From: "Catherine Temby" <temby.catherinee@gmail.com>

Sent: Sun, 24 Apr 2022 14:40:23 +1000

To: "Information Management" <hvc@huonvalley.tas.gov.au>
Subject: Representation on the Draft Local Provision Schedule Temby

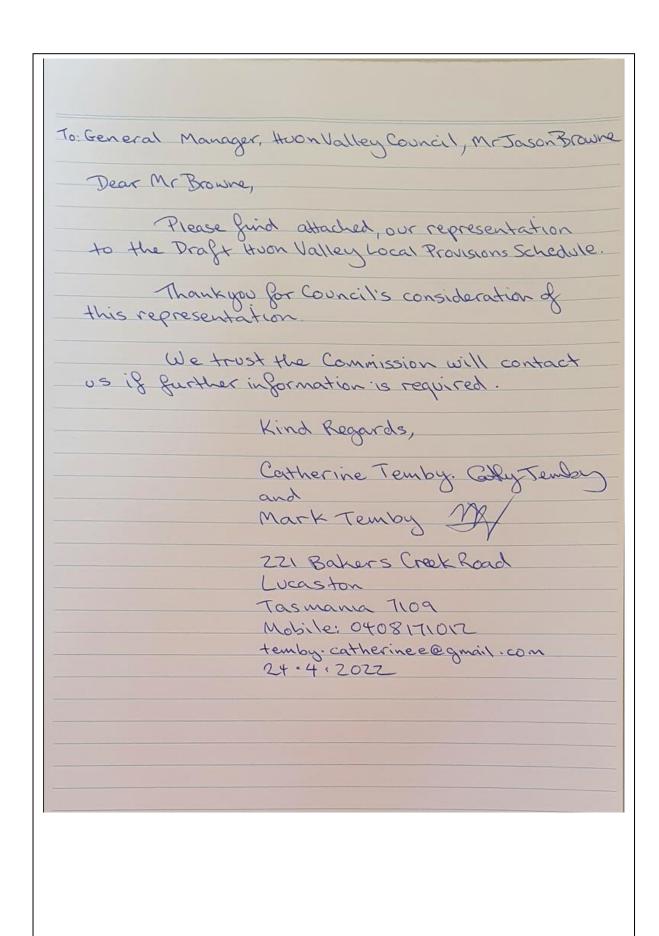
Attachments: Temby Representation on Draft LPS.pdf

To General Manager Jason Browne

Please find attached my representation on the Draft Local Provision Schedule for Huon Valley for your consideration.

Please also confirm receipt of this representation.

Kind Regards Catherine Temby



To The General Manager, Huon Valley Council, Mr Jason Browne with reference "Draft Huon Valley Local Provisions Schedule" Representation by Mark and Catherine Temby 25 April 2022

We, the owners of **221 Bakers Creek Road, Lucaston, PID 7669663**, Area 11086.88, request our property to be zoned Rural Living A, not Agriculture. We also request an extension of the Lucaston Rural Living Zone along Bakers Creek Road and side roads. Our neighbours Mrs Patricia Ann Pook and Dr Michael Pook will be submitting a separate representation for their land, PID 9267055 to be zoned Rural Living (B or C) which we support, not zoned Agriculture. Our requests are based on:

EXECUTIVE SUMMARY:

1. Natural Justice:

- Our land was zoned Semi Rural Residential under the Huon Scheme, when we purchased in 1990
- We subsequently built our home, completed in 1991.
- We were not informed of the Huon Valley Interim Planning Scheme (IPS) in 2015 or of a proposal to rezone our land to Agriculture so, did not have the opportunity to dispute the interim change.
- The Agriculture zone does not reflect the "existing rural living" settlement pattern. For over 40 years Bakers Creek Road has been a Semi Rural Residential settlement of mainly hobby farms.
- An Agriculture zoning would reduce amenity and value of our property due to usage restrictions.
- 2. Compliance with Tasmanian Planning Scheme, State Planning Provision:
- Our Rates Notice Assessment #173906 states we are GenRate Residential and we would be potentially constrained under criteria 2a, Land Potentially Suitable for Agriculture GIS Layer.
- The purpose of an Agriculture zone is "to protect land for the use or development of agricultural use by minimising conflict with or interference from non-agricultural uses". However if applied to our property, it will cause land use conflicts; change the existing settlement pattern; impact on our amenity; create competition for finite water resources; intensify road degradation.
- Our property and those of the Pooks have minimal agricultural viability and are not adjacent to significant tracts of agricultural land. Land capability on PID 9267055 eg measured 5 and 6. Most properties along Bakers Ck Rd are residential hobby farms. (See Appendix 1 by Dr Michael Pook)
- Rural Living zoning on our property and our neighbours would avoid conflict and interference. It allows for a continuation of the existing settlement. (See Appendix 2 Letters of Support)
- Rural Living zoning would comply with its zone purpose "to provide for compatible agricultural
 use and development that does not adversely impact on residential amenity."

