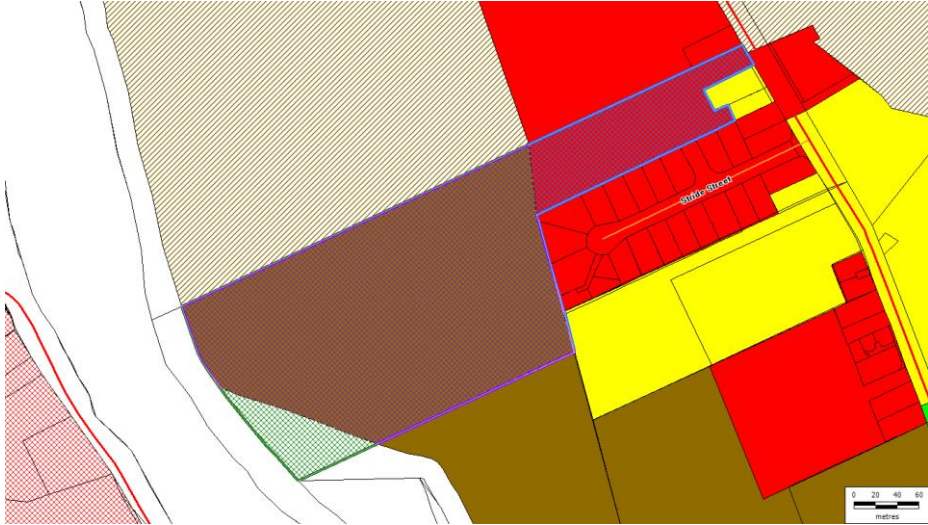




***Huon Valley Interim Planning Scheme 2015***

**Report to the Tasmanian Planning Commission under Section 30J of the  
*Land Use Planning and Approvals Act 1993***

# PART A- Summary and response to representations

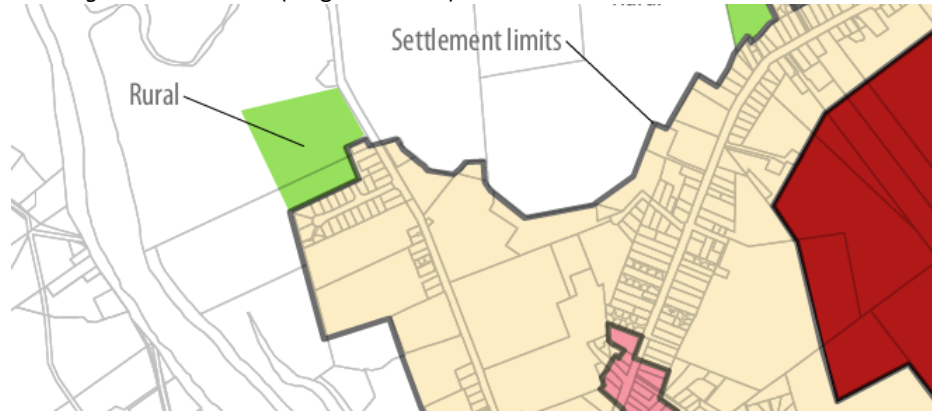
Zoning / specific property issues			
Representation reference No: Location State / Regional / Local Provision	Summary of issues	Response- Merit and impact of representation	Recommendation – Need for modification of HVIPS2015
<p>117 Wilmot Road, Huonville M Ball obo M D Larratt</p> <p>(NON-STATUTORY)</p> <p>(Local provision-zoning issue)</p>	<p>The representation notes land was previously zoned part Closed Residential under the <i>Huon Planning Scheme 1979</i> and a subdivision was approved for two lots on 11 August 2015 in the Closed Residential zoned portion of the title.</p> <p>The proposed zoning is not a direct translation of the previous Planning Scheme.</p> <p>The proposed zoning removes the development potential that existed and removes the potential to build on the two lots approved.</p> <p>It is submitted that the land area with the two approved allotments is capable of development now being fully serviced with urban infrastructure</p>	<p>The following map shows the zoning of the land under the <i>Huon Planning Scheme 1979</i>.</p>  <p>It shows that under the Interim Planning Scheme the residentially zoned land along Wilmot Road has been reduced both from this title and the land to the north and both have been zoned Significant Agriculture. This is consistent with the <i>Huonville</i></p>	<p>That 117 Wilmot Road, Huonville be zoned Rural Resource</p>

and should be zoned General Residential consistent with the land to the south.

The balance of the subdivision is currently zoned Significant Agriculture and no objection is raised to this zoning.



*Ranelagh Structure Plan* (diagram below).



As the site was outside the Settlement Limit for Huonville it was zoned accordingly. That is, if General Residential zoning was applied to this title at the time then that would have been inconsistent with the *Southern Tasmania Regional Land Use Strategy*. (Regional Strategy) because it is land outside the Urban Growth Boundary for Huonville.

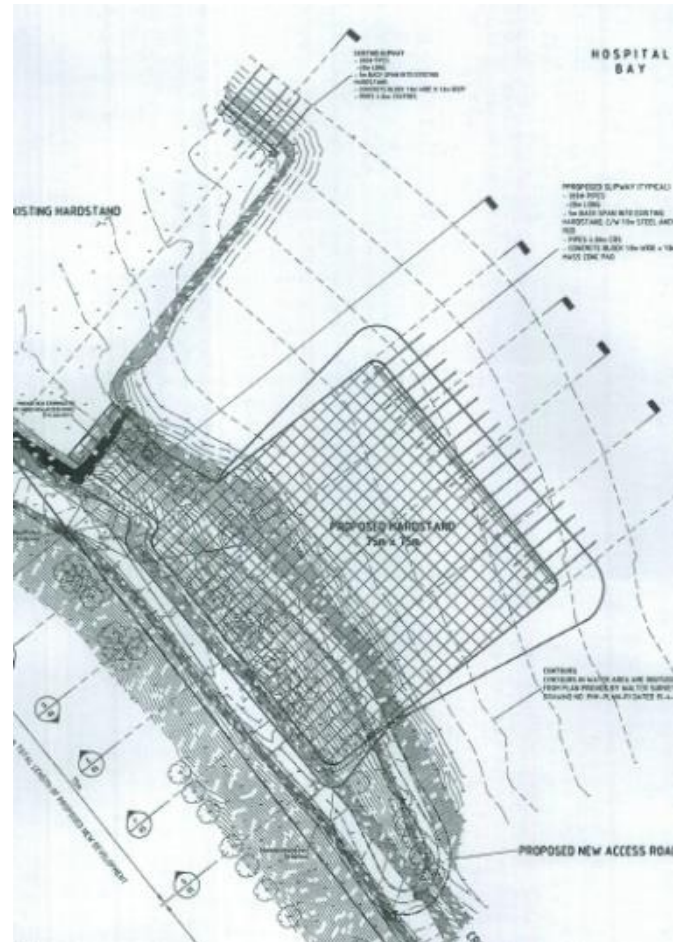
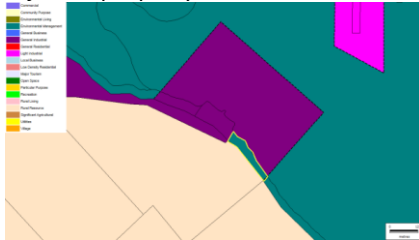
Therefore, as the land is still outside the Urban Growth Boundary it is not recommended the proposed residential rezoning of the land is supported without a change to that boundary.

It is however acknowledged that the part of the site previously zoned Closed Residential is now significantly constrained regarding its development potential to develop for two or even one dwelling within the two lot subdivision due to setback constraints and use qualifications of the Significant Agriculture zone. This is further compounded by the adjacent property to the north being used for farming activities including an orchard.

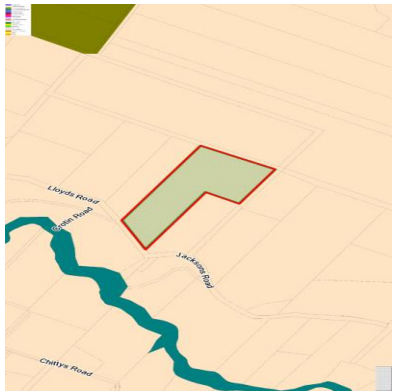
For the above reasons it is therefore recommended that the land is zoned Rural


		<p>Resource. The application of this zone is considered more appropriate to apply as it allows for recognition of rural land for residential use in these circumstances.</p> <p>It is considered the application of this zone is, <i>as far as practicable</i>, consistent with the Regional Strategy. This approach can be taken because following the amendment to the <i>Land Use Planning and Approvals Act 1993</i> (LUPPA) in 2015 proposed amendments to the Interim Planning Scheme can be considered where they are, <i>as far as practicable</i>, consistent with the relevant Regional Strategy provisions.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported on that basis.</p>	
<p>Whale Point (Ireneinc Inc on behalf of Mitchells Plastic)  (NON-STATUTORY)</p>	<p>The site is under investigation for the manufacture and assembly of fish pens for marine farming. There is a hard stand area adjacent to the north west used for manufacture of pens at CT 132255/1. The proposal is that the subject site be used as an extension to this existing facility.</p> <p>The Interim Scheme prohibits this use as the site has been zoned Environmental Management.</p> <p>The existing facility adjacent at CT 132255/1 has been zoned “General Industry” and the use is Permitted and within the “Manufacturing and Processing” Use Class.</p>	<p>The zoning of the site is shown on the map below.</p> <p>A development application (DA 224/2015) for the proposal was submitted to Council on the 7 October 2015. It shows the whole site being converted to a hard stand area.</p>	<p>That no change be made to the zoning of the site in response to the representation received.</p>

It is requested that the site be zoned General Industry consistent with the adjacent property.

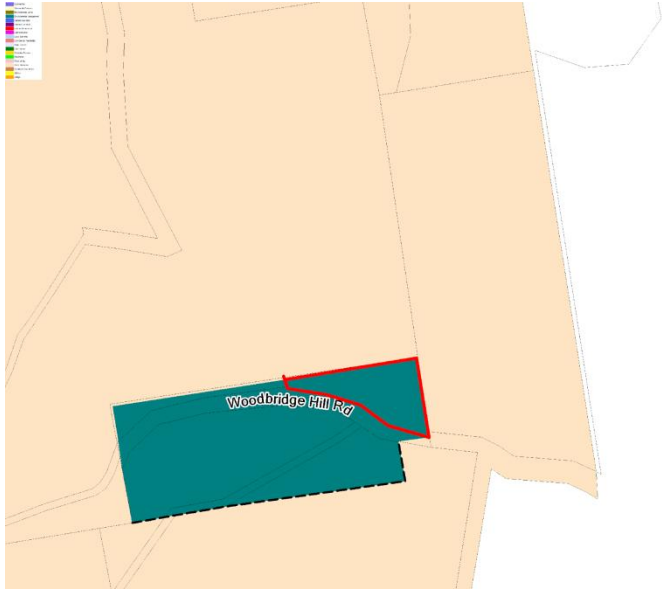



		<p>The site as zoned Environmental Management. In this zone “Resource Development” is Discretionary with the following qualification:</p> <p style="text-align: center;"><i>“Only if for the grazing of animals on native pasture or existing non-native pasture. Only if marine farming shore facility or other facility dependent upon a coastal location.”</i></p> <p>In this instance manufacture of fish pens is made easier by location close to the water but it is not dependent upon a coastal location: therefore the proposal cannot satisfy the requirements of the Discretionary use Qualification and becomes Prohibited.</p> <p>The site has also been identified as containing Eucalyptus ovata forest and woodland which is a listed threatened native vegetation community and a known habitat for the endangered swift parrot. This vegetation would require removal for the development to proceed.</p> <p>There have also been issues raised by the community in relation to this site and the visual impact of existing and potentially future works.</p> <p>The zoning of the site Environmental Management was a “like for like” translation from the <i>Esperance Planning Scheme 1989</i> in which the site was zoned Open Space.</p> <p>The site has qualities of both visual amenity and environmental protection that would also direct the zoning to be Environmental Management and not General Industry.</p> <p>The representor should consider seeking the proposed zone change using the planning scheme amendment provisions of the LUPAA. This is considered a more appropriate process given the proposed change of zoning from Environmental Management to General Industry. Therefore, an application for an amendment to the Interim Planning Scheme should be considered by the representor under those</p>	
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		provisions instead of its consideration through the Interim Planning Scheme representation process.	
<p>154 Jacksons Road, Franklin (M and J Riggall)</p> <p>(NON-STATUTORY)</p> <p>(Local provision-zoning issue)</p>	<p>The representation requested that the absolute minimum setbacks incorporated into the Rural Resource Zone front, side and rear setback provisions be removed and replaced with qualitative provisions to take into account the site constraints and characteristics which typify rural land in the Huon.</p> 	<p>This matter has been addressed separately through an urgent amendment request to the Tasmanian Planning Commission. Council resolved on the 26 September 2015 to request the Tasmanian Planning Commission to urgently amend the Interim Planning Scheme under Section 30IA of the Act by modifying the front, side and rear setback standards within the Rural Living Zone, Environmental Living Zone and Rural Resource Zone. The urgent amendment was approved by the Commission on the 16 December 2015 with some minor drafting changes which do not alter the outcome of the request.</p>	<p>That no change be made to the front, side and rear setback standards within the Rural Resource Zone as these have recently been modified through an urgent amendment request.</p>

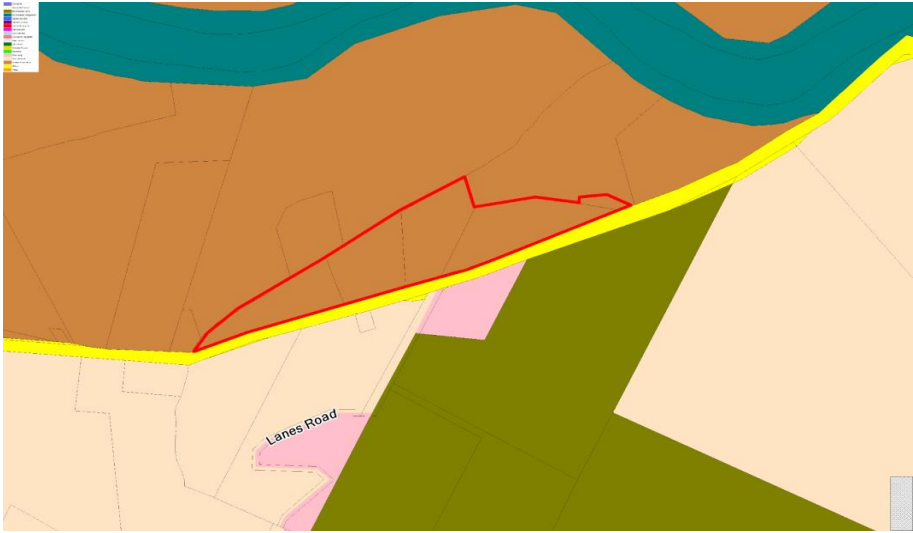
<p>478 Woodbridge Hill Road, Gardners Bay</p> <p>(Brooks, Lark and Carrick) (NON-STATUTORY)</p> <p>(Local provision-zoning issue)</p>	<p>The representation highlights that an area of Environmental Management zoning applies to this site which is a residual zoning from a portion of Crown land recently sold and adhered to CT 168887/1. The property is presently subject to a split zoning being Environmental Management and Rural Resource despite the private ownership status of this lot. It is therefore requested that the property be zoned Rural Resource in full.</p> 	<p>The Crown agreed to allow the owner of 478 Woodbridge Hill Road to purchase a triangular piece of Crown land located to the south-western corner of CT 168887/1 and to transfer it to this private parcel. The Crown land was transferred to CT 168887/1 in 2015 resulting in a split zoning. At the time of drafting the Interim Planning Scheme, the approach taken was to protect Crown land and associated ecological values through the Environmental Management zoning. The Environmental Management zoned portion of the newly created title is no longer in the ownership of the Crown and therefore is no longer available for public use.</p> <p>The Environmental Management zoned portion is not subject to any Codes which protect the environmental or scenic quality of the area and the only natural hazard code applying to this area related to dispersive soils. CT 168887/1 is already developed with a residence within the Rural Resource zoned portion of the lot therefore a rezoning would subject future development to increased risk from natural hazards. The small piece of land recently purchased and adhered to CT 168887/1 was required to reflect long standing access arrangements which involve the use of the Crown land.</p> <p>Given the ownership status has since changed and in consideration of the absence of any identified land constraints, it is no longer recommended the Environmental Management Zone apply to the south-western corner of CT 168887/1. Accordingly, it is recommended a rezoning to Rural Resource is supported as shown in the image below:</p>	<p>That the Environmental Management zoned portion of 478 Woodbridge Hill Road, Garners Bay be rezoned to Rural Resource.</p>
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		 <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported on that basis.</p>	
<p>CT40326/2 Glen Huon Road, Glen Huon (Menzie Legal) (NON-STATUTORY)</p>	<p>The representation has requested that the site be rezoned from Significant Agriculture to Rural Resource as the lot is too small to support any viable agricultural use (1 hectare) and is not now capable of being developed with a</p>	<p>The property was zoned Intensive Rural under the former <i>Huon Planning Scheme 1979</i> whereby a single dwelling was a permitted use. Although the site is presently vacant, it was possible to construct a single dwelling which complied with the relevant development standards meaning an application was permitted.</p>	<p>That CT40326/2 Glen Huon Road, 588, 590, 614, 620 and 636 Glen Huon Road, Glen Huon be rezoned from the</p>

<p>(Local provision-zoning issue)</p>	<p>residential use which would be consistent with the surrounding residential uses conducted on land to the east and west. The submission indicates that the size of the lot and the proximity of residences on adjoining properties results in limited long term agricultural potential.</p> 	<p>The site has been zoned Significant Agriculture under the Interim Planning Scheme which is a direct translation from the former Intensive Rural Zone and corresponds with the mapping work carried out by the Southern Tasmanian Councils Association (STCA) as part of the preparation of the Regional Strategy.</p> <p>The Waterway and Coastal Protection Area overlay affects the rear of the site. Clause 27.2 Use Table of the Interim Planning Scheme states that a dwelling is discretionary and can only be applied for if it is <i>“necessary to support agricultural use on the property”</i>.</p> <p>The property is a small (1 hectare) lot surrounded by equally sized lots developed for residential purposes to the east and west and includes 588, 590, 614, 620 and 636 Glen Huon Road. Land on the opposite side of road to the south is zoned a mix of Rural Resource, Rural Living and Environmental Living. The parcels identified above are all developed for residential purposes with the exception of the property in question being CT40326/2 Glen Huon Road. These parcels collectively form a small residential enclave with no potential to support agricultural use due to the small parcel sizes and prevalence of residential use.</p> <p>Regional Policy PR1.1 of the Regional Strategy requires the Significant Agriculture Zone to be used to identify regionally significant agricultural land in Planning Schemes and to manage this land consistently across Planning Schemes. The properties identified above are not suitable for identification as regionally significant agricultural land as they contain long standing residential uses and will remain constrained into the future.</p> <p>The application of the Rural Resource Zone would be more appropriate as it allows for recognition of rural land for residential use and other uses not necessary to</p>	<p>Significant Agriculture Zone to the Rural Resource Zone in relation to the representation received.</p>
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		<p>support agriculture and rural resource related activities. The Rural Resource Zone also contains setback standards for sensitive use from Significant Agriculture zoned land located within 200 metres of the site. Whilst Acceptable Solution 26.4.2 A3 would not be capable of being satisfied, the Performance Criteria would if a house were sited close to the road (which is consistent with the location of surrounding residences). The establishment of a dwelling on CT40326/2 would need to be confined to the row of existing residences therefore preventing fragmentation of rural land and minimising the potential for dwellings to fetter adjacent agricultural land and uses.</p> <p>Therefore, in terms of the impact of the proposed amendment on the Interim Planning Scheme, it is also recommended consideration is given to zoning the land to Rural Resource. The lots currently zoned Significant Agricultural zoned land to the north are much larger, generally devoid of residential development and are dependent on river frontage for viability (irrigation source and fertile soils).</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported on that basis.</p> <p>In conclusion it is recommended the rezoning to Rural Resource should be extended beyond CT40326/2 to include the properties outlined below:</p>	
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<p><b>Rep No: 12</b></p> <p>294 Golden Valley Road, Cygnet</p> <p>(K Finney and L Wilkes)</p> <p>(Local provision – zoning issue)</p>	<p>The representation submits the land has been inappropriately zoned Significant Agriculture and that the changes were made with no proper planning analysis.</p> <p>It is requested that the land be zoned to Rural Resource.</p>	<p>This property is located on the fringe of a large area of Significant Agriculture zoning and is separated from this larger area by Golden Valley Road. The property has a small land area of 2.3 hectares and is developed with a dwelling set amongst well landscaped gardens. The northern half of the site is also associated with a natural drainage line and mildly sloping pasture. The land immediately to the north, east and west is zoned Rural Resource. The northern half of the property is also constrained by the Waterway and Coastal Protection Code.</p> <p>The adjacent properties to the east and west are utilised for light grazing purposes and occasional hay production which are not intensive or significant agricultural based activities and occur on Rural Resource zoned land. The property to the south</p>	<p>That 294 Golden Valley Road, Cygnet be rezoned to Rural Resource.</p>

		<p>on the opposite side of Golden Valley Road is developed with an orchard which is located close to Golden Valley Road. The zoning is therefore reflective of more intensive agricultural use.</p> <p>Given the land in question is already developed with a dwelling, there would be no increased potential for conflict between sensitive use and agricultural use. There are also adequate standards incorporated into the Rural Resource Zone to ensure any future residential development does not fetter existing or potential rural resource use and development on adjoining Significant Agriculture zoned land.</p> <p>It would have less effect on the agricultural viability of the site itself if it were zoned Rural Resource and any potential impact on the Significant Agriculture zone to the south can be limited and controlled by Clause 26.4.2 (A3 and P3) of the Rural Resource Zone.</p> <p>In conclusion, for 294 Golden Valley Road it is recommended this property be rezoned to Rural Resource as identified in the outlined map below.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported on that basis.</p>	
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<p><b>Rep No: 20</b></p> <p>Certificate of Title 232217 Lot 1 Cygnet Coast Road, Wattle Grove (Tierney Law obo Mr and Mrs Breaker)</p> <p>Tierney Law</p> <p>(Local provision –</p>	<p>The representation submits that the land has been inappropriately zoned Significant Agriculture and that the changes were made with no proper planning analysis. It also submits the application of this zoning is contrary to the Objectives of Schedule 1 of the LUPAA.</p> <p>The representation indicates the property was bought in mid-2014 in order to build a dwelling.</p>	<p>This property is between a Significant Agriculture zoning to the north and a Rural Resource zoning to the south. The two smaller properties to the north (although zoned Significant Agriculture) have dwellings on them as does the other smaller property zoned Rural Resource to the east.</p> <p>The lot is also constrained by the following codes:</p> <ul style="list-style-type: none"> <li>● Landslip Hazard</li> <li>● Waterway and Coastal Protection</li> </ul> <p>Neither Code would prohibit the development of a house. The site would appear to have been recently used for hay production and has a shed only in the far south west</p>	<p>That the land being (Certificate of Title 232217) Lot 1 Cygnet Coast Road Wattle Grove be rezoned to Rural Resource.</p>

zoning issue)

The representation submits that the land be zoned Rural Resource.



corner.

