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Tasmanian Planning Scheme Consultation





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 - 11.0 Inner Residential
 - 12.0 Low Density Residential
 - 13.0 Rural Living
 - 14.0 Environmental Living
 - 15.0 Urban Mixed Use
 - 16.0 Village
 - 17.0 Community Purpose
 - 18.0 Recreation
 - 19.0 Open Space
 - 20.0 Local Business
 - 21.0 General Business
 - 22.0 Central Business
 - 23.0 Commercial
 - 24.0 Light Industrial







Planning Authority response

The lot is zoned Rural Resource under the interim planning scheme. In accordance with 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...

The STRLUS (see regional policy SRD1.3) supports the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. It is highlighted that the pattern of small lot sizes in the LGA (i.e. only 13 % of lots in the Municipal Area are greater than 10 ha) is a unique characteristic of the LGA in that there is a substantial portion of lots being of a size typically associated with a rural-residential lifestyle – 26 % of lots are between 1 ha – 10 ha. Therefore, whilst it is recognised that the rezoning would provide for limited subdivision, given the land is not part of a recognised Rural Living or Environmental Living community and the proportion of lot size between 1 ha – 10 ha in the LGA, any increase in the Rural Living Zone needs to be considered

Meeting: 25.01.23
Item Number: 10.003/23*

	<u>on a municipal level with supporting detailed strategic analysis to avoid an incremental continuous increase in Rural Living land.</u> <u>Accordingly, the most appropriate zone for the site is Rural.</u>
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.

321.	Marek and Angela Kadziolka
Matters raised	The representation requests 293 Umfrevilles Road, Kaoota (PID: 5692480; CT: 236603/1) and neighbouring PID: 5692501; CT: 245440/1 be zoned Rural rather than Landscape Conservation.

1. Does STRLUS prevent the property being rezoned to Rural Living?
2. Does the characteristics of lot size within the LGA mean that detailed strategic analysis must be done before there can be any increase in Rural Living Zone?

If the answers to Questions 1 and 2 are no, then there is no basis for the assertion that 'the most appropriate zone for the site is Rural' and the key question becomes:

3. Does Rural Living or Rural 'achieve the zone purpose to the greatest extent possible'?

11 July 2016

Our Ref: 17/29
Your Ref:
Enquiries to: Michael Bartlett

Ms Pamela Scott
Chair of Delegated Panel
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Attn: Mitchell Clark

Dear Madam

**Directions from the Tasmanian Planning Commission
Representations 21, 23, 24, 36, 37 & 42 to the Huon Valley Interim
Planning Scheme 2015
Zoning of Franklin Township**

I refer to your letter of 27 April 2016 and in particular Direction No. 6 seeking response submissions from Council in regards to submissions received by Mr Shane Johnson and Mr Martin Riddle in regards to the utilisation of the Particular Purpose Zone 1 and Rural Living Zone in Franklin.

Council considered the matter at its meeting of 22 June 2016 and resolved that it submit to the Commission that the zoning of Franklin township under the *Huon Valley Interim Planning Scheme 2015* be amended as follows:

- 9 New Road (Certificate of Title Volume 152709 Lot 7), 12 Old Road (Certificate of Title Volume 102910 Lots 2 & 3), 14 Temperance Lane (Certificate of Title Volume 30484 Lot 1) and Part of 11 Old Road, Franklin (Certificate of Title Volume 101857/1) be rezoned from Particular Purpose Zone 1 – Urban Growth Zone to Village; and
- 43 New Road (Certificate of Title Volume 144704 Lot 1), Old Road (Certificate of Title Volume 102910 Lot 1), and Part of 11 Old Road (Certificate of Title Volume 101857 Lot 1) be rezoned from Particular Purpose Zone 1 – Urban Growth Zone to Rural Resource.

It is Council's opinion that the recommended rezoning represents a reasonable translation of the zoning under the Huon Planning Scheme 1979 and is, as far as practicable, consistent with the Southern Tasmania Regional Land Use Strategy.

Council further submits that the area between Old Road and Temperance Lane zoned Rural Living should remain as currently zoned as it is consistent with SRD 1.3(a) of the Southern Tasmania Regional Land Use Strategy.

In order to progress the matter we have attached a draft Urgent Amendment in relation to the recommended rezoning for your consideration.

A copy of the report and minutes of the Council meeting is also attached for your information. Particular attention is drawn to Council's resolution to develop a project plan for the preparation of a settlement/structure plan for Franklin to inform the development of the Local Provisions Schedule for Huon Valley Council. It is envisaged that this strategic process will involve community consultation and may identify further rezoning of land.

We trust that this addresses the Commission's request in regards to Direction No 6. Please let me know if you have any queries.

