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Sent: Tue, 31 May 2022 10:11:45 +1000
To: "hvc@huonvalley.tas.gov.au" <hvc@huonvalley.tas.gov.au>
Subject: LPS: 343 and 355 North Huon Road, Ranelagh
Attachments: 343 North Huon Rd.pdf, 355 North Huon Rd.pdf, H211001 - DSA - 343 & 355 North Huon Road Ranelagh - Bourne & Walker.pdf

Hello,

Please find attached our planning amendment request with regard to ;

343 North Huon Rd, Ranelagh

355 North Huon Rd, Ranelagh.

Kind regards,

Kelly Walker



Kelly Walker
Home Care Case Manager
 Huon Regional Care
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30th May 2022

General Manager
Huon Valley Council

Dear General Manager,

RE: Zoning of 343 North Huon Rd, Ranelagh, Property ref# 2836565, Title Ref#199157/1

We, the owners of the above property would like to challenge the zoning of our property from both a previous change of zoning and the one proposed.

We purchased the property in 2007 when it was zoned as 'intensive rural' and advised by Council we could build a dwelling on it.

Without our consultation, the zoning was changed to 'significant agricultural' under the Huon Planning Scheme 2015, only to find out we could no longer build a dwelling on without running an associated agricultural business on the property.

We have had a surveyor & an agricultural consultant look at the potential of the property (report attached) The land is class 5, so suitable for grazing not cropping, hence it would be more appropriate to zoned as Rural Living or Rural. It is not viable to run a profitable livestock business with 4.852 ha, it is more suitable for hobby farming. The property could support horticulture, but would be significantly constrained; the entire property requires a 200m setback as per Huon Valley Interim Planning Scheme 27.4.2 Setback A3. This would leave a very small area available for use. Please see below extract (Section 8A Guideline No.1 LPS) supporting this.

- 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;

We currently own & reside at 355 North Huon Rd, which is surrounded on all boundaries by #343. We wish to build one dwelling on property #343 and maintain current boundaries.

We look forward to hearing from you.

Kind regards,



Kelly Walker & David Bourne
Land Owner

0412 200 299 & 0421 229 621
PO Box 456, Huonville, 7109

30th May 2022

General Manager
Huon Valley Council

Dear General Manager,

RE: Zoning of our property

355 North Huon Rd, Ranelagh, Property ref#7512332 Title Ref# 62635/1

We, the owners of the above property would like to challenge the zoning of our property; both from previous zoning 'Significant Agricultural' and the proposed 'Agricultural'.

Our block is a residential block with one dwelling on it, in which we live. It is 1239m² in size. A blanket zoning approach has been applied to the area and would appreciate you amending it to Rural Residential, as current zoning of that property is clearly incorrect & inappropriate for its size and use.

