

Thursday, 25 May 2023

Ref: 305440_L01_Rev0

The General Manager
Kentish Council
69 High Street
Sheffield TAS 7306

Email: council@Kentish.tas.gov.au

Dear Sir

Representation to Draft Kentish Local Provisions Schedule – Tasmanian Planning Scheme

Veris Australia Pty Ltd has been engaged by Darren and Sandra Templar, owner of Lot 1 James Road, Acacia Hills (FR109766/1) to submit a representation on his behalf in respect to the Draft Kentish Local Provisions Schedule.

The subject site comprises an area of about 57.4ha and is identified as class 6 land which is defined within the Land Capability Handbook 1999 as:

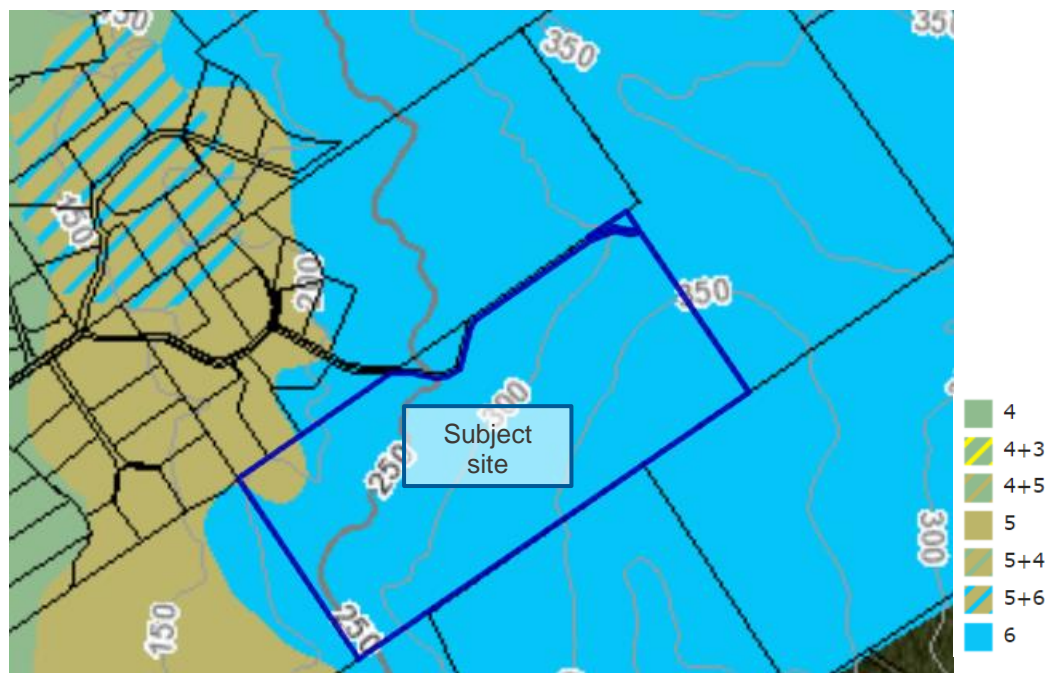


FIGURE 1: LAND CAPABILITY

Class 6:

“Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.”

The subject land has access off James Road. The land is utilised for forestry practises, why a Private Timber reserve is established on the site. However, the existing plantation is underperforming / failing

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and expert advice revealed, that the site is considered unsuitable for commercial forestry operation due to existing site constraints (soil, slope and drainage) and required management of them.

PROPOSED ZONE

The Draft Kentish LPS proposes to apply the Rural Zone to the subject land.

