

# **Tasmanian Planning Scheme**

## **Modification of zoning of a site**

CENTRAL COAST COUNCIL

Division .....

Rec'd **06 AUG 2019**

File No .....

Doc. Id .....

To the General Manager

Central Coast Council

06/08/2019

This representation to the Draft Central Coast Planning Scheme is for the rezoning of Lots 1-5 in William St, Forth (Property ID D.49011), from Rural Resources (current) to Rural Living.

History: The five lots each have separate titles issued by the Titles Office and comprise three lots of just over 4000m<sup>2</sup>, one lot of 1.2 ha and one lot of 6100m<sup>2</sup>, as outlined in the attached plans.

Three lots have direct access off William St and the other two lots have access from Short St.

B.R. & M.A. Parsons

PO Box 12, Ulverstone

**Reasoning:**

The application is for the rezoning of the subdivision from Rural to Rural Living to conform with the zoning of surrounding neighbouring properties in the Forth Village envelope.

The five blocks are too small for agricultural production potential and cannot be practically adhered to neighbouring agricultural land..

It is proposed to build a dwelling on Lot 4 in William St and an application is being lodged with the Central Coast Council.

Lots 3, 4 and 5 all have direct access off William St, which is a sealed street and is serviced by Taswater with water connections, along with power and phone cables.

There is a sewerage line which runs along George St, however, it has been demonstrated that the blocks have enough size for on-site septic systems and stormwater management.

**Precedence:**

Under the current and new Planning Scheme overlay, all neighbouring land on the northern side of William St will be zoned **Rural Living** under the proposed Planning Scheme. Some of this land is currently used for grazing and under the Rural Living zoning it is expected it will be developed for housing in the near future.

The neighbouring land in George St is also zoned **Rural Living** as well as the southern neighbouring blocks of land on Forth Rd, which were recently subdivided and zoned **Rural Living**. The Central Coast Council also has advised Crown Lands that it has no objection to the sale of the unmade Short St to service the subdivision. This land is also proposed to be zoned **Rural Living** under the new Planning Scheme.

***Impacts:***

The Agricultural Land Impact Study Assessment (attached) demonstrates there will be no meaningful potential impact to agriculture production to the 20 acre property adjoining the subdivision to the East. There is also a 20-metre wide buffer zone between the two properties, which comprises the unmade width of Dalrymple St.

***Needs:***

There is a demonstrated need and demand for more small acreage blocks which can be used by families for lifestyle living and growing their own food on site.





200 m



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**Important**

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geodetic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.

