



HUON VALLEY COUNCIL

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18 December 2023

Our Ref: 17/82
Enquiries to: Rong Zheng

Mr J Ramsay
Delegate (Chair)
Tasmanian Planning Commission
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Email: tpc@planning.tas.gov.au

Dear Mr Ramsay

**RE: DRAFT HUON VALLEY LOCAL PROVISION SCHEDULE (LPS) – LPS-HUO-TPS –
DIRECTION 9**

I write in response to the Commission's directions issued on 9 August 2023.

Direction 9 requested the following information:

Following the hearing of representation 358 (land at 180 Middle Road, Pelterata, folio of the Register 49031/1), the planning authority is to undertake an investigation as to whether the Rural Zone ought to apply to the land.

Note: This direction is in addition to Direction 34 issued on the 30 May 2023, which relates to representations 86, 91 and 206 and seeks recommendations from the planning authority in relation to the application of the Rural Zone to land in Pelterata.

Response

Based on broad zoning analysis in Pelterata, the land at 180 Middle Road, Pelterata (FR 49031/1) was recommended to be zoned Landscape Conservation Zone. Please find attached report for detailed analysis.

If you would like to discuss this matter further, please do not hesitate to contact Rong Zheng direct on 6264 9467.

Kind Regards

RONG ZHENG
PROJECT MANAGER – STRATEGIC LAND USE



**HUON VALLEY
COUNCIL**

**SUMMARY OF REPRESENTATIONS AND
PLANNING AUTHORITY RESPONSES TO THE
DRAFT HUON VALLEY LOCAL PLANNING
SCHEDULE**

**REPORT MADE UNDER SECTION 35F OF THE
LAND USE PLANNING AND APPROVALS
*ACT 1993***

ADDENDUM October 2023

Direction 10 30 May 2023	Tasmania Planning Commission
Matters raised	<p>Following the hearing of representations 71, 98, 120 and 232 (land at Garden Island Creek):</p> <ul style="list-style-type: none"> • a diagram showing the planning authority's recommended application of a split zone between the Landscape Conservation Zone and Rural Living Zone (with appropriate sub zone) to that land located along Garden Island Creek Road, Garden Island Creek, including consideration of land at 30 Igglesden Road, Garden Island Creek (folio of the Register 159844/2); • advice in relation to the attributes upon which the zone boundaries have been determined; • street addresses and title details for all land identified in the diagram; and • contact details for all affected landowners (including postal addresses and email addresses (if available). <p>It is the intention of the Commission to contact affected landowners to seek their views in relation proposed zoning changes."</p>
Planning Authority response	<p>During the Huon Valley LPS hearing process, the Tasmanian Planning Commission directed the Planning Authority to conduct a comprehensive analysis for the Garden Island Creek area in order to determine the most appropriate zoning in the draft LPS.</p> <p>The consulting firm, ERA, was subsequently tasked with conducting the analysis, focusing on the land currently designated as part of the Environmental Living zone in Garden Island Creek.</p> <p>The following steps were undertaken as part of this analysis:</p> <ul style="list-style-type: none"> • Insight GIS conducted a mapping exercise to identify titles within the study area that meet the following criteria: • Used for residential purposes to align with RLZ1 (a) of the zone application guidelines, which prioritizes the protection of residential amenity. • Contain less than 80% native vegetation coverage, which is one of the criteria in the broader application of the Landscape Conservation zone in the municipality. • Include lots that are 10 hectares or below to align with the application of the Rural Living zones A, B, C, and D, which provide for lot sizes of 1 ha, 2 ha, 5 ha, and 10 ha, respectively.

	<ul style="list-style-type: none"> A review of the zoning regulations that applied to the study area under the <i>Port Cygnet Planning Scheme 1988</i> was conducted to understand the consistency, or lack thereof, with RLZ2 (b). RLZ2 (b) allows for the application of the Rural Living zone to land designated as Environmental Living, especially when the primary strategic intent is for residential use and development within a rural setting. <p>The study also considered the Huon Valley Land Use and Development Strategy 2007 version and the Southern Tasmania Regional Land Use Strategy. The zoning recommendations were then drawn to a conclusion. The detailed analysis can be found in Attachment B and map in Attachment D.</p>
Recommended action	<p>change 126704/1, 129059/4, 129059/3, 129058/2, 200428/1, 127283/2, 113944/1, 113944/2, 10617/2, 20040/1, 228451/1, 246178/2, 17184/1, 203930/1, 73288/1, 7276/1, 11328/1, 7364/2 from LCZ to Rural in draft LPS.</p> <p>change 243866/1, 246178/1, 221598/1, 244029/1, 84031/1, 55933/1, 32598/1, 159844/1, 44887/1, 243638/1, 102906/1, 251346/1, 197189/1, 60188/1, 213257/1, 25979/1, 25979/14, 158417/2, 158417/1, 25979/11, 103370/2, 103370/1, 38576/1, 25979/9, 25979/8, 25979/7, 25979/6, 46943/1, 46428/1, 25979/4, 25979/3, 25979/2, 228452/1, 22013/1, 25590/1, 25590/2, 22672/1, 232395/1, 143514/1, 143514/2, 143514/3 from LCZ to Rural Living D in draft LPS.</p> <p>change 200680/1, 239324/1, 137517/1, 235791/1, 143005/1, 143005/2 and 123855/1 from LCZ to Split zone along 30m contour – Rural Zone/LCZ in draft LPS.</p> <p>change 203932/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – LCZ) in draft LPS.</p> <p>change 130488/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – Rural Living) in draft LPS.</p> <p>change 33001/1 from LCZ to Split Zone (To the west of Garden Island Creek Road to be zoned Rural and to the east – Rural Living) in draft LPS.</p> <p>change 159844/2 from LCZ to Split Zone - LCZ (above 30m contour) and Rural Living Zone (Area D) (below 30m contour) in draft LPS.</p>

Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

Direction 34 30 May 2023	Tasmania Planning Commission
Matters raised	<p>Following the hearing of representations 86, 91 and 206 (land at Pelterata):</p> <ul style="list-style-type: none"> • a diagram showing the planning authority's recommended application of the Rural Zone to land zoned Landscape Conservation in the draft LPS; • street addresses and title details for all land identified in the diagram; and • contact details for all affected landowners (including postal addresses and email addresses, if available). <p>It is the intention of the Commission to contact affected landowners to seek their views in relation proposed zoning changes.</p>
Planning Authority response	<p>During the Huon Valley LPS hearing process, the Tasmanian Planning Commission directed the Planning Authority to undertake an investigation as to whether the Rural Zone ought to apply to the land at 180 Middle Road, Pelterata (folio of the Register 49031/1). This direction is in addition to Direction 34 issued on the 30 May 2023, which relates to representations 86, 91, and 206 seeking recommendations from the planning authority in relation to the application of the Rural Zone to land in Pelterata. It is understood that the intent of these directions is for the Planning Authority to undertake an analysis of the broader Pelterata area and the application of the zones under the draft LPS.</p> <p>The consulting firm, ERA, was subsequently tasked with conducting the analysis, focusing on the land currently designated as part of the Pelterata area.</p> <p>The following steps were undertaken as part of this analysis:</p> <ul style="list-style-type: none"> • Insight GIS conducted a mapping exercise to identify titles within the study area that meet the following criteria:

	<ul style="list-style-type: none"> • Used for residential purposes to align with RLZ1 (a) of the zone application guidelines, which prioritizes the protection of residential amenity. • Contain less than 80% native vegetation coverage, which is one of the criteria in the broader application of the Landscape Conservation zone in the municipality. • Include lots that are 10 hectares or below to align with the application of the Rural Living zones A, B, C, and D, which provide for lot sizes of 1 ha, 2 ha, 5 ha, and 10 ha, respectively. • A review of the zoning regulations that applied to the study area under the <i>Huon Planning Scheme 1979</i> was conducted to understand the consistency, or lack thereof, with RLZ2 (b). RLZ2 (b) allows for the application of the Rural Living zone to land designated as Environmental Living, especially when the primary strategic intent is for residential use and development within a rural setting. <p>The study also considered the Huon Valley Land Use and Development Strategy 2007 version and the Southern Tasmania Regional Land Use Strategy. The zoning recommendations were then drawn to a conclusion. The detailed analysis can be found in Attachment C and map in Attachment E.</p>
Recommended action	<p>change 205379/1, 127980/1, 40809/1, 111267/1, 111267/2, 117007/1, 37897/2, 21463/2, 208415/1, 205379/1, 159913/3, 138560/3, 138560/9, 129173/1, 37898/1, 131675/1, 233664/1, 201489/1, 246241/2, 139603/1, 112315/3, 128140/1, 167809/1, 17958/1, 147203/3, 147203/4, 143574/1, 143574/2, 112315/3, 143574/3, 167809/1, 167809/2, 17958/1 and 128140/1 from LCZ to Rural in draft LPS.</p> <p>change 127979/1, 30151/1, 14543/1, 127699/5, 127699/1, 127699/2, 127699/3, 239795/1, 127699/4, 163590/2, 163590/1, 45666/1, 46941/1, 232492/1, 122100/1, 161537/1, 158937/1, 158937/2, 87758/1, 39350/5, 45869/1, 44715/1, 248302/2, 159421/1, 153677/2, 127915/1, 153677/1, 203283/1, 244148/1, 35747/1, 206643/1, 227263/1, 24485/1, 176636/1, 159131/1, 176635/1, 219206/1, 162112/1, 162112/2, 63952/1, 159420/1, 25284/2, 139908/1, 25284/1, 156309/1, 128757/2, 128942/1, 130481/1, 130481/3, 128757/1, 147203/1, 147203/2, 128757/2, 101586/1, 101580/2, 101580/1, 100019/1,</p>

