

From: Clarence General Mail User
Sent: Mon, 16 Mar 2020 16:19:31 +1000
To: City Planning;Dan Ford
Subject: FW: Clarence Draft LPS representations
Attachments: Submission2020_BenJones.pdf, NS rep 160320.pdf

From: neilsh@bigpond.com <neilsh@bigpond.com>
Sent: Monday, 16 March 2020 5:09 PM
To: Clarence General Mail User <clarenc@ccc.tas.gov.au>
Subject: Clarence Draft LPS representations

Please find attached representations in respect of the exhibited Clarence Draft LPS.

Kind regards,
Neil Shephard

*Fellow of the Planning Institute of Australia
Certified Practising Planner*



Planning and Development Consultants

Mob: 0417 25 0232

19 February 2020

Mr Ian Nelson
General Manager
Clarence City Council

Via email: clarence@ccc.tas.gov.au

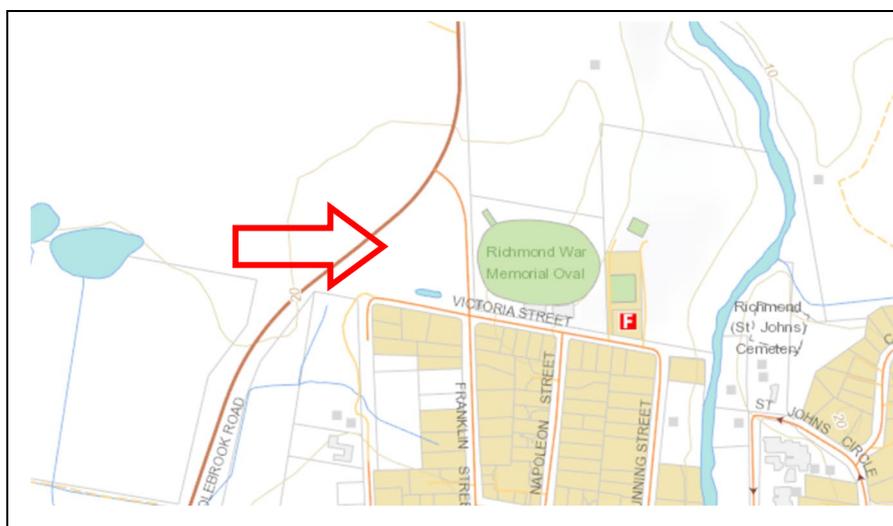
Dear Mr Ian Nelson

Lot 1 Colebrook Rd, Richmond – Daisy Bank

The following is a submission on the recently declared Tasmanian Planning Scheme draft Local Provision Schedule (LPS), seeking to permit a single title subdivision (from the property known as "Daisy Bank") in line with land physically excised by the construction of the Richmond By-Pass. During a previous hearing the zoning for the excised land was changed from Significant Agriculture to Rural Resource to better represent its location, potential and limitations. The construction of the Richmond Bypass has alienated a small portion of the property between the Richmond Bypass, Franklin Street and Victoria Street in Richmond that can now no longer reasonably sustain intensive agricultural use.

"Daisy Bank" was first bought by Henry Jones in 1896. His son Francis moved in from the family farm at Broadmarsh in 1918. Since then the property has been farmed continuously by Jones'. The Richmond By-Pass was first flagged in the 1960's. The current alignment was agreed in consultation with land owners including my father to reduce the impact on farming land. Specifically at "Daisy Bank" this meant keeping the road as close to the village as possible and taking into consideration the footprint of the centre pivot irrigator that was used on the land now leased by Houstons Farm.

The Richmond Bypass has created a small parcel of land isolated from the remainder of the property and directly adjacent to the urban extent of Richmond Township. The relevant parcel, shown in the Figure below, is contained on all sides by roads and has the Richmond Recreation Ground to its east and residential development to its south; it is small in size and isolated from the remainder of the farm. The location of the Richmond Bypass provides an obvious and sensible boundary for the urban extent of Richmond to the north; this parcel is within that extent. While historically the area has been farmed, its isolation, small size and adjacency to residential uses render it of little use to the current farm operation and significantly undermine any future agricultural potential.



