

Thursday, 25 May 2023

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The General Manager
Kentish Council
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Dear Sir

Representation to Draft Kentish Local Provisions Schedule – Tasmanian Planning Scheme

Veris Australia Pty Ltd has been engaged by Andrew J. Richards, who recently purchased the property at 15 Shepherds Road, Railton (FR155394/6), to submit a representation on his behalf in respect to the Draft Kentish Local Provisions Schedule.

The subject site is about 8,975m² and vacant. It is identified as class 4 and class 5 land which is defined within the Land Capability Handbook 1999 as:



FIGURE 1: LAND CAPABILITY

Class 4:

“Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during ‘normal’ years to avoid damage to the soil resource. In some areas longer cropping

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phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)"

Class 5:

"This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices."

The subject site has access to reticulated sewage and water and frontage to Shepheards Road which is a Council maintained road. The lots adjoining to the west are all below 1,500m² in size and clearly intended for residential purposes and are partially already developed. The properties to the north have areas of 6,000m² to 8,000m² and they also enclose residential dwellings. The properties to the south and west are larger in size (except for one smaller residential property opposite on Shepheards Road) and comprise residential developments. The later properties include natural features which restrict the potential development of these lots.

PROPOSED ZONE

The Draft Kentish LPS proposes to apply the Rural Zone to the subject land. It is part of a cluster of rural residential properties in close proximity to land zoned General Residential.

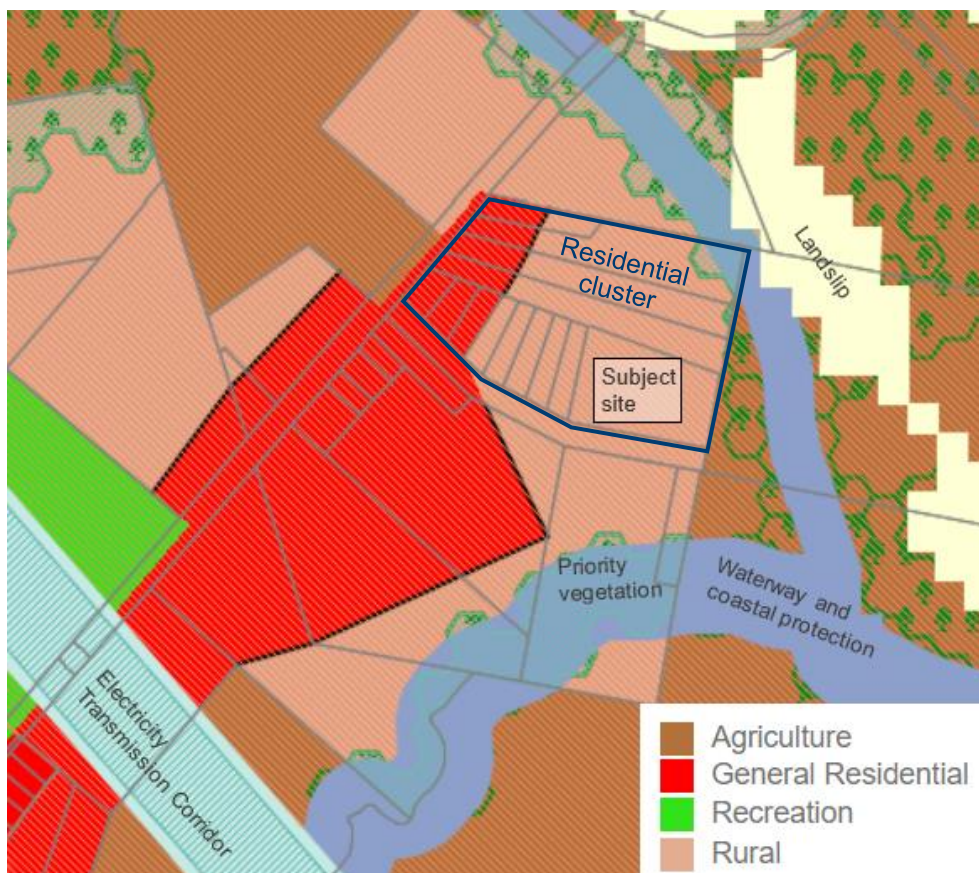


FIGURE 2: EXTRACT ZONING MAP DRAFT KENTISH LPS

Figure 2 shows the subject site proposed to be surrounded by Rural zoned land to the north, west and south and the Agricultural Zone to the east. The properties to the north and south-east are proposed for a split zoning (General Residential / Rural). The property to the east is proposed to be zoned Agriculture; however, this property also comprises a residential dwelling close to the subject site as well as natural features (priority / threatened vegetation, waterways) restricting the land to be developed for extensive agriculture in particular in close proximity to the existing residential developments to the west.