	<p>18731/1, 113744/1, 113743/1, 34946/1, 45797/1, 45797/2 and 34130/1 from LCZ to Rural Living D in draft LPS.</p> <p>change 156309/2 from LCZ to Split zone (To the east of Pelterata Road to be zoned Landscape Conservation and to the west – Rural) in draft LPS.</p>
Effect of recommended action on the draft LPS	There is no effect on the draft LPS resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.
Meets LPS criteria	The Planning Authority recommendation meets the LPS criteria.

To Rong Zeng, Project Manager, Strategic Land Use, Huon Valley Council

From Clare Hester, Manager Planning, ERA Planning and Environment

Date 30 August 2023

Reference 2021-072

Subject Huon Valley Local Provision Schedule
Zoning analysis of land in Environmental Living zone, Garden Island

1. Introduction

Description of analysis

The analysis applies to land currently in the Environmental Living zone in Garden Island Creek (see Figure 1). The following steps were undertaken as part of this analysis:

- Insight GIS undertook a mapping exercise that identified titles within the study area that:
 - Are used for residential purposes to align with RLZ1 (a) of the zone application guidelines which prioritises the protection of residential amenity.
 - Contain less than 80 % native vegetation coverage which was one of the criteria in the broader application of the Landscape Conservation zone in the municipality.
 - Lots that are 10 hectares or below to align with the application of the Rural Living A, B, C, and D that provide for lots sizes of 1 ha, 2 ha, 5 ha and 10 ha respectively.
- A review of the zones that applied to the study area under the *Port Cygnet Planning Scheme 1988*. This is to understand the consistency or otherwise with RLZ2 (b) that allows for the application of the Rural Living zone to Environmental Living zoned land where the *primary strategic intent* is for the residential use and development within a rural setting.

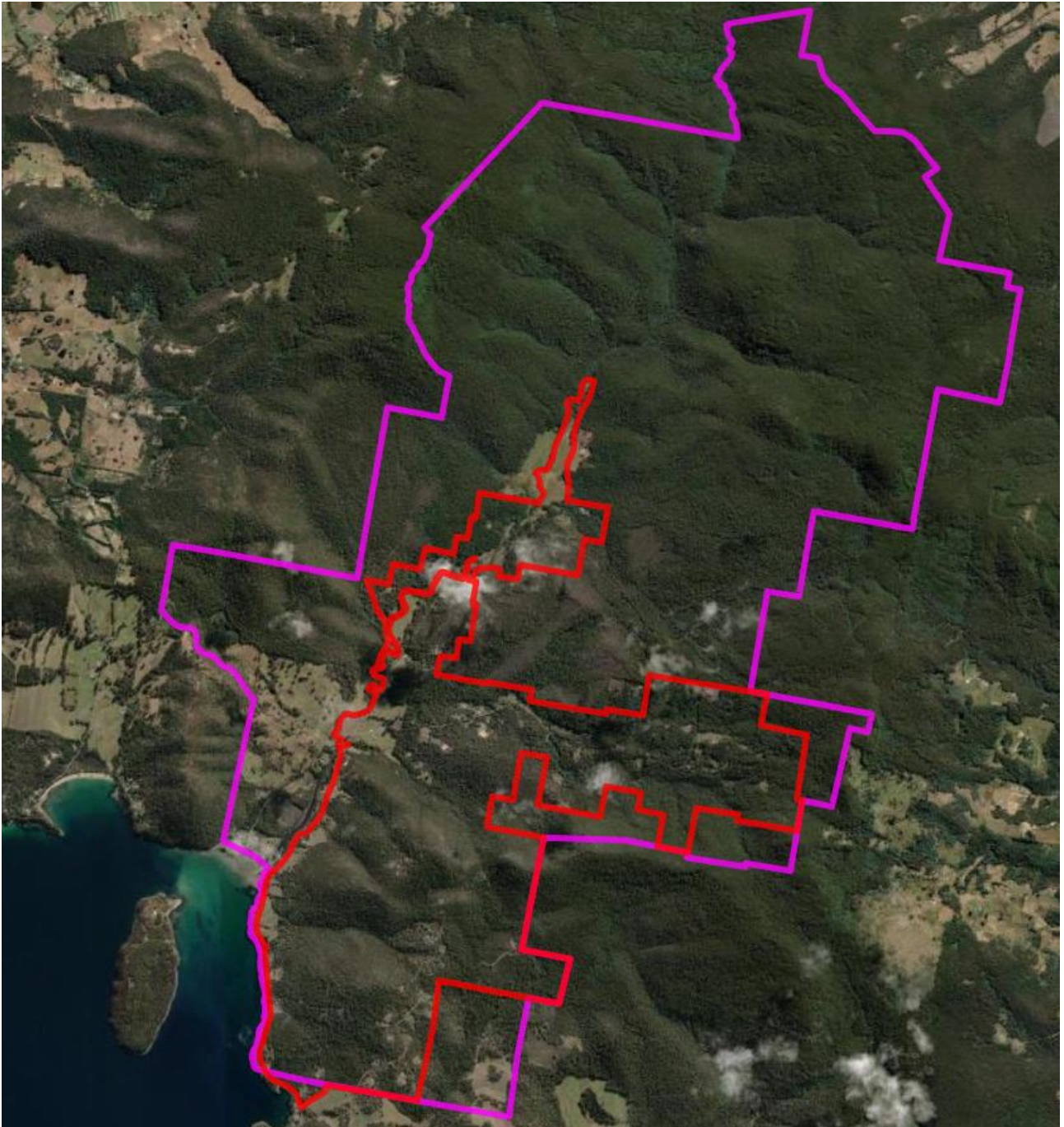


Figure 1: Study area shown with red outline; pink outline identifies the Garden Island Creek locality

2. Key strategic literature

Huon Valley Land Use and Development Strategy 2007

The Huon Valley Land Use and Development Strategy 2007 (the strategy) does not recognise this area of Garden Island Creek as a settlement, referring to Garden Island Sands only. Garden Island Sands is zoned Low Density and is separated from the study area by Garden Island Creek waterway. The strategy, as a guiding principle, requires the consolidation of Garden Island Sands by allowing only infill development of existing lots. The strategy provides the following summary in terms of residential development more broadly for the Huon Valley:

Residential development outside of defined areas has the potential to undermine any overall residential strategies, which promote consolidation and phased extension of existing residential areas. It also has potential to weaken effectiveness of the rural strategies which aim to protect long term capacity to retain its asset base and to sustain the areas capacity for primary production. Residential or non-agricultural development also limits the long-term potential to revert the land back to agriculture – it brings in the ‘last crop’ syndrome – ‘the last crop a piece of land grows is a house’.

There is extensive fragmentation of rural land within the Huon Valley in terms of subdivision and ownership – i.e. land has been extensively subdivided and many properties comprise a single title only. Multiple ownerships are not common. Where this occurs, a person may own a large area comprising numerous lots each having a separate title or with all being on the one title but capable of being issued with a separate title.

In summary, the strategy seeks to consolidate the settlement areas by restraining residential development outside of settlement areas.

Southern Tasmania Regional Land Use Strategy

The Southern Tasmania Regional Land Use Strategy (STRLUS) identifies similar planning principles to that identified in the Huon Valley Land Use and Development Strategy. The STRLUS provides a regional settlement strategy that aims to:

- *Encouraging the consolidation and strengthening of rural towns and villages.*
- *Discouraging new residential uses not associated with rural activity in productive rural areas.*
- *Planning for rural living opportunities to minimise detrimental impacts.*
- *Minimising inappropriate residential development in areas at risk from hazards such as sea-level rise, flooding and bushfire.*
- *Maximising use of existing infrastructure.*
- *Minimising pressure on duplication of services in remote areas.*
- *Avoiding the creation of any further environmental issues caused by on-site wastewater disposal.*
- *Preventing linear development in coastal areas; and*
- *Protecting distinct landscape character.*

In summary, the STRLUS seeks to consolidate and strengthen towns and villages and restrict residential development outside of existing settlements. In accordance with the STRLUS Rural Living areas should be planned for. To this end, the land use and development strategy that is being prepared in 2023/2024 for the Huon Valley includes a review of the application of the Rural Living zone in the Huon Valley.

