

Wednesday, 5 July 2023

Ref: 305528_L01_Rev0

The General Manager
Kentish Council
69 High Street
Sheffield TAS 7306
Email: council@Kentish.tas.gov.au

Dear Sir

Representation to Draft Kentish Local Provisions Schedule – Tasmanian Planning Scheme

Veris Australia Pty Ltd has been engaged by Rodney J. Blenkhorn, owner of 1969 Railton Road and, together with his father Murray J. Blenkhorn, owner of 1967 Railton Road, Railton (FR144608/3 and FR144609/1) to submit a representation on his behalf in respect to the Draft Kentish Local Provisions Schedule.

The subject site comprises an area of about 41.4ha. It is identified as mostly class 4 and partially as class 5 and class 6 land which is defined within the Land Capability Handbook 1999 as:

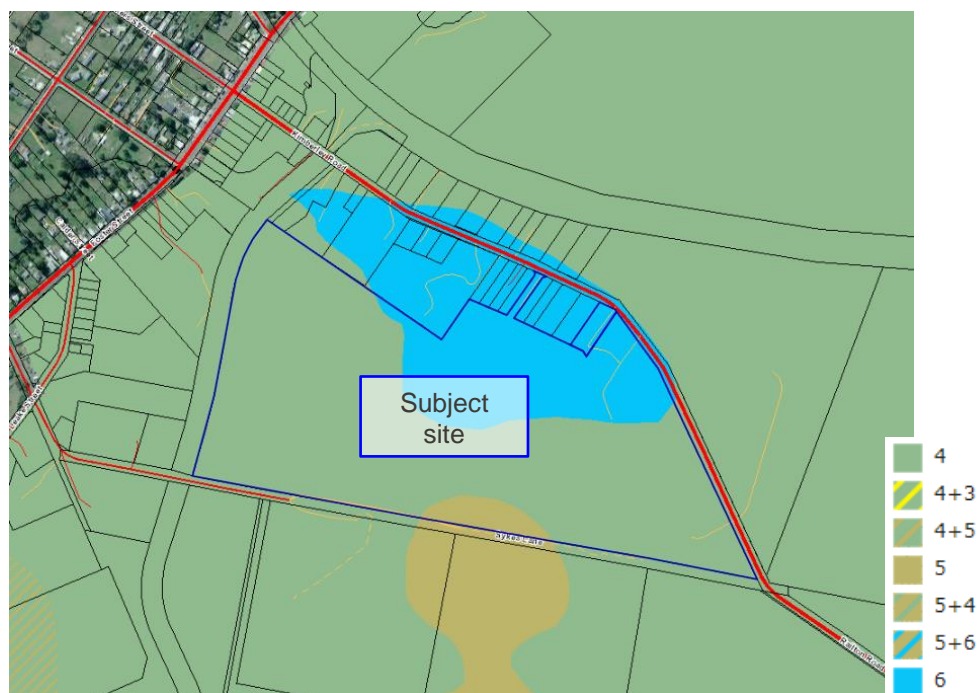


FIGURE 1: LAND CAPABILITY

CLASS 4

“Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

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Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)"

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."

CLASS 6

"Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover."

Due to its physical constraints and existing surrounding developments, the property is restricted for agricultural purposes.

The land is accessed off Railton Road and has additional frontage to Kimberley Road (access strip) and Dowbiggin Street / Skyes Lane. The subject site also adjoins Crown land to the west (marked as "other Railway Reserve"), which appears to be developed as walking track connecting Kimberley Road and Dowbiggin Street.

The 1967 Railton Road has access to reticulated services as shown in Figure 2 below.



FIGURE 2: WATER (LEFT) AND SEWER (RIGHT) SERVICED LAND (SOURCE: LIST)

PROPOSED ZONE

The Draft Kentish LPS proposes to apply the Rural Zone to the subject land.

