

From: jjo94481 jjo94481
Sent: Fri, 8 Apr 2022 16:02:16 +1000 (AEST)
To: Huon Valley Council
Subject: Local Provisions Schedule Submission
Attachments: Summary of Zone Changes.docx, LPS Submission 6 48 Old Rd.docx, LPS Submission 2 43 New Rd.docx, LPS Submission 5 LDR Amendment.docx, LPS Submission 4 Rural Living Amendment.docx, LPS Submission 3 Scenic Overlay.docx, LPS Submission 1 Village Zone Amendment.docx

Attn: General Manager

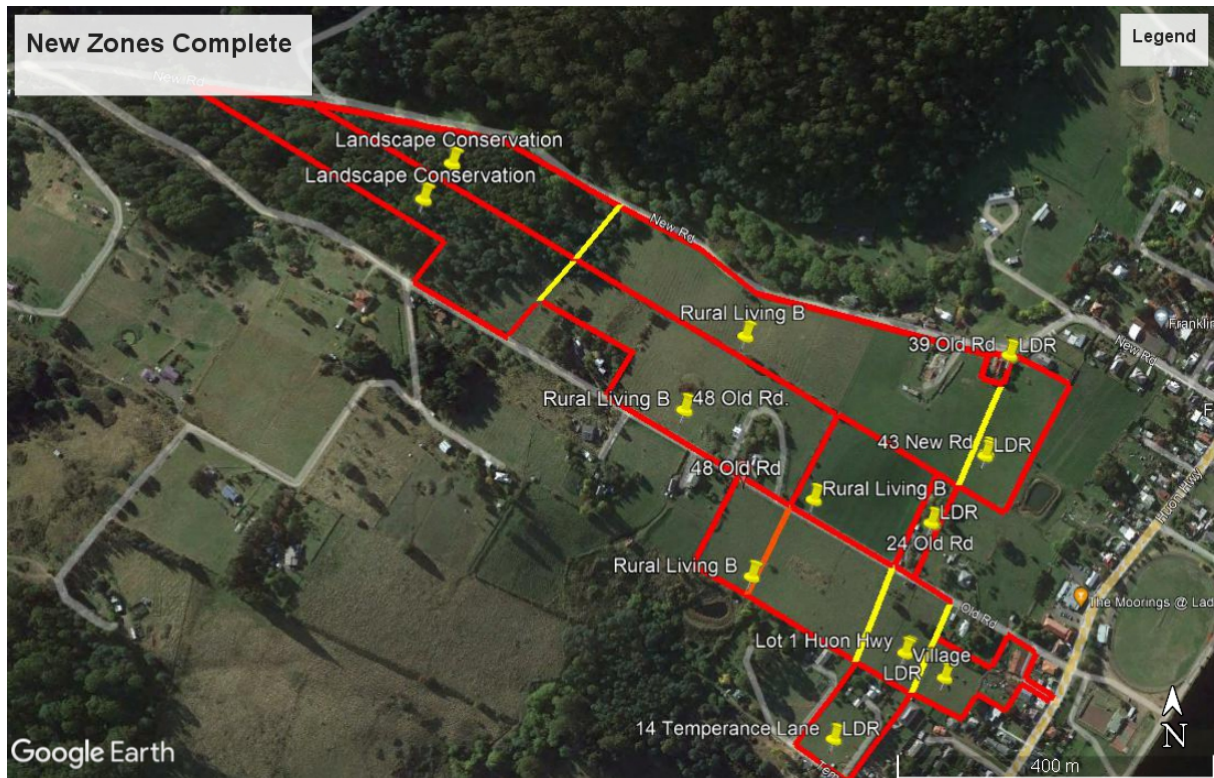
Please find attached my submission(s) with respect to the Local Provision Schedule for the Tasmanian Planning Scheme. Also attached is a summary of the zone changes consequent of the submission(s).

Please advise if the submission(s) need to be in a different format or if further information is required.

Regards

Shane Johnson
43 New Rd., Franklin
0408363196
8 April 2022

Summary of Zone Changes



43 New Rd

Rural to Low Density Residential (LDR), Rural Living B and Landscape Conservation

39 New Rd

Village to Low Density Residential

24 Old Rd

Village to Low Density Residential

(26) Old Rd

Rural to Rural Living B

48 Old Rd

Rural to Rural Living B and Landscape Conservation

Lot 1 Huon Hwy

Village, Rural and Rural Living B to Village (reduced), LDR and Rural Living B (enlarged)

14 Temperance Lane

Village to Low Density Residential

Various Titles without frontage to Huon Hwy.

Village to Closed Residential or Low Density Residential



Proposed zones in Draft LPS



Zones following my submission. I have not marked the areas currently zoned Village which do not have frontage to Huon Hwy as Closed Residential on this map.

The purposes of my submission(s) are to

1. retain the rural backdrop, narrow, low infrastructure lanes and linear town and prevent creeping suburbia. This in keeping with the Heritage Area Assessment by Corney. This would constrain residential growth generally to the 20m contour. This would be within the limits of existing road and water and sewerage infrastructure and would preserve the views to and from foreshore.
2. allow for limited Rural Living sub-division of land currently zoned Rural but incapable of intensive agricultural use. There would be a total increase of three (3) new Rural Living titles at 48 Old Rd (one) and 43 New Rd (two).
3. provide two (2) new Low Density Residential blocks at 43 New Rd. and a land bank of four (4) other potential Low Density Residential blocks.
4. preserve the area of bush behind the town i.e. between Old Rd and New Rd and on the hilltops.

Representation to the Huon Valley Local Provisions Schedule – Change of Zone for 48 Old Rd., Franklin from Rural to Rural Living B and Landscape Conservation

Purpose

This representation seeks to have 48 Old Rd., Franklin (CT 137432/2) currently zoned Rural rezoned to Rural Living B and Landscape Conservation.

Subject Area

48 Old Rd is a long, narrow title that sits just above the township of Franklin. It stretches for a distance of 850m up the hillside and is 125m at its widest and it diminishes to a point on New Rd.. The property faces north-north-east and fronts Old Road for much of its length.

It measures 6.89ha.

