

From: "Hugh Clement" <Hugh.Clement@pda.com.au>
Sent: Tue, 31 May 2022 15:54:31 +1000
To: ""hvc@huonvalley.tas.gov.au"" <hvc@huonvalley.tas.gov.au>
Subject: Draft Huon Valley Local Provisions Schedule - 19 Duke Street & 44 Fords Road
Attachments: 44085HC Rydquist & Clarke - HVC LPS Representation.pdf, FINAL Planning Assessment Report 44085HC.pdf

Dear HVC

Please find attached our letter & report to support this representation against the proposed zoning.

Regards,



Hugh Clement Registered Land Surveyor, B.Surv, M.SSSI
Director

Phone: +61 (03) 6234 3217, +61 (03) 6130 9099 | Mobile: 0417 515 400
Hugh.Clement@pda.com.au
127 Bathurst Street, Hobart TAS 7000
3 Franklin Street, Swansea TAS 7190

Our Ref: 44085HC

44085HC Rydquist & Clarke - HVC LPS Representation.docx

30th May 2022General Manager
Hun Valley Council
PO Box 210
Huonville TAS 7109

Dear Sir

RE: Planning Changes – Draft LPS Exhibition

On behalf of our clients Mr S & Mrs H Rydquist of 19 Duke Street Geeveston and Mr R & Mrs C Clark of 44 Fords Road Geeveston PDA Surveyors Engineers & Planners wish to make a submission against the proposed zoning of these lots under the Draft Local Provisions Schedule.

These lots were zoned closed residential under the scheme proceeding the current Huon Valley Interim Scheme 2015 (HVIPS) under which they were re-zoned without our clients knowledge to Rural Resource.

This zoning is considered to be inappropriate given the previous zoning, sizes of surrounding lots and pattern of development along both Duke Street & Fords Road. Transferring the current "incorrect" zoning forwards denies our clients of the opportunity to realise the subdivision potential that was possible at the time of the purchase of their properties and good planning practice.

Per the attached report that was previously prepared for a urgent amendment application to the current scheme there was clear no reason supplied by the Huon Valley Council at the time to show why this land should not be zoned as an appropriate residential zone.

Our preference would be for this land to either be zoned more appropriately per the attached report and we would welcome the opportunity to provide this and further evidence to the Tasmanian Planning Commission.

Yours faithfully,

PDA Surveyors, Engineers & Planners

Per:

Hugh Clement
DIRECTOR & REGISTERED LAND SURVEYOR**HOBART:**C.M. Terry, BSurv (Tas.), M.SSSI (Director)
H. Clement, BSurv (Tas.), M.SSSI (Director)
M.S.G. Denholm, BGeom (Tas.), M.SSSI (Director)
T.W. Walter, Dip. Surv & Map (Director)
M. Westerberg, M.E.M., M.I.E. AUST., C.P.ENG. (Director)
D. Panton, B.E. F.I.E. AUST., C.P.ENG. (Consultant)
A. Collins, Ad. Dip. Surv & Map, (Senior Associate)
L.H. Kiely, Ad. Dip. Civil Eng, Cert IV I.T., (Associate)**KINGSTON:**A.P. (Lex) McIndoe, BSurv (Tas.), M.SSSI (Director)
M.M. Stratton, BSurvSpSc, GradDipLandSurv (Tas.) (Associate)**LAUNCESTON:**J.W. Dent, OAM, B. Surv (Tas.), M.SSSI (Director)
M.B. Reid, BGeom (Hons) (Tas.), M.SSSI (Director)
J.M. Brooks, MEnvPlg, M.PIA (Director)**BURNIE/DEVONPORT:**A.W. Eberhardt, BGeom (Tas.), M.SSSI (Director)
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Consultant)**OFFICES ALSO AT:**

- 6 Freeman St, Kingston, TAS 7050 (03) 6229 2131
- 10/16 Main Rd, Huonville, TAS 7109 (03) 6264 1277
- 3 Franklin St, Swansea, TAS 7190 (03) 6130 9099
- 3/23 Brisbane St, Launceston, TAS 7250 (03) 6331 4099
- 16 Emu Bay Rd, Deloraine, TAS 7304 (03) 6362 2993
- 6 Queen Street, Burnie, TAS 7320 (03) 6431 4400
- 77 Gunn St, Devonport, TAS 7310 (03) 6423 6875



PDA Surveyors

Surveying, Engineering & Planning

127 Bathurst Street
Hobart, Tasmania, 7001
Phone (03) 6234 3217

ABN 71 217 806 325
Email: pda.hbt@pda.com.au
www.pda.com.au

REQUEST FOR AN URGENT PLANNING SCHEME AMENDMENT

Land at Fords Road & Duke Street, Geeveston

PLANNING ASSESSMENT REPORT

25 February 2020

HOBART - KINGSTON - HUONVILLE - LAUNCESTON - DELORAINÉ - BURNIE - DEVONPORT

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REPORT PREPARED FOR: R Clark, S & H Rydquist and B Nobel

PDA CONTRIBUTORS:

Hugh Clement Director & Registered Land Surveyor
Bronwyn Mellor Senior Planner
Matt Keating Senior Designer

DOCUMENT STATUS

Revision	Author	Reviewer	Date
0	Bronwyn Mellor	Hugh Clement	5 th December 2019
1			

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INTRODUCTION

PURPOSE OF THE REPORT

On behalf of the landowners R & C Clark, K Clark, B Nobel and S & H Rydquist we request the Tasmanian Planning Commission recommend that the Minister for Planning and Local Government authorise an Urgent Amendment to the Huon Valley Interim Planning Scheme 2015.

The Planning Scheme Amendment seeks to correct the zoning of the subject land that should have more correctly occurred as a direct translation during the implementation of the Huon Valley Interim Planning Scheme 2015.