It is relevant that the study area, which is entirely zoned Environmental Living, is 1,071 ha in size and therefore in my opinion, is too large to be considered appropriate to transition to the Rural Living zone under the LPS (in its entirety). Moreover, there is no strategic intention for this entire area to have a primary purpose of residential use and development within a rural setting.

3. Analysis - Port Cygnet Planning Scheme 1988

The following is a high-level summary of the key provisions of each of the relevant zones that applied to the Garden Island Creek locality under the *Port Cygnet Planning Scheme 1988*.

Rural A Zone

Clause 6.2.2 – *The intent of this zone is to protect the rural environment and to aide the continuance of farming and other rural related activities.*

S7.9 identified the minimum lot size of 12 ha for the Rural A zone.

In accordance with Schedule 2 – table of uses, a house is a discretionary use in the Rural A zone except where the application is on a lot which existed as a separate title prior to the coming into effect of this

scheme or a lot created by a subsequent boundary adjustment of a lot which existed as a separate title prior to the coming into effect of this scheme such a use shall be permitted.

Rural B Zone

Clause 6.3.1 – The intent of this zone is to preserve scenic quality, to protect flora and fauna habitats, to maintain the stability of the soils especially on the steep slopes, to protect water quality in water catchment areas and to recognise existing or potential forestry resources.

S7.10 identified the minimum lot size of 40 ha for the Rural B zone.

In accordance with Schedule 2 – table of uses a house is a discretionary use in the Rural B zone except where the application is on a lot which existed as a separate title prior to the coming into effect of this scheme or a lot created by a subsequent boundary adjustment of a lot which existed as a separate title prior to the coming into effect of this scheme such as use shall be permitted.

Low Density Residential B

Clause 6.6.1 – The intent of this zone is to provide for a mixture of hobby farming and low density living.

Clause 6.6.2 – This zone emphasises the opportunity for living in a natural environment with an expectation of minimal disturbance to the setting. When considering development or subdivision applications Council will ensure that lot design, access locations and building materials shall be sympathetic to the natural terrain.

Clause 6.6.3 – Electric power and sealed roads are required.

Clause 6.6.4 – Not applicable to study area.

S7.4 identified the minimum lot size in the Low Density Residential B zone as being 2 ha.

In accordance with Schedule 2 – table of uses, a house is a permitted use in the Low Density Residential B zone.

Summary

Given the above description, it is my opinion that the land zoned Low Density Residential B under the *Port Cygnet Planning Scheme 1988*, is generally consistent with a Rural Living zone under the Tasmanian Planning Scheme given a 'house' is a permitted use and the minimum lot size is 2 ha. To this end, it is opined that the requirement under RLZ2(b) of the zone application guidelines, where the primary strategic intention for the area is residential use and development within a rural setting, is satisfied. Low Density Residential B is generally applied to the titles shaded in blue see Figure 2.

The Rural A zone that has an identified intent to protect the rural environment and to aide the continuance of farming, and where a 'house' is a discretionary use (subject to qualification), in my opinion, cannot be considered as having a strategic intent for residential use and development within a rural setting as required by RLZ 2 (b) of the zone application guidelines. It is opined that the Rural A zone is more closely aligned with the Rural zone under the Tasmanian Planning Scheme. Notwithstanding, on balance, given the minimum lot size of 12 ha and a 'house' being a permitted use on a lot which existed as a separate title prior to the coming into effect of the *Port Cygnet Planning Scheme 1988*; consideration can be given to these titles being zoned Rural Living Area D and still not be inconsistent with the zone application guidelines. Accordingly, as part of this analysis, the lots that were in the Rural A zone have been considered as being potentially suitable for the Rural Living (area D), Rural or Landscape Conservation zones.

Land that was zoned Rural B under the *Port Cygnet Planning Scheme 1988*, had a minimum lot size of 40 ha, and a house was a discretionary use (with qualification). Furthermore, the intent of this zone was to protect scenic quality. Accordingly, it is my opinion that this zone broadly aligns with the Landscape Conservation zone under the Tasmanian Planning Scheme and these lots cannot be considered as being in an area where the primary strategic intent was for residential use and development within a rural setting. It is further noted that the lots that were previously in the Rural B zone under the *Port Cygnet Planning Scheme 1988* have an identified native vegetation coverage of 80% or greater. See the area shaded in green in Figure 1 for the approximate area subject to the Rural B Zone under the *Port Cygnet Planning Scheme 1988*.

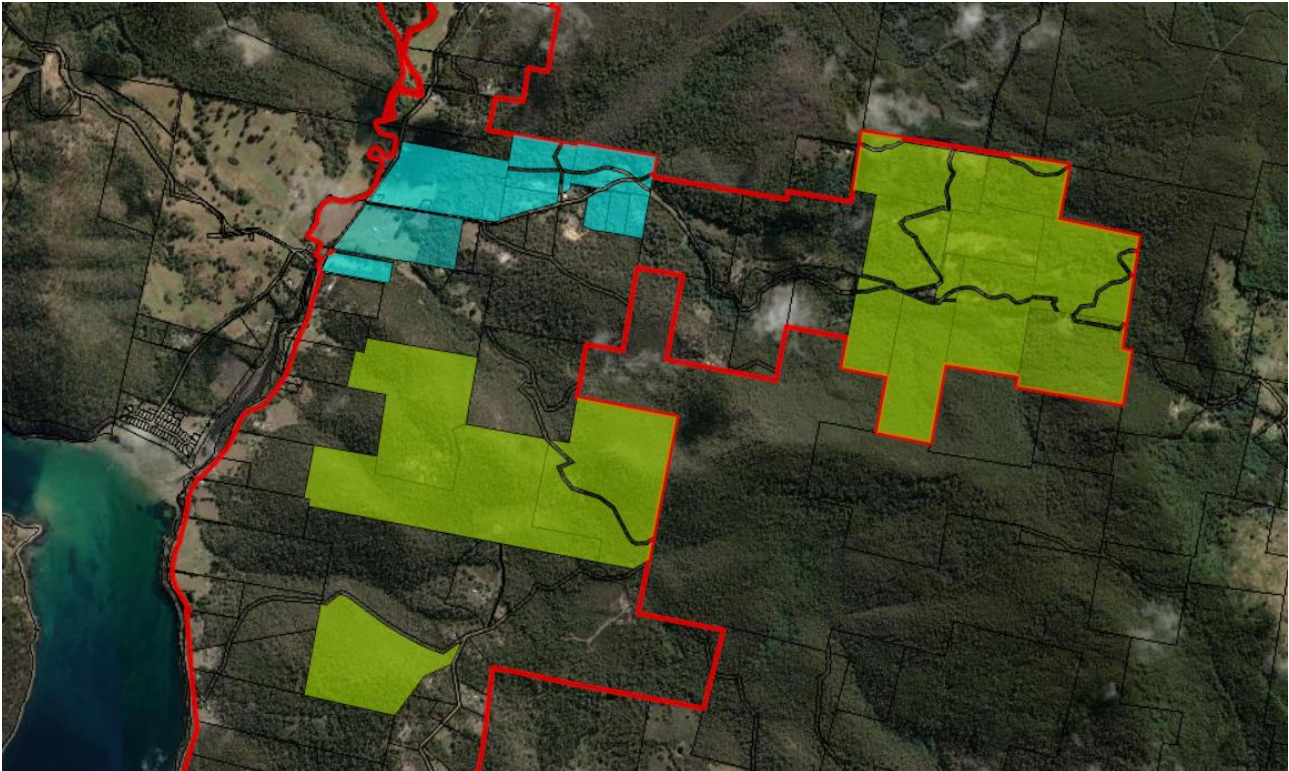


Figure 2: Study area shown with red outline. Area shaded in blue shows the approximate area subject to the Low Density Residential B; the area shaded in green identifies the lots generally in the Rural B Zone; with the remaining area previously zoned Rural A

4. Zoning recommendations Garden Island Creek

Rural Living

There are two areas within the broader Garden Island Creek locality that are recommended to go into the Rural Living zone under the Huon Valley LPS. The first area is the Scarrs Road cluster that has a consistent pattern of lot sizes around 5 ha. This area was previously zoned Rural A.

The second area is primarily based on the cluster of lots that were previously zoned Low Density Residential B and lots adjoining this area that are substantially cleared of native vegetation, contain a dwelling and/or are of a size below 10 ha. Given two of the lots in this cluster are substantial in size (around 16 ha and 13 ha), contain areas of threatened vegetation communities and areas of native vegetation that form part of a contiguous bushland area, Area D is considered to be the most appropriate minimum allowable lot size.

Rural Zone

The areas recommended to be zoned Rural are a result of the lots containing minimal native vegetation coverage and there being no strategic intent for these lots to form part of an area for residential use and development within a rural setting.

