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Sent: Thursday, 30 March 2023 1:55 PM
To: Graham, Linda
Cc: TPC Enquiry; Sylvia Kerr; McCrossen, Samuel; Edgell, Chloe; Michael Bartlett
Subject: Huon Valley draft LPS - direction response 1.15 and 1.19
Attachments: 10.005 Attachment A LPS-HUO-TPS - 4 further representations_15 March 2023_V2.pdf

Categories:

Hi Linda

Please see planning authority's response to following representations:

- representation 414 (Dale Duggan);
- representation 415 (Derek Turnbull and Anela Boden)
- representation 416 (LL and RG Hyde (Bernard Cleary, Town Planner)) and
- representation 417 (TasNetworks)

Please be aware that responses to representations 412 and 413 are included in the last pages of the section 35F report.

Cheers
Rong



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We acknowledge the Traditional Custodians of the South East Nation, the Melukerdee people of the Huon River and the Lyluequonny people of the Far South. We recognise their continuing connection to land, water and culture, and pay respects to the Elders past, present and emerging.

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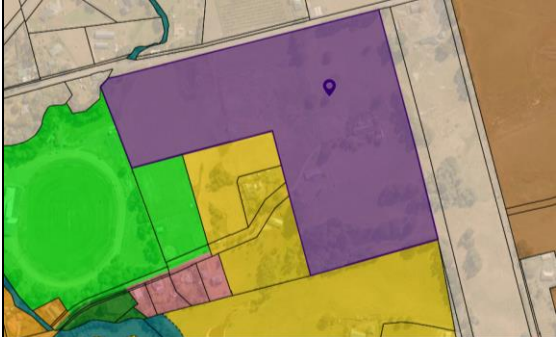
**HUON VALLEY
COUNCIL**


**SUMMARY OF REPRESENTATIONS
AND PLANNING AUTHORITY
RESPONSES TO THE DRAFT HUON
VALLEY LOCAL PLANNING
SCHEDULE**

**REPORT MADE UNDER SECTION 35F
OF THE *LAND USE PLANNING AND
APPROVALS ACT 1993***

ADDENDUM MARCH, 2023

414.	Dale Duggan
Matters raised	<p>The representation requests Lot 1 Huon Highway, Southport (PID: 2800642; CT: 150993/1) be zoned Rural or Rural Living D rather than Landscape Conservation.</p> <p>Representation general comments:</p> <ol style="list-style-type: none"> 1. Owner believes the land could be better managed if it was classed as Rural Living D. The property is not large enough to sustain an income and may be suited better to small hobby farmers on smaller acreage who can properly look after the land. 2. The land has been used for grazing cattle for more than 20 years. The land in question is mainly cleared land. The priority vegetation report does not appear to show anything on that part of the land which is to be zoned Landscape Conservation.  <p>Figure 1. Site location and existing zoning</p>
Planning Authority response	<p>The site is currently zoned Rural Resource and adjoins land to the west and south that is also currently zoned Rural Resource and is zoned Rural under the draft LPS. The site is primarily cleared of native vegetation and is nearly 40 ha in size which is the permitted lot size under clause 20.5.1 A1. The site does not adjoin an existing settlement.</p> <p>In accordance RLZ2 the Rural Living Zone should not be applied to land that is not currently within an interim planning scheme unless there is (a) a relevant regional land use strategy or local strategic analysis supporting the application of the Rural Living Zone or (b) the land is currently zoned Environmental Living.</p> <p>Neither (a) or (b) apply to this land and therefore the Rural Zone is the most appropriate zone for the site.</p>
Recommended action	No modification to the draft LPS is required.
Effect of recommended action on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