Yours faithfully



MICHAEL BARTLETT
DEVELOPMENT SERVICES COORDINATOR

Attachments:

Draft Urgent Amendment

*Report and Minutes of the Ordinary Meeting of Huon Valley Council of
22 June 2016, Agenda Number 17.054/16**



Existing character and use of the property

The procedure of Tempest and Ketelaar (2018, Appendix 3) indicates the property has all the characteristics of an established Rural Living Area:

- Potential Land Use: 'Domestic-scale' characteristics
- Definition: Little or no use for agriculture
- Resources: Generally 1-8 ha in area; Land Capability variable; water for irrigation unlikely
- Connectivity: Moderate to significant Constraints; Residence on the title; Residences in close proximity; Little or no connectivity to unconstrained titles
- Objectives for Planning: Provide opportunities for rural residential lifestyle choice without risking loss of the agricultural resource; may contribute to buffering at the rural/residential interface

Tempest and Ketelaar (2018) conclude that for such properties:

"If the title is part of a cluster of lots with 'domestic-scale' characteristics where potential is negligible, the land area is in effect already converted and would be considered an established Rural Living area"

The property is part of a cluster of 22 properties that are already zoned as Rural Living B. The property has therefore already effectively been converted from rural use and would be considered an established rural living area.

Zone Purpose	Whether applying the zone would 'achieve the zone purpose to the greatest extent possible'
<p>20.0 Rural Zone - The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p>	<p>Applying the Rural Zone to this property would do little to achieve the zone purpose.</p> <p>The Rural Zone has no Use Standards to limit the hours of operation of the Permitted Uses. Many of the Permitted Activities in the Rural Zone, if undertaken on the property, would create significant loss of amenity for nearby high-density residential areas because of the proximity of the property to the Village Zone of Franklin.</p> <p>The only reason Council has for applying the Rural Zone is to put the land in a holding pattern pending detailed strategic analysis'</p>
<p>Rural Living Zone - The purpose of the Rural Living Zone is:</p> <p>11.1.1 To provide for residential use or development in a rural setting where:</p> <p>(a) services are limited; or</p> <p>(b) existing natural and landscape values are to be retained.</p> <p>11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.</p> <p>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.</p> <p>11.1.4 To provide for Visitor Accommodation that is compatible with residential character.</p>	<p>Applying the Rural Living Zone to the property would achieve the zone purpose to a very significant extent.</p> <p>It would provide for residential use and/or development in a rural setting where services are limited, and existing natural and landscape values are to be retained.</p> <p>It would provide for compatible agricultural use and development without adversely impacting on residential amenity because the Permitted Uses in the Rural Living Zone are limited to low impact activities and the Discretionary Uses are all compatible with being undertaken in reasonable proximity to residential areas.</p> <p>It would provide for other use or development without causing an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts, because the Discretionary Uses have Use Standards limiting hours of operation so they do not cause unreasonable loss of amenity to adjacent sensitive uses (such as residential).</p>

Assessment Against the Zone Application Guidelines for Rural Living (RLZ 1)

Zone Application Guidelines	Assessment of the property against the Rural Living Zone application guidelines
RLZ 1 The Rural Living Zone should be applied to:	RLZ 1 supports application of the Rural Living Zone (RLZ 1.a)
(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	<p>Meets Guidelines.</p> <p>The existing use is a mix between residential and very low order rural activity (Domestic-scale). According to the procedure of Tempest and Ketelaar (2018) the property is in effect already converted and would be considered an established Rural Living area.</p>
(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	<p>Not applicable.</p> <p>The property is not currently in a Rural Living Zone in the interim planning scheme.</p>

Assessment Against the Zone Application Guidelines for Rural Living (RLZ 2)

Zone Application Guidelines	Assessment of the property against the Rural Living Zone application guidelines
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:	RLZ 2 supports application of the Rural Living Zone (RLZ 2.a)
(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	Meets Guidelines. Zoning as Rural Living is consistent with STRLUS, 19.7 Regional Policies SRD 1.3. (see next section: Assessment Against STRLUS).
(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.	Not applicable. The property is not currently in the Environmental Living Zone in the interim planning scheme.

Assessment Against the Zone Application Guidelines for Rural Living (RLZ 3)

Zone Application Guidelines	Assessment of the property against the Rural Living Zone application guidelines
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 :	RLZ 3 supports application of Rural Living Zone B (RLZ 3.a)
<p>(a) a reflection of the existing pattern and density of development within the rural living area; or</p>	<p>Meets Guidelines.</p> <p>The land should be zoned Rural Living Zone B. This would reflect the existing pattern and density of development because 22 properties nearby and adjacent are zoned Rural Living B in the LPS.</p>
<p>(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.</p>	<p>Not applicable</p> <p>The differentiation is a reflection of the existing pattern and density of development within the rural living area so further strategic justification is not required.</p>

Assessment Against the Zone Application Guidelines for Rural Living (RLZ 4)