The adjacent property to the north has been recently subdivided into three parcels that cannot be subdivided further. The site is surrounded on all but one half of the northern boundary by rural residential uses. It is one of a few lots that has not to date been developed for a dwelling.


The agriculture in the area is not intensive or significant: it is mostly the grazing of animals such as horses and cattle.

The site and all surrounding sites were zoned Rural A under the *Cygnnet Planning Scheme 1988* which had a stated zone intent “to protect the rural environment and to aid the continuance of farming and other rural related activities.”

The building setbacks created by the Interim Planning Scheme zoning result in significant limitations regarding this property. The setbacks applied to the Rural Resource Zone (although all the properties adjacent in this zone have houses) includes an absolute minimum of 40 metres as the case with the setback requirements within the Significant Agriculture zone. A proposed house must therefore, by an absolute minimum standard, be located in the middle of the site so further reducing its agricultural capability.

Therefore, it is recommended that as there would be less effect on the agricultural viability of the site itself if it were zoned Rural Resource and because any potential impact on the Significant Agriculture zone to the north can be limited and controlled by Clause 26.4.2 (A3 and P3) that the site is zoned Rural Resource.

In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, *as far as practicable*, consistent with the Regional Strategy and it is also recommended that

		<p>this amendment be supported on that basis.</p> 	
<p><b>Rep No: 35</b> Certificate of Title Vol 153985 Folio 2, Narrows Road, Strathblane (Tierney Law obo Mr and Mrs Michelides) (Representation</p>	<p>The representation submits rezoning of the land to Significant Agriculture has denied the owners the right to construct a dwelling, something that was previously permitted when they purchased the lot in 2008 from a subdivision approved by Council in 2007.  The change of zoning has occurred with, apparently, no proper planning</p>	<p>The subject site is immediately adjacent to a productive orchard use on a large lot. The site itself would appear from aerial views to have been previously used for agriculture as remnants of the orchard use are visible. The site and its immediate neighbour to the south create a buffer to the existing orchard from other residential impacts in the same way the smaller block zoned Significant Agriculture to the north of the orchard also creates a buffer.</p>	<p>That a review of the current zoning is supported for the ongoing suitability of the Significant Agriculture Zone and whether the Rural Resource Zone should be applied as an alternative (Certificate of Title</p>

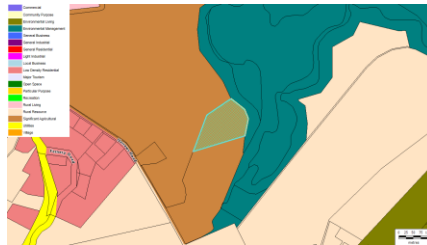


forms part of above representation)

(Local provision: zoning issue)

analysis. The application of this zoning is contrary to the Objectives of Schedule 1 of the LUPAA

It is requested that the land be zoned Rural Resource.



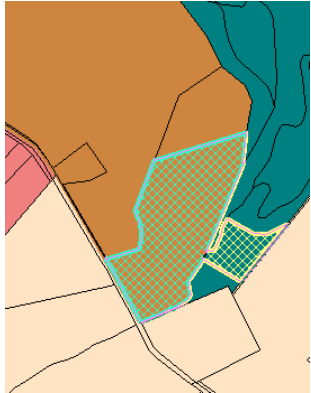
The site and the adjacent orchard were zoned Rural B under the *Esperance Planning Scheme 1989* and a house was a discretionary use. The Intent of the Rural B zone was clearly similar to that of the Significant Agriculture zone which applies including to: *“protect rural land from land uses which may cause rural land management difficulties ....or create problems in the production or protection of crops”*.

An additional issue with the current zoning of the land are the setback standards which are very restrictive for a dwelling where it is adjacent to a horticulture use or crop production – a discretionary minimum of 80 metres would apply on this site. In this instance, only a small portion of the south-east corner of the site could be used for a house.

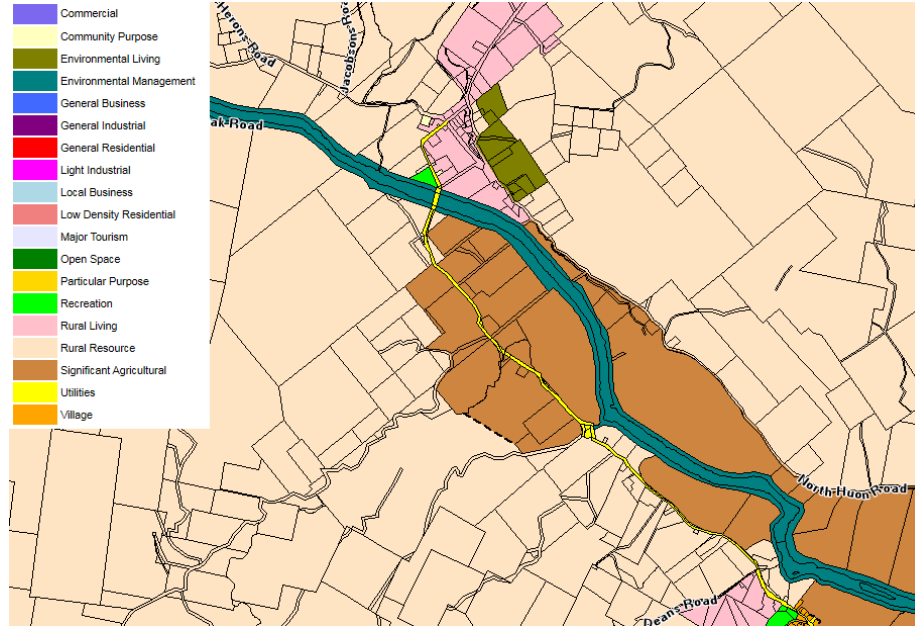
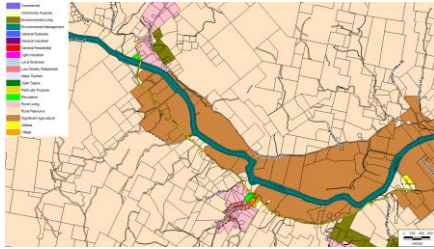
An additional consideration is that the site is wholly covered by the Inundation Prone Land Code and the Inundation risk ranges from Low to Medium and the construction

Vol 153985 Folio 2), Narrows Road, Strathblane in response to the representation received including its application to 63 Narrows Road, Strathblane

		<p>of a dwelling has “No Acceptable Solution”. The risk is greater in the south east corner of the site.</p> <p>Following the amendments to the LUPPA in 2015, amendments to the Interim Planning Scheme can be considered on the basis the amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy.</p> <p>The representation is supported in relation to the proposed alteration to Rural Resource in relation to CT 153985 Folio 2, Narrows Road, Strathblane.</p> <p>The Rural Resource zone is considered a more practicable and a more suitable zone to apply taking into account relevant Regional Strategy policies and Interim Planning Scheme considerations, the matters referred to above and the issues raised in the representation. A review of the zoning is therefore recommended.</p> <p>This would also require as part of that assessment an analysis of the extent of any impact on the Interim Planning Scheme as a whole of a proposed zone change, and the extent it would be consistent with the Planning Scheme Regional and Local Objectives in 3.0.5 – Productive Resources and the Regional Policies PR1.1 and PRD1.2 of the Regional Strategy.</p> <p>Following that review, should the representor wish to pursue proposed zone change further it would be more appropriate for an application for an amendment to the Interim Planning Scheme to be made under the LUPPA amendment provisions as it is not considered appropriate for significant zone changes to be considered through the Interim Planning Scheme representation process.</p> <p>A review of the application of the zone is also recommended for the property to the south, 63 Narrows Road, Strathblane (PID 286337) shown on the following plan for the same reasons.</p>	
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		 <p data-bbox="846 691 1178 715"><i>63 Narrows Road, Strathblane</i></p> <p data-bbox="846 754 1783 877">In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered the proposed zone amendments to these properties are, <i>as far as practicable</i>, consistent with the Regional Strategy and are also recommended that this amendment be supported on that basis.</p>	
<p data-bbox="174 890 371 1267"><b>Rep No: 15</b> Lots 545, 589, 613, 625, 649, 663, 799, 815, 853, 871 and 895 North Huon Road, Judbury - Tierney Law obo owners of lots 613, 649, 663 and 799 North</p>	<p data-bbox="398 890 824 1145">The representation submits that the land has inappropriately zoned Significant Agriculture and that the changes were apparently made with no proper planning analysis. The application of this zoning is contrary to the Objectives of Schedule 1 of the LUPAA</p> <p data-bbox="398 1185 824 1241">It is requested that this land be rezoned to Rural Resource.</p>	<p data-bbox="846 890 1178 914">This representation relates to:</p> <ul data-bbox="846 954 1783 1050" style="list-style-type: none"> <li>-specifically to lots 613, 649, 663 and 799 North Huon Road, Judbury on behalf of the respective owners; and</li> <li>-other land referred to in the representation.</li> </ul>	<p data-bbox="1805 890 2029 1267">That the Rural Resource Zone be applied if it is confirmed as a suitable zone following a review of the current application of the Significant Agriculture Zone and whether the Rural Resource Zone</p>

Huon Road, Judbury:  
M & W Anning (owner No. 663),  
J & A Ryan (owner 649)  
N Bruns (owner 613) and  
Huon Aquaculture Company Pty Ltd (owner 799)  
(2) Tierney Law in relation to: 545, 589, 625, 815, 853, 871 and 895  
North Huon Road, Judbury  
Rep number same as above  
(Local provision-zoning issue)



The representation includes comments in relation to the Regional Strategy, *Huon Valley Land Use Development Strategy (2007) (HVLUS)* and the suitability of the current zoning of these lots. It also states *“agricultural use on these smaller lots has been minimal for many years”,* that the *“predominant use for the smaller lots is actual or intended for rural living”* and the larger lot (no. 799) *“is now used for Aquaculture”*.

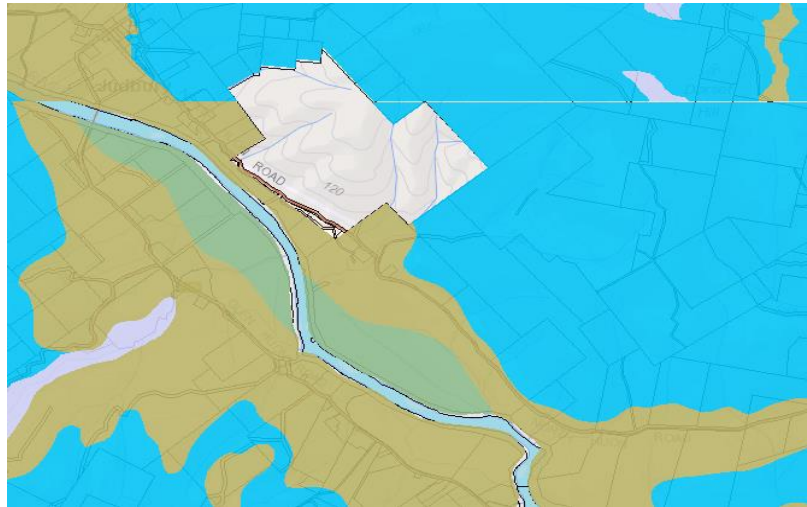
The representation includes specific comments regarding lots 613, 649, and 663 and refers to the intended residential use of those lots when they were purchased by the respective owners. The representation also objects to the current zoning on this basis in addition to the reasons that are set out.

should be applied as an alternative zone including to the land to the east to Rookwood Road fronting North Huon Road.

That “Aquaculture” be included in the Qualification statement for Resource Development Use Class as a Discretionary use in the Significant Agriculture Zone as follows:  
“Only if controlled environment agriculture, aquaculture, intensive animal husbandry...”

		<p>All of the land in question was previously zoned “<i>Intensive Rural</i>” under the <i>Huon Planning Scheme 1979</i>.</p> <p>A main purpose of the “<i>Intensive Rural</i>” zone in the prior scheme was the “<i>Retention of land for agricultural production</i>”. Therefore, although a house was a Permitted (not exempt) use of land in the “<i>Intensive Rural</i>” zone, a primary purpose of this zone was for its retention for <i>agricultural production</i>. From its commencement in 1982, under the <i>Huon Planning Scheme 1979</i>, prior land use considerations regarding use and development of land zoned as “<i>Intensive Rural</i>” included the impact of development (for example, a proposed dwelling) on agricultural production on land and adjacent land (where applicable). This included a requirement for planning consideration of matters that were subsequently applied when the LUPPA commenced including the LUPPA, Schedule 1 Objectives, State Policies and other considerations that applied to proposed use and development of land zoned in this manner.</p> <p>However, for the purposes of assessing this representation and the request for the land to be rezoned as Rural Resource land, it is necessary to consider the regional policies in the Regional Strategy and the relevant provisions of the Interim Planning Scheme in relation to the request.</p> <p>The zoning requested would apply the Rural Resource Zone to the banks of the river just west of Pettits Road on the north side all the way to the Rural Living Zone of Judbury.</p> <p>Clause 27.2 Use Table of the Interim Planning Scheme states that a dwelling is discretionary and can only be applied for if it is “<i>necessary to support agricultural use on the property.</i>”</p>	
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		<p>Codes apply to these lots which are:</p> <ul style="list-style-type: none"> <li>● Waterways and Coastal Protection</li> <li>● Landslip Hazard</li> </ul> <p style="padding-left: 40px;">Biodiversity Protection (in regard to No. 613 only).</p> <p>Therefore, relevant matters that are necessary to be considered are referred to in the <i>Productive Resources Policy</i> in the Regional Strategy, in the <i>Productive Resources Background Report (No.7)</i>, and in the <i>Protection of Agricultural Land Policy (PAL)</i>. This includes how the lots are classified in accordance with the PAL (Land Capability Classification System) and how the land is mapped on the LIST regarding its agricultural capacity (for example, land use capability mapping layers).</p> <p>The <i>Productive Resources Policy</i> states that although in the region there is ...<i>"negligible prime agricultural land (Class 1, 2 &amp; 3) there is still productive agricultural land evident in the region (Class 4 &amp; 5 land) which is either irrigated, has access to natural water resources or has physical conditions suited to high value crops (see Map 6)."</i> ...and further states it is <i>"therefore appropriate that this land be afforded the highest level of protection....."</i> (page 63).</p> <p>The <i>Productive Resources Background Report (No.7)</i> also states...<i>"land in the Huon Valley particularly along the main river valleys is considered good agricultural land (Class 4)..."</i> (page 44).</p>	
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The *LIST* –

*land capability mapping layer extract*

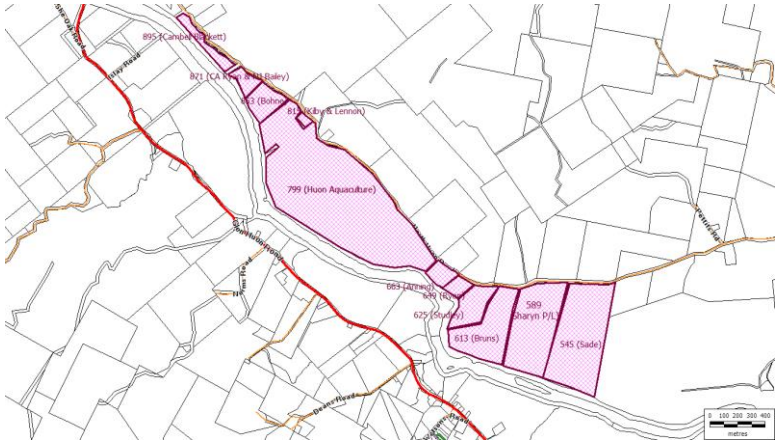
Other matters relating to this request also include the fact that all lots mentioned have river frontages and the residential use is not dependent upon this river frontage for viability, and the potential for any dwellings (development) to potentially fetter adjacent agricultural land and uses. The Zone Purpose Statements for the Significant Agriculture Zone make specific mention to access to a reliable water source as this increases the potential agricultural productivity of land.



Following the amendments to the LUPPA in 2015, amendments to the Interim Planning Scheme can be considered on the basis the amendment is, as far as practicable, consistent with the Regional Strategy. The suitability of the current zoning is recommended to be further reviewed regarding its ongoing practicability and suitability to be applied to all the land referred to in the representation zoned as

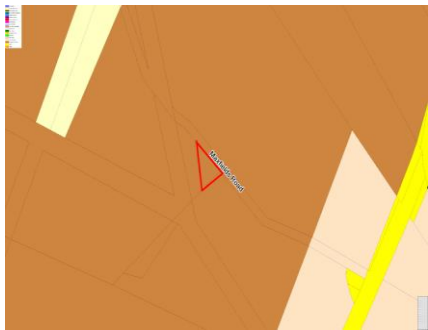
		<p>Significant Agriculture.</p> <p>This review should also consider whether the Rural Resource zone is a more practicable and a more suitable zone to apply taking into account relevant Regional Strategy policies and Interim Planning Scheme considerations, the matters referred to above and the issues raised in the representation. This review should also consider the current zoning of properties to the west of 'Forest Home', Judbury (No. 799) to Rookwood Road for those properties fronting North Huon Road.</p> <p>This would also require as part of that assessment an analysis of the extent of any impact on the Interim Planning Scheme as a whole of a proposed zone change, and the extent it would be consistent with the Planning Scheme Regional and Local Objectives in 3.0.5 – Productive Resources and the Regional Policies PR1.1 and PRD1.2 of the Regional Strategy.</p> <p>Following that review, should the representor wish to pursue proposed zone change further it would be more appropriate for an application for an amendment to the Interim Planning Scheme to be made under the LUPPA amendment provisions as it is not considered appropriate for significant zone changes to be considered through the Interim Planning Scheme representation process.</p> <p><u>Huon Aquaculture land</u></p> <p>The representation requests that the Huon Aquaculture site at 799 North Huon Road, Judbury be zoned Rural Resource in order to protect a vital, established and intensifying aquaculture business.</p> <p>Although in the representation the reasons to request zoning of the other lots to Rural Resource is similar the reasons for the request are different for the Huon</p>	
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		<p>Aquaculture land.</p> <p>The Aquaculture industry is dependent upon clean fresh water from the river. It is a vital and growing resource development industry in the municipal area and for many strategic regional and local planning reasons should not be limited by having only non-conforming use rights on this site – which is the situation as it stands. The current zoning does not take into account fully the specific and necessary processes involved in aquaculture.</p> <p>The Zone Purpose Statements of the Significant Agriculture zone refer to “<i>use of land for higher productivity value agriculture dependent on soil as a growth medium</i>” and “<i>to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision</i>”. The Statements also refer to protect areas dependent upon reuse water irrigation which applies. The current use is consistent with these Statements.</p> <p>Aquaculture is <b>included</b> in the Use Class “<i>Resource Development</i>”. However it has been <b>excluded</b> specifically in the Interim Planning Scheme in the Significant Agriculture zone by “<i>Qualification</i>”. The same Qualification includes as a discretionary use “<i>controlled environment agriculture</i>”. If Aquaculture were not excluded, then it would be a discretionary use in the same manner as “<i>controlled environment agriculture</i>” (including hot houses and greenhouses).</p> <p>Alternatively, the site could be zoned Rural Resource, however this may invite future uses on the site that do not depend upon the river for the fresh water and would also not be consistent with the <i>Productive Resources Policy (PR4)</i> in the Regional Strategy and <i>Productive Resources Background Report (No.7)</i>. It would also weaken the strength of this use against the competing interests of sensitive uses such as a</p>	
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		<p>dwelling. For these reasons the proposed rezoning is not supported in its present form.</p>  <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme it is considered this would be consistent with the <i>Productive Resources Policy (PR4)</i> in the Regional Strategy and <i>Productive Resources Background Report (No.7)</i> and is also supported on this basis.</p>	
<p><b>Rep No: 19</b> 903 Lonnvale Road, Lonnvale (J Chalmers)  (Local provision-zoning issue)</p>	<p>The representation refers to this property being purchased in 2015 and to subsequent limitations concerning the boundary setbacks in relation to building an outbuilding on this property after the commencement of the Interim Planning Scheme.</p>	<p>A Development Application was lodged under DA-194/2015 in September 2015 in relation to this property which is zoned Rural Resource.</p> <p>The application for an outbuilding could not proceed at the time as it did not satisfy the numerical setback standards included within Clause 26.4.2 P2 of the Interim Planning Scheme.</p> <p>The representation asserts that the setback standards are unreasonable given the <i>Huon Planning Scheme 1979</i> would have permitted this development on a 'P1' basis (ie. no planning approval required).</p>	<p>That no change be made to the side / rear setback standards within the Rural Resource Zone as these have since been modified through an urgent amendment process to remove the</p>