We would like to see a Special Site Qualification made for this this excised parcel of land so that it may be sold in the future. Realising this severely fettered parcel of land provides the opportunity for the next succession change as another generation moves in to manage our family farm.

The Tasmanian Planning Scheme zones the parcel as Rural Zone, however the at 1.5Ha, the area is below the minimum lot size of 40Ha.

The suggested Site-specific Qualification is attached. It refers to the other 2 properties that share similar circumstances, as prepared by Neil Shephard & Associates.

The parcel, and its surrounds including the Richmond Township, is mapped as Class 4 Agricultural Land – land well suited to grazing, but which is limited to occasional cropping or a very restricted range of crops. As farmers, we appreciate that agricultural land, particularly that utilised for primary production, is a finite resource. The loss of agricultural land can push farming activity onto more marginal and less productive lands where productivity is lower and the potential for environmental degradation is higher. However, agricultural activities taking place in close proximity to residential uses can result in significant conflict between the residents and adjoining primary producers - land use conflicts arise when there is inadequate separation between incompatible uses. Typical and necessary agricultural activities can create a nuisance and impact on the amenity of non-farming residents. Examples include noise, odour, dust and spray drift from a variety of cropping and animal husbandry activities and the undertaking of agricultural activities early in the morning or late at night. Given the adjacent residential and community use activities it is not appropriate for intensive agricultural activities to be occurring on this parcel.

Yours sincerely

Ben Jones
Owner, Daisy Bank

CLA-Site-specific Qualifications

Reference number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
CLA-20.5	<ul style="list-style-type: none">• Lot 1 Colebrook Road, Richmond;• 66 Middle Tea Tree Road, Richmond;• 20 Middle Tea Tree Road, Richmond	168119/1; 168391/1; 168392/2	An additional criterion under P1 for these sites is: “or (d) be for the excision of the identified parcels of land.”	Rural Zone – clause 20.5.1 Lot design



**NEIL SHEPHARD
& ASSOCIATES**

Planning and Development Consultants

General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

16 March 2020

Dear Sir,

RE: TASMANIAN PLANNING SCHEME – CLARENCE DRAFT LOCAL PROVISIONS SCHEDULE – REPRESENTATION – PROPERTIES SEVERED BY COLEBROOK ROAD LINK AT RICHMOND

Background

You will recall that on behalf of Mr Michael Green I made a representation concerning the impact of the Colebrook Road link on his land at 20 Middle Tea Tree Road, under the *Clarence Interim Planning Scheme 2015* ('the interim scheme').

The concern was that the new road link severed my client's property with the ultimate effect of sterilizing one parcel or the other through the inability to create a sub-minimum lot under the Rural Resource zoning.

Mr Ben Jones, as owner of land in similar circumstances at the northern end of the link road also made a representation along the same lines.

A copy of my representation is attached as it is still relevant in terms of background information and the issues that arise.

Council were supportive of a solution that included:

Inserting a performance criterion under the Rural Resource subdivision provisions that allows consideration of new titles below the minimum lot size where the parent title has become severed through public road construction;

At the subsequent hearing into the interim scheme the TPC panel were also supportive but indicated a desire to obtain the endorsement of the Southern Planners' Reference Group. It is my understanding that the necessary endorsement was not forthcoming. I stand to be corrected if that is not an accurate representation of the facts.

I have been asked by Messrs. Green, Jones and the only other affected property owner Mr Paul Ryan (66 Middle Tea Tree Road) to make a similar representation in respect of the Clarence Draft LPS. Mr Jones will also provide a representation under separate cover.

Subject land

The subject titles are located at the western edge of Richmond township (see Figures 1, 2 and 3 below).

