

From: Poppy Scharkie
Sent: Thu, 3 Mar 2022 09:26:50 +1100
To: Information Management
Subject: LPS Submission 11 Aurora Crt Ireneinc obo Beadle
Attachments: 11 Aurora Court planning submission Ireneinc obo Grant and Karen Beadle.pdf
Importance: High

To Whom It May Concern,

Please find attached the submission regarding the Huon LPSs and 11 Aurora Crt Southport.

Please confirm receipt of this email

Kind Regards,

Poppy Scharkie

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3 March 2022

Mr Jason Browne,
General Manager
Huon Valley City Council
By email:
hvc@huonvalley.tas.gov.au



Dear Sir,

**SUBMISSION - HUON VALLEY DRAFT LOCAL PROVISIONS SCHEDULE
11 AURORA COURT, SOUTHPORT**

I write to make a submission on behalf of Grant and Karen Beadle the landowner at 11 Aurora Court, Southport in relation to the proposed change to the zoning with the *Draft Huon Valley Local Provision Schedule*.

The subject land, described in the figure below, is on one title (CT174299/1) and forms a 9332m² parcel. The site is partially cleared, largely in the understorey with some minor development circa 1960s. There is also a gravel road through the site, and a sealed road extending from 15 Aurora Court into the west of the site. The land is bound to the North, South, and West by the Low-Density Residential Zone, except for a length of 14m on the southern boundary in the southwest corner. The site adjoins the Environmental Management Zone to the West, where Kingfish Beach Road is situated. The adjoining residential blocks are majority cleared, with some remnant trees in the western adjoining properties. The site has frontage to Aurora Court and Kingfish Beach Road.



Figure 1: Subject land location with topographic plan and cadastre from www.thelist.tas.gov.au © The State of Tasmania

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Figure 2: aerial detail of Subject land www.thelist.tas.gov.au © The State of Tasmania



Figure 2: Aerial image with gravel road and extension of development from west entering the site (www.thelist.tas.gov.au © The State of Tasmania)

Within the advertised draft *Huon Valley Local Provisions Schedule*, the land is proposed to be zoned Landscape Conservation, from its current zone, Low Density Residential. This representation advocates for the existing zoning to be retained. Evident in the below comparison, the site is the only one of two sites within the area to change zones, despite adjoining on three side the Low-density Residential zone. We submit that the zoning has been inconsistently applied within the area, and that the Natural Asset Code provides sufficient protection of the natural values on the site if the existing zone of Low Density is retained.



Figure 3: Comparison of Huon Valley Interim Planning Scheme Zoning (left) to the draft Huon Valley Local Provisions Schedule (right) from www.thelist.tas.gov.au © The State of Tasmania

The site is proposed to be zoned Landscape Conservation in the draft LPS, and the purpose of the Zone is as follows:

22.1.1 To provide for the protection, conservation, and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

The TASVEG 4.0 mapping indicates the site has *Eucalyptus globulus* wet forest (WGL) and *Eucalyptus obliqua* dry and forest (DOB). The site has been disturbed with the gravel road running through the centre and the site adjoins either side cleared urban areas, resulting in the site hosting fragmented bushland surrounded by developed areas and Kingfish Beach Road.



Figure 3: TASVEG 4.0 Mapping with site in red and aerial underlay (The List Map 2022)

The Section 8A Guidelines No.1 Local Provision Schedule (LPS): zone and code application, June 2018 provides the following regarding the application of the Landscape Conservation Zone:

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

The site has landscape values present and protected through proposed Natural Asset mapping; however, the area is not large, and the vegetation is fragmented, both internally and because of the adjoining zoning, use, and development including the extent of urban areas cleared land. The site has not been mapped within the Scenic Protection overlay nor has the adjoining land, and therefore it is deduced the site hosts no recognised scenic values.

LCZ 2 The Landscape Conservation Zone may be applied to:

(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;

(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or

(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.

The site is 9332m² and not considered a large area given the Landscape Conservation Zone has a minimum lot size of 50ha. The site shares a boundary with a larger lot, however this is restricted to only the southwest corner for a width of 14m and on balance has a far greater interaction with the Low-Density Residential Zone on its other boundaries.

The TASVEG 4.0 mapping indicates the site hosts *Eucalyptus globulus* wet forest and *Eucalyptus obliqua* dry forest, however, this has not been field checked and is based on aerial mapping. Notwithstanding this, it's likely based on the underlying geology that the *globulus* forest historically extended along the coastline into what is now cleared urban areas, resulting in this remnant patch of *globulus* forest.