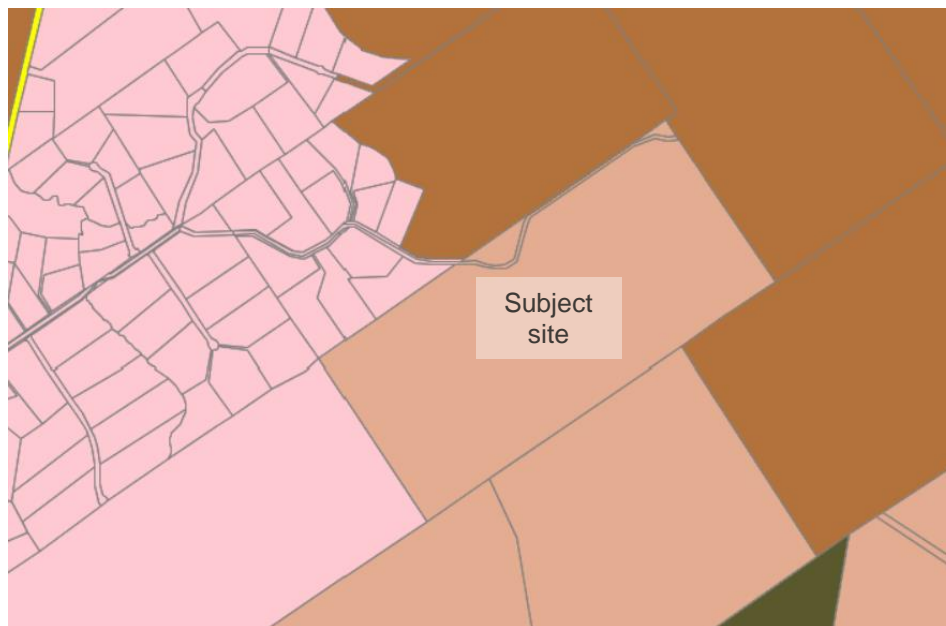


FIGURE 2: EXTRACT ZONING MAP DRAFT KENTISH LPS

Figure 2 shows that the subject site is proposed to be surrounded by adjoining Agriculture zoned land to the north-east and east (although subject to a representation to consider rural residential zoning), Rural Zone to the south and Rural Living to the west and north-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 application of the Rural Zone to this land followed the Zone Application guidelines Rural Zone (Section 8A). However, the owner's experience of undertaking a plantation operation on site, supported by the enclosed expert advice indicated that the land is unsuitable for commercially viable plantation due to its physical constraints and associated management requirements.

Based on experience and expert advice, the owner of this property is currently exploring alternative options to gain returns from his land. Due to the failure of the existing plantation, it is likely that the Private Timber Reserve will be removed in the near future. The Rural Zone would allow for a range of industrial type uses to be established on the land without any tests of locational appropriateness. The proximity to Sheffield Road (an Arterial State Road) increases the attractiveness of such businesses to this region. This could lead to land use conflicts and is considered contrary to the long-term strategic intention of the area which includes adjoining properties for rural residential expansion.

POTENTIAL ZONE ANALYSIS

The subject site and adjoining properties are currently zoned Rural Resource. A general guideline requires this Zone to be translated into the Rural or Agricultural Zone. It has been discussed above, why the Rural Zoning was applied to the land but also why it would be strategically unsound to adopt this Rural zoning.

The subject site has been identified as unconstrained (see Figure 3); however, the enclosed report concludes that the land is not suitable for forestry operations due to its physical constraints. The report demonstrates generally infertile land and constraints due to slope and soil conditions. The report demonstrates that the land is unsuitable for agricultural operation. It is also noted that adjoining properties have similar constraints. It is therefore considered that the subject site cannot be integrated into adjoining agricultural operations.