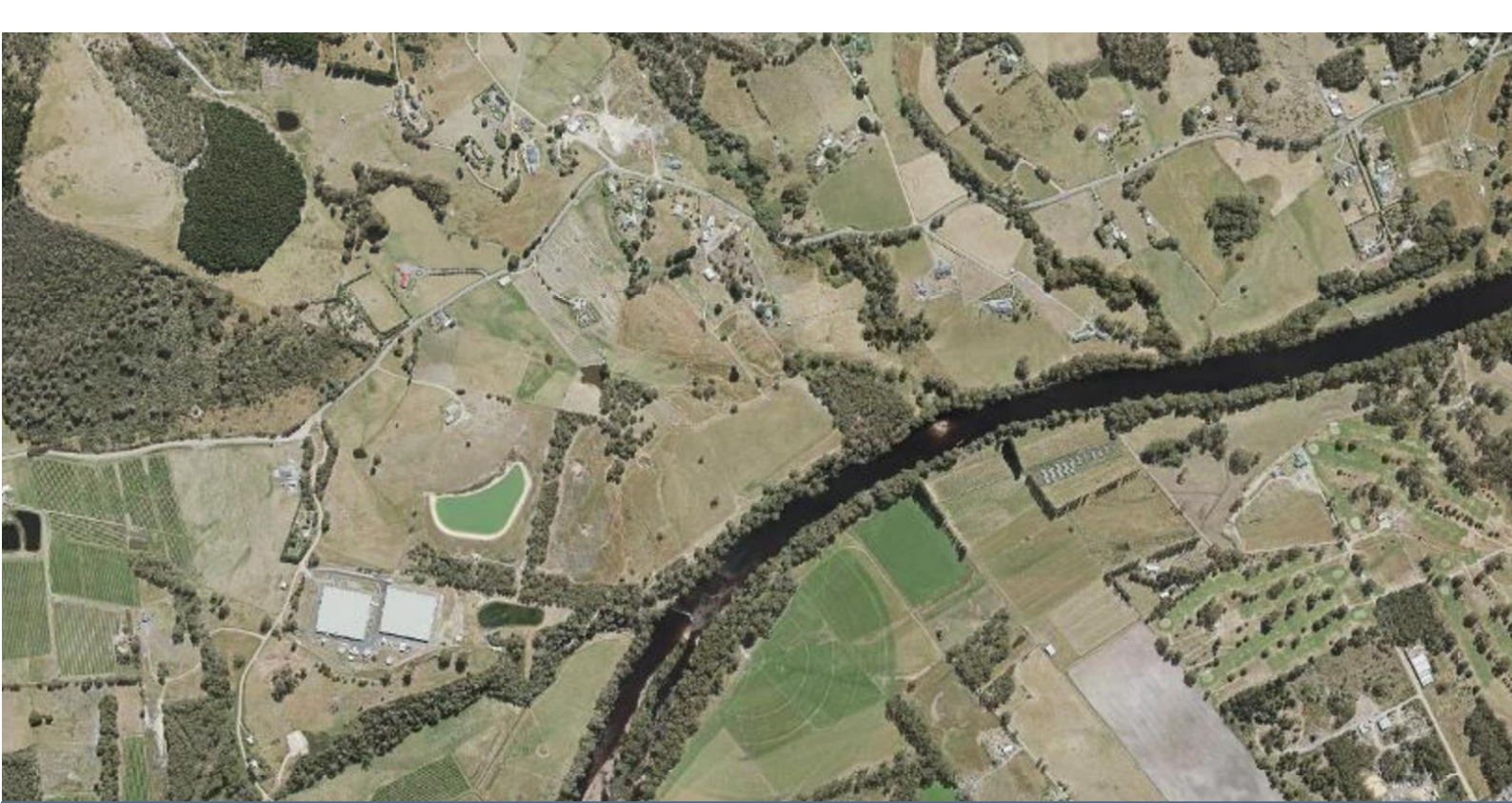
I look forward to hearing from you.

Kind regards,

Two handwritten signatures in black ink. The first signature is a stylized 'K' followed by a dot. The second signature is a stylized 'D' followed by a dot.

Kelly Walker & David Bourne
Land Owner

0412 200 299 & 0421 229 621
PO Box 456, Huonville, 7109



DEVELOPMENT SUITABILITY ASSESSMENT

343 & 355 NORTH HUON ROAD RANELAGH

Prepared for D Bourne & K Walker

October 2021



WOOLCOTT SURVEYS



EAST COAST
SURVEYING
CONSULTING SURVEYORS
& LAND PLANNERS

Job Number: H211001
Date: October 2021
Prepared for: David Bourne and Kelly Walker
343 & 355 North Huon Road, Ranelagh
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Town Planner
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Senior Town Planner

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1. Scope of Investigation

Woolcott Surveys Pty Ltd is pleased to provide for you a Development Suitability Assessment to explore potential to develop the land at the property at 343 & 355 North Huon Road, Ranelagh; CT 199157/1 and 62635/1 (the 'subject site'). This report outlines the key planning and services parameters over your land.

Woolcott Surveys is a multi-disciplinary consultancy firm, providing specialised services in land surveying, land use planning and project management across Tasmania for more than 15 years. We have an extensive amount of experience successfully delivering projects similar to this one.

Our understanding is that you are seeking to understand options for the land including potential for a dwelling on 355 North Huon Road, and a boundary adjustment between the two properties at 343 and 355.

We have examined relevant information available at a desktop level to the best of our knowledge and discussed with an agricultural consultant. This report provides a review and summary of the relevant Scheme Standards and provides further understanding of the development potential of the site.



Figure 1 - Aerial view of the subject site (Source: LISTMap)

2. Site

2.1 Site Details

The parcel is located to the south of Huon Road, Ranelagh.

