



RED SEAL
Urban & Regional Planning

Central Highlands Local Planning Schedule (LPS)
Submission Section 35E – Land Use Planning and
Approvals Act 1993:

204 Meadowbank Road, Meadowbank, (PID 7516181)
CT 35385/2

For: Mr. Jonathon Dorkings

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Appendix A – Land Capability Assessment

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Summary

Project: Central Highlands Local Provision Schedule Planning
Submission relating to the properties:
204 Meadowbank Road, Meadowbank, (PID
7516181), formed by CT 35385/2

Planning Authority: Central Highlands Council

Planning Policy: Section 35E - *Land Use Planning and Approvals Act 1993*

Date of Assessment: October 2021

At Issue:

What appears to be a core error in the decision tree determining the allocation of an Agriculture Zone, plus the failure to factor in poor soil quality means the small lots proposed to be zoned agriculture will not sustain agricultural use or be able to be incorporated into a larger sustainable farm.

It appears that existing lot layout and established use have not been fully considered and it has been assumed that the 'Land Potentially Suitable for Agriculture Zone' layer in the LIST is correct, resulting in zoning implications that will inhibit the capacity for the lots to maintain their full development rights and not be reliant on agricultural activity within lots that are of insufficient size for such activity.

Therefore, pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Agriculture in accordance with the provisions of the SPP Part 21, to the land known as:

- 204 Meadowbank Road, Meadowbank, (PID 7516181), formed by CT 35385/2, and
- The surrounding seven other lots of a consistent size,

should be considered for Rural Living Zone (D) as this reflects the land use character.

1 Introduction

Red Seal Urban & Regional Planning along with Geo-Environmental Solutions have been engaged on behalf of Mr Jonathon Dorkings to review the exhibition documents of the Central Highlands draft Local Provisions Schedule (LPS) in relation to the property at:

- 204 Meadowbank Road, Meadowbank, identified by PID 7516181, and by CT 35385/2.

As part of the review of this specific property, context with other surrounding properties is to be undertaken.

1.1 Background

We would like to commend the Central Highlands Council and its planning staff on the substantial body of work and effort evident in getting the LPS to this stage. Given the extent of work required for such a project, it is conceivable that some aspects of the zone mapping have erred due to the base data not being specific to each site.

Therefore, pursuant to Section 35E of the *Land Use Planning and Approvals Act 1993* (the Act), the following representation is made to assist Central Highlands Council and the Tasmanian Planning Commission (TPC) in implementing zoning by providing onsite clarification for the properties of concern.

Under the draft documentation the site is proposed to have the zone 'Agriculture' apply to the land. However, it is our position that pursuant to Section 35E (3)(b) of the Act, the draft LPS should not apply the Part 21 Agricultural Zone of the SPPs to the area of land specified by the above listed land titles since the properties are constrained and unsuited for the purpose of "significant agriculture activities". The combination of poor soil, topographical character, potential occurrence of significant vegetation communities, inability to provide practical or suitable irrigation options, coupled with the lot sizes, means that the specified land is not suitable to be zoned Agriculture.

To assist Council, this representation will provide in-depth site analysis for each property and associated parcels, drawing on information available on the LIST Maps and supplemented by an assessment for a Geotechnical Specialist.

2 204 Meadowbank Road, Meadowbank, and Surrounding Property

Mr Jonathon Dorking's property 204 Meadowbank Road, Meadowbank, is situated 4.5km by road to the north of Glenora District School. The lot is one of a group of eight similarly sized lots positioned together just north of the Municipal boundary and situated at the base of Mount Fenton.

The subject lot covers an area of 3079m² and is positioned between the road and the river, with a small strip of crown land along the riverbank. Topography sees half the lot adjacent to the road almost level then sloping steeply away east to the river. There is an existing weatherboard dwelling of mid-1940s construction with a floor area of 97m² located on the flat part of the lot, which is largely clear of significant vegetation. There is no formally recognised heritage significance for the building.

Opposite the lot, on the other side of the road, is the steep slope of Mount Fenton traversing from the 60m contour at road level to a height of 295m in a distance of 825m, or 28.5% average gradient. Some sections are steeper. This land across the road is used only for grazing some cattle and sheep.

Opposite the property on the other side of the River Derwent is land known as Settlers Flat, used for pivot irrigation.

Adjacent lots: on one side, south towards Gordon River Road, is 200 Meadowbank Road, on 2367m², with a house on a narrow and steep lot, sloping down toward the river, with no agricultural value. On the northern side at 208 Meadowbank Road on 9484m² lot, is a dwelling on a long, gently sloping block down to the river. This occasionally has a few sheep grazing to manage vegetation but is not of a commercial scale.