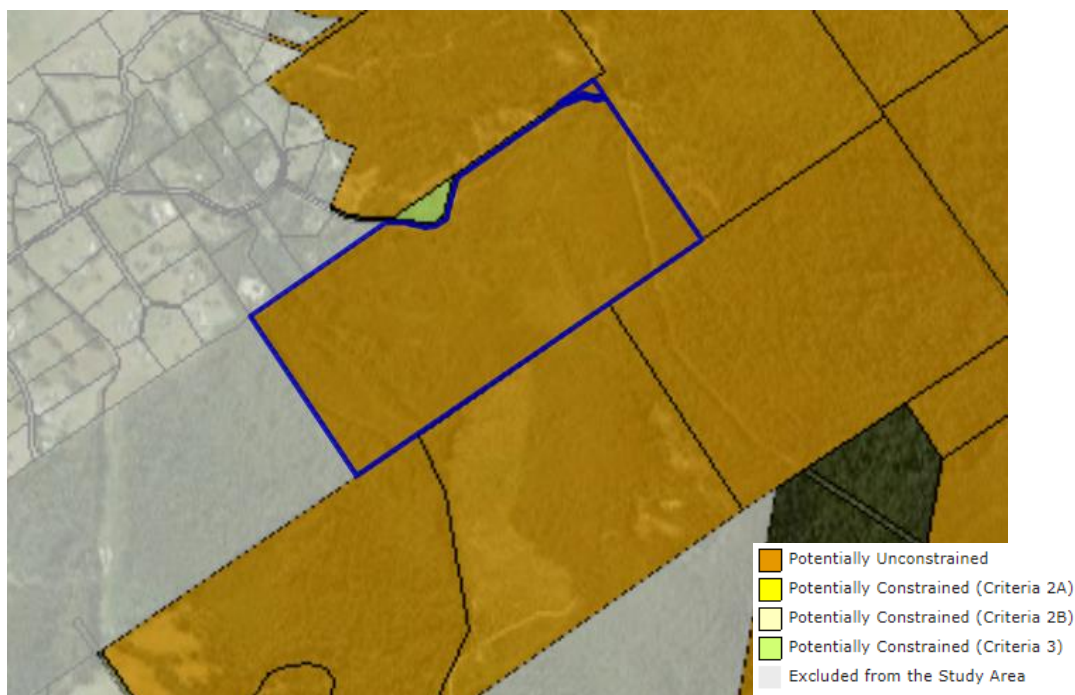


FIGURE 3: LAND POTENTIALLY SUITABLE FOR AGRICULTURE ZONE LAYER (THE LIST)

The application of an alternative zone (than Agricultural) is considered to be consistent with the Guideline AZ6 (e).

As demonstrated above, the application of the Rural or Agricultural Zone is inappropriate for the subject site.

Based on the existing rural residential developments in the area and the exclusion of the Agricultural and Rural Zone as potential zones for the subject land, it is considered that the application of the Rural Living Zone A is most appropriate to allow development of the land consistent with existing land use in the area.

Rural Living Zone (RZ)

The purpose of the Rural Living Zone is:

- 11.1.1. To provide for residential use or development in a rural setting where:
 - (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.
- 11.1.2. To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- 11.1.3. To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off-site impacts.
- 11.1.4. To provide for Visitor Accommodation that is compatible with residential character.

Table 2: Zone Application guidelines Rural Living Zone (Section 8A)

Zone Application Guidelines	Comment
RLZ 1	N/A
RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless: <ul style="list-style-type: none"> (a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or (b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater. 	<p>The Cradle Coast Regional Land Use Strategy acknowledges that Kentish is “largely a rural residential community within commuter distance of Devonport” (p.166) and that “the major proportion of residential growth is anticipated as rural residential dwellings on zoned land at Acacia Hills and Nook” (p.167).</p> <p>The zoning of the land is not specifically identified within the Acacia Hills / South Spreyton Strategic Plan 2017, although expansion of the rural residential zone in this area is considered. It is assumed that a rural residential zoning was not considered for this land due to the existing plantation operation and the private timber reserve, despite this land being adjoined by the rural residential zone on two sides.</p>