SITE	
Address	343 & 355 North Huon Road, Ranelagh TAS 7109
Property ID	2836565 and 7512332
Title	199157/1 and 62635/1
Part 5 Agreement or Covenants	None. Right of Way (ROW) over neighbouring parcel to the north east. Pipeline easement.
Total Site Area	1239m2 (estimated) (355 North Huon); and 4.852ha (343 North Huon)
Council	Huon Valley Council
Water	Not serviced but servicing evident in the area
Sewer	Not serviced
Stormwater	Not serviced
Existing Buildings	Existing dwelling and outbuilding on #355
Existing Access	#355 – existing crossover from Huon Road. #343 – access via ROW over CT: 152088/1
Topography	Undulating from 60m AHD to 45m AHD sloping downwards towards the south east.
Native Vegetation	NA
Watercourses	NA noting there is a drain line marked on the mapping and a dam.
PLANNING CONTROLS	
Planning Scheme	Huon Valley Interim Planning Scheme 2015
Zone	Significant Agricultural
Overlays	Bushfire Prone Area
Future planning scheme	Tasmanian Planning Scheme – Huon Valley

Zone	No information
Overlays	No information

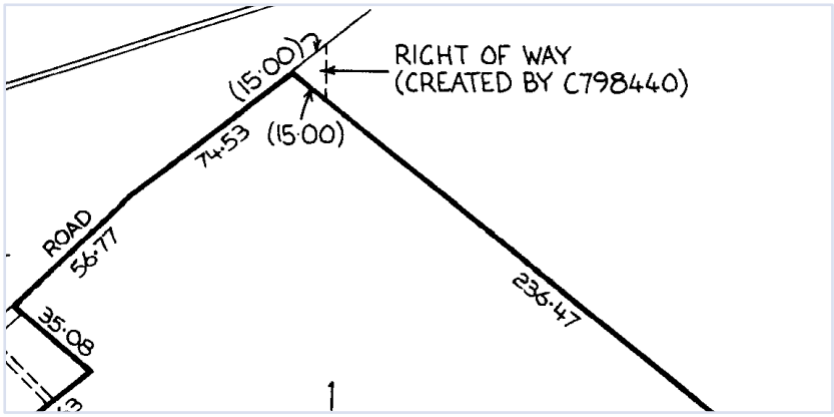


Figure 2 - Right of Way providing access to #355; CT199157/1

2.2 Planning Controls



Figure 3 - Zoning of the subject site (Source LISTMap).

The site is affected by the Bushfire Prone Area Overlay (whole of site).