415.	Derek Turnbull and Angela Boden
Matters raised	<p>The representation requests 55 Garthfield Avenue, Cygnet (PID: 3506357; CT: 111743/1) be zoned Future Urban rather than Rural.</p> <p>Representation general comments:</p> <ol style="list-style-type: none"> 1. There is a clear need for more residential land within the Cygnet Township Boundary. 2. Title 111743/1 provides an ideal location for future urban growth. It is located within close proximity to the township centre and recreational open space. 3. Title 111743/1 adjoins the current Future Urban Zone on two boundaries. 4. Inclusion of title 111743/1 in the Future Urban Zone complies with the <i>Southern Tasmania Regional Land Use Strategy 2010-2035</i>, the <i>Huon Valley Council Strategic Plan 2015-2025</i> and section 32 of the <i>Land Use Planning and Approvals Act 1993</i>.  <p>Figure 1. Site location and existing zoning</p>
Planning Authority response	<p>The site is zoned Rural Resource under the HVIPS. In accordance with FUZ1, identifying land as future urban requires a detailed strategic analysis through a Land Use and Settlement and Development Strategy, a structure plan for Cygnet or similar. Given the land is currently zoned Rural Resource and is outside of the town boundary identified in the HVLUDS 2007, with no other more recent structure or master plan having been prepared for the area, the Rural zone is considered the most appropriate zone for the site.</p>
Recommended action	<p>No modification to the draft LPS is required.</p>
Effect of recommended action on the draft LPS	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
Meets LPS criteria	<p>The Planning Authority recommendation meets the LPS criteria.</p>

416.	Mr L L Hyde & Mr R G Hyde (<i>Bernard Cleary – Town Planner</i>)
Matters raised	<p>The representation requests the property at Jacksons Road, Franklin (PID: 2618947; CT: 212656/1) be zoned Rural Resource rather than Landscape Conservation.</p> <p>Representation general comments:</p> <ol style="list-style-type: none"> 1. The 22 ha site is part of a broader landholding owned and managed by the Hyde Family since the 1970’s and now in the ownership of Mr R G Hyde & L L Hyde. 2. The site has continually been used for a range of lawful practices including small cropping, cattle grazing, factory furnace wood, domestic firewood and fence post collecting, weed management, fire management practices etc. 3. It is noted such practices are evidenced as having been both suitable and sustainable in that the subject landholding is now under consideration for inclusion in the proposed “landscape Conservation Zone”. 4. Whilst the 22ha parcel includes some areas which contribute to Landscape Conservation values, primarily due to sustainable and appropriate past practices, it is these rural resource practices and current zone policy that has underpinned and enhanced the landscape values over time. 5. Limiting this sites policy intent to the narrower Landscape Conservation focus may itself be problematic in attaining that suitable balance between conservation and resource management practice as has existed for many decades. 6. Accordingly, the suitability of this site to effectively represent the intent of the LCS is questioned. It does not appear to appropriately meet the scale criteria for LCZ consideration. 7. Accordingly, I request this site REMAIN in the Rural Zone and NOT BE included in the Landscape Conservation Zone as proposed.  <p>Figure 1. Site location and existing zoning</p>
Planning Authority response	<p>The subject site is over 20 ha in size, is steep, contains a waterway, and contains and is connected to a larger bushland area. It is considered that this bushland area contributes to the scenic backdrop of the Huon Valley and the intensity of use allowable under the Rural Zone is not appropriate for the site; that is, the current small scale activities undertaken on the site are generally consistent with the Landscape Conservation Zone. Accordingly, the Landscape Conservation zone is considered the most appropriate zone for the site.</p>
Recommended action	<p>No modification to the draft LPS is required.</p>

Effect of recommended action on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

