

From: "Justine Brooks" <justine.brooks@pda.com.au>
Sent: Fri, 29 Apr 2022 01:29:02 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Cc: "Hugh Clement" <Hugh.Clement@pda.com.au>
Subject: LPS Submission - obo Mr & Mrs Direen - 7368 Channel Hwy Cygnet
Attachments: LPS Submission HVC Direen Channel Hwy Cygnet 290422.pdf, Urban Growth Boundary Cygnet.jpg

Dear Huon Valley Council

I have attached an LPS Submission prepared for Mr and Mrs Direen of 7368 Channel Hwy, Cygnet.

Do not hesitate to contact me should you require additional information or clarification.

Kind regards

Justine



Justine Brooks MEnvPlg GDBA GCM MPIA
Director | Planning Manager

Phone: +61 (03) 6331 4099 | Mobile: 0429 201 271

Email: justine.brooks@pda.com.au

Address: 3/23 Brisbane Street, Launceston 7250

Mailing Address: P.O. Box 284, Launceston 7250





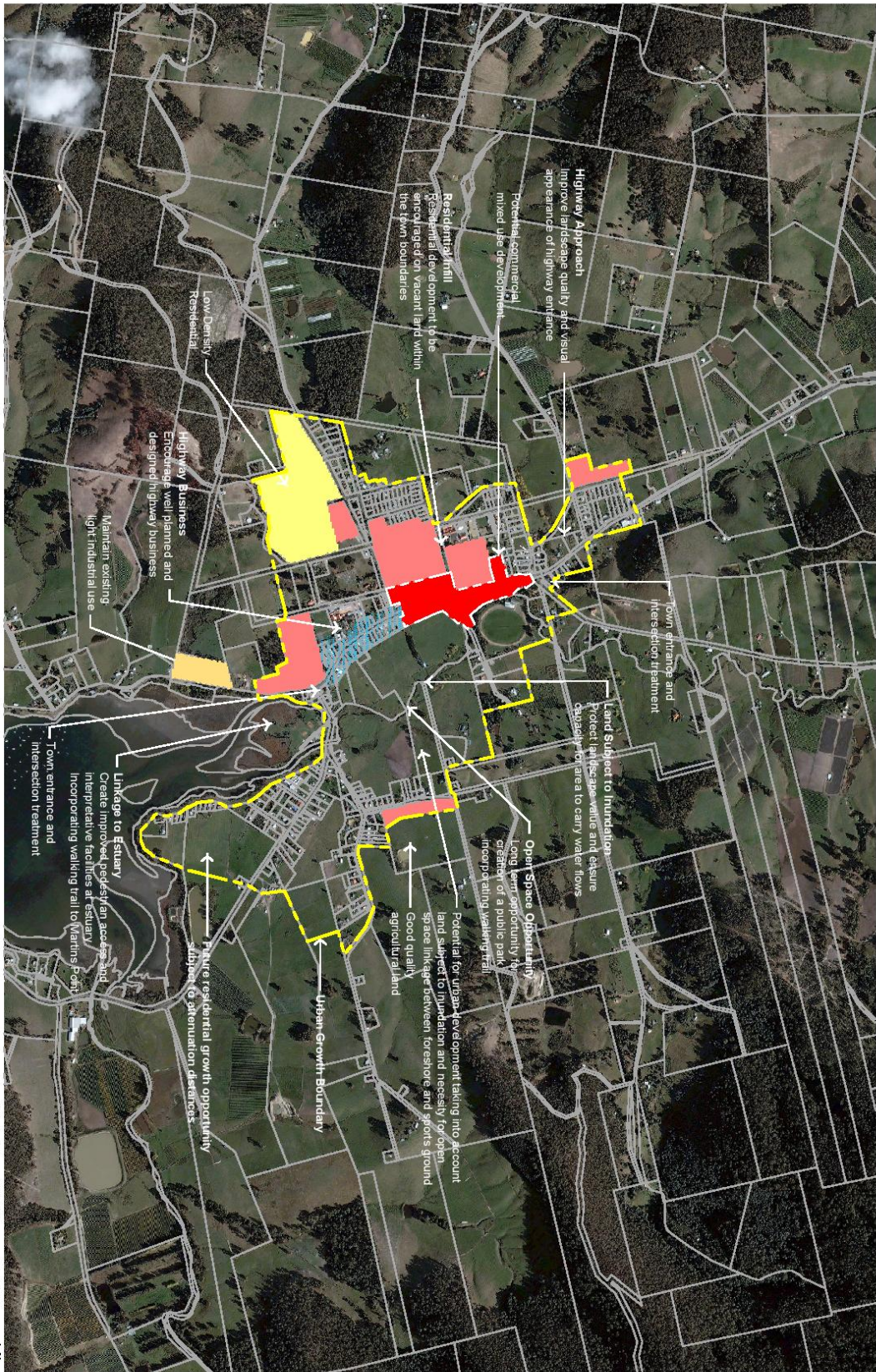
162 Macquarie Street, Hobart, Tasmania, 7000
 Tel: (03) 6210 0600 Fax: (03) 6223 8246
 E-Mail: hbanai@chd.com.au