Neil Shephard & Associates, PO Box 273, Sandy Bay, Tasmania 7006, ph 0417 25 0232 email: neilsh@bigpond.com

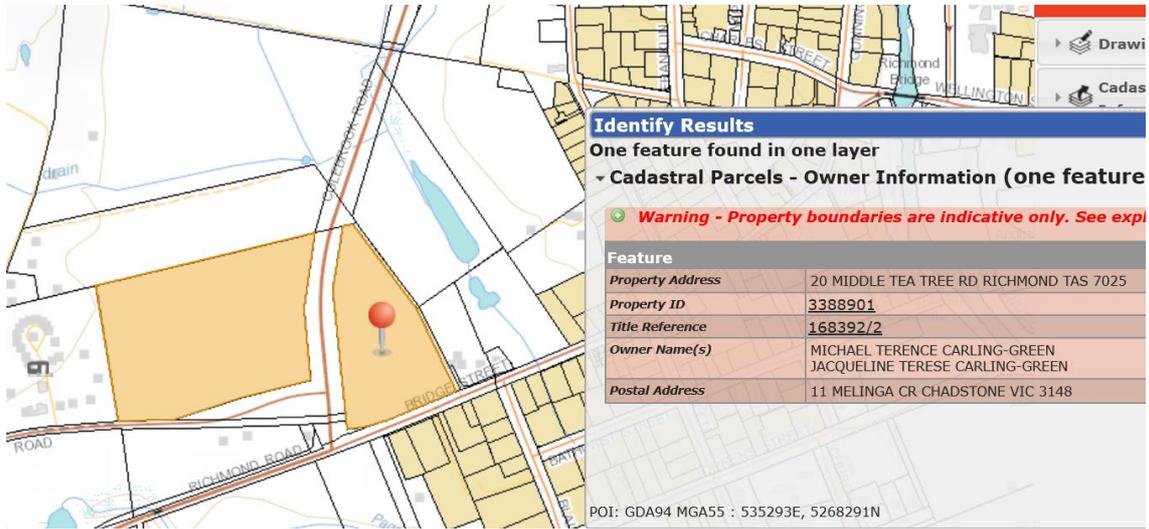


Figure 1

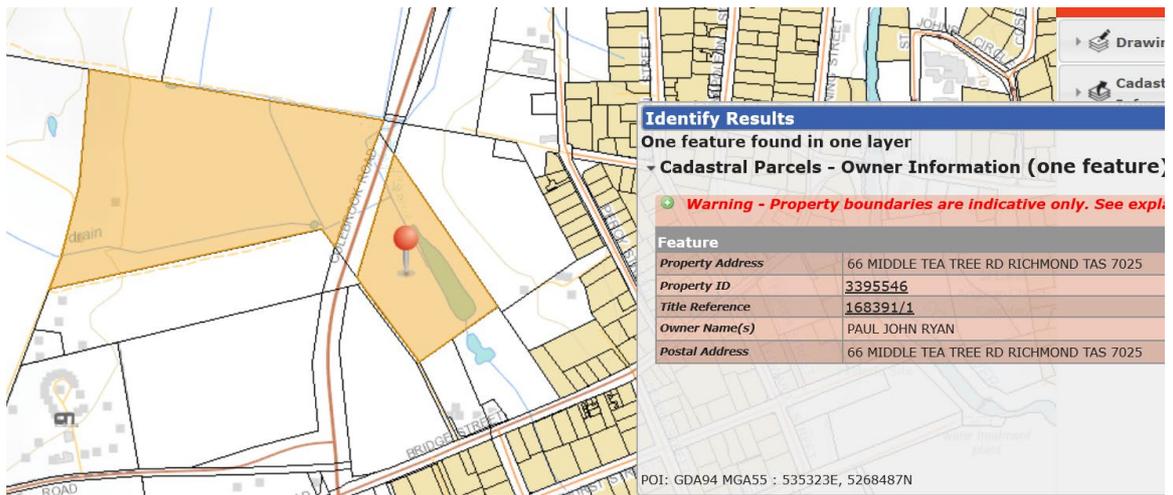


Figure 2

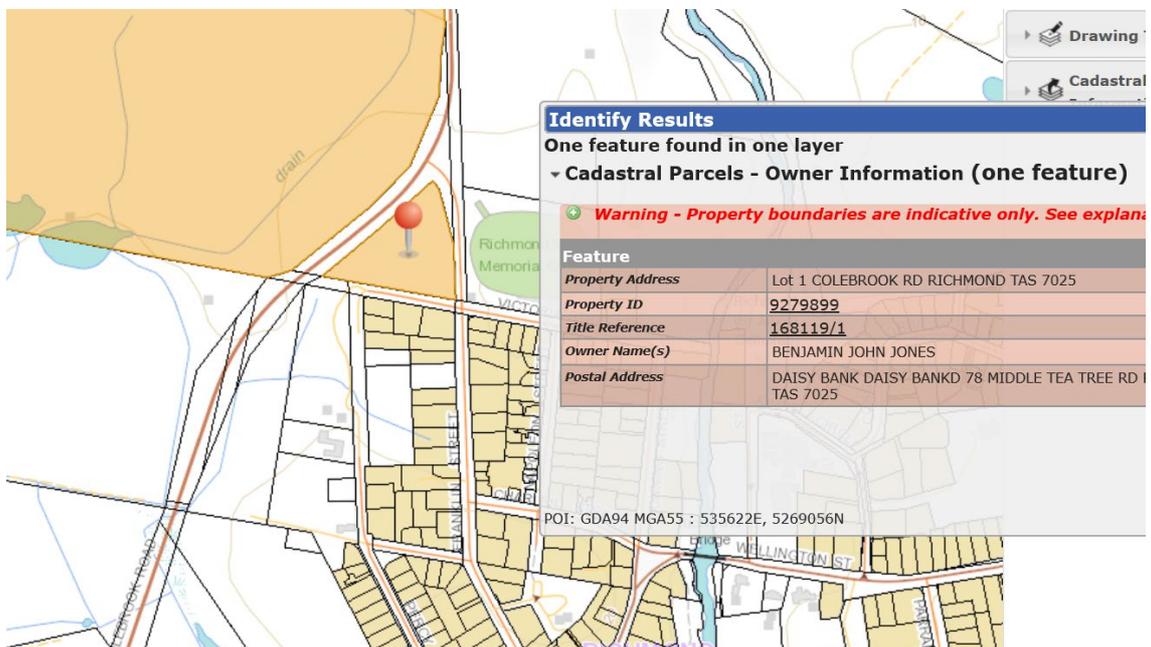


Figure 3

The severing of the subject titles has created 3 residual parcels to the east of the link road (ie adjacent to the Richmond Village area) with the following areas:

- Residue of 20 Middle Tea Tree Road = approx. 2.8ha;
- Residue of 66 Middle Tea Tree Road = approx. 3.2ha;
- Residue of Lot 1 Colebrook Road = approx. 1.5ha

There are no dwellings on any of the 3 residual parcels however, the land overall clearly is now more associated with the village than the larger rural parcels to the west of the link road: the Colebrook Road link has created a more defined boundary to the western margin of Richmond township and the subject residual parcels parcel of the subject land sit clearly within that area.

Planning controls

Prior to the Colebrook Road link being constructed the subject lands were zoned Rural under the *Clarence Planning Scheme 2007*. In the translation to the interim scheme the land was logically placed in the comparable Rural Resource Zone. The minimum lot size remains the same at 20ha, so the subdivision potential of the land has not changed (there is none). Nor has the potential for any more than a single dwelling been altered. The only difference under the Draft LPS is that the minimum lot size under the Rural Zone will be 40ha.

The 3 residual parcels are not significant agricultural land and have very little potential to support agricultural activity including grazing because of their severance into 2 parcels. The larger western parcels could conceivably be adhered to adjoining land in other ownership to add value as a larger sustainable agricultural unit and it is acknowledged that under clause 20.5.1 of the SPP this could occur. This option is not practically available for the smaller eastern parcels. Further, if the adjoining land in other ownership to which either parcel could adhere is also of little agricultural value and/or the respective owners do not want to adhere more unproductive land then both parcels just became sterilized.