APPLICATION DOCUMENTATION

The application comprises the following documentation:

- Planning Assessment Report
- Landowner Consents (Annexure 1)
- Planning Application and Planning Permit for Subdivision – SUB-33/2012 (Annexure 2)
- Title documentation (Annexure 3)
- Zoning Map – existing and proposed (Annexure 4)
- Former Esperance Planning Scheme Maps (Annexure 5)
- Former Esperance Planning Scheme provisions (Annexure 6)
- Council Agenda & Minutes for endorsement of Huon Valley Draft Interim Planning Scheme 2014 (Annexure 7)
- Council Background Papers 1 & 16 (supporting documents associated with Council Agenda Report (Annexure 8)

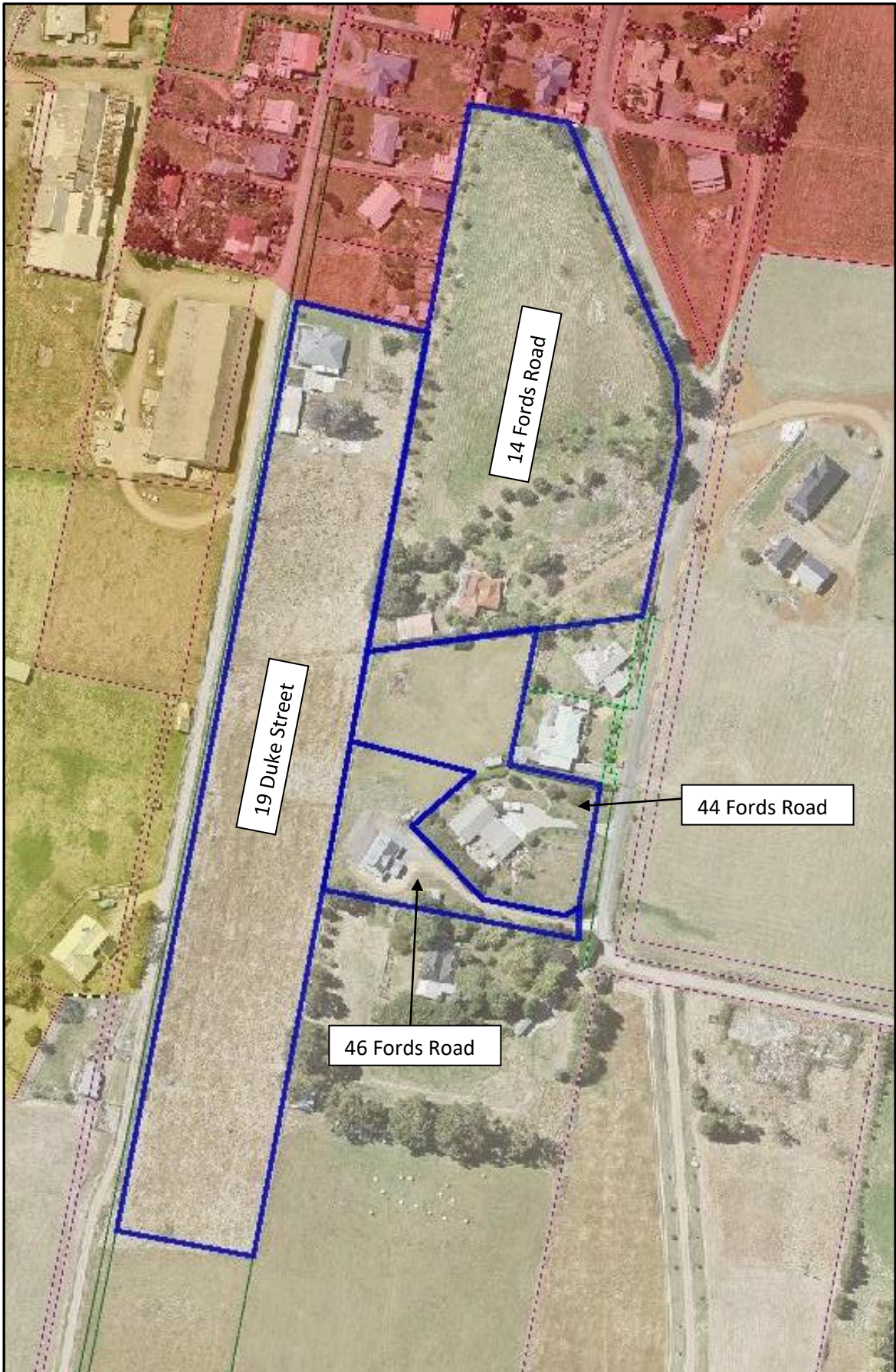
SITE AND BACKGROUND

SUBJECT LAND

The subject land is made up of four individual titles, with each title containing a single dwelling and outbuildings, and all lots are used exclusively for residential purposes.

The subject land is located in between Fords Road and Duke Street, which is located on the fringe of the urban area of Geeveston. The four individual titles are identified as follows:

- 14 Fords Road (FR107778/1);
- 44 Fords Road (FR168171/1);
- 46 Fords Road (FR168170/1); and
- 19 Duke Street (FR156229/2).



SUBJECT LAND

Photo source: www.thelist.tas.gov.au

Planning Permit SUB-33/2012 was granted by the Council on the 17th October 2008 that permitted the subdivision of 44 Fords Road into 2 lots creating 46 Fords Road and a balance lot (which contains 44 Fords Road dwelling) on a lot of approximately 6500m².

The permit conditions required by Council for the subdivision are typical for an urban type of subdivision, which are summarised below:

- Both lots to be connected to sewer and water infrastructure;
- The payment of a cash contribution to Council in lieu of providing land for Public Open Space. This cash contribution was required to be the equivalent to 5% of the unimproved value of Lot 1 in the subdivision (being 46 Fords Road);
- The payment of a contribution to Council for the provision of stormwater infrastructure works of \$1100 per additional lot created; and
- The permit also required the widening of Fords Road reservation to provide for increased road safety and vehicle capacity on that road. The road reserve for the whole frontage of 44 Fords Road was widened to 9m from the existing centreline of the road.

It is important to note that the planning permit application initially included an additional lot to what was ultimately permitted, however personal landowner circumstance lead to the proposal only being for the creation of 1 additional lot and a balance. The submitted application documents (Annexure 2) also detail that a former concept layout plan did consider the possibility of 6 lots.