* THESE OUTLINE DEVELOPMENT PLANS ARE NOT INTENDED TO BE ZONING MAPS BUT ARE INDICATIVE OF LAND USE OPTIONS ONLY.

Huon Valley Land Use & Development Strategy
 Cygnet Statey

0 200 400 600m
 SCALE 1:2000 AT ORIGINAL SIZE

Adapted from: TBA Planners Pty Ltd in association with Barwick & Associates Brian Nisby (1997)



26th April 2022

The General Manager
Huon Valley Council
40 Main Street
Huonville TAS 7109

Via email: hvc@huonvalley.tas.gov.au

Dear Sir

Re: LPS Submission – 7368 Channel Hwy, Cygnet 7112 OBO Mr Aiden and Mrs Deborah Direen

PDA Surveyors, Engineers and Planners have been engaged by Mr and Mrs Direen to prepare and submit a submission in response to the proposed Huon Council Local Provision Schedule (LPS).

With the understanding that the landowner has the opportunity as part of the hearing process to speak directly to the Tasmanian Planning Commission panel, this submission is prepared succinctly and predominantly focuses on the application of the zone in reference to *Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*.

The Site

The subject site, 7368 Channel Hwy, Cygnet, is currently zoned Rural Resource and is proposed under the LPS changes to be zoned Agriculture.

The site measures 33.94 ha and contains a residential dwelling and farm buildings, including a milking shed.

It is presumed that the determining factor for the proposed zoning is related to the site's inclusion on the 'Land Potentially Suitable for Agriculture Zone' layer on the List. Furthermore, the site was previously used for grazing dairy cows; however, a dairy is no longer operating on the site due to the poor quality of the soil resource, the reduced viability of the operation and the peri-urban conflict arising from the close proximity of new residential development.

The proposed Agriculture Zone application does not take into account other determining factors.

HOBART:

C.M. Terry, BSurv (Tas.), M.SSSI (Director)
H. Clement, BSurv (Tas.), M.SSSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
M.M. Stratton, BSurvSpSc, GradDiplLandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
J.M. Brooks, MEnvPlg, MPIA (Director)

BURNIE/DEVONPORT:

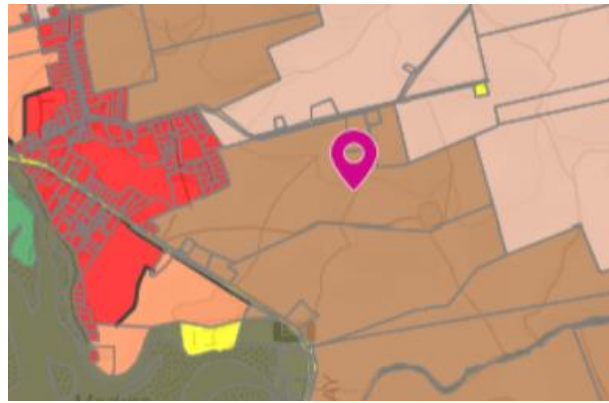
A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099