Landscape Conservation Zone

The titles that have been identified for the Landscape Conservation are lots that were previously in the Rural Area B, contain 80 % or greater native vegetation coverage, the native vegetation on the title forms part of a larger contiguous bushland area, the lot sizes are generally over 10 ha and/or there is no strategic intention for these lots to form part of an area for residential use and development within a rural setting.

Other


Given the Commission's ongoing support for split zoning, some titles have been highlighted as a potential split zone between the Rural zone and the Landscape Conservation zone.

Secondly, some lots have been zoned a particular way for zoning continuity and to avoid spot zoning.

5. Response to directions

Table 1 - Response to outstanding directions

Direction	ERA Response
10 Commission directions 30 May 2023	<p><u>Representations 71</u></p> <p>110 Garden Island Creek, Road, Garden Island Creek, folio of the Register 243866/1</p> <p>This title forms part of one of two areas in this broader Garden Island Creek area, currently zoned Environmental Living, that are recommended to go into the Rural Living zone. This title forms part of an area that was previously zoned Low Density Residential B under the <i>Cygnets Planning Scheme 1988</i>. This zone provided for a single dwelling as a permitted use, a minimum lot size of 2 ha, with the intent of the zone being to provide for a mixture of hobby farming and low density living. To this end it is opined that the requirement under RLZ2(b) of the zone application guidelines, where the primary strategic intention for the area is residential use and development within a rural setting, is satisfied. The site is partially cleared and around 7.8 ha in size. Given there is no detailed strategic justification to allow for a smaller lot size to that existing in this area and two lots in this cluster are substantial in size (around 16 ha and 13 ha), the area contains threatened vegetation communities and the native vegetation forms part of a contiguous bushland area, Area D is considered to be the most appropriate minimum allowable lot size.</p>
10 Commission directions 30 May 2023	<p><u>Representation 98</u></p> <p>78 Garden Island Creek Road, Garden Island Creek; folio of the Register 246178/2</p> <p>This title is on the western side of Garden Island Creek Road, eastern side of Garden Island Creek and is only 121 m² in size. The title appears to contain only a single tree and adjoins land to the north and south that is being recommended to go into the Rural zone. Garden Island Creek is currently zoned and proposed to be zoned in the draft LPS, Environmental Management. Given the size of the title, the recommended zoning as Rural is primarily to ensure that there is a continuity of zoning with the adjoining lots. It is further noted that the owner of the 0.5 ha lot to the north is the same as this subject lot.</p> <p>78 Garden Island Creek Road, Garden Island Creek; folio of the Register 228451/1</p> <p>This title is on the western side of Garden Island Creek Road, eastern side of Garden Island Creek and is 0.5 ha in size. The title is almost entirely cleared and adjoins land to the north that is being recommended to go into the Rural zone. Garden Island Creek is currently zoned and proposed to be zoned in the draft LPS, Environmental Management however the land to the west of Garden Island Creek which is substantially cleared is identified as Rural in the draft LPS. The recommended zoning for this lot is Rural for zoning continuity and because the site is cleared of native vegetation.</p> <p>78 Garden Island Creek Road, Garden Island Creek; folio of the Register 246178/1</p> <p>This title forms part of one of two areas in this broader Garden Island Creek area, currently zoned Environmental Living, that are recommended to go into the Rural Living zone. This title forms part of an area that was previously zoned Low Density Residential B under the <i>Cygnets Planning Scheme 1988</i>. This zone provided for a single dwelling as a permitted use, a minimum lot size of 2 ha, with the intent of the zone being to provide for a mixture of hobby farming and low density living. To this end it is opined that the requirement under RLZ2(b) of the zone application guidelines, where the primary strategic intention for the area is residential use and development within a rural setting, is satisfied. The site is partially cleared and around 5.24 ha in size. Given there is no detailed strategic justification to allow for a smaller lot size to that existing in this area and two lots in this cluster are substantial in size (around 16 ha and 13 ha), the area containing threatened vegetation communities and the native vegetation forming part of a contiguous bushland area, Area D is considered to be the most appropriate minimum allowable lot size.</p> <p>76 Garden Island Creek Road, Garden Island Creek, folio of the Register 221598/1</p> <p>This 0.44 ha size is split across Garden Island Creek Road. The part of the title that is on the eastern side of Garden Island Creek Road, is recommended to form part of the Rural Living Area D cluster due to the site having similar attributes and historical zoning as the land to the north, 78 Garden Island Creek Road.</p>

Direction	ERA Response
	<p>Similarly, the part of the title to the west of Garden Island Creek Road is only around 500 m² in size and therefore, for zoning continuity reasons it has been recommended for the Rural zone. Importantly, the land is in the same ownership as the two parcels of the land to the north, which are also being recommended for the Rural zone.</p>
<p>10 Commission directions 30 May 2023</p>	<p><u>Representation 120</u> 30 Igglesden Road, Garden Island Creek, folio of the Register 159844/2</p> <p>This title is partially cleared and adjoins land recommended for the Rural Living zone (Area D) and land that is recommended for the Landscape Conservation zone. The area of the title that is substantially cleared and less steep, adjoins the area recommended for the Rural Living zone. Similarly, the area of the title that is steeper, vegetated and contains a ridgeline, adjoins land recommended for the Landscape Conservation zone. For these reasons, and the support of the Commission for split zoning, the title is recommended to be split zoned Rural Living Area D and Landscape Conservation along the 30 m contour as shown in the figure below.</p>  <p>Figure 3: Title shown with pink outline with recommended split zone location shown with blue line, reflecting Direction 10.</p>
<p>10 Commission directions 30 May 2023</p>	<p><u>Representation 232</u> 6028 Channel Highway, Garden Island Creek, folio of the Register 239324/1</p> <p>This site is partially cleared, is around 9.8 ha, contains a dwelling and has frontage to Channel Highway. The vegetation on the title is located on the steeper area and forms part of a larger bushland area, with the eastern boundary adjoining land recommended for the Landscape Conservation zone. This title forms part of a cluster of lots that generally contain a single dwelling towards the Channel Highway frontage, with the steeper parts of these lots being substantially covered in vegetation and forming part of a larger bushland area; low intensity use, and development is therefore considered appropriate. Furthermore, there is no strategic intent or strategic justification to include this title and the other lots currently in the Environmental Living zone in this area to transition to the Rural Living zone, noting the potential size of the Rural Living zone should this area be included in the Rural Living area to the north. Given the support of the Commission for split zoning during the Huon Valley LPS hearing process, this lot is recommended to be split zone Rural with Landscape Conservation along the 30 m contour. This contour generally aligns with the separation of the steeper, vegetated part of the site with the flatter, cleared part of the site.</p>

Direction	ERA Response
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Figure 4: Title shown with pink outline with recommended split zone location shown with blue line (on 30 m contour) reflecting direction 10.

<p>Direction 36 Commission directions 30 May 2023</p>	<p><u>Submission 5</u></p> <p>Lot 2, Garden Island Creek Road, Garden Island Creek, folio of the Register 129058/2</p> <p>This title is zoned Environmental Living under the <i>Huon Valley Interim Planning Scheme 2015</i> and Landscape Conservation under the draft LPS. The submission does not request a particular zone, rather it appears to request that the applicable zone provides for a single dwelling as a no permit required, or a permitted use. The site is cleared of native vegetation, is 5.14 ha and adjoins land to the north and south recommended for the Rural zone in response to direction 10 of 30 May 2023. Given the site is cleared of native vegetation, it adjoins land recommended to go into the Rural zone and there is no strategic intent for this area of Garden Island Creek to become an area for residential use and development within a rural setting, the most appropriate zone for the title is Rural.</p>
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To Rong Zeng, Project Manager, Strategic Land Use, Huon Valley Council

From Clare Hester, Manager Planning, ERA Planning and Environment

Date 11 September 2023

Reference 2021-072

Subject Draft Huon Valley draft LPS
Zoning analysis of land in Pelterata, Tasmania Planning Commission, Directions response

1. Introduction

Description of analysis

The analysis applies to land in the Pelterata area of the Huon Valley local government area (see Figure 1). The following steps were undertaken as part of this analysis:

- Insight GIS undertook a mapping exercise that identified titles within the study area that:
 - Are used for residential purposes to align with RLZ1 (a) of the zone application guidelines that identifies priority being given to the protection of residential amenity.
 - Contain less than 80 % native vegetation coverage which was one of the criteria in the broader application of the Landscape Conservation zone in the municipality.
 - Lots that are 10 hectares or below to align with the application of the Rural Living A, B, C, and D that provide for lots sizes of 1 ha, 2 ha, 5 ha and 10 ha respectively.
- A review of the zones that applied to the study area under the *Huon Planning Scheme 1979*. This was to understand the consistency or otherwise with RLZ2 (b) that allows for the application of the Rural Living zone to Environmental Living zoned land where the primary strategic intention is for the residential use and development within a rural setting.

