

General Manager
Northern Midlands Council
PO Box 156
LONGFORD TAS 7301

Via email: lps@nmc.tas.gov.au

19 December 2021

Dear Mr Jennings,

PLANNING EXHIBITION REPRESENTATION – DRAFT NORTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE - CORRECTED

This representation is prepared on behalf of Mr. David Cordell and Ms. Dimity Calvert for consideration within the Local Provisions Schedule for Northern Midlands Council in relation to property at 101 Pateena Road, Travellers Rest CT 122299/6 and comprises an area of approximately 19.96ha.

The land is currently on a single title and is currently split between zoning Rural Living D (approx. 11ha) under the Tasmanian Planning Scheme – Meander Valley Local Provisions Schedule and Rural Resource (approx. 9ha) under the Northern Midlands Interim Planning Scheme 2013. It is noted that the section of the land currently within the Northern Midlands municipal boundary is proposed to be zoned Agriculture under the Draft Northern Midlands Local Provisions Schedule.

The property is unique in that it is straddled not just across municipal boundaries but also has differing zonings. All improvements (other than rural style fencing) on the property are within the Municipality of Meander Valley. The property is assessed for rates by the Meander Valley Council. The owners have requested the Councils to request to the Director of Local Government to initiate a minor municipal boundary adjustment in accordance with Section 16 (4A) of the *Local Government Act 1993*. The request to both Council's was submitted on 8 July 2021, this process is still in progress.

In the meantime, the owners wish that the zoning of the property be consistent throughout the two Local Provisions Schedules to ensure that the zoning is Rural Living D when the minor municipality boundary adjustment comes into effect.

Request is therefore made that the section of the land proposed to be zoned Agriculture under the Draft Northern Midlands Local Provisions Schedule be zoned Rural Living D, to

reflect the zoning of the other portion of the land as well as to provide consistent zoning with adjacent lands including 187 Pateena Road which is proposed to be zoned Rural Living D.

In June 2019, the owners contracted AK Consultants (now known as RMCG) to prepare an Agricultural Assessment to determine whether there was merit in supporting the whole of the land (title) be zoned Rural Living. The assessment determined that the 9.4ha zoned as Rural Resource under the Northern Midlands Interim Planning Scheme 2013 and mapped as 'unconstrained' by the Agricultural Land Mapping Project, has no agricultural potential. It appears that the Agricultural Land Mapping Project did not consider that the title is split zoned and is also adjacent to other Rural Living zoned lands. I attach a copy of this assessment provided by AK Consultants to this submission.

Whilst it is recognised that Practice Note 7 requires zone boundaries that do not follow property boundaries to be minimised and should be necessary for planning reasons, it would seem apparent that the Council is unaware of the split zoning and the current zone of the front portion of the title which lies within the Meander Valley Municipality.

Therefore, we respectfully request further consideration of the zoning of this parcel of land through this process and that the land be zoned Rural Living D.

Kind Regards,



Rebecca Green

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Mr & Mrs D. Cordell
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21st June 2019

Dear David & Jane,

Desktop Agricultural Assessment – Rezone a Section of 101 Pateena Road, Travellers Rest from Rural Resource to Rural Living

I understand you are intending to seek approval from the Northern Midlands Council on a proposed rezoning of a section of 101 Pateena Road, Travellers Rest (CT 12229/6) from Rural Resource to Rural Living through the Northern Midlands Local Provisions Schedule of the Tasmanian Planning Scheme. The title is 20.6ha in area.

Currently the subject title is split zoned between Rural Living (11.2ha) and Rural Resource (9.4ha). The area zoned as Rural Living is within the Meander Valley Municipal area, while the area zoned as Rural Resource is located in the Northern Midlands Municipal area. The intent behind the proposed rezoning is to provide a single zone for the entirety of the title, which may also facilitate a 2-lot subdivision in the future. I have undertaken an assessment of the agricultural potential of 101 Pateena Road and surrounding land.

In assessing the impacts of the proposal, the objectives of the Rural Resource Zone under the *Northern Interim Planning Scheme 2013* have been considered, as well as the objectives of the Agriculture and Rural Zones in the *Tasmanian Planning Scheme*. These objectives include consideration of the principles of the State Policy on the *Protection of Agricultural Land 2009* (PAL Policy) and can be consolidated into two key assessment issues:

1. The impact on the primary industry potential of the subject title; and
2. The potential for any future proposed subdivision and additional dwellings, subsequent to successful rezoning to Rural Living, to constrain adjacent primary industry activity.

