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Sent: Sun, 1 May 2022 09:25:38 +1000
To: "'Huon Valley Council'" <hvc@huonvalley.tas.gov.au>
Subject: FW: TPS HUU 15 31 Swamp Road Franklin
Attachments: 15 and 31 Swamp Road TPS HUU 220430.pdf

Resent.

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From: Evan Boardman <evan@e3planning.com.au>
Sent: Saturday, 30 April 2022 5:07 PM
To: 'Huon Valley Council' <hvc@huonvalley.tas.gov.au>
Cc: 'Andy Welling' <andy.welling@enviro-dynamics.com.au>
Subject: TPS HUU 15 31 Swamp Road Franklin

Dear Sir/Madam

Please find attached a submission on the TPS HUU on behalf of my clients. It would be greatly appreciated if you advise of receipt of this submission.

Regards

Evan

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30 April 2022

General Manager
Huron Valley Council
40 Main Street
HUONVILLE TAS 7109

RE: Submission Draft Huon Valley Local Provisions Schedule Swamp Road Franklin

Please accept this correspondence as a submission on the Draft Huon Valley Local Provision Schedule of the Tasmanian Planning Scheme (TPS HUO). The submission is lodged on behalf of the owners of 15 and 31 Swamp Road Franklin (the Properties). The Properties are located to the north of Franklin as shown in figures 1 and 2.

This submission seeks to have the Properties zoned Rural rather than Agriculture under the TPS HUO. It is also recommended that 1 Swamp Road be zoned Rural in accordance with its current zoning of Rural Resource. The proposed zoning of 1 Swamp Road under the TPS HUO is an error.

The Property is zoned Significant Agriculture under the *Huron Valley Interim Planning Scheme 2017* (the Interim Scheme) as shown in figure 3 and is proposed to be zoned Agriculture under the TPS HUO as shown in figure 4.

Several overlays are proposed to be placed over the Properties under the TPS HOU, these are similar to those existing and include.

- Landslip Hazard Code figure 5
- Bushfire Prone Areas Code figure 6
- Scenic Protection Code figure 7

The area of the Properties and their existing uses is shown in table 1.

Property	Area	Existing Use
31 Swamp Road	5.3ha	Residential
15 Swamp Road	3ha	Residential
1 Swamp Road	3,250m ²	Residential





Figure 1: Property location



Figure 2: Property location

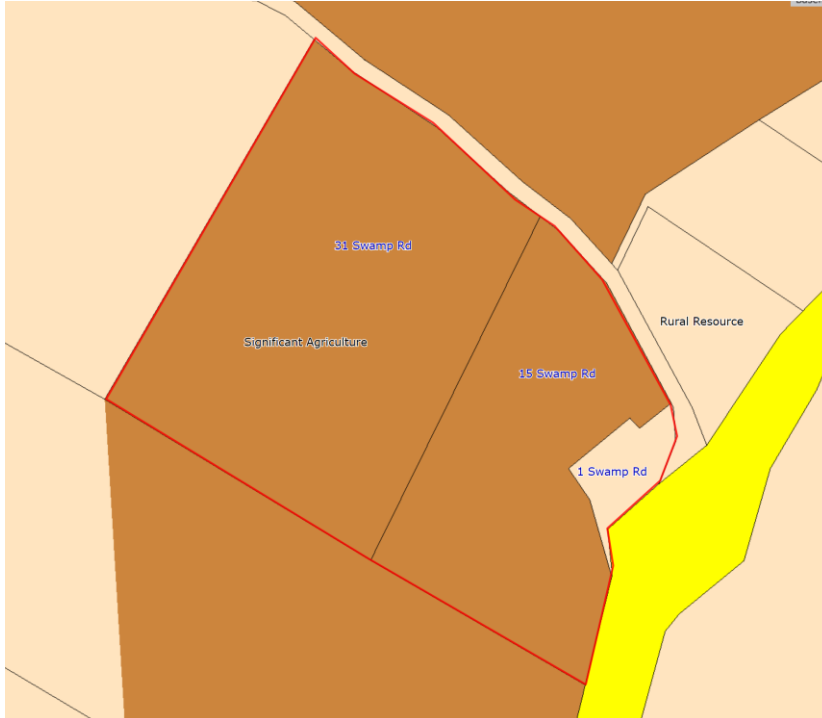


Figure 3: Property zoning under the Interim Scheme.