SURROUNDING AREA

CURRENT SURROUNDING LAND USES

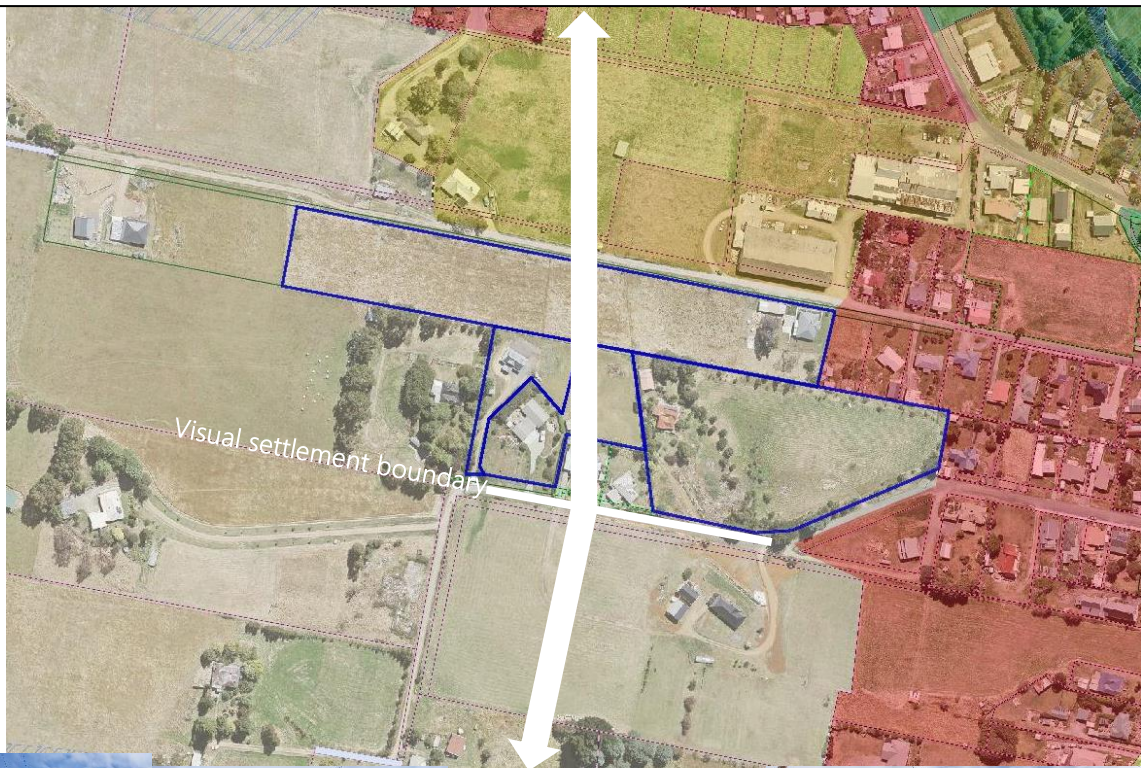
The surrounding land uses are a mix of:

- Higher density residential uses immediately to the north and east;
- Traditional grazing/agricultural practices to the south and west of Fords Road;
- There is a larger timber processing operation to the north west of the site (approx. 200m); and
- The subject land is located within a 10 minute neighbourhood to the centre of Geeveston (800 metres).

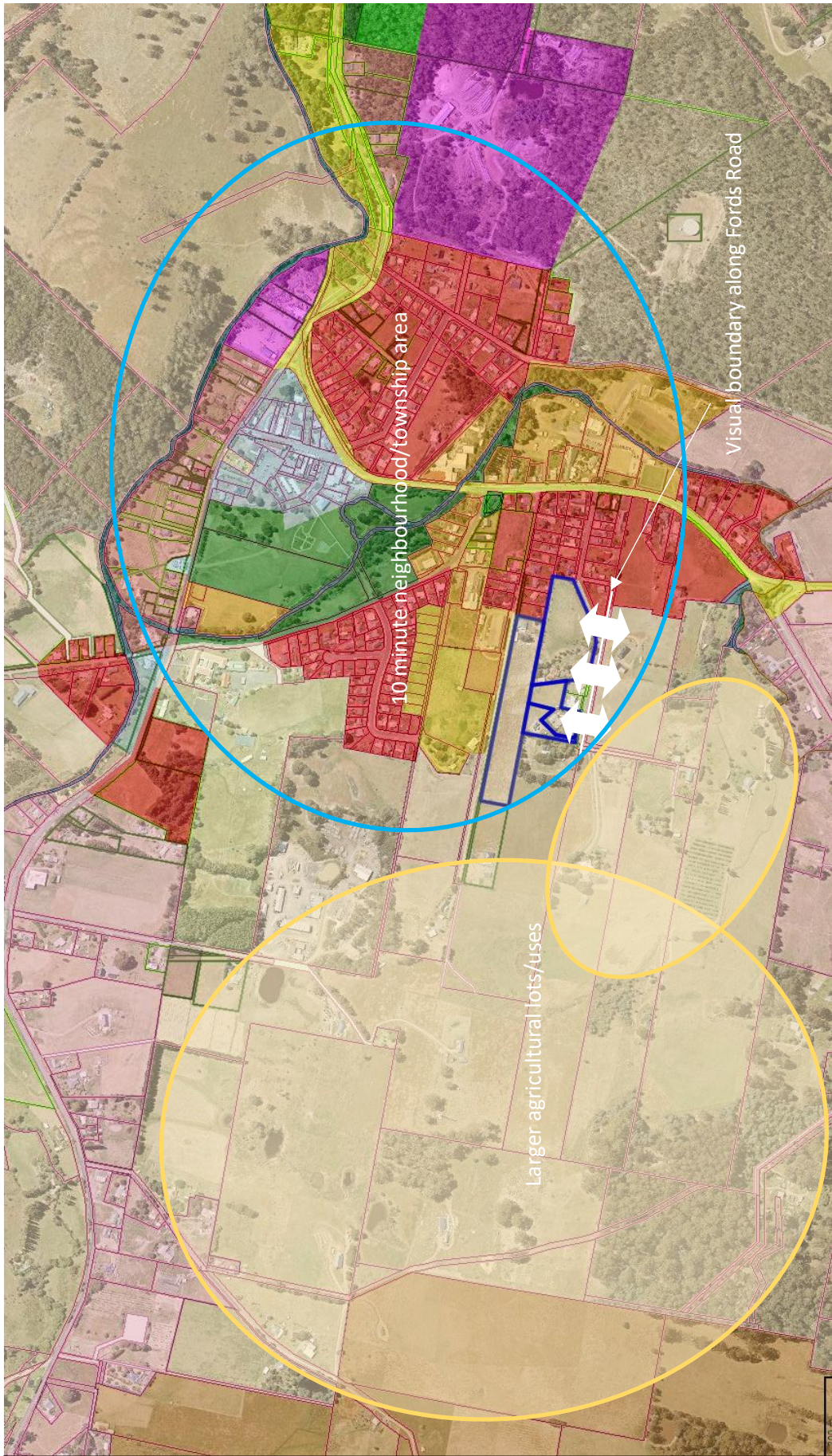
In the broader landscape, Fords Road provides a visual boundary between agricultural land and the edge of the township in the area. The ridge/road from the Huon Highway to 46 Fords Road defines this visual boundary as shown in the following merged photo montage and context plan.