35F Report recommendation

A decision was made early in the process of preparing the draft Huon Valley Local Provisions Schedule (LPS), that land in the Environmental Living zone was to transition to the Landscape Conservation zone, given that the Environmental Living zone was not part of the suite of zones available under the State Planning Provisions. During the review of the representations received, some areas that are in the Environmental Living zone were considered as being appropriate to transition to the Rural Living zone. This is due to, RLZ2 (b) where the Rural Living zone can be applied to land within the Environmental Living zone if the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied. The determination of whether the strategic intention was there during the review for the 35F report, was generally based around the primary use of the cluster being residential, and there being a broad consistency of lot sizes and/or a clustering of lots.

It is noted that there are several lots that were recommended for the Rural Living zone in the 35F report that upon a more detailed analysis of the Pelverata area are now recommended for either the Landscape Conservation zone¹ or the Rural zone².

Tasmanian Planning Commission direction

The Tasmanian Planning Commission (TPC) as part of their directions from 15 August 2023 requested the planning authority undertake an investigation as to whether the Rural Zone ought to apply to the land at 180 Middle Road, Pelverata (folio of the Register 49031/1). This direction is in addition to Direction 34 issued on the 30 May 2023, which relates to representations 86, 91, and 206 seeking recommendations from the planning authority in relation to the application of the Rural Zone to land in Pelverata. It is understood that the intent of these directions is for the planning authority to undertake an analysis of the broader Pelverata area and the application of the zones under the draft LPS.

¹ Lots recommended for the Landscape Conservation zone as a result of this analysis include: 25284/2 and 176636/1.

² Lots recommended for the Rural zone as a result of this analysis include: 37898/1, 129173/1, 138560/9, 138560/3, 159913/3 and 159421/1

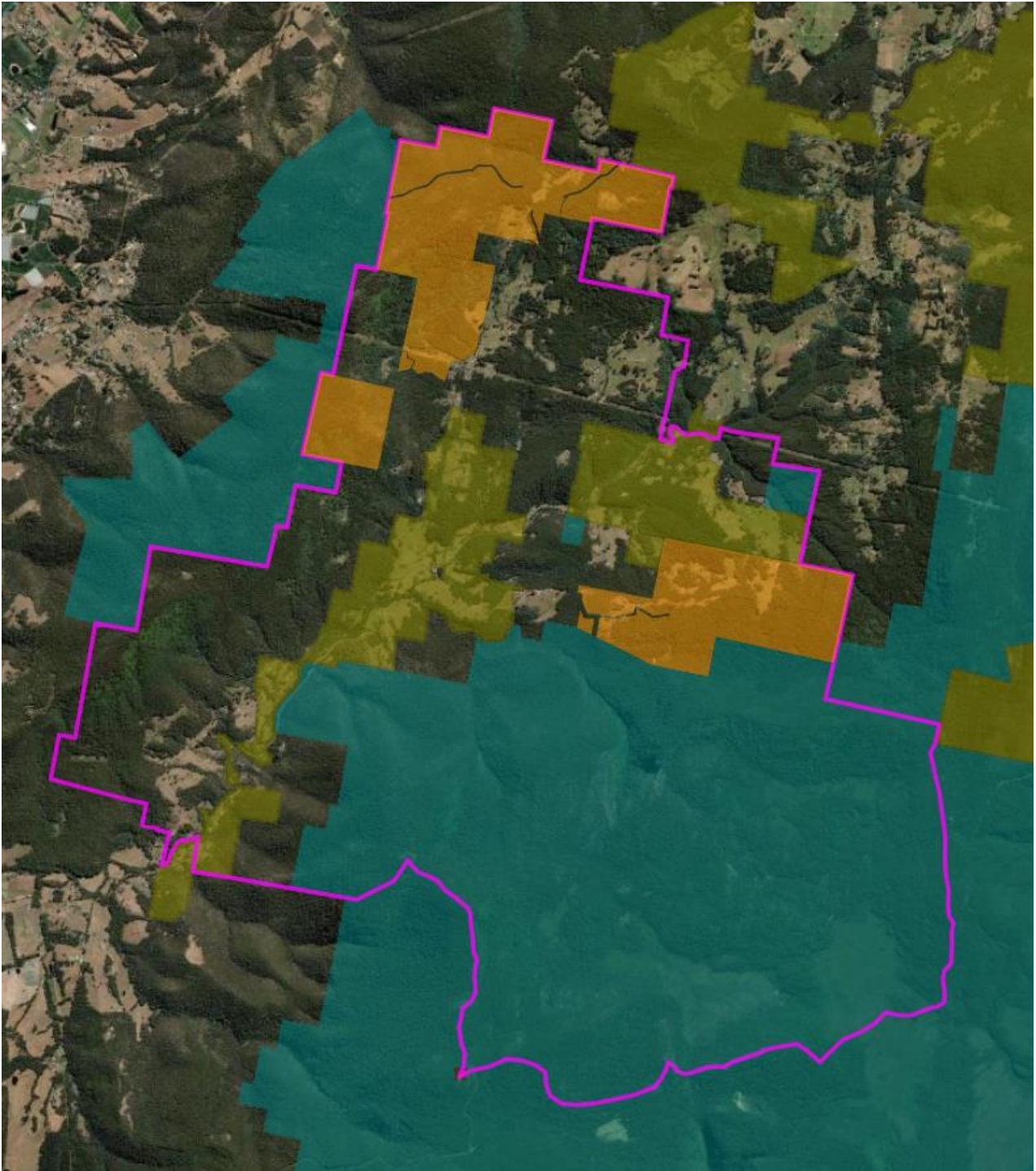


Figure 1 Study area shown with pink outline; teal green identifies area zoned Environmental Management, light green identifies land within study area currently zoned Environmental Living and orange shading identifies land with a Private Timber Reserve

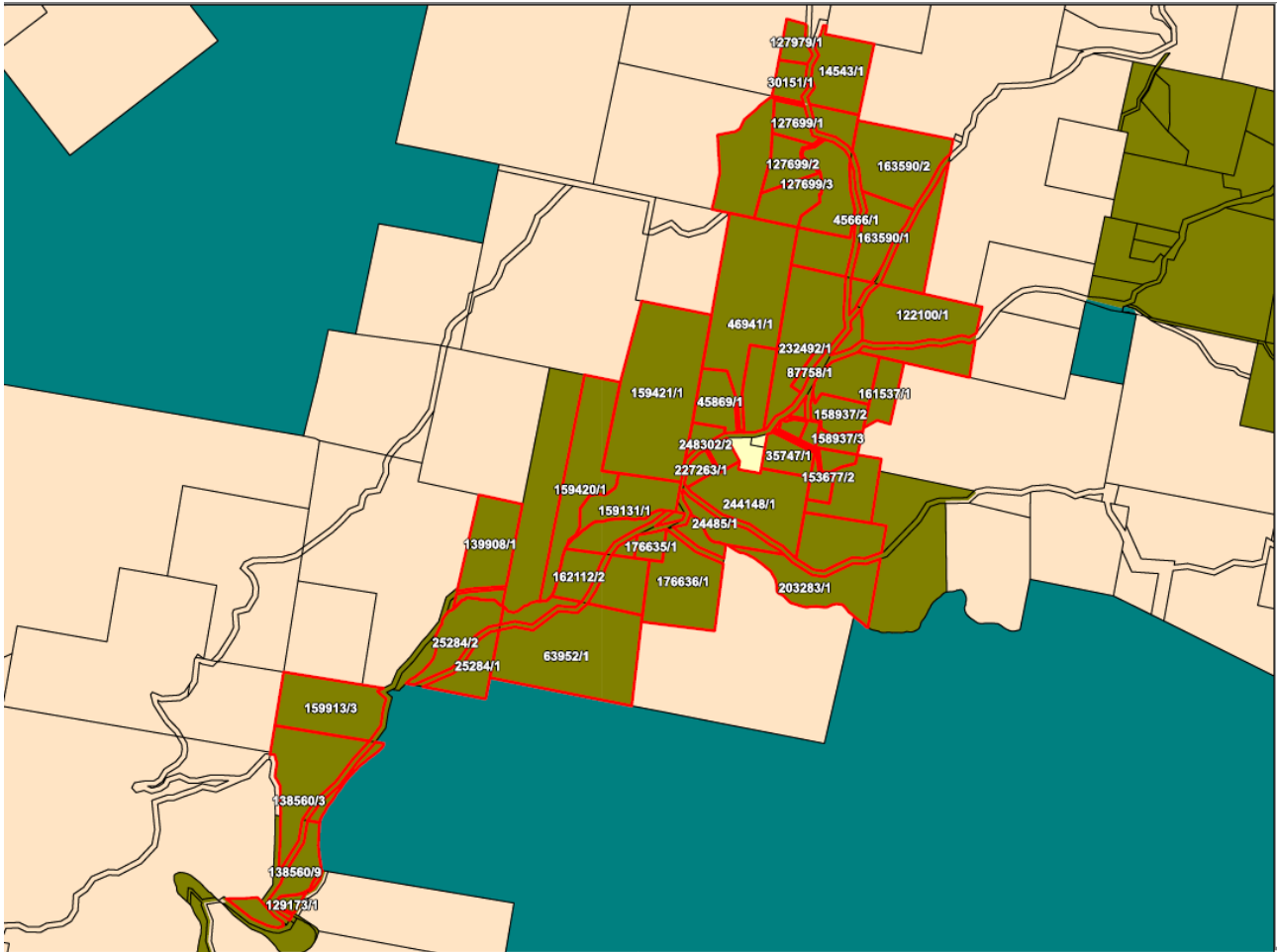


Figure 2 Titles highlighted in red identifies the land recommended for the Rural Living zone in the study area