Other residences in proximity are located:

- 150m to the north there is a dwelling on the opposite side of the road at 219 Meadowbank Rd,
- 250m south there is a dwelling on the riverbank at 174 Meadowbank Rd,
- 600m to the south at 130 Meadowbank Rd, there is a house on a 13-hectare flat lot bordered by the road and two rivers, that has a small number of cattle,
- one smaller lot and dwelling at 109 Meadowbank Rd.
- Another small lot further south of 109 Meadowbank Rd contains a gravel pit and is owned by the Department of State Growth, so is not in the same category as the other properties.

See figure 1 and figure 1a for specific detail.

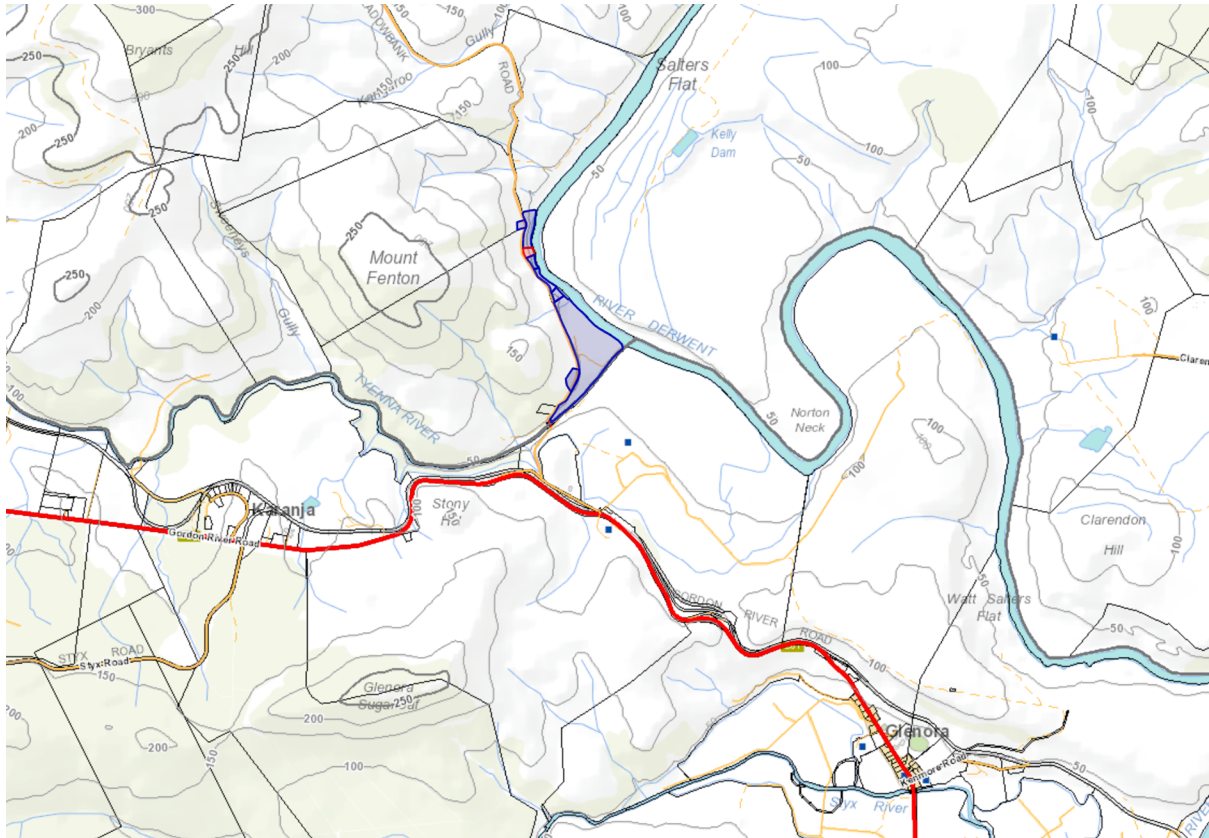


Figure 1 –The location of the eight subject lots is highlighted blue in the centre. The property 204 Meadowbank Road, Meadowbank (PID 7516181) is highlighted in red centre of the image all except for one which has a residential dwelling established. The Tyenna River forms the southern municipal boundary between Central Highlands and Derwent Valley Councils. (Source LIST Maps)



Figure 1a – Subject lots with Satellite Aerial base image. (Source LIST Maps)

2.1 Current Planning Provisions

The current Central Highlands Interim Planning Scheme 2015 provisions for the Properties are as follows:

- Zoned: Rural Resource
- Code Overlays:
 - Landslip Hazard Area E.3,
 - Waterway and Coastal Protection Code E.11.