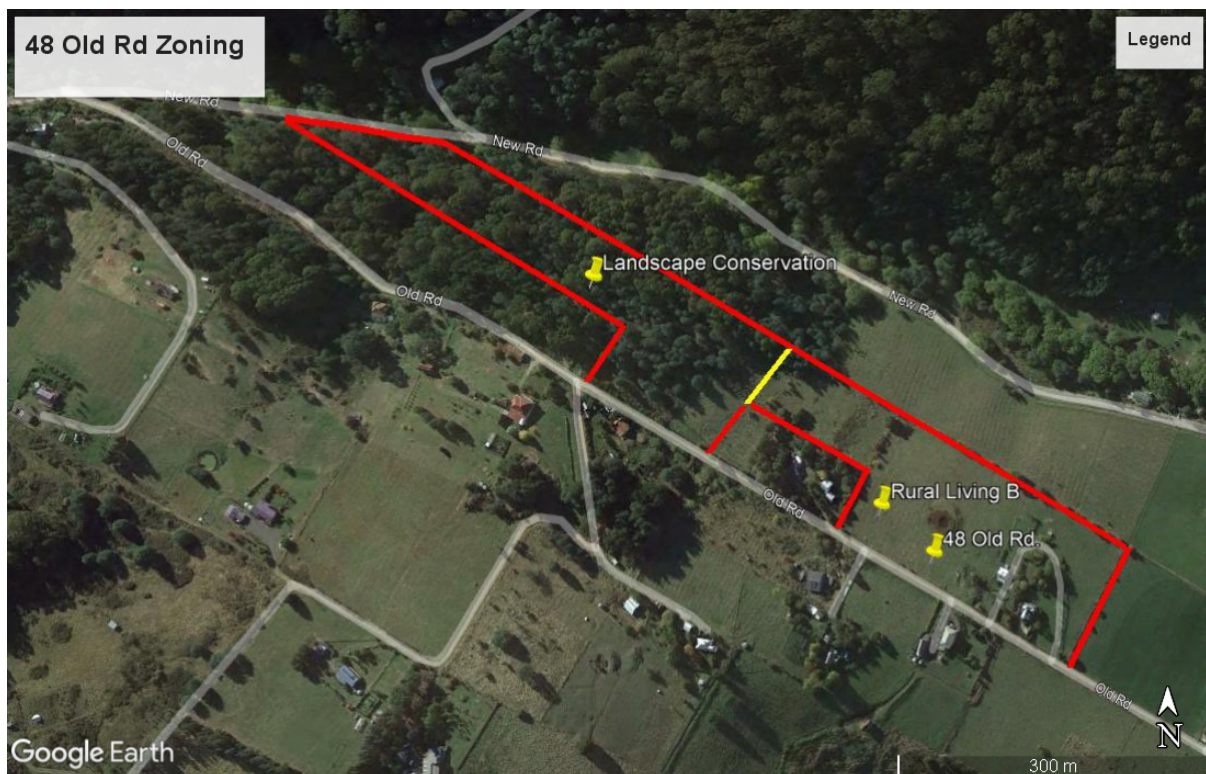
The property is predominantly former orchard (now cleared pasture) with a balance of regenerated bush. The area of cleared land is approximately 4.5ha and area of bush approximately 2.4ha.

The land is moderately sloping from east to west along its length and with moderate to steep slopes in the bush land.

There is a small rain-fed dam on the land.

A public footpath crosses the property at the eastern boundary. This footpath links Old Rd. to New Rd.

The property has a single residence, sheds and a septic waste water treatment system. Tank water and private water supply is provided to the site.



Overlays

Landslip Hazard Code

A portion of land is in the low landslip hazard band and a very small section in the western bush section is in a medium landslip hazard band.

Natural Assets Code

The section covered by re-vegetated bush (approx. 2.4ha) is noted as a Priority Vegetation Area.

Bushfires-prone Areas Code

The entire title is noted as within a Bushfire-prone area.

Justification

The proposed zone change fulfils the purpose of the Zone and Code Application as provided in Section 8A Guidelines No. 1.

As per 3.4 of the Guidelines 'the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible'. This objective is met by the proposed changes.

Rural zone is not appropriate as the agricultural purposes cannot be met and the property sits within a community of Rural Living B zoned properties and bushland.

A split zoning of Rural Living B and Landscape Conservation does fulfil the zone purposes. Such zoning best provides for future likely use, provides reasonable sub-division potential, preserves heritage and character values, protects natural values and buffers rather than conflicts with nearby and adjacent sensitive use.

Split zoning is not common and nor is it usually desirable. However, it is appropriate for this site which is a mix of small hobby farm and regenerated bushland.

Split zoning also has precedent in Franklin.

3300 Huon Hwy., Franklin (CT 169799/1) is split zoned Low Density Residential, Agriculture and Rural. Lot 1 Huon Hwy., Franklin (CT 101857/1) is split zoned Village, Rural and Rural Living B.

It is submitted that the proposed change

1. furthers the objectives contained in Schedule 1 of the Act (LUPAA, 1993) and is consistent with each State Policy.
2. is consistent with STRLUS
3. creates no natural justice conflicts with neighbouring properties or Franklin generally and
4. will have no impact on the implementation of the LPS as a whole.

Section 8A Guidelines No 1.

Zone Application Guidelines

20.0 Rural Zone

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.

Does not meet 20.1.1 (d).

Intensive Rural use will have impact on nearby sensitive use. Village zoned land is within 150 metres and the property lies within a community of 22 Rural Living zoned properties. This land would be affected by sprays, noise, smells and movement from agricultural activity.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

Not applicable although it is noted that the land is not suited to agriculture due to constraints.

1. The soil is poor and is graded as 4 and 5 on the Land Capability Index. This notes that the soil is suitable for occasional cropping and pasture and for animal grazing only. The land can carry a maximum of 5 cattle.

2. The land is smaller than the minimum threshold size of 10ha and does not adjoin land that is greater than the threshold size. The area of cleared land is approx. 4ha and of that less than 3ha is available for agriculture.

3. The capital value of the land is significantly higher than \$50,000 per hectare.

4. There is limited availability of water.

The current and future use is as a residence and hobby farm. It is not land that is suited for agricultural use of a commercial scale.

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.

Does not meet 20.1.3.

Commercial use of the land would require intensive agriculture. This could have a negative effect on the adjacent Rural Living properties and potentially the nearby Village zoned land.

RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

Does not meet RZ1.

Although not adjacent to residential land it is within 150m of land zoned Village.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

Not applicable although as noted above the land is not suitable to be zoned Agriculture.

RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer,

Not applicable

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;

Not applicable

(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

Not applicable

(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

or

(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

Not applicable

I submit that the property does not fulfil the purposes for the Rural Zone as set out in Guidelines No. 1. The property is constrained for agricultural use and any such use would by necessity be intensive. Although minor such use will have adverse impacts on the surrounding settlement.

Therefore attention needs to be given to what is the most appropriate zone(s). Possible zones include Rural Living and Landscape Conservation Zone.

11.0 Rural Living Zone

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.

Meets 11.1.1. The subject land is not connected to sewerage and has tank and private water supply. The landscape values as described in Corney, (2012) and confirmed in the Franklin Heritage Strategic Area Plan are not changed by the Rural Living zoning.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

Meets 11.1.2. Small-scale, low intensity agricultural use (hobby farm) is currently undertaken adjacent to the existing sensitive use and would continue. Therefore there would be no loss of 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.

Meets 11.1.3. There would not be an increase in scale, intensity, traffic generation or movement of any note.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Meets 11.1.4. The location due to its proximity to both residential and rural areas is suited to Visitor Accommodation use. The site provides residential character within a semi-rural setting and it is located on a road that can provide access for visitor accommodation of appropriate scale without infringing amenity.

RLZ 1 The Rural Living Zone should be applied to:

(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;

Meets RLZ1. The property already conducts low level, small scale rural activity nearby to residential use. This will not change.

or

(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.

Not applicable

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;

Meets RLZ 2 (a). The Rural Living zone is consistent with STRLUS SRD 1.3. This states

Land not currently zoned for rural living ... may only be zoned for such use where one or more of the following applies:

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:

(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

(ii) only limited subdivision potential is created by rezoning.