		<p>This matter has been addressed separately through the urgent amendment request process with the Tasmanian Planning Commission. Council resolved on the 26 September 2015 to request the Tasmanian Planning Commission to urgently amend the Interim Planning Scheme under Section 30IA of the Act by modifying the front, side and rear setback standards within the Rural Living Zone, Environmental Living Zone and Rural Resource Zone.</p> <p>The urgent amendment was approved by the Commission on the 16 December 2015 with some minor drafting changes which do not alter the outcome of the request.</p>	<p>numerical provisions within the Performance Criteria.</p>
<p><b>Rep No: 1</b></p> <p>560 Cygnet Coast Road, Petcheys Bay (J Middleton)</p> <p>(Local and regional provision- zoning issue and amendment request to a zone provision)</p>	<p>The representation has requested that there be provision in the Interim Planning Scheme to separate this property into two areas to follow the split zone boundary.</p> 	<p>The zoning applied to this property was a direct translation from the Rural A Zone and the Rural B Zone under the <i>Port Cygnet Planning Scheme 1988</i>. The subdivision status has not changed from the former zoning with the Rural A and Rural B zoned portions being sub-minimum. The Environmental Living zoned portion of the site cannot be separated from the Balance Rural Resource zoned portion as it does not have any legal frontage and the Balance lot would not satisfy the subdivision criteria for the Rural Resource Zone.</p> <p>In order to achieve a two lot subdivision, the property would need to be zoned Environmental Living in full, however, this would not overcome the absence of legal frontage for the proposed northern portion of the lot (which is sought to be separated from the balance fronting Sunday Hill Road). It is considered that it is not appropriate to make significant zone changes through the Interim Planning Scheme representation process in these circumstances as it would deny natural justice to other parties.</p> <p>A rezoning of the land in full to Environmental Living would increase the subdivision potential beyond that currently catered for. It would be more appropriate for an application for a planning scheme amendment to be made by the representor if it is proposed to pursue the zone change and the public would be duly advised as part of that process.</p>	<p>That no change be made to the zoning of the property at 560 Cygnet Coast Road, in response to the representation received.</p>

		<p>In relation to the potential impact any proposed amendment on the Interim Planning Scheme, it is evident that like all the Interim Planning Schemes, the Interim Planning Scheme does not have a mechanism to deal with subdivision concerning dual zoned properties. This is recommended as a matter to be further reviewed by the Commission on a regional / State basis (it is also referenced in Part B of this report).</p>	
<p><b>Rep Nos: 38 and 39</b></p> <p>11 Maxfields Road, Franklin (CT 131688/1) (L McGrath) (J McGrath)</p> <p>(Local and regional provision- zoning issue and amendment request to a zone provision)</p>	<p>The representation submits that some means be provided in the Interim Planning Scheme for developing a single dwelling on an urban sized block which has no capacity to support agricultural use.</p> 	<p>The application of the Significant Agriculture Zone to this small 658 square metre triangular parcel of land prohibits the construction of a dwelling for two reasons. Firstly, a single dwelling development is only possible within the Significant Agriculture Zone if it is “<i>necessary to support the use of the land for agriculture</i>”, and secondly that the small lot size precludes the ability to satisfy the numerical setback standards contained within both the Acceptable Solutions and Performance Criteria.</p> <p>The setbacks to side and rear boundaries given in subclause 27.4.2 (A2 and P2) of the Interim Planning Scheme will prohibit the proposal as there is a prohibition on side and rear setbacks below 20 metres. This would prohibit building a house or any other building for that matter at all on a lot of these dimensions. It appears this property was purchased prior to the Interim Planning Scheme with the intention of building a single dwelling on the property.</p> <p>This property was zoned Rural under the <i>Huon Planning Scheme 1979</i>. A single dwelling was a permitted use under this Planning Scheme. Under that planning Scheme the setback requirements of that zone would have not been able to be met due to its small size and triangular shape, however discretion existed for Council to relax these requirements under Clause S7.2 of the Planning Scheme.</p> <p>The Significant Agriculture Zone was used as the applicable zone for Rural and Intensive Rural zoned land under the <i>Huon Planning Scheme 1979</i> in relation to the translation of those zones to the Interim planning Scheme based on the requirements of the Regional Strategy and LUPPA at the time when the Interim Planning Scheme was drafted The Significant Agriculture Zone not only aims to protect the agricultural</p>	<p>That 11 Maxfield Road, Franklin be rezoned from Significant Agriculture to Rural Resource along with the eastern section of land along Maxfields Road be rezoned from Significant Agriculture to Rural Resource as detailed in the accompanying plan: Plan- 11 Maxfields Road, Franklin</p>

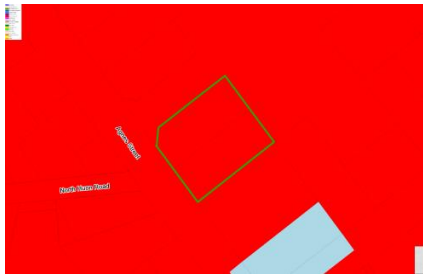
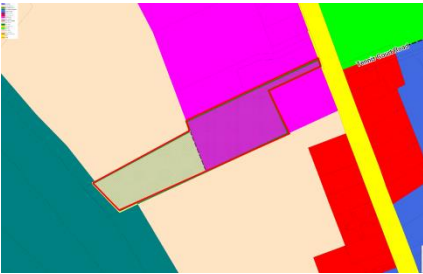
		<p>potential of properties but also aims to limit the number of sensitive uses encroaching upon land which has agricultural potential. The Significant Agriculture Zone only allows for new residential use where necessary to facilitate the management of the land for agricultural purposes and where it does not fetter existing or potential agricultural use on other land. Therefore, the application of this zone to the Maxfields Road area was applied in accordance with the Regional Strategy implementation guidelines at the time.</p> <p>Following a change to LUPPA in 2015 amendments to the Interim Planning Scheme can be considered if the amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy. On this basis and for the reasons set out, it is recommended the Rural Resource Zone is applied instead of the Significant Agriculture Zone to this property and to the properties located at the eastern end of Maxfields Road.</p> <p>The site in question is surrounded by other lots not quite as small, however all are far smaller than the required size for the Significant Agriculture zone and smaller than would be viable for any farming practices. The land is also steep and wooded. These properties are small in size and constrained by prevailing residential development. The particular site and other sites in the area are also limited by reserved roads that crisscross the area which also limits any potential for consolidation of lots in the future.</p> <p>It is clear the land is not “higher productivity value” land for the purposes of the Zone Purpose Statements of the Significant Agriculture zone.</p> <p>All surrounding properties and further beyond are zoned Significant Agriculture therefore meaning a spot zoning of this property to Rural Resource would not be consistent with the <i>Productive Resources Policy</i> in the Regional Strategy, or the <i>Productive Resources Background Report (No.7)</i> or the <i>Protection of Agricultural Land Policy</i>.</p>	
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<p><b>Rep No: 3</b></p> <p>10 Marsden Lane, Eggs and Bacon Bay (G Dorian)</p> <p>(Local provision-zoning issue)</p>	<p>The representation has requested that this property be rezoned from Rural Resource to Low Density Residential as the site immediately adjoins Low Density Residential zoned land to the east and is a relatively small parcel.</p> 	<p>The property was zoned Rural A under the <i>Port Cygnet Planning Scheme 1988</i>. The minimum lot size for this zone was 12 hectares. Under the Interim Planning Scheme the land is zoned Rural Resource with subdivision being prohibited.</p> <p>It is considered there is no merit in extending the Low Density Residential Zone in this location as the area is not serviced, is fully forested (therefore increasing bushfire risk) and would have considerable subdivision potential if rezoned. Regional Policy SRD1.6 provides that the Low Density Residential Zone is only to be used where it is necessary to manage land constraints in settlements or to acknowledge existing areas. The site is not associated with an existing low density settlement area therefore the rezoning of this parcel would be inconsistent with the Regional Strategy.</p> <p>The band of vegetation extending across Burnetts Hill to Echo Sugarloaf has been</p>	<p>That no change be made to the zoning of the property at 10 Marsden Lane, Eggs and Bacon Bay, in response to the representation received.</p>

		<p>identified within the Huon / Kingborough Biolinks Project as forming an important corridor across the landscape with the aim of improving biodiversity in, and linkages between, priority vegetation communities and key habitat for threatened species. The site forms part of this biodiversity / landscape corridor. A Biodiversity Protection Area does not apply to the site as no threatened native vegetation communities or threatened species records have been detected on the site therefore the value of the values determined in the Biolinks Project is not considered by the Biodiversity Code.</p> <p>The request to rezone the land would not be consistent with the Regional Strategy as it would be a significant change to the strategic intent of this zone.</p> <p>In relation to the impact of the representation on the Interim Planning Scheme as a whole the proposal has not been subject to public notification and the opportunity for public comment. The zone change from the <i>Port Cygnet Planning Scheme 1988</i> was a direct translation to the Interim Planning Scheme and for this reason it is not considered appropriate to support a significant zone change through the Interim Planning Scheme representation process in these circumstances as it would deny natural justice to other parties. Should the representor wish to pursue to the zone change, then an application for an Interim Planning Scheme amendment could be made by the representor.</p>	
<p><b>Rep No: 4</b></p> <p>86 Agnes Street, Ranelagh (CT 23737/5 and CT 23992/4) (R Perrin)</p> <p>(Local provision-zoning issue)</p>	<p>The representation has requested to zone these properties to Community Purpose or Recreation given the current and historical use of these properties as a public playground owned and managed by the Huon Valley Council.</p>	<p>The Regional Strategy drafting guidelines required small scale playground facilities to be absorbed into the surrounding zoning as opposed to being applied the Recreation Zone. The site has been zoned General Residential under the Interim Planning Scheme which is a direct translation from the former Closed Residential Zone under the <i>Huon Planning Scheme 1979</i>. The use of the park is consistent with the residential use of the area and is provided specifically for the benefit of residents in the area.</p> <p>The representation raises a concern that the zoning will increase the risk of Council selling the land for private development in the future. The sale of Council land is not a planning matter and is addressed separately under Council's strategic assets and reserves plans.</p>	<p>That no change be made to the zoning of the property at 86 Agnes Street, Ranelagh in response to the representation received.</p>



		<p>The application of the Recreation Zone would not secure the land tenure status of this property in any event. That is, if the land was zoned Recreation this would not prevent the land being sold and rezoned to complement the surrounding zoning context.</p> <p>Also, rezoning the land would not hinder further 'Passive Recreation' use and development on this property which has a 'No Permit required' use status within the General Residential Zone. It is anticipated the zone would enable for further expansion of the playground facilities.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole it is not considered that it would be consistent with the Regional Strategy and is not supported for this reason.</p>	
<p><b>Rep No: 16 and 17</b></p> <p>43 Wilmot Road, Huonville (J Mundy and M &amp; S Jackman)</p> <p>(Local provision-zoning issue)</p>	<p>The representation has requested this property be rezoned Light Industry in its entirety. The representation indicates the reason for the request is to increase light industrial opportunities of the land (ie. expansion potential).</p> 	<p>The property was zoned Light Industry, Rural and Public Open Space Reservation under the <i>Huon Planning Scheme 1979</i> with the zone boundary forming an extension to the rear boundary of the properties to the north-west.</p> <p>Under the Interim Planning Scheme, a direct translation to the Light Industry and Rural Resource Zones was applied. The zone boundary under the Interim Planning Scheme is identical to that under the former Planning Scheme. The Public Open Space land reservation has not been applied under the Interim Planning Scheme as the land is not publicly accessible and does not provide any public recreational use.</p> <p>The Light Industry zoned portion supports a range of approved activities including a storage business and body works. These activities have been confined wholly to the Light Industry zoned portion of the site.</p> <p>Relevant considerations include the Industrial Activity Policy (IA1 and IA3) of the Regional Strategy, and Industrial land demand projections for the municipal area. The availability of industrial land on a regional and municipal basis has been considered in</p>	<p>That no change be made to the zoning of the property at 43 Wilmot Road, Huonville in response to the representation received.</p>

		<p>the following:</p> <p><i>Industrial Activity: Background Report (No. 12); Southern Tasmanian Industrial Land Study (Stage 1) Report (2011); Industrial Land Demand Tasmania Report (DEDTA) (2011); Southern Tasmanian Industrial Land Strategy (No.2) Report (2013).</i></p> <p>This proposed modification would not be consistent with the <i>Huon Valley Land Use and Development Strategy, Huonville-Ranelagh Structure Plan</i> and Regional Strategy.</p> <p>In relation to the impact of the representation on the Interim Planning Scheme as a whole, the proposed zoning change would be a significant change to the strategic intent of the Regional Strategy. Therefore, the representor should consider seeking the proposed zone change using the planning scheme amendment provisions of the LUPAA. This is considered a more appropriate process given the nature of the proposed change of zoning. For these reasons, an application for an amendment to the Interim Planning Scheme should be considered by the representor under those provisions instead of its consideration through the Interim Planning Scheme representation process.</p>	
<p><b>Rep No: 11</b></p> <p>Application of the Rural Resource Zone to 545 Glen Huon Road, Huonville (F Lemon)</p> <p>(Local provision-zoning issue)</p>	<p>The representation refers to the application of the Rural Resource Zone to the land and questions the use of this zone on land that has negligible or limited ability to sustain rural land use (such as hobby farming and primary agriculture). The submission indicates that there should be the potential to subdivide Rural Resource zoned land in order to allow for farmers to still be able to reside on their property but with less land to manage.</p>	<p>The property at 545 Glen Huon Road was zoned Rural and Intensive Rural under the former <i>Huon Planning Scheme 1979</i>. Under the Interim Planning Scheme, a direct translation to the Rural Resource Zones has occurred.</p> <p>Subdivision was not possible under the <i>Huon Planning Scheme 1979</i> as a 20 hectare minimum lot size applied to the Intensive Rural and the Rural Zone. The subdivision standards sought to prevent further fragmentation of rural land within the Huon Valley and for rural living use and development to be concentrated within designated locations rather than through an ad-hoc dispersal of small rural lots throughout the Valley. The past legacy of sub-minimum lot provisions within the former Planning Schemes has resulted in the Huon Valley containing a large percentage of small rural lots which places considerable pressure on environmental and environmental values,</p>	<p>That no change be made to the zoning of the property at 545 Glen Huon Road, Huonville or the subdivision standards for the Rural Resource Zone in response to the representation received.</p>



increased pressure for servicing and increases the potential for land use conflict between sensitive and agricultural uses.


The *Productive Resources Background Report No. 7* (background report to the *Productive Resources Policy*) of the Regional Strategy prepared by the Southern Tasmanian Councils Authority acknowledges that the agricultural potential of the Southern Region is affected by the significant extent of land fragmentation. It refers to the extent of land fragmentation in the Huon Valley as being more extensive than any other major agricultural production area in Tasmania. Therefore, the Background Report notes that this is an important issue for the protection of the productive rural land in this area.

One way to protect areas capable of rural use is to apply the Rural Resource Zone or Significant Agriculture Zone and prohibit subdivision except in accordance with the Interim Planning Scheme standards. This approach furthers the objectives of the *Policy on the Protection of Agricultural Land 2009* and the Regional Strategy.

The property forms one of the largest rural titles within the Glen Huon Road area and is surrounded by Rural Resource / Significant Agriculture zoned land.

In relation to the impact of the representation on the Interim Planning Scheme as a whole it would be inappropriate to rezone this property to Rural Living as it would be a significant change in the strategic intent for the site.


In relation to the impact of the representation on the Interim Planning Scheme as a whole, the proposed zoning change would be a significant change to the strategic intent of the Regional Strategy. Therefore, the representor should consider seeking the proposed zone change using the planning scheme amendment provisions of the LUPAA. This is considered a more appropriate process given the nature of the proposed zone change. For these reasons, an application for an amendment to the Interim Planning Scheme should be considered by the representor under those

		provisions instead of its consideration through the Interim Planning Scheme representation process.	
<p><b>Rep No: 6 and 10</b></p> <p>23 Guys Road, Cygnet (M and S Gibson) (Two submissions received)</p> <p>(Local provision-zoning issue)</p>	<p>In the representation the land owner has requested that the 1.5 hectare Rural Resource zoned property be rezoned to Rural Living so it can be subdivided into three lots. Recently a discharge of Adhesion Order request to separate the adhered titles into the original three lots was refused by Council. The submission requests the application of the Rural Living Zone be applied as the property is used primarily for residential purposes.</p> <p>It is noted that the current owner purchased the property in 2014</p> 	<p>The property at 23 Guys Road, Cygnet was zoned Rural A under the former <i>Port Cygnet Planning Scheme 1988</i>. Under the Interim Planning Scheme, a direct translation to the Rural Resource Zone has occurred. Subdivision within the Rural A Zone required a minimum lot size of 12 hectares with no subdivision being possible within the Rural Resource Zone unless it was for a boundary re-organisation.</p> <p>By way of background, an application was received in 2015 to discharge an adhesion order registered by the Land Titles Office in 2011.</p> <p>The adhesion of three lots contained in Certificates of Title Volumes 33780 Folios 3, 4 and 5 was registered with the LTO on the 27 April 2011 and resulted in the amalgamation of three titles into a single 1.5 hectare allotment. The site is developed with a single dwelling in the south-western corner of the lot near the frontage with Guys Road. The dwelling is located within Folio 4 of the original configuration. The remainder of the site was used by the previous land owner for intensive food production purposes and supplemented the income of the property through selling produce to local suppliers.</p> <p>An application to discharge the Adhesion Order was not considered to further Council's strategic direction for the area which is to protect rural land for rural related activities, limit the number of residences in an un-serviced location and to protect the rural landscape. The creation of two additional lots to the east of the existing dwelling through the discharge of the Adhesion Order was considered to potentially result in the potential for sensitive uses to be established within a close proximity to existing commercially viable agricultural land located to the east and south of the site. It was also noted that the discharge of the Adhesion Order and subsequent development of residential dwellings would not be capable of complying with the minimum setback standards applied to the Rural Resource Zone at the time.</p>	<p>That no change be made to the zoning of the property at 23 Guys Road, Cygnet</p>

		<p>The site is serviced with water and the existing dwelling is serviced with a sewer connection. Whether there is adequate capacity to extend sewer services to the remainder of the site needs further investigation.</p> <p>The Rural Resource Zone has been applied to the site as it is located outside the Urban Growth Boundary identified under the <i>Huon Valley Land Use and Development Strategy</i> (GHD, 2007). It is noted however that the land zoned Rural Resource Zone in this location encompasses a group of smaller lots that are limited by roads and proximity to land zoned Village and Low Density Residential.</p> <p>Request is for the Rural Living Zone to be applied to this site in isolation of any Rural Living zoned land in this area. Regional Policy SRD1.3 of the Regional Strategy allows for the application of the Rural Living Zone regardless of current zoning provided the area of the rural living community is either substantial in size, or adjoins a settlement and will not be required for any other settlement purpose and only limited subdivision potential is created. This property, in the context of the surrounding rural land uses to the east, is not considered to form part of an existing rural living community. The application of the proposed zone would create the potential for subdivision within this area given the partial services available.</p> <p>However, the introduction of an isolated 'spot zoning' of Rural Living zoned land amongst an area supporting viable farming activities to the east would be inconsistent with the Interim Planning Scheme Objectives for the zone and therefore is not justified.</p> <p>Further analysis of this proposal in relation to the Tasmanian Planning Scheme may be appropriate including consideration of adjacent lots and the future strategic planning direction of this area.</p> <p>In relation to the impact of the representation on the Interim Planning Scheme as a whole, the proposed zoning change would be a significant change to the strategic</p>	
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		intent of the Regional Strategy. Therefore, the representor should consider seeking the proposed zone change using the planning scheme amendment provisions of the LUPAA. This is considered a more appropriate process given the nature of the proposed zoning change. For these reasons, an application for an amendment to the Interim Planning Scheme should be considered by the representor under those provisions instead of its consideration through the Interim Planning Scheme representation process.	
<p><b>Rep No: 14</b></p> <p>755, 809 and 859 Esperance Coast Road, Police Point (IreneInc Planning)</p> <p>(Local and regional provision- zoning issue and amendment requires to a zone provision)</p>	<p>The representation questions the application of the Rural Resource Zone under the Interim Planning Scheme to 859 Esperance Coast Road which was formerly zoned both the Tourist Facilities Zone and the Business Zone under the <i>Esperance Planning Scheme 1989</i>.</p> <p>The representation refers to the site at 859 Esperance Coast Road as having a valid planning approval for a shop (DA-35/2015) and two visitor accommodation units. Furthermore, an application has been made for a motel development (DA-176/2015). It is noted that no commercial use has established on the site at this point in time.</p> <p>The representation submits the Rural Resource Zone is not a like-for-like transition from the zoning under the previous Planning Scheme.</p>	<p>The Major Tourism Zone was the only available direct translation zoning under the Interim Planning Scheme to this land.</p> <p>However, under the direction of the Tasmanian Planning Commission, the Major Tourism Zone has not been used within the Interim Planning Scheme as the scale of tourism related developments within the Municipal Area are not of sufficient magnitude to warrant the use of this zone. Also, no tourism related activities had been approved or developed on the property at the time of preparing the Interim Planning Scheme.</p> <p>The Rural Resource Zone has been applied under the Interim Planning Scheme.</p> <p>Since the completion of the Interim Planning Scheme, an application has been received for a motel development at 859 Esperance Coast Road. The Business Zone and Tourist Facilities Zone under the former Planning Scheme allowed for a <i>'Shop'</i> and for a <i>'Motel'</i> on a Permitted and Discretionary basis.</p> <p>By comparison, the Rural Resource Zone allows for a <i>'Food service'</i> and <i>'General retail and hire'</i> on a discretionary basis on the qualification that <i>'Only if for the sale of agricultural produce primarily from the property or for the hire of rural equipment'</i>.</p> <p><i>'Visitor accommodation'</i> in the Rural Resource Zone is prohibited if it is for a motel therefore any expansion of the motel development (if approved and constructed) would be constrained by the extension to a non-conforming use provisions under</p>	<p>That the <i>Interim Planning Scheme</i> be amended so that <i>'Visitor accommodation'</i>, <i>'Food services'</i> and <i>'General retail and hire'</i> each form an unqualified discretionary use on 859 Esperance Coast Road, Police Point.</p> <p>The rezoning to the Village Zone is not supported.</p> <p>No change is recommended to the zoning of 755 or 809 Esperance Coast Road, Police Point in response to the representation.</p>