Zone Application Guidelines	Comment
<p>RLZ 3</p> <p>The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:</p> <ul style="list-style-type: none"> (a) a reflection of the existing pattern and density of development within the rural living area; or (b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. 	<p>The existing pattern in the area is consistent with the Rural Living A zoning.</p>
<p>RLZ 4</p> <p>The Rural Living Zone should not be applied to land that:</p> <ul style="list-style-type: none"> (a) is suitable and targeted for future greenfield urban development; (b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or (c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. 	<p>The Cradle Coast Regional Land Use Strategy acknowledges that Kentish is "largely a rural residential community within commuter distance of Devonport" (p.166) and that "the major proportion of residential growth is anticipated as rural residential dwellings on zoned land at Acacia Hills and Nook" (p.167).</p> <p>The zoning of the land is not specifically identified within the Acacia Hills / South Spreyton Strategic Plan 2017, although expansion of the rural residential zone in this area is considered. It is assumed, that a rural residential zoning has not been considered for this land due to the existing plantation operation and the private timber reserve, although this land is adjoined by the rural residential zone on two sides already.</p> <p>It is noted that experience over the last 12 years has shown that the forestry operation on this site is not viable, a conclusion supported by expert advice. The removal of the Private Timber Reserve is a simple administrative process and could allow undesired rural business uses on the site leading to land use conflicts. The application of the Rural Living Zone not only provides indication for the current owner as to the strategic future intend of his land, but also secures the rural residential amenity of the area and provides additional rural residential land supply.</p>

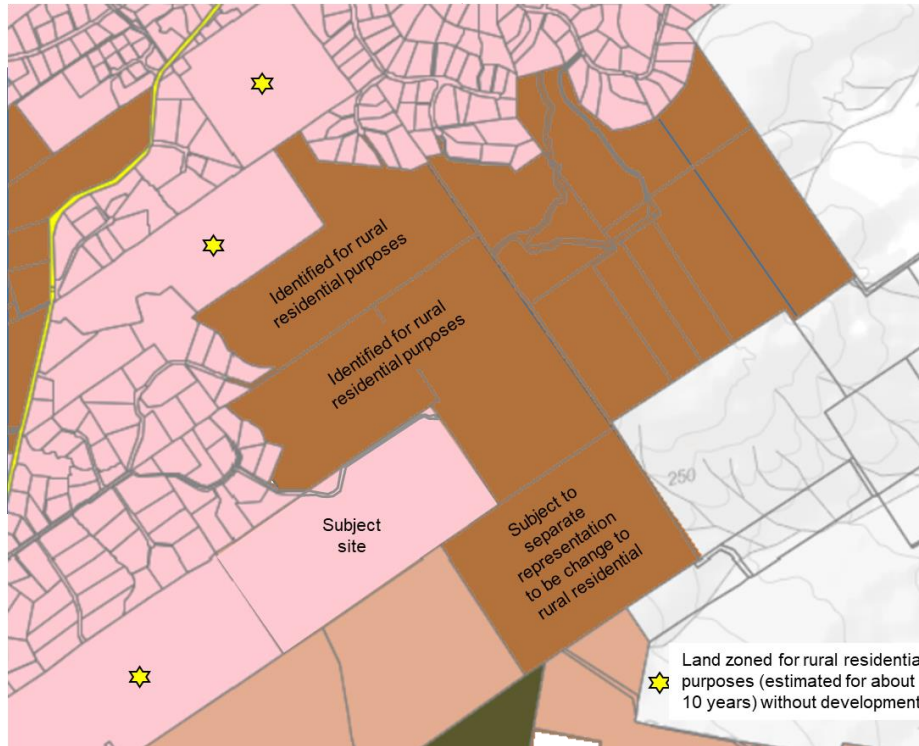


FIGURE 4: POTENTIAL RRZ ZONING OF SUBJECT SITE WITH ADDITIONALLY IDENTIFIED AREAS

SUMMARY AND CONCLUSION

- The agricultural potential of this land is negligible.
- The application of the Rural Zone could lead to land use conflict and undesired long-term outcomes.
- The natural assets of this land are currently unprotected due to the proposed zoning (Natural Asset Code does not apply for the Rural and Agricultural Zone). A rural residential zoning would require the Natural Asset Code to be overlayed, which would ensure the appropriate protection and management of the site during development.
- It is also noted that while the region appears to have sufficient rural residential zoned land, most of these properties have not been developed for (estimated) 10 years. A shortage of rural residential land is therefore likely in the region given the acceptance of generally underestimated population growth predictions (at the time of the CCRLUS preparation).