Moreover, a single dwelling cannot be developed on one parcel without sterilizing the other. Nor is it possible to build multiple dwellings (and so strata title) within the Rural Zone. It is appreciated that multiple dwellings would be generally inconsistent with the strategic intent of the zone however.

The owners of the subject land accordingly are seeking some flexibility to each create two separate (sub-minimum) titles. In terms of potential outcomes the building of a single dwelling on each parcel would have minimal impact on the integrity of the township.

Available provisions under the SPP

The SPPs allow for the use of 'Site-specific Qualifications'.

These provisions can be used to address anomalies without undermining the broader intent of the zone or the application or the range of respective standards.

In the subject case a simple additional performance criterion pertaining to Lot Design under clause 20.5.1 for the Rural Zone, would allow for the excision of the 3 identified parcels of land on the eastern side of the Colebrook Road.

The provisions would involve an addition to the Table of 'CLA-Site-specific Qualifications' as follows:

CLA-Site-specific Qualifications

Reference number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
CLA-20.5	<ul style="list-style-type: none">• Lot 1 Colebrook Road, Richmond;• 66 Middle Tea Tree Road, Richmond;• 20 Middle Tea Tree Road, Richmond	168119/1; 168391/1; 168392/2	An additional criterion under P1 for these sites is: “or (d) be for the excision of the identified parcels of land.”	Rural Zone – clause 20.5.1 Lot design

I look forward to assisting Council and the Commission in its consideration of this matter.

Yours faithfully,



NEIL SHEPHARD BA, MTCP(Syd), FPIA, CPP

Obo MT Carling-Green and JT Carling-Green;

PJ Ryan; and

B Jones

Attached: 2015 representation

From: Clarence General Mail User
Sent: Mon, 16 Mar 2020 16:19:46 +1000
To: City Planning;Dan Ford
Subject: FW: Clarence Draft LPS representations
Attachments: CIPS Green 260815.pdf
Importance: High

From: neilsh@bigpond.com <neilsh@bigpond.com>
Sent: Monday, 16 March 2020 5:15 PM
To: Clarence General Mail User <clarence@ccc.tas.gov.au>
Subject: FW: Clarence Draft LPS representations
Importance: High

Please find attached an attachment that was intended to accompany the NS rep 160320.pdf file.

Kind regards,
Neil Shephard

*Fellow of the Planning Institute of Australia
Certified Practising Planner*



Planning and Development Consultants

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& ASSOCIATES**

Planning and Development Consultants

Mob: 0417 25 0232



**NEIL SHEPHARD
& ASSOCIATES**

Planning and Development Consultants

General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

25 August 2015

Dear Sir,

RE: CLARENCE INTERIM PLANNING SCHEME 2015 – PUBLIC REPRESENTATIONS – 20 MIDDLE TEA TREE ROAD, RICHMOND – APPROPRIATENESS OF RURAL RESOURCE ZONE

I have been requested by the owners of land at 20 Middle Tea Tree Road, Richmond to make a representation seeking your consideration of a change of zoning of the subject land under the *Clarence Interim Planning Scheme 2015* ('the interim scheme').

Subject land

The subject land is located at the western edge of Richmond township (see Figure 1 below).