	<p>With respect to 859 Esperance Coast Road, the representation has requested that this property be zoned Village in its entirety as this would be consistent with the local provisions for the objectives for Police Point. The representation indicates that the zoning of 859 Esperance Coast Road would prohibit the proposed motel development and would unfairly constrain the development of the site from the opportunities that existed under the previous Planning Scheme.</p> <p>As part of a rezoning to Village, it is suggested that various amendments be made to this zone including the insertion of an additional Zone Purpose Statement to emphasise that this zone should provide for commercial and tourist operations that are in keeping with the natural environment and appearance of the area and for a Local Area Objective to be inserted. Additionally, it is recommended that the <i>'Manufacturing and Processing'</i> and <i>'Resource Processing'</i> use classes within Table 16.2 Use Table be amended to allow for an exception for</p>	<p>Clause 9.1.1 of the Interim Planning Scheme.</p> <p>It is considered that the proposed Interim Planning Scheme zone change to Village does represent a significant change to the former zoning and is not supported for the following reasons:</p> <ul style="list-style-type: none"> <li>● This zone will allow considerable subdivision opportunities in an un-serviced, rural location;</li> <li>● Would allow for a broader range of uses than otherwise provided for as the Village Zone would extend across a much larger area than the Business zoning under the former Planning Scheme;</li> <li>● The application of the Village Zone in this location would be contrary to the Regional Strategy as this zone is meant for existing small rural centres (ie. mixed use centres) where there is an undifferentiated mix of residential, commercial and community services (none of which are present on this site or within the surrounding area);</li> <li>● The Village Zone would be contrary to Regional Policy SRD2.2 of the Regional Strategy as it provides for Greenfield opportunities through an Urban Growth Boundary. The site is not located within an Urban Growth Boundary established around an existing settlement area;</li> <li>● The application of the Village Zone in this location is contrary to Regional Policy AC1.3 of the Regional Strategy as it would encourage out of centre development.</li> <li>● The application of the Village Zone would be contrary to Regional Policy AC1.6 Regional Strategy as it would encourage mixed use development outside of an Activity Centre.</li> </ul> <p>The conversion of this site to Village would not necessarily deny natural justice to others given the range of permissible uses under the previous zones; however it would represent a significant change in the strategic planning intent for this site.</p>	
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	<p>this site.</p> <p>The submission also indicates that the narrow configuration of the lot will result in the minimum numerical setback standards under the Performance Criteria for setbacks within the Rural Resource Zone being impossible to satisfy.</p> <p>The submission also indicates that the development proposed for this site is inconsistent with the Zone Purpose Statements for the Rural Resource Zone.</p> 	<p>Given the former zoning of the site and the clear commitment to proceed with a tourist related development on the site in relation to both DA-35/2015 and DA-176/2015 (which is listed for consideration by Council at its meeting on the 27 January 2016), the application of the Rural Resource Zone is no longer considered an appropriate zone to apply without there being qualifications also applied.</p> <p>Therefore, as an alternative to the use of the Village Zone, it is recommended site specific qualifications are included in the Use Table of the Rural Resource Zone to provide for the following unqualified discretionary uses at 859 Esperance Coast Road, Police Point, if the Development Application (DA-176/2015) is approved by Council at the above meeting (subject to any conditions of approval):</p> <ul style="list-style-type: none"> <li>● 'Food services';</li> <li>● 'General retail and hire';</li> <li>● 'Visitor accommodation'.</li> </ul> <p>This will allow for the types of uses commonly associated with a motel development to be conducted on this site given its former use. This change can also be supported on the basis it is, <i>as far as practicable</i>, consistent with the Regional Strategy.</p> <p>With respect to point raised in the representation as to the ability to comply with the minimum setback standards within the Interim Planning Scheme, this matter has been addressed separately through an urgent amendment request to the Tasmanian Planning Commission. Council resolved on the 26 September 2015 to request the Tasmanian Planning Commission to urgently amend the Interim Planning Scheme under Section 30IA of the Act. The urgent amendment was approved by the Commission on the 16 December 2015 with some minor drafting changes which do not alter the outcome of the request.</p> <p>This resulted in the numerical setback standards being removed from the Performance Criteria within the Rural Resource Zone.</p>	
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		<p>With respect to point raised in the representation as to the incompatibility with the Zone Purposes Statements of the Rural Resource Zone, Clause 26.1.1.6 of the Interim Planning Scheme states:</p> <p><i>'To provide for opportunities for economic development that it compatible with agriculture and timber harvesting activities, environmental and landscape values'.</i></p> <p>The investment made into the development of this site for tourist accommodation is considered appropriate for this site as it is surrounded by land managed as a coastal foreshore reservation and rural lifestyle allotments. A tourism development and associated uses would be unlikely to affect agricultural or timber harvesting activities and would be able to be responsive to the environmental and landscape values of the area subject to design detail.</p> <p>As the proposed amendments are to be added as qualifications as outlined above, they are not considered significant amendments and are therefore supported on this basis. In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered the proposed amendments are, as far as practicable, consistent with the Regional Strategy.</p>	
<p><b>Rep No: 22</b> 69 Macnaghten Road, Dover CT 151170 Folio 1 and 2 (R &amp; P Glynn)  (Local provision-zoning issue)</p>	<p>This representation requests that CT 151170/1 be rezoned to Rural Living and CT 151170/2 be rezoned to Low Density Residential. The representation indicates that the application of the Rural Resource Zone does not represent a fair and equitable translation zoning. The representation states that the Rural Resource Zone imposes more stringent development</p>	<p><i>Property CT 151170/1:</i></p> <p>This land was zoned Rural B under the <i>Esperance Planning Scheme 1989</i>. Under the Interim Planning Scheme the land is zoned Rural Resource. The zone change from the former Planning Scheme to the Interim Planning Scheme was a direct translation.</p> <p>The lot has a land area of 3.1 hectares and formed a sub-minimum lot within the Rural B zoning (40 ha minimum lot size requirement). A dwelling was also a discretionary development on a lot which came into effect by way of subdivision after the prior Planning Scheme implementation date. This lot is provided with frontage</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

controls, will make a dwelling a discretionary development and will consequently devalue the land.



onto a Crown reserved road and legal access is provided via a Right of way to Macnaghten Road. The site was also located within a buffer area applied under the former Planning Scheme protecting a sawmill directly to the west.

The representation refers to lots zoned Rural Living to the north of this property (CT 151170/1). This is a small area of land located alongside the Huon Highway. These lots are considerably smaller than the property in question (0.5-1 hectare) and were considered to form part of an existing rural living community. Therefore, the Rural Living zone was applied to these properties in accordance with the Regional Strategy notwithstanding the former Rural B zoning that previously applied.

The property CT 151170/1) is considerably larger in size and physically isolated from this existing rural living community. This means the application of the Rural Living Zone would be inconsistent with Regional Policy SRD1.3 (a) of the Regional Strategy if it was also applied to the property.

The application of the Rural Living Zone would also potentially increase subdivision opportunities within an area near Light Industrial zoned land directly to the west. Therefore, the rezoning of land to Rural Living in this location would also be inconsistent with Regional Policy SRD1.3(c)(iii).

Based on the above reasons, it would be inappropriate to rezone this land to Rural Living through the Interim Planning Scheme representation process. It would be more appropriate for an application for an amendment to be made by the owners should they wish to pursue the zone change.

The submission made in the representation would have an impact on the Interim Planning Scheme as a whole as it affects the strategic allocation of land use.

*Property CT151170/2:*

		<p>With respect to CT151170/2, this property was zoned Reserved Residential under the <i>Esperance Planning Scheme 1989</i>. Under the Interim Planning Scheme, the Rural Resource Zone has been applied as a direct translation from the Reserved Residential Zone which acted in effect as a holding zone.</p> <p>The intent of the Reserved Residential zone was to ensure that areas suitable for urban development were protected from premature un-serviced development. This lot has a land area of 1.4 hectares and the minimum lot size for un-serviced land within the Reserved Residential Zone was 4 hectares.</p> <p>Therefore, this zoning meant subdivision development to an urban density was delayed until such time that reticulated sewerage and water services were made available. Therefore, a Development Plan was required to be prepared to enable subdivision in this zone.</p> <p>If the application of the Low Density Residential Zone was applied to this lot as proposed under the Interim planning Scheme, this would form an isolated zoning and would be outside the Urban Growth Boundary for Dover.</p> <p>The <i>Huon Valley Land Use and Development Strategy</i> recognises that the Harvey Town settlement area is suitable as a low density residential area with limited infill opportunities subject to satisfactory waste disposal. However, this area does not extend beyond Macnaghten Road to include CT151170/2. Access constraints would also mean subdivision or multi-unit residential development would not be practical upon this lot, therefore the application of the Low Density Residential Zone would be inappropriate in an isolated location.</p> <p>The Rural Resource Zone allows for the same variety of land use possible under the former Reserved Residential zoning with the exception of multiple dwelling (which is not appropriate for this site for reasons outlined above). Whilst the development standards applied to the Rural Resource Zone may be more onerous, they are</p>	
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		<p>considered on a discretionary basis. The application of the Rural Resource Zone is not inconsistent with previous use and development rights and represents an appropriate translation zoning in this location.</p> <p>The submission made in the representation would have an impact on the Interim Planning Scheme as a whole as it affects the strategic allocation of land use.</p> <p>In relation to the impact of the representation on the Interim Planning Scheme as a whole, the proposed zoning change to these properties would be a significant change to the strategic intent of the Regional Strategy. Therefore, the owners should consider seeking the proposed zone change using the planning scheme amendment provisions of the LUPAA. This is considered a more appropriate process given the nature of those proposed changes instead of the Interim Planning Scheme representation process.</p>	
<p><b>Rep No: 32</b></p> <p>7 Crabtree Road, Grove (A Goodsell)</p> <p>(Local provision-zoning issue)</p>	<p>This representation requests greater flexibility in the Significant Agriculture Zone standards to allow expanded light industrial activity on this site. This is proposed to be achieved through allowing a site specific amendment for 7 Crabtree Road within the discretionary use qualification for <i>'Resource processing'</i> to reflect existing activities conducted on this site and to allow for further intensification beyond that which can be accommodated under Section 9.1.1 of the Interim Planning Scheme.</p> <p>The representor indicates that Bioflex Nutrition intend to convert a recently</p>	<p>The Interim Planning Scheme allows for <i>"Resource processing"</i> on a permitted basis only if located on particular sites already established for such activities. The <i>"Resource processing"</i> use class is also listed as a discretionary use in Table 27.2 on the qualification <i>"except if permitted or for the treating, processing and packing of produce from the area"</i>. The Bioflex Nutrition business relies on produce primarily sourced from the mainland therefore any intensification beyond that which can be approved under Section 9.1.1 of the Interim Planning Scheme is prohibited.</p> <p>At the time of drafting the Interim Planning Scheme, the new storage shed application had not been lodged with Council. Therefore, there was no proposal outlining Bioflex's intentions to expand operations on the site available to consider at that time. Bioflex Nutrition currently operates within a former apple packing shed located near the frontage with Crabtree Road. Planning approvals have been granted for <i>"Light Industrial"</i> use to occur within this building (manufacture of bulk nutrients) along with a large shed to the rear which has been approved for storage purposes only.</p>	<p>That 7 Crabtree Road, Grove be rezoned from the Significant Agriculture Zone to the Rural Resource Zone.</p>

approved and constructed storage shed located to the rear of the building to an additional processing area.



There is a precedent within the Significant Agriculture Zone to enable specific uses on specific sites to continue to be expanded on a permitted or discretionary basis. The modification of the discretionary use qualification for the Resource processing use within the Significant Agriculture Zone in recognition of the activities conducted on site is considered reasonable in the context of the existing low impact activities conducted on the site and ability to utilise existing infrastructure including suitable road access, buildings and reticulated services.

The former *Huon Planning Scheme 1979* applied the Intensive Rural Zone to this site which prohibited Light Industry use. The Bioflex business was able to operate within the existing apple packing shed by virtue of Clause 5.2.3(A) of the *Huon Planning Scheme 1979* which provided:

*If in the Intensive Rural and Rural Zones the proposed use or development otherwise prohibited in accordance with Clause 5.2.3 is to be carried out in an agricultural building which existed at the approved date, but Council is nevertheless satisfied that the proposed development:-*


- (i) will not affect the amenity of the neighbourhood; and*
- (ii) does not conflict with the tenor of the Scheme; and*
- (iii) has adequate access provisions to a State Road and removes any detrimental effect thereto.*

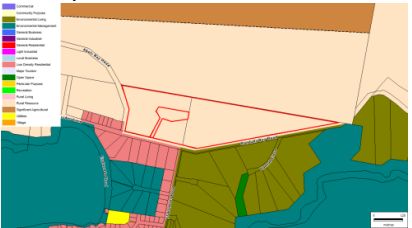
*The Council may use its discretion to approve or refuse the development.*

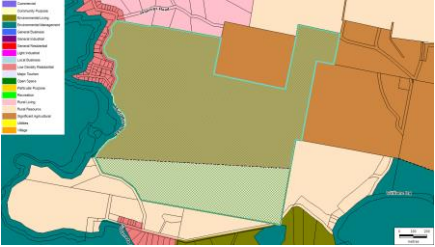
**Amendment E-2 27/6/85**

**Amendment PSA-2/2013 28/11/13**


The site adjoins two Low Density Residential zoned properties to the east which form part of the Grove township. It is considered that the proposed amendment has

		<p>considerable merit under Regional Policy PR2.4 of the Regional Strategy in that it would provide opportunities for downstream processing of agricultural products (ie. food products) and would not result in any further loss of available agricultural land given the existing development on site and its context.</p> <p>It is however considered more appropriate to rezone this parcel to Rural Resource which will allow for <i>'Resource processing'</i> on an unqualified discretionary basis. The development standards applied to the Rural Resource Zone will also better reflect the nature of the existing / proposed activities on this lot.</p> <p>The representation indicates a full planning submission will be completed prior to the Commission hearings (including a noise report and wastewater report) to assist in supporting the proposed modifications.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole it is considered that it would be consistent with the Regional Strategy and is also supported for this reason.</p>	
<p><b>Rep No: 31</b></p> <p>7 Slab Road, Cygnet (J Boks)</p> <p>(Local provision-zoning issue)</p>	<p>The representation has requested a zone change for the property at 7 Slab Road, Cygnet from Rural Resource to Rural Living (Density Area A) as the land is not farmed and is developed with a residence.</p> 	<p>This property was zoned Rural A under the <i>Port Cygnet Planning Scheme 1988</i> along with all surrounding properties. Under the <i>Interim Planning Scheme</i> the land is zoned Rural Resource along with all surrounding properties. The Rural Resource Zone formed a direct translation from the former Rural A zoning.</p> <p>This property is located within a close proximity to 23 Guys Road and is similar in characteristics. The Rural Resource Zone has been applied to the site as it is located outside of the urban growth boundary identified under the <i>Huon Valley Land Use and Development Strategy</i> (GHD, 2007). Regional Policy SRD1.3 of the Regional Strategy allows for the application of the Rural Living Zone regardless of current zoning provided the area of the rural living community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose and only limited subdivision potential is created.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

		<p>This property in the context of the surrounding rural land uses to the east is not considered to form part of an existing rural living community and it would create the potential for subdivision within this area given the only partial services available.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is not considered that it would be consistent with the Regional Strategy and also is not supported for this reason.</p> <p>Also it is not considered appropriate to support significant zoning changes through the Interim Planning Scheme representation process in these circumstances as it would deny natural justice to other parties. It would be more appropriate for an application for an amendment to the Interim Planning Scheme to be made by the owners under the LUPPA planning scheme amendment provisions should it be intended the proposed zone change is to be pursued further.</p>	
<p><b>Rep No: 34</b></p> <p>CT 231571/1, CT 230291/1 and CT 244204/1 Abels Bay Road, Abels Bay (M Thomas)</p> <p>(Local provision-zoning issue)</p>	<p>In relation to CT23157/1 and CT230291/1, The representation requests this land is rezones from Rural Resource to Low Density Residential due to their small size (in the context of other land owned by this property owner) and their proximity to the Marsden Lane Low Density Residential area.</p> 	<p>CT 231571/1 and CT 230291/1 were zoned Rural A under the <i>Port Cygnet Planning Scheme 1988</i>.</p> <p>Under the Interim Planning Scheme, the Rural Resource Zone has been applied. The zone change from the <i>Port Cygnet Planning Scheme 1988</i> to the Interim Planning Scheme was a direct translation. Both titles are subminimum rural lots with a land area collectively of approximately 5 hectares. Both titles are vacant and form part of a larger 170 hectare rural parcel located to the north within the same ownership.</p> <p>Regional Policy SRD1.6 of the Regional Strategy details that the Low Density Residential Zone can only be utilised where it is necessary to manage land constraints in settlements or to acknowledge existing areas.</p> <p>The two titles do not form part of an existing settlement area as they are isolated rural land holdings capable of supporting agricultural use.</p> <p>The submission made in the representation would have an impact on the Interim</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

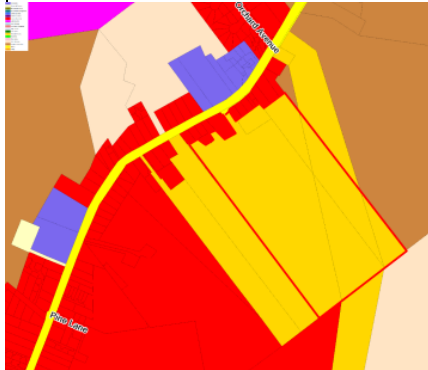
	<p>The representation also seeks to rezone the portion of CT224204/1 on the left side of Abels Bay Road from Environmental Management to Low Density Residential.</p>  <p>The owner of the land has advised Council that it is his understanding from previous surveying and original titles that there is indeed a portion of land remaining however the title plan does not show the public road being closed off and this is also not shown on the cadastre. The Land Titles Office have confirmed that there is no land existing on the other side of Ables Bay Road and therefore it is not appropriate to separately zone this land as it forms Crown land.</p>	<p>Planning Scheme as a whole as it affects the strategic allocation of land use and is inconsistent with the Regional Strategy.</p> <p>Also, it is not considered appropriate to support significant zoning changes through the Interim Planning Scheme representation process in these circumstances as it would deny natural justice to other parties.</p> <p>The representation also seeks to rezone the portion of CT224204/1 on the left side of Abels Bay Road from Environmental Management to Low Density Residential. Whilst such a proposal may have merit for consideration, the Land Titles Office has advised that this portion of land does not exist.</p>	
<p><b>Rep Nos: 27, 28 and 29</b></p>	<p>The representation requests that 4 Brookdale Close and 132 Lymington</p>	<p>Both properties were zoned Low Density Residential A under the <i>Port Cygnet Planning Scheme 1988</i> along with all surrounding properties. The <i>Port Cygnet</i></p>	<p>That no change be made to the Interim</p>



<p>4 Brookdale Close and 132 Lymington Road, Cygnet (N Richardson)</p> <p>(Local provision-zoning issue)</p>	<p>Road, Cygnet be zoned Low Density Residential as opposed to Rural Living as this is more akin with the former Low Density Residential A Zone.</p> <p>The representor submits that it will be difficult to construct a future residence on 4 Brookdale Close due to the large setback standards applied to the Rural Living Zone.</p> 	<p><i>Planning Scheme 1988</i> required a front, side and rear setback of 20 metres and 5 metres, respectively.</p> <p>Under the Interim Planning Scheme both properties are zoned Rural Living. The Rural Living Zone formed a direct translation from the former Low Density Residential A zoning.</p> <p>The Low Density Residential Zone has been applied to lots generally under 2,000 square metres (urban density) in areas where there are servicing or environmental constraints.</p> <p>The Rural Living Zone has been applied to the south of Jetty Road as this area supports lots around 0.5 - 1 hectare which is consistent with a rural living density.</p> <p>The Interim Planning Scheme zone provisions initially applied numerical front, side and rear setback requirements for development within this zone. A recent urgent amendment to the Interim Planning Scheme removed these numerical setback provisions within the relevant setback Performance Criteria of this zone. This will therefore provide sufficiently flexibility in the siting of future development on the following lots.</p> <p><u><i>132 Lymington Road, Cygnet:</i></u> This property has been zoned Rural Living under the Interim Planning Scheme and no zone change is supported for the reasons outlined above as it forms part of a larger area of Rural Living zoned land.</p> <p><u><i>4 Brookdale Close, Cygnet:</i></u> This property has a land area of 2373 square metres and is presently vacant. As a result of the amended provisions outlined above, this lot would be capable of accommodating a dwelling centrally upon the allotment which is capable of achieving compliance.</p>	<p>Planning Scheme in response to the representation received.</p>
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		The urgent amendment process has already assessed the potential impact of that proposed urgent amendment on the Interim Planning Scheme as a whole.	
<p><b>Rep No: 41</b></p> <p>186 Main Street, Huonville (M Ball)</p> <p>(Local provision – zoning issue)</p>	<p>The representation objects to the application of the Particular Purpose Zone 1- Future Urban Growth Zone and the Particular Purpose Zone 2- Future Road Corridor Zone for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed zones are not a direct translation of the zones that existing under the former <i>Huon Planning Scheme 1979</i>.</li> <li>• The proposed zoned effectively remove development potentials that were provided under the former <i>Huon Planning Scheme 1979</i> and effectively prejudice consideration of a subdivision proposal currently before Council that provides for development consistent with the zone that existed under the former Planning Scheme.</li> <li>• The proposed Future Road Corridor is excessive in width particularly considering the likely width of any future road</li> </ul>	<p>The zoning arrangement under the former <i>Huon Planning Scheme 1979</i> is provided as follows:</p> <p>CT 167452/1: Closed Residential  CT 167455/1: Closed Residential and Intensive Rural  CT 23081/1: Closed Residential and Intensive Rural</p> <p>The zone boundary between the latter two titles was set by a distance of 240 metres to the east of the Huon Highway / Main Street. Under the Interim Planning Scheme, CT167452/1 has been allocated the Particular Purpose Zone 1-Future Urban Growth and CT 167455/1 and CT 23081/1 have been zoned both the Particular Purpose Zone 1 – Future Urban Growth and Particular Purpose Zone 2 – Future Road Corridor.</p> <p>Substantial areas within Huonville have been “back zoned” under the Interim Planning Scheme in response to flood risk, topography, infrastructure constraints or to promote a more compact urban form consistent with the Regional Strategy.</p> <p>A more compact urban form for Huonville is to be achieved by focusing growth to the east of Main Street and north of Sale Street. Two areas have been identified for longer term growth and have subsequently been zoned Particular Purpose Zone 1. The former Closed Residential / Intensive Rural Zone boundary precluded any effective subdivision to the east of Main Street / north of Sale Street as it effectively provided for cul-de-sac style subdivision off the Main Street which is not permissible in the General Residential Zone of the Interim Planning Scheme.</p> <p>In order to allow for a future subdivision design to occur in this area, the entirety of the titles has been zoned Particular Purpose 1 consistent with the <i>Huonville / Ranelagh Structure Plan</i>.</p>	<p>Given the significant nature of the proposed zoning issues referred to in the representation, the planning scheme amendment provisions of the LUPAA are considered a more appropriate process for consideration of these issues raised.</p> <p>Therefore, no change is recommended to the Interim Planning Scheme in response to the representation received as part of the representation process.</p>

