

Darcey, Tamatha

From: planning4bushfire@gmail.com
Sent: Monday, 3 October 2022 4:48 PM
To: TPC Enquiry
Cc: eddie.storace@ato.gov.au; eddie.storace@gmail.com;
kent.wyllie@alphaelectrics.com.au
Subject: Waratah-Wynyard draft Local Provisions Schedule - representation no 16
Attachments: Day 3 Session 4 - Hearing attendance for parties.pdf; further particulars to submission.pdf; Complete_with_DocuSign_Signature_for_zone_ch (1).pdf

Categories: Tami

Good morning,

Please find attached further particulars regarding representation no 16 in response to Councils comments.

Contact has now been made by an adjoining property owner (124 Irby Boulevard) regarding the same matter. This will provide for a consistent approach to zoning to include this property into the original representation. Do you require this Mr Storace to join as a party?

I have also completed the attendance form to appear in person on behalf of the property owners. Additionally, now there are two people requesting the proposal, confirmation signatures are provided in accordance with section 37 of LUPPA.

Please let me know if there is anything else you require.

Kind regards,

Jayne Newman
Masters of Social Science (Env&Plan)
Land Use Planner and Bushfire Assessor
Email: planning4bushfire@gmail.com
Phone: 0438 132 162



28 September 2022

Dear Sir/Madam,

Further Particulars in response to submission for 122B Irby
Boulevard, Sisters Beach (to now include 124 Irby Boulevard, Sisters
Beach)

Contact has now been made by the property owner of 124 Irby Boulevard, who has also requested that the portion of his land proposed for Rural zoning also be included in the Rural Living zone. A letter with confirmation of request by both property owners is included. This ensures that there are no isolated zonings in this area. In particular, the portion of land within this title proposed for the Rural zone is 1.3ha and contains an existing residential use.


Matters surrounding the Environmental Management zone portion of land have been addressed within a separate group response for this land.

Further particulars are provided in relation to the portion of land within the lot proposed for a Rural zoning.

In response to Councils response within the section 35F report, the reference to compliance with RZ1 is partially agreeable, as it has no potential for agriculture, as detailed within the land suitable for agricultural zone findings. It is however not consistent with the zone purpose. The use of land is to provide for a range of use or development in a rural location.

The land is not located within a rural location, rather an isolated patch of land sited between three zones. The assessment undertaken for Land Suitable for Agriculture zone shows that the lot was not included in the assessment, therefore not limited but not suitable for a rural purpose. A distance of more than 1.3 kilometres from the site is provided from identifiable Rural/Agricultural land due to land excluded from the study area.

Particularly Clause 20.1.3 is considered to limit the uses permissible/suitable within this lot, due to its non-rural location and proximity to the surrounding settlement area.

20.0 Rural Zone  Red 228, Green 172, Blue 144	The purpose of the Rural Zone is: 20.1.1 To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; (d) minimises adverse impacts on surrounding uses. 20.1.2 To minimise conversion of agricultural land for non-agricultural use. 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and	RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values. RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST. RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if: (a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone; (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land; (c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;
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Zone	Zone Purpose	Zone Application Guidelines
	does not compromise the function of surrounding settlements.	(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

On review of the Rural Living zone, the site/s appears to be better aligned to the zone purpose statement and complies with RLZ1(a). Currently the site is suitable and used for a lower order rural activity (hobby farming) for grazing of horses. The continuation of such uses will ensure the protection of residential amenity in the area.

Additionally, the lot is consistent with RLZ 2, and the regional land use strategy as detailed below.

The framework seeks to provide growth by infill development taking into consideration existing settlement nodes, preventing permanent exclusion of agricultural land and focusing of clusters of development.

“the Policy seeks to prevent unnecessary and permanent exclusion of agricultural land and to minimize unreasonable risk for constraint on agricultural use by others land use, including urban expansion, industry, rural lifestyle living, and infrastructure development” (p47)

As identified within the Land Suitable for Agriculture zone study, the land was not included, therefore not considered to be agricultural land or suitable for such purposes.

“Residential development will continue to be focused into a range of different sized urban centres, small hamlets and rural residential clusters.” (p85)


The rezoning keeps development within an existing rural residential cluster.

“Rural residential is a legitimate housing option and should be located without creation or increase in demand for inefficient infrastructure and service provision, compromise for future urban settlement, risk to people or property or impact on resource development, natural and cultural values” (p87).