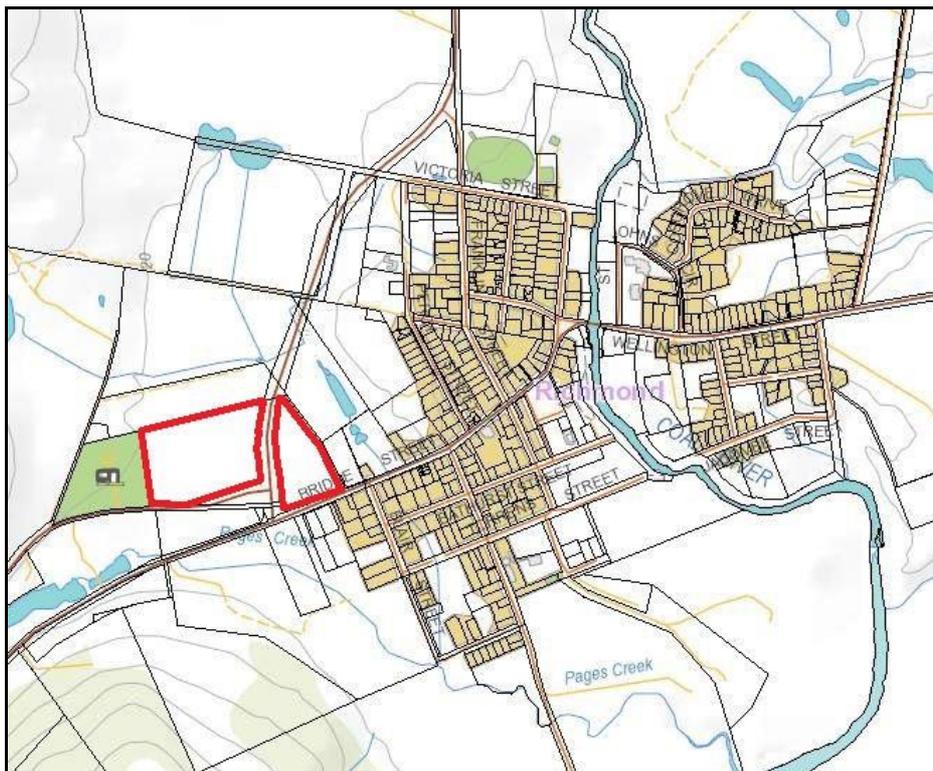


Figure 1: Location (Base source: TheLIST 05/07/15)

The land originally had an area of 9.895ha, but owing to the construction of the new Colebrook Road link has been severed into two parcels with the western parcel having an area of slightly over 5ha and the eastern parcel being slightly over 3ha for an overall total of 8.304ha (see below).



Figure 2: Detail of the severed parcels resulting from the construction of the Colebrook Road link (Base source: TheLIST 05/07/15)