	<p>to be constructed within it and its proposed alignment effectively removes any development potential of that part of the subject site known as CT2308/1, and further substantially reduces the development potential of that part of the site known as CT167455/1.</p> <p>The proposed future road corridor could have been located on a less impacting alignment paralleling the common boundary with the property to the north of the subject land consistent with the alignment of the future road corridor that was publicly notified as part of the draft Interim Planning Scheme.</p>	<p>The alignment of the Particular Purpose Zone 2 departs from the alignment shown in the <i>Huonville / Ranelagh Structure Plan</i> and the <i>Huon Valley Land Use and Development Strategy</i> for reasons which will be discussed below.</p> <p>By way of background, it is noted that the future road corridor alignment shown on both of these strategic documents differs slightly as the alignment is indicative only. The protection of this corridor through the Particular Purpose Zone 2 has taken into account the Regional Policies of the Regional Strategy and applied the relevant considerations from the strategy within the Interim Planning Scheme. This has resulted in further changes necessary to achieve the strategic intent outcomes of the Regional Strategy.</p> <p>The Particular Purpose Zone 2 affects a significant proportion of CT 23081/1 and to a lesser extent CT 167455/1. The Particular Purpose Zone 2 has been applied in sections to a width of 100 metres so as to not limit the alignment of this road (a detailed survey is yet to occur) and to allow for the 50 metre Highway buffer required under the Road and Railway Assets Code to ensure best practice road noise attenuation can be achieved. This will safeguard future development of the Particular Purpose 1 zoned land from the new Highway. Alternatively, a rezoning request for the Particular Purpose Zone 1 will need to demonstrate an adequate buffer from the Particular Purpose 2 zoned land.</p> <p>Either way, the effect on CT 167455/1 and CT 23081/1 is similar, although the accommodation of the buffers within the Particular Purpose Zone 2 will provide greater certainty that this area is not developed for some other purpose which would preclude a future road alignment and required buffers. The width in the road corridor will also assist in meeting the 200 metre buffer distance from the boundary of Significant Agriculture zoned land as required by Regional Policy PR1.2 of the Regional Strategy.</p>	
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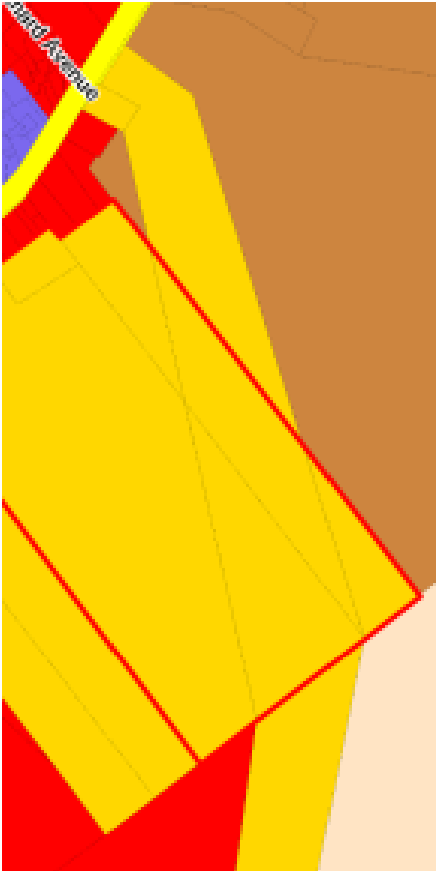
Therefore, it is considered the 100 metre width for the Highway is justified and appropriate.

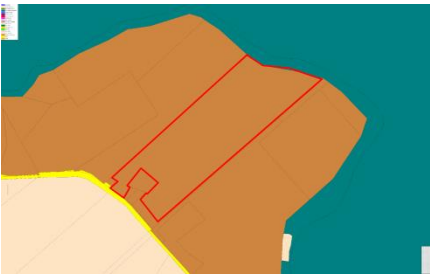
The suggestion in the representation to shift the Particular Purpose Zone 2 so that it aligns more closely to the north-eastern and south-eastern boundaries of CT 23081/1 and CT 167455/1 would place a prominent curvature in the road and would result in the eventual removal of more operational orchard trees and thereby reduce the land used for agricultural (orchard) purposes as approximately half of the adjoining Significant Agriculture zoned land would be lost to the Particular Purpose Zone 2. The orchard area located on CT165246/1 is zoned Significant Agriculture.

Relevant matters also include the extent of potential displacement of productive agricultural land in relation to residential zoned land. Regional Policy PR1.1 of the Regional Strategy indicates that the Significant Agriculture Zone is to be used to identify regionally significant agricultural land in planning schemes and to manage that land consistently across the region. This is consistent with land with more limited agricultural production value such as vacant land being designated for future road corridor use, as far as practicable, as that is consistent with strategic land use planning outcomes set out in the Regional Strategy, LUPPA Schedule 1 Objectives, *Policy on the Protection of Agricultural Land*, the Interim Planning Scheme, *Huon Valley Land Use and Development Strategy* and *Huonville / Ranelagh Structure Plan*.

Other considerations include the Interim Planning Scheme Regional or Local Objectives in 3.0.1 – Infrastructure, 3.0.5 – Productive Resources, 3.09 – Competiveness and other relevant Interim Planning Scheme Regional or Local Objectives.

Also, other considerations may include Clause 7.0 of the Interim Planning Scheme and the relationship between Codes and Zones. This is because to the extent of any inconsistency between relevant Code provisions and Zone provisions, then Code provisions would take precedence.


		<p>Therefore, any inconsistency between for example, a provision of the Road and Railway Assets Code and a provision of the Particular Purpose Zone 2 – Future Road Corridor, or provision of the Significant Agriculture Zone or provision of the General Residential Zone, then the Code provision would apply.</p> <p>A subdivision application was lodged with Council prior to the declaration of the Interim Planning Scheme for a 43 lot subdivision and balance for CT167452/1 and CT167455/1. The assessment process for this application is not yet completed.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is not considered that it would be consistent, as far as practicable, with the Regional Strategy and is not also therefore supported for this reason in its current form.</p> <p>Given the nature of the proposed zoning issues referred to in the representation, the planning scheme amendment provisions of the LUPAA are considered a more appropriate process for consideration of these issues. Therefore, following further consultation relating to the above matters, an application for an amendment to the Interim Planning Scheme could be considered by the representor.</p>	
<p><b>Rep No: 5</b></p>	<p>The representation questions the application of the Significant</p>	<p>CT 118225/17, CT 118942/16 and CT 159345/1 were zoned Rural B under the <i>Esperance Planning Scheme 1989</i>. Under the Interim Planning Scheme, the Significant</p>	<p>That a review of the current zoning be</p>

<p>PID 3124105 Huon Highway, Waterloo (including CT 118225/17, CT 118942/16 and CT 159345/1) (Mr and Mrs Jackson)</p> <p>(Local provision- zoning issue)</p>	<p>Agriculture Zone to CT 118225/17, CT 118942/16 and CT 159345/1 as the land owner submits the land is not capable of intensive agricultural use. The submission also submits the proposal does not further the Zone Purpose Statements for the Significant Agriculture Zone.</p> <p>The land owner indicates for the reasons set out that the low fertility, lack of topsoil and lack of irrigation water make the land unsuited for any economically sustainable horticulture and the small area of land make it unsuited for economically sustainable grazing.</p> 	<p>Agriculture Zone has been applied.</p> <p>The Rural B Zone under the former Planning Scheme recognised that rural land was to be protected from premature use or development that may jeopardise the realisation of its long term potential based upon optimum land capability.</p> <p>The application of the Significant Agriculture Zone in Waterloo correlated with an area in which intensive agriculture was common (ie. apple and cherry orchards to the east) and the titles in question have supported intensive forms of agriculture in the past including an orchard and daffodil farm. The representation focuses on the economic viability of agricultural land, however, this is not a key determinant for the Significant Agriculture Zone.</p> <p>The <i>Productive Resources Policy</i> in the Regional Strategy, and the <i>Productive Resources Background Report (No.7)</i>, including the <i>Protection of Agricultural Land Policy</i> are relevant to this representation.</p> <p>The <i>Productive Resources Background Report (No.7)</i> (used to guide the formation of the Regional Policies within the Regional Strategy) required the application of the Significant Agriculture Zone to these areas (Regional Policy PR1.1 of the Regional Strategy).</p> <p>The land has been mapped as having significant agricultural potential as part of an agricultural productivity assessment commissioned by the Southern Tasmanian Councils Authority (STCA). The land and surrounding lands are mapped as Class 5 land under the Land Capability Classification for Tasmania which along with Class 4 land dominates the land classification of productive areas within the Huon Valley.</p> <p>As noted in the <i>Productive Resources Background Report (No.7)</i>, Class 5 land forms non-prime agricultural land whereby Principle 7 of the <i>Policy on the Protection of Agricultural Land</i> states that “the protection of non-prime agricultural land from</p>	<p>undertaken as to the suitability of the current zoning and whether the Rural Resource Zone is more practicable and suitable including in its application to adjoining land to the west between this property and 5635 Huon Highway including that property.</p>
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		<p><i>conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use". The report also states that in order to determine..." 'local significance' it is necessary to understand the region, and in order to determine 'regional significance' it is necessary to understand the State..." (page 39).</i></p> <p>The <i>Productive Resources Background Report (No.7)</i> refers to land in the Huon Valley (page 44), and in relation to the Southern Region states that whilst the region ....<i>"does not have significant swathes of prime agricultural land, the intensively farmed land it does have is significant enough both at a local, regional and state level that it warrants a high level of protection from conversion to non-agricultural uses".</i> It also refers to production value per hectare and soil classification as key data sets to define productive regions (pages 39-40).</p> <p>Following the amendments to the LUPPA in 2015, amendments to the Interim Planning Scheme can be considered on the basis the amendment is, as far as practicable, consistent with the Regional Strategy. The suitability of the current zoning is recommended to be further reviewed regarding its ongoing practicability and suitability to be applied to the land.</p> <p>This review should also consider whether the Rural Resource zone is a more practicable and a more suitable zone to apply taking into account relevant Regional Strategy policies and Interim Planning Scheme considerations, the matters referred to above and the issues raised in the representation. This review should also consider the current zoning of properties to the west between this property and 5635 Huon Highway including that property.</p> <p>This would also require as part of that assessment an analysis of the extent of any impact on the Interim Planning Scheme as a whole of a proposed zone change, and the extent it would be consistent with the Planning Scheme Regional and Local Objectives in 3.0.5 – Productive Resources and the Regional Policies PR1.1 and</p>	
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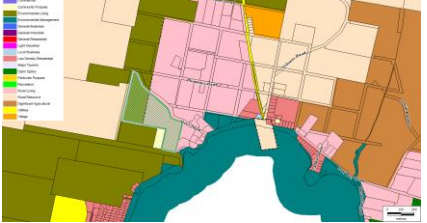
		<p>PRD1.2 of the Regional Strategy.</p> <p>If following that review there was justification for an amendment to be sought by the representor, then the planning scheme amendment provisions of the LUPAA could be used. This is considered a more appropriate amendment process given the nature of the zoning change that may then be required. Therefore, an application for an amendment to the Interim Planning Scheme may able to be pursued.</p>	
<p><b>Rep No. 46</b></p> <p>3494 Huon Highway, Franklin (IreneInc Planning)</p> <p>(Local provision-zoning issue)</p>	<p>The representation indicates that the Low Density Residential Zone under the Interim Planning Scheme is more restrictive than the Low Density Residential Zone under the former <i>Huon Planning Scheme 1979</i> and will not allow for any viable reuse or adaptation of the substantial industrial buildings on the site. The submission therefore requests that the property be rezoned to Village Zone. The submission indicates that the Village Zone would allow for a range of potential uses which could be accommodated within the existing structures.</p>	<p>This property was zoned Low Density Residential under the <i>Huon Planning Scheme 1979</i>. This zone allowed for the following commercial based use classes including:</p> <ul style="list-style-type: none"> <li>- Health centre</li> <li>- Consulting rooms or surgeries</li> <li>- Market gardening</li> <li>- Intensive agriculture</li> <li>- Tourist operations</li> </ul> <p>Under the Interim Planning Scheme, the land is zoned Low Density Residential which allows for the following commercial based use classes:</p> <ul style="list-style-type: none"> <li>- Visitor accommodation</li> <li>- Community meeting and entertainment (only if church, art and craft centre or public hall)</li> <li>- Educational and occasional care</li> <li>- Emergency services</li> <li>- Food services (only if alteration to existing)</li> <li>- Sports and recreation</li> </ul> <p>The application of the Low Density Residential Zone from the <i>Huon Planning Scheme 1979</i> to the Interim Planning Scheme was a direct translation. This change was</p>	<p>Two alternative recommendations are made:</p> <p>(1) The Village Zone is applied to the property, or alternatively, an application is made to vary the Urban Growth Boundary to enable the extension of the Village Zone to incorporate this property within that zone.</p> <p>(2) An amendment that introduces a site specific use(s) for this property</p>



		<p>consistent with the Interim Planning Scheme implementation requirements at the time. However, it should be noted that following a change to LUPPA in 2015 amendments to the Interim Planning Scheme can be considered on the basis the amendment is, as far as practicable, consistent with the Regional Strategy.</p> <p>The site is located within a band of Low Density Residential development lining the western side of the Huon Highway on the southern entrance to the township of Franklin. This linear area of Low Density Residential zoned land adjoins Village zoned land with the subject site located 230 metres from the nearest Village zoned property.</p> <p>The site is outside the Urban Growth Boundary for Franklin (<i>Huon Valley Land Use and Development Strategy</i>).</p> <p>In relation to residential use, the Regional Strategy discourages out-of-centre residential development (Regional Policy AC1.3) by only providing for in-centre development within planning schemes. Likewise, the Village Zone is applied where there is a mix of residential and business uses in a town or village. The Village Zone was applied to parts of the Franklin township, and this was a direct translation from the Village Zone under the <i>Huon Planning Scheme 1979</i>.</p> <p>The <i>Huon Valley Land Use and Development Strategy</i> includes as a guiding principle supports innovative reuse of existing buildings to stimulate economic development and provide flexibility for commercial and residential development within the town. This approach is also consistent with the <i>Huon Valley Economic Development Strategy 2015-2020</i> and related documents.</p> <p><u>Village Zone considerations</u></p> <p>The availability of existing buildings for suitable uses and for redevelopment or reuse is important and consistent with the Regional Strategy, <i>Huon Valley Land Use and</i></p>	<p>within the Use Table of the Low Density Residential Zone is made that are consistent with the intended reuse of the buildings as set out in the representation and Regional Strategy.</p>
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		<p><i>Development Strategy, Huon Valley Economic Development Strategy 2015-2020</i> and the Interim Planning Scheme Objectives including 3.0.3 Activity Centres and 3.0.9 Competitiveness.</p> <p>The site has a long standing history of being used to support the rural agricultural sector in the area and region generally. This property has the capability to continue to provide that support through its existing facilities or through redeveloped facilities.</p> <p>However, the current zoning effectively precludes this opportunity in relation to a number of relevant uses that were historically provided from the site.</p> <p>The proposed reuse of the existing buildings on the property is fully supported for the reasons set out and for the reasons set out in the representation.</p> <p>Therefore, it is recommended that there is a variation made to the Urban Growth Boundary to enable the extension of the Village Zone to incorporate this property within that zone.</p> <p><u>Low Density Residential Zone</u></p> <p>The Zone Purpose Statements for the Low Density Residential Zone provide for non-residential uses that are compatible with residential amenity within this zone provided that adequate buffer areas to avoid land use conflict with any adjacent Rural Resource or Significant Agricultural zoned land are provided for.</p> <p>As noted, the site has a long standing history of being used to support the rural agricultural sector in the area and region generally. Also, as noted, this property has the capability to continue to provide that support through its existing facilities or through redeveloped facilities.</p> <p>Also as noted, the <i>Huon Valley Land Use and Development Strategy</i> includes as a</p>	
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		<p>guiding principle supports innovative reuse of existing buildings to stimulate economic development and provide flexibility for commercial and residential development within the town. This approach is also consistent with the <i>Huon Valley Economic Development Strategy 2015-2020</i> and related documents.</p> <p>Given the long history of the industrial use of the property, and given the larger scale of the buildings on the property then the retention of the buildings for normal residential uses is not realistic and not in accordance with the Schedule 1 Objectives of LUPPA.</p> <p>Therefore, although the property is outside the town, the proposed reuse of the existing buildings on the property is fully supported for the reasons set out in this report and the representation.</p> <p>The introduction of site specific qualification for commercial / light industrial uses on this property is recommended to be included in the Use Table of the zone. There may also be additional use classes included for this zone under the Tasmanian Planning Scheme that are relevant and this aspect needs further consideration when the draft of the scheme is exhibited.</p> <p>It is therefore recommended that as an alternative to recommending an alteration to the Urban Growth Boundary to enable the extension of the Village Zone to incorporate this property within that zone, a planning scheme amendment that introduces a site specific use(s) for this property within the Use Table of the Low Density Residential Zone is recommended as it would be consistent with the Regional Strategy (subject to those uses being compatible with surrounding residential amenity).</p> <p>It would also be consistent with the Interim Planning Scheme Objectives including 3.0.3 Activity Centres and 3.0.9 Competitiveness.</p>	
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		In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole from either proposal, it is considered that both proposals would be consistent with the Regional Strategy and are also supported for this reason. The site specific amendment proposal is not considered a significant planning scheme amendment issue and is therefore recommended to be made as part of this representation process.	
<p><b>Rep No: 13</b></p> <p>Southport – Various Properties owned zoned Rural Living and Environmental Living - by Mr Quarmby</p> <p>(Local provision-zoning issue)</p>	<p>The representation notes that although it is accepted that these two zones allow farming activities to continue it should not be a matter for Council permission.</p> <p>It should be a right. Farming means the whole business and should not be permitted only in part of type of three titles.</p> 	<p>The Rural Living Zone identifies “Resource development” as a permitted use. The Environmental Living Zone identifies “Resource development” as a discretionary use.</p> <p>One of these properties owned by the representor has a split zoning between both Environmental Living and Rural Living. Another property adjacent to the north also has a split zoning including another nearby.</p> <p>The Environmental Living Zone creates a buffer between the Rural Resource land to the west and the Rural Living land to the east. To create this buffer some split zoning has occurred across titles. This will have no effect on the continuance of existing farming operations as the submission acknowledges.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>
<p><b>Rep No. 13:</b></p> <p>CT 17705/1 - Southport Mr A Quarmby</p>	<p>The representation seeks the application of the Inner Residential Zone (sic) instead of the current Rural Living Zone. (The submission may be referring to the adjacent zoning being</p>	<p>A main use of the representor’s land has been for farming.</p>	<p>That no change be made to the Interim Planning Scheme in response to the</p>

(Local provision-zoning issue)

Low Density Residential).

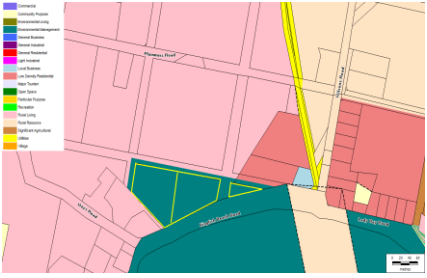
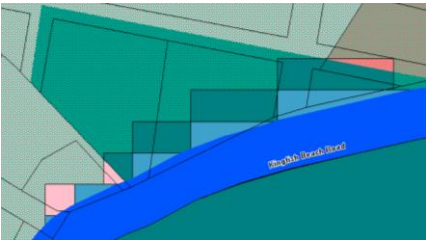



The title (CT 17705/1) is very irregular and part is a narrow strip of land adjacent to the Highway set aside for Highway widening (zoned Utilities).  
The zonings for Southport are reflective of the existing level of residential development. No further expansion of the residential township along the highway was considered appropriate.

The site has limited potential beyond a single dwelling and a single dwelling is a permitted use in the Rural Living Zone and the Low Density Residential Zone.

In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is not considered that it would be consistent with the

representation received.