As the area is already serviced with a sealed road, lighting and reticulated sewage infrastructure, the proposal is not considered to create any increase in demand for inefficient infrastructure.

“Land use Outcome for Wise Use of Resource – promotes the optimum use of land and resource.” (p128)

The proposal provides optimum use of the land, located within an existing urban settlement, while also limiting possible land use conflicts which may occur in the allocation an isolated zoning.

Zone	Zone Purpose	Zone Application Guidelines
11.0 Rural Living Zone  Red 255, Green 201, Blue 210	The purpose of the Rural Living Zone is: 11.1.1 To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained. 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity. 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts. 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.	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.

Zone	Zone Purpose	Zone Application Guidelines
		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.

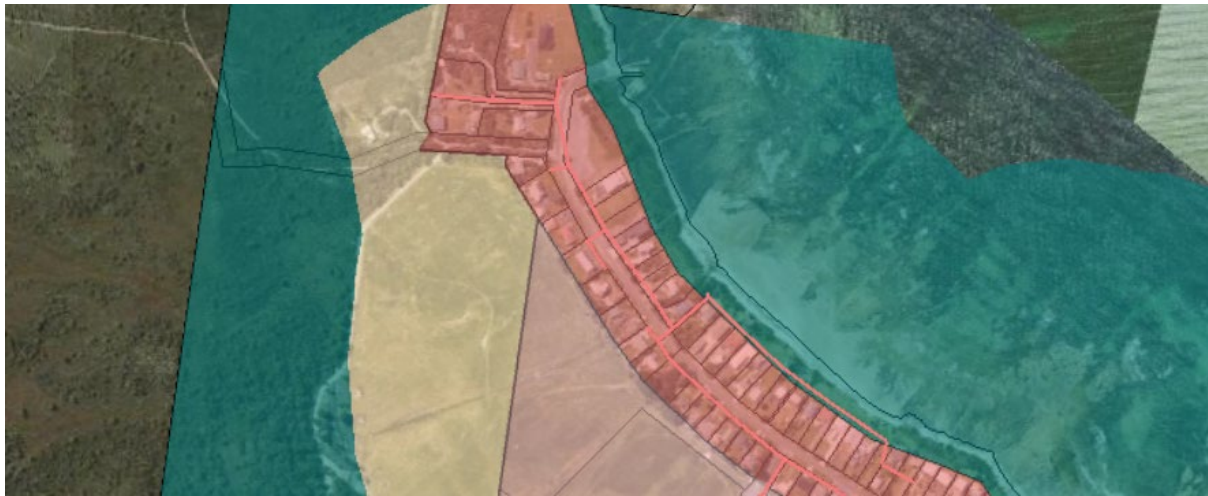
In relation to RLZ4, the land is not targeted for future greenfield urban development, is not identified as containing landscape values and was excluded from the Land Potentially Suitable for Agriculture zone, as detailed below. It is also not in a location which can adjoin to other land for that use.



Source: Listmap - Land Potentially Suitable for Agriculture Zone.



The above diagram shows a 200m radius around the approved of developed lots closest to this area. This depicts that the site zoned for Rural Land is unduly restricted by existing residential development to a point in which it cannot be redeemed for such purposes when considering cluse 20.4.2 (A2).



Source: Listmap – Sewer main location within the Sisters Beach settlement cluster.

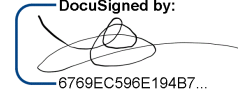
It is concluded that the allocation of the Rural Living zone for both sites will ensure there is no isolated zoning in this section of the Sisters Beach settlement area, while also protecting adjoining lots from the possibility of conflicting uses. The alternate zoning is considered to better align with the zone purpose of the Rural Living zone and RLZ1(a) and RLZ2(a) of Section 8A Guideline No.1.

Kind regards,

A handwritten signature in black ink, appearing to read 'Jayne Newman'.

Jayne Newman
Planning 4 Bushfire

We consent to and request a zone change within the proposed Tasmanian Planning Scheme – Waratah-Wynyard of the portion of our lots proposed for Rural zone to the Rural Living zone.

Name	Property address	Title Reference	Signature
Edward Storace	124 Irby Boulevard, Sisters Beach	CT: 111004/1	
Kent Wyllie obo KAW Training Pty Ltd	122B Irby Boulevard, Sisters Beach	CT: 34078/1	