Northern streetscape of Fords Road – predominant urban/residential development



Southern streetscape of Fords Road – predominantly larger agricultural lots/rural land use



CONTEXT PLAN

Photo source: www.thelist.tas.gov.au

TIMELINE FOR DEVELOPMENT CONTROLS

It is considered important to understand the timing, consideration and implementation of policy direction, permits and planning schemes when considering this Urgent Planning Scheme Amendment.

The following table provides details about planning controls and/or changes as it relates to the subject land/parts of the subject land.

TIMING	DEVELOPMENT CONTROL	INFLUENCE ON SUBJECT LAND
1989	Esperance Planning Scheme	Reserved Residential Land Zone applied to the whole of the subject land. This Zone permitted some forms of subdivision as long as it did not compromise the future residential development potential of the land.
2007	Huon Valley Land Use and Development Strategy	Multiple local level policy directions for Geeveston
2012	Background Paper 1 (March 2012)	Recommends re-zoning of the multiple lots across municipality. The report justifies this change through some level of land supply and demand analysis for multiple towns, including Geeveston.
2012	Planning Permit Application SUB-33/2012 for 44 Fords Road received by Council (August 2012)	This application proposed to create two lots. One lot containing the existing dwelling and a separate smaller internal lot (see Annexure 2)
2012	Connection of sewer and water to new lots at 44 Fords Road.	Residential services provided to subject land as an extension from existing infrastructure.
2014	Background Paper 1 & 16	Supporting documents to the endorsement for the Huon Valley Draft Interim Planning Scheme 2014.
2014	Huon Valley Draft Interim Planning Scheme 2014	Endorsement of the Draft Interim Planning Scheme 2014 by Council.
2015	Huon Valley Interim Planning Scheme 2015 introduced by State Government. (January 2015)	Zoning of the land changed.

PLANNING SCHEME & ASSESSMENT

PLANNING SCHEME, ZONE, OVERLAYS & CODES

FORMER PLANNING SCHEME – ESPERANCE PLANNING SCHEME 1989

Prior to the introduction of the current planning scheme, the land was subject to the controls in the Esperance Planning Scheme 1989 (Former Scheme). The land was located in the Reserved Residential Zone in the Former Scheme.

The objective of the Future Residential Zone was:

- To ensure that areas suitable for urban residential or resort residential purposes are protected from premature unserviced development.
- To ensure that such areas are used for residential purposes only when reticulated water and sewerage services are available.
- To ensure that subdivision and development proceeds in accordance with an approved development plan for the area.

An application for subdivision was discretionary in the Reserved Residential Zone in the Former Scheme, therefore the Council had the option to approve or refuse this type of development.

The subdivision design parameters in the Reserved Residential Zone were:

- Where reticulated water and sewerage services are provided, subdivision shall be in accordance with an approved development plan for the area and the minimum size and dimensions of lots shall be as follows:
 - (a) Minimum lot size: 350m²;
 - (b) Minimum frontage: 6 metres;
 - (c) Minimum inscribed rectangle shall be capable of containing a rectangle suitable for building purposes of 10 metres by 15 metres

Even though the name of the zone being “Reserved Residential” Zone intimates that the land should be held for future residential needs; the Zone allowed consideration and approval for residential development and densities that reflect a more traditional residential zone, as long as the land had an existing connection to residential services for sewer and water.

Prior to the approval of the two lot subdivision at 44 Fords Road, sewer and water mains already provided reticulated services to this area.

Given that the reticulated services were available, and that the subdivision that was undertaken on part of the subject land at 46 Fords Road was required to connect to those reticulated services, it is

reasonable to say that a higher density of residential development in this area may well have been approved under the Esperance Planning Scheme.

CURRENT PLANNING SCHEME – HUON VALLEY INTERIM PLANNING SCHEME 2015

The use and development of the land is currently subject to the provisions of the Huon Valley Interim Planning Scheme 2015 (Current Scheme).

The land is currently located in the Rural Resource Zone in the Current Scheme. The land is not subject to any Overlays/Codes in the current Scheme.

RURAL RESOURCE ZONE (RRZ)

The purpose of the Zone is primarily:

- To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- To provide for other use or development that does not constrain or conflict with resource development uses.

There are no Local Area Objectives or Desired Future Character Statements listed in this Zone.

REGIONAL AND LOCAL POLICY DIRECTION

SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY 2010-2035 (STRLUS)

STRLUS provides strategic direction for land use and development throughout the southern region of the State. The main direction relative to this proposal is detailed as follows:

- At Page 89 of STRLUS it identifies Geeveston as a Township in the STRLUS settlement hierarchy, with a 'low' growth strategy with a 'consolidation' growth scenario;
- A consolidation growth scenario indicates that growth should be predominantly from infill development which can involve development of existing subdivided lots, subdivision of existing zoned but vacant or developed residential, construction of additional dwellings on existing developed lots, redeveloping existing developed lots.
- The Regional Settlement Strategy in STRLUS, which follows on from local level Strategies such as the Huon Valley Land Use and Development Strategy, strengthens settlement strategies at a whole of region level and is aimed at:
 - Encouraging the consolidation and strengthening of rural towns and villages;
 - Discouraging new residential uses not associated with rural activity in productive rural areas;
 - Planning for rural living opportunities to minimise detrimental impacts;
 - Minimising inappropriate residential development in areas at risk from hazards such as sea-level rise, flooding and bushfire;
 - Maximising use of existing infrastructure;
 - Minimising pressure on duplication of services in remote areas;

- Avoiding the creation of any further environmental issues caused by on-site wastewater disposal;
- Preventing linear development in coastal areas; and
- Protecting distinct landscape character.