3. Section 8a Guideline No. 1 LPS:

"The Rural Living Zone should be applied to residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (eg hobby farming), but priority is given to the protection of residential amenity."

• This is consistent with the existing hobby farming settlement along Bakers Creek Road.

4. Southern Tasmania Regional Land Use Strategy 2010/35:

"Planning for rural living opportunities to minimise detrimental impacts" and to "Support the consolidation of existing settlements ... Land not currently zoned for such use may only be zoned for such use where one or more of the following applies: a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural 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; and (ii) only limited subdivision potential is created by rezoning."

A Rural Living zoning along Bakers Creek Road would minimise detrimental impacts; support
the consolidation of the existing hobby farm settlement extending from the Lucaston Rural
Living Zone at the start of Bakers Creek Road and create minimal if any subdivision potential.

Draft Huon Valley LPS Temby Representation for Rural Living 221 Bakers Creek Road, Lucaston

Draft Huon Valley LPS Temby Representation for Rural Living 221 Bakers Creek Road, Lucaston

1. Natural Justice

The provision of Natural Justice requires a person to be overtly informed and given a reasonable opportunity to present information before a decision is reached that might adversely affect them. They should also be provided with the opportunity to appeal the decision that has been made.

Our property was purchased in 1990 and zoned Semi Rural Residential under the Huon Scheme.

We were not informed of the Huon Valley Interim Planning Scheme (IPS) which became effective on 31 August 2015 or that our zone was to be changed to Agriculture. As such we did not have the opportunity to dispute the interim change of zoning. We contend the Agriculture zone is not appropriate for our property and it does not reflect the historical Semi Rural Residential settlement pattern which has dominated Bakers Creek Road and side streets for over 40 years in Lucaston.

The vast majority of properties along Bakers Creek Road and side streets are small "hobby farms". There are only 3 small agricultural business operations.

For over 40 years, a compatible settlement pattern of Agricultural and Semi Rural Residential has coexisted.

Recently an intensification of Agricultural use (cherry orchard) has encroached into the first kilometre of the unsealed section of Bakers Creek Road. The remaining land along the unsealed section of the road is used for residential hobby farming.

The increase in heavy agricultural vehicles and large number of workers' cars (see picture on right) over a short period of time has contributed considerably to the deterioration of the road.

A zoning of Agriculture further along Bakers Creek Road will:

- o change the existing settlement pattern
- impact on our amenity
- o cause land use conflicts
- o create competition for finite water resources
- o intensify road degradation; and
- o diminish property values.



The picture above shows 50 workers' cars parked on the right and the damage on the first kilometre of unsealed section of Bakers Creek Road which is exacerbated by them and the increased heavy agricultural vehicle movements. This was reported to Huon Valley Council on 19 January 2022.

The value and amenity of our property will be reduced due to restrictions on usage if the land is zoned Agriculture. Our neighbours would not be able to sell their land for use as a residential hobby farm as expected and we will be faced with potential encroachment of intensive agriculture.

This process, as well as our financial and time constraints limit our capacity to mount a substantial argument, and as such, does not represent a provision of natural justice.

Draft Huon Valley LPS Temby Representation for Rural Living 221 Bakers Creek Road, Lucaston

2. Tasmanian Planning Scheme, State Planning Provision:

"The purpose of the Agriculture Zone is: To provide for the use or development of land for agricultural use. To protect land for the use or development of agricultural use by minimising (a) conflict with or interference from non-agricultural uses"

• If our land and that of our neighbours is zoned Agriculture, it will not minimise conflict with or interference from non-agricultural users. As outlined earlier, in fact it will increase conflict.