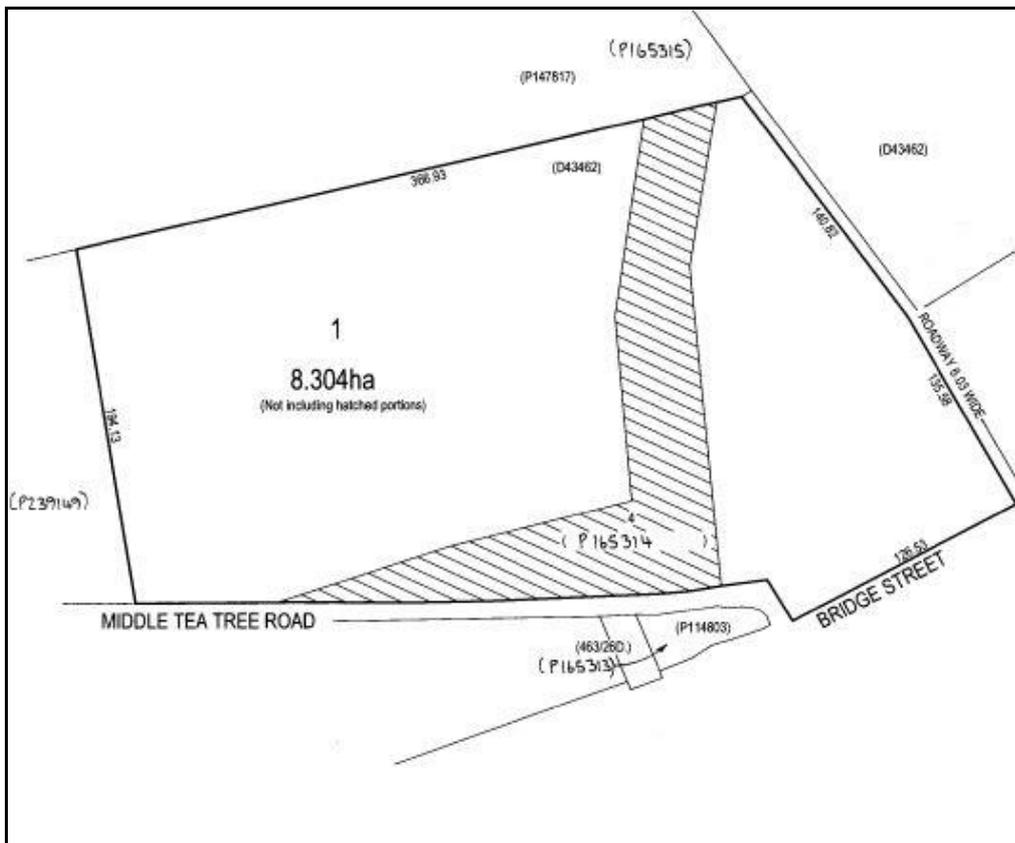


Figure 3: Excerpt of folio plan (165824/1)

There are no dwellings on either parcel, and as can be seen from the aerial photo below, the land overall sits between the residential and commercial fringe of the township and a large caravan park and rural residential development to the west.



Photo 1: aerial photo showing the spatial context of the subject land ((source: TheList: cadastral parcels overlain on Google Earth image 25/08/15)

The new Colebrook Road link has created a more defined boundary to the western margin of Richmond township and the eastern parcel of the subject land sits clearly within that area.

Prior to the Colebrook Road link being constructed the subject land was zoned Rural under the *Clarence Planning Scheme 2007*. In the translation to the interim scheme the land has logically been placed in the comparable Rural Resource Zone. The minimum lot size remains the same at 20ha, so the subdivision potential of the land has not changed (there is none). Nor has the potential for any more than a single dwelling been altered.

(see below)