**Disclaimer**

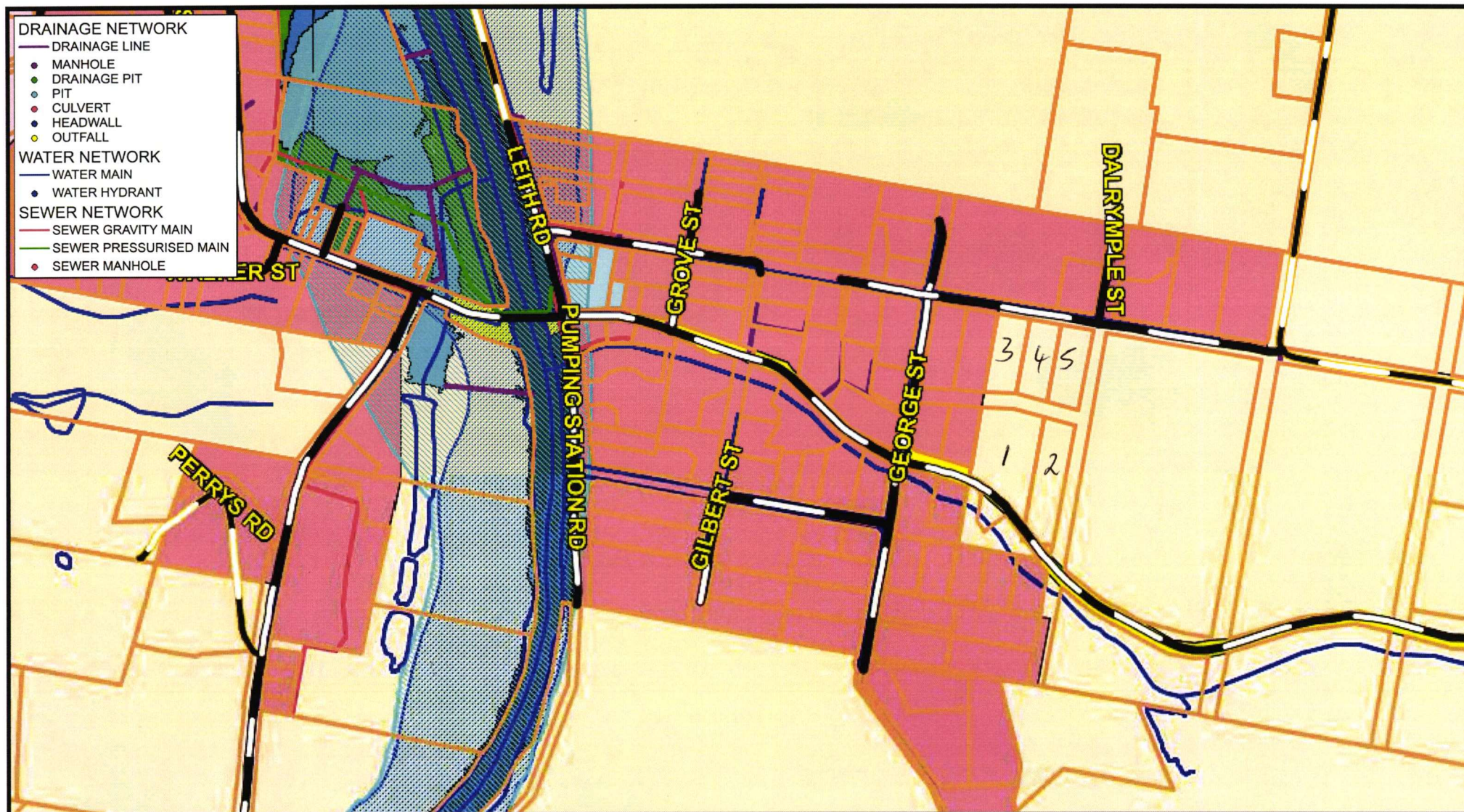
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Scale = 1 : 6804.000