We therefore submit that in order to best achieve the objectives of the Local Provisions Schedule that our clients' land should be zoned Rural Living A.

Your sincerely

Jana Rockliff

Town Planner

Assessment of site suitability for forestry (commercial tree growing) purposes – Templar, James Road, Acacia Hills.

PROPERTY DETAILS

Land owner	Darren Templar
Address	Lot 1, James Road, Acacia Hills, 7306.
PID	293575
Title Ref	109766/1
Approximate area	60 hectares
PTR ID	1871
PTR Res. Code	0706
Land Capability Class	98% Class 6 (“Marginally suited to grazing due to sever limitations”) & 2% Class 5.

EXECUTIVE SUMMARY

Due to the environmental factors of excessive slope, broken ground terrain, low soil fertility and poor drainage, the property is not considered to be suitable for commercial forest management.

BACKGROUND

Darren Templar sought advice from Brett Miller (retired Technical Forester and Forest Practices Officer Planning) regarding the suitability of the property for commercial forest production. The existing plantation is underperforming / failed and for decision making with regards to the ongoing management of the property, an assessment was required.

ASSESSMENT

Site attributes

- **Geology.**
Approximately 80% of the property is classified as Permian mudstone and sandstone. It is predominantly mudstone. As such, these soil types are considered to be of low to moderate suitability for tree growing.
The remaining 20% is Jurassic dolerite. Whilst this geology can be of moderate to high fertility, this particular area is too rocky for tree management.

- ***Slope.***

Overall, the slopes are considered to be too steep for tree growing management. That is, they are in excess of 30% in approximately 75% of the area. As such ongoing maintenance programs of woody weed management, thinning etc are prohibitive due to the steep broken terrain.

- ***Drainage.***

The area is broken by small drainage lines (not Class 4 streams as defined by the Forest Practices Code) that cause issues with site preparation and herbicide application. Managing these drainage lines adds a significant cost to site preparation for tree planting.

Forest Description

Area was clear felled (Forest Practices Plan number JGH0080) in 2010 and the plantation (Eucalyptus nitens species) was established in 2011. As can be seen from the aerial image, the planting is very broken by remnant native vegetation. The remnants are sections that were considered to be too wet / steep and or rocky.

The native vegetation prior to clear fall was mixed eucalypt forest and native vegetation. It was considered to be low quality due to soil type / fertility, drainage and slope.

The decision was made to plant E nitens plantation in the knowledge that the site suitability was very marginal, but due to proximity of the market, and the prices at the time, it was thought that it would be commercially viable.

The current plantation crop (now 12 years old) is definitely underperforming and will not produce a commercial yield either now or in the future. A measure of growth rate used is Mean Annual Increment (MAI). The unit measured is tonnes per hectare per annum produced at harvest time. Very marginal sites have an MAI of 10 – 12 MAI. This property has been assessed as 8 MAI.

At best, when clear fall proceeds, the product is only likely to be firewood. (Fortunately demand for firewood is very high, and the residue from the clearing will be able to be disposed of that way.)

Comment

- ***Private Timber Reserve (PTR)***

Whilst the property does have Private Timber Reserve status, this does not mean that it is suited to commercial forestry management. When the planation was established, it was thought that it would be a commercial proposition. The PTR was put in place to give security that the crop could be harvested. As time has indicated,

the site is not suited to commercial forestry and as such, the PTR can be revoked.

- **Fire risk.**

Due to the steep slopes, intermixed areas of native vegetation and aspect, this area is considered to be moderately high fire risk.

The property is mainly North West facing (the direction that the predominant winds come from) and uphill from multiple landowners that potentially have activity on their properties that may generate a fire escape.

This factor should be taken into account when considering the property for tree management.



