
From: jacinta@canditt.com.au
Sent: Monday, 18 September 2023 8:47 AM
To: TPC Enquiry
Subject: Attn: Samuel McCrossan
Attachments: Cantwell_RedSeal_HuonLPS_15Sept2023.pdf

Hi Sam,

As discussed we have a further letter of advice from Trent Henderson from Red Seal Planning regarding our representation per 21 Steeles Rd, Nicholls Rivulet.

I am in transit today but can send a further short email this evening from Dennis and myself to support our request to Rural Living Zone.

Thank you,
Jacinta Cantwell



RED SEAL

Urban & Regional Planning

15 September 2023

Rep No. 70

Mr J Ramsay
Delegate (Chair)
Huron Valley draft Local Planning Schedule
Tasmanian Planning Commission
tpc@planning.tas.gov.au

Dear Mr Ramsay

REVIEW OF HUON VALLEY LOCAL PROVISION SCHEDULE (HV-LPS) AT 21 STEELES RD, NICHOLLS RIVULET

Reference is made to the Commission's enquiry dated 8 September 2023, on "what zone would best facilitate the construction of dwellings on the approved lots, given the land's interface with the Rural Zone", and whether it is the property owner's intent to register building areas on the sealed plan, in relation to land at 21 Steeles Road, Nicholls Rivulet (PID: 7255428 & CT: 243642/1) under the Tasmanian Planning Scheme – Huon Valley (TPS-HV).

We appreciate the opportunity and have given the matter considerable thought; it is appreciated that the optimal zoning is somewhat finite in this situation.

Setting aside the matter of building areas to later, based on the zone purpose statements there are two zones that are evidently applicable to this site: Landscape Conservation Zone (LCZ) or Rural Living Zone (RLZ). Rural Zone (RZ) is ruled out based on the size of the lots and the capability of sustaining an agricultural use beyond the scale of cottage industry is limited, plus environmental impact assessments have determined that use of the site for forestry operations would not be appropriate.

The Use Class Table for RLZ classifies a single dwelling as No Permit Required. Similarly, LCZ also classifies a single dwelling as No Permit Required; however, there is a qualification that the dwelling must be "within a building area, if shown on a sealed plan". Pursuant to Clause 6.6.1, this only relates to the Use Class, a dwelling application still needs to demonstrate compliance with the development provisions in terms of height, setback, and siting of the dwelling, with reference to Acceptable Solution Clauses RLZ 11.4.2 A4 or LCZ 22.4.2 A4 regarding 200m setback from Rural Zone.

Provided that there is a building area on a sealed plan, in my opinion a Planning Authority has no valid grounds to refuse a development application within either the LCZ or RLZ based on it being a residential dwelling as the Use Class does not trigger an assessment under zone use standards in either zone. The test under the applicable Performance Criteria P4 is the same for both, that: "Buildings for a sensitive use must be sited to not conflict or interfere with uses in the

Rural Zone” the matters listed to have regard for are all associated with the geographical relationship between the conflicting land uses. Therefore, any assessment would need to consider the scale and likelihood of intensity from the agricultural use on the Rural Zoned land to determine the impact and relationship of the dwelling with that use.

It would seem rather bizarre for a Planning Authority to refuse a No Permit Required use within such a situation. Whilst the dwelling may be close to the boundary due to topography or building area, the assessment will come down to the potential use of adjoining zones and any design considerations along with any proposed attenuation measures, such as landscaping, or double glazing. In short, it will come down to the design of the dwelling not the fact that it is a dwelling.

Therefore, to address the Commission’s enquiry, for this site and the associated lots, Rural Living Zone is the more beneficial to facilitate development on the lots. This gives more flexibility and capacity for a dwelling to be located anywhere on the property to address the Performance Criteria. In contrast, the LCZ does not facilitate such flexibility, as to be outside of the building area results in a discretionary use.

Regardless of the zoning however, it is my client’s intention to include the building areas on the sealed plans since several Codes applicable to the land reference building areas within the Acceptable Solutions.

Please do not hesitate to contact myself directly on 0411 631 258 if you have any questions or urgent matters.

Yours sincerely,



Digitally signed by Trent
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