

**From:** Michela Fortini  
**Sent:** Thu, 10 Mar 2022 09:00:50 +1100  
**To:** hvc@huonvalley.tas.gov.au  
**Subject:** LPS representation - 649 North Huon Road  
**Attachments:** Representation.pdf

To the General Manager,

Please see attached representation for the Huon Valley LPS pertaining to 649 North Huon Road, Judbury, submitted on behalf of our client Alison and Patrick Ryan.

Please confirm receipt of this email.

Kind Regards,

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10<sup>th</sup> March 2022

The General Manager

PO Box 210

Huonville TAS 7109

Huon Valley City Council

By email: [hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)

Dear Sir

**SUBMISSION -649 NORTH HUON ROAD, JUDBURY  
DRAFT HUON VALLEY LOCAL PROVISIONS SCHEDULE**

I write to make a submission on behalf of Alison & Patrick Ryan the landowners at 649 North Huon Road, Judbury in relation to the proposed change to the zoning with the *Draft Huon Valley Local Provision Schedule*. It is proposed the zoning change to Rural rather than Agriculture under the forthcoming State Planning Provisions.

The subject site consists of one title described by CT 102364/1. The site comprises of approximately 2ha of undeveloped vacant land. The site has frontage onto North Huon Road in the northeast and the Huon River in the southwest. There is a natural stream running through the south of the site that runs into the Huon River and includes a dam.

The topography of the site responds to the site's location in relation to the river and stream with a south-south-easterly slope aspect. The lowest part of the site is at the river frontage, and the topography of the site is relatively steep rising at a gradient of 1:5 from the river towards the road.

The site is largely cleared for agriculture and pasture and has patches of vegetation around the stream and along the road frontage. This is further described by the following figures:

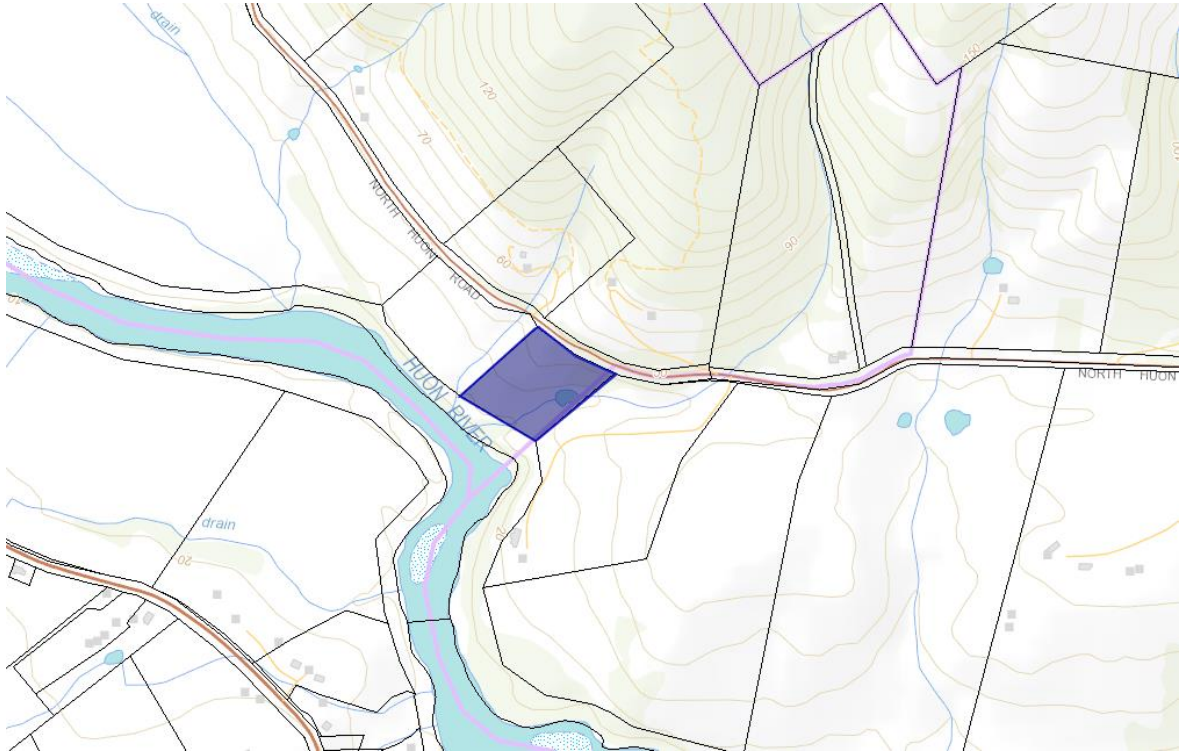


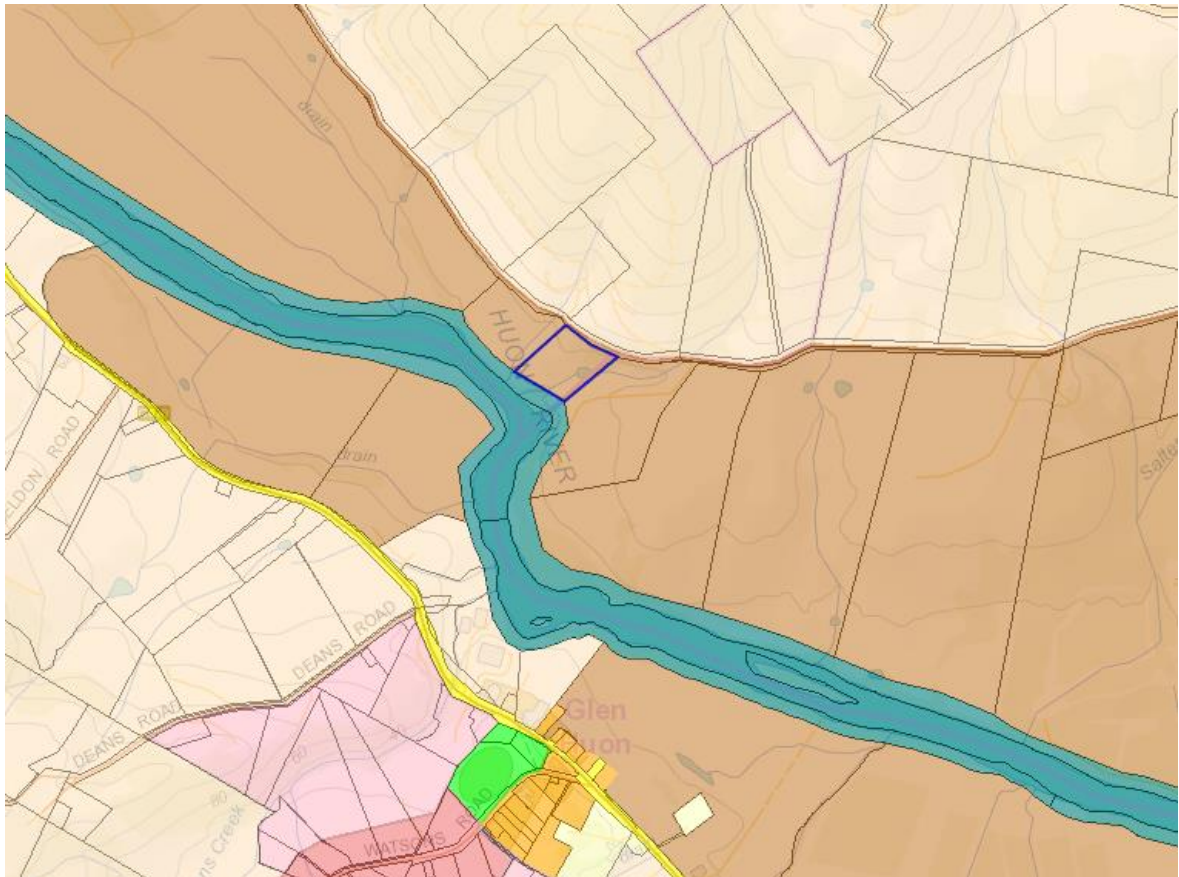
Figure 1: Location with topographic and cadastre (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania)



Figure 2: Aerial Imagery with cadastre (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania)

## EXISTING INTERIM PLANNING SCHEME ZONES

The site is currently zoned significant agriculture as shown in the below figure:



**Figure 3: Huon Valley Interim Planning Scheme zone plan with cadastre and zones from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania**

Currently, adjoining blocks to the east and west of the site are similarly zoned as Significant Agriculture. The adjoining lots to the north are zoned as Rural. The site abuts the Huon River at the rear of the block.