Brett Miller

Technical Forester & retired Forest Practices Officer (Planning)

13th May 2023

PO Box 313, Port Sorell, 7307

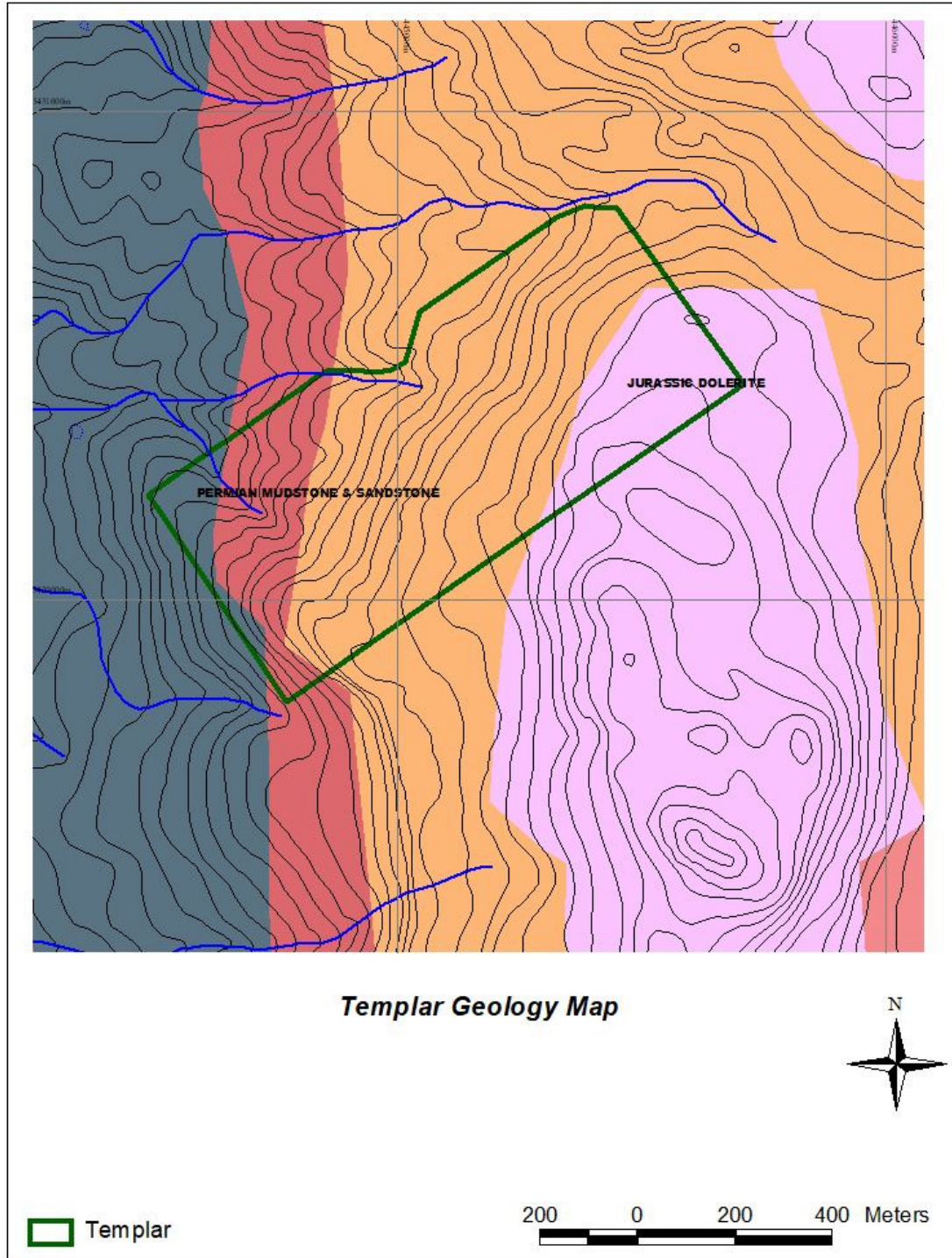
brettmiller37@gmail.com

Ph 0429 231 282

ATTACHMENTS

1. Property geology map
2. Property aerial image map
3. Property TASMAR map
4. Property Land capability map
5. Property LIDAR map