The **State Planning Provision** also states:

"The purpose of the Rural Living Zone is: To provide for residential use or development in a rural setting where: (a) services are limited; or (b) existing natural and landscape values are to be retained. To provide for compatible agricultural use and development that does not adversely impact on residential amenity. To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts."

 Application of a Rural Living Zone for our property and that of our neighbours would avoid conflict and interference as it allows for a continuation of the existing settlement pattern of compatible agricultural use and development that does not adversely impact on amenity.

3. Sec 8 A Guideline No. 1 LPS:

Page 6: "RLZ 1 The Rural Living Zone should be applied to: (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (eg hobby farming), but priority is given to the protection of residential amenity."

• There are many properties at the start of Bakers Creek Road which we contend are correctly zoned as Rural Living and we further contend that this zone should continue along the road and side roads as per the existing Semi Rural Residential settlement pattern of hobby farms.

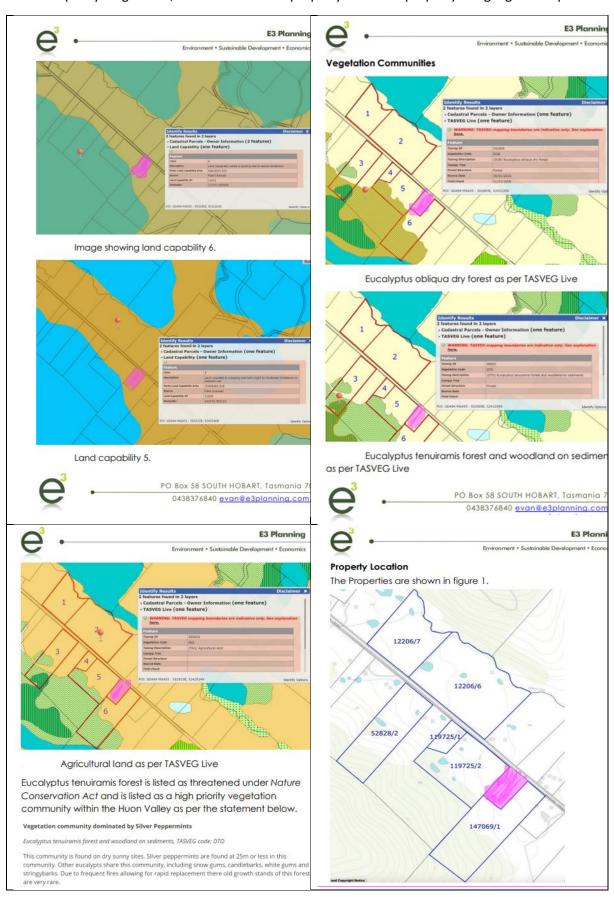
Statement on State Policy - Land not suitable for development of sustainable agriculture:

We acknowledge and support Principle 1 of the State Policy on the Protection of Agricultural Land 2009 which states that "the sustainable development of agriculture should not be confined or restrained by non-agricultural use or development". However the Agricultural Land Mapping Project Identifying land suitable for inclusion within the Tasmanian Planning Scheme's Agriculture Zone Background Report, May 2012 states "While land capability classification data has historically been used for mapping potential agricultural land in Tasmania, it has many limitations. There is only partial coverage of the State and large portioned modelling has been used with limited ground-truthing."

Our experience for over 30 years has shown there is a low potential for sustainable development of agriculture on our land and land along Bakers Creek Road. As shown in the following maps, neighbouring properties have a land capability of 5 and 6. There is little opportunity for irrigation due to geology, topography, proximity to Landscape Conservation Zone and threatened species. (also refer to Appendix 1: Dr Michael Pook and 2: Letters of Support, Bakers Creek Road residents)

Our Rates Notice Assessment #173906 issued 2 July 2021 states we are GenRate Residential and our property is potentially constrained under criteria 2a, Land Potentially Suitable for Agriculture GIS Layer, as the capital value is higher than \$50,000 per ha.

