

SUBMISSION TO TPC HEARING

NORLEY LONGFORD

SUMMARY

This is about recognising the heritage significance of Norley, preserving and enhancing agricultural productivity of land, recognising superfluous assets and enhancing the amenity of existing dwellings.

Since 1836 (on and off) the three titles of Norley, Strathaird and Goodlands have been farmed/managed as a single entity. As a result the agricultural infrastructure needed to operate these titles exist on the Norley title (photos below).



WHY A SAP?

A SAP allows the Planning Authority to be certain that the proposed subdivisions and consolidations all happen in one application.

Approval will create a source of income which can be used to maintain Norley and the land which will be attached to the said title. Whilst our client is not “on the bread-line” maintenance of such a historic home (in totally private ownership) is not a cheap activity.

The current owners are desirous of setting up a long term estate planning process for Norley. As an example – there are two sons in the next generation of Harrisons. Options for dealing with the estate could be:

- Sell the property as it currently exists – three titles. This does not solve any of the issues identified in this report.
- Divide the property in terms of titles to the two sons. This option requires new infrastructure to service the agricultural units. Such infrastructure would need to be located on flood free ground – close to the existing residential development along Wellington St.
- Sell each title as individual units. The current owner could do this now and this would be the most financial beneficial – three titles with absolute river frontage being highly desirable.

Other than the first option – the other two reduce the agricultural potential of the site as whole – contrary to the objectives of zone/s.

With the split of titles there would be the need to form agricultural infrastructure on the seperated titles. Given the areas of the site which are free of flooding risk this would mean building such infrastructure close to existing dwellings. Such an example can be seen on a neighbouring property.



Within the circled area are farm buildings, stockyards, feed storage areas and truck turning areas.

The closest dwelling not on the title with the farm infrastructure is less than 8m from the said infrastructure.



SIGNIFICANCE?

The Planning Authorities response to the SAP is disappointing:

Planning Authority response The Minister for Planning has consistently advised Councils that the State Government's position is that the LPS process is not a suitable opportunity to undertake significant strategic land use planning reviews. This is clearly identified in the Minister's Advisory Statement from June 2017: "The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be

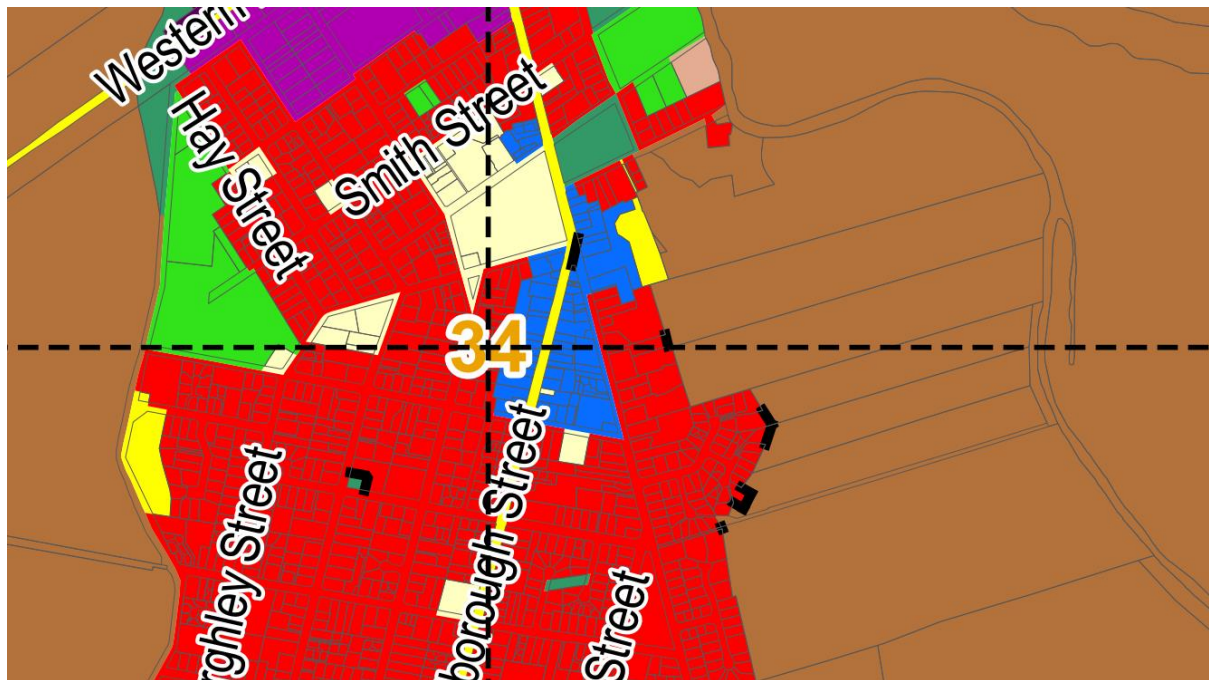
unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.” This is not to preclude or diminish the importance of undertaking these strategic land use planning reviews, rather it identifies that this will largely occur outside of the LPS process, with the drafting of the LPS broadly emphasising administrative translation over strategic improvements. Council recognises the need undertake contemporary review and development of strategic land use plan(s), and such work will occur after the LPS process is completed. Such wider strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA, where there is appropriate strategic planning to support those changes.

