

**From:** [dennis@canditt.com.au](mailto:dennis@canditt.com.au)  
**To:** [TPC Enquiry](#)  
**Subject:** FW: 21 Steeles Rd, Nicholls Rivulet - Zone Request Lodgement  
**Date:** Friday, 1 September 2023 10:30:02 PM  
**Attachments:** [Cantwell\\_RedSeal\\_HuonLPS\\_1Sept2023.pdf](#)

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Dear TPC,

With regard to the Attachment A – Directions Schedule for Huon Valley Draft LPS, issued 9/8/23, Direction 33 - Jacinta and Dennis Cantwell.

We hereby submit the requested further advice from Red Seal Planning.

Thank you and regards,  
Dennis & Jacinta Cantwell  
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**From:** Trent Henderson <redsealplanning@gmail.com>  
**Sent:** Friday, September 1, 2023 3:25 PM  
**To:** jacinta@canditt.com.au  
**Cc:** dennis@canditt.com.au  
**Subject:** Re: 21 Steeles Rd, Nicholls Rivulet - Zone Request Lodgement

Please see attached

### **Trent J. Henderson**

BA(Hons), GCertUrbDes, MEnvPlg, MCulHerMus, RPIA

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## **RED SEAL Urban & Regional PLANNING**

**M:** +61 411 631 258 : [LinkedIn](#)  
**nipaluna / Hobart, Tasmania**

***Red Seal Planning respectfully acknowledge the Traditional Owners of the land, the Muwinina band of the South-East Nation, on which we work and learn, and pay respect to the First Nations Peoples of lutruwita (Tasmania), the Palawa, and their elders, past, present and future.***

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*This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the intended recipient please let me know.*

On Thu, 31 Aug 2023 at 10:29, <[jacinta@canditt.com.au](mailto:jacinta@canditt.com.au)> wrote:

Hi Trent,

Thanks again for your time and patience on the phone last week.  
Invoice paid thank you.

Apologies also for the delay in our response regarding the preferred zoning request to submit to TPC in preparation for our upcoming September hearing.

After further deliberation we have decided on a Rural Living Zone as our preference.

In particular agreement with your final comments that potential purchasers of the new lots would no doubt be scared off with the LCZ. We realize that this is not an argument that concerns Council but that is a key reason why we prefer RLZ as a preference.

Also heeding your advice we want to avoid any 'Rural' Zoning.

Tim Davies of Baker Wilson Lawyers will be submitting the Part 5 agreement to Council by this Friday and will seek to have the building envelopes of Lot 2 and Lot 3, as detailed in the approved Subdivision Plans, acknowledged within that Agreement, as you suggested. He agreed it would make the permitted envelope locations pretty binding, regardless of the new zoning.

It was also his professional opinion that, as per the well accepted precedent, that the sub-division, having been approved under the current planning scheme as Environmental Living Zone with accordingly compliant house envelopes shown, would have to be honoured by council, even if the planning scheme changed.

And in the end, it is just a change of planning scheme, just one involving re-zoning?

Logically it would follow that the required setbacks would remain as 100m as deemed under the ELZ?

Would this then mean that the application for a dwelling would not automatically revert to discretionary or is that Crystal Ball stuff?

Our argument for Rural Living Zone as the subdivided 3 lots is supported by the following points:

1. If the advice per Tim Davies is correct then Rural Living would have Residential as no permit required (advantageous over LCZ)
2. Greater scope per the Resource Development (advantageous over LCZ)
3. Visitor accommodation is permitted under RLZ (advantageous over LCZ)
4. Better resale value over LCZ
5. That Council's intention with the Subdivision approval is more reflective of proposed Rural Living Lot cluster sizes in the area to the south, and when the sub-division is finalised, there will of course be three RLZ lots, not one "spot" RLZ lot as it may initially be.
6. That it also better reflects the actual land use of lots to the north as discussed
7. That measures have already been taken to protect, in perpetuity, the areas of high conservation and landscape value as contained in the Part 5 Agreement

Welcome your thoughts,

Unfortunately we have to submit something to TPC by tomorrow (Sept 1<sup>st</sup>) and have not allowed you much time. Very sorry for this and understand if this is not possible.

Kind regards,  
Jacinta and Dennis



# RED SEAL

Urban & Regional Planning

1 September 2023

Rep No. 70

Mr J Ramsay  
Delegate (Chair)  
Hoon Valley draft Local Planning Schedule  
Tasmanian Planning Commission  
[tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Mr Ramsay

## REVIEW OF HUON VALLEY LOCAL PROVISION SCHEDULE (HV-LPS) AT 21 STEELES RD, NICHOLLS RIVULET

I have been requested by the property owners and representors Jacinta & Dennis Cantwell to review the zoning of land at 21 Steeles Rd., Nicholls Rivulet (PID: 7255428 & CT: 243642/1) under the Tasmanian Planning Scheme – Huon Valley (TPS-HV) whether Landscape Conservation Zone (LCZ) or Rural Zone (RZ) is more applicable to the actual land use, or alternatively is there a more appropriate zoning.

It is understood that the property has approval to be subdivided into three lots and this subdivision has already commenced. It is appreciated that an initial review of the site may direct an outcome that results in the site being zoned LCZ; however, this does not necessarily reflect the activity that is occurring on site.

In analysing the surrounding area specifically, the valley to the north of the site reveals that the properties are characterised by single dwellings on small to medium rural lots and whilst they appear to have some livestock grazing are not of a size to be considered larger than a small holding. Most of these lots appear to have a dwelling established and there is no single large agricultural business likely to consolidate the lots. Additionally, within the LIST Map's Land Use layer, other than a couple of lots, most of the land on the valley floor is described as *Rural residential without agriculture*. That is the existing land use of the area is rural residential in type.

Considering the established land use and the likelihood of any intensification of an agricultural use beyond a small holding or cottage home occupation scale, the most appropriate and applicable zone purpose statements that apply within the SPPs relate to Rural Living Zone. As a result, in reviewing the approved and established land activity the most appropriate zoning for this site and for the land to the north on the valley floor is that of Rural Living Zone D.

It is appreciated that a couple of lots may possibly be split into two, with a minimum lot size of 10-hectares; however, this should not be seen as an expansion of new residential area. Instead, applying Rural Living Zone D to the site and surrounding area is recognition of the existing land use activity already established, regardless of the current zoning application, consistent with SRD-1.3(a) of the *Southern Tasmania Regional Land Use Strategy 2010–2035*.

Please do not hesitate to contact myself directly on 0411 631 258 if you have any questions or urgent matters.

Yours sincerely,

**TRENT J. HENDERSON**

BA(Hons), GCertUrbDes, MEnvPlg, MCulHerMus, RPIA

**Principal Planner**

**RED SEAL Urban & Regional PLANNING**

Assoc. Member Australian ICOMOS