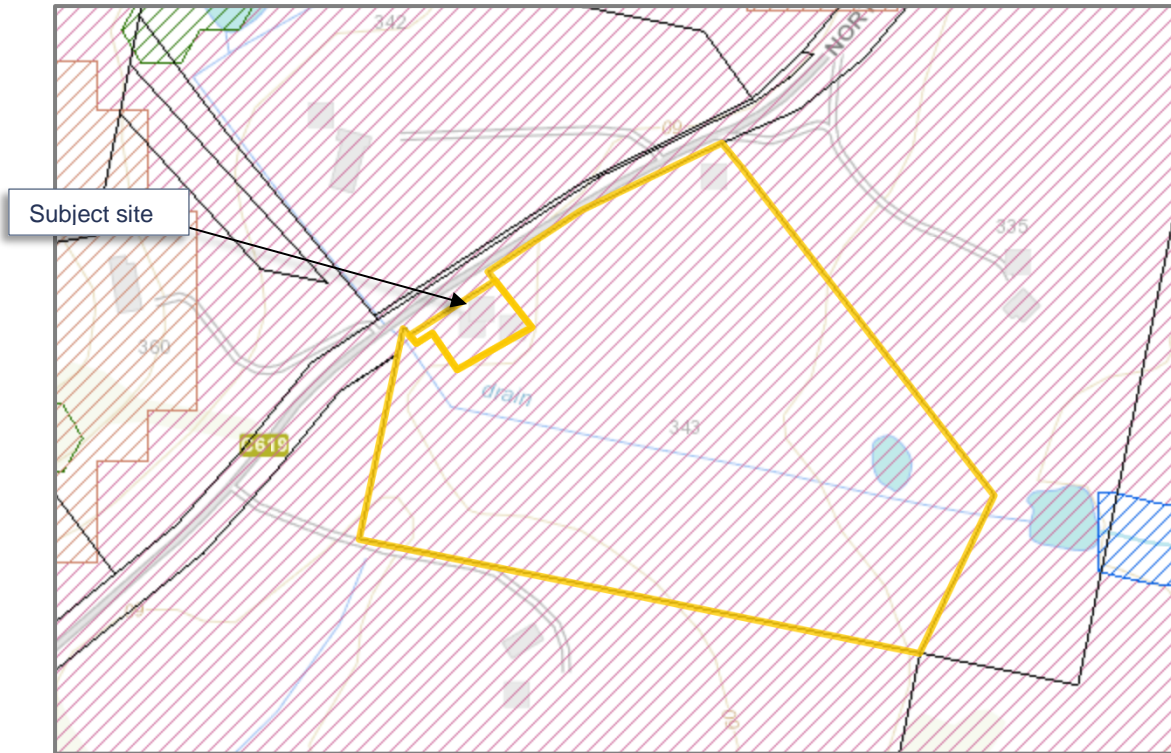


Figure 4 – Overlays affecting the subject site (none) (Source: LISTMap).

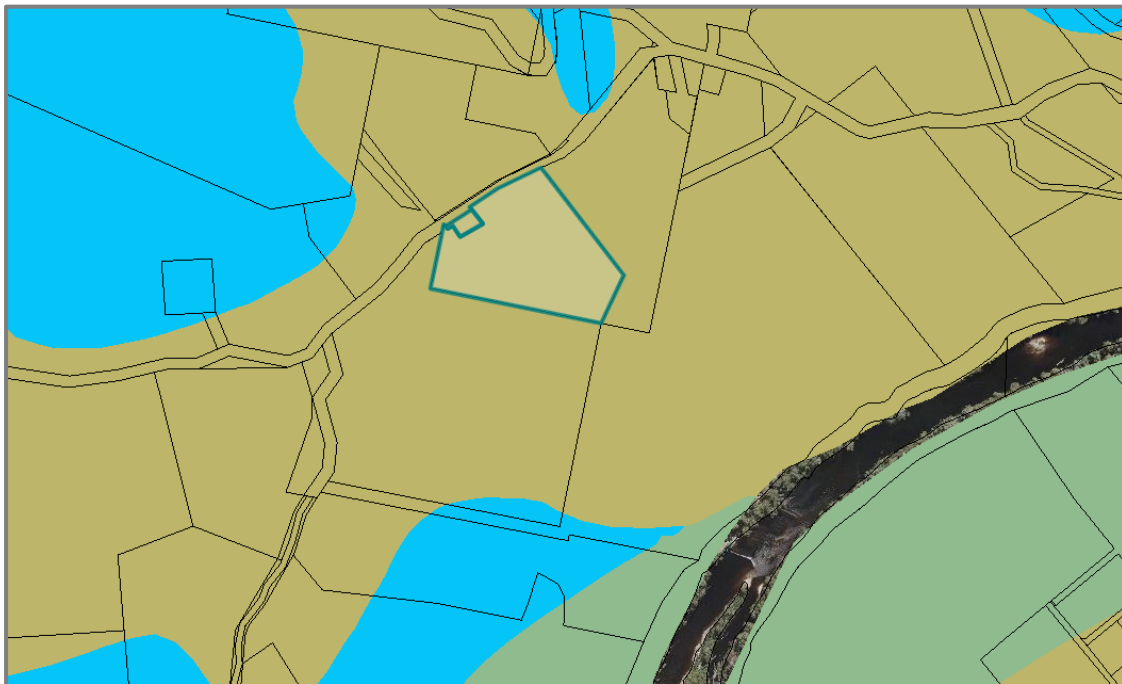


Figure 5 - The land Capability mapping classes the land as 5 (Source: LISTMap)

2.3 Land Capability

Land capability classification is an internationally accepted method of ranking the ability of the land to support a range of broadacre agricultural activities on a sustainable basis. In Tasmania the system comprises seven classes ranked in order of agricultural veratility. Class 1 land is the best and Class 7 the poorest.