In addition, other nearby significant vegetation communities such as *Eucalyptus Ovata* Forest and Woodland which is a threatened vegetation community under the *Nature Conservation Act 2002*, almost entirely falls within the Low-Density Residential Zone and is proposed to be protected through the Natural Assets Code, notwithstanding it has an area of intact tree cover of approximately 2ha.

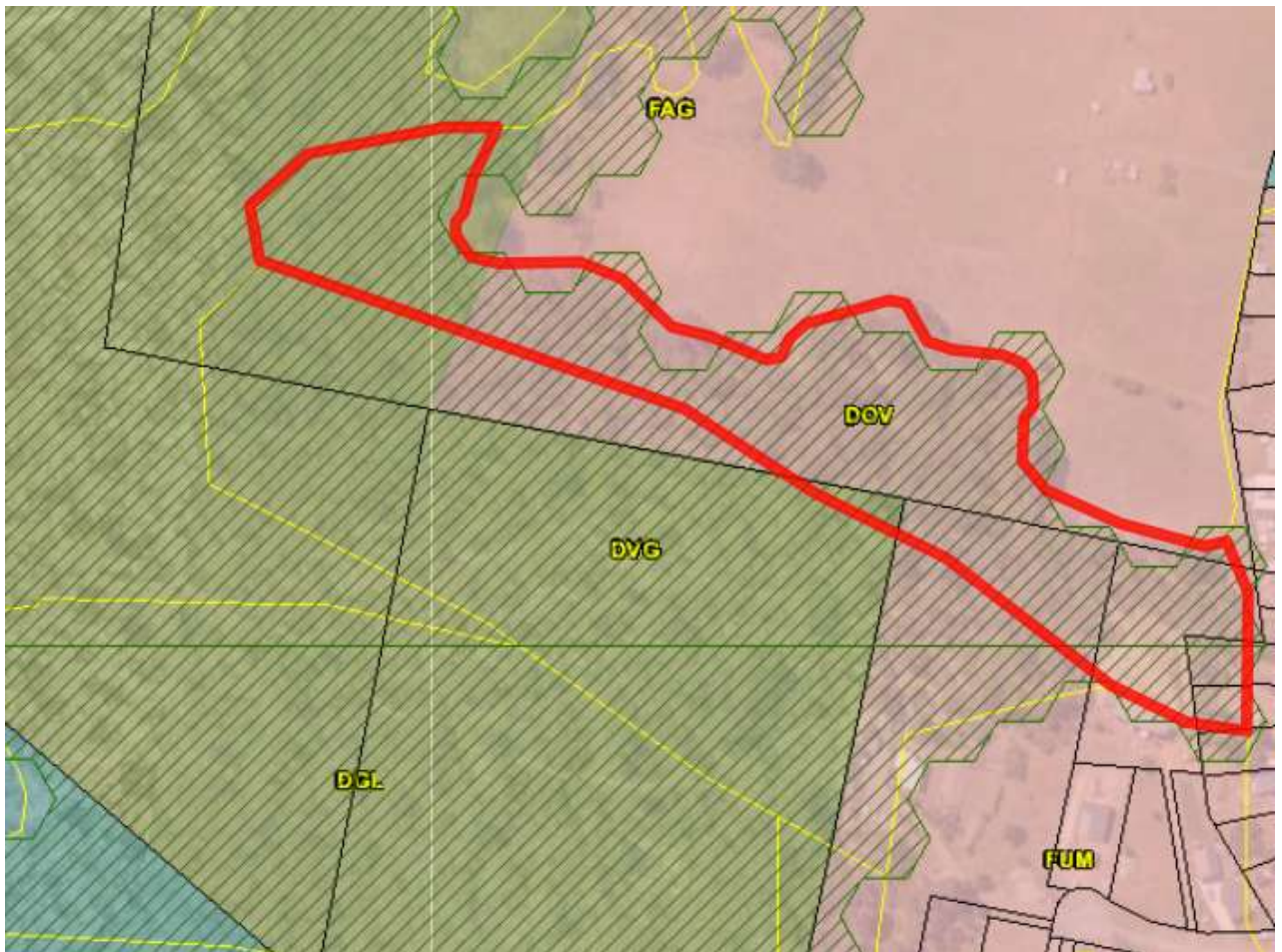


Figure 4: Priority Vegetation overlay in hatched green, with DOV community highlighted in red, and underlying zoning with pink indicating the Low-Density Residential Zone

The site is not subject to any scenic protection overlay, and there would be scope within the Natural Assets code to facilitate some development, as demonstrated by the blocks to the west.

The land has not been previously zoned Environmental Living Zone under the interim schemes and is currently zoned Low Density Residential.

LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

The zone has not been applied to a group of titles, rather to the site that has a partial connection of a width of 14m boundary with a larger forested lot to the southwest. The lot is surrounded by residential development on all boundaries other than the frontage to Kingfish Beach Road.

LCZ 4 The Landscape Conservation Zone should not be applied to:

(a) land where the priority is for residential use and development (see Rural Living Zone); or

(b) State-reserved land (see Environmental Management Zone).

Whilst the site does not have an existing dwelling on it, there is existing development within the site, and the adjoining lots prioritise residential development through the application of the Low-Density Zone and the values are moderated through use of the codes. The site represents infill of the existing residential settlement.

Southern Regional Land Use Strategy

Biodiversity and Geodiversity regional policies

BNV 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.

BNV 1.2 Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes: a. specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and b. implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.

Whilst the Low-Density Residential Zone does allow for residential development, its application is for areas that have environmental constraints that limit density as described in the zone purpose statements:

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.

In addition, Section 8A Guidelines No.1 Local Provision Schedule (LPS): zone and code application, June 2018 indicates the zone is appropriate for small residential settlements without the full range of infrastructure or constrained capacity, such as Southport. This is an existing low-density settlement, and the existing zoning of the site is low density residential located amongst other low density lots.

The low-density zone does not provide for intensive development and is specifically applied to land that doesn't allow for higher densities due to environmental constraints. The Natural Assets Code is proposed to apply to the site, which provides sufficient protection of the biodiversity values as demonstrated with its application to other significant communities within the Low-Density Residential Zone. In accordance with Section 5.5 of the Tasmanian Planning Scheme, where there is an inconsistency between a provision in a code and a provision in the zone, the code provision prevails. The Natural Assets Code allows for the biodiversity values to be considered holistically in the area across zones that are not otherwise managed or considered within and across the proposed zoning in the area or restricted by lot boundaries.

Settlement

Southport is considered an ‘other smaller settlement’ under the Southern Regional Land Use Strategy and has been categorised in a consolidated growth scenario with very low growth. This representation does not

propose a rural living or environmental living zone, and retaining the existing zone more greatly reflects the infill of land within an existing settlement area. In addition, the application of the Low Density zone is consistent with SRD1.6 which states:

Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.

Huon Valley Land Use and Development Strategy, adopted 2007

Southport is not permitted to expand until issues of infrastructure provision and environmental management have been resolved. It is acknowledged, however, that retaining the zone of low density residential is not expanding the settlement and would have already been considered as part of the settlement at the time this strategy was adopted. In addition, the lot represents a size that can cater for wastewater with sufficient setback from the Coast. In addition, the strategy indicates that development within Southport is permitted strictly based on infill opportunities. The site would constitute infill.

State Policies

State Coastal Policy 1996

As the site is within 1 km inland from the high-water mark, consideration of the State Coastal Policy is required. The following is an assessment with regard to the three main principles that guide Tasmania’s State Coastal Policy:

Natural and cultural values of the coast shall be protected.	There are several codes within the planning scheme that manage the natural and cultural values of the coast. In addition, the site is approximately 40m from the coastline, and therefore is unlikely to impact the cultural values of the immediate coastline. Other legislation and the planning scheme ensure protection of any natural and cultural values and the retention of the low-density zone will not impact upon this.
The coast shall be used and developed in a sustainable manner.	There is appropriate scope to control any potential biodiversity or water quality impacts at the development assessment stage. No changes are proposed to the planning provisions that are in place to protect the coast.
Integrated management and protection of the coastal zone is a shared responsibility.	No changes are proposed to provisions that are in place that would protect the coastal zone as managed by the State and Local government.

State Policy on Water Quality Management 1997

The purpose of this Policy is:

To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

The amendment proposed does not alter any provision which relates to, or that will have any direct impact on water quality. Any future subdivision or development applications for the land would be required to detail appropriate water management, through connection to services and appropriate stormwater management practices, consistent with this Policy.

Summary

Following the above assessment, the site should be retained in the Low-Density Zone given its location within the settlement, and historic zoning. The natural values are best managed through the natural assets code, and this is consistent with the management of other significant vegetation communities which have been retained in the low-density zone in the municipality.

In addition, this representation draws on other examples of this occurring within the draft LPS, notably those that also have threatened communities present however retain low density zoning and protect these communities through the Natural Asset Code:

- Properties off Kent Beach Road and Glenbervie Road, Dover.
- Properties off Big Roaring Beach Road and Surveyors Bay Road, Surveyors Bay
- Sandrock Loop and Abels Bay Road, Abels Bay

Retaining the current zoning is also consistent with the State Policies, regional and local strategies.

Yours faithfully



Irene Duckett
Director
IRENEINC PLANNING & URBAN DESIGN