2. Key strategic literature

Huon Valley Land Use and Development Strategy 2007

The *Huon Valley Land Use and Development Strategy 2007* (the strategy) does not recognise Pelverata as a settlement. The strategy provides the following summary in terms of residential development more broadly for the Huon Valley:

Residential development outside of defined areas has the potential to undermine any overall residential strategies, which promote consolidation and phased extension of existing residential areas. It also has potential to weaken effectiveness of the rural strategies which aim to protect long term capacity to retain its asset base and to sustain the areas capacity for primary production. Residential or non-agricultural development also limits the long-term potential to revert the land back to agriculture – it brings in the ‘last crop’ syndrome – ‘the last crop a piece of land grows is a house’.

In summary, the strategy seeks to consolidate the settlement areas by restraining residential development outside of established settlement areas.

The strategy provides a three-tiered approach for residential development on land outside of urban areas³:

³ Relevant to this analysis is that the Environmental Living zone was in the suite of zones at the time of the preparation of the strategy, accordingly there is no reference to the application of the Environmental Living zone in the tiered approach for residential development on land outside of the settlement areas.

- *Tier one: the allocation of Rural Living Zone is in accordance with the criteria outlined in the table below.*
- *Tier two: areas of land that are not highly fettered but are fragmented to an extent that constrains agricultural productivity and are unlikely to be consolidated (i.e. not part of a larger agricultural holding). These areas are to be zoned as Rural Resource but identified by an overlay that allow limited residential development subject to buffer requirements, with no further subdivision.*
- *Tier three: Rural areas to be zoned as Rural Resource with clear and tight limitations on residential development and subdivision less than the minimum lot size.*

In accordance with tier one, the relevant criteria for the application of the Rural Living zone are:

- *High to medium fettered land that:*
 - *Is in proximity to a major town (i.e within 10 kilometres)*
 - *Has conditions for on-site servicing (i.e. soil type)*
 - *Is desirable for residential living (i.e. no south facing slopes)*
 - *Can ensure compliance with bushfire protections measures*
 - *Is not located directly adjacent to noxious activities or State Forest*
 - *Will not create conflict with the maintenance of threatened vegetation communities, threatened flora or habitat for threatened species*
 - *Is not heavily at risk through landslip, erosion, flooding and storm-surge*

In summary, the strategy seeks to consolidate the settlement areas and to protect the long-term capacity of primary production by restraining residential development outside of the existing settlement areas. Regarding the application of the Rural Living zone, criteria include high to medium fettered land and within 10 km of a major town. Major settlements are identified by the strategy as Huonville, Cygnet, Franklin, Geeveston and Dover; the nearest major settlements to Pelterata are Huonville which is around 15 km away and Cygnet which is around 20 km.

Southern Tasmania Regional Land Use Strategy

The *Southern Tasmania Regional Land Use Strategy (STRLUS)* identifies similar planning principles to that identified in the strategy. The STRLUS provides a regional settlement strategy that aims to:

- *Encouraging the consolidation and strengthening of rural towns and villages.*
- *Discouraging new residential uses not associated with rural activity in productive rural areas.*
- *Planning for rural living opportunities to minimise detrimental impacts.*
- *Minimising inappropriate residential development in areas at risk from hazards such as sea-level rise, flooding and bushfire.*
- *Maximising use of existing infrastructure.*
- *Minimising pressure on duplication of services in remote areas.*
- *Avoiding the creation of any further environmental issues caused by on-site wastewater disposal.*
- *Preventing linear development in coastal areas; and*
- *Protecting distinct landscape character.*

In summary, the STRLUS seeks to consolidate and strengthen towns and villages and restrict residential development outside of existing settlements. In accordance with the STRLUS, Rural Living areas should be planned for.

3. Analysis – Huon Valley Planning Scheme 1979

The applicable zones to the study area under the *Huon Planning Scheme 1979* was the Rural Zone and a large portion of the study area being a 'reservation' under Part 2. The applicable reservation was *Forestry*

Commission which was shown with yellow hatching and is identified as a forest reserve, state forest or for timber reserve purposes. The Forestry Commission land generally aligns with land currently zoned Environmental Management under the *Huon Valley Interim Planning Scheme 2015*. This land will transition to the Environmental Management zone under LPS. Accordingly, no further analysis is required for land subject to Part 2 of the *Huon Planning Scheme 1979* that is in the Environmental Management zone of the draft LPS.

Regarding land zoned Rural under the *Huon Planning Scheme 1979* – the following key relevant standards applied:

- Clause 3.5.12 – permitted minimum lot size of 20 ha
- Clause 3.5.13 – provided for a discretionary lot size down to 1 ha
- Schedule 3 Table of use zones – single dwelling is a permitted use

In terms of the suite of zones available under the *Huon Planning Scheme 1979* the Rural Residential, Semi Rural Residential and Intensive Rural zones are relevant to this analysis. The following key relevant standards applied to these zones.

The Rural Residential zone:

- Clause 3.5.5 – identifies this zone for *low density development located in areas which are unsuitable for farming purposes with a minimum lot size of 1 ha.*
- Schedule 3 Table of use zones – *single dwelling may take place without obtaining a permit, provided the use complies with all relevant development standards.*

The Semi Rural Residential zone:

- Clause 3.5.6 identifies this zone for *low density development in marginal agricultural areas, located in selected localities on the perimeter of the valley floors of the Huon and Mountain Rivers. The purpose of this zone is to make available lots which are suitable for intense agricultural use (market gardening, etc) with a minimum lot size between 4 – 8 ha with an average of 6 ha.*
- Schedule 3 Table of use zones – *single dwelling may take place without obtaining a permit, provided the use complies with all relevant development standards.*

The Intensive Rural zone:

- Clause 3.5.9 identifies this zone for *retention of land for agricultural production*
- Clause 3.5.9 provided for a *minimum lots zone 20 ha*
- Clause 3.5.13 – provided for a discretionary lot size down to 1 ha
- Clause 3.5.9 provided for a *maximum depth to frontage 3:1*

Of relevance is that in 1995 an amendment to the *Huon Planning Scheme 1979* was made that introduced a specific application to two select areas: the first of which was Pelverata Road (the second area was near New Road and Prices Creek) that provided for a minimum lot size to 5,000 m². This amendment was subsequently removed as part of a tranche of changes to the *Huon Planning Scheme 1979*, in 2008. As way of background the 1995 amendment was introduced to *assist residents through the hard times of the apple industry decline*; with the 2008 amendment being introduced given the *economic situation in the Huon Valley had changed for the better and Council considers that the subclause as outdated and inconsistent with the principles for use and development of rural land espoused in the Huon Valley Land Use and Development Strategy.*

4. Zoning recommendations Pelverata

It is opined that the Rural Residential zone and the Semi-Rural Residential zone under the *Huon Planning Scheme 1979* most closely align with the Rural Living zone under the State Planning Provisions. Further, it is considered that the Rural zone and the Rural Intensive zone most closely aligning with the Rural zone and Agriculture zone respectively. Accordingly, it is opined that under the *Huon Planning Scheme 1979* there was no strategic intent for Pelverata to become a Rural Living area given the application of the Rural zone only, whilst recognising the ability to subdivide to 5,000 m² for a period. Notwithstanding, no Rural Living

type zones under the *Huon Planning Scheme 1979* were applied in the study area. Furthermore, there is no recognition of Pelterata as a settlement or similarly, no strategic planning support in the *Huon Valley Land Use and Development Strategy 2007* or STRLUS for this area to become a Rural Living area.

Notwithstanding, in the Rural zone under the *Huon Valley Planning Scheme 1979* a single dwelling was a permitted use and lots through a discretionary pathway could be subdivided down to 1 ha (and below this during the period from 1995 - 2008). It is opined that this historical zoning, with the more recent Environmental Living zoning under the Interim planning scheme, has resulted in a mixture of lot sizes, with most lots within the Environmental Living zone containing a residential use. Put simply, the Pelterata area has developed into a Rural Living area despite there being no strategic support for this.