The area proposed for re-zoning to Rural Living is part of the settlement of Franklin. Further, there is an adjacent Rural Living community containing 22 properties on or near Old Rd. Franklin. This is a substantial Rural Living community.

The land has not been targeted for any other settlement purpose.

If 48 Old Rd. is part zoned Rural Living B then only one additional lot on that title may be created.

Therefore the proposal meets STRLUS SRD 1.3 a. (i) and (ii).

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.

Not applicable



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 :

(a) a reflection of the existing pattern and density of development within the rural living area;

Meets RLZ 3 (a) The land would be appropriately zoned Rural Living Zone B. This most closely reflects the pattern of Rural Living titles on nearby Old Rd., Franklin and will not cause an intensification of development.

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 analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Not applicable. Strategic analysis has not been undertaken.

RLZ 4 The Rural Living Zone should not be applied to land that:

(a) is suitable and targeted for future greenfield urban development;

Meets RLZ 4 (a). The land is not suitable or has been targeted for greenfield 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;

Not applicable

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.

Meets RLZ 4 (c). The land is not identified as Land Potentially Suitable for Agriculture

I submit that the identified land fulfils the zone purposes for Rural Living Zone B.

22.0 Landscape Conservation Zone

The purpose of the Landscape Conservation Zone is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the values.

Meets 22.1.1, 22.1.2

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

Meets LCZ 1. This section of bush is important as it provides transition from cultural to natural values. It helps form the scenic backdrop to Franklin and provides animal habitat. Other small scale use is not anticipated.

LCZ 2 The Landscape Conservation Zone may be applied to:

(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;

(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code;

Meets LCZ 2 (a) and (b). The identified land is subject to the Natural Assets Code. It contains land that is classified as Priority Vegetation Area. This land provides habitat for threatened species.

or

(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.

Not applicable.

LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

Not applicable.

LCZ 4 The Landscape Conservation Zone should not be applied to:

(a) land where the priority is for residential use and development (see Rural Living Zone);

Meets LCZ 4 (a). The use will be for conservation of landscape values and not for residential use. The land is generally steep (with some areas that could be subject to landslip) and provides habitat for Tasmanian Devils, wombats and other threatened species.

or

b) State-reserved land (see Environmental Management Zone).

Not applicable.

I submit that the identified land fulfils the purpose of the Landscape Conservation zone.

Shane Johnson
43 New Rd., Franklin
0408363196
8 April 2022

Representation to the Huon Valley Local Provisions Schedule – 43 New Rd., Franklin

Purpose

This representation seeks to have the title at 43 New Rd., Franklin (CT 144704/1) currently zoned Rural in the Draft Huon Valley LPS rezoned to Low Density Residential, Rural Living B and Landscape Conservation.

Subject Area Description

43 New Rd is a long, narrow title that stretches from the township of Franklin for a distance of 950m up the hillside behind the township. It is 175m at its widest and it diminishes to a point. The property faces north-north-east and runs along New Road for its length.

It measures 8.67ha.

The property is predominantly former orchard (now cleared pasture) with a balance of regenerated bush. The area of cleared land is approximately 6ha and area of bush approximately 2.5ha.

The land is moderately sloping from east to west along its length and with moderate to steep slopes down to New Road at the western end of the cleared land and in the bush land.

There are no water bodies on the land.

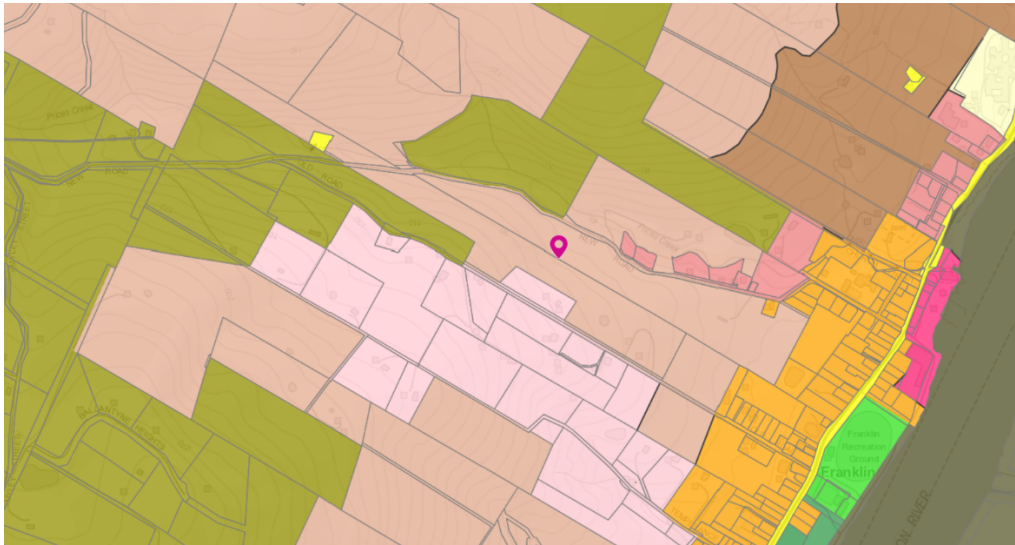
There is a small restored picker's cabin which is serviced by the Huon Valley Water Scheme. It has a septic waste water treatment system.

A public footpath crosses the property approximately 200m from the eastern boundary. This footpath links New Rd. to Old Rd.



Current Zoning

The title is zoned Rural Resource in the Interim Planning Scheme and it is zoned Rural in the Draft LPS

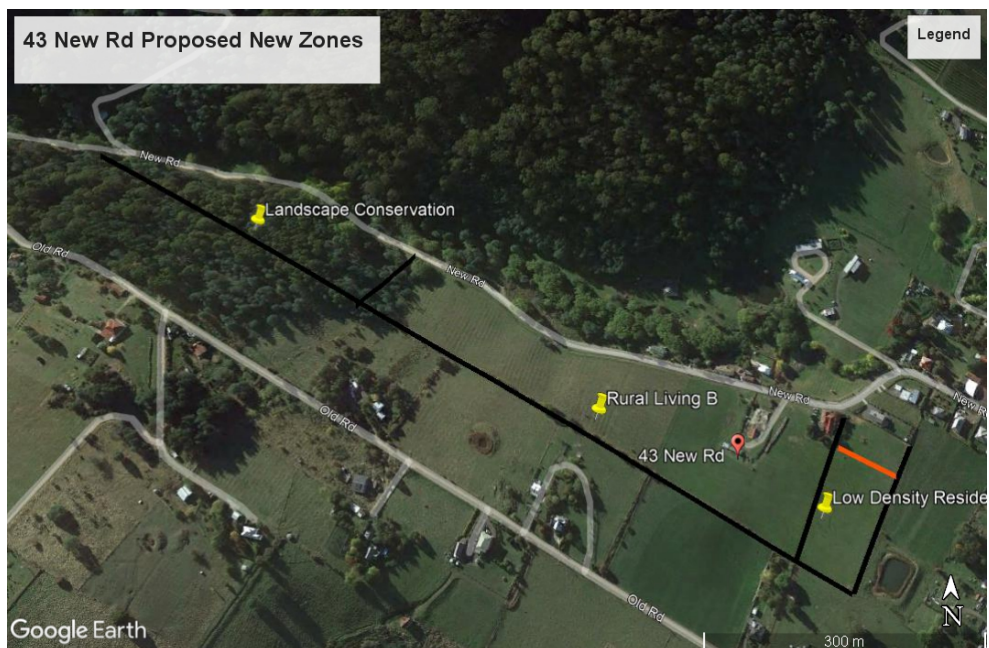


Proposed Zoning

It is proposed that the land to the east of a line formed from the cadastral point at the south-east corner of 39 New Rd., Franklin (CT 38804/1) to the cadastral point at the north-east corner of 24 Old Rd., Franklin (CT 53331/1) be zoned Low Density Residential. This line generally corresponds with the 20m elevation.