The site is within close proximity to two minor settlements: Glen Huon (approximately 9kms) and Judbury (approximately 4kms).

## DRAFT LPS ZONES

In the exhibited Draft LPS zone plans, the subject site is proposed to be zoned Agriculture as described in the figure below:

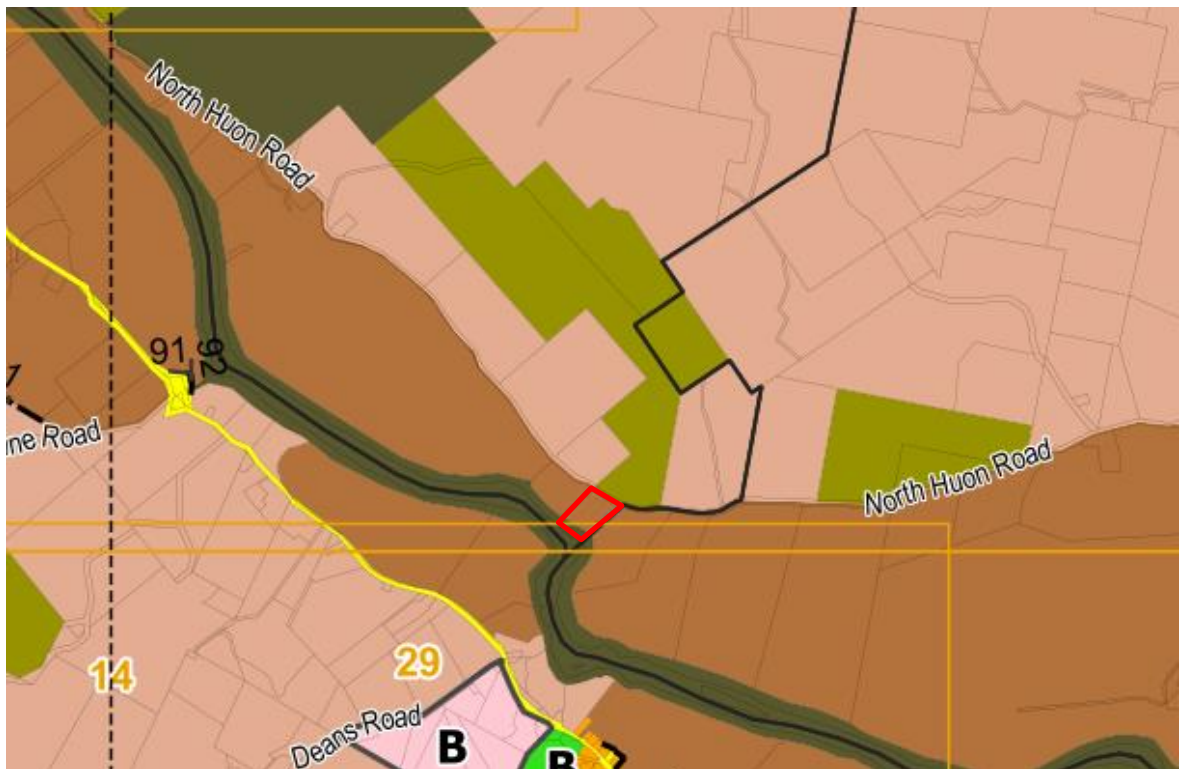


Figure 4: Draft LPS zoning (source: Draft Huon Valley LPS)

As detailed in the above figure, there is a band of significant agriculture that approximately follows the length of the Huon River. The majority of these lots are predominantly larger in size, ranging between 6ha and 70ha.

There are pockets of Rural zoning adjoining the river located north of the site and south of the Huon River. These lots are generally smaller in size, ranging between 1ha and 5ha. The majority of these Rural lots have residential dwellings, including but not limited to:

- 1018 Glen Huon Road
- 1000 Glen Huon Road
- 884 Glen Huon Road
- 850 Glen Huon Road.