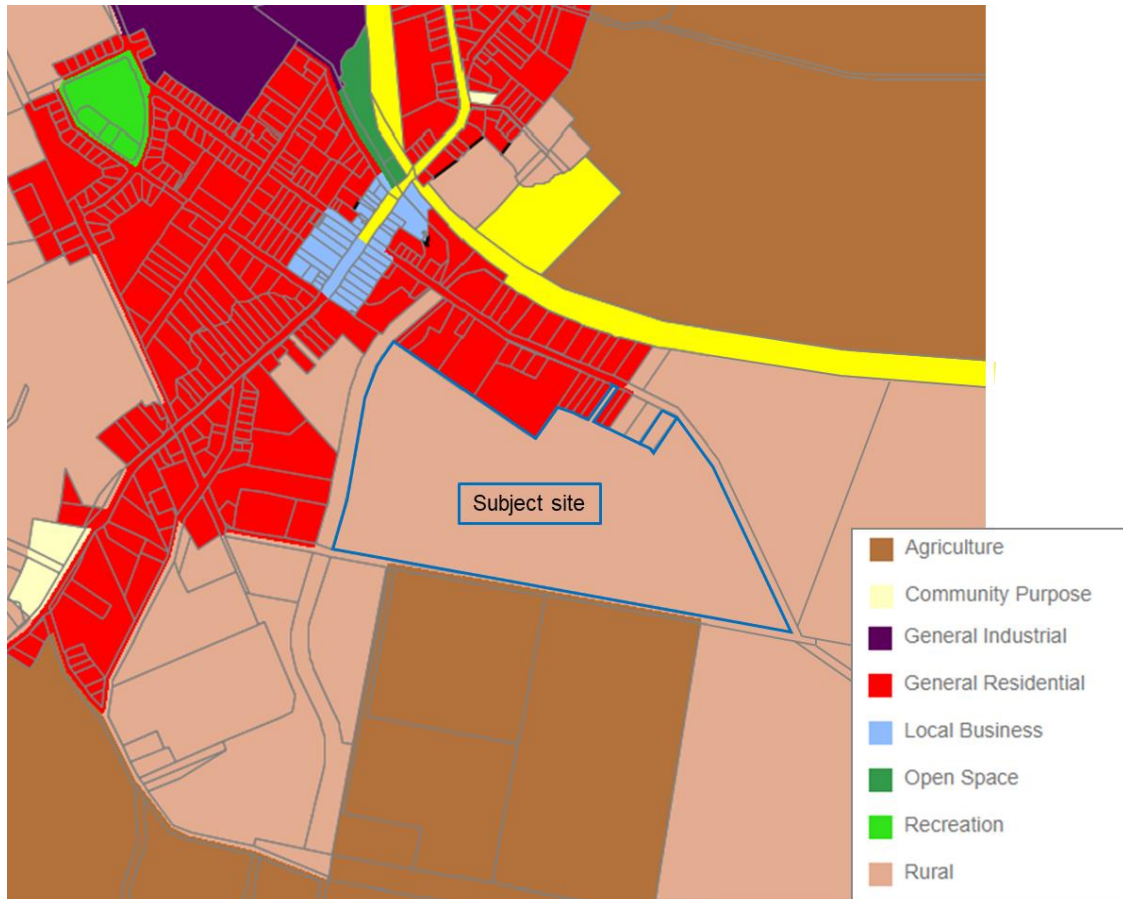


FIGURE 3: EXTRACT ZONING MAP DRAFT KENTISH LPS

Figure 3 shows that the subject site is proposed to adjoin General Residential zoned land to the north and west (although some smaller Rural titles in between). A small cluster of small titles (including part of the subject land) to the north are also proposed for Rural although the existing development on the subject land and the lot configurations indicates a residential land use. Land adjoining the subject land are either proposed to be zoned Rural or Agriculture.

ZONE PURPOSE

The primary objective of the Draft Kentish Local Provisions Schedule is to apply a zone to achieve the zone purpose to the greatest extent possible (*Guiding Principle 3.4 prepared under Section 8A LUPA 1993*).

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 does not compromise the function of surrounding settlements.

The subject site and adjoining properties are currently zoned Rural Resource. We assume the proposed translation to Rural zoning is based on the recommendation to apply the Rural or Agricultural Zone for land currently zoned Rural Resource. In this context the proposed zone is applied correctly; however, the primary objective of the Draft Kentish Local Provisions Schedule is to apply a zone to achieve the zone purpose to the greatest extent possible (*Section 8A Guiding Principle 3.4*).

The subject site was excluded from the Land potentially suitable for Agriculture Zone analysis (see Figure 4).