It is proposed that the land to the west of the line described above to a line formed between the cadastral point at the north-west corner of 62 Old Rd., Franklin (CT 137432/1) and the cadastral point at the south-east corner of New Rd. Franklin (CT 144704/4) be zoned Rural Living B.

The balance of the land to be zoned Landscape Conservation.



Overlays

Landslip Hazard Code

A small portion of land is in the low landslip hazard band and a very small section at the western point is in a medium landslip hazard band.

Natural Assets Code

The section covered by re-vegetated bush (the western 2.5ha) is noted as a Priority Vegetation Area.

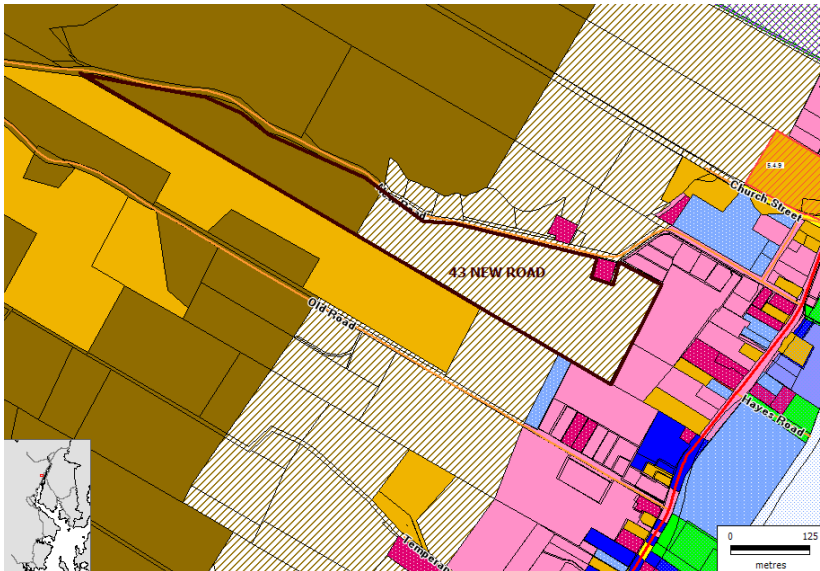
A very small section at the western tip is noted as a Waterway and Coastal Protection Area

Bushfires-prone Areas Code

The entire title is noted as within a Bushfire-prone area.

Background

The title was split zoned Rural and Intensive Rural in the Huon Planning Scheme (1979).



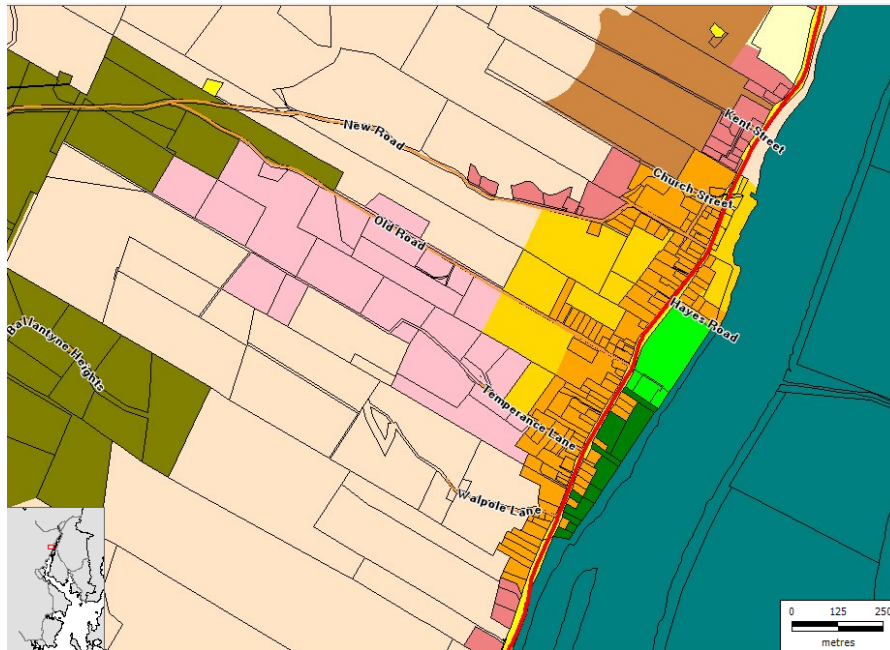
Huon Planning Scheme (1979)

In the Draft Interim Planning Scheme Council proposed to split zone the title. The section (approx. 2ha) from the eastern boundary to the current footpath was zoned as Particular Purpose Zone (Urban Growth) and the balance as Rural Resource.

We opposed this zoning during the 30J process on the basis that intensive urban growth did not comply with STRLUS and conflicted with the provisions of the Franklin Heritage Strategic Area Plan. Council then adopted a like for like translation and the whole title was zoned Rural Resource. No analysis was done on whether the Rural Living and/or lower density residential zones might be better applied. The advice from Council and the Tasmanian Planning Commission at the time was that the Tasmanian Planning Scheme would provide the mechanism to make such zone changes. Huon Valley Council produced a report for councillors at the July 2016 Council meeting which stated

‘The zone of the land may be considered as part the local provisions schedule for the Tasmanian Planning Scheme. This is the preferred option as the zone intents will be slightly different from the current zones (and can be considered in context of the entire Franklin area), the zone will not be

bound by translation issues. These matters may also be considered as part of a settlement or structure plan for Franklin which has been identified as part of development of the local provisions schedule for the Tasmanian Planning Scheme. STRLUS will also require careful consideration to ensure that it is met.'



Zoning as proposed in Draft Interim Planning Scheme – PPZ (Urban Growth) shown in yellow.

Also at this time 26 other adjacent and/or nearby properties in Franklin were re-zoned from Rural or Intensive Rural under the Huon Scheme to either Rural Living or Low Density Residential in the Interim Scheme.

Justification

The proposed zone changes fulfil the purpose of the Zone and Code Application as provided in Section 8A Guidelines No. 1.

As per 3.4 of the Guidelines 'the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible'. This objective is met by the proposed changes.

Rural zone is not appropriate as the rural purposes cannot be met and such a zone will conflict with the zone purpose of adjoining properties which are zoned Village and Low Density Residential.

The land is constrained agriculturally due to its proximity to sensitive use, high land value, small area, poor soils, relative steepness and lack of water.

The proposed re-zoning will create four new lots which will have a modest effect on the amount of housing stock in Franklin without the need for any new infrastructure.