Below maps my neighbours, Mrs and Dr Pook's property #1-6. Our property is highlighted in pink:



4. Southern Tasmania Regional Land Use Strategy 2010/35:

19.5 page 85 "(Joint Land Use Planning Initiative, Vision East and Huon Valley Land Use & Development Strategy) The Regional Settlement Strategy builds upon work at a whole of region level and is aimed at:" in part "Planning for rural living opportunities to minimise detrimental impacts"

Page 94 "SRD 1.3 Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies: a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural 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; and
- (ii) only limited subdivision potential is created by rezoning."
- A Rural Living zoning (A, B or C) along Bakers Creek Road would minimise detrimental impacts
 as discussed; support the consolidation of the dominant existing hobby farm settlements
 extending from the Lucaston Rural Living Zone and create minimal if any subdivision potential.

In a Rural Living Zone a single dwelling residential is only permitted within certain constraints so the agricultural land is still protected.

The application of a Rural Living Zone would not preclude the use of the land for small scale vegetable gardens and grazing as this is how the land is mostly being used all along Bakers Creek Road and has been used for many decades.

However, intensive agriculture beyond the existing 3 small agricultural businesses would lead to detrimental impacts eg conflicts over water for irrigation and degradation of the unsealed section of our road due to multiple movements of heavy farm machinery and large numbers of workers' cars.

Our experience in Lucaston has revealed many long-term benefits of rural living hobby farming over the last 30 years including the potential to attract high income lifestyle seeking commuters who work in Greater Hobart and bring new streams of revenue into the municipality.

Our experience with this commuter lifestyle demographic in our area is that they are keen to raise livestock, grow vegetables and contribute excess produce to local Farmers Markets, thus contributing to community life, food security and improving access to healthy, locally grown food.

Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones: 2018

Page 9 "Where there is a cluster of titles, the majority with a dwelling and less than 40ha and under different ownership, it is likely this area is already compromised for 'medium to large-scale' agriculture unless there is evidence of irrigation water and high value agricultural activities."

 In Bakers Creek Road there is a cluster of titles, the vast majority with a dwelling and smaller than 40ha under different ownership with limited, if any, potential for irrigation or high value agricultural activities. (see Appendix 1 by Dr Michael Pook and Appendix 2 Letters of Support)

Appendix 1 Observations by Bakers Creek Rd Property Owner, Dr Michael Pook

Land zoned as 'Agriculture' on the southern side of Bakers Creek Road is predominantly identified as conforming to a land Capability of 6 on the Cadastral Parcels database (i.e. "Land marginally suited to grazing due to severe limitations"). These 'severe limitations' in part explain our lived experience of dealing with water availability, the steepness of slope, poor soil depth and quality of soil, bracken control and the difficulty of constructing infrastructure such as dams and feral animal fencing on sloping terrain. On the other hand, the portion of land on the lowest contours is identified as having a Capability of 5 (i.e. "Land unsuited to cropping and with slight to moderate limitations to pastoral use".

The categorization into these two capabilities essentially means that only the lowest elevation of these parcels of land (approximately one quarter to one third) can realistically be used for an agricultural pursuit. As the total area of each of the blocks in question measures approximately 4 to 5 hectares, the area available on which to carry out any agricultural pursuit would be restricted to an area of 1.5 to 2 hectares.

Soil tests conducted as recently as July 2018 reveal that the soil on the most productive lower one third of one of these properties with an assessed Capability of 5 was deficient in nitrogen, phosphorous, potassium, sulphur, copper, zinc, boron and manganese. This result was obtained after 27 years of grazing, harrowing, sub-soil ploughing and application of fertilizer.

It is surprising to us as managers of much of this land for the past 40 odd years that the 'source' for the land capability assessment is listed as 'field checked'.

Two land titles on the northern side of Bakers Creek Road (adjacent to Bakers Creek) have been assigned a Capability of 5 (i.e. "Land unsuited to cropping and with slight to moderate limitations to pastoral use"). Despite this general classification, soil quality varies considerably from east to west across these parcels of land, becoming less productive on the higher western slope. Additional limitations to productivity are significant areas of waterlogging in winter and spring with consequent damage from stock and high evaporation rates with drying and compaction of soil in summer. Some bracken control is necessary each year.

Owing to the pressure of an ever increasing wallaby population and a desire to protect the creek environs from domestic stock access a decision was taken to fence off the creek many years ago. Consequently, water for stock and any attempt at pasture irrigation has to come from on-farm dams. Removal of water from Bakers Creek requires an application for a Commissional Water