417.	TasNetworks
Matters raised	<p>The representation identifies that TasNetworks assets within Huon Valley Council's Local Government Area include: three substations, two communication sites and four electricity transmission corridors.</p> <p>The draft LPS includes the ETIPC overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks examined the ETIPC overlay maps to ensure that it applies to all relevant assets and that the locations of these assets are correct.</p> <p>In preparing the representation, TasNetworks reviewed the draft LPS maps for each of its assets to ensure:</p> <ul style="list-style-type: none"> • Utilities zoning is applied to existing substations and communication facilities. • Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated. • The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation. • The Scenic Protection Code – Scenic Protection Area has not been applied to substations, communication site or corridors. <p>Representation general comments:</p> <ol style="list-style-type: none"> 1. Inconsistent with TasNetworks Policy Position in terms of zoning and therefore do not support the application of the Landscape Conservation Zone along the following lines: <ul style="list-style-type: none"> • Line 432 Chapel Street – Knights Road 110kV • Line 486 Knights Road – Electrona 110kV • Line 436 Knights Road – Kermandie 110kV 2. TasNetworks seek the removal of the priority vegetation overlay from: <ul style="list-style-type: none"> • Kermandie Substation • Huon River Substation • Grey Mountain Communication Site • Kermandie Substation Communication Site. 3. Application of Scenic Protection Code Overlay not supported to the following sites: <ul style="list-style-type: none"> • Line 432 Chapel Street – Knights Road 110kV • Line 486 Knights Road – Electrona 110kV • Line 436 Knights Road – Kermandie 110kV 4. PPZ3.0 should have Utilities as an allowable use class

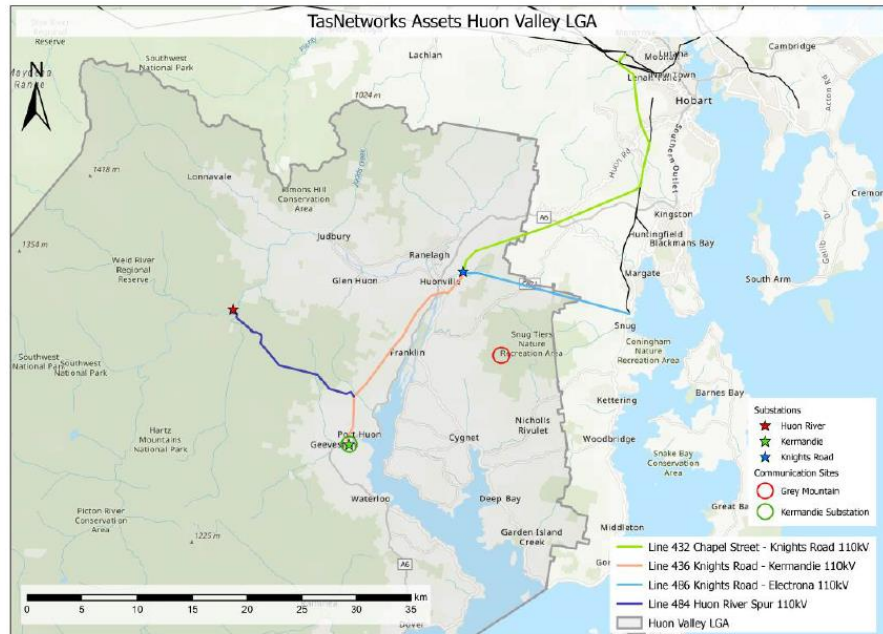


Figure 2 TasNetworks Assets within Huon Valley LGA

Figure 1. TasNetworks Assets

Planning authority response

Kermandie Substation and Communication Site – the planning authority has no objection to removing the priority vegetation overlay from the area of the site that does not contain native vegetation.

Huon River Substation – the planning authority has no objection to removing the priority vegetation overlay from the area of the site that does not contain native vegetation.

Grey Mountain Communication Site – the planning authority has no objection to removing the priority vegetation overlay from the area of the site that does not contain native vegetation.

Application of the Scenic Protection Code – as TasNetworks correctly identify, the application of this overlay has been directly translated from the current interim planning scheme. To amend or remove this overlay requires a detailed landscape assessment to ensure that any changes do not result in a disjointed overlay or unintended impacts on landscape values. The planning authority therefore does not support a change in the scenic protection code without this detailed assessment supporting such a change.

Application of Landscape Conservation Zone to parts of:

- Line 432 Chapel Street – Knights Road 110kV;
- Line 486 Knights Road – Electrona 110kV; and
- Line 436 Knights Road – Kermandie 110kV.