Whilst the lots are bushfire prone the Bushfire Prone Areas Code (E1) overlay is not in use.

Landslide hazard overlay has sections of the two lots mapped as “Low” level risk.

Currently the land to the west of Meadowbank Road that includes Mount Fenton is zoned Rural Resource and is used only for livestock grazing due to soil quality and gradient.

The land to the east of the River Derwent is zoned Significant Agriculture and is subject to the Historic Heritage Provisions of the property Norton Mandeville and is of a gentler gradient and of a better soil capability at Class 4.

2.2 Agricultural Land Capability

Dr John Paul Cummings of Geo-Environmental Solutions (GES) has provided an Agricultural Land Capability assessment for the property and has noted within his assessment that the soil quality is considered extremely poor.

Land Capability Survey of Tasmania mapping cites this land as split between Class 5 and Class 6, which is essentially only marginal cropping ground and suitable for grazing. However, GES review clarifies that the site is realistically Class 6 due to the size and topography of the lots and the fact that each has an established dwelling, confirms that the site has essentially no capacity for cropping and that it is generally considered unsuitable for such agricultural activities. Please see Appendix A for greater detail.

2.3 Draft Local Provisions Schedule (LPS)

It is recognised that Central Highlands Council has implemented the Agriculture Zone in accordance with the Ministerial “*Guidelines No.1 Local Provisions Schedule (LPS): zone and code application*”, which require the zoning to be applied to all unconstrained land within the ‘Land Potentially Suitable for Agriculture Zone’ unless ruled out, see Figure 2.

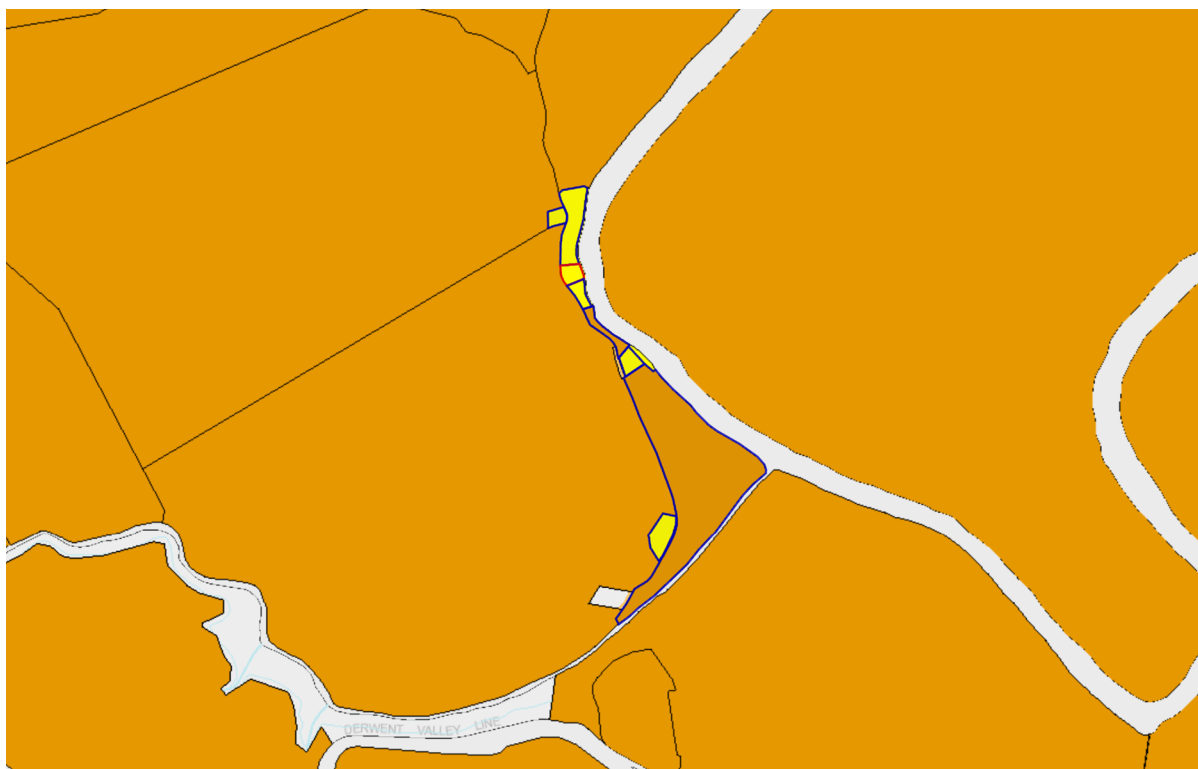
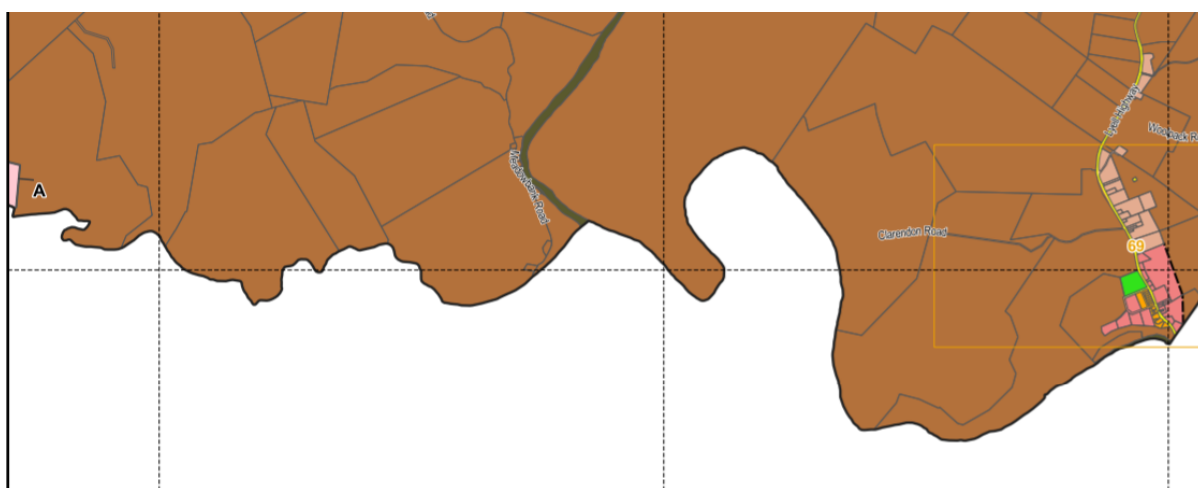


Figure 2 – LIST Map layer “Land Potentially Suitable for Agriculture Zone” showing the lots as Potentially Constrained (Criteria 2A) as each has residential dwelling established, except for the small thin lot with no dwelling present, or the large 13-hectare lot, which are mapped as unconstrained. (Source LIST Map)

It is understood that there is the potential for smaller lots to be amalgamated into larger farms which is the assumption in the “Agriculture Land Mapping Project: Background Report”¹. The flaw with this rational is the assumption that a larger 40 hectare plus lot, would benefit from being incorporated into a lot of less than one hectare that comprises poor soil, challenging topography and which is constrained by both road and river locations. Additionally, the fact that these lots already have a dwelling means they do not have a capacity to be useful for an adjoining larger farm to warrant amalgamation.



¹ Planning Policy Unit (2017) “Agricultural Land Mapping Report: Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone – Background Report”, Dept. Justice, p. 16.

Figure 3 – extract from Map 45 of 69 for the Tasmanian Planning Scheme: Zones: Central Highlands Council Local Provisions Schedule. The property in question is in the centre and is zoned Agriculture.

Whilst it is acknowledged that the properties have existing user rights for the residential dwelling and even have the capability of replacing a dwelling in a like for like manner, pursuant to Section 12 of the *Land Use Planning and Approvals Act 1993*, concern is raised whether it would be desirable to construct in a like for like situation given the period designs of the current dwellings. A modern design and or variation of location on the property might take advantage of more modern sustainable building practices but would trigger a new development application that is required under the zone provisions to demonstrate it is consistent with the agricultural values of the site.

2.4 Proposed Alternative Zoning

The subject lots 204 Meadowbank Road, Meadowbank, are also of insufficient size to be classified Rural as the underlying soil type is too poor. The property could be zoned Rural under the LPS if the larger property encapsulating Mount Fenton was also zoned Rural but is instead proposed to be zoned Agriculture. Such a zoning of 204 Meadowbank Rd, along with the other smaller adjoining lots, would result in a zoning that is inconsistent with the actual use of the land and the purpose of the Rural Zone.

The lots in themselves are more characteristic of rural residential in type than primary industries use. Therefore, it is proposed that this group of eight lots should be in a Rural Living Zone, as this is more reflective of their character.

In accordance with the guidelines set out for zone application within the *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application* as issued by the Tasmanian Planning Commission under Section 8A of the *Land Use Planning and Approvals Act 1993*, the sites meet the requirements for Rural Living Zone in the following manner:

Guideline RLZ 1 *The Rural Living Zone should be applied to:*

- (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or*
- (b) land that is currently a Rural Living Zone within an interim planning scheme or a Section 29 planning scheme, unless RLZ 4 below applies.*

The lots are not currently zoned Rural living thus (b) is not applicable; however, they are residential lots of a size that make (a) applicable.

Guideline 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:*

- (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.*

Location of the properties is within 4.5km of the town of Glenora and Bushy Park, in turn closer to the main highway (Lyell Hwy) and regional centre of New Norfolk. This is seen in context with the area surrounding Westerway and Ellendale that is to be zoned Rural Living A, which will facilitate subdivision down to one hectare lots (Clause 11.5.1 - Table 11.1 Rural Living Zone minimum lot sizes of the TPS). Zoning the land surrounding 204 Meadowbank Rd Rural Living A would not facilitate subdivision within seven of the eight lots as they are all under two hectares.

Therefore, the inclusion of land that is already consistent with the zone purpose and activity of Rural Living and already containing a dwelling does not have any impact on the growth scenario for the area and does not allow for further growth.

Guideline RLZ 3 *The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:*

- (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.*

Although the land is not currently zoned rural living, to zone it Rural Living under the LPS is reflective of the current land use, pattern and density that already occurs on the land at present. Therefore, to reflect a transition from the current zoning and land use patterns allocation of Rural Living Zone D is appropriate to avoid the introduction of any ability at this stage to subdivide for the larger lot.

Guideline RLZ 4 *The Rural Living Zone should not be applied to land that:*

- (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.*

In relation to RLZ4(a) the area is not within the vicinity of land suitable for future greenfield urban development and is not adjacent to the Urban Growth Boundary for Greater Hobart; therefore, there is no risk of creating a zoned area that will impede future urban growth.

Whilst it is acknowledged that the subject land overlooks land identified for its heritage values, the property 204 Meadowbank and surrounds are not identified as having any native vegetation or scenic landscape values. Additionally, it is noted that the lots are already used for a residential dwelling and zoning to Rural Living will not encourage development that would impact on such landscape values. Additionally, there is no increase in traffic or reliance on infrastructure as there is no increase in development capabilities.

Most of the lots are identified within the *Land Potentially Suitable for Agriculture Zone* as *land Potentially Constrained (Criteria 2A)* highlighting the fact that the lots are small in size consisting of a residential dwelling. Therefore, the use of Rural Living Zone is reflective of the current land use pattern and will not increase the potential for land use conflict with other uses.

Such a strategic pattern is not inconsistent with that previously used by Councils that have already implemented the Tasmanian Planning Scheme, such as Meander Valley LPS, Circular Head LPS, and to an extent Burnie LPS. Additionally, similar apparently isolated pockets of Rural Living Settlements are also used throughout the Central Highlands LPS.

3 Conclusion

This representation provides site specific clarification for the following parcels of land: 204 Meadowbank Road, Meadowbank, (PID 7516181), formed by CT 35385/2.

It is our submission that the decision tree that has been used to determine the delineation of Agriculture Zone and Rural Zone has not examined the detail of the existing land use, lot size or the underlying soil quality and topography of the land in determining the zoning. Given the topography, existing development, and small lot sizes based on the quality of the soil, zoning the land Agriculture would inhibit the diversity of allowable use permissible on the land.

Principle concern is evident when cross referencing the zoning with the State Planning Provisions. With the intent of the Agriculture Zone for development including residential that is reliant on agricultural activity on the property (Clause 21.3.1 Use Standards: Agriculture Zone), concern is that with the properties not being of a sufficient size and with unsustainable soil type to support agricultural use, the properties will have nonconforming use types.

Therefore, pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Agriculture in accordance with the provisions of the SPP Part 21, to the land known as:

- 204 Meadowbank Road, Meadowbank, (PID 7516181), formed by CT 35385/2, and
- The surrounding seven other lots of a consistent size,

should be considered for Rural Living Zone (D) as this reflects the land use character.

21/10/21

RE: Agricultural land Capability – 204 Meadowbank Road, Meadowbank

I am a Certified Professional Soil Scientist (CPSS) and I have completed the assessment of numerous agricultural properties in Tasmania over the past 20 years including a number in the Derwent Valley area. I have completed a review of my files for the local area and the subject property and can provide the following information.

- The property is located on Meadowbank Road and extends from the road frontage down a steep bank to the Derwent River
- The property currently supports rural residential use with a single dwelling on a title area of approximately 3079m²
- The property is bordered by rural residential properties to the north and south, and larger agricultural properties can be found to west of Meadowbank Road, and to the East on the other side of the Derwent River (see figure 1 site location).
- The property is underlain by Jurassic dolerite with shallow duplex soils on the steep slopes of the property (see figure 2 soil mapping).
- The property is mapped as predominantly class 5 & 6 agricultural land however due to the steep slopes I would classify the property as Class 6 (see figure 3 land capability mapping).
- The steep slopes on the site and shallow stony soils make the property unsuitable for tillage for pasture renovation or cropping,
- The land suitability mapping for the area shows that the property would not even be suitable for ryegrass pastures indicating the property has severe limitations for even good pasture production for grazing (see figure 4 ryegrass pasture suitability).
- The soil types on the property have a number of identified soil limitations to agricultural use, and in particular due to the sandy textured topsoils on much of the property wind erosion poses a significant risk if surface cover is removed and tillage is undertaken to attempt pasture renovation (see figure 5 erosion hazard mapping).
- Previous assessment of soils in the local area identified a number of limitations to agricultural use of the main soil type on the property

- The area of soils on dolerite mapped as Brown soils on dolerite (Bd1) the following limitations have been identified
 - Soils on hill slopes, especially north to east facing slopes like the subject property are shallow with a high stone content and poor rooting depth
 - Soils generally have a strong texture contrast with potential for shallow perched seasonal water tables
 - Subsoils are imperfectly drained with limited irrigation potential
 - Sandy topsoils have an acidic pH trend, weak structure and can be prone to surface erosion
 - On steep slopes native pastures and sparse native vegetation is normally retained for limited grazing at low stocking rates
- From my review of the information relating to soil and land quality on the property it is my conclusion that the land has very limited agricultural capability
- The property is small in area and is located on two sides by several small titles with current rural residential use, therefore any future agricultural use of the property is significantly fettered
- Given the agricultural capability of the property is highly constrained, future zoning as part of the state-wide planning scheme must be carefully considered to ensure the optimal future use of the land resource
- A zoning of rural residential (in line with the historical land use) of the small titles including this property and immediate surrounds would be more appropriate than agriculture.

Kind regards,



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Director

Figure 1 – Site location

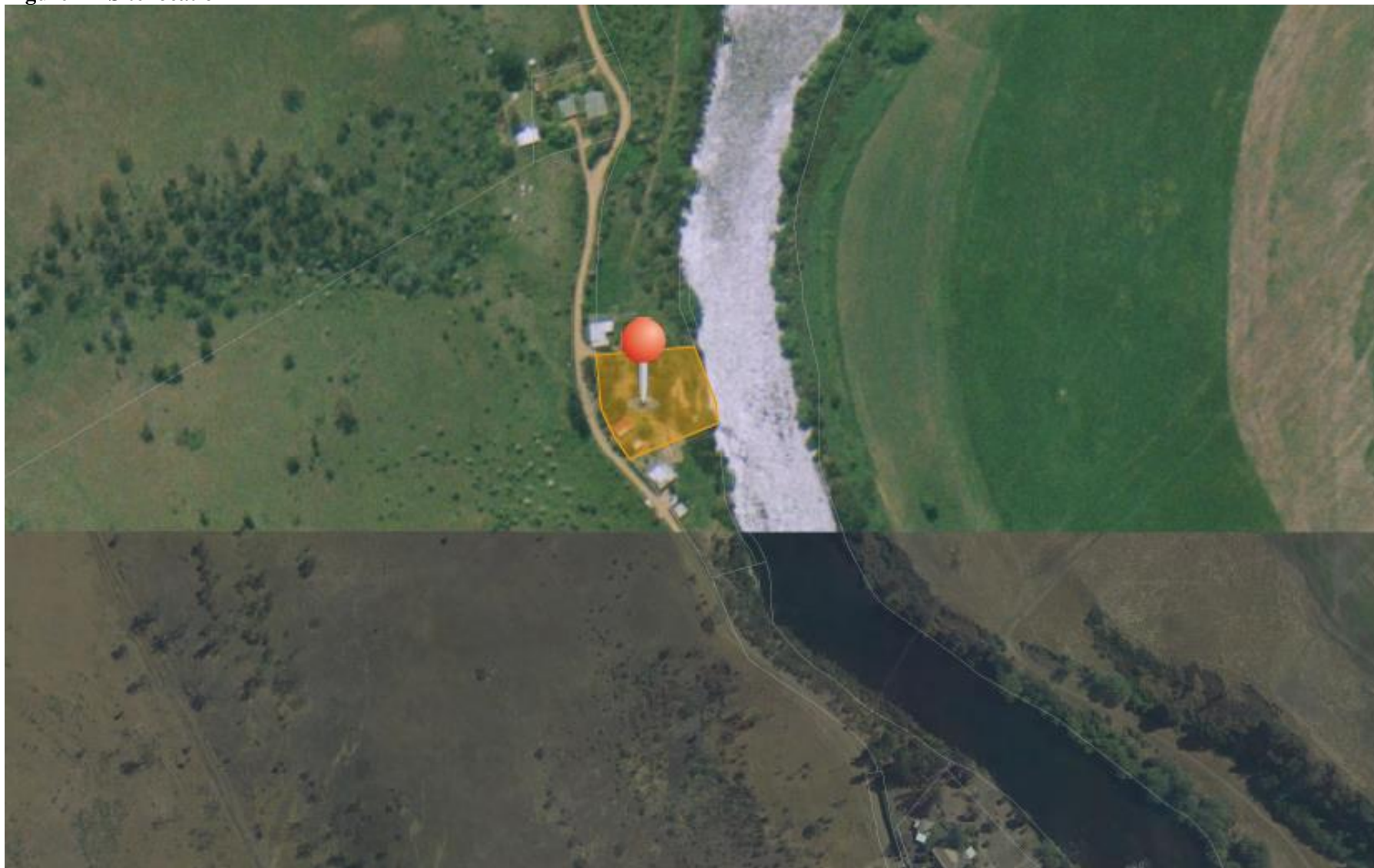


Figure 2 – Soil mapping

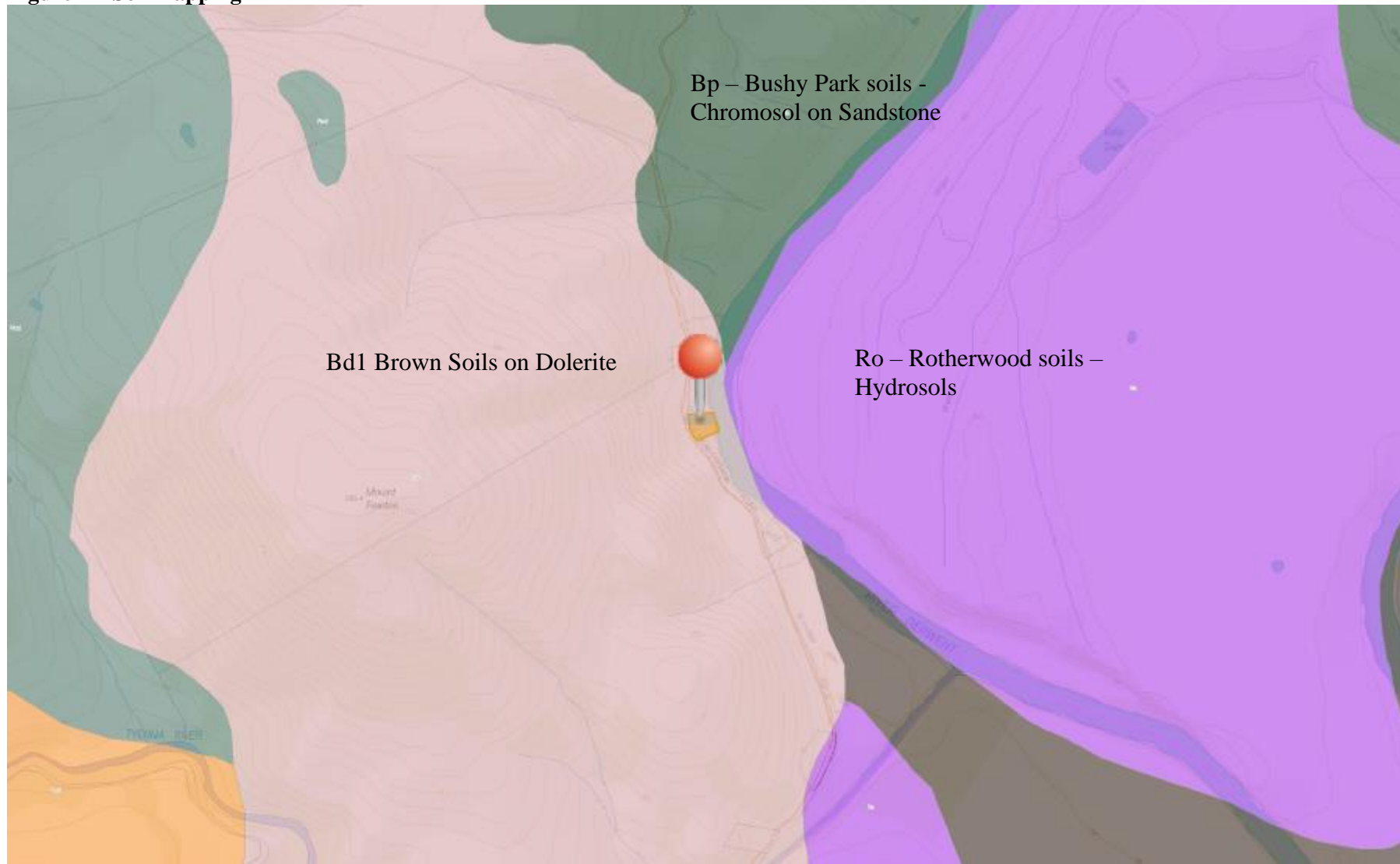


Figure 3 – Land capability mapping



Figure 4 – Ryegrass pasture suitability mapping

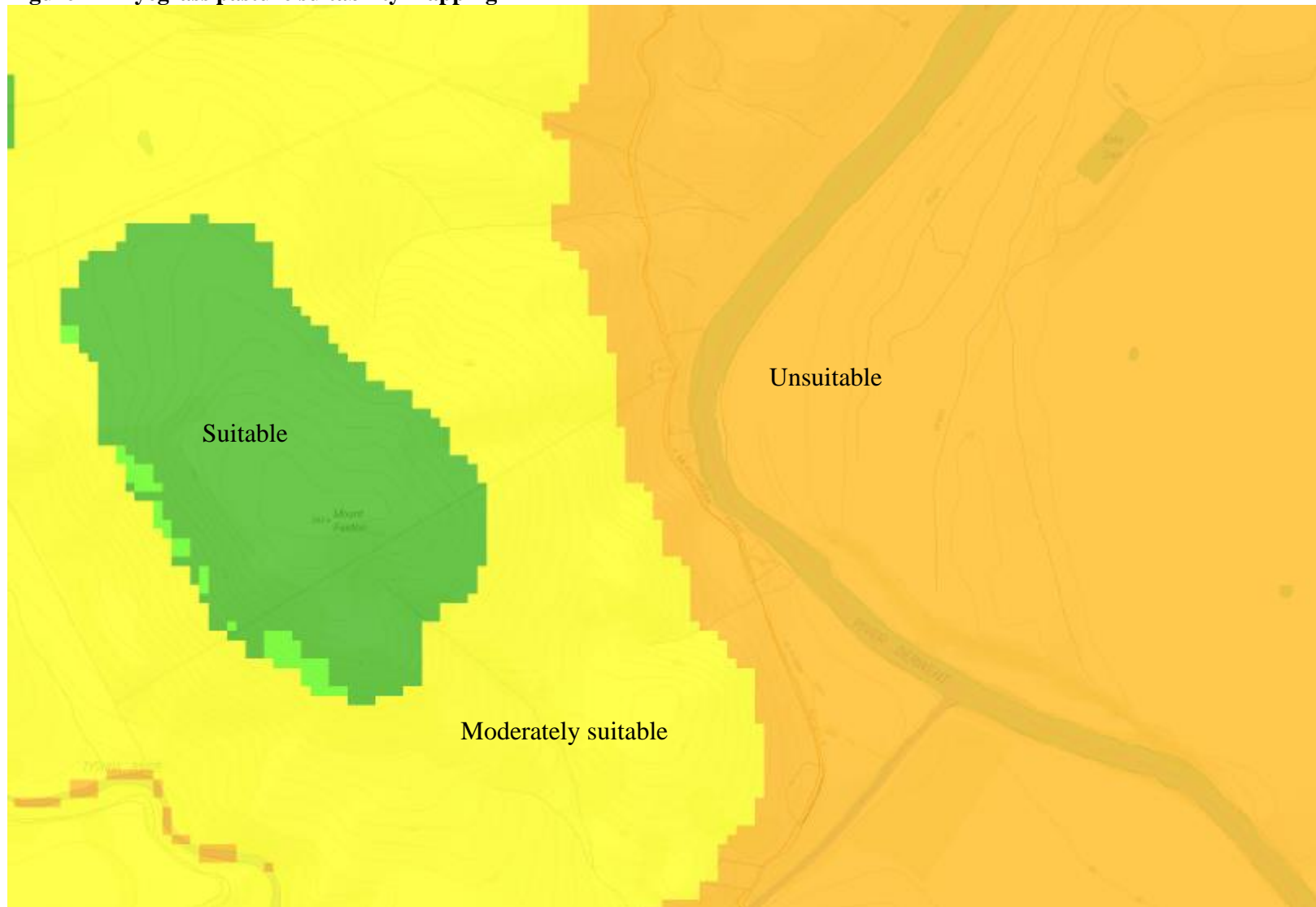


Figure 5 – Erosion Hazard (wind)