The STRLUS does not provide any more specific direction than what is listed above for the township of Geeveston. The most direction the STRLUS provides is that some consolidated growth should occur within Geeveston and it also recognises the local strategy already completed (Huon Valley Land Use and Development Strategy 2007).

HUON VALLEY LAND USE AND DEVELOPMENT STRATEGY 2007 (HVLUDS)

An overarching theme throughout this document points to the Huon Valley is made up of a large number of small/fragmented lots, and land use patterns are heavily influenced by these historic smaller lots. The balance between providing for sustainable agricultural uses and consolidated settlements that do not spread in linear or ad-hoc patterns is a difficulty that the Strategy identifies.

HVLUDS identifies Geeveston as a major settlement within the context of the local settlement strategy. The Strategy states that:

- Development is to be encouraged within existing serviced areas or where extensions to infrastructure is planned.
- Urban growth boundaries will be identified, and land provided for commercial, industrial, community and residential uses.
- A range of other development opportunities, including streetscape projects have been identified in 'structure plans' for these towns and will provide guidance to Council and the wider community as to the desired future pattern and character of development.

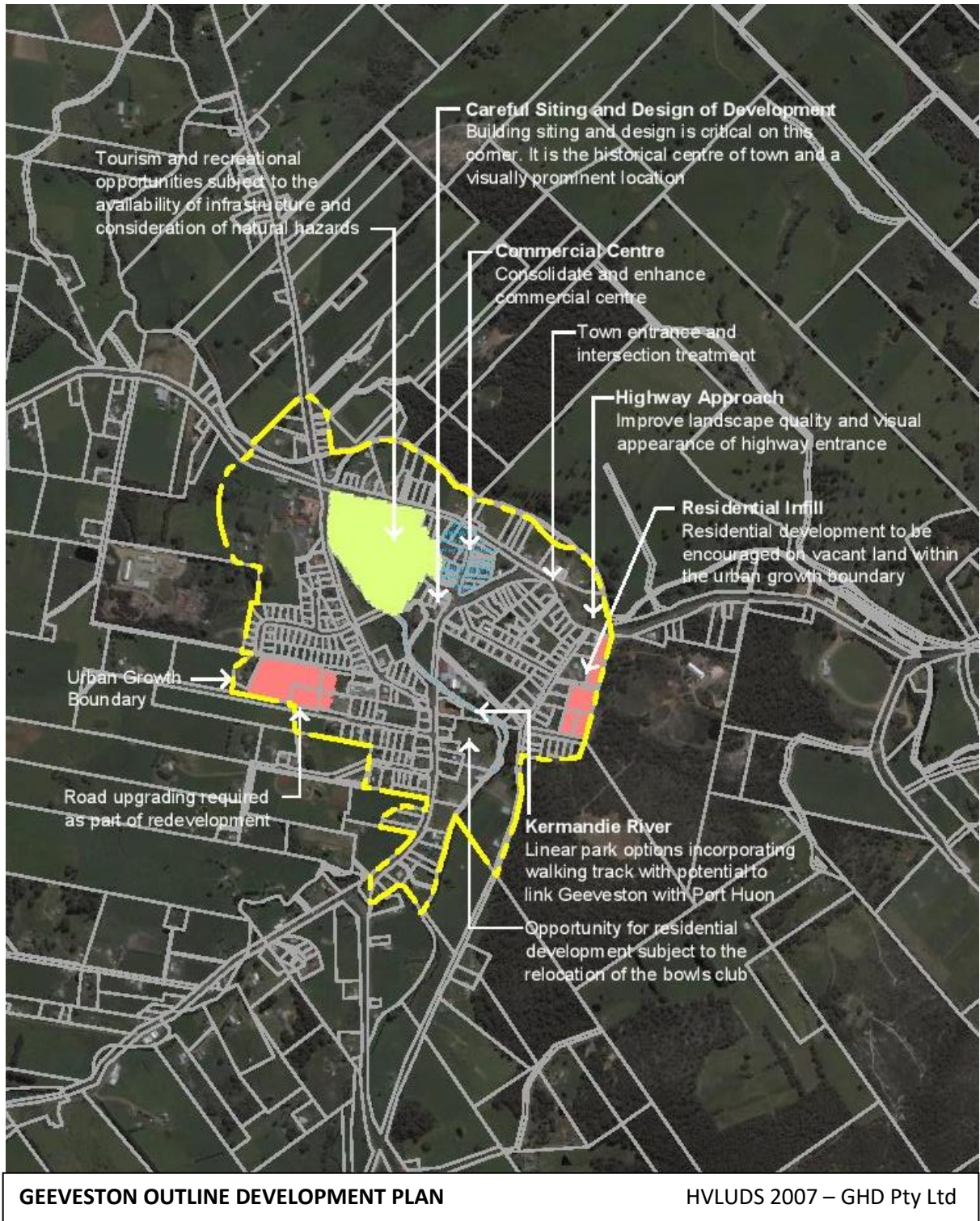
In the Settlement chapter of the Strategy (and relative to the proposal) it states that:

- Residential development within Geeveston should focus around infill opportunities rather than the expansion of the town footprint.
- Provide an urban growth boundary based on the capacity and coverage of existing infrastructure.
- Encourage infill development consistent with the maintenance of residential amenity within the urban growth boundary.
- Any development outside the serviced area will be required to provide its own infrastructure.

The Strategy identifies an Urban Boundary in the following diagram, but also importantly notes that the plan has a footnote in the document that states:

- These outline development plans are not intended to be zoning maps but are indicative of land use options only.

It is clear from the intent of the Outline Development Plan that the urban boundary is not meant to be a hard line that is unchangeable, but more intended for guidance.