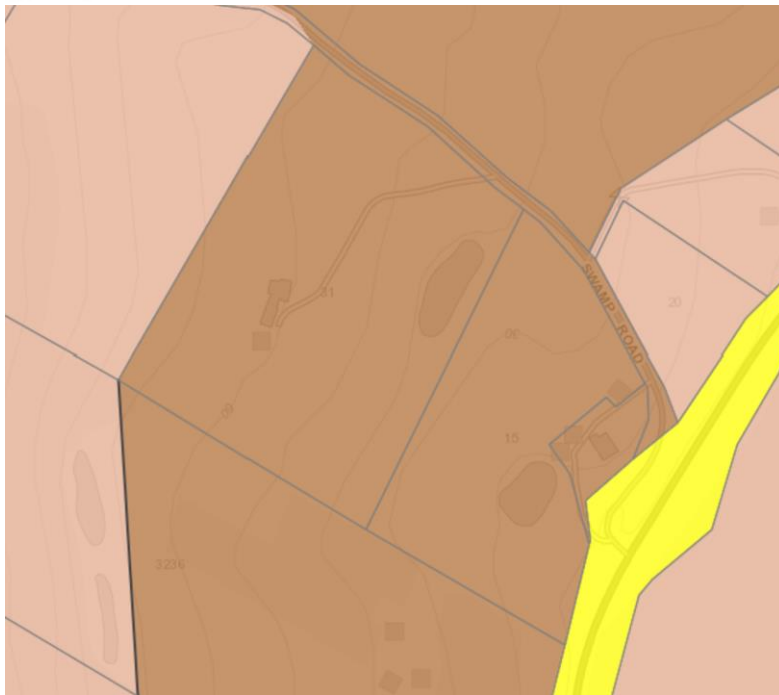


Figure 4: Property Zoning Agriculture under the TPS HUO



Figure 5: Landslip Hazard Code

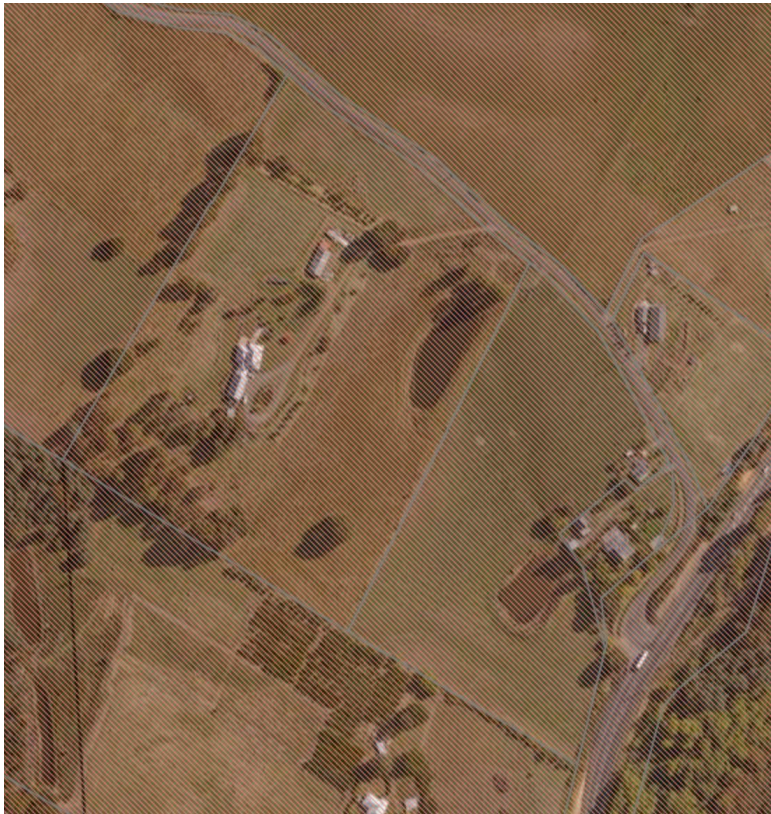


Figure 6: Bushfire Prone Areas Code



Figure 7: Scenic Protection Code

The overlays would not prevent the Properties from being zoned Rural. Any future use and development would need to satisfy the overlays.

The land capability of the property is class 5 as shown in figure 8.