<p><b>Rep No: 13</b></p> <p>CT 17704/3 and CT 100086/3 and 16 Kingfisher Road – Southport Mr A Quarmby</p> <p>(Local provision – zoning issue)</p>	<p>The representation submits the three titles referred to should be zoned Rural Living and not Environmental Management. The land is not subject to Inundation. The Environmental Management zoning only allows Passive Recreation.</p> 	<p>Regional Strategy and is not supported for this reason.</p> <p>The land is identified as affected by the Inundation Prone Overlay. This includes land at risk from not only flooding but also sea level rise and storm tides.</p>  <p>The Inundation Prone Land Overlay applies to an extensive area of Southport and covers many different zones.</p> <p>The Environmental Management Zone has been applied to land that has a significant likelihood of natural hazards and to protect natural values in undeveloped areas of the coast. It is acknowledged that the Rural Resource Zone would achieve the same outcome and this zone would be more appropriate than the Environmental Management Zone as the site is affected mostly by land hazards as opposed to natural values.</p>	<p>That CT 17704/3, CT 100086/3 and 16 Kingfisher Road be rezoned from Environmental Management to Rural Resource.</p>
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		 <p>The site has a drainage line across it and it is clearly low lying and adjacent to a beach. The property is used for grazing of cattle and that use is able to continue based on existing uses of the property. However, a more suitable and practicable zone is the Rural Resource Zone.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered that it would be consistent with the Regional Strategy and is also supported for this reason.</p>	
<b>General issues</b>			
<b>Rep No: 7, 8 and 9</b>	The representation is based on a request to urgently amend the Interim Planning Scheme to clarify the meaning of the words 'navigation' and	The Huon River is zoned Environmental Management and 'Port and shipping' is a discretionary use on the qualification that it is for an existing facility. This could mean shipping corridors associated with a new wharf are not a discretionary use but are a prohibited use.	That appropriate changes to the 'Port and shipping' use class contained

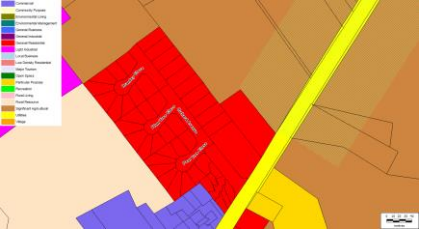
<p>Definition of Port and Shipping use class (D Bewsher)</p> <p>(State provision – amendment to the use class definitions)</p>	<p>‘shipping corridors’ which appear in the definition of ‘Port and Shipping’. The representor recommends that the words ‘berthing and shipping corridors’ and ‘navigation’ be removed from the Port and shipping use class as this would mean that once vessels have cleared a wharf they have clear access to the river and then are subject to the jurisdiction of MAST.</p>		<p>within Table 8.2 of the Interim Planning Scheme are recommended in relation to the terms ‘navigation’ and ‘berthing and shipping corridors’ so that matters relating to planning (being the responsibilities of Planning Authoritys) and matters relating to regulatory controls for navigation and marine based activities (which are responsibilities of relevant State Government agencies) are clearer and less ambiguous concerning these use classes and their application.</p>
<p><b>Rep No: 18</b></p> <p>‘Hotel Industry’</p>	<p>The representation indicates that all food premises such as a cafe or restaurant which has a liquor licence is</p>	<p>A cafe and restaurant are listed as examples under the ‘Food services’ use class. In the case of a cafe, take-away food shop or restaurant, the sale of liquor would be incidental to the primary use being a ‘Food service’. In these cases it would be</p>	<p>That no change be made to the Interim Planning</p>



<p>Use Class definition (S Cowen)</p> <p>(Regional provision-amendment to use class definitions)</p>	<p>required to be classified as 'Hotel Industry' as this use class refers to <i>the use of land to sell liquor for consumption on or off the premises</i>. A 'Hotel Industry' is prohibited across a range of zones including the Village Zone unless it is associated with an existing Hotel Industry. This submission indicates that this will limit economic development opportunities (i.e. eating places) within towns and places and the support to the growing tourism industry.</p> <p>The qualification for the 'Hotel Industry' in the Village Zone referring to the existing Dover Hotel should be removed as the hotel is not intended to be removed.</p>	<p>inappropriate to apply the 'Hotel Industry' use class. Clause 8.2.3 of the Interim Planning Scheme reiterates this approach as it states that a use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same use class as that other use.</p> <p>A 'Food service' is either a Permitted or Discretionary use across the majority of zones therefore such a use could be established subject to compliance with relevant use and development standards and Codes. A 'Food service' is a permitted use within the Village Zone if it fronts either the Huon Highway or Mary Street.</p> <p>A 'Hotel Industry' is a discretionary use if associated with the Dover Hotel and the Southport Tavern. The Dover Hotel site was zoned Business and Reserved Residential under the Esperance Planning Scheme 1989. Under the Interim Planning Scheme, a direct translation to the Rural Resource and Village Zones has occurred.</p> <p>The boundary between the two zones is identical to that formed under the former Planning Scheme. The Dover Hotel was destroyed by fire in early 2013 therefore all existing use rights have lapsed for the continuation of this use on the property. A permit for its demolition was approved in 2014.</p> <p>The majority of the property retains the Rural Resource zoning therefore this land could support intensive forms of agricultural use.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole it is not considered that it would be consistent with the Regional Strategy and is not supported for this reason.</p>	<p>Scheme in response to the representation received.</p>
<p><b>Rep No: 30</b></p> <p>1566 Esperance Coast Road, Dover- Little</p>	<p>This representation raises concern that the Low Density Residential Zone applied to the small former shack sites within Little Roaring Beach will mean that new residential buildings or</p>	<p>Regional Policy SRD1.6 of the Regional Strategy requires the Low Density Residential Zone to be applied to an existing area subject to land constraints such as land hazards, vegetation management issues and servicing constraints. The Zone Purpose Statements for the General Residential Zone indicate that this zone can only be applied to settlement areas where full infrastructure services are available or can be</p>	<p>That no change be made to the Interim Planning Scheme in response to the</p>

<p>Roaring Beach (H Murphy)</p> <p>(Local provision-zoning issue)</p>	<p>alterations / additions to existing buildings will not be capable of complying with the setback standards and that it may be more appropriate for the General Residential Zone to apply to this area.</p> 	<p>provided.</p> <p>The Low Density Residential Zone development standards relating to heights and setbacks are identical to those contained in the General Residential Zone as Low Density Residential lots tend to be of a similar size and configuration to General Residential zoned lots. For this reason, the General Residential Zone development standards have for the most part being transferred into the drafting of the Low Density Residential Zone provisions. On this basis, a rezoning would not provide any additional flexibility. The development standards relating to heights and setbacks may be subject to discretion of Council so that existing site constraints can be factored into the location of new buildings.</p> <p>It is considered that the Low Density Residential Zone has been applied appropriately to the Little Roaring Beach settlement. Rezoning to the land to General Residential is not considered an appropriate zone to apply.</p> <p>In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole it is not considered that it would be consistent with the Regional Strategy and is not supported for this reason.</p>	<p>representation received.</p>
<p><b>Rep No: 45</b></p> <p>Rural Living Overlay (Lark and Creese)</p> <p>(Local provision - zoning issue)</p>	<p>This representation notes that the rural living subdivision density overlay is not available on the iPlan / The List mapping systems and should be rectified so that the requirements of Table 13.1 can be accurately applied.</p> <p>The submission also seeks the application of the Rural Living Zone (Area A) to the properties to the immediate west of the Ranelagh</p>	<p>The issue concerning the inclusion of the Rural Living density overlay on the iPlan and the List mapping will be resolved separately with the iPlan team.</p> <p>The Council was in relation to the Rural Living zoned land to the west of Ranelagh required to apply the Rural Living B Zone with a 1 hectare minimum lot size (Clause 17.2 of the Draft Huon Valley Planning Compliance Report).</p> <p>The application of the Rural Living A density area to this rural living community would create significant subdivision potential within an area previously not explicitly zoned for such use. Regional Policy SRD1.3 of the Regional Strategy requires newly zoned Rural Living areas to only provide limited subdivision potential through the rezoning process. The application of the Rural Living A density area would allow for significant</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

	<p>Township rather than Area B. It is noted that Council originally applied Area A however this was modified through the Commission's review of the draft Interim Planning Scheme. The representor notes that the proximity of the site to the Ranelagh Township and the provision of services (reticulated water and in some cases sewer) would suggest that this area is better suited to the Area A density area.</p>	<p>infill subdivision potential within this area which is inconsistent with Regional Policy SRD1.3.</p> <p>The current zoning is consistent with the Regional Strategy.</p> <p>The submission made in the representation would have an impact on the Interim Planning Scheme as a whole and is not supported.</p>	
<p><b>Rep No: 45</b></p> <p>Rural Resource Zoning setbacks (Lark and Creese) (same rep as above)</p> <p>(Local provision – zoning issue)</p>	<p>This representation raises a conflict between the boundary setback provisions between Clause 26.4.2 A2 and A3 as they both apply to a sensitive use. In addition, the numerical requirements within Clause 26.4.2 P3 for the Rural Resource Zone are blank.</p>	<p>Clause 26.4.2 P2 and P3 have differing objectives in that A3 and P3 of Clause 26.4.2 requires an additional setback from land use relating to forestry activities or intensive agriculture which have the potential to create greater potential for land use conflict with the new sensitive use. In many cases, in the absence of forestry activities or intensive agricultural use on adjoining land, the requirements of A3 and P3 of Clause 26.4.2 will not apply to sensitive use developments.</p> <p>The 200 metre buffer distance required under A3 of Clause 26.4.2 is a direct outcome of Regional Policy PR1.2 of the Regional Strategy which requires the inclusion of a 200 metre buffer within Planning Schemes to manage the potential for land use conflict.</p> <p>The submission also indicates that the provision of the boundary setbacks under Clause 26.4.2 A2 and P2 of the Rural Resource Zone and Clause 274.2 A2 and P2 of the Significant Agriculture Zone prohibits the construction of a sensitive use on many existing smaller rural allotments.</p> <p>The numerical setback provisions are currently subject to an urgent amendment requires which will include the reinstatement of Clause 26.4.2 P3(b) with a performance based criterion.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

		<p>The submission made in the representation would have an impact on the Interim Planning Scheme as a whole as it affects the strategic allocation of land use and the absence of such requirements would create the potential for additional fettering impacts between sensitive use and residential use.</p>	
<p><b>Rep No: 45</b></p> <p>Application of the Significant Agriculture Zone to the north-east of Orchard Avenue (Lark and Creese) (same as rep above)</p> <p>(Local provision – zoning issue)</p>	<p>This representation suggests that the parcels of Significant Agriculture zoned land to the north-east of the Orchard Avenue (General Residential zoned area) should be rezoned to Rural Living so that they can accommodate a buffer between sensitive use and agricultural use.</p> 	<p>The urban allotments comprising Orchard Avenue were zoned Closed Residential under the former <i>Huon Planning Scheme 1979</i>. The larger parcels adjoining this subdivision to the north-east were zoned Intensive Rural. Under the Interim Planning Scheme, the Orchard Avenue subdivision is zoned General Residential and the properties to the north-east are zoned Significant Agriculture. The zone change from the <i>Huon Planning Scheme 1979</i> to the Interim Planning Scheme is a direct translation.</p> <p>The urban allotments within Orchard Avenue are almost wholly developed with single dwelling developments therefore the translation of zones does not increase the potential for fettering. The application of the Rural Living Zone to the north-east of Orchard Avenue would encourage greater potential for new residential development and the setbacks applied under this zone would not be capable of achieving the 200 metre buffer required by Regional Policy PR1.2 of the Regional Strategy.</p> <p>The displacement of significant agricultural land to residential use would also be inconsistent with Regional Policy PR1.1 which gives priority to the protection of identified regionally significant agricultural land. The conversion of this land to Rural Living would result in further loss of a limited supply of significant agricultural zoned land and would only extend development pressure upon this agricultural area further to the north rather than eliminating it.</p> <p>The submission made in the representation would impact on the Scheme as a whole as it would not further the achievement of the Planning Scheme Regional or Local Objectives in 3.0.5 – Productive Resources nor Regional Policies PR1.1 and PRD1.2 of the Regional Strategy.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

		<p>It is considered it is not appropriate to make significant zone changes through the Interim Scheme representation process as it would deny natural justice to other parties.</p> <p>The planning scheme amendment provisions of the LUPAA could be used by the representor if the amendment is to be pursued. This is considered a more appropriate amendment process given the nature of the zoning change that is sought.</p>	
<p><b>Rep No: 44</b></p> <p>Various issues relating to extractive industries (B Williams)</p> <p>(Regional provision)</p>	<ol style="list-style-type: none"> <li>1. This representation recommends that Clause 6.3 be expanded to include an additional subclause relating to the planting, clearing or modification to vegetation undertaken in accordance with a Mining and Rehabilitation Management Plan approved under the terms of a Mining Lease issued under the <i>Mineral Resources Development Act 1995</i>.</li> <li>2. This submission suggests that an Extractive Industry should be a discretionary use within the Rural Living Zone as this zone is applied around population centres as this will reduce cartage costs which is ultimately passed onto residential, commercial and industrial development.</li> <li>3. This submission suggests that an</li> </ol>	<ol style="list-style-type: none"> <li>1. The Limited exemptions are part of the Planning Scheme Template therefore amendments will be a matter for the Commission to consider.</li> <li>2. An 'Extractive Industry' is a prohibited use within the Rural Living Zone as Regional Policy PR3.1 of the Regional Strategy requires regionally significant extractive industries to be zoned either General Industry or Rural Resource and to be protected by appropriate attenuation areas (ie. buffers in accordance with the Attenuation Code). Extractive industries are high impact industrial uses and allowing them to establish on small allotments developed principally for residential lifestyle purposes would have significant potential to erode residential amenity. Zone Purpose Statement 13.1.1.2 of the Rural Living Zone specifies that complementary uses are possible within this zone on the basis that such uses would not adversely impact upon residential amenity. The inclusion of an Extractive Industry within the Use Table for the Rural Living Zone would not further this objective nor would it further Regional Policy I1 1.2 of the Regional Strategy which requires new industrial areas to be sited away from sensitive land uses such as residential zoned land.</li> </ol> <p>This submission made in this representation would impact on the Scheme as a whole as it would not further the achievement of the Planning Scheme Objectives in 3.0.4 – Economic Infrastructure: Local Objectives nor the relevant policies of the Regional Strategy.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

	<p>Extractive Industry should be a discretionary use in the Light Industry Zone as quarries can be complementary with other light industrial uses and some light industries rely on quarry products.</p> <p>4. This submission suggests that an Extractive Industry should be a discretionary use in the General Industry Zone as quarries can be complementary with other general industrial uses and some general industrial uses rely on quarry products, for example brick making and cement works. It is submitted that prohibiting quarries in these areas will cause the cost of materials to increase.</p> <p>5. The Performance Criteria for Clause 26.3.2 (Visitor accommodation in the Rural Resource Zone) should include consideration of the impact of a sensitive use with respect to the proximity to an Extractive Industry.</p> <p>6. The Landslide Hazard Areas cover areas of land where quarries are</p>	<p>3. If the 'Extractive Industry' use class was introduced into the Use Table for the Light Industry Zone on a discretionary basis then this would undermine the strategic allocation of extractive industries. Regional Policy PR3.1 requires quarrying potential to be confined to General Industry or Rural Resource zoned land due to the high impact nature of extractive industries. Zone Purpose Statement 24.1.1.1 provides that the Light Industry Zone is to provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of other uses. This Zone Purpose Statement is part of the Planning Scheme Template and would require modification by the Commission if it were considered appropriate to expand the types of uses allowable within this zone to include extractive industries. The majority of Light Industrial zoned land in the Huon Valley is located within settlement areas therefore the introduction of quarrying activities into these areas would have significant impacts upon the amenity of settlement areas. The introduction of this use would impact on the Planning Scheme as a whole as it would not further the achievement of the Interim Planning Scheme Objectives in 3.0.4- Economic Infrastructure and would undermine the land supply analysis for light industrial zoned land due to the considerable land area requirements for quarry activities.</p> <p>4. The 'Extractive Industry' use class has been omitted from the range of allowable uses within Table 25.1.1 of the Interim Planning Scheme. It therefore forms a prohibited use. Regional Policy PR3.1 of the Regional Strategy requires existing regionally significant extractive industries to be allocated to either the General Industry or Rural Resource Zones. Zone Purpose Statement 25.1.1.1 does not allow for extractive activities however it does allow for the processing of goods and materials where there may be impacts on neighbours. Modifications to the Planning Scheme Template are matters for the Commission to consider.</p>	
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	<p>situated. Quarrying activities are regulated under the <i>Mineral Resources Development Act 1995</i>. Quarrying activities would be deemed 'Major works' as defined under the Landslide Code and will be subject to the requirements of Section E3.7.3 of the Code. Seeking to regulate quarries with respect to ground stability is a direct duplication of the work already undertaken by Mineral Resources Tasmania.</p> <p>7. Stormwater management associated with a Level 2 Activity under the <i>Environmental Management and Pollution Control Act 1994</i> should be exempt from the Stormwater Management Code as it forms duplication with EPA assessment.</p>	<p>The processing of extracted resources which are not extracted from the site or adjoining land is a use which falls under the 'Manufacturing and processing' use class. The definition of 'Manufacturing and processing' includes brick making, cement works, mineral processing and the like. The 'Manufacturing and processing' use class is an unqualified permitted use within the General Industry Zone. There is therefore presently scope to allow for processing of extracted materials away from the site in which they are extracted.</p> <p>5. The Performance Criteria under P1 of Clause 26.3.2 of the Interim Planning Scheme does not include clauses which require consideration of the proximity of a new visitor accommodation use in respect to and adjoining or nearby extractive industry. The request to include a provision requiring consideration of adjoining / nearby Extractive Industry land use is not considered necessary as all extractive industries (ie. quarries) are protected through the application of a buffer area shown on the Planning Scheme maps. For any sensitive use development occurring within this buffer, assessment under the Attenuation Code is required. The requirements of Clause E9.72 of the Attenuation Code relating to development for sensitive use in proximity to uses with potential to cause environmental harm is required to be addressed in applications.</p> <p>6. The requirements contained within P1 of Clause E3.7.3 aim to ensure that major works do not occur within a High Landslide Hazard Area and to ensure that the landslide hazard risk associated with any works is either an acceptable risk or is capable of feasible and effective treatment through hazard management measures. For Level 1 quarries, an assessment of land instability hazard occurs without the involvement of the EPA and consequently, land instability issues may not be detected at the earliest opportunity being the development approval phase. The Code seeks to</p>	
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		<p>adopt DPAC’s natural hazards policies to ensure development occurs in areas which are not subjected to an intolerable level of land instability hazard. The Code will give Council the head of power to ensure major works avoid high risk locations.</p> <p>7. This submission relates to whether stormwater management associated with a Level 2 Activity under the <i>Environmental Management and Pollution Control Act 1994</i> should be exempt from the Stormwater Management Code as it can raise duplication issues because of the EPA assessment. There is merit in this recommendation being investigated further. Therefore, it is recommended further consideration in relation to how an amended process would be carried out and be applied.</p>	
<p><b>Rep No. 48</b></p> <p>Rural Resource Zone (E Morris)</p> <p>(Regional provision – amendment to zone standards)</p>	<p>This representation raises concern in relation to the inability to subdivide Rural Resource zoned land as this removes a farmer’s ability to continue to reside on a property once farming activities are no longer viable for the farmer.</p>	<p>Regional Policy PR1.4 of the Regional Strategy states that the rural zones are to be used to prevent further land fragmentation by restricting subdivision unless the subdivision is necessary to facilitate the use of land for agriculture. This has been achieved through prohibiting subdivision within the Significant Agriculture and Rural Resource zones.</p> <p>The Rural Resource Zone subdivision provisions allow for major boundary re-organisations where it is necessary to improve agricultural land management practices. The introduction of subdivision standards for additional lots into the Rural Resource Zone would undermine the strategy and the <i>State Policy on the Protection of Agricultural Land 2009</i> which requires the protection of both prime and non-prime agricultural land from conversion to non-agricultural use. The creation of additional, smaller rural lots will only increase the potential for conversion to non-agricultural use.</p> <p>The submission made in the representation would impact negatively on the Interim Planning Scheme as a whole as it would not further the achievement of the Planning Scheme Regional or Local Objectives in 3.0.5 – Productive Resources nor Regional Policies PR1.1 and PRD1.2 of the Regional Strategy.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>



Code related issues			
<p><b>Rep No: 2</b></p> <p>E8.0 Electricity Transmission Infrastructure Protection Code (Tas Networks)</p> <p>(Regional provision)</p>	<p>In its representation TasNetworks have raised concerns relating to the Electricity Transmission Infrastructure Protection Code.</p>	<p>Meetings have been arranged at a regional level with the Tasmanian Planning Commission to resolve these matters with TasNetworks.</p> <p>In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered that it would be consistent with the Regional Strategy and also is supported for this reason.</p>	<p>These changes are considered reasonable and should continue to be progressed through the current regional urgent amendment process to the regional code.</p>
<p><b>Rep No: 33</b></p> <p>E10.0 Biodiversity Code (A Robertson)</p> <p>(Regional provision)</p>	<p>This representation draws to Council's attention areas mapped as a Biodiversity Protection Area where minimal biodiversity value or more prioritised intensive development zoning exists. Examples have been provided within Geeveston, Huonville, Cradoc, Grove and Randalls Bay.</p> <p>Concern is also raised with the definition of 'moderate priority biodiversity values' and is considered to contain a variety of flaws including overlap between terms, no definition of remnant vegetation and not all of the 24 listed species are afforded with a threatened conservation status in Tasmania.</p>	<p>The representation indicates that the following properties have been incorrectly applied a Biodiversity Protection Area within Geeveston:</p> <ul style="list-style-type: none"> <li>● 24 Arve Road (cleared Low Density Residential zoned lot)</li> <li>● 2 and 2A Arve Road, 4807 Huon Highway and CT150723/3 Huon Highway (cleared Light Industry zoned lots developed for industrial use)</li> <li>● 42 Thiessens Road (vegetation modified on Light Industry zoned lot)</li> </ul> <p>4927, 4917, 4915, 4913 and 4909 Huon Highway (General Residential zoned lots abutting the Kermadie River which is protected by the Waterways and Coastal Protection Code)</p> <p>In relation to 24 Arve Road, this property has been zoned Low Density Residential under the Interim Planning Scheme and is developed with a single dwelling and various outbuildings. The entire site has been applied the Biodiversity Protection Area despite the absence of native vegetation cover. Tas Veg 3.0 indicates that a threatened native vegetation community (<i>Eucalyptus ovata forest and woodland</i>) covers a small area alongside the rear boundary of the site. Retracting the Biodiversity Protection Area to reflect the native vegetation cover is supported.</p> <p>With respect to 2 and 2A Arve Road, 4807 Huon Highway and CT150723/2 Huon Highway, these lots have been cleared and developed for light industrial use. The</p>	<p>That the Biodiversity Protection Areas applied to the following sites be deleted:</p> <ul style="list-style-type: none"> <li>● 24 Arve Road,</li> <li>● 2 and 2A Arve Road, 4807 Huon Highway and CT150723/3 Huon Highway,</li> <li>● 130 Scenic Hill Road, Huonville</li> </ul>