22-Jul-2019





200 m



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22-Jul-2019



# SURVEY NOTES

## ANNEXURE SHEET

### SHEET 2 OF 4 SHEETS

OWNER: B.R. & M.L. PARSONS  
FOLIO REFERENCE: CT 49011-4, CT 49011-5, CONV.15/8497

Registered Number

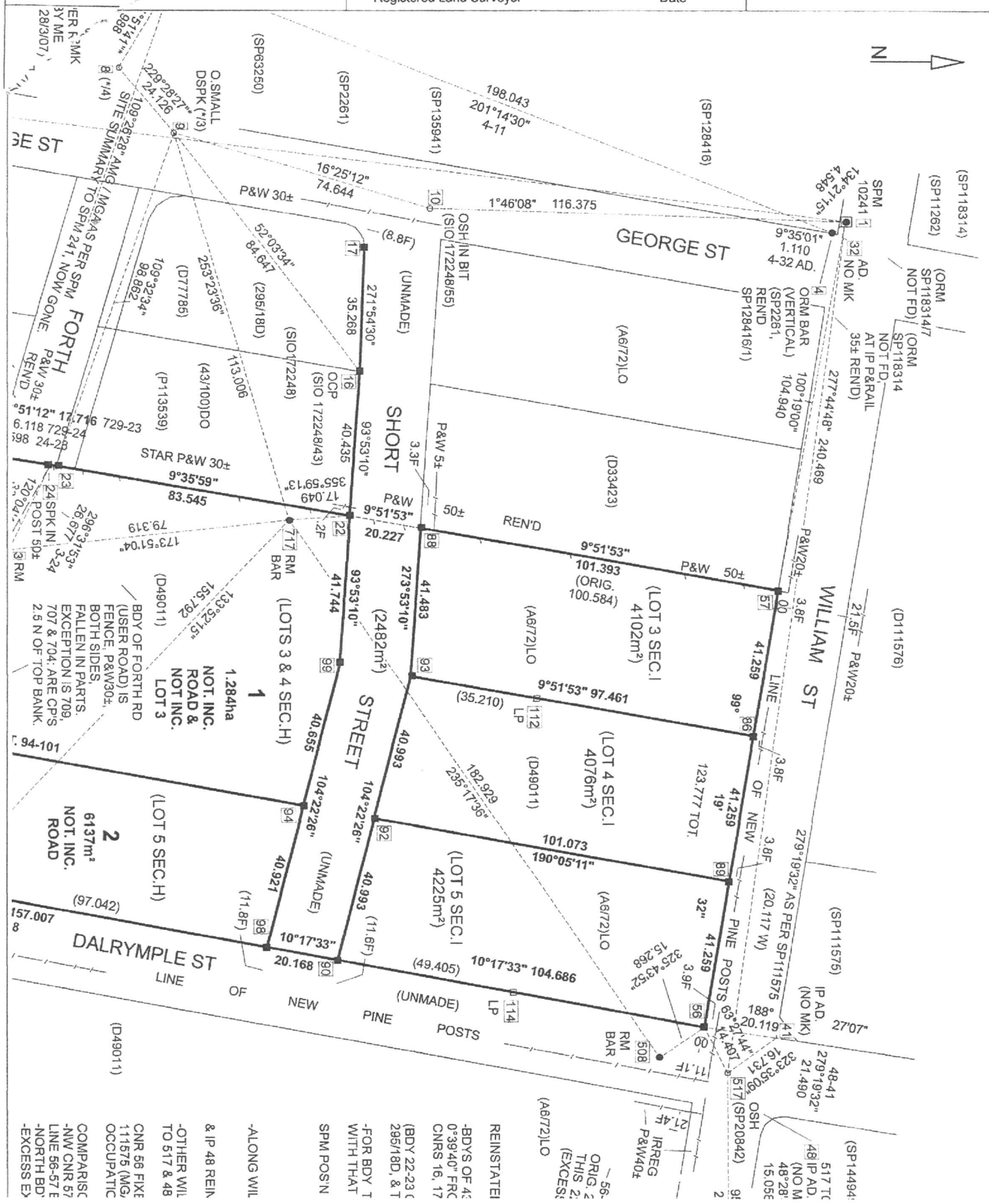
THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED  
PLAN. THE SURVEYORS CERTIFICATE EXTENDS TO  
THE DETAILS ON THIS SHEET

CROSS REFERENCE PLAN NUMBERS  
USED AS PART OF THIS SURVEY

Registered Land Surveyor

Date

LENGTHS IN METRES



REINSTATE  
-BDYS OF 43  
0°39'40" FRC  
CNR 16, 17  
(BDY 22-23)  
285/180, & T  
-FOR BDY T  
WITH THAT  
SPM POSN  
-ALONG WILL  
& IP 48 REIN  
-OTHER WILL  
TO 517 & 48  
CNR 56 FINE  
111575 (MG,  
OCCUPATIC  
COMPARISC  
-NW CNR 57  
LINE 56-57 E  
-NORTH BDY  
-EXCESS EX

OWNER: B.R. & M.L. PARSONS		<b>PLAN OF SURVEY</b>		Registered Number	
FOLIO REFERENCE: 49011-4		BY SURVEYOR: MICHAEL WARD of LAND & SEA SURVEYS, EUGENANA			
GRANTEE: SECTION I, WHOLE OF LOT 3 0a-3r-36p, WHOLE OF LOT 4 0a-3r-36p & WHOLE OF LOT 5 1a-0r-3p, GTD TO JAMES MONAGHAN DOOLEY.		LOCATION: <b>TOWN OF FORTH SECTION I</b>		APPROVED EFFECTIVE FROM .....	
		SCALE 1: 1000		LENGTHS IN METRES	
				Recorder of Titles	
MAPSHEET MUNICIPAL CODE No. 104		LAST UPI No.		LAST PLAN No. A6/72 LO, D49011	
				ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



As part of the PAL Policy land has been classified with classes 1, 2, 3 being recognised as prime agricultural land.