One has to question strongly how this proposal can be classed as “significant”.

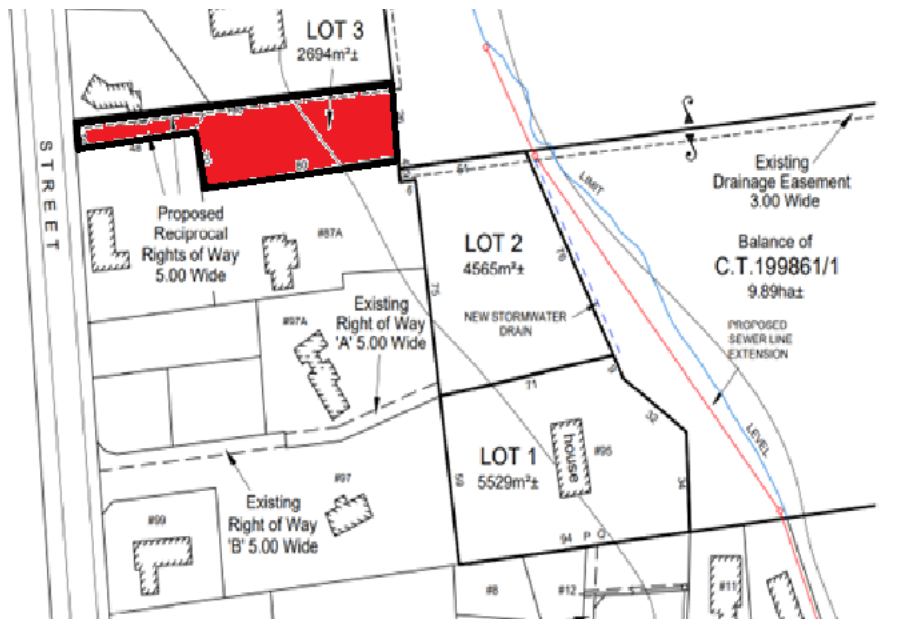
There are many examples of “more significant” SAP’s/Amendments being approved under the Tasmanian Planning Scheme process.

Let’s explore the significance of this SAP:

The land is zoned Agricultural/General Residential use (see below):



Examining the SAP with the current and proposed zoning in mind



What is shown as Lot 3 can be considered as it separates land in different zones – this can be considered under the current Rural Resource zone (clause 26.4.2 Subdivision)