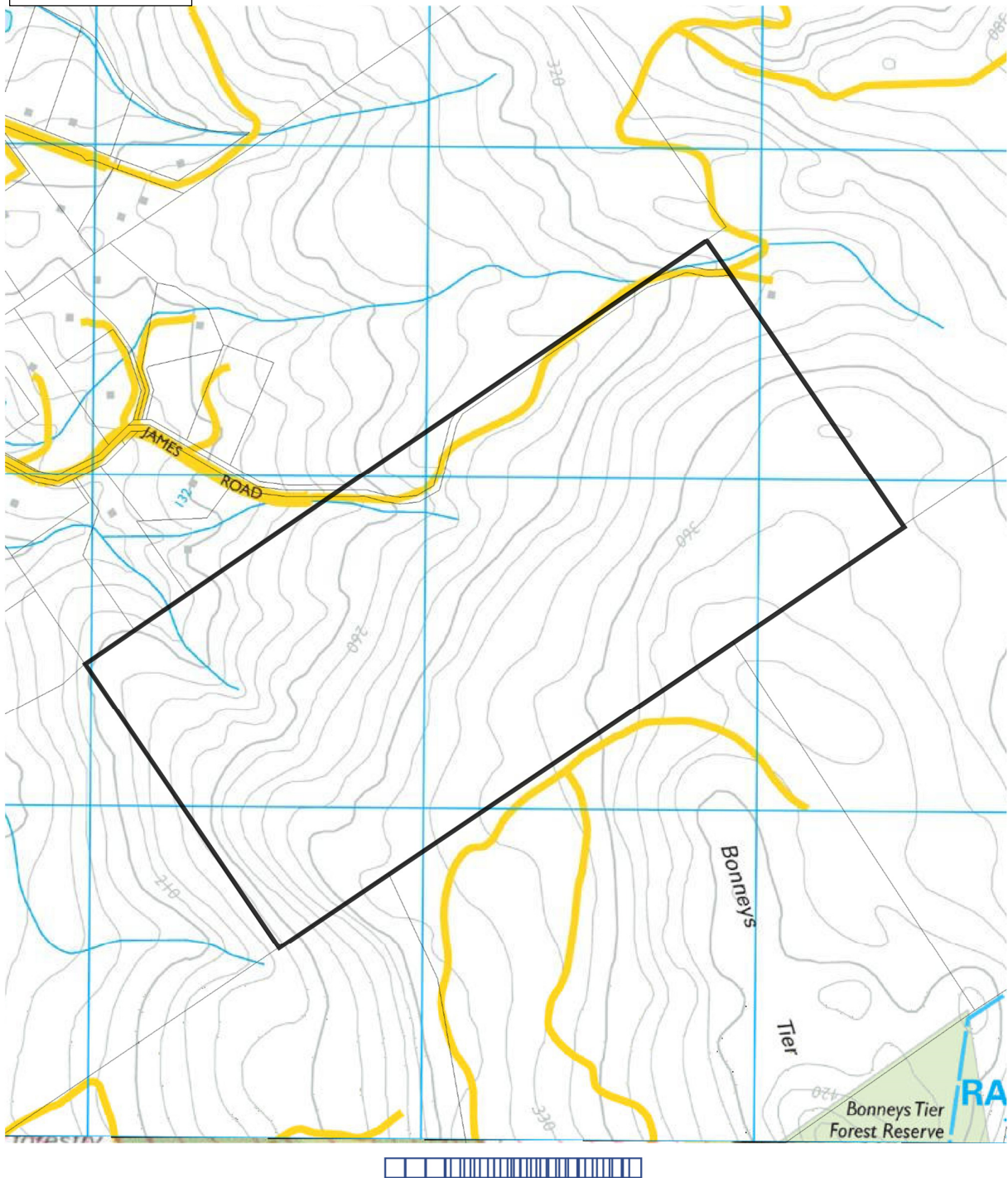
ATTACHMENT 1