ZONE PURPOSE

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

The purpose of the Rural Zone is

- 20.1.1. To provide for a range of use or development in a rural location:
 - (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
 - (b) that requires a rural location for operational reasons;
 - (c) is compatible with agricultural use if occurring on agricultural land;
 - (d) minimises adverse impacts on surrounding uses.
- 20.1.2. To minimise conversion of agricultural land for non-agricultural use.
- 20.1.3. To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

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

The subject site has been identified as potentially constrained (Criteria 2A), while the area to the east has been excluded from the analysis for unknown reasons. Similar properties to the north and west have been classified as potentially constrained (Criteria 3) identifying the existing residential developments on the properties (see Figure 3).

Due to the land capability, size and existing developments surrounding the subject site, the property is considered to not be suitable for sustainable agricultural development and does not have any significant agricultural value. The subject site is not identified as prime agricultural land and is it not located within an irrigation district. While the adjoining property is zoned for agricultural purposes, it provides for an existing natural buffer (vegetation and waterway) as well as existing residential development between potential agricultural land and the subject site.

The application of the Rural Zone would allow a range of industrial type uses to be established on the land without any tests of locational appropriateness. This could lead to land use conflicts in the area. The subject site and the surrounding properties clearly form a cluster of residential land use on larger lots. Part of the identified cluster is already zoned 'General Residential' with an unconventional zone split between General Residential and Rural Zone applied to the properties. It is therefore considered that the subject site as well as the entire cluster of properties, although not forming part of this representation, should be zoned for residential purposes.

The application of an alternative zoning is therefore considered to be consistent with the Principle of the State Policy on the Protection of Agricultural Land 2009.