Current Zoning – Rural Resource



Proposed LPS Zoning - Agriculture

Section 8A Guideline – No 1 – Local Provisions Schedule: zone and code application

21.0 Agriculture Zone

Section AZ6 provides the guidelines for applying alternative zoning for land identified in the 'Suitable for Agricultural Zone' layer. The determining factors include:

- Local or regional strategic analysis identifying or justifying that the land ought to be an alternate zone;
- The identification and protection of a strategically important, naturally occurring resource;
- The identification of a strategically important use that requires an alternate zone; and, of specific relevance to this submission is AZ6 (e)
- it can be demonstrated that:
 - (i) *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;*
 - (ii) *there are significant constraints to agricultural use occurring on the land;*
or
 - (iii) *the Agriculture Zone is otherwise not appropriate for the land.*

As previously mentioned, the subject site has been used for agricultural purposes in the past, namely, a small dairy. However, several factors have resulted in the dairy operation ceasing. These include the relatively small lot size and inability to produce sufficient feed on-site, leading to low milk yield and, most significantly, the constraint which has resulted from the increased residential development hard against the boundary.

A fully functioning dairy does not make a pleasant residential neighbour, having detrimental impacts on residential amenities. Put simply, dairies are noisy, smelly, dirty and can be distressing to non-farming people, particularly when cows are separated from their calves.

HOBART:

C.M. Terry, BSurv (Tas.), M.SSSI (Director)
 H. Clement, BSurv (Tas.), M.SSSI (Director)
 M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
 T.W. Walter, Dip. Surv & Map (Director)
 M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
 D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
 A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
 L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
 M.M. Stratton, BSurvSpSc, GradDiplandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
 M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
 J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
 A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099



Proximity of farm buildings on subject site to adjoining residential development

Putting aside the constraints mentioned above, while the landowner does not have a current agronomist report, they would be prepared to obtain one should the Council or the Tasmanian Planning Commission require that to assist with the decision making process. The information provided on the List indicates that the land capability is class 4 (3) and Class 5. This suggests that the land is unsuitable for cropping and only marginally suitable for grazing.

The question, therefore, is: If not the Agriculture Zone, which zone is the most appropriate?

20.0 Rural Zone

While the subject site is currently zoned Rural Resource, it is arguable as to whether it is appropriate for it to remain in the Rural Zone. RZ2 informs us that the Rural Zone should only be applied after considering whether the land is suitable for including in the Agriculture Zone. As demonstrated earlier in this submission, it is not suitable.

RZ3 makes provision for 'Land potentially Suitable for Agriculture Zone' as determined by the layer on the List, to be zone Rural if it is impacted by the constraints previously addressed.

By way of summary, those constraints are:

- limited or no potential for agricultural use and not integral to a larger farm holding
(RZ3 (a) **(applicable)**)

HOBART:

C.M. Terry, BSurv (Tas.), M.SSSI (Director)
H. Clement, BSurv (Tas.), M.SSSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
M.M. Stratton, BSurvSpSc, GradDiplandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099

- significant constraints to agricultural use (RZ3 (b) **(applicable)**)
- the land is identified for the protection of a strategically important, naturally occurring resource (RZ3 (c) (Not applicable)

There are, however, additional factors that should be considered when determining the appropriate zoning. The potential of conflict in the adjoining General residential zone and associated residential dwellings and the fact that the subject land adjoins the Urban Growth Boundary for Cygnet presents an opportunity for the application of a low-density residential type zoning or the preservation of the land as a future Urban Zone

Pre-empting and reducing land use conflict

As mentioned above, the subject site adjoins the Urban Growth Boundary. In the former Premier's recent State of Address, delivered on the 1st of March 2022, it was indicated that "rezoning proposals for residential development will be able to be considered on their merits without needing to wait for the full review of our regional land-use strategies to be completed and without compromising sound planning processes". While the Urban Growth Boundary has previously been treated as a firm line, restricting any land outside of that from being rezoned, the former Premier has now opened the way for Councils and the Tasmanian Planning Commission to re-evaluate existing zonings.