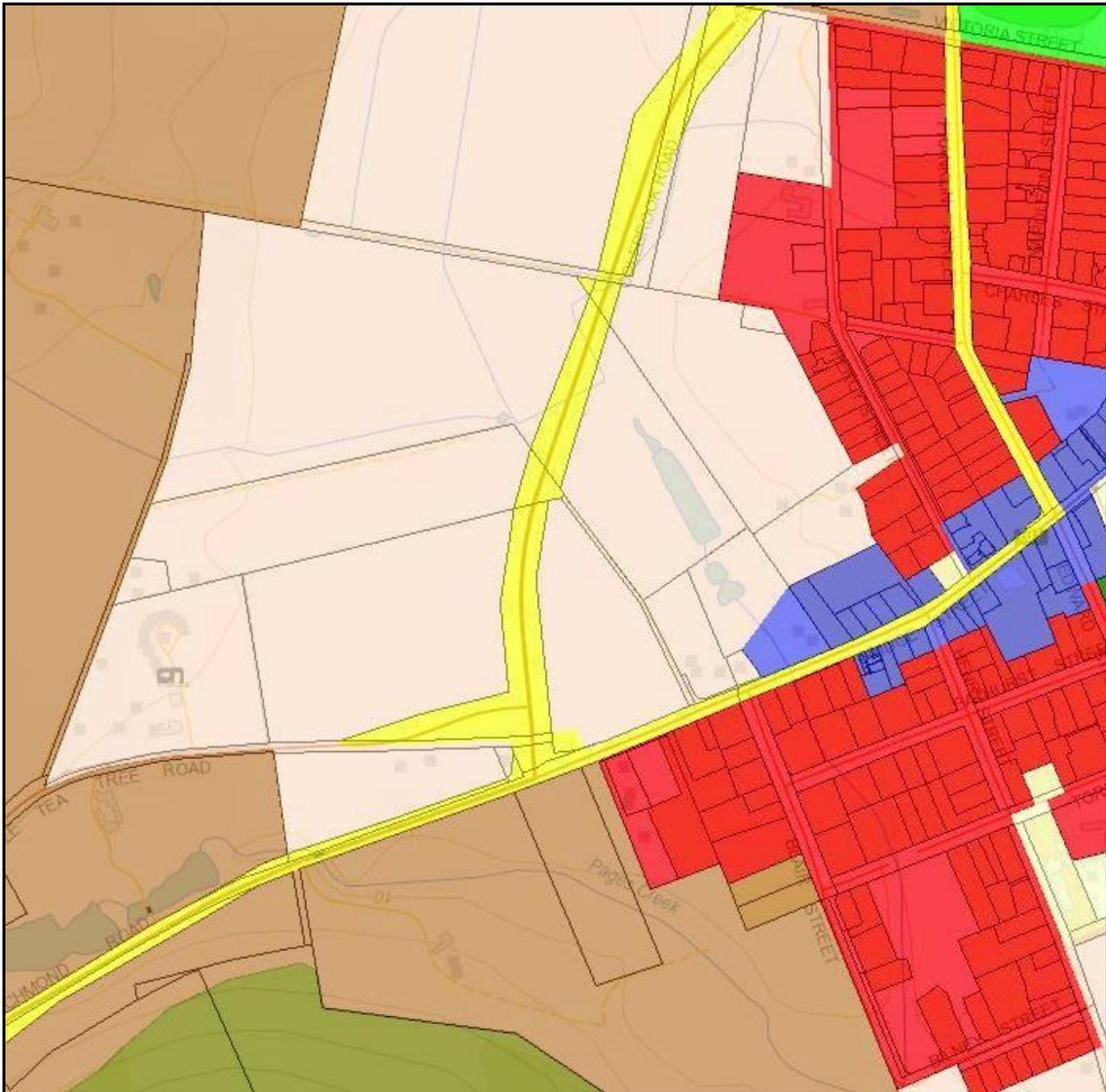


Figure 4: Clarence Interim Planning Scheme 2015 zonings with topographical map underlain, and cadastral parcels overlain (source: TheLIST 25/08/15)

The land is not significant agricultural land and has very little potential to support agricultural activity including grazing and because of its severance into 2 parcels. The western parcel could conceivably be adhered to adjoining land in other ownership to add value as a larger sustainable agricultural unit and it is acknowledged that under clause 26.5.2 of the interim scheme this could occur. However if the adjoining land in other ownership to which either parcel could adhere is also of little agricultural value and/or the respective owners do not want to adhere more unproductive land then both parcels just became sterilized.

Further to this, a single dwelling cannot be developed on one parcel without sterilizing the other. Nor is it possible to build multiple dwellings (and so strata title) within the Rural Resource Zone. It is appreciated that multiple dwellings would be generally inconsistent with the strategic intent of the zone however.

The owners of the subject land accordingly are seeking some flexibility to create two separate (sub-minimum) titles. In terms of potential outcomes the building of a single dwelling on each parcel would have minimal impact on the integrity of the township.

Potential solutions include:

1. Inserting a performance criterion under the Rural Resource subdivision provisions that allows consideration of new titles below the minimum lot size where the parent title has become severed through public road construction;
2. Rezoning the eastern parcel to Rural Living;
3. Rezoning the eastern parcel to Low Density Residential.

In the latter 2 options I note that Richmond township does not currently have a gradient of zones to provide a buffer between the Rural Resource and Significant Agriculture Zones and the General Residential zoned areas.

Obviously the owner of the subject land would like to resolve the issue of its future potential in a constructive manner under the current interim scheme process. The situation that has arisen under the 2007 planning scheme is now an anomaly under the interim scheme.

However in the event that Council or the Commission are unable to settle on an acceptable solution to address this likely common occurrence, I ask that some commitment be forthcoming that it will be addressed as part of the State Planning Scheme preparation or as a subsequent separate amendment to the *Clarence Interim Planning Scheme 2015* before then.

I look forward to assisting Council and the Commission in its consideration of this matter.

Yours faithfully,



NEIL SHEPHARD BA, MTCP(Syd), FPIA, CPP

Obo MT Carling-Green and JT Carling-Green