A split zoning of Low Density Residential, Rural Living B and Landscape Conservation also fulfils the zone purposes to the greatest extent in what is a difficult planning site. Such zoning best provides for future prospective use, provides reasonable sub-division potential, preserves heritage and character values, protects natural values and buffers rather than conflicts with adjacent sensitive use.

Split zoning of this nature is not common and nor is it usually desirable. However, it is appropriate for this reasonably unique site. Also, split zoning of 43 New Rd. as proposed will facilitate subdivision creating new titles which will become single zoned which will lessen this as an issue.

Split zoning also has precedent in Franklin.

3300 Huon Hwy., Franklin (CT 169799/1) is split zoned Low Density Residential, Agriculture and Rural. Lot 1 Huon Hwy., Franklin (CT 101857/1) is split zoned Village, Rural and Rural Living B.

It is submitted that the proposed change

1. furthers the objectives contained in Schedule 1 of the Act (LUPAA, 1993) and is consistent with each State Policy.
2. is consistent with STRLUS
3. creates no natural justice conflicts with neighbouring properties or Franklin generally and
4. will have no impact on the implementation of the LPS as a whole.

Section 8A Guidelines No. 1

Zone Purpose Zone Application Guidelines

20.0 Rural Zone

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.*

Does not meet 20.1.1 (d). Rural use will have impact on adjacent sensitive use (see 20.1.3 below).

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

Does not meet 20.1.2. The land is not suited to agricultural due to constraints (see 20.1.3 below)

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.

Does not meet 20.1.3

Use of the land for agriculture will compromise the function of the Franklin settlement. The eastern most portion of the title (2ha) is surrounded on 3 1/3 sides by land currently zoned Village. This land would be affected by sprays, noise, smells and movement from agricultural activity.

Future development for sensitive use on adjoining land will also be hampered by setback requirements.

The land is further constrained for agricultural use for several other reasons.

1. There is no water on the site. The existing hobby farm uses water from the Huon Valley Water Scheme for drinking water for cattle. The land has a maximum cattle carrying capacity of 4-5.
2. The soil is poor and is graded as 4 and 5 on the Land Capability Index. This notes that the soil is

suitable for occasional cropping and pasture and for animal grazing only.

3. The land is smaller than the minimum threshold size of 10ha and does not adjoin land that is greater than the threshold size.

4. The capital value of the land is significantly higher than \$50,000 per hectare.

RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

Does not meet RZ1

The land is significantly within an urban area. The eastern section is bordered by land zoned and partly developed as Village. This land lies within the HVLUDS Urban Growth Boundary for Franklin. Development of this land for rural purposes will compromise the function of the existing and future urban area.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

Not Applicable

Although it is noted that the land is not suitable to be zoned Agriculture. As identified above it is constrained because it adjoins residential use, has high land value (>\$50,000/ha) and is smaller than the threshold size (10ha).

RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer,

Not applicable

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;

Not applicable

(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

Not applicable

(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

or

(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

Not applicable

I submit that the property does not fulfil the purposes for the Rural Zone as set out in Guidelines No. 1. The property is significantly constrained for agricultural use and such use will have adverse impacts on the surrounding settlement.

Therefore attention needs to be given to what is the most appropriate zone(s). Possible zones include Low Density Residential, Rural Living, Landscape Conservation and Future Urban Zone.

Alternative Zones

10.0 Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.

Meets 10.1.1. The area proposed for LDR is wholly within an existing residential area and the adjacent land is zoned Village and partly developed. Other land which is adjacent to the title along New Rd. is zoned LDR and its use is residential.

Sewerage and road infrastructure is limited. None of the adjacent LDR titles have sewerage connection and the title at 39 New Rd., Franklin does not have waste water treatment that meets the applicable standards. The water from this septic system drains onto our property at 43 New Rd.

It is expected that the creation of 2 new lots on our land between 27 New Rd., Franklin and 39 New Rd., Franklin if this land is re-zoned to LDR would however provide scale to enable sewerage connection for this title. The owners of 39 New Rd. have indicated that this is something that they would pursue.

Future infrastructure upgrades will be constrained by the topography, heritage requirements and the small scale of any future residential development on existing green-field residential zoned land.

Changing the zoning to LDR would also assist in the provision of sewerage infrastructure to the Village zoned land at 11 New Rd., Franklin.

There are only two prospects for new road access into the title at 43 New Rd. One is via a road reserve between 27 and 39 New Rd but this is limited by its narrow access, location adjacent to existing housing and its position on a bend in New Rd. It should not therefore be developed as an access road. The second is potentially via a continuation of any new roads from a residential development of 11 New Rd., Franklin.



10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.

Meets 10.1.2. It is anticipated that the change of zoning to LDR will create 2 new titles with access from New Rd.. This would be via the existing small scale road reserve between 27 and 39 New Rd.. As detailed above this reserve is not suitable to being developed into a larger road access. Noise, traffic generation and movement increases would be minimal and there would be negligible loss of amenity. It should be noted that residential development to this site via this access could still occur under the existing Rural zoning.

Access to the balance of the LDR zoned land would only be via future road development from the adjacent Village zoned property at 11 New Rd..

10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

Meets 10.1.3. It is not planned for Visitor Accommodation to be included on land proposed to be rezoned to LDR but the proposal does not preclude such use. Any such use would be able to be compatible with the adjacent residential character.

LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:

(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:

(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land;

Meets LDRZ 1. As detailed above the land does not have reticulated infrastructure services currently. None are proposed and access to the land can only occur if provided as part of the development of 11 New Rd.. If such access is not provided then residential development of any scale cannot occur. In any event, the scale of any future development will be low due to the small amount of available land.

Development restricted to the lower slopes and at lower residential densities is also desirable. It would provide a natural transition to the rural character of adjacent land and would harmonise with the provisions of the Franklin Heritage Strategic Area Plan and the Franklin Heritage Area Assessment (Corney, 2012). These note the Key Characteristics and Heritage Values of strong linear form, rural backdrop and original 'Settlement' boundaries as needing to be preserved.

and

(ii) environmental constraints that limit development (e.g. land hazards, topography or slope);

Not applicable

or

(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services;

As already detailed the land does not have the full range of infrastructure services. There is no current plan to develop such services. Adjacent land to the east and south is green-field and zoned Village. Development of this land will bring infrastructure services to that land. However, re-zoning to LDR may help with infrastructure planning to enhance compatibility with development on that adjacent Village zoned land.

or

(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.

The properties on the opposite side of New Rd. i.e at 26 New Rd., Lot 1 New Rd., 42 New Rd., 44 New Rd., 46 New Rd., 50 New Rd., Lot 3 New Rd. and Lot 4 New Rd. are zoned Low Density Residential. 26 New Rd. and Lot 1 New Rd are most equivalent to the land that being proposed to be changed to LDR. These are at similar distance from Huon Highway and at similar elevations. Re-zoning to LDR will enhance a pattern and further promote the linear character of Franklin.

The HVLUDS includes this land within its Urban Growth Boundary (GRD, 2006) but qualifies this with the statement that 'residential development is subject to the minimisation of visual impacts'. Corney (2012) confirms that residential use with urban character should be restricted. He notes the following,

3.2 Strong Linear Form

The linear form of the township parallel with the Huon River is an important characteristic of Franklin. The most likely future development pressures will be for sub-division and suburbia to creep up the hills to the west.