		<p>removal of the Biodiversity Protection Area from these properties is supported.</p> <p>In relation to 42 Thiessens Road and associated Huon Highway properties, this area has been zoned for Light Industry and Low Density Residential purposes. The Biodiversity Protection Area on these properties aims to protect remnant patches of <i>E.ovata forest and woodland</i>. Therefore, the lifting Biodiversity Protection Area on these properties is not supported as future development on these lots should take into account these values.</p> <p>The representation also indicates that the following properties have been incorrectly applied a Biodiversity Protection Area within Huonville:</p> <ul style="list-style-type: none"> <li>● 130 Scenic Hill Road, Huonville (Rural Resource zoned lot which consists of pasture)</li> <li>● CT 162476/1 Morrisons Road, Huonville (small clearing exists otherwise heavily forested with <i>Eucalyptus globulus dry forest and woodland</i>)</li> <li>● 300 Golf Club Road and CT 11655/3 Golf Club Road, Huonville (Light Industry zoned lot)</li> <li>● 80 Golf Course Road and CT 149581/1 Glen Huon Road</li> <li>● Rural Living zoned area between Morella Drive and Ribston Road</li> </ul> <p>In terms of 130 Scenic Hill Road, the Biodiversity Protection Area has been incorrectly applied to this site as it contains no native vegetation cover. The removal of the Biodiversity Protection Area to this site is supported.</p> <p>In terms of Morrisons Road, the Biodiversity Protection Area does no need to be applied to the whole site. The retraction of the Biodiversity Protection Area to reflect the vegetated areas of the site is supported.</p> <p>In terms of 300 Golf Club Road and adjoining land, a subdivision approval is in place</p>	<p>That the Biodiversity Protection Areas applied to the following sites be retracted as necessary:</p> <ul style="list-style-type: none"> <li>● CT 162476/1 Morrisons Road, Huonville</li> <li>● CT CT114690/1 (Duggans Quarry) so that it does not extend across the Mining Lease Area</li> </ul>
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		<p>for 300 Golf Course Road which has required areas of <i>E.ovata forest and woodland</i> to be retained through a Part 5 Agreement. The Biodiversity Protection Area generally reflects this conservation area therefore should be retained. The adjoining lot contains <i>Eucalyptus ovata</i> trees with no understorey. <i>E.ovata</i> trees provide habitat for the endangered swift parrot therefore the lifting of the Biodiversity Protection Area on this site is not supported.</p> <p>In terms of 80 Golf Course Road and CT149581/1 Glen Huon Road, the Biodiversity Protection Area applies to an area of <i>Eucalyptus ovata forest and woodland</i> which is a threatened native vegetation community and habitat for the endangered swift parrot. The Biodiversity Protection Area corresponds with the area of mapped native vegetation and should remain in place regardless of the Recreation and Rural Resource zoning off this land.</p> <p>In terms of the Morella Drive area, the Biodiversity Protection Area covers a large patch of <i>Eucalyptus amygdalina forest and woodland on sandstone</i> which is listed as a threatened native vegetation community. Much of this patch is located on large vacant lots and warrants protection through this overlay.</p> <p>The representation indicates that the following properties have been incorrectly applied a Biodiversity Protection Area within Cradoc:</p> <ul style="list-style-type: none"> <li>● Duggans Quarry (Channel Highway, Cradoc)</li> </ul> <p>The Cradoc Quarry is operating in accordance with an approved mining licence from Mineral Resources Tasmania and the Biodiversity Protection Area should be retracted to areas outside of the Mining Lease boundary.</p> <p>The Biodiversity layers that apply will require extensive review under the proposed Tasmanian Planning Scheme Natural Values Code and no further changes are recommended at this time.</p>	
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		In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered that they would be consistent with the Regional Strategy and are also supported for this reason.	
<p><b>Rep No: 25</b></p> <p>E5.0 Road and Railway Assets Code (Department of State Growth)</p> <p>(Regional / State provision)</p>	The representation refers to a broad range of issues raised across various administrative provisions, Zone provisions and Code provisions.	<p>While there is no objection to these issues, changes to the Planning Scheme Template relating to the E5.0 Road and Rail Asset Code are a matter to be considered by the Commission.</p> <p>This is a code which is necessarily consistent on a regional and probably State wide level. Any changes to this code should be addressed by the Commission.</p> <p>In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered that they would be consistent with the Regional Strategy and are also supported for this reason.</p>	These changes are considered reasonable and should continue to be progressed through the transition to a State-wide planning scheme.
<p><b>Rep No. 47</b></p> <p>E14.0 Scenic Landscapes Code (T Nichols obo the Australian Institute of Landscape Architects)</p> <p>(Regional provision)</p>	This representation refers to the drafting of the E14.0 Scenic Landscapes Code. It relates to the definition of a 'suitably qualified person' that is required to prepare either a 'statement of landscape significance' or a 'landscape impact assessment'. The representor asserts that at present the definition appears to default to definitions contained elsewhere in the Interim Planning Scheme which do not relate to scenic protection (ie. a suitably qualified person is defined in the Definition of Terms Table across various zones). It is requested that a definition of suitably	<p>Table E14.3 Definition of Terms within the Scenic Landscapes Code omits a definition of a 'suitably qualified person'. Other Codes are relevant in this regard including the E7.0 Stormwater Management Code, E8.0 Electricity Transmission Infrastructure Protection Code, E10.0 Biodiversity Code and E13.0 Historic Heritage Code.</p> <p>The representation is supported and it is recommended that a new definition should be inserted into Table E14.3 to include a definition of a 'suitably qualified person'. However the limitations of requiring a report by a landscape architect for example when a person is only building a small dwelling may be an unreasonable expense.</p> <p>A suggested wording for the definition is provided as follows:</p> <p><i>'means a professional landscape architect currently practicing with relevant AILA accreditation or degree qualification in landscape architecture or other qualification/accreditation that is demonstrated to be appropriate and is considered satisfactory by the Authority'.</i></p>	That regional provision E14.3 of the Scenic Landscapes Code be amended to include a definition of a 'suitably qualified person'.

	qualified person under the Scenic Landscapes Code be included that provides for landscape architects or similar with demonstrable experience in visual impact and landscape assessments.	In relation to the potential impact of the proposed amendment on the Interim Planning Scheme as a whole, it is considered that it would be consistent with the Regional Strategy and also is supported for this reason.	
<b>Rep No: 40</b>  Application of Biodiversity Code in Geeveston (Geeveston Development Association)  (Local provision-overlay application issue)	This representation requests that Council reconsiders the application of the Biodiversity Protection Area to the following properties: <ul style="list-style-type: none"> <li>● 24 Arve Road (cleared Low Density Residential zoned lot)</li> <li>● 2 and 2A Arve Road, 4807 Huon Highway and CT150723/3 Huon Highway (cleared Light Industry zoned lots developed for industrial use)</li> <li>● 42 Thiessens Road (vegetation modified on Light Industry zoned lot)</li> <li>● 4927, 4917, 4915, 4913 and 4909 Huon Highway (General Residential zoned lots abutting the Kermantie River which is protected by the Waterways and Coastal Protection Code)</li> </ul>	The application of the Biodiversity Protection Area to 24 Arve Road, 2 and 2A Arve Road, 4807 Huon Highway, CT150723/3 Huon Highway and 42 Thiessens Road has been addressed previously under the submission by A Robertson (Rep number 33).  In relation to 4927, 4917, 4915 and 4913 Huon Highway, Geeveston, the recommendation in the submission to lift the Biodiversity Protection Area from these lots is not supported as the Biodiversity Protection Area reflects existing riparian vegetation lining the Kermantie River.	That the Biodiversity Protection Areas applied to the following sites be deleted: <ul style="list-style-type: none"> <li>● 24 Arve Road,</li> <li>● 2 and 2A Arve Road, 4807 Huon Highway and CT150723/3 Huon Highway,</li> </ul>
<b>Rep No: 43</b>	This representation relates to a number of detailed responses relating	The matters raised in the representation relate to regional matters and require further consideration in relation to the further development of this Code in the	That no change be made to the

<p>E10.0 Biodiversity Code (S Roberts)</p> <p>(Regional provision)</p>	<p>to the operation of the Code.</p>	<p>context of the proposed Tasmanian Planning Scheme, as it is anticipated the Biodiversity Code will be revised under that proposed scheme.</p>	<p>Interim Planning Scheme in response to the representation received.</p>
<p><b>Specific Area Plan issues</b></p>			
<p><b>Rep No: 21, 23, 24 and 37</b></p> <p>Franklin Heritage Specific Area Plan (M Riddle)</p> <p>(Local provision – Specific Area Plan issue)</p>	<p>The representation refers to the Franklin Heritage Specific Area Plan. The representor suggests that there are not adequate development standards to achieve Purpose Statement F1.1 of the Specific Area Plan which requires the protection of vistas to and from the Franklin foreshore. The representor recommends the following to protect the scenic backdrop to the town:</p> <ul style="list-style-type: none"> <li>● Extend the scenic landscapes area northwards to include Hope Hill.</li> <li>● Extend the scenic landscapes area eastwards towards Franklin so that it abuts the 20m contour which demarks the limits of visibility of scenic rural landscapes from the Franklin foreshore.</li> <li>● The Rural Resource Zone applied to the east facing</li> </ul>	<p>The submission indicates that there is insufficient development standards included within the Franklin Heritage Area Specific Area Plan to further Purpose Statement (c) which requires the protection of the vistas to and from the Franklin foreshore. However, there are extensive provisions incorporated into Section F1.6 of the Specific Area Plan to ensure that future development is sensitive to the height, scale, bulk and form of nearby buildings and will not result in any detriment to the heritage character values of Franklin. Such provisions include a height limit of 5 metres (single storey), roof pitch requirements, external cladding requirements and landscaping requirements. It is considered that the development standards contained within the Specific Area Plan are appropriate and will achieve their intended purpose. The Specific Area Plan has been applied further to the west of the boundary of the Particular Purpose Zone to capture the visible rural slopes located further west.</p> <p>The application of the Environmental Living Zone in conjunction with the Scenic Landscape Area Overlay would act as duplication and the underlying Environmental Living Zone would result in greater long term visual impacts through allowing considerable subdivision opportunities (6ha minimum lot size is applied to this zone). The Rural Resource Zone is applied equally to non-agricultural areas which are valued for their rural landscape value and conservation value which is consistent with the Zone Purpose Statements for this zone.</p> <p>In relation to the Interim Planning Scheme as a whole, further investigation of the application of a Scenic Landscapes Area is intended to be undertaken as part of the implementation phases of the Tasmanian Planning Scheme which will see the</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

	<p>forested slopes of the hills overlooking Franklin should be rezoned to Environmental Living as this would better reflect the values of visually and environmentally sensitive properties.</p> <ul style="list-style-type: none"> <li>Rural Living zoned areas on the hillside should be subject to the Density area D to prevent further subdivision which could potentially degrade the visual qualities of the backdrop to the town.</li> </ul>	<p>development of recalibrated rural zones including a Landscape and Skyline Conservation Zone and Scenic Management Code. The zoning and overlay changes expected to occur as a result of the implementation of the Tasmanian Planning Scheme will likely result in a stronger emphasis being placed on the protection of scenic values within the Franklin foothills through as these areas would be eligible for the application of the Landscape and Skyline Conservation Zone.</p> <p>Modifications to the drafting of the Specific Area Plan are therefore not considered necessary as other mechanisms are currently available or are expected to be available to further protect such values under the Tasmanian Planning Scheme.</p>	
<p><b>Rep No: 26</b></p> <p>Franklin Heritage Specific Area Plan (D and D Pannell)</p> <p>(Local provision – Specific Area Plan issue)</p>	<p>This representation is the same as the representation above.</p>	<p>Response: Refer to the above comments.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>
<b>Particular Purpose Zone issues</b>			
<p><b>Rep No: 21, 23, 24 and 37</b></p> <p>Particular Purpose Zone 1- Urban Growth</p>	<p>This representation refers to the application of the Particular Purpose Zone 1- Urban Growth Zone to the west of the existing Franklin township and to land potentially being converted to residential use which will</p>	<p>The Particular Purpose Zone 1- Urban Growth Zone has been applied to the west of the existing township of Franklin in recognition of an area indicated as being suitable for future residential development in the <i>Huon Valley Land Use and Development Strategy</i>. The Strategy recognises that hillside development in this location will be subject to further investigative work including consideration of infrastructure and road upgrade contributions and minimisation of visual impacts.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation</p>

<p>Boundary in Franklin (M Riddle, 48 New Road, Franklin)</p> <p>(Local provision – zoning issue)</p>	<p>significantly impact upon the vista from the Franklin foreshore. The submission recommends that the boundary of the Particular Purpose Zone be retracted eastwards so that it generally follows the 20m contour which demarks the limits of visibility of the scenic rural landscape from the Franklin foreshore. The submission suggest that the western boundary of this zone should end at a line from the north-western corner of 14 Temperance Lane across Old Road to the south-eastern corner of 24 Old Road, along the eastern boundary of 24 Old Road, then from the north-eastern corner of 24 Old Road to the south-eastern corner of 39 New Road.</p> <p>Concern is raised in this submission in relation to the proximity of the Particular Purpose Zone to Rural Resource zoned land and the potential this may create for land use conflict between sensitive and agricultural use. In addition to retracting the application of the Particular Purpose Zone it is also recommended that CT102910/1 be zoned Rural Living to act as a buffer between these two zones.</p>	<p>The application of the Particular Purpose Zone has been retracted from the area shown in that local strategy and it is recognised that further development work is required in relation to the matter to guide major changes to land use, transport, built form and public spaces within this area. It includes investigation of suitable Greenfield growth areas where appropriate. Therefore, this detailed land use work needs to be undertaken initially. The matters raised within the representation will be further considered as part of that developmental work.</p> <p>The property at 48 Old Road, Franklin is located within the Franklin Heritage Specific Area Plan and by virtue of the application of this Specific Area Plan, any rezoning of the Particular Purpose Zone 1- Future Urban Growth Zone will be required to take into account heritage issues and the protection of the scenic qualities of the elevated backdrop to the town.</p>	<p>received.</p>
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<p><b>Rep No: 42</b></p> <p>Particular Purpose Zone 1- Urban Growth Boundary in Franklin (S Johnson)</p> <p>(Local provision – zoning issue)</p>	<p>This representation indicates that the application of the Particular Purpose Zone 1 – Future Urban Growth Zone to Franklin is not consistent with the objectives of the Franklin Heritage Specific Area Plan. This is because urban growth should not be permitted insofar as it may conflict with the rural character and the linear form of Franklin and where it may create negative impacts on the vistas to and from the Franklin foreshore. It is suggested that the western limit of the Particular Purpose Zone should be moved to the east.</p> <p>Also, between Old Road and New Road, the boundary of this zone should follow a line formed by joining the western edge of 24 Old Road and the western edge of 39 New Road. Both of these properties sit at approximately an elevation of 20 metres AHD. In addition, it is suggested that the Particular Purpose Zone should not include land that fronts Temperance Lane as the lane cannot cope with increase traffic generation.</p> <p>The representation indicates the Interim Planning Scheme should</p>	<p>Response: Refer to the above comments for Representations No: 21, 23, 24 and 37.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>
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	<p>permit reasonable development of this land so long as it does not conflict with the values described in the Specific Area Plan. It indicates this would be best achieved through rezoning the balance land of 43 New Road, 26 Old Road, 11 Old Road and 14 Temperance Land to Rural Living.</p> <p>The submission indicates that 48 Old Road, Franklin is significant to the vista from the foreshore to the hills behind Franklin. It is listed on the Tasmanian Heritage Register and the submission indicates that this property should be recognised and protected in the Franklin Heritage Specific Area Plan.</p> <p>43 New Road, Franklin is subject to two zonings being Particular Purpose Zone 1 and the Rural Resource Zone. It is recommended that the section of land between 27 New Road and 39 New Road be rezoned to Village.</p>		
<p><b>Rep No: 36</b> Particular Purpose Zone 1- Urban Growth Boundary in Franklin (Deb van Velzen)</p>	<p>This submission recommends retracting the Particular Purpose Zone 1 – Urban Growth Zone to the 20 metre contour line and to provide a Rural Living Zone buffer between the Particular Purpose Zone and Rural Resource zoned land located further upslope.</p>	<p>These concerns have been addressed in the above submission.</p>	<p>That no change be made to the Interim Planning Scheme in response to the representation received.</p>

<p>(Local provision – zoning issue)</p>	<p>This submission also recommends that the Scenic Landscapes Area be extended so that it sweeps around Hope Hill and the quadrant to the west and north of the town. It is recommended that the Scenic Landscape Area starts from the 20 metre contour line.</p> <p>The submission recommends that the property at 48 Old Road be further protected as it is a very prominent backdrop to Franklin. The Specific Area Plan should include mechanisms to ensure that development does not impinge upon its setting or the view of the property from the foreshore.</p>		
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## PART B- Statement of the planning authority's views, and recommendations, in respect of the operation of the Huon Valley Interim Planning Scheme 2015 – Section 30J(8)

A number of matters related to the operation of the *Huon Valley Interim Planning Scheme 2015* have been identified and these are outlined below. A number of amendments to various clauses are recommended in order to improve the operation of the Planning Scheme:

<b>Planning Scheme Clause</b>	<b>Recommended change</b>
<p><u>Clause 12.4.2 A3</u></p> <p>A3</p> <p><i>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</i></p> <p><b>(a)</b> <i>be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by:</i></p> <p><b>(i)</b> <i>a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</i></p> <p><b>(ii)</b> <i>projecting a line at an angle of 45 degrees from the</i></p>	<p>It is recommended that Diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D be reinstated as per the Regional Model Planning Scheme.</p> <p>Reason: Diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D are missing from the ordinance.</p>

<p><i>horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</i></p> <p><b>(b)</b> <i>only have a setback within 1.5m of a side boundary if the dwelling:</i></p> <p><b>(i)</b> <i>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</i></p> <p><b>(ii)</b> <i>does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</i></p>	
<p><u>Clause 4.1.3 Definition of 'Home-based business'</u></p> <p><i>means use of part of a dwelling by a resident for non-residential purposes if:</i></p> <p><b>(a)</b> <i>no more than 50m<sup>2</sup> of floor area of the dwelling is used for the non-residential purposes;</i></p> <p><b>(b)</b> <i>the person conducting the business normally uses the dwelling as their principal place of residence;</i></p> <p><b>(c)</b> <i>it does not involve employment of more than 2 workers who do not reside at the dwelling;</i></p> <p><b>(d)</b> <i>any load on a utility is no greater than for a domestic use;</i></p>	<p>It is recommended that Clause 5.2 (g) be deleted. An appropriate replacement clause would be 'no goods, whether for sale or not are visible to passers-by'.</p> <p>Reason: The definition of a 'Home-based business' does not allow for the display of goods for sale. This is problematic as the majority of home based business activities relate to the cottage craft industry where artisan crafts and produce is produced and sold on the property. The definition limits the production of such products to the site only with no display or sale possible. This means no visitation would be permissible by persons wishing to view / purchase such products. The Huon Valley relies on local producers being able to produce and sell local handicrafts and produce from the property and forms part of the rural character of the area to visitors. The <i>Huon Planning Scheme 1979</i>, <i>Port Cygnet Planning Scheme 1988</i> and <i>Esperance Planning Scheme 1989</i> each contained a home occupation use class which did not restrict the sale of goods produced on the property and will effectively undermine the local arts and crafts industry in the Huon Valley.</p>

<p><b>(e)</b> <i>there is no activity that causes electrical interference to other land;</i></p> <p><b>(f)</b> <i>there is, on the site, no storage of hazardous materials;</i></p> <p><b>(g)</b> <i>there is, on the site, no display of goods for sale;</i></p> <p><b>(h)</b> <i>there is, on the site, no advertising of the business other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;</i></p> <p><b>(i)</b> <i>there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;</i></p> <p><b>(j)</b> <i>not more than 2 commercial vehicles are on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</i></p> <p><b>(k)</b> <i>all vehicles used by the business are parked on the site.</i></p>	
<p><u>Clause 5.2.1 Home Occupation exemption</u></p> <p><i>Use of part of a dwelling by a resident for non-residential purposes if:</i></p> <p><b>(a)</b> <i>no more than 40m<sup>2</sup> of floor area of the dwelling is used for non-residential purposes;</i></p> <p><b>(b)</b> <i>the person conducting the home occupation normally uses the dwelling as their principal place of residence;</i></p>	<p>As per above comments.</p>

<p><b>(c)</b> <i>it does not involve employment of persons other than a resident;</i></p> <p><b>(d)</b> <i>there is no more than the occasional visitor to the site for non-residential purposes;</i></p> <p><b>(e)</b> <i>any load on a utility is no greater than for a domestic use;</i></p> <p><b>(f)</b> <i>there is no activity that causes electrical interference to other land;</i></p> <p><b>(g)</b> <i>there is, on the site, no storage of hazardous materials;</i></p> <p><b>(h)</b> <i>there is, on the site, no display of goods for sale;</i></p> <p><b>(i)</b> <i>there is, on the site, no advertising of the home occupation other than 1 sign (non-illuminated) not exceeding 0.2m<sup>2</sup> in area;</i></p> <p><b>(j)</b> <i>there is, on the site, no refuelling, servicing or repair of vehicles not owned by a resident;</i></p> <p><b>(k)</b> not more than 1 commercial vehicle is on the site at any one time and no commercial vehicle on the site exceeds 2 tonnes; and</p> <p><b>(l)</b> any vehicle used for non-residential purposes is parked on the site.</p>	
<p><u>16.0 Village Zone</u></p>	<p>It is recommended that development standards be included into the Zone to address multiple dwelling unit developments. This should include setbacks and building envelope standards, site coverage and private open space standards, sunlight and overshadowing standards and privacy standards. Those contained within the Low</p>