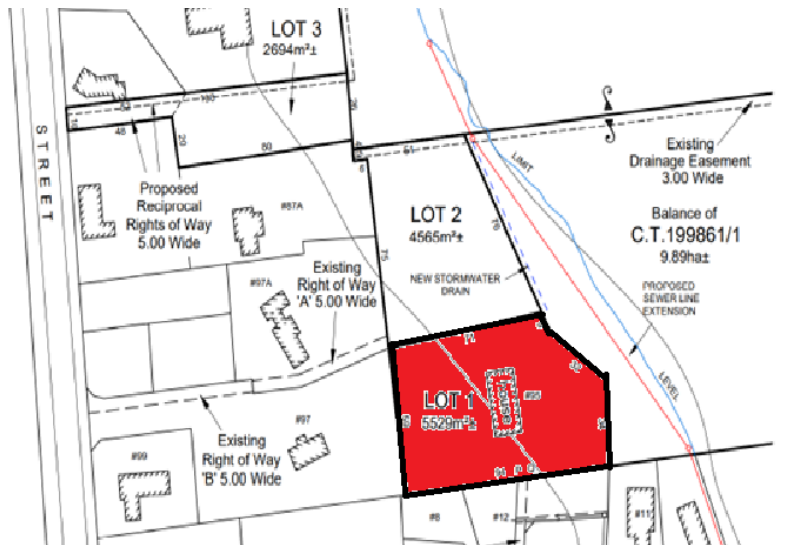
A1 Lots must be: a) for the provision of utilities and is required for public use by the Crown, public authority or a municipality; or b) for the consolidation of a lot with another lot with no additional titles created; or **c) to align existing titles with zone boundaries and no additional lots are created.**

That would be a single stage.

Access would be from Wellington St (below). At 7m wide, there would be sufficient width to consider this site for a townhouse type development – lots could be down to 325sqm in area. This pattern of development, whilst allowable under the General Residential zone, would be detrimental to the land use pattern in this section of Wellington St – a heritage precinct area.



Under Tasmanian Planning Scheme an excision of a lawful use can be considered. The current dwelling on what is shown as Lot 1 is a lawful use.

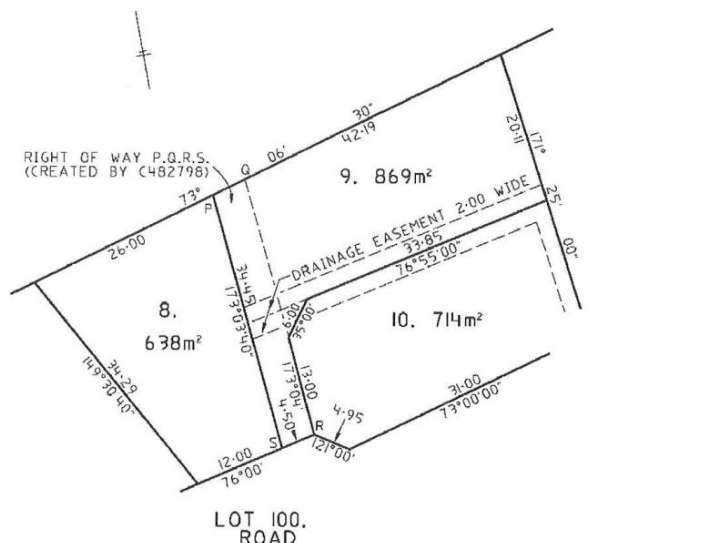


21.5.1 Lot Design

P1

(c) be for the excision of a use or development existing at the effective date that satisfies all of the following: (i) the balance lot provides for the operation of an agricultural use, having regard to: a. not materially diminishing the agricultural productivity of the land; b. the capacity of the balance lot for productive agricultural use; c. any topographical constraints to agricultural use; and d. current irrigation practices and the potential for irrigation; (ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot; (iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.

Access to lot 1 would be through the ROW as shown below:





This would be a second stage in the future proofing of Norley – but still no certainty regarding the overall future of the site.

So that leaves what is shown as Lot 2.

Lot 2 would take its access from the current ROW off Wellington St (see below).



It is highly unlikely that the Planning Authority would class this as a boundary adjustment under either Planning Scheme model.

So interrogating the thoughts of the Planning Authority – Lot 2 is the “significant” planning decision they cannot support.

The Oxford Dictionary – **Significant** – Important or Noticeable; important, large, or great, leading to a different result or to an important change.

It is hard to see how the Planning Authority can justify calling this proposal Significant – they failed to provide an answer to this question in an email 22nd March – maybe they can justify their position to the Panel.

CONCLUSION

If we follow the idea of the SAP we will get one extra dwelling outside that which can be considered under the Interim/Tasmanian Planning Schemes. But we do this in an integrated manner – removing any opportunity to form farming infrastructure close to dwellings, removing the opportunity for ROW's to be used by agricultural machinery and consolidating titles so the productive capacity of Norley is not adversely impacted.