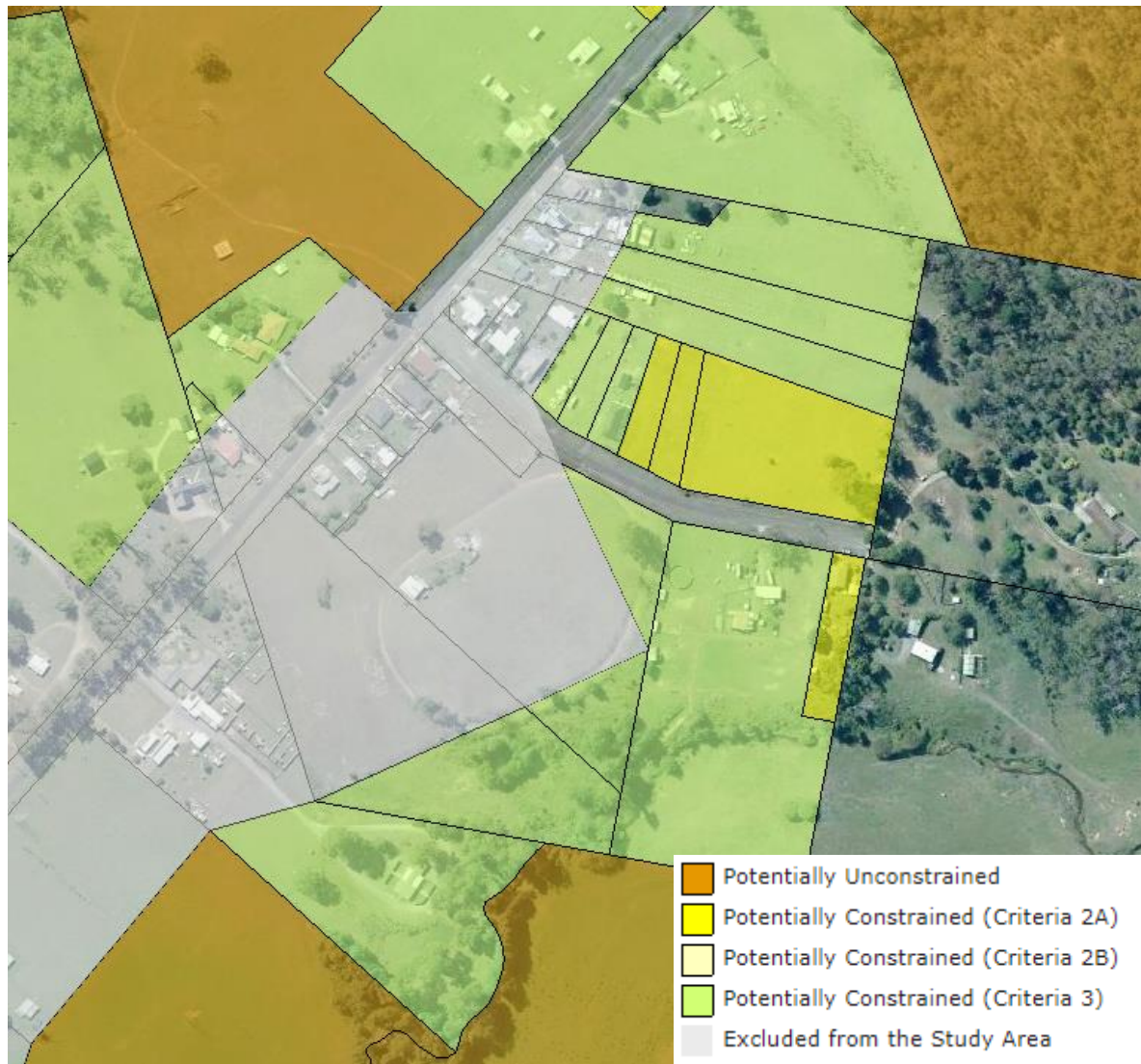


FIGURE 3: LAND POTENTIALLY SUITABLE FOR AGRICULTURE ZONE LAYER (THE LIST)

POTENTIAL ZONE ANALYSIS

Three residential zones have been identified as potentially suitable for the area.

General Residential (GRZ)

The purpose of the General Residential Zone is:

- 8.1.1. To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2. To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3. To provide for non-residential use that:
 - (a) primarily serves the local community; and
 - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off-site impacts.
- 8.1.4. To provide for Visitor Accommodation that is compatible with residential character.

The subject site is connected to reticulated water and sewer. It is in close proximity to the town centre of Railton providing essential services infrastructure required for residential use. It is considered that the zone purpose suits the subject site and surrounding properties.

It is noted that the application of the existing General Residential Zone does not appear to be consistent with the Practice Notice 7 – Draft LPS mapping: technical advice, which states:

“Minimise the use of zone boundaries that do not align to the cadastral parcel boundaries or road centrelines. Where use of other zone boundaries is necessary for planning reasons, the zone boundaries must be based on features that are identifiable on the ground. Avoid using datasets with variable spatial accuracy, currency or attribute accuracy to underpin zone boundaries (such as geology, Tasveg, threatened species, etc).”



FIGURE 4: ZONE BOUNDARY GRZ

It appears that the zone boundary might have been initially established along a fence line, which appears to have been partially removed. The zone boundary is considered to not be easily identifiable on the ground contrary to Practice Notice 7.

Table 1: Zone Application guidelines General Residential Zone (Section 8A)

Zone Application Guidelines	Comment
<p>GRZ 1</p> <p>The General Residential Zone should be applied to the main urban residential areas within each municipal area which:</p> <ul style="list-style-type: none"> (a) are not targeted for higher densities (see Inner Residential Zone); and (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system. 	<p>The subject site (cluster) is not targeted for higher densities and is connected to reticulated water supply and sewerage service.</p> <p>The application of the General Residential Zone would be compliant with this guideline.</p>
<p>GRZ 2</p> <p>The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> (a) within the General Residential Zone in an interim planning scheme; (b) within an equivalent zone under a section 29 planning scheme; or (c) 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; and (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system, 	<p>The subject land (cluster) is zoned Rural Resource within the Kentish Interim Planning Scheme 2013.</p> <p>Within the Railton Strategic Plan 2017 the cluster of 5 smaller lots west of the subject site have been identified to be rezoned to General Residential to rectify a residential anomaly (p.24).</p> <p>The subject land is connected to reticulated water and sewage.</p> <p>The application of the General Residential Zone is not directly supported by the adopted strategic plan.</p>
<p>GRZ 3</p> <p>The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>	<p>The subject site is not constrained by hazards, natural values or other impediments.</p> <p>The application of the General Residential Zone would be compliant with this guideline.</p>

Figure indicates how the application of the General Residential Zone to the subject site and the surrounding cluster as well the removal of the split zone anomaly could look like.