Therefore, in terms of the zoning application guidelines, like many of these areas in the Huon Valley, there is no clear zoning application process for this area. Accordingly, to achieve key planning objectives of compact settlements and minimising the fettering of agricultural use and development, whilst recognising the substantial cluster of residential uses on lots typically associated with a Rural Living area (ie between 1 – 10 ha) the following approach has been undertaken for the application of the zones for the draft LPS.

Application of the Rural Living Area D zone

- Lots currently zoned Environmental Living that contain a dwelling
- Lots generally less than 10 ha
- Lots vary from around 1.4 ha up to 12 ha; to prevent any further subdivision and subsequent residential development, Rural Living Area D with a minimum lot size of 10 ha is recommended.

Application of the Rural zone

- Lots without a residential use
- Lots with a vegetation coverage below 80 %
- Land with a Private Timber Reserve

Application of the Landscape Conservation zone

- Lots with vegetation coverage greater than 80 %, forming part of a larger bushland area.

Discrepancies to the above

- Zoning continuity is a consideration in the application of the zones. Therefore, some lots have been absorbed into the zoning of adjoining land, as a 'best fit' rather than meeting the above application. Examples include:
 - CT 176636/1 which is zoned Environmental Living, does not contain a dwelling, is around 9 ha and has a vegetation coverage of 72 %. This lot has been recommended for the Landscape Conservation zone, given there is no strategic intent for this area to be Rural Living, the site does not adjoin other land recommended for the Rural zone, and the vegetation forms part of a large contiguous bushland area into the Snug Tiers.
 - A number of lots including 219206/1, 162112/2, 158937/1, 206643/1, 128757/2 and 45666/1 do not contain a residential use but have been recommended for the Rural Living zone. This is a result of being surrounded by land recommended for the Rural Living zone.
 - CT 139908/1 is zoned Environmental Living and contains a dwelling. This lot is surrounded by land that is recommended for the Landscape Conservation and has vegetation coverage greater than 80 % that forms part of a large bushland area and therefore has been recommended for the Landscape Conservation zone.
 - CT's 112315/3, 128140/1, 167809/1, and 17958/1 are zoned Environmental Living and contain a residential use but are surrounded by land recommended for the Rural zone. These lots are recommended for the Rural zone.
 - CT 122081/1 contains a residential use, has vegetation coverage of around 70 % and is outside of the areas zoned Environmental Living. The lot will adjoin land recommended to be zoned Environmental Management, Rural, Rural Living and Landscape Conservation. Given the site is

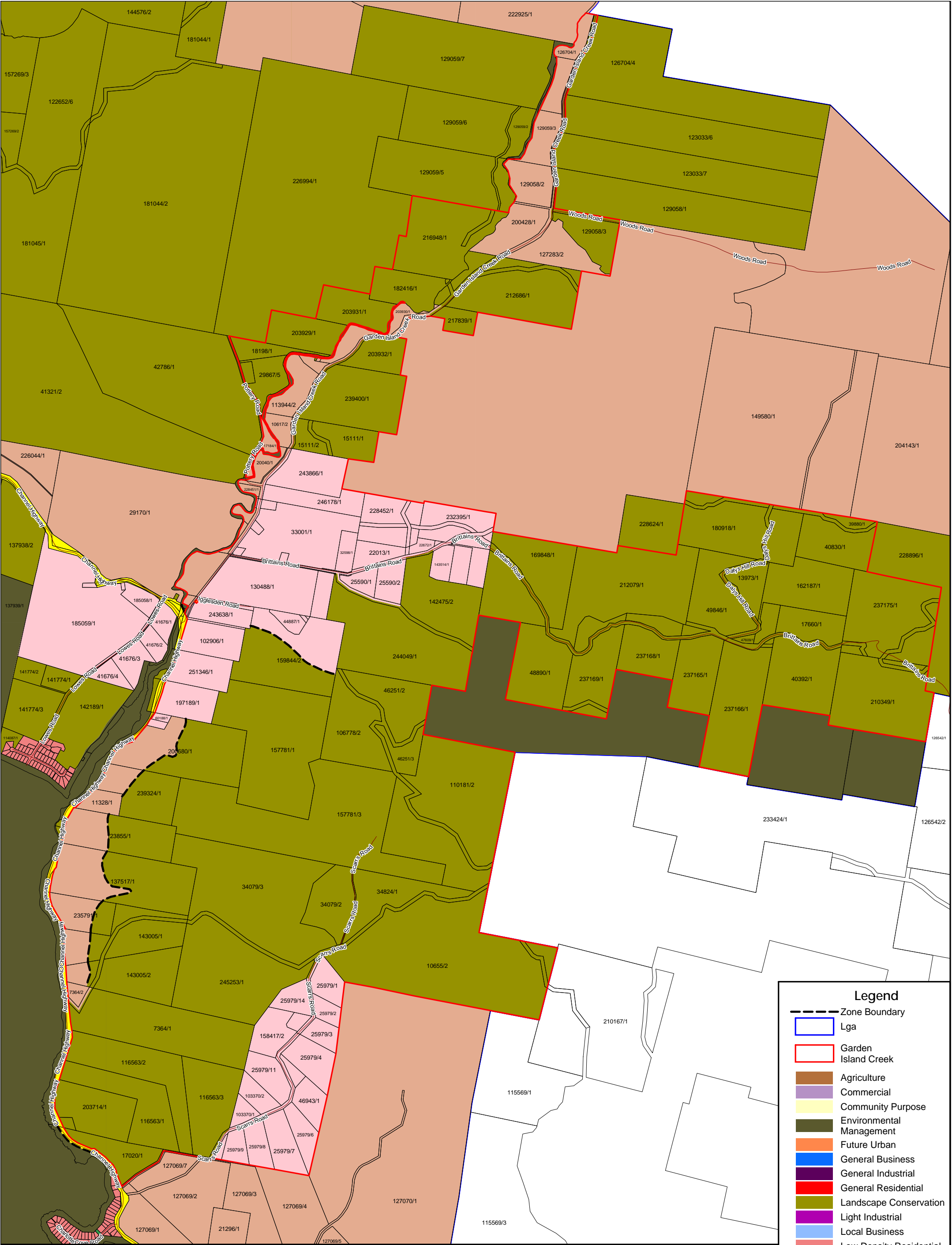
nearly 10 ha in size, contains slopes greater than 25 degrees, and contains vegetation that forms part of a larger bushland area, the Landscape Conservation zone is considered the most appropriate zone.

- o CT 49031/1 does not contain a residential use, has vegetation coverage of around 70 % and adjoins land recommended for the Rural Living zone and the Landscape Conservation zone. The lot is outside of the area zoned Environmental Living, therefore the Rural Living zone cannot be considered. The land is recommended for the Landscape Conservation zone, noting the vegetation on the lot is contiguous with and forms part of a larger bushland area.
- Lots inclusive of 159913/3 and south that are currently zoned Environmental Living have been recommended for either the Rural zone or the Landscape Conservation zone; with the Rural zone being applied to the lots that have vegetation coverage below 80 % and do not form part of a large bushland area. The Rural Living zone was not considered appropriate for these lots, given the lack of connectivity with the larger cluster of land recommended for the Rural Living zone and there being a lack of strategic justification for this area to be zoned Rural Living.