While some new areas proposed to be zoned Rural Living contain land classified as prime agricultural land, agricultural use of the land is either unreasonably confined or restrained by Residential use and development or not practicably useable for agriculture due to topographic or access constraints.

Several salient principles of the policy are:

*"5. Residential use of agricultural land is consistent with this Policy where it is required as a part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land;*

*7. The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.*

*8. Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 and may be made for the protection of other areas that may benefit from broad-scale irrigation development. "*

Within the municipal area several areas have been designated irrigation districts.

New areas proposed to be zoned Rural Living are considered to:

- . not unreasonably convert agricultural land or restrain agricultural use in the vicinity;
- . not have local or regional significance for agriculture;
- . be unlikely to benefit from or be accessible to irrigation schemes.

#### State Rural mapping

The State Government have conducted a mapping exercise to identify land as potentially suitable for the Agriculture or Rural zones. This mapping also identifies land that is potentially constrained.

New areas proposed for the Rural Living Zone are either identified as constrained in the State government mapping; or local analysis has identified them:

- . as constrained for agricultural use by topography, access or the existence of dwellings; or
- . Suitable for the Rural Living Zone in accordance with the Rural Living Strategy 2016.

#### Council Rural Living Strategy October 2016

The Council intends to implement its *Rural Living Strategy (Oct 2016)* through the planning scheme. It intended no further rezoning of land to Rural Living would be approved by Council unless a proposal meets the following criteria. The exceptions to this relate to a small number of areas which are effectively now functioning as rural living areas by virtue of the lot pattern, lot size and existing dwellings.



\* [ The criteria as outlined in the strategy for considering new areas to be zoned Rural Living are:

*"The area is not to be located within an area which will benefit from irrigation, a private timber reserve or in a mining lease. . ✓*

*No damage to threatened flora or fauna on the site will occur. If threatened flora or fauna are present then appropriate management regimes must be enacted. . ✓*

*Not be located on prime land – classes 1 to 3, unless the PAL policy is amended. . ✓*

*Be located approximately within 10 kilometres from a settlement that will service the area with social and community infrastructure (e.g. shops, health and community services and schools). . ✓*

*Not be in a high profile landscape area such as ridgelines and coastal headlands. The land capability of soils, road access, water, drainage, and sewage and stormwater disposal is adequate for the proposed development. . ✓*

*Be void of unacceptable risk from natural hazards such as landslide, flooding, bushfire, sea level rise and storm surge. . ✓*

*Not be located within an area that will create conflict with an existing or potential resource development or use, such as agriculture. . ✓*

*Not be in an area containing construction or mineral resources or will impact on existing mining operations. . ✓*

*Not to adversely impact on a vulnerable environmental area such as a marshland or river bank. ✓*

*Has adequate existing service infrastructure or appropriate infrastructure will be provided at the proponents cost. . ✓*

*Not adversely impact on cultural or built heritage. . ✓*

*The area is not required for future urban development." ✓*

\* [ New areas proposed to be zoned Rural Living are considered too broadly meet these criteria, or specific site constraints, or are effectively now functioning as rural living areas by virtue of the lot pattern, lot size and existing dwellings.

#### Existing IPS Provisions

The zone statements in the SPP and the IPS are similar in that they both provide for residential development in a rural setting where services are limited and both allow for other types of compatible development.

The SPP minimum lot size standard of 1ha, 2ha, 5ha and 10ha for the zone are significantly larger than the 4,000m<sup>2</sup> that currently applies in Rural Living areas at Ulverstone, West Ulverstone and Leith. The current Rural Living areas at East Ulverstone, West Ulverstone and Leith are proposed to be zoned Low Density Residential, this change detailed in the Low Density Residential Zone discussion.