The strong lineal form is best retained by confining new residential development to the proposed Heritage Area and by preventing future suburban settlements being created on the slopes to the west.

3.4 Rural Backdrop

The rural backdrop of fields and orchards on the western slopes still demonstrates the original 'Settlement' sub-division. These fields also contribute greatly to the picturesque qualities of the town.

3.5 Sub-division Boundaries

The 'Settlement' boundaries should be protected and incorporated into any new boundary changes.

LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.

Meets LDRZ 2. The land proposed to be re-zoned to LDR will be capable of sub-division that meets the allowable minimum lot size. The subject land does not currently have reticulated infrastructure services.

LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.

Not applicable

LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for green-field development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.

Meets LDRZ 4. The land is currently not targeted for green-field development. It is constrained by infrastructure limitations and heritage and character requirements.

We submit that the identified land fulfils the zone purposes for Low Density Residential zone.



Access to potential LDR land (2 lots) from New Rd. Zone



Potential LDR land looking north east to Village

11.0 Rural Living Zone

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.

Meets 11.1.1. The subject land is not connected to sewerage but has reticulated water supply. The landscape values as described in Corney, (2012) and confirmed in the Franklin Heritage Strategic Area Plan (detailed previously) are retained and enhanced by the RL zoning.

11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.

Meets 11.1.2. Small-scale, low intensity agricultural use (hobby farm) is currently undertaken adjacent to the existing and planned sensitive use and would continue.

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.

Meets 11.1.3. There would not be an increase in scale, intensity, traffic generation or movement of any note.

11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

Meets 11.1.4. The location due to its proximity to both residential and rural areas is ideally suited to Visitor Accommodation use. The site provides residential character within a semi-rural setting and it is located on a road that can provide access for visitor accommodation of appropriate scale without infringing amenity.

RLZ 1 The Rural Living Zone should be applied to:

(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;

Meets RLZ1. Existing low level, small scale rural activity is adjacent to residential use. This will not change. Re-zoning to Rural Living will make the co-existence of low-level rural use and residential use more harmonious and likely.

or

(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.

Not applicable

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;

Meets RLZ 2 (a). The Rural Living zone is consistent with STRLUS SRD 1.3. This states

Land not currently zoned for rural living ... may only be zoned for such use where one or more of the following applies:

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:

(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

(ii) only limited subdivision potential is created by rezoning.

The area proposed for re-zoning to Rural Living adjoins the settlement of Franklin. Further, there is a nearby (within 80-150m) Rural Living community containing 22 properties on or near Old Rd. Franklin. The adjoining property at 26 Old Rd is currently zoned Rural but is 1.74ha in size and is characteristic of Rural Living. The next property on Old Rd (Lot 1 Huon Hwy.) is split zoned Rural and Rural Living and is approx. 2.3ha. This is also characteristic of Rural Living. 48 Old Rd also adjoins our property. It is 6.89ha. and is also characteristic of Rural Living.

The land has not been targeted for any other settlement purpose.

If 43 New Rd. is part zoned Rural Living B then an additional 2 lots only may be created. (If 48 Old Rd. is re-zoned to Rural Living B an additional lot may only be created).

Therefore the proposal meets STRLUS SRD 1.3 a. (i) and (ii).

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.

Not applicable



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 :

(a) a reflection of the existing pattern and density of development within the rural living area;

Meets RLZ 3 (a) The land is appropriately zoned Rural Living Zone B. This most closely reflects the pattern of Rural Living titles on nearby Old Rd., Franklin and will not cause an intensification of development.

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 analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Not applicable. Strategic analysis has not been undertaken.

RLZ 4 The Rural Living Zone should not be applied to land that:

(a) is suitable and targeted for future greenfield urban development;

Meets RLZ 4 (a). The land is not suitable or has been targeted for greenfield 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;

Not applicable

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.

Meets RLZ 4 (c). The land is not identified as Land Potentially Suitable for Agriculture

I submit that the identified land fulfils the zone purposes for Rural Living Zone B.



Fruit Loop public footpath across 43 New Rd



View from footpath to township

30.0 Future Urban Zone

The purpose of the Future Urban Zone is:

30.1.1 To identify land intended for future urban use and development.

30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.

30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

Does not meet 30.1.1, 30.1.2, 30.1.3.

FUZ 1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, 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.

Does not meet FUZ 1. The land has not been identified for future urban development within STRLUS or is supported by detailed local strategic analysis.

FUZ 2 The Future Urban Zone should be applied to land within an interim planning scheme Particular Purpose Zone which provides for the identification of future urban land.

Does not meet FUZ 2. The land is not subject to an interim planning scheme Particular Purpose Zone as future urban land.

FUZ 3 The Future Urban Zone may be applied to land identified in an interim planning scheme code or specific area plan overlay which provides for future urban land.

Does not meet FUZ 3. The land does not have an interim planning scheme code or specific area plan overlay which provides for future urban land.

FUZ 4 The Future Urban Zone may be applied to sites or areas that require further structure or master planning before its release for urban development.

Does not meet FUZ 4. Corney (2012) Heritage Study identifies this land as not being suitable for urban growth. Master planning has not been undertaken to overtake this opinion.

I submit that the land does not fulfil the zone purposes for Future Urban Zone.

22.0 Landscape Conservation Zone

The purpose of the Landscape Conservation Zone is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the values.

Meets 22.1.1, 22.1.2

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

Meets LCZ 1. This section of bush is important as it provides transition from cultural to natural values. It helps form the scenic backdrop to Franklin. Although this area has previously had residential use, this use or other development is not anticipated in the future.



LCZ 2 The Landscape Conservation Zone may be applied to:

(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;

(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code;

Meets LCZ 2 (a) and (b). The identified land is subject to the Natural Assets Code. It contains land that is classified as Priority Vegetation Area. This land provides habitat for threatened species.

or

(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.

Not applicable.

LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

Not applicable.

LCZ 4 The Landscape Conservation Zone should not be applied to:

(a) land where the priority is for residential use and development (see Rural Living Zone);

Meets LCZ 4 (a). The use will be for conservation of landscape values and not for residential use. The land is generally steep (with some areas that could be subject to landslip) and provides habitat for Tasmanian Devils, wombats and other threatened species.

or

b) State-reserved land (see Environmental Management Zone).

Not applicable.

I submit that the identified land fulfils the purpose of the Landscape Conservation zone.

Shane Johnson
43 New Rd., Franklin
0408363196
8 April 2022

Representation to the Huon Valley Local Provisions Schedule – Change of Zone from Village to Low Density Residential

Purpose

This representation seeks to have an area of Franklin currently zoned Village rezoned to Low Density Residential.

Subject Area

This affects the following titles. The title at 39 New Rd., Franklin (CT 38804/1), the title at 24 Old Rd., Franklin (CT 53331/1), the portion of the title at Lot 1 Huon Hwy., Franklin (CT 101857/1) between a line formed from the cadastral point at the south-west corner of 24 Old Rd., Franklin and the cadastral point at the north-west corner of 14 Temperance Lane and the line formed from the south-west corner of 11 New Rd., Franklin and the cadastral point at north-east corner of Temperance Lane and 14 Temperance Lane, Franklin (CT 30484/1)



39 New Rd. is 1136m², contains a dwelling and is not connected to sewerage. It is bounded by land zoned Rural and opposite by land zoned Low Density Residential.