Given the subject site shares a boundary with the general residential zone, this is the Council's opportunity to re-evaluate whether it is a 'sound planning process' to have the Agriculture Zone, with the potential for development of an industrial nature, to adjoin a developing residential area directly. Land Use planning principles and guidelines would indicate that it was not. The two adjoining zones are incompatible and have already resulted in an impact to the way on the way the landowner of the subject site's ability to use their land.

30.0 Future Urban Zone

The purpose of the Future Urban Zone is to identify land intended for future urban use and development and ensure that development does not compromise the potential for future urban use and development of land.

The subject site adjoins the existing Urban Growth Boundary for Cygnet. We know from a variety of reports that the land use projections calculated when the urban growth boundaries were put in place were too conservative, and land development has occurred at a much higher rate than predicted. This has resulted in the reduction of suitable land within the Urban Growth boundaries and those boundaries must now be extended. Therefore, suitable land directly adjoining the urban growth boundaries must be protected from being developed by use and development that is not compatible with residential uses.

The subject site arguably falls into that category.

FUZ4 provides the Future Urban Zone to be *applied to sites that require further structure or master planning before its release for urban development.*

HOBART:

C.M. Terry, BSurv (Tas.), M.SSSI (Director)
 H. Clement, BSurv (Tas.), M.SSSI (Director)
 M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
 T.W. Walter, Dip. Surv & Map (Director)
 M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
 D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
 A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
 L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
 M.M. Stratton, BSurvSpSc, GradDiplLandSurv (Tas.) (Associate)

LAUNCESTON:

J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
 M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
 J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
 A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099

The application of the Future Urban Zone would preserve the land and facilitate the expansion of the Urban Growth Boundary. Furthermore, it would provide a buffer between the residential zone and the surrounding agricultural land which is being actively used for agricultural purposes.

In summary, we would seek the application of the Future Urban Zone on the land located at 7368 Channel Highway, Cygnet.

The application of the zone would not be contrary to the Section 8A guidelines, it would reduce the potential for additional land use conflict between the subject site and the adjoining residential development, it would preserve the ability for the Urban Growth Boundary to be extended and, subject to future strategic planning analysis, the site could be better planned to create a buffer between the residential zone and surrounding agricultural uses through the application of lower density residential zoning.

We thank you for taking the time to consider our submission and look forward to participating in the LPS process.

Yours faithfully



Justine Brooks
Director – PDA Surveying, Engineering and Planning

HOBART:

C.M. Terry, BSurv (Tas.), M.SSSI (Director)
H. Clement, BSurv (Tas.), M.SSSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)

KINGSTON:

A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
M.M. Stratton, BSurvSpSc, GradDiplandSurv (Tas.) (Associate)

LAUNCESTON:

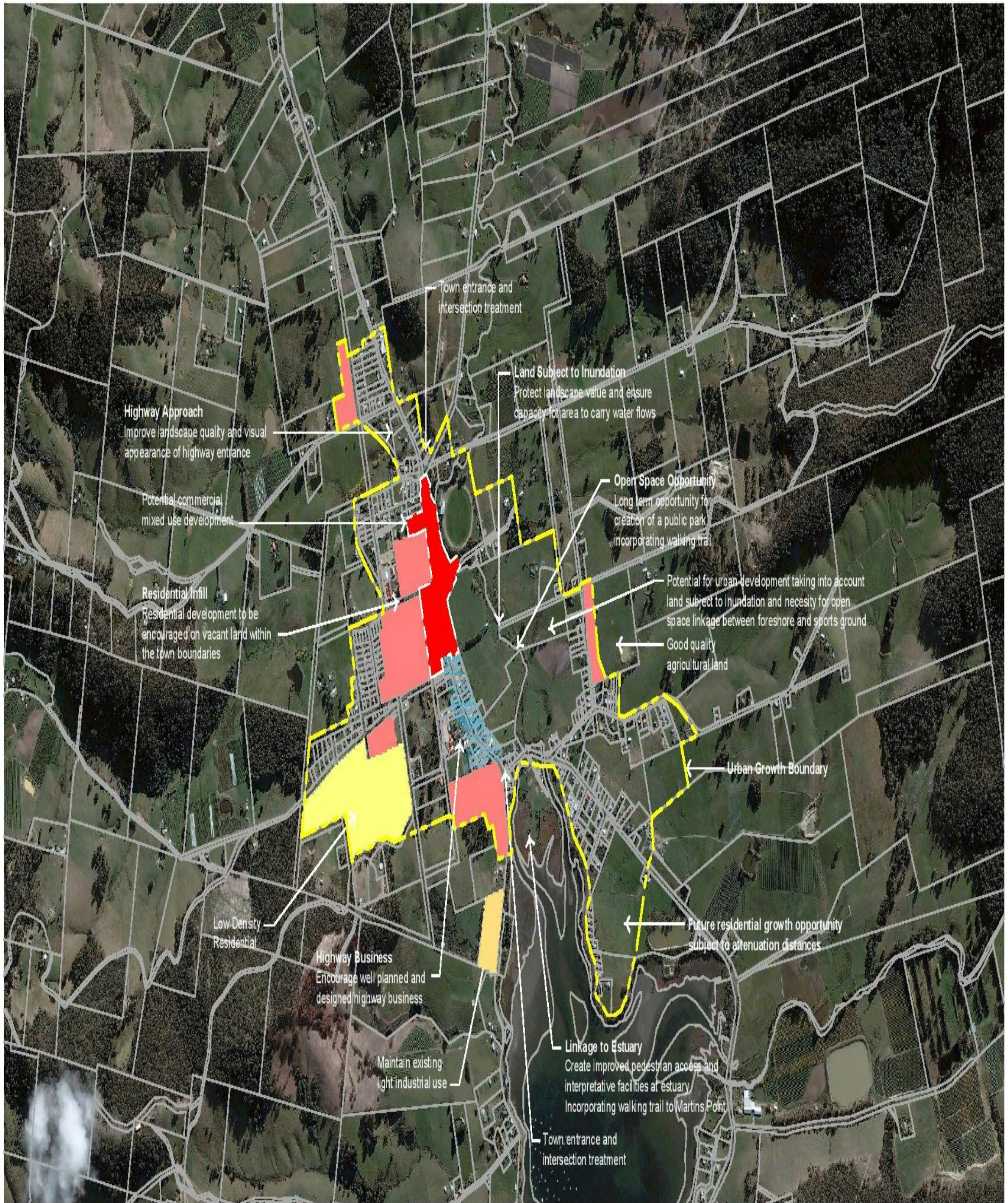
J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
J.M. Brooks, MEnvPlg, M.PIA (Director)

BURNIE/DEVONPORT:

A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)

OFFICES ALSO AT:

- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen St, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875
- 127 Bathurst St, Hobart, TAS 7000 (03) 6234 3217
- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099



Adapted from: TBA Planners Pty Ltd in association with Barwick & Associates Brian Raby (1997)

GHD 162 Macquarie Street, Hobart, Tasmania, 7000
Tel (03) 6210 0600 Fax (03) 6223 8246
E-Mail: hbamail@ghd.com.au

* THESE OUTLINE DEVELOPMENT PLANS ARE NOT INTENDED TO BE ZONING MAPS BUT ARE INDICATIVE OF LAND USE OPTIONS ONLY.

Huon Valley Land Use & Development Strategy
Cygnet Strategy