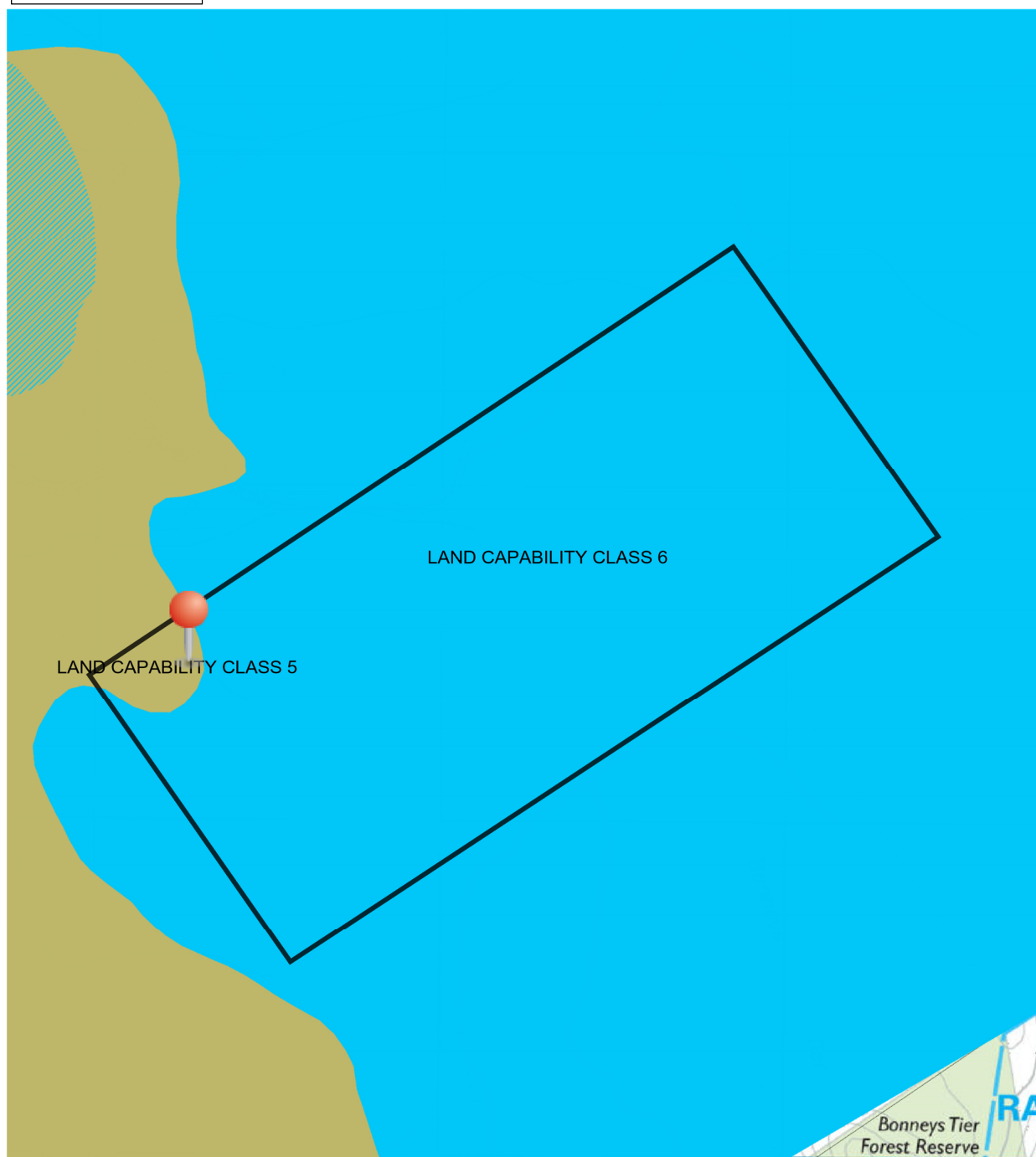
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5