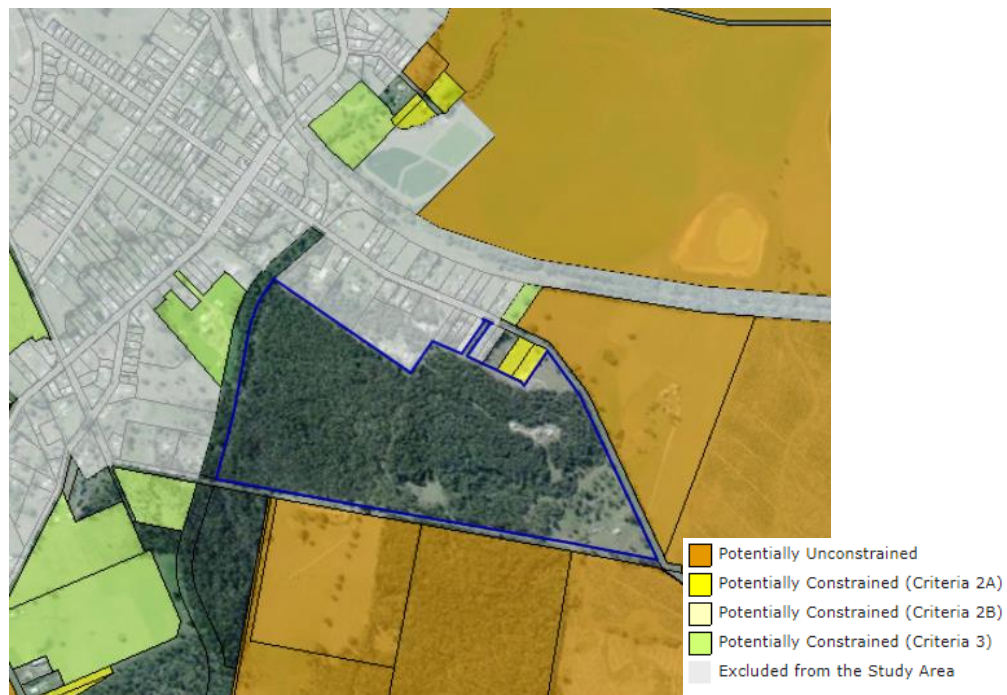


FIGURE 4: LAND POTENTIALLY SUITABLE FOR AGRICULTURE ZONE LAYER (THE LIST)

POTENTIAL ZONE ANALYSIS

The Railton Strategic Plan identifies the need for Rural Living zoned land surrounding the township to provide for greater housing options. Rural residential has been established in the area in the past on Rural Resource zoned land, where residential development is limited. This has resulted in the creation of irregular and uncoordinated development pattern.

The subject site (FR144609/1) has been identified within the Railton Strategic Plan 2017 to be development for rural residential purposes to provide a greater housing choice. It also recognised the potential bushfire risk of the site due to its dense vegetation in close proximity to the Railton township.

Rural Living Zone (RZ)

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.

Table 2: Zone Application guidelines Rural Living Zone (Section 8A)

Zone Application Guidelines	Comment
<p>RLZ 2</p> <p>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</p> <ul style="list-style-type: none"> (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. 	<p>The Cradle Coast Regional Land Use Strategy acknowledges that Kentish is “largely a rural residential community within commuter distance of Devonport” (p.166).</p> <p>The Railton Strategic Plan states that there is “<i>no opportunity for residential use on larger lots in a rural setting on suitably zoned land in the Railton area</i>” (p.22) It also identifies the subject site to be used for future rural residential purposes and recommend the rezoning to Rural Living (p.22-23).</p>
<p>RLZ 3</p> <p>The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:</p> <ul style="list-style-type: none"> (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 	<p>The existing pattern in the area are consistent of general residential lots and irregular (rural living type) residential development on larger lots within the Rural Resource Zone.</p> <p>The Rural Living Zone A would allow for the coordinated and orderly development of the land for rural residential purposes, which would be a desired addition to the currently limited available housing options.</p> <p>The development of the subject site and resulting lot sizes would be guided by existing</p>

Zone Application Guidelines	Comment
analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.	<p>site constraints.</p> <p>The Rural Living A classification would provide greatest flexibility to sufficiently develop the land. The Railton Strategic Plan 2017 identified the land to be zoned Rural Living A (as classification was not available in previous planning scheme and no reference has been made to amend minimum lot size)</p>
<p>RLZ 4</p> <p>The Rural Living Zone should not be applied to land that:</p> <ul style="list-style-type: none"> (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. 	<p>The subject land has been excluded from the 'Land Potentially Suitable for Agricultural Zone' layer. The land has been identified within the Railton Strategic Plan 2017 to be zoned for rural residential purposes. The Strategy also recognises that Railton does not provide for rural residential zoned land although the need is demonstrated through ad-hoc and uncoordinated rural residential like developments within the Rural Resource Zone.</p> <p>The existing natural features on site (vegetation, waterway) can be sufficiently protected with applicable Code overlays.</p>

Additional to the Rural Living Zone A for the larger portion of the subject site, it is furthermore requested to amend the zoning of FR144608/2 to General Residential in line with existing land use and lot configuration. Although not subject to this representation, it is recommended to also include the adjoining smaller titles to the west into the General Residential Zone to provide for a continuous extension of the General Residential use on land which is already perceived and used for residential purposes.