The site itself is more cognisant (in both size and agricultural capacity) with the lots zoned as Rural.

The purpose of the proposed Agricultural zone is as follows:

21.1.1 To provide for the use or development of land for agricultural use.

21.1.2 To protect land for the use or development of agricultural use by minimising:

- (a) conflict with or interference from non-agricultural uses;
- (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
- (c) use of land for non-agricultural use in irrigation districts.

21.1.3 To provide for use or development that supports the use of the land for agricultural use.

In 2005 the site was mapped as land capability *Class 5* which is described as.

*Land unsuited to cropping and with slight to moderate limitations to pastoral use*

The site was mapped in 2016 under the Land Potentially Suited for Agriculture mapping, as class *2A Potentially Constrained*, as shown in the following figure. The constraints of the category include the small land size in proportion to high capital value and the site not adjoining a residential zone.

Hence the land capability mapping of the site indicates that the potentially constraining small size and steep topography may limit the agricultural uses of the site to pasture and grazing. Such constraints limit the sites overall agricultural value.



Figure 5: Land capability mapping of the site over state aerial image and cadastre (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania)

The Section 8A Guidelines No.1 Local Provision Schedule (LPS): zone and code application, June 2018 provides the following regarding the application of the Agriculture Zone:

*AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

*(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*

Analysis of relevant documents highlights how alternative zoning such as the Rural Zone may be more consistent with the strategic outcomes. Such strategic analysis is considered in greater detail below.

*(e) it can be demonstrated that:*

- (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (ii) there are significant constraints to agricultural use occurring on the land; or*
- (iii) the Agriculture Zone is otherwise not appropriate for the land.*

As discussed above, the land capability mapping determines the land to be potentially constrained. The sites potential for agricultural use is limited to pasture and grazing. Given the high capital value of the land, the sites ability to form part of a larger farm holding is also limited.

There are a number of constraints onsite that may significantly inhibit the agricultural potential of the land. This includes the steep topographic gradient of 1 in 5, as well as the vegetation (trees and shrubs) that occupy the natural streambed across almost a quarter of the site.

It is therefore determined that the agricultural zone is not the most appropriate zoning for the land.

#### LPS ZONE REQUEST

It is requested that the subject land be zoned Rural in accordance with the below strategies:

#### SOUTHERN REGIONAL LAND USE STRATEGY

##### **Productive resources**

*PR 2.6 Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings on small non-farming titles, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.*

Whilst the Rural Zone does allow for residential development, its application is still compatible with agricultural uses. The majority of lots surrounding the site (whether zoned as agricultural or rural) have residential dwellings that do not fetter agricultural uses on neighbouring land. The proposed Rural zone does not provide for intensive residential development and is therefore considered ideal land-use for non-farming titles.

##### **Settlement and residential development**

*SRD 1.3 a. Recognition of existing rural living or environmental living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to rural living or environmental living provided:*

- (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose;*

...

Glen Huon/Judbury is considered an 'other small settlement' under the Southern Regional Land Use Strategy. The land surrounding these settlements are predominantly utilised for rural lifestyle and agricultural purposes. Particularly along the river, there are existing communities of residential dwellings on medium to large acreage blocks. Due to the restrictive nature of the site (small size, topography, high capital value, land capability) it is unlikely to be utilised for agricultural purposes.

#### HUON VALLEY LAND USE AND DEVELOPMENT STRATEGY, ADOPTED 2007

The major strategic directions within the Glen Huon/Judbury minor settlements include:

*Retain the rural character of the district by discouraging inappropriate use or development that would detract from the character of the district or result in conflicts with established use or development.*

The proposed rezoning would enable the retention of the rural character of the region. The proposed rezoning to Rural will not fetter the agricultural potential of adjoining lots, thereby not resulting in conflicts.

*Identify designated rural living areas where existing rural residential development has occurred to such an extent that it dominates local land use and where environmental values will not be compromised.*

The majority of the adjacent lots have existing residential development (regardless of agricultural or rural zoning). Rural residential development between Glen Huon and Judbury therefore dominates local land use.