RLZ 4 The Rural Living Zone should not be applied to land that:	RLZ 4 provides no reasons for not applying Rural Living Zone
(a) is suitable and targeted for future greenfield urban development;	<p>Not applicable.</p> <p>The land is not suitable or targeted for future greenfield urban development; such development would be contrary to STRLUS which has a 'Low/Consolidation' growth strategy/scenario for Franklin</p>
(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	<p>Not applicable.</p> <p>A split-zoning is proposed with Landscape Conservation Zoning to be applied to a small area of regenerating bushland in the western/upper part of the property.</p>
(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.	<p>Not applicable.</p> <p>The land is identified on the LIST as Potentially Constrained (Criteria 3) which recognises land use conflicts created by proximity to residential development of adjoining land.</p> <p>The land is also Potentially Constrained on economic grounds as it meets Criteria 2A. The capital value exceeds \$50,000/ha which was identified as a potential economic constraint for purchasing and amalgamating the land with neighbouring agricultural land.</p>

Rezoning to Rural Living B is consistent with the relevant regional land use strategy (STRLUS)

Relevant Regional Policies of STRLUS	Assessment for RLZ 2.a. – Is zoning the land as Rural Living consistent with the relevant regional land use strategy?
<p>SRD 1.3 Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:</p> <ol style="list-style-type: none"> 1. to existing rural living communities; or 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone. 	<p>Rezoning to Rural Living is consistent with this land use strategy.</p> <p>The land is already part of an existing rural living community. Applying the procedure of Tempest and Ketelaar (2018) the property is in effect already converted and would be considered an established Rural Living area. The land is not in an existing Environmental Living Zone in the interim planning scheme.</p>
<p>Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:</p>	<p>More than one of the policy conditions are met.</p> <p>The following STRLUS policy conditions are all met: SRD 1.3(a), (a.i), (a.ii), (c.i) to (c.vii).</p>

**Rezoning to Rural Living B is consistent with the relevant regional
land use strategy (STRLUS)**

Relevant Regional Policies of STRLUS	Assessment for RLZ 2.a. – Is zoning the land as Rural Living consistent with the relevant regional land use strategy?
a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:	<p>This policy condition applies and is met.</p> <p>The land is in an existing rural living community. Applying the procedure of Tempest and Ketelaar (2018) the property is in effect already converted and would be considered an established Rural Living area. The land is not currently explicitly zoned for Rural Living use.</p>
(i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and	<p>This policy condition applies and is met.</p> <p>The existing rural living community is substantial in size. It consists of 22 properties zoned Rural Living B. The total combined area of these properties is approximately the same as the area zoned as Village in Franklin. The land shares boundaries with properties zoned Rural Living B. The land has not been identified in any land use strategy as required for any other settlement purpose.</p>
(ii) only limited subdivision potential is created by rezoning.	<p>This policy condition applies and is met.</p> <p>Rezoning to Rural Living B creates the potential for only two additional lots – therefore only very limited subdivision potential is created by rezoning.</p>

**Rezoning to Rural Living B is consistent with the relevant regional
land use strategy (STRLUS)**

Relevant Regional Policies of STRLUS	Assessment for RLZ 2.a. – Is zoning the land as Rural Living consistent with the relevant regional land use strategy?
b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture) with other land better suited for rural living purposes, in accordance with the following:.....[sub clauses (i) to (v) not included here because the policy condition does not apply]	<p>This policy condition does not apply.</p> <p>The rezoning does not replace land currently zoned for rural living</p>
c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:	<p>These policy conditions apply and are met.</p>
<p>(i) the land must predominantly share common boundaries with:</p> <ul style="list-style-type: none"> • existing Rural Living zoned land; or • rural living communities which comply with SRD 1.3(a); 	<p>This policy condition applies and is met.</p> <p>The land shares common boundaries with properties that have existing Rural Living zoning (62 Old Road and other properties on the south side of Old Road) and properties which comply with SRD 1.3(a) (43 New Road).</p>

**Rezoning to Rural Living B is consistent with the relevant regional
land use strategy (STRLUS)**

Relevant Regional Policies of STRLUS	Assessment for RLZ 2.a. – Is zoning the land as Rural Living consistent with the relevant regional land use strategy?
(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;	<p>This policy condition applies and is met.</p> <p>The scale of Map 5 printed in STRULUS does not provide sufficient detail to assess whether or not the land is designated as Significant Agricultural Land.</p> <p>The land is identified on the LIST as Potentially Constrained (Criteria 3) which recognises land use conflicts created by proximity to residential development of adjoining land.</p> <p>The land is also Potentially Constrained on economic grounds as it meets Criteria 2A. The capital value of the land exceeds \$50,000/ha which is a potential economic constraint for purchasing and amalgamating the land with neighbouring agricultural land.</p>
(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and	<p>This policy condition applies and is met.</p> <p>The land is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth.</p>

**Rezoning to Rural Living B is consistent with the relevant regional
land use strategy (STRLUS)**

Relevant Regional Policies of STRLUS	Assessment for RLZ 2.a. – Is zoning the land as Rural Living consistent with the relevant regional land use strategy?
(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.	<p>This policy condition applies and is met.</p> <p>The management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy and will be done in accordance with all relevant Codes and Overlays.</p>