24 Old Rd. is 2798m², contains a dwelling and is not connected to sewerage. It is bounded by land on two sides by land zoned Rural. Land on another side and land opposite is zoned Village.

The portion of Lot 1 Huon Hwy. is 10165m². It does not contain a dwelling and is part of a lot which is split zoned (Village, Rural and Rural Living). It is bounded by land which is zoned Village and Rural.

14 Temperance Lane is 10279m², contains a dwelling and is connected to sewerage. It is bounded by land which is zoned Village and Rural Living.

Justification

The sub-division of land at the subject titles at Village zone density is incompatible with the capacity of existing road and desired future road infrastructure and heritage and character requirements. The provision of sewerage to these titles is also unlikely without residential development of significant scale which is not planned or desirable. Low Density Residential zoning best reflects the existing and desired future use and provides an appropriate transition from residential to Rural (Living) zoning. Letters of support for these zone change from the owners of the properties at 39 New Rd., 24 Old Rd., 14 Temperance Lane can be provided.

Section 8A Guidelines No 1.

Zone Application Guidelines

Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.

10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.

10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

Meets 10.1.1, 10.1.2 and 10.1.3

LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:

(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:

(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land;

Meets LDRZ 1 (a)(i).

39 New Rd, 24 Old Rd. and Lot 1 Huon Highway are not connected to sewerage. 14 Temperance Lane is connected to sewerage but sub-division to Village zone densities would require significant upgrades.

24 Old Rd., Lot 1 Huon Highway and 14 Temperance Lane are located on narrow lanes that are not suitable for higher traffic volumes nor road infrastructure upgrades. Any road upgrades to the required standard would not be compatible with the defined heritage values (see Corney, 2012).

and

(ii) environmental constraints that limit development (e.g. land hazards, topography or slope);

Not applicable

or

(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services;

Meets LDRZ 1 (b).

Each of the properties is constrained by the capacity of existing infrastructure services (detailed above). Infrastructure upgrades are not planned.

or

(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.

Not applicable

LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.

Not applicable

LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.

Not applicable

LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for greenfield development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.

Meets LDRZ 4.

The properties are not targeted or suitable for greenfield development.

Village Zone

The purpose of the Village Zone is:

12.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

12.1.2 To provide amenity for residents appropriate to the mixed use characteristics of the zone.

Does not meet 12.1.1, 12.1.2

VZ 1 The Village Zone should be applied to land within rural settlements where the Urban Mixed Use Zone is not suitable and there is an unstructured mix of residential, commercial activities and community services and there is a strategic intention to maintain this mix.

Does not meet VZ 1.

There are no commercial or community services use in these locations. Such use is not planned. Adjacent use is characterised by hobby farms or large residential lots with rural character.

VZ 2 The Village Zone may be applied to land where the full range of reticulated infrastructure services are or are not available.

Not applicable.

VZ 3 The Village Zone may cover either:

(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist;

Not applicable.

or

(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.

Not applicable.

I submit that the zone purpose is best met with a zone of Low Density residential and not Village.

Shane Johnson
43 New Rd., Franklin
0408363196
8 April 2022

Representation to the Huon Valley Local Provisions Schedule – Change of Zone from Rural to Rural Living

Purpose

This representation seeks to have an area of Franklin currently zoned Rural rezoned to Rural Living B

Subject Area

This affects the following titles. The entire title at Old Rd., Franklin (CT 102910/1), the portion of the title at Lot 1 Huon Hwy., Franklin (CT 101857/1) which is currently zoned Rural.

Justification

The above parcels are 1.74 ha and 1.8ha (approx.) respectively. The parcel of land at Lot 1 Huon Hwy. when combined with the existing Rural Living land on the title will measure approx. 2.7ha.

Neither parcel is large enough for agricultural activity, they adjoin the settlement of Franklin and an existing cluster of Rural Living B properties. Rural Living zoning will recognise the current and future use of this land and provide a transition from the urban zonings that they border.



Section 8A Guidelines No 1.

Zone Application Guidelines

Rural Living Zone

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.

Meets the purpose statements 11.1.1, 11.1.2, 11.1.3, 11.1.4.

RLZ 1 The Rural Living Zone should be applied to:

(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;

Meets RLZ 1. The change of zone proposed for each property will reflect the current and the likely future use of the land. That is, as single titles with use as residential/hobby farm.

or

(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.

Not applicable

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;

Meets RLZ2 (a). Is consistent with STRLUS SRD 1.3. This states

Land not currently zoned for rural living ... may only be zoned for such use where one or more of the following applies:

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:

(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

(ii) only limited subdivision potential is created by rezoning.

The titles adjoin a settlement, adjoin a large community of 22 existing Rural Living B zoned titles and will lead to no additional titles being created.

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.

Not applicable

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 :

(a) a reflection of the existing pattern and density of development within the rural living area;

Meets RLZ 3. Rural Living B conforms with existing zoning of the adjoining community of Rural Living properties.

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 analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

Not applicable.

RLZ 4 The Rural Living Zone should not be applied to land that:

(a) is suitable and targeted for future greenfield urban development;

Meets RLZ 4 (a). The land is not suitable nor targeted for greenfield 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;

Not applicable.

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.

Not applicable

I submit that the properties fulfil the purposes of the Rural Living B zone.

Rural Zone

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.

Does not meet the purpose statements 20.1.1 (b), 20.1.1 (d) and 20.1.3

RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

Does not meet RZ 1. The land adjoins urban areas. Further, the land is constrained for agriculture due to the small size, high land value (>\$50,000/ha) and relatively poor soil. Neither property has access to reticulated water.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

Not applicable.

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;

Not applicable

(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

Not applicable

(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis;

Not applicable

or

(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

Not applicable

I submit that the properties best fulfil the purposes of the Rural Living B Zone and not the Rural Zone.

Shane Johnson
43 New Rd., Franklin
0408363196
April 8 2022

Representation to the Huon Valley Local Provisions Schedule – Hillside behind Franklin not already covered by Scenic Protection Code overlay

Purpose

This representation requests that the Scenic Protection Area overlay on the hillside behind Franklin be extended to include further areas of bush on the upper hillside that provide the scenic backdrop behind Franklin.

Subject Area

The land is the area of bush visible from Huon and Channel Hwy that form the backdrop to Franklin. This extends the existing overlay which is to the south-west of Franklin further north to include the hillside to the north of Price's Creek (Hope Hill).

Justification

The hillside behind Franklin is fundamental to its heritage and landscape values. The mix of cleared (previously orchard) land and the wooded hilltops frame and re-inforce the linear character of the township. The Draft LPS recognises the value of the wooded hilltops to the west and south-west of the township with the application of a Scenic Protection Area. These values are no less on the land to west and north-west of the township.

Guidelines for applying the Scenic Protection Code overlays

SPC 1 The scenic protection area overlay and the scenic road corridor overlay may be applied to land identified at the local or regional level as important for the protection of scenic values.