The strategy also recognises that:

*The demand for residential sites in rural areas with water or mountain views has grown.*

The dominant form of residential development over the past decade has been associated with small lot rural living and low density residential, particularly around areas such as Glen Huon and the Huon River. Consequentially, the number of properties used for agricultural purposes in this region has generally decreased.

The demand for rural living is high and set to continue. The strategy recognises the best way to manage such demand is in a way that addresses as the ‘detrimental impacts upon the Huon valley values’. As the rezoning to Rural will not detriment the rural landscape and values of the riverfront, it is considered appropriate.

## HUON VALLEY COUNCIL STRATEGIC PLAN 2015-2025

One of the first strategic directions discussed in this plan is to encourage a diverse and capable population.

*Councils’ strategic stance is to support population growth and diversity in its demographic to ensure outcomes are achieved.*

Here, attracting and maintaining a growing population is recognised as a key determinant of a community’s ability to be sustained socially and economically. There is a distinctive strategic focus on improving utilities, infrastructure, and facilities for people to live, invest and visit the Huon. This strategy recognises the need to provide zones and places for people to live and invest. The rezoning to Rural land will not only support such population growth but will do so in a manner that does not reduce the rural value of the landscape.

Land use management is also recognised as a core regulatory responsibility of Council. A primary component of Councils strategy includes:

*The availability and use of land for best purpose and future opportunity based on location, proximity and existing and potential servicing and risks is a key tool in ensuring the strategic objectives can be realised in a balanced manner.*

The plan recognises that early land settlement patterns have limited the extent of efficient agricultural production in the Huon. This is particularly evidenced when considering the site itself,



where small agricultural lots proportional to high capital value render the agricultural potential of the site extremely limited.

The site is within proximity to existing settlements such as Judbury (4kms) and Glen Huon (9kms). The site is less than 10km from the Huon Highway and Southern Outlet (A6), a major transport route. Its location is therefore ideal for rural lifestyle that is in high demand in the region.

With demand for rural lifestyles increasing in the Huon region, designating the site as Rural zoning will enable strategic objectives to be realised.

## STATE POLICIES

### State Policy on Water Quality Management 1997

The purpose of this Policy is:

*To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.*

The amendment proposed does not alter any provision which relates to, or that will have any direct impact on water quality. Any future development applications for the land would be required to detail appropriate water management, through connection to services and appropriate stormwater management practices, consistent with this Policy.

### State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is:

*To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.*

As discussed above, the land is not otherwise prime agricultural land. The allocation of a dedicated rural zone close to services in the Glen Huon/Judbury area but away from larger and more productive and irrigated soils in the valley is a suitable means to meeting demand for growth without impacting long-term agricultural land use.

## LAND USE PLANNING AND APPROVALS ACT

The application of the Rural Zone to this land is acceptable as per the criteria provided by Section 34(2) of LUPAA:

*(a) contains all the provisions that the SPPs specify must be contained in an LPS; and*

The Rural zone is a zone provided in the declared SPPs.

*(b) is in accordance with section 32;*

The use and application of the Rural zone in the draft LPS is in accordance with Section 32. There are no points of conflict or tension or modifications of the zoning as provided by the SPPs.

*(c) furthers the objectives set out in Schedule 1 ; and*

The draft zoning is ultimately part of a much broader land use strategy to create and encourage residential nodes around existing settlement patterns around Glen Huon and Judbury.

The proposed rezoning therefore provides for the orderly development of the area without adversely impacting on natural or cultural values and without creating excessive demand on services that cannot be met (and at risk of being stretched over vast areas). It is in accordance

with relevant strategic planning documents and will lead to an enhancement of the social and economic well-being of the area.

*(d) is consistent with each State policy; and*

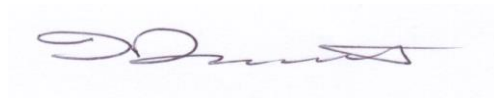
On the whole, the rezoning is consistent with the State Policies.

*(e) is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*

On the whole, the rezoning is consistent with the STRLUS.

Please feel free to contact us if you would like to discuss any of the above in any greater detail.

Yours faithfully



Irene Duckett FPIA, GAICD  
Director  
**IRENEINC PLANNING & URBAN DESIGN**