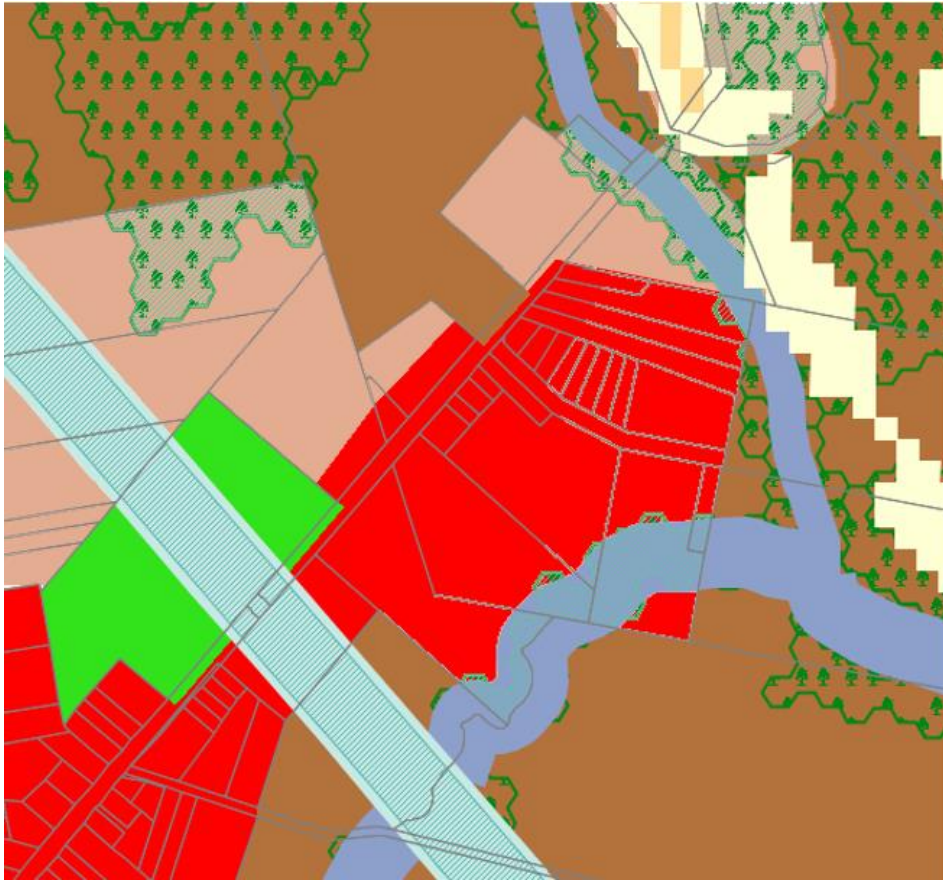


FIGURE 5: POTENTIAL GRZ APPLICATION TO SUBJECT SITE AND SURROUNDING LAND

Although the development potential of the additional land zoned for residential purposes under this scenario is limited by existing developments and natural features / values, the increase in General Residential land appears too excessive to be supported through this process.

Low Density Residential (LDRZ)

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.

The subject site is connected to reticulated water and sewer. It is in close proximity to the town centre of Railton providing essential services infrastructure required for residential use. However, it is located within a cluster of larger residential lots and adjoins agricultural land which limits the desired density of the site to avoid land use conflicts. It is considered that the zone purpose suits the subject site and surrounding properties.

Table 2: Zone Application guidelines General Low Density Residential Zone (Section 8A)

Zone Application Guidelines	Comment
<p>LDRZ 1</p> <p>The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:</p> <ul style="list-style-type: none"> (a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints: <ul style="list-style-type: none"> (i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and (ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or (b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; 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. 	<p>The subject site (cluster) provides for residential development on the periphery of the township of Railton. Existing development pattern indicate residential developments on large lots.</p> <p>The application of the LDRZ would be compliant with this guideline.</p>
<p>LDRZ 2</p> <p>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.</p>	<p>The identified cluster is fully serviced. The land identified to be suitable for the LDRZ (see Figure 6) are above the minimum allowable lot size (1,200m²) except for the first property along Shepheards Road adjoining the General Residential Zone. This property has an area of 1,166m² just below the minimum lot size.</p> <p>The application of the LDRZ would be compliant with this guideline.</p>
<p>LDRZ 3</p> <p>The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.</p>	<p>The LDRZ is not chosen to protect natural values; however, some properties comprise natural values, which suggests that the GRZ is less appropriate.</p> <p>The application of the LDRZ would be compliant with this guideline.</p>

Zone Application Guidelines	Comment
<p>LDRZ 4</p> <p>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.</p>	<p>The application of the LDRZ as shown in Figure 6 reflects the existing development pattern of the area and provides for a greater choice of housing (on larger lots within a fully serviced area).</p> <p>The application of the LDRZ would be compliant with this guideline.</p>

The General Residential Zone boundary has been additionally amended to provide a zone boundary easier identifiable on the ground by connecting property corners. The offset of less General Residential land but more Low Density Residential land is also considered to provide for a balanced residential land supply consistent with existing development potential. The split zoning between General Residential and Low Residential Zone allows for more compatible land use development within the cluster while the Low Residential Zone provides a buffer between higher density residential use and agricultural use.



FIGURE 6: POTENTIAL GRZ AND LDRZ APPLICATION TO SUBJECT SITE AND SURROUNDING LAND

The Low Density Residential Zone has not been proposed elsewhere in the Kentish LPS; however, the above analysis concludes that this is the zone most appropriate for this site and the adjoining area.

We therefore submit that, in order to best achieve the objectives of the Local Provisions Schedule, our client's land should be zoned General Residential or preferably Low Density Residential. In order to avoid spot rezoning, Council would need to consider the rezoning of the identified cluster according to existing land use. It is also recommended that Council uses this opportunity to align the existing General Residential Zone boundary according to the Draft LPS mapping: technical advice.

Your sincerely



Jana Rockliff

Town Planner