**COUNCIL DECISION/AGENDA REPORT TO ENDORSE
THE HUON VALLEY DRAFT INTERIM PLANNING SCHEME 2014**

During research for this proposal, one of the three of the primary documents that were available to justify the current zoning appears to have recommended that the subject land be 'back zoned' to an agricultural zoning, from the Reserved Residential Zone in the Esperance Planning Scheme to the Rural Resource Zone in the Huon Valley Draft Interim Planning Scheme 2014.

The Council Agenda Report/Minutes of the 19th February 2014 was a significant decision in that it endorsed the new Huon Valley Draft Interim Planning Scheme 2014. The specific decision was:

- That the 2014 Interim Planning Scheme be endorsed;
- That Council authorise Council Officers to make minor administrative changes to the Interim Planning Scheme that do not substantially change any strategic objective;
- That the HVLUDS be used as justification for the 2014 Interim Scheme that is consistent with the Interim Planning Scheme; and
- That the Council does not recognise any part of the HVLUDS that conflicts with the 2014 Interim Planning Scheme.

It is important to note that this report identifies that parts of the HVLUDS are used for justification for the content of the Draft Interim Planning Scheme; yet the Council also has some reservations as to the relevance of the HVLUDS because of the strategic document's age (compared to the regional strategy) and it no longer reflects current/appropriate strategic direction. It is reasonable to suggest that the Council had varying confidence and no longer wanted to rely on the HVLUDS for strategic direction.

BACKGROUND PAPER 1 (SUPPORTING DOCUMENT)

(RESIDENTIAL LAND SUPPLY AND DEMAND – MARCH 2012 – UPDATED FEBRUARY 2014)

This report is the second of the three primary documents that were available during the research for this application. The report provides detail on land supply and demand for residential zonings across the municipality. It is understood that this report was an addendum and provided justification for Council to endorse the introduction of the Huon Valley Draft Interim Planning Scheme 2014.

More particularly the Background Paper 1 identifies that:

- The STRLUS (regional strategy) states that Geeveston has a low growth strategy and that consolidation (infill) should occur to realise that growth.
- The regional strategy does not require land to be 'back zoned' if a current planning scheme provides an oversupply of vacant residential land when considered against a growth strategy.
- The Background Report states that the Local Strategy (presumably referencing the HVLUDS) states that 'urban growth boundaries' for the five main settlements in the municipality are where residential development should be contained for residential growth period of 20-25 years.
- The report also provides some land supply and demand analysis to justify amending zoning of land at each of the five main settlements across the municipality.
- The Background Paper at pages 14 & 15 recommend a myriad of changes in zoning.

BACKGROUND PAPER 16 (SUPPORTING DOCUMENT)

This report is the final of the three primary documents that were available during the research for this application. The report primarily identifies recommended Specific Area Plans (SAP) that were contemplated at the time of the introduction of the Huon Valley Draft Interim Planning Scheme 2014.

Background Paper 16 detailed that a SAP was proposed for Geeveston, but limited to controlling an area of housing commission development that only had limited servicing provision for reticulated water and sewer. This land was identified as 40 Duke Street in the report and was recommended to be located in a General Residential Zone. This concept is also reflected in the Outline Development Plan in the HVLUDS.

None of the referenced Specific Area Plans were translated through into the current Huon Valley Interim Planning Scheme 2015. However it appears in the current zoning of the surrounding area that the proposed SAP area has been translated into a Particular Purpose Zone 1 (Urban Growth Zone) through the introduction of the Interim Planning Scheme.

POLICY SUMMARY

The STRLUS states that there should be infill development occur in Geeveston associated with a low growth strategy. That the local strategic planning should be undertaken primarily by the HVLUDS.

The HVLUDS states that:

- Development is to be encouraged within existing serviced areas or where extensions to infrastructure is planned.
- Provide an urban growth boundary based on the capacity and coverage of existing infrastructure.
- Encourage infill development consistent with the maintenance of residential amenity within the urban growth boundary.
- HVLUDS contains an indicative growth boundary, albeit that this does not reflect the current zoning pattern in the Huon Valley Interim Planning Scheme 2015.

Council's decision to endorse the Huon Valley Draft Interim Planning Scheme 2014 (19/2/2014) determined that:

- Endorsed the new Draft Interim Planning Scheme
- Determined to authorise that executive management of the Council be able to modify the Draft Interim Planning Scheme content only to the extent that it does not substantially change any strategic objective.
- Used the strategic content of the HVLUDS to justify the endorsement of the Interim Planning Scheme and separate land supply and demand analysis in Background Paper 1.
- Also determined formally to 'not recognise' any part of the Huon Valley Land Use and Development Strategy (which is the primary local planning policy document) which conflicts with the Huon Valley Draft Interim Planning Scheme 2014.

Background Paper 1 and 16 (which were supporting document to Council's decision) detailed:

- Reference to the Regional and Local Strategies (STRLUS & HVLUDS)
- A brief land supply and demand analysis
- Multiple recommendations to alter zonings of land for Geeveston (and other settlements in the municipality)

- Of note, the Background Paper 1 on Page 14 states that the zoning approach is (amongst other points) to:
 - “Upgrading’ 12ha of Reserved Residential Zone to General Residential Zone with current subdivision permits or applications. Note, TasWater to confirm servicing level for water.”
 - It is not known, whether the subject land is included in this area or not.

TASMANIAN PLANNING COMMISSION (TPC) PRACTICE NOTE 2

The TPC’s direction in Practice Note 2 states that Urgent Amendments can only be authorised by the Minister for Planning and Local Government if for the specific purpose set out in the Act at S30IA(3).

S30IA(3) of the Act states that the Minister may only issue an authorisation under subsection (2) if he or she is of the opinion that the interim planning scheme requires amendments for any of the purposes that are specified in section 37(1)(a) , or in the notice under subsection (1) , and he or she is satisfied that the public interest will not be prejudiced.

The Practice Note states that the Council should set out in its request to the Minister:

- The reasons why the planning scheme amendment is required with reference to the purposes in the Act [S37(1)(a)];
- Why the amendment is urgently required;
- Explain the consequences of not remedying the current provisions immediately; and
- Why the amendment should not be considered under the provisions of 34 and 37 of the Act.

In the case of this Planning Scheme Amendment, it is considered that the most relevant purpose that the Minister and the Council should consider the purpose in S37(1)(a), is part (vid), which states that:

- enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (*the former zoning*) may become the zoning that most closely corresponds to the former zoning.

WHY THE AMENDMENT IS URGENT AND WHAT ARE THE CONSEQUENCES OF NOT REMEDYING THE CURRENT PROVISIONS IMMEDIATELY?

The Amendment is considered an Urgent Amendment because the conflict in local policy that was apparent at the time of the original change in zoning of the subject land (endorsement of the Interim Planning Scheme) was not resolved in a comprehensive manner so as to set a clear settlement boundary and strategic future for Geeveston.

A direct translation should have more appropriately been followed if Council held little confidence in its strategic document for the municipality (HVLUDS).

Possible consequences of not dealing with this as an urgent amendment are primarily that the imminent introduction of the new Tasmanian Planning Scheme will reinforce the current zoning regime and

justification through the addition of new planning controls, even though the justification in the change in zoning is said to have been less than substantial or rigorous.

WHY SHOULD IT NOT BE CONSIDERED UNDER S34 OR S37 OF THE ACT?

The original change in zoning of the subject land through the introduction of the Huon Valley Interim Planning Scheme 2015 did not have sufficient rigour, process or strategic justification to alter the zoning of the land from Reserved Residential Zone (Esperance Planning Scheme) to Rural Resource Zone (Huon Valley Interim Planning Scheme 2015).

A direct translation should have more correctly occurred at the time of the introduction of the Interim Planning Scheme, which in itself would not have required formal notification/advertising under the provisions of the Act, and therefore this Planning Scheme Amendment is considered that the change in zoning should not be subject to the same notice tests under S34 of the Act.

PLANNING SCHEME AMENDMENT PROPOSAL

It is understood that establishing the strategic future for sustainable regional towns and settlements is a key priority for planning authorities and the communities within them.

However, given the apparent conflict in policy/strategic direction at the time where the change in zoning occurred for the subject land, it is reasonable to say that a direct translation should more appropriately have occurred at the introduction of the Interim Planning Scheme process, and that the urban boundaries and associated zoning adjustments should have been left to be substantiated or refreshed at a later and separate date.

It is requested that in this instance, that Council support the request for an Urgent Planning Scheme Amendment and determine to request that the Minister for Planning and Local Government authorise an Urgent Planning Scheme Amendment to the Huon Valley Interim Planning Scheme 2015 to alter the zoning of the subject land pursuant S37(1)(a)(vid) of the Land Use Planning and Approvals Act 1993, which states:

- Enabling an alteration of the zoning of land to which an interim planning scheme applies, or has applied, so that the zoning that applied to the land before the interim planning scheme applied (*the former zoning*) may become the zoning that most closely corresponds to the former zoning.

This request is consistent with the Tasmanian Planning Commission (TPC) Practice Note 2 – Urgent Amendments.

The Planning Scheme Amendment proposes the following changes be made to the Planning Scheme:

1. Change the Planning Scheme maps so that the zoning of land (FR156229/2, FR107778/1), FR168171/1 & FR168170/1) be altered from Rural Resource Zone to the Particular Purpose Zone 1 (Urban Growth Zone).

There are no other changes to the local parts of the Planning Scheme in this proposal.

PLANNING SCHEME AMENDMENT ASSESSMENT

Given the above policy review it appears that the Council at the endorsement of the Draft Interim Planning Scheme that the HVLUDS should hold varied strategic weight because of its age and changed circumstances since it was commissioned. There was some research completed (Background Paper 1 & 16) prior to the introduction of the Draft Interim Planning Scheme to better determine what the boundaries and zoning of each settlement in the municipality should be, in light of the Council's lack of confidence in HVLUDS content.

Of note, the Council at the time of endorsing the Draft Interim Planning Scheme had considered that it was reasonably necessary to change the zonings through some of its settlements based on the information in the agenda report and Background Papers 1 & 16. Throughout the Background Paper 1 it is however not apparent how the subject land is involved in the review of zonings for Geeveston, as there is no specific reference to the subject land.

Where there is a change of zonings to such an extent across a settlement such as Geeveston, and a re-establishment of strategic focus for a settlement strategy and associated growth boundary it is considered that this would need to be undertaken with such rigour and process that the change was thoroughly tested with a resultant policy document that could be relied upon for future growth of a settlement.

The HVLUDS is certainly a strategic document that sets the strategic future for the Huon Valley in a comprehensive manner, albeit that it is a document that was prepared and endorsed in 2007 and contains some strategic planning work from the late 1990's. Aside from the singular decision that was made surrounding the Draft Interim Planning Scheme's, which suggested a lack of confidence in the HVLUDS; none the less, the HVLUDS remains the strategic planning document that the Planning Authority currently recognises as the existing strategic policy and strategy document that should guide planning decision making in the municipality.

The STRLUS currently references the HVLUDS as the local strategy for the Huon Valley and this Urgent Planning Scheme Amendment does not seek to alter the direction provided in the Regional Strategy. The particular point that the policy review in this report seeks to highlight is that there has not been sufficient rigour and process to re-establish a proper strategic future for the settlement of Geeveston at the time of the introduction of the Draft Interim Planning Scheme. The decision to endorse the Draft Interim Planning Scheme appears to have been justified by a brief Background Paper, as opposed to the content in the HVLUDS; and it appears that only parts of the HVLUDS were considered as necessary. This process eventually resulted in the Huon Valley Interim Planning Scheme being introduced in January

2015 by the State Government, which it is assumed that it carried forward changes in zoning from the Draft Interim Planning Scheme decision.

It is understood that a review of zoning through the endorsement of the Draft Interim Planning Scheme was undertaken and that the Draft Interim Planning Scheme went through community consultation twice (reference from Consultation section in Agenda Report), however the supporting document – Background Paper 1 (which provided the land supply and demand analysis) does not clearly identify the subject land in its detail in any way.

Given the level of information it seems reasonable to determine that the documents that have been reviewed as part of this policy review do not provide sufficient justification or transparency to have altered the zoning of the subject land (being 14 & 44-46 Fords Road and 19 Duke Street) from a future residential zoning to an agricultural zoning. The only reasonable conclusion that can be established in this situation is that the subject land, through the introduction and endorsement of the Draft Interim Planning Scheme, should really have been a direct (like for like) translation with its zoning. The zoning of the subject land should have translated in a like-for-like manner from the 'Reserved Residential Zone' in the Esperance Planning Scheme to the 'Particular Purpose Zone 1 (Urban Growth Zone)' in the Huon Valley Draft Interim Planning Scheme, until such time that a sufficient strategic planning review had been completed.

To adequately resolve the conflict between the current zoning pattern in Geeveston (that was undertaken through the introduction of the Interim Planning Schemes) and the urban growth boundary that is established in the current strategic document in HVLUDS, it is considered that this should be undertaken via a review of the HVLUDS to ensure that the strategic future of the Huon Valley is undertaken in a proper manner.

As a summary, the key strategic matters that this report highlights with particular regard to the subject land is:

- The land is fully serviced for water and sewer and has been since 2012 and prior;
- 46 Fords Road was subdivided in 2012 for residential purposes and paid servicing charges as though the land was residential land;
- The land is located within the visual and logical residential periphery of Geeveston which has merit in being included within the sustainable settlement boundary for 'future residential development' as it is located/clustered with other residential uses and within a 10 minute walkable neighbourhood to the CBD;
- It is acknowledged that until a reviewed or new land supply and demand analysis and settlement strategy has been completed for the 'whole settlement' of Geeveston that the subject land should not have been 'back-zoned' from a residential type zone to an agricultural zone.
- It is considered that the subject land should more correctly be located into what should have been a direct translation to the Particular Purpose Zone 1 (Urban Growth Zone) in the Huon Valley Interim Planning Scheme 2015.

MERITS OF LAND TO BE IN A PARTICULAR PURPOSE ZONE 1 (URBAN GROWTH ZONE)

Aside from the above analysis of the zoning of the land and/or associated policy conflicts, the merits of the land to provide for a logical future area for residential development within an established major settlement are:

- The land is within the existing landscape settlement/urban edge of Geeveston (ie. On the northern side of Fords Road);
- The land is separated from any competing land uses that might create land use conflict;
- Should the future zoning allow increased densities, that increase in density will likely create a regular layout/pattern for in-fill development in the settlement;
- It is within walking distance of the CBD and community buildings (20 minute neighbourhood); and
- The land is fully serviced for water and sewer.

The role of this Planning Scheme Amendment is not to determine whether there is justification for immediate expansion of residential development to the subject land via a detailed land supply and demand analysis. This type of analysis is best prepared at a later stage for a 'whole of settlement' analysis to achieve a thorough strategic future for the town, should the Council determine that it is necessary.

The primary intent of this Planning Scheme Amendment is to 'revert' or put back the zoning that the subject land should have had via a direct translation.

INFRASTRUCTURE REQUIREMENTS

While this report may have identified that the zoning of the land might reasonably be re-zoned to Particular Purpose Zone 1 (Urban Growth Zone), it is important to ensure that capability for servicing and road access is possible.

In the event that the land were to be re-zoned to Particular Purpose Zone 1 (Urban Growth Zone), the maximum density that any subdivision might permit, should a permit be granted under the Zone provisions would be to potentially excise each of the dwellings on 14 & 44 Fords Road and also 19 Duke Street. The shape and size of 46 Fords Road does not appear that it could accommodate an excision of the existing dwelling.

Any change in zoning would provide for a maximum potential of 3 additional residential lots, with service needs that would unlikely increase the demand for upgraded infrastructure.

It is understood from the content in the HVLUDS that Duke Street may need to be upgraded in the future. The comments in the HVLUDS appear to be framed in the context of upgrade requirements if the land on the northern side of Duke Street were further developed. Contributions to any necessary road upgrades/widening can be dealt with in a number of ways by Council in the future.

An important consideration for road access is that of site distance and road speed for road safety for users.

Duke Street is straight, gently undulating along the road formation, and has a road speed of 50km p/hr. Estimated site distances for 19 Duke Street are approximately 120m to the east and west of the existing dwelling.

Fords Road alignment, width and relative height varies along its length and therefore site distances from different locations will be varied. There have been some sections of the road reserve that have been widened through previous processes (perhaps prior development permits) where the road reserve is now approximately 20 metres wide which would allow for road upgrades in the future. Future road upgrades along the Fords Road formation are considered to more than likely resolve any limitations in site distance at particular points.

Without any road upgrades to Fords Road, because of the roads low speed at 50km p/hr, the site at 14 Fords Road could provide for a site distance of approximately 90 metres (in both directions) within the vicinity of its eastern boundary. Site distances for 44 Fords Road (from the eastern boundary frontage) are estimated at approximately 80 metres to the east and 55 metres to the west (which is a low speed 90 degree corner in the road).

As described through this report, both reticulated water and sewer are available to all 4 properties.

CONCLUSION

It is considered that this proposal, based on the justification in this report, that the zoning of the subject land should be, as a reasonable proposition, amended to the Particular Purpose Zone 1 (Urban Growth Zone) as provided for in S37(1)(a)(vid) of the Land Use Planning and Approvals Act 1993 so as to revert the zoning to reflect what should have been a direct translation from the Reserved Residential Zone under the former Esperance Planning Scheme to the Urban Growth Zone in the current Interim Planning Scheme.

We request that the Tasmanian Planning Commission support and recommend to the Minister for Planning and Local Government authorise an Urgent Planning Scheme Amendment to the Huon Valley Interim Planning Scheme 2015 to:

1. Amend the Huon Valley Interim Planning Scheme 2015 so that the zoning of land known as 19 Duke Street, Geeveston (FR156229/2), 14 Fords Road, Geeveston (FR107778/1), 44 Fords Road, Geeveston (FR168171/1) and 46 Fords Road, Geeveston (FR168170/1) will be changed to be located in the Particular Purpose Zone 1 (Urban Growth Zone) from the Rural Resource Zone.