Although not explicit in the representation it is understood that the TasNetworks preference would be to have the existing 110kV lines zoned Utilities or a zone other than Landscape Conservation and Environmental Management to provide certainty for future augmentation and maintenance of the line, consistency between the existing use, applicable zones, and applicable codes, as well as clear messaging to the community. Whilst the planning authority does not disagree that this is a sound approach, it is also important that there is consistency with the zoning of transmission line corridors across the state. The approach is understood to be the reliance on the underlying zoning of the area; noting this

	<p>includes Environmental Management (which has a similar performance criterion for building height as the Landscape Conservation Zone).</p> <p>That said, consideration of Utilities and/or having regard to the operational requirements of the use as part of the development standards for height under the Landscape Conservation Zone should be considered as part of the SPP review.</p> <p>Given these lines exist and consequently, the visual effect of the height and linear nature of the infrastructure has occurred, the importance of consistent zoning application across the state, and the current review of the SPP's, no change to the underlying zoning is recommended.</p> <p><u>Utilities use class in PPZ3.0 – Franklin Marine and Tourism Precinct and</u> TasNetworks identified that the Utilities use class including Minor Utilities should be either No Permit Required, Permitted or Discretionary, not prohibited. The Planning Authority does not disagree. Accordingly, the planning authority has no objection to including Minor Utilities as a discretionary use class and Utilities as permitted.</p> <p><u>Finite building height in SAP 2.0 Eggs and Bacon Bay Specific Area Plan</u> The specific area plan for Eggs and Bacon Bay has an absolute height limit under an acceptable solution of 5.0 m (there is no corresponding performance criterion). The Planning Authority does not agree with TasNetworks that this is inconsistent with the SPP's polices. That is under 4.6 – Use and development standards in a PPZ or SAP:</p> <ul style="list-style-type: none"> • <i>It is possible to have an Acceptable Solution and no Performance Criteria, or vice versa.</i> <p>In adequate evidence has been provided by TasNetworks to justify that an additional height limit to 5 m should be considered, whether for Utilities or otherwise.</p> <p><u>Subdivision within SAP 2.0 Eggs and Bacon Bay Specific Area Plan</u> TasNetworks requests that the subdivision standards include the ability for <i>subdivision for public use by the Crown, a council or a State, authority or required for the provisions of Utilities</i>. The planning authority has no objection to including this standard in the SAP.</p> <p><u>Utilities use class in SAP 3.0 Green Point Specific Area Plan</u> TasNetworks identified that the Utilities use class including Minor Utilities should be either No Permit Required, Permitted or Discretionary, not prohibited. The Planning Authority does not disagree. Accordingly, the planning authority has no objection to including minor utilities as a discretionary use class and Utilities as permitted.</p> <p><u>Subdivision within SAP 3.0 Green Point Specific Area Plan</u> TasNetworks requests that the subdivision standards include the ability for <i>subdivision for public use by the Crown, a council or a State, authority or required for the provisions of Utilities</i>. The planning authority has no objection to including this standard in the SAP.</p>
Recommended action	<p>Recommended actions as follows:</p> <ul style="list-style-type: none"> • For the Kermantie Substation and Communication Site, Huon River Substation and Grey Mountain Communication Site remove the priority vegetation overlay from the area of the site that does not contain native vegetation. • Amend the PPZ3.0 Franklin Marine and Tourism Precinct to have Minor Utilities as permitted and Utilities as discretionary. • Amend the subdivision standard within SAP 2.0 Eggs and Bacon Bay Specific Area Plan to include the ability for <i>subdivision for public use by the Crown, a council or a State, authority or required for the provisions of Utilities</i>.

	<ul style="list-style-type: none"> • Amend the Utilities use class in SAP 3.0 Green Point Specific Area Plan to include minor utilities as a discretionary use class and Utilities as permitted. • Amend the subdivision within SAP 3.0 Green Point Specific Area Plan to include the ability for <i>subdivision for public use by the Crown, a council or a State, authority or required for the provisions of Utilities.</i> <p>No other modification to the draft LPS is required.</p>
Effect of recommended action on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.