Whether the title is practically capable of supporting primary industry depends on the current land-use, previous land use and potential land use, size of the title, Land Capability, whether there is an irrigation water resource or potential for an irrigation resource and whether the title supports any threatened vegetation or threatened species habitat. Whether the title can be farmed in conjunction with other land also needs to be considered.



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If it can be demonstrated that the title cannot be utilised for primary industry, then it also needs to be demonstrated that any future subdivision and dwellings will not impact on any adjacent agricultural/resource development land use. This can usually be achieved through appropriate buffers and boundary setbacks.

The title is moderately to steeply sloped (approximately 10° over the entire title), with a northerly aspect. The highest point is along the southern boundary siting at 240m Above Sea Level (ASL) and the lowest point is along the northern boundary at 170m ASL. There is an existing dwelling located in the Rural Living zoned area of the title. Published Land Capability at a scale of 1:100,000 maps the western 8.1ha as Class 4 land, the eastern 12.5ha as Class 5 land, while the most eastern 0.1ha located in the title's eastern corner is mapped as Class 6 land (see Figure 4). TasVeg 3.0 maps 17.5ha of *Eucalyptus viminalis* grassy forest and woodland (DVG), 1.9ha of Agricultural Land (FAG) and 1.3ha of Lowland grassland complex (GCL) (see Figure 5). There are no existing water resources for irrigation associated with the title and negligible potential for water resources to be developed.

Within the 9.4ha currently zoned as Rural Resource there is 2.1ha of Class 4 land, 7.2ha of Class 5 land and 0.1ha of Class 6 land. The vegetation is mapped as; 0.2ha FAG, 1.2ha GCL and 8ha of DVG. A site visit was conducted on the 6th of June 2019. During this site visit a Land Capability Assessment was not conducted, however, the presence and prevalence of surface stone across the area zoned Rural Resource is a strong indication that if a Land Capability Assessment was conducted at a larger scale than the published Land Capability for the title, it would result in poorer Land Capability results for the land.

The title is utilised for horse agistment and training, with no agricultural activities occurring beyond grazing of horses. Of the area zoned Rural Resource, only the most western third is used for grazing, as the eastern two thirds is covered in dense vegetation, and is extremely rocky, too rocky to be cleared and converted to pasture (see images). Because the land is split zoned, with the area zoned Rural Resource displaying poor characteristics for agriculture it is my opinion that this land has no agricultural value in its own right.

All land to the south west, west, north and north east is zoned Rural Living and thus retains no agricultural value. To the south east is CT 122424/1 which is 557ha in area. This title is part of a dryland grazing agricultural enterprise. Directly adjacent to the subject title, this large title displays similar characteristics as the subject title, with abundant surface rock and existing native vegetation. It is highly unlikely that the land adjacent to the subject title would be utilised for any agricultural activity of a higher intensity than occasional dryland grazing. 9.4ha associated with the subject title would add little, to no value, to the agricultural potential of this larger block to the south.

Under the new State-wide Planning Scheme the Department of Justice, *Agricultural Land Mapping Project*, shows the Rural Resource section of title as 'unconstrained' and in the Agricultural Zone, while the Rural Living area was not included in the mapping. The *Agricultural Land Mapping Project*, was completed by the Department of Justice to provide Councils with spatial data to assist with segregating the Rural Resource Zone (and Significant Agriculture Zone where relevant) into the Rural and Agriculture Zones, as required under the new State-wide Planning Scheme. The constraints analysis that was utilised in the *Ag land Mapping Project* was not aimed to provide a comprehensive analysis of all the factors that may contribute to the constraint of agricultural land as it was perceived to not be feasible to develop a model at state-wide level that could consider all factors of each individual title. Instead it was developed

to provide a tool for Councils to utilise to identify areas for further investigation that could be potentially constrained.

In this instance, it appears the analysis tool identified that the Rural Resource Zone area of subject title was more than 1ha and adjacent to a title with commercial scale characteristics. These characteristics would have resulted in the title being classified as 'unconstrained'. It does not appear to have considered that the title is split zoned and is also adjacent to residential zoning (Rural Living).

The 9.4ha zoned as Rural Resource under the *Northern Midlands Interim Planning Scheme 2013* and mapped as 'unconstrained' by the *Agricultural Land Mapping Project*, in our opinion has no agricultural potential. Rezoning this area to Rural Living will have no impact on the regions' agricultural estate. If future subdivision and development occurs on the title, a 50m buffer should be retained from the agricultural title to the south east to minimise any risk of constraining adjacent existing or potential primary production.