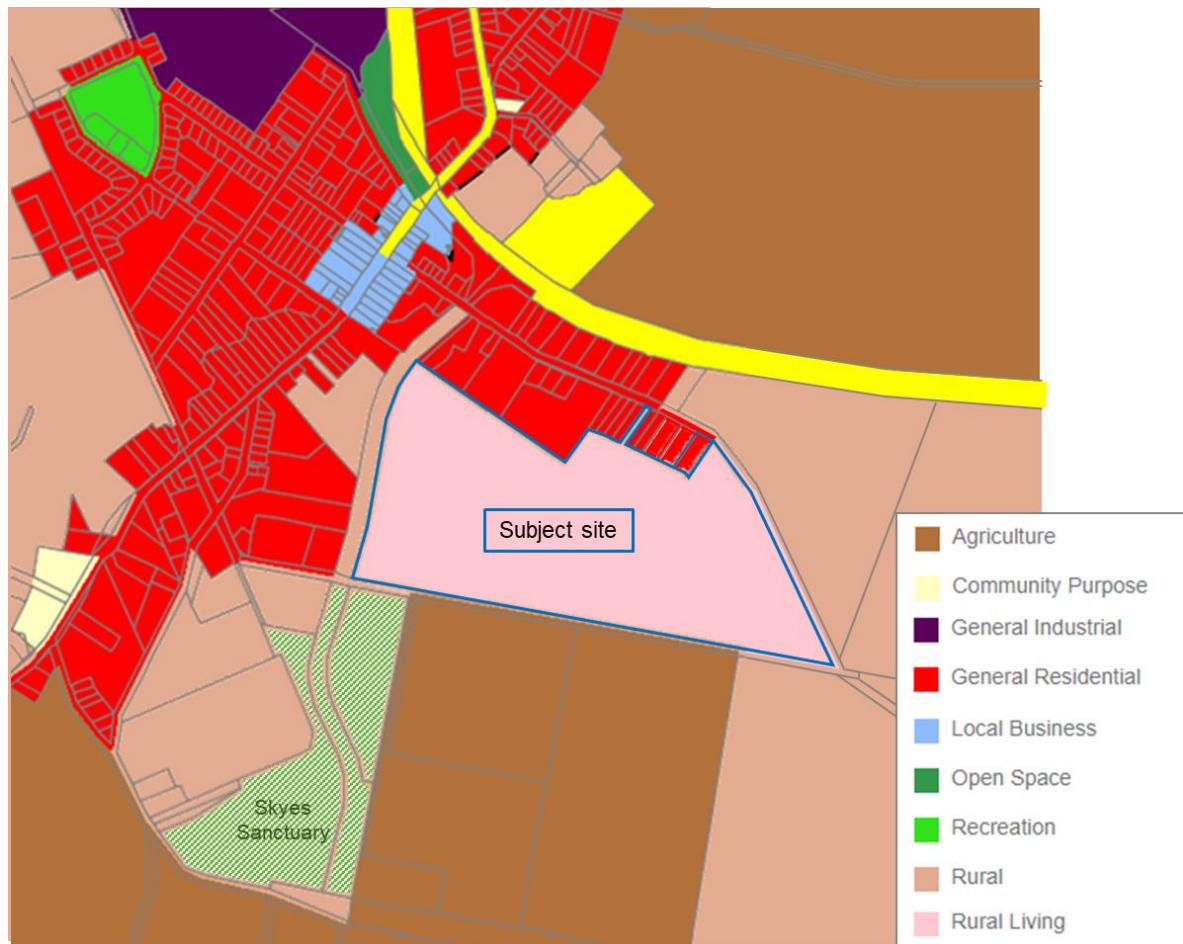


FIGURE 5: POTENTIAL RRZ AND GRZ ZONING OF SUBJECT SITE AND ADDITIONAL IDENTIFIED LAND

SUMMARY AND CONCLUSION

- The subject land has been excluded from the 'Land Potentially Suitable for Agricultural Zone' layer.
- The subject site has been identified as future rural residential land within the Railton Strategic Plan 2017.
- The zoning of the land for rural residential development would close the available housing option gap identified within the Railton Strategic Plan and protect the residential amenity of the area.
- 1969 Railton Road should be zoned according to existing land use.
- Although not subject of this application, the General Residential Zone should extend over two smaller titles to the east to provide for a continuous zone application.

We therefore submit that in order to best achieve the objectives of the Local Provisions Schedule that our client's land should be zoned Rural Living A (FR144609/1) and General Residential (FR144608/2). Council could additionally consider the rezoning of the adjoining land to the west to provide for a continuous General Residential Zone according to the existing land use pattern.

Your sincerely



Jana Rockliff

Town Planner