According to the supporting documentation for the land capability assessment, the Guidelines for the Classification of Agricultural Land in Tasmania (Grose, 1999), the suitability for Class x land for

pastoral use is low and that the land should be carefully managed; “Classes 5 and 6 are suitable for grazing activities only although pasture improvement may be possible on Class 5 land (Class 6 land remaining as native pasture)” (Grose, 1999).

Class 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices. (Grose, 1999).

Please note, these classifications are broadly applied and provide an indication only. Individual parcels, and indeed, sections within parcels, can be classed differently. We note that this land has been identified as suitable for cherry orchards as poorer soils are conducive to cherry production.

3. Development Suitability Assessment

3.1 Zone Assessment

This assessment is summarised from the Acceptable Solutions of the applicable zones of the Planning Scheme. The Planning Scheme has two sets of provisions, Acceptable Solutions and Performance Criteria. The aim is to meet the Acceptable Solutions where possible but when this cannot be done, the Performance Criteria may be relied on.

Where Performance Criteria is used, Council has discretionary powers to either approve or refuse a planning application, based on how well it measures against the Criteria. This needs to be addressed in the planning report in detail and often, supplementary reports are required (such as on-site wastewater management plans, coastal report, flora and fauna report etc.). Discretionary applications are also subject to representation from other parties to object to or comment on the application.

This assessment will focus on a new single dwelling and subdivision (boundary adjustment).

Significant Agricultural Zone

Relevant Planning Controls	Huon Valley Interim Planning Scheme 2015
Zoning and Land Use	Significant Agricultural Zone
Permissibility	Residential – Permitted if home based business or extension or replacement of existing. Residential – Discretionary only if a single dwelling necessary to support agricultural use on the property.

Zone Purpose

- To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.
- To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.
- To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.
- To protect areas used for reuse water irrigation.
- To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land.

Comment:

The Zone seeks to protect agricultural land and the ability for others to continue to use the land for agricultural purposes.

Use Standards

Sensitive Use (including residential use)

Acceptable Solutions

A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling.

Comment:

Any works to the existing dwelling are fine but to build a new dwelling, the performance criteria must be examined.

Performance Criteria

A sensitive use must not conflict with or fetter non-sensitive use on adjoining land having regard to all of the following:

- (a) the characteristics of the proposed sensitive use;
- (b) the characteristics of the existing or likely non-sensitive use in the surrounding area;
- (c) setback to site boundaries and separation distance between the proposed sensitive use and likely non-sensitive use on adjoining land;
- (d) any characteristics of the site and adjoining land that would buffer the proposed sensitive use from adverse impacts on residential amenity from existing or likely non-sensitive use.

Comment: *An assessment and report from an agricultural consultant would be required to examine the surrounding uses and the effects of a dwelling in the area. This report would make recommendations regarding the siting of a dwelling and characteristics of the use. As per the use table, a dwelling can only be constructed should it be required to support an agricultural use. The Agricultural report would need to demonstrate what the agricultural use was, and why a dwelling was necessary to support this use.*

Development standards for sensitive use buildings also requires criteria which would need to be addressed as part of an agricultural report. A future dwelling could not be located in a position where it could potentially constrain adjoining primary industry uses.

Development Standards for subdivision

Reorganisation of Boundaries

Acceptable Solutions

A lot is for public open space, a riparian or littoral reserve or utilities.

Does not apply, the performance criteria must be used.

Performance Criteria

The reorganisation of boundaries must satisfy all of the following:

- a) all existing lots are adjoining or separated only by a road;
- b) no existing lot was formally a crown reserved road or other reserved land;
- c) provide for the sustainable commercial operation of the land by either:
 - i. encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan,
 - ii. encompassing an existing or proposed non-agricultural rural resource use in one lot;
- d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 27.4.2;
- e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;
- f) a new vacant lot must:
 - i. contain land surplus to rural resource requirements of the primary agricultural lot;
 - ii. not result in increased demand for public infrastructure or services;
- g) all new lots must comply the following:
 - i. be no less than 1 ha in size;
 - ii. have a frontage of no less than 25 m;
 - iii. be serviced by safe vehicular access arrangements;
- h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.

