to the Austral Bricks site at Cressy Road and Western Street Longford from 200 metres under the Interim Scheme to 500 metres under the LP/TPS regime.

This will significantly increase the number of existing dwellings that are within the buffer from from approximately 8 to:

- approximately 55 existing houses;
- areas of the General Residential zone under both the Interim Scheme and LPS at Cracroft Street, Mews and Equus Courts, Marlborough and Catherine Streets;
- approximately 9 existing vacant titles in a residential zone; and
- 3 larger titles within the General Residential zone that can support further subdivision.

We also note that the Austral Bricks site is within the Urban Growth Boundary under the Interim Scheme.

Firstly, we note that C9.0 Attenuation Code does not apply to Level 2 Activities, due to the exemption at clause C9.4.1(a). This suggests that the attenuation overlay should not be applied to the Australi Bricks site under the code and is consistent with the Interim Scheme provision E11.4.1(a).

If the Commission determines that this is not the case, then Guideline No.1 provides instructions for translation

- AC 1 *An attenuation area overlay may be applied to an existing activity listed in Tables C9.1 or C9.2 of the Attenuation Code as a variation to the generic attenuation distances to take account of local circumstances, such as:*
- (a) *the characteristics of the activity;*
 - (b) *the topography of the surrounding area;*
 - (c) *the surrounding land uses or zones; or*
 - (d) *any existing attenuation measures or buffers.*
- AC 2 *Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.*

Guideline AC1 allows for translation of existing buffers from the Interim Scheme to the LPS, while AC2 requires variations to established overlays to be supported by expert evidence.

Clause E11.2.1 of the Interim Scheme establishes a 200m attenuation area overlay for the Austral Bricks site, under Table E11.1 (category brickworks, 200m for dust and odour). It forms an attenuation area overlay under the Interim Scheme.

Appendix 4 of the LPS Supporting Report recognises the buffer increase from 200 to 500 metres under the TPS/LPS regime and applies the default buffer under the LPS at item 11 of the corresponding table to all of the relevant title.

The available documentation did not include a specific study for the increased attenuation area from the Interim Scheme to the LPS, as required under Guideline AC2. Guideline AC2 refers to an overlay and not to an overlay shown on maps, which means the requirements of the Guideline apply.

The site is managed by Permit 5787 and subject to Environmental Protection Notice 9568/1, (EPN) issued in 2017. The EPN makes does not establish any increase to the attenuation requirements established under the Interim Scheme.

We request that the Council reviews use of the generic buffers within the TPS for this site and if required, translates the 200 metre from the Interim Scheme under Guideline AC2.

CONCLUSION

This representation identified that the Agriculture zone proposed under the LPS is not consistent with the requirements of the RLUS, Greater Launceston Plan, Longford Development Plan and consequently, the requirements of Guideline No.1.

Review of alternative zones within the TPS identified that the General Residential and Low-Density Residential zones were not (yet) appropriate. We agree with the verbal advice from Council officers that the Rural zone is not appropriate to the location, particularly given the proximity to prime agricultural land to the west.

As such, we request:

- the subject lands be removed from the Agriculture zone pursuant to Guidelines AZ1 to AZ4;
- Rural Living zone be applied to the subject lands as a first preference, with a category C to prevent further subdivision, or Future Urban as a second preference in accordance with the existing use of the subject lands and compliance with Guidelines RLZ1 to RLZ4; and
- if required, the 200m attenuation area overlay for the Austral Bricks Site be translated to the LPS from the Interim Scheme, in accordance with Guidelines AC1 and 2.

We also suggest that Council review the zoning of the blocks west of Catherine Street and in the southern Longford area to reflect their strategic identification for future expansion of the Longford Settlement in the Longford Development Plan.

We look forward to discussing this submission with you further informally or at the LPS hearings.

Thank you and regards



Mick Purves
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20 December 2021