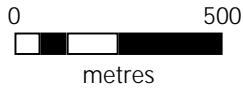
5. Response to directions

Table 1 – Response to outstanding directions

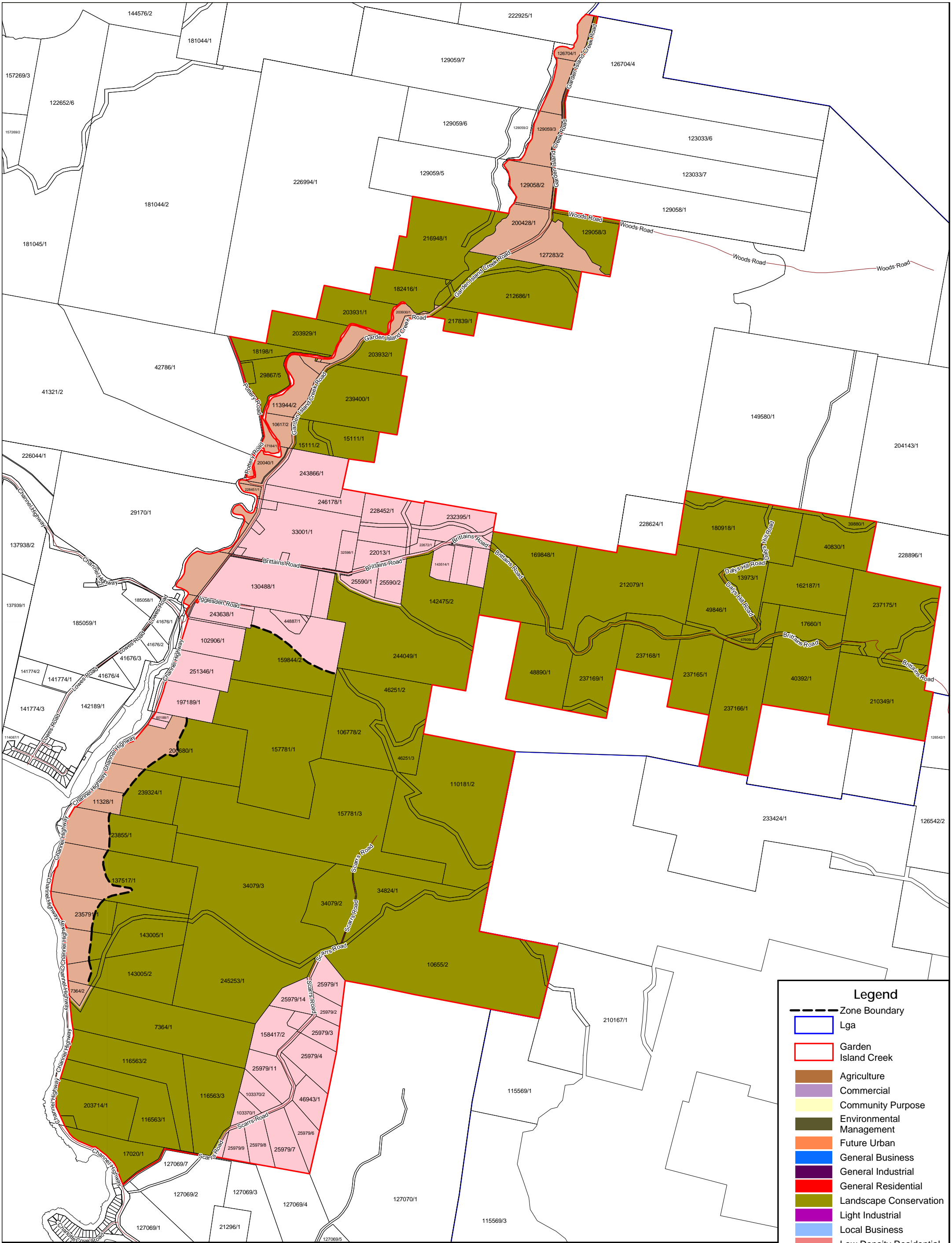
Direction	ERA Response
34 Commission directions 30 May 2023	<p><u>Representation 86</u> 1656 Pelverata Road, Pelverata, folio of the Register 139603/1 Recommended for the Rural zone given there is minimal vegetation coverage and an absence of strategic justification that the primary strategic intent is for residential use in a rural setting.</p> <p><u>Representation 91</u> This representation questions whether the Landscape Conservation zone should be applied to land currently zoned Environmental Living in all circumstances. A broad analysis has been undertaken as a result of the representations regarding the Pelverata and at the request of the TPC. The representor lives at 1226 Pelverata Road, Pelverata which is recommended for the Rural Living Area D zone.</p> <p><u>Representation 206</u> 22 Lords Road, Pelverata, folio of the Register 138560/9 Recommended for the Rural zone given there is minimal vegetation coverage and the absence of strategic justification that the primary strategic intent is for residential use in a rural setting.</p>
9 Commission directions 9 August 2023	<p><u>Representation 358</u> 180 Middle Road, Pelverata, folio of the Register 49031/1 CT 49031/1 does not contain a residential use, has vegetation coverage of around 70 % and adjoins land recommended for the Rural Living zone and the Landscape Conservation zone. The lot is outside of the area zoned Environmental Living; the Rural Living zone cannot therefore be considered. For zoning continuity purposes, noting the lot is under 7 ha, the land is recommended for the Landscape Conservation zone, noting the vegetation on the lot is contiguous with and forms part of a larger bushland area</p>



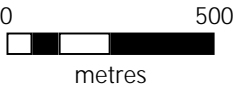
Zoning Analysis- Garden Island Creek



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Zoning Analysis- Garden Island Creek



Legend

Zone Boundary

Lga

Garden Island Creek

Agriculture

Commercial

Community Purpose

Environmental Management

Future Urban

General Business

General Industrial

General Residential

Landscape Conservation

Light Industrial

Local Business

Low Density Residential

Open Space

Particular Purpose

Recreation

Rural

Rural Living

Utilities

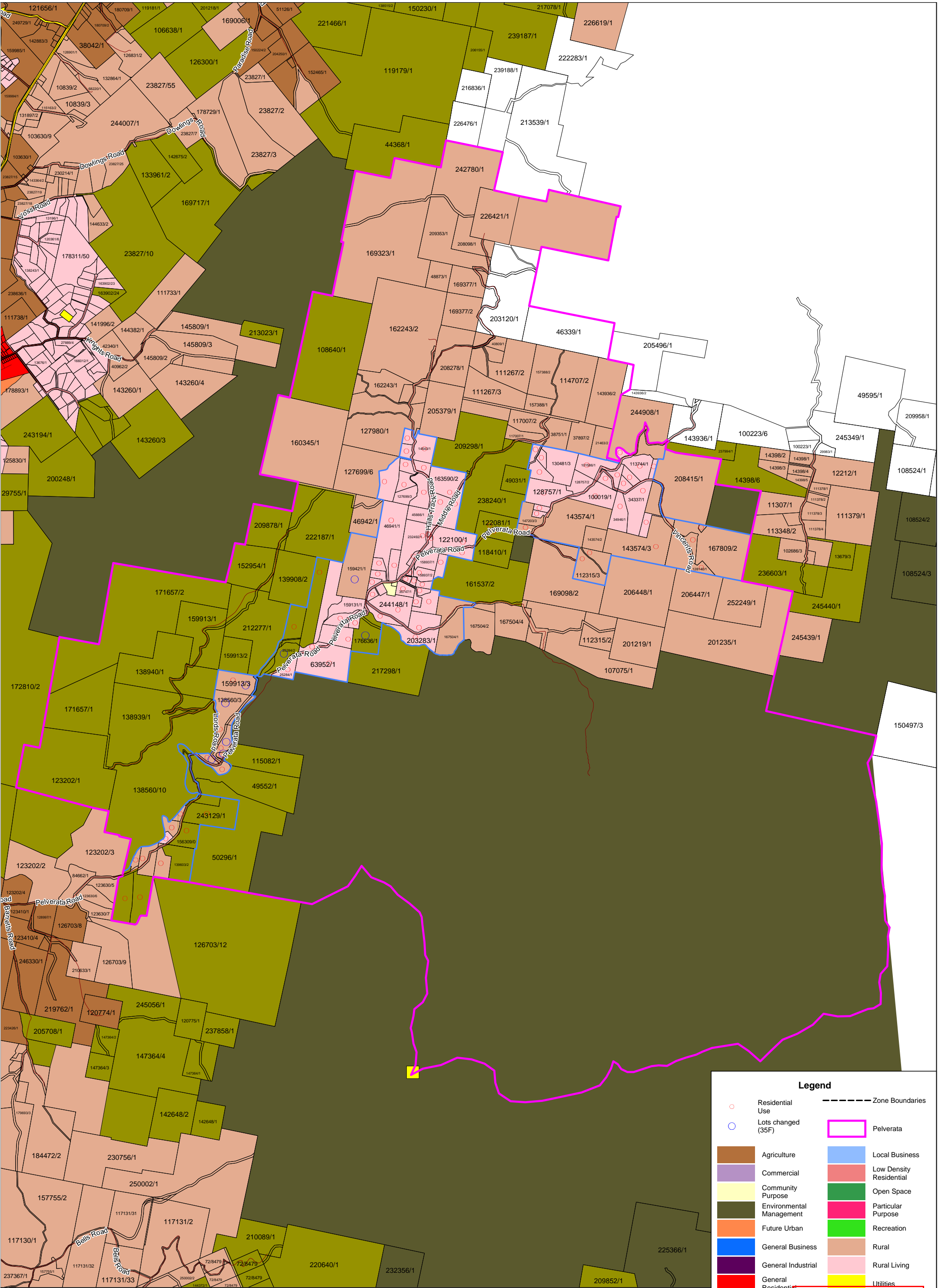
Village

Meeting: 25.10.2023

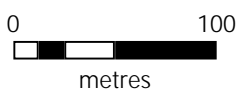
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Zoning analysis - Pelverata



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- Residential Use
 - Lots changed (35F)
 - Zone Boundaries
 - Pelverata
 - Agriculture
 - Commercial
 - Community Purpose
 - Environmental Management
 - Future Urban
 - General Business
 - General Industrial
 - General Residential
 - Landscapes/Conservation
 - Light Industrial
 - Local Business
 - Low Density Residential
 - Open Space
 - Particular Purpose
 - Recreation
 - Rural
 - Rural Living
 - Utilities
 - Zoned Land