Comment:

- a) complies
- b) complies
- c) need justification of sustainable commercial operation of the land. This would require the advice of the agricultural consultant.
- d) Setbacks would increase not decrease.
- e) Not applicable according to the existing arrangement. There is one dwelling on a single lot and the other is vacant.
- f) No new vacant lot, either existing vacant lot or both not vacant.
- g) Can all be provided

- h) Not applicable as there are no desired future character statements or local area objectives.

3.3 Code Assessment

The following codes will need to be addressed for any application:

Bushfire Prone Areas Code

An assessment and report will be required for subdivision and for any building of a dwelling. The existing dwelling will need to be compliant also by the provision of a 10,000L firefighting water tank.

Road and Railway Assets Code

This code applies to use or development of land that: intensifies the use of an existing access

Comment:

Development will need to comply with the Use and Development standards. Not expected to be an issue but may require a supporting report from a traffic engineer.

Car Parking and Sustainable Transport Code

This code applies to all use and development of land.

Comment:

Development will need to comply with the Use and Development standards. Two spaces and manoeuvring room is required for dwellings.

4. Conclusions and Recommendations

We have discussed the potential for subdivision (boundary adjustment) with Council and can see a possible pathway to achieve this (without a dwelling), but it would be a discretionary permit and subject to demonstrating either a farm management plan that justifies the proposed split, or, conversely, explains that the land is too constrained for farming all together. It may be difficult to get this supporting report as the land has demonstrated agricultural capability (however insignificant). Council would not make a favourable decision without such a report.

You could possibly achieve a dwelling on the second lot. We discussed this at length with an agricultural consultant at Pinion, who provided the following advice:

Hi Michelle,

Thanks for talking through this job and describing the brief.

From our discussions an Ag Assessment would support the proposed development of a residential dwelling but **not** the subdivision as followed:

- Based on an appropriate agricultural land use of the larger title to support the dwelling proposal for the owners to live on-farm.
- The land is class 5 land so it is suitable for grazing but not cropping. The land is suitable for horticulture, apples and cherries specifically.
- Livestock would be preferred on the basis that the owners would need to live onsite for the supervision and care of the livestock.
- Horticulture would support the owners living onsite to manage, however horticulture is a constrained use due to the neighbouring houses having a 200m setback that encroaches the entire property at 343 North Huon Rd, impacting horticultural operations – see Huon Valley Interim Planning Scheme 27.4.2 Setback A3 “*Building setback for buildings for sensitive use must comply with... (a) be sufficient to provide separation distance from horticultural use or crop production on adjoining land of 200m*”.
- Subdividing off a section off the larger title conflicts with the case for agricultural use of the larger title. Therefore, we would not support the subdivision based on the planning scheme requirements that the boundary adjustment would enhance the agricultural land use. Keeping the boundaries where there are will help support the proposed dwelling and associated agricultural land use.
- A proposal to build a house on the larger title would be better supported agriculturally without the subdivision and being aligned to an agricultural land use. If there is a supporting business plan this would help.

To complete an agricultural assessment and compliance report as outlined above will cost \$3,900 (excl. GST).

Please feel free to contact me if you have any further questions.

Kind Regards,

Jason

Jason Barnes
Team Leader
Food & Ag Production



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As Jason explains, taking land out of agricultural production to add to the existing dwelling (for what

would be lifestyle arrangements) is averse to the purpose of the zone and would work against an application for a dwelling on the larger lot.

Whether or not various agricultural pursuits have succeeded in the past, the purpose of the zone is to provide that opportunity. The increase of residential and lifestyle lots in farming areas creates land use conflict and problematic situations for producers as their operations can create noise, dust, odour, etc. Jason from Pinion was aware of some operations in the area that would be sensitive to increased residential lots and the impact they may have to primary production.

From our discussion, we understand you would like to decide on whether to build a new home on the vacant lot or retain the existing home and invest in its improvement. It is possible that you could build a new home on the vacant land but you would not be able to also perform the boundary adjustment. This would still leave you with a saleable property, just with the same/existing amount of land.

A permit to construct a dwelling would still be discretionary and subject to Council decision, however, if desired, you could apply for it, and if refused, still have the existing dwelling. This would be the lowest risk pathway. You will need to consider the aspect of the dwelling being used to support an agricultural use. Jason, (whose details I have included) can certainly advise you on this.

If you wish to go over any aspect of this report please let us know.

Annexure 1 – Folio Documents



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