# Property ID D.49011

*Lots 1-5, William Street, Forth*

## Land Capability Report

*Iain Bruce BAgSci(HONS), GradCert RurSc(AgCons)*

**Senior Consultant Agronomist**

**TP Jones Agronomy Services**

Mobile 0428 588 589

Email [iain.bruce@tpjones.com.au](mailto:iain.bruce@tpjones.com.au)

This report has been prepared after a property inspection of the property at the request of the owner. While the information contained here-in has been provided in good faith, TP Jones & Co makes no representations or warranties of any kind, express or implied about the completeness, accuracy, reliability or suitability with respect to this report.

A handwritten signature in black ink, appearing to read 'Iain Bruce'.

*Iain Bruce*

5/8/2019

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The land in question, situated between William Street and Forth Road in Forth, is currently operated as a very small dryland grazing operation. The land in question consists of approximately 3.3Ha of class 4 land:

<https://maps.thelist.tas.gov.au/listmap/app/list/map>

<https://dpiwwe.tas.gov.au/agriculture/land-management-and-soils/land-and-soil-resource-assessment/land-capability/field-mapped-land-capability-maps-and-reports>

The characteristics of class 4 land quoted from the above source:4

*CLASS 4*

*Land well suited to grazing but which is limited to occasional cropping or to a very restricted range of crops. The length of cropping phase and/or range of crops are constrained by severe limitations of erosion, wetness, soils or climate. Major conservation treatments and/or careful management are required to minimise degradation.*

*Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.*

The soils on this property are red ferrosol. Currently the land is used for livestock grazing, of sheep. This use appears to be simply an exercise in vegetation reduction by the current owners rather than committed agricultural production due to the very limited number of desirable pasture species present in the pasture sward. This is a good indication of many years of underutilisation of appropriate grazing techniques or the addition of any fertiliser to maintain the soil for pasture production.

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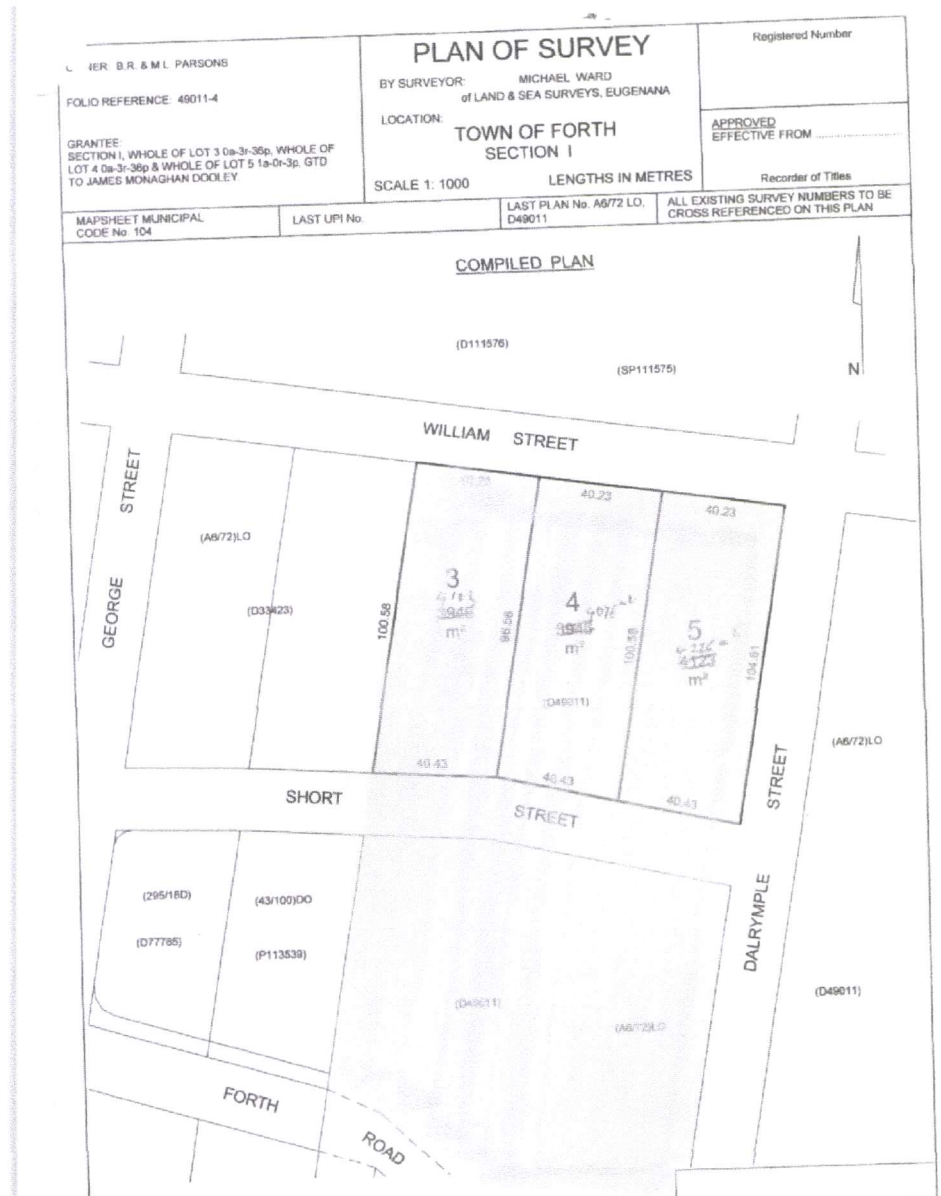
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The land area in question is highlighted in the diagram below:



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The land viewed from the west (above) and south (below).



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The land at D49011 is situated within an area of significant residential development and, in agricultural terms, is a small land area. The nearby residential developments do create some potential constraints when it comes to intensive agricultural production, but these are not impossible to overcome. The more serious constraint to agricultural production from the land is its small size and relative characteristics of inefficiency when it comes to financially sustainable production.

Given the land management characteristics outlined above, the land can be considered not practically capable of supporting an agricultural use. It can also be considered not suitable for inclusion with other land for agricultural use given its physical separation by roadways and being on the outside corner of an existing pivot irrigator next door.

Any proposed new building site on this land would not be impacted by any drainage lines or water courses. A residence would be unlikely to have any significant impact on the outlook of neighbouring dwellings given there are a significant number of residences within relatively close proximity. The areas of rural/residential property nearby to the property have little potential for any significant impact on the dwelling's residential amenity.

**The existing use on the adjacent land:**

The current use of the site is for intensive cropping. Activities that are undertaken to maintain the land for this use will not be significantly affected by the presence of the proposed development.

Activities that may be considered to have potential to be of issue are the product inputs, agricultural chemicals and granular fertilisers. Both inputs are applied by registered agricultural operators/contractors. The products used for this do not have any specific buffer zone restriction distances to the neighbouring land and that the off-target drift restrictions are the same for the neighbouring land regardless of the presence of a development on that land.

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The Tasmanian code of practice for ground spraying can be found at this link:

<http://dpiwwe.tas.gov.au/Documents/Code-of-Practice-for-Ground-Spraying.pdf>

It states all of the regulations that all spray operators must adhere to. The relevant points to this situation are:

Point 10: (addresses drift) *The operator must not allow drift to move off the target such that is adversely affects people, their land, water or stock.*

This statement means that spraying activities on the adjacent land must take into account the proposed site and not allow drift onto it in its current state to the same extent as they would if the proposed development went ahead. This is because the product labels state (as shown above) that drift is treated the same for livestock as it is for susceptible plants and any other non-targets.

Point 21: *The operator should give notice to all neighbours within 100m of spraying activities.*

This is regardless of the location of their residence and therefore shows that the whereabouts of a house on this title does not affect the operator's responsibilities on the neighbouring land.

**Potential future use on the adjacent land:**

The adjacent land is well suited to intensive cropping and is unlikely to be used for another purpose in the future.

The proposed residential development can therefore be considered to have no meaningful potential impact on the agricultural production ability of the cropping land to the east. The land area D49011 itself has no significant agricultural production potential (despite being class 4 land) as a result of its small size and physical separation from a practical means of including it within nearby agricultural operations. Therefore, there is no practical agricultural reason against rezoning the area to Rural Living.

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