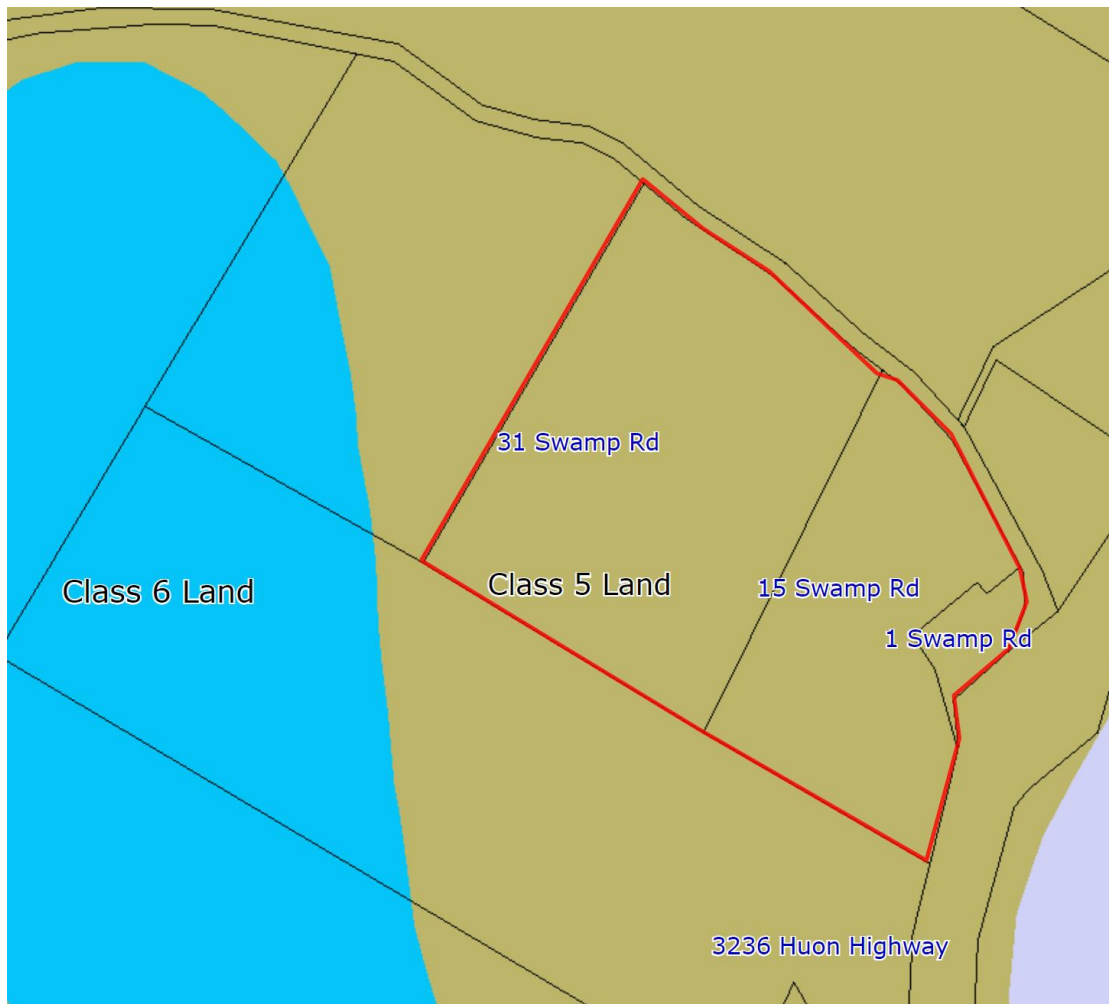


Figure 8: Land Classification

Although the land capability of the Properties is listed as 5, this capability mapping does not consider.

- The practicality of undertaking agricultural activities on the Properties,
- The small land area of the Properties and those surrounding,
- Adjacent land uses – residential non-agricultural uses, and
- Existing development and location on the Properties.

It is not possible to undertake any economically productive or feasible agricultural operations on the Properties principally due to their limited areas.

The Properties are recommended to be zoned Rural to recognise the existing pattern of development and their lesser agricultural potential.

The zone purpose of the Rural Zone is

20.1 Zone Purpose

The purpose of the Rural Zone is:

- 20.1.1 To provide for a range of use or development in a rural location:
 - (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
 - (b) that requires a rural location for operational reasons;
 - (c) is compatible with agricultural use if occurring on agricultural land;
 - (d) minimises adverse impacts on surrounding uses.
- 20.1.2 To minimise conversion of agricultural land for non-agricultural use.
- 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The zone purpose of the Agriculture Zone is.

21.1 Zone Purpose

The purpose of the Agriculture Zone is:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To protect land for the use or development of agricultural use by minimising:
 - (a) conflict with or interference from non-agricultural uses;
 - (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
 - (c) use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use.

The zone purpose of the Agriculture Zone is contrary to the existing and likely potential future use and development of the Properties as the zone purpose specifically provides for agriculture uses. The zone purpose of the Rural Zone provides for a range of uses which more closely accord with what is happening on the Properties.

Table 1 and figures 1 and 2 show the existing uses on the Properties as being residential.

Residential use and development are discretionary under both zones; however, the agriculture zone contains a restrictive provision clause 21.3.1P4 which would effectively prohibit residential use and development on the Properties as the clause states that *residential must be required as part of an agricultural use*.

This provision would sterilise the Properties from the majority of any permissible discretionary uses

Residential uses on the Properties would need to rely upon non-conforming existing use rights, which is not considered to be appropriate from a planning perspective when it is evident that the Properties do not have significant agricultural potential.

The development potential of the Properties would not significantly alter because of the zoning change from agriculture to rural and the change could only be considered as minor.

This limited development potential would not lead to any changes to existing potential land use conflicts and fettering of agricultural activities.

Conclusion

The Properties have limited agricultural potential principally due to their small lot sizes and have been developed for residential use and development.

Zoning of the Properties in my opinion should recognise existing and potential land use and planning schemes and should not employ zonings which unnecessarily restrict existing lawfully established use and development. The proposed zoning of the Properties in my opinion does this.

The Agriculture Zone prevents any discretionary uses from establishing unless they are required for agricultural operations and prevents the Properties from being used for their best and most effective use and development.

Zoning the Properties to Rural would not create any significant development potential nor would it result in any fettering of agricultural activities.



The Properties are recommended to be zoned Rural to better recognise their existing uses Residential uses.

If you have any further queries, please do not hesitate to contact me on 0438 376 840 or email evan@e3planning.com.au.

Regards

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