	<p>Density Residential Zone or General Residential Zone would be appropriate for inclusion in the Village Zone.</p> <p>Reason: Multiple dwelling developments are a discretionary use in the Village Zone and require standards to address the level of amenity offered to higher density developments. The Village Zone in the Huon Valley reflects areas which are dominated by residential use and the Zone Purpose Statements place a strong emphasis on residential use.</p>
<p><u>Clause 13.4.2 A4, Clause 14.4.2 A2, Clause 26.4.2 A4</u></p> <p>Each clause requires:</p> <p><i>A4</i> <i>Buildings and works must be setback from land zoned Environmental Management no less than:</i></p> <p><i>100 metres</i></p>	<p>It is recommended that A4 of Clause 13.4.2 A4, Clause 14.4.2 A4 and Clause 26.4.2 A4 be revised to require a minimum setback of 100 metres for land adjoining the Tasmanian Wilderness World Heritage Area and 50 metres for all other Environmental Management zoned land.</p> <p>Reason: The majority of Rural Living, Environmental Living and Rural Resource zoned lots adjoins Environmental Management zoned associated with foreshore reserves or riparian reserves. The 50 metre setback from rivers and coastal waterways will be more consistent with the waterway setbacks included in the Forest Practices Code.</p>
<p><u>Clause E7.7.1 A1</u></p> <p><i>A1</i> <i>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</i></p>	<p>It is recommended that this clause be amended so that it only relates to land where public stormwater infrastructure is available.</p> <p>Reason: The drafting of this Acceptable Solution generates discretion for development in rural areas as no public stormwater infrastructure is available and reliance upon on-site detention methods is preferred.</p>
<p><u>Clause 5.2.1(d)</u></p> <p><b>(d)</b> <i>there is no more than the occasional visitor to the site for non-residential purposes;</i></p>	<p>It is recommended that sub-clause (d) of 5.2.1 be amended to remove the ambiguity around reference to an 'occasional caller'. Amend to read 'there is no more than four visitors to the site for non-residential purposes per day'.</p> <p>Reason: This is critical in controlling the potential impact of a home occupation on surrounding residential amenity through increase traffic generation, noise and the like.</p>
<p><u>E7.6 Use Standards</u></p>	<p>The phrase 'There are no use standards in this code' is duplication with a local and</p>



	<p>regional provision. It is recommended that the local provision be deleted.</p> <p>Reason: To remove drafting error.</p>
<p><u>Low Density Residential Use Table</u></p> <p>The 'Residential' use class appears as both a Permitted and Discretionary use with an identical qualification.</p>	<p>It is recommended that the 'Residential' use class in the Low Density Residential Zone be in accordance with the Regional Model.</p> <p>Reason: To ensure consistency with the Regional Model and to correct a drafting error.</p>
<p><u>Definition of 'Residential'</u></p> <p><i>use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.</i></p>	<p>It is recommended than an 'ancillary dwelling' be included in the listed examples.</p> <p>Reason: To make it clearer that an ancillary dwelling forms an ancillary use.</p>
<p><u>Table 13.1 Minimum Lot Size</u></p> <p>The TPC directed in its compliance report to replace all Rural Living Zone Area A areas in the Municipality with the Rural Living Zone Area B. Rural Living Zone Area A remains in Table 13.1</p>	<p>It is recommended that Table 13.1 be amended to remove reference to Rural Living Zone Area A.</p>
<p><u>Clause 23.3.6 P1 Scale of use</u></p> <p>P1</p> <p><i>Discretionary uses must comply with all of the following:</i></p> <p><b>(a)</b> <i>benefit from locations with high visibility to passing vehicular traffic or are otherwise setback from the street;</i></p> <p><b>(b)</b> <i>are compatible with other uses within the zone;</i></p>	<p>It is recommended that the word 'or' contained in sub-clause (d) of Clause 23.3.6P1 be replaced with 'of'.</p> <p>Reason: To correct a drafting error.</p>

<p><i>(c) improve the urban design of land within the zone including attractiveness and amenity;</i></p> <p><i>(d) must be or a nature or particular needs that benefit from siting within the zone and not within the activity centre.</i></p>	
<p><u>Clause 35.4.1 Public Access</u></p>	<p>It is recommended that the numbering be replaced with 35.4.4.</p> <p>Reason: To correct a drafting error.</p>
<p><u>Clause 3.0.1- R Infrastructure: Regional Objectives</u></p>	<p>It is recommended that Clause (b) and (e) be removed from the 'Outcomes to be achieved column' as they are duplicated.</p> <p>Reason: To correct a drafting error.</p>
<p><u>Clause 3.0.1 R- L Infrastructure: Local Objectives</u></p>	<p>It is recommended that Clause (g) of the 'Outcomes to be achieved' column be replaced with the following wording:</p> <p style="text-align: center;">Managing existing under-serviced residential areas through Specific Area Plans for parts of Dover, Geeveston, Port Huon and Ranelagh.</p> <p>Reason: To correct a drafting error.</p>
<p><u>Clause 3.0.2- L Residential Growth: Local Objectives</u></p>	<p>It is recommended that Clause (b) of the 'Outcomes to be achieved' column be replaced with the following wording:</p> <p style="text-align: center;">Purpose Zone 1 - Settlement Growth Zone to land identified for future residential expansion.</p> <p>Reason: To correct a drafting error.</p>
<p><u>Clause 3.0.3 – L Activity Centres: Local Objectives</u></p>	<p>It is recommended that Clause (c) of the 'Outcomes to be achieved' column be replaced with the following wording:</p> <p style="text-align: center;">Applying the Local Business Zone to the core of the Cygnet, Dover and Geeveston Activity Centre, each being the Local Centre within the Activity</p>

	<p>Centre Network.</p> <p>Reason: To correct a drafting error.</p>
<u>Clause 3.0.4 – R Economic Infrastructure: Regional Objective</u>	<p>It is recommended that Clause (c) of the ‘Outcomes to be achieved’ column be replaced with the following wording:</p> <p style="padding-left: 40px;">Applying the Port and Marine Zone to recognise the regional strategic importance of the port and marine activities</p> <p>Reason: To correct a drafting error.</p>
<u>Clause 3.0.9 – R Competitiveness: Regional Objectives</u>	<p>It is recommended that Clause (d) of the ‘Outcomes to be achieved’ column be replaced with the following wording:</p> <p style="padding-left: 40px;"><i>Providing for the planning assessment of major tourism development proposals and applying the Major Tourism Zone to major tourist sites (when applicable).</i></p> <p>Reason: To correct a drafting error.</p>
<u>‘Educational and occasional care’ use class in the Environmental Living Zone</u>	<p>It is recommended that the ‘Educational and occasional care’ use class be reinstated into Use Table 14.2 on a discretionary basis with the following qualification:</p> <p style="padding-left: 40px;">Only if for an alteration or extension to 1118 Nicholls Rivulet Road, Nichols Rivulet.</p> <p>Reason: To reflect the existing established educational use on this land and to provide an opportunity for improved educational facilities to rural areas.</p>
<u>Local Business Zone- Table 20.2 ‘Residential’ use class</u>	<p>Reinstate the permitted ‘Residential’ use class and associated qualification within Table 10.2</p> <p>Reason: To ensure consistency with the Regional Model Planning Scheme.</p>
<u>Clause 26.4.2 P3 – Rural Resource Zone setbacks</u>	<p>Reinstate the Performance Criteria with that provided within the Regional Model Planning Scheme.</p>

	Reason: To correct a drafting error.
<u>Low Density Residential Zoning: 219, 221, 223, 225 Kingfish Beach Road.</u>	Rezone these properties to Low Density Residential.  Reason: To correct a drafting error involving the application of the Environmental Management Zone to freehold parcels developed with residences.
<u>Clause 6.6.1 Outbuilding in the Rural Living Zone, Rural Resource Zone and Significant Agriculture Zone</u>	Insert new Clause 6.6.3 to read as follows:  The construction of an outbuilding in the Rural Resource Zone and Significant Agriculture Zone for agricultural use if:  <ul style="list-style-type: none"> <li>a) Buildings or works are directly associated with, and a subservient part of an agricultural use (excluding a dwelling);</li> <li>b) Buildings have a setback of no less than 5 metres from all side and rear boundaries and a front setback of no less than 20 metres unless there is an existing building with a lesser setback then the front setback must not be less than the existing building;</li> <li>c) No part of the building would encroach within a service easement or within 1 metres of an underground service.</li> </ul> Reason: The historical arrangement of small lot sizes within the Huon means farm sheds are often prohibited within the Rural Resource and Significant Agriculture Zones due to the generous numerical setback provisions contained within the Performance Criteria. This is in direct conflict with the intent of the zone to encourage infrastructure which is directly associated with an agricultural use.
<u>Clause 14.4.2 P2 Environmental Living side and rear setback standards</u>	Urgent Amendment (HUO UA4/2015 approved by the TPC on the 16 December 2015 dealing with the side / rear setbacks in the Environmental Living Zone Performance Criteria is inconsistent with the requested amendments by Council. The Performance Criteria for P1 of Clause 14.4.2 relating to front setbacks.  The report endorsed by Council at the 15 September 2015 Council meeting requested the following amendment to 14.4.2 P2 (Page 1145 of the Council meeting Minutes):

	<p>P2  <i>Building setback from side and rear boundaries must satisfy all of the following:</i></p> <p>(a) <i>be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape;</i></p> <p>(b) <i>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <p style="padding-left: 40px;">(i) <i>overlooking and loss of privacy;</i></p> <p style="padding-left: 40px;">(ii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p> <p>(c) <i>be consistent with the Zone Purpose Statement provided under 14.1.1 of the planning scheme.</i></p> <p>However, the resolution part of the report (Page 1147 onwards) stated:</p> <p>P2</p>
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	<p><i>Building setback from side and rear boundaries must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape;</i></li> <li><i>(b) minimise adverse impact on the streetscape;</i></li> <li><i>(c) be consistent with the prevailing setbacks of existing buildings on nearby lots;</i></li> <li><i>(d) minimise loss of native vegetation within the front setback where such vegetation makes a significant contribution to the landscape as viewed from the road;</i></li> <li><i>(e) be consistent with the Zone Purpose Statement provided under 14.1.1 of the planning scheme.</i></li> </ul> <p>The part included in the resolution has consequently translated into the TPC endorsed amendment.</p> <p>It is recommended that the administrative error be rectified to achieve the intended objective. It is also noted that the region are progressing an urgent amendment to the setback standards within the same series of zones which is supported by Council.</p>
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<p><u>Clause 29.4.2 Setbacks in the Environmental Management Zone</u></p>	<p>Insert the words ‘excluding works dependent upon a coastal location’ at the end of Acceptable Solution 29.4.2 A1, A2 and A3.</p> <p>Reason: Works dependent upon a coastal location such as wharves, retaining walls and jetties cannot be reasonably expected to meet the front, side and rear setback standards.</p>
<p><u>Table 8.2 Port and shipping definition</u></p>	<p>That changes to the ‘Port and shipping’ use class contained within Table 8.2 of the Interim Planning Scheme are recommended in relation to the terms ‘navigation’ and ‘berthing and shipping corridors’ so that matters relating to planning being the responsibilities of Planning Authoritys and matters relating to regulatory controls for navigation and marine based activities within the Huon River estuary which are responsibilities of relevant State Government agencies are clearer and less ambiguous concerning these matters.</p>
<p><u>Rezone the following properties in Southport from Environmental Management to Low Density Residential:</u></p> <p>CT 138517/29  CT 138517/28  CT 138517/27  CT 138517/26</p>	<p>Rezone the following properties from Environmental Management to Low Density Residential:</p> <p>CT 138517/29  CT 138517/28  CT 138517/27  CT 138517/26</p> <p>Reason: To correct an oversight in the application of zoning under the draft Huon Valley Interim Planning Scheme 2014. These properties are private parcels with no Codes applying which deal with land hazards.</p>
<p><u>Rezone the following properties in Eggs and Bacon Bay from Environmental Management to Environmental Living:</u></p> <p>CT 8131/10  CT 8131/11  CT 8131/12  CT 8131/17  CT 8131/18</p>	<p>Rezone the following properties from Environmental Management to the Environmental Living Zone:</p> <p>CT 8131/10  CT 8131/11  CT 8131/12  CT 8131/17  CT 8131/18</p>

CT 8131/19	CT 8131/19 Reason: To correct an oversight in the application of zoning under the draft Huon Valley Interim Planning Scheme 2014. These properties are private parcels with no Codes applying which deal with land hazards.
<u>Application of dual zones to properties</u>	Review of properties in the municipal area that have dual zoning ('split' zoning) applied under the Interim Planning Scheme, for example, property referred to in representation No. 1. It is evident that like all the Interim Planning Schemes, the Interim Planning Scheme does not have a mechanism to deal with subdivision concerning dual zoned properties. This is recommended as a matter to be further reviewed by the Commission on a regional basis.
<u>Rezone the following properties from Significant Agriculture to Rural Resource:</u>  CT 40326/1 CT 40326/2 CT 40326/3 CT 211157/1 CT 13216/1	Rezone the following properties from Significant Agriculture to Rural Resource:  CT 40326/1 CT 40326/2 CT 40326/3 CT 211157/1 CT 13216/1  Reason: To correct an oversight in the application of zoning under the draft Huon Valley Interim Planning Scheme 2014. These properties are private parcels with no Codes applying which deal with land hazards.
<u>Rezone the following properties from Significant Agriculture to Rural Resource:</u>  CT 131690/2 CT 131690/2 CT 106836/3 CT 131690/1 CT 131689/1	Rezone the following properties from Significant Agriculture to Rural Resource:  CT 131690/2 CT 131690/2 CT 106836/3 CT 131690/1 CT 131689/1  Reason: To correct an oversight in the application of zoning under the draft Huon Valley Interim Planning Scheme 2014. These properties are private parcels with no Codes applying which deal with land hazards.
<u>Rural Resource Zone: Application to additional properties relating to other land</u>	Subject to a review of the zone that applies to the land, apply the Rural Resource

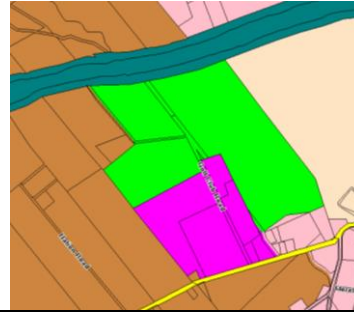


<p><u>referred to in Part A</u></p>	<p>Zone (or other suitable zone) to:</p> <ul style="list-style-type: none"> <li>-63 Narrows Road, Strathblane (PID 286337) (refer to Representation 35);</li> <li>-land west of 'Forest Home', Judbury (No. 799) to Rookwood Road for those properties fronting North Huon Road;</li> <li>-588, 590, 614, 620 and 636 Glen Huon Road, Glen Huon;</li> <li>-other land identified in Part A where the Rural Resource Zone is proposed to apply following that review.</li> </ul>
<p><u>Application of the Environmental Management Zone to private land in the municipal area</u></p>	<p>Application of zone to private land</p> <p>The Environmental Management Zone has been applied to both private land and public land in accordance with the directions provided to the Council regarding the Interim Planning Scheme (Amended Directions Notice).</p> <p>The zoning is consistent with those directions, the Regional Strategy and Regional Planning Scheme provisions. This land is also usually subject to a number of codes which may impact on the development of the land due to potential environmental impacts. However, in many cases a dwelling would have been a permitted use or at the very least a discretionary use under the relevant previous planning scheme that applied.</p> <p>Further the use and development standards within the zone require the use of the land to be consistent with reserve management plans which effectively prohibit development and sets aside the land for public purpose without acquisition. In these cases it is considered appropriate to zone private Environmental Management zoned land to an appropriate zone such as Rural Resource or as otherwise appropriate to the specific circumstances. This also applies to land that has not been the subject of a representation or a submission in this report that is zoned Environmental Management.</p>
<p><u>Alteration to Zone</u> 80 Golf Club Road, Huonville; PID 7464326</p>	<p>Recreation Zone to be replaced by Rural Living Zone A subdivision has been approved for this land (SUB -56/2008) and therefore the zone</p>



Amendment to 21.4.3 Access for new dwellings

is required to be altered to a residential zone.



Requirement for a part 5 Agreement to be reviewed (P1)

**ANNEXURE TO PART B- Statement of the planning authority’s views, and recommendations, in respect of the operation of the *Huon Valley Interim Planning Scheme 2015* – Section 30J(8)**

A number of matters related to the operation of the *Huon Valley Interim Planning Scheme 2015* have been identified and these are outlined below. A number of amendments to various clauses are recommended in order to improve the operation of the Interim Planning Scheme:

<p><b>Environmental Management Zone</b></p> <p>Baker Wilson on behalf of Mr Pettit and Mr Colless</p> <p><u>Land at Randalls Bay</u></p> <p>2 Randalls Bay Road, Randalls Bay</p> <p>CT 21453/2 (Mr Pettit)</p> <p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p>	<p>Two submissions have been received on behalf of the respective owners that raise similar concerns regarding the application of the Environmental Management Zone to this land.</p> <p>A change of the zone to Rural Living is sought in relation to the respective properties (or alternative appropriate</p>	<p><u>Land at Randalls Bay</u></p> <p>The land was previously zoned Rural A under the <i>Port Cygnet Planning Scheme</i>. It is now zoned Environmental Management.</p> <p>The land is within the 3m AHD overlay and a number of codes apply to its use under the Interim Planning Scheme.</p>	<p><u>Land at Randalls Bay</u></p> <p>That the Rural Resource Zone be applied to CT 21453/2 (or suitable alternative zone) instead of the Environmental Management Zone</p> <p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p>
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<p>CT 8131 Folios 10-16 (Flakemores Road, Eggs and Bacon Bay; land owned by Mr Colless)</p> <p>NON STATUTORY</p> <p>(Regional provisions – zoning issue)</p>	<p>zone).</p>	<p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p> <p>The land was previously zoned Village under the <i>Port Cygnet Planning Scheme</i>.</p> <p><u>Application of the Environmental Management Zone</u></p> <p>Residential use (dwelling) and development (dwelling) is not permitted within this zone unless in accordance with a reserve management plan.</p> <p>The Environmental Management Zone was applied to the land in accordance with the directions provided to the Council regarding the Interim Planning Scheme (Amended Directions Notice).</p>	<p>That the Low Density Residential Zone (or suitable alternative zone) be applied to CT 8131 Folios 10-16 instead of the Environmental Management Zone</p> <p><u>Application of zone to other land</u></p> <p>That the Tasmanian Planning Commission undertake an immediate review of the application of this zone to other private land in the municipal area.</p>
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		<p>The zoning has also been applied in accordance with the Regional Strategy and Interim Planning Scheme requirements.</p> <p>Further, the use and development standards within the zone specifically require the use and development to be consistent with a reserve management plan which effectively prohibits development and sets aside the land for public purpose without acquisition.</p> <p>In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported</p>	
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		<p>on that basis.</p> <p>It is also considered necessary for an immediate review of the application of this zone to other the private land.</p>	
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**Annexure to Part B**

<p><b>Environmental Management Zone</b></p> <p>Baker Wilson on behalf of Mr Pettit and Mr Colless</p> <p><u>Land at Randalls Bay</u></p> <p>2 Randalls Bay Road, Randalls Bay CT 21453/2 (Mr Pettit)</p> <p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p> <p>CT 8131 Folios 10-16 (Flakemores Road, Eggs and Bacon Bay; land owned by Mr Colless)</p> <p>NON STATUTORY</p> <p>(Regional provisions – zoning issue)</p>	<p>Two submissions have been received on behalf of the respective owners that raise similar concerns regarding the application of the Environmental Management Zone to this land.</p> <p>A change of the zone to Rural Living is sought in relation to the respective properties (or alternative appropriate zone).</p>	<p><u>Land at Randalls Bay</u></p> <p>The land was previously zoned Rural A under the <i>Port Cygnet Planning Scheme</i>. It is now zoned Environmental Management.</p> <p>The land is within the 3m AHD overlay and a number of codes apply to its use under the Interim Planning Scheme.</p> <p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p> <p>The land was previously zoned Village under the <i>Port Cygnet Planning Scheme</i>.</p> <p><u>Application of the Environmental Management Zone</u></p> <p>Residential use (dwelling) and development (dwelling) is not permitted within this zone unless in accordance with a reserve management plan.</p> <p>The Environmental Management Zone was applied to the land in accordance with the directions provided to the Council regarding the Interim Planning Scheme (Amended Directions Notice).</p> <p>The zoning has also been applied in accordance with the Regional Strategy and Interim Planning Scheme</p>	<p><u>Land at Randalls Bay</u></p> <p>That the Rural Resource Zone be applied to CT 21453/2 (or suitable alternative zone) instead of the Environmental Management Zone</p> <p><u>Land at Flakemores Road, Eggs and Bacon Bay</u></p> <p>That the Low Density Residential Zone (or suitable alternative zone) be applied to CT 8131 Folios 10-16 instead of the Environmental Management Zone</p> <p><u>Application of zone to other land</u></p> <p>That the Tasmanian Planning Commission undertake an immediate review of the application of this zone to other private land in the municipal area.</p>
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		<p>requirements.</p> <p>Further, the use and development standards within the zone specifically require the use and development to be consistent with a reserve management plan which effectively prohibits development and sets aside the land for public purpose without acquisition.</p> <p>In relation to the potential impact of the proposed amendments on the Interim Planning Scheme as a whole, it is considered the proposed amendment is, <i>as far as practicable</i>, consistent with the Regional Strategy and it is also recommended that this amendment be supported on that basis.</p> <p>It is also considered necessary for an immediate review of the application of this zone to other the private land.</p>	
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**PART C- Copy of individual representations**