These may include areas:

(a) containing significant native vegetation or bushland areas with important scenic values (such as skyline areas); or

(b) identified for their significant scenic views.

Meets SPC 1.

SPC 2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.

Meets SPC 2.

SPC 3 The scenic protection area and the scenic road corridor may only be shown on the overlay map for the following zones:

(a) Rural Living Zone;

(b) Rural Zone;

(c) Agriculture Zone;

(d) Landscape Conservation Zone;

(e) Environmental Management Zone; or

(f) Open Space Zone.

Meets SPC 3. The Scenic protection area overlay would apply to Rural, Rural Living, Agriculture and Landscape Conservation zones.

Shane Johnson
43 New Rd., Franklin
0408363196
April 8 2022

Representation to the Huon Valley Local Provisions Schedule – Modification of Village Zoned Area in Franklin

Purpose

This representation seeks to have an area of Franklin currently zoned Village rezoned to General Residential and/or Low Density Residential.

Subject Area

All areas in Franklin which are currently zoned Village but do **not** have direct frontage to Huon Highway.

Justification

Franklin's built character is derived from its linear development and lack of engineered road infrastructure away from Main Rd. (Huon Highway). All commercial activity occurs along Main Rd. Commercial activity in greenfield Village zoned land will erode those values and cause a loss of amenity due to increased traffic on inadequate road infrastructure.

Section 8A Guidelines No. 1

Guidelines at VZ 3 states the

The Village Zone may cover either:

(a) an entire settlement where the settlement is relatively small and no clear town centre exists or is intended to exist; or

(b) part of a settlement where a high degree of use mix exists or is intended in the centre (otherwise refer to Local Business Zone) the remainder of the settlement may be zoned either General Residential or Low Density Residential depending on the characteristics of the settlement.

The amendment meets VZ 3 (b). A high degree of use mix only occurs in Franklin along the Huon Highway. There is no commercial or non-residential activity in the other areas which are currently zoned Village. There is no prospect of any non-residential activity occurring in this area due to the limited road infrastructure in Church St., Old Rd., Temperance Lane and Walpole Lane. Nor is any development of non-residential activity desirable.

Any development to upgrade the road infrastructure and to allow commercial activity away from Huon Highway would necessarily conflict with the heritage and character values of Franklin as recognised by the Scheme.

Table S1.9.1. of the LPS lists those values. At (a) it notes 'the strong linear form positioned between the Huon River and the rural hills' and at (l) 'the relatively narrow roads and lanes leading off Main Street/Huon Highway that exhibit low level road engineering'.

Shane Johnson
43 New Rd., Franklin
0408363196
April 8 2022

From: "jjo94481 jjo94481" <jjo94481@bigpond.net.au>
Sent: Wed, 27 Apr 2022 13:56:42 +1000 (AEST)
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Subject: LPS Representation
Attachments: Addendum to Representation.docx, Franklin Heritage Area comments to GM 17March2022 (1) (1).doc

Dear General Manager

Please find attached a letter from heritage consultant, Graeme Corney and an addendum to the representations to the LPS that I have made with respect to several properties in Franklin.

These documents are provided to further support the arguments provided in the representations that I have already made.

Please contact me if you require any further information.

Regards

Shane Johnson
0408363196

Addendum to Representation(s) with respect to 43 New Rd., Franklin, 48 Old Rd., Franklin, Old Rd., Franklin and Lot 1 Huon Hwy., Franklin

Application of Rural Living Zone

The Enterprise Scale Analysis included in the Decision Tree (2018) by AK Consultants provide clear guidance on the appropriate rural zoning.

43 New Rd (CT 144704/1), 48 Old Rd. (CT 137432/2), Old Rd (CT 102910/1) and Lot 1 Huon Hwy (part) (CT 101857/1) can be assessed using this guidance.

All of these properties exhibit domestic scale characteristics as defined in the Enterprise Scale Analysis (p24).

1. They contain little or no use for agriculture.
2. They range in size from 1-8ha
3. The land capability is variable.
4. They contain moderate to significant (agriculture) constraints
5. Two of the properties contain residences on the title
6. Other residences are in close proximity
7. There is little or no connectivity to an unconstrained title

These properties provide opportunities for rural residential lifestyles without risking loss of agricultural resource. In doing so, they contribute to buffering at the rural/residential interface.

They are part of a cluster with domestic scale characteristics where (agricultural) potential is negligible. They are, in effect, already converted and would be considered an established Rural Living Area.

Use of Split or Multiple Zoning

LUPAA and the Practice Notes are generally silent on the use or desirability of split or multiple zones on a single title. However, Practice Note 7 does provide guidance on how to best apply split zones. The examples used here show that where possible split zone boundaries should join cadastral points.

In the representations with respect to 43 New Rd., Franklin, 48 Old Rd., Franklin and Lot 1 Huon Hwy., Franklin the zone boundaries across titles join cadastral points. Therefore, the application of split zones meets the guidelines contained in the Practice Notes.

17 March 2022

Mr Jason Browne
Huon Valley Council
PO Box 210
HUONVILLE 7109

Dear Jason,

RE: FRANKLIN HERITAGE AREA

In May 2012 I was invited to provide expert heritage advice on the two alternative heritage area drafts prepared for Franklin township.

I understand that your Council is currently considering Huon Valley local Provisions Schedule for the Tasmanian Planning Scheme. I have been informed by a Franklin resident that there may be confusion about one particular aspect of my 2012 report. This report titled *Franklin Heritage Area Assessment* was intended to inform your planning scheme and so I am writing to you to ensure I am not misinterpreted by your planning officers.

To explain....

My MAY 2012 assessment included the then current Heritage Area boundaries. Your Council's draft Local Provisions seems to suggest its Urban Growth boundary should be on the hillside backdrop to the town in a similar position to the Heritage Area boundary.

If your officers have made an assumption that the Heritage Area should provide for Urban Growth in its entire area then that is a misinterpretation of my 2012 Assessment. It would also be a mistake fatal to the cultural landscape of Franklin.

The Heritage Area itself should be considered as a combination of urban heritage places and rural heritage places. The Heritage Area should not be interpreted as potential for Urban Growth per se.

I have gone to some lengths in my heritage assessment of Franklin to describe the important cultural layers of Franklin and in particular the importance of the rural

backdrop of the village. Franklin is a quintessential English village which has a well formed urban townscape with a rural backdrop -with no intermediate suburban infill. That is one of the strongest characteristics of Franklin and should be protected by your zoning provisions. One of the key recommendations of my 2012 report was that “zoning should specifically prohibit further residential subdivisions on the (western) hills overlooking Franklin.” To clarify any misinterpretation I meant “zoning should specifically prohibit further residential subdivisions on the hills overlooking Franklin.”

I strongly advise that your proposed Urban Growth boundary be reconsidered. That Urban Growth boundary would be more appropriately somewhere around the 20m contour line. This would confine urban growth to a small area of consolidation to the back of the existing village area and would be well screened from the main road. Importantly the rural backdrop would be retained.

I am happy to discuss this issue and any other heritage-related issues with you or your officers if you so wish.

Yours sincerely,

A handwritten signature in blue ink that reads "Graeme Corney". The signature is written in a cursive, flowing style.

Graeme Corney
Architect and Heritage Consultant