Yours Sincerely,



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References

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- Northern Midlands Council (2013). *Northern Midlands Interim Planning Scheme 2013*
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Appendix 1 - Maps

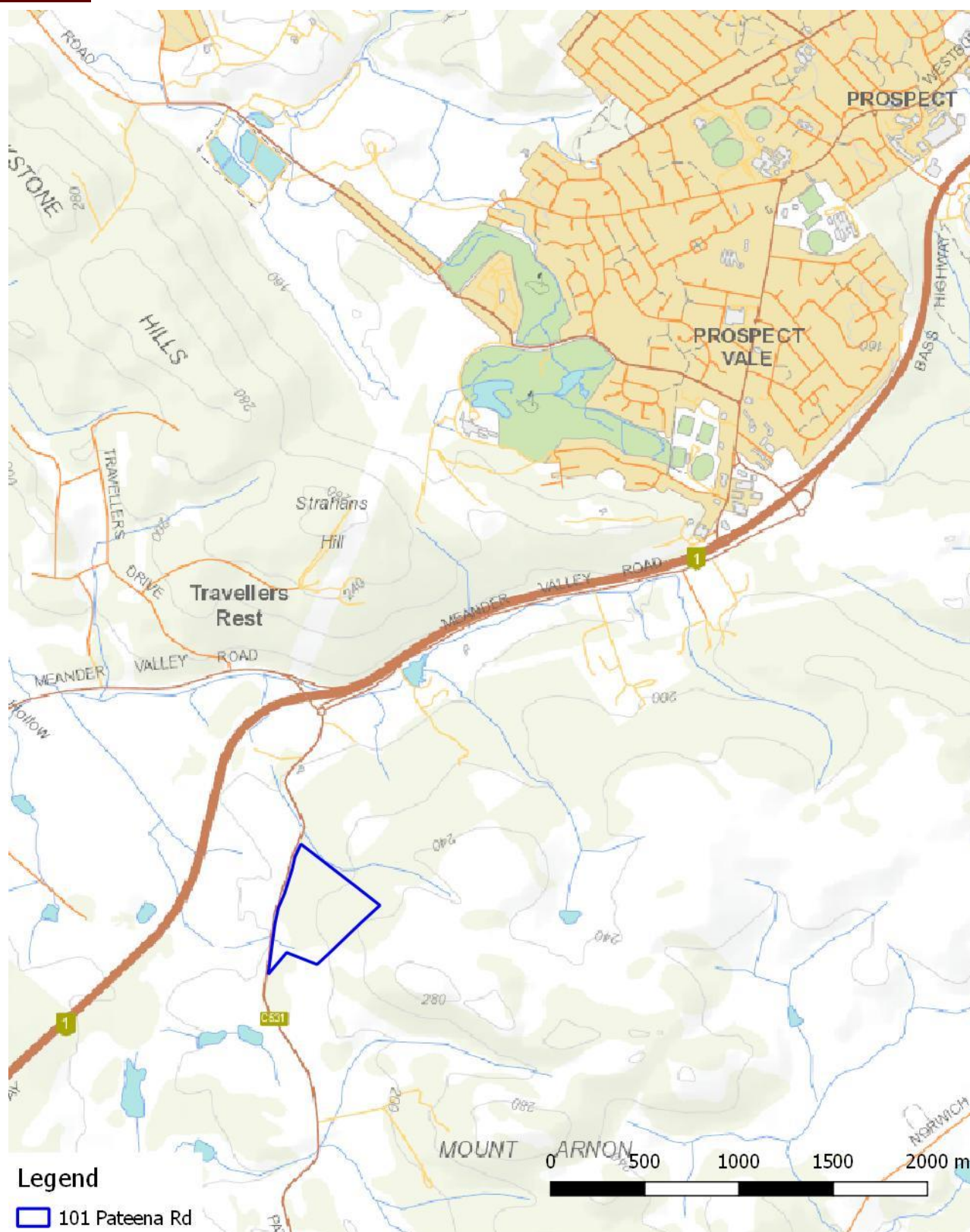


Figure 1. Location



Figure 2. Aerial Image

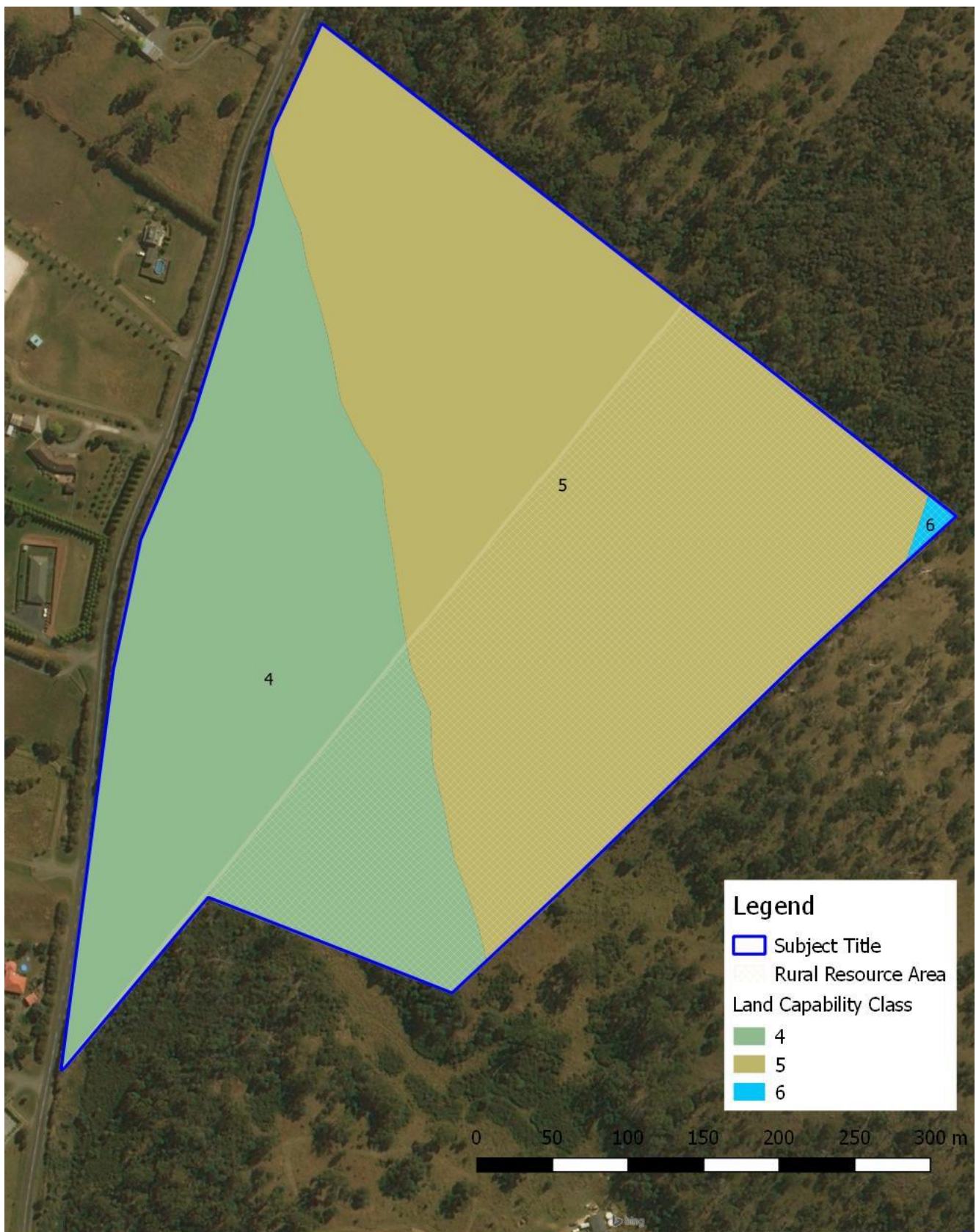


Map Name: Title Planning Zones
 Project: Ag Assessment
 Client: Cordell
 Date: 19/6/2019

BaseMap image by Bing (C) Microsoft
 Cadastre from LIST
 Planning Zones From LIST (C) State of Tas



Figure 3. Existing Zoning of subject title under the Interim Planning Schemes.



Map Name: Published Land Capability
 Project: Ag Assessment
 Client: Cordell
 Date: 19/6/2019

BaseMap image by Bing (C) Microsoft
 Cadastre from LIST
 Land Capability (1:100,000) from DPIWPE
 (C) State of Tas



Figure 4. Published Land Capability of the subject title.



Figure 5. Tas Veg 3.0 mapped vegetation of the subject title.

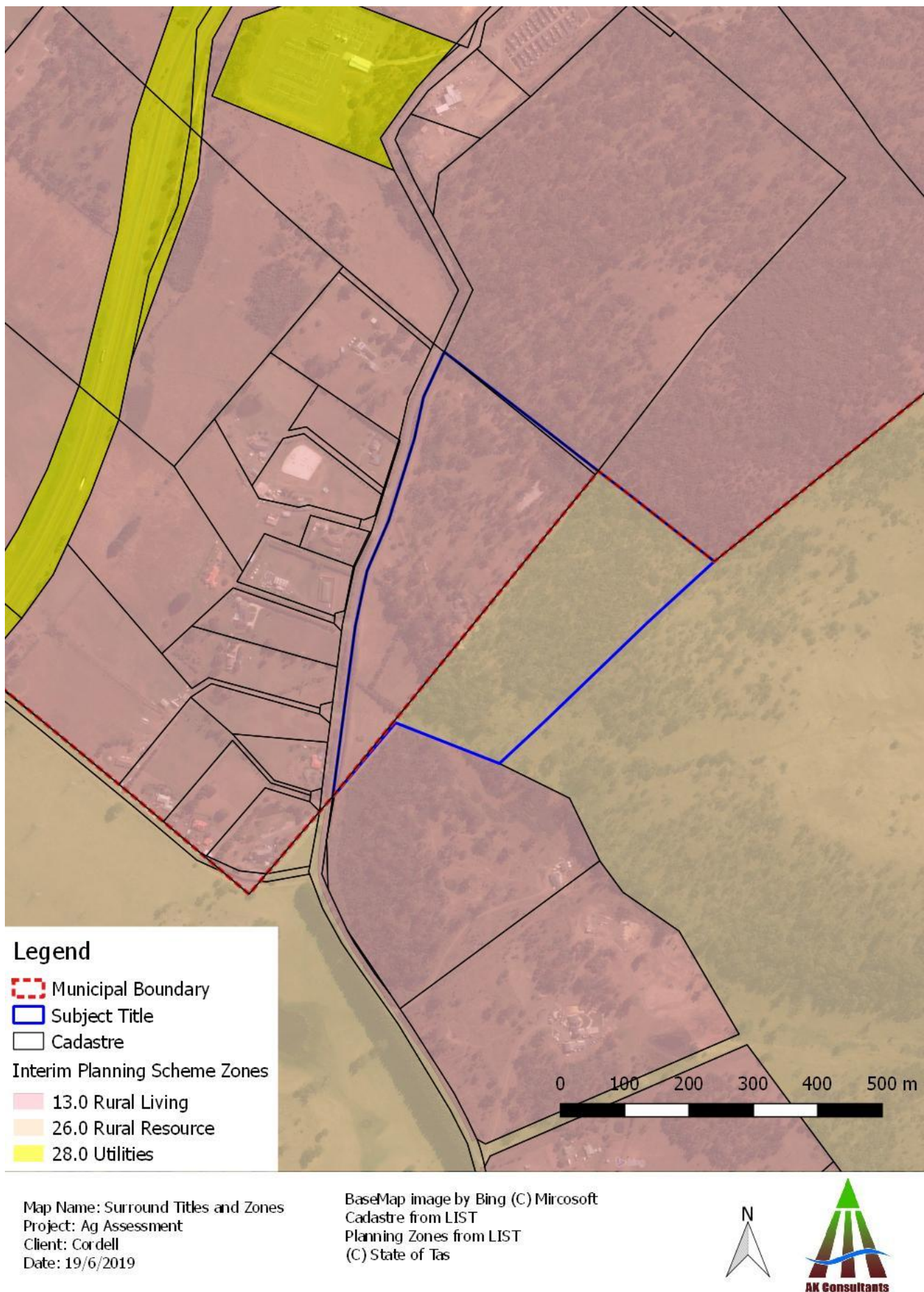


Figure 6. Surrounding titles and zoning under the Interim Planning Schemes.

Appendix 2 – Photos Taken by Michael Tempest (06/06/2019)



Photo 1. Semi-improved pasture area within the Rural Resource Zone area that is mapped with a Land Capability of Class 4. Note Surface Stone presence.



Photo 2. Example of the vegetation within the area mapped as the vegetation community DVG



Photo 3. Example of surface rock presence in the western third of the Rural Resource Zone area.



Photo 4. Existing vegetation and surface rock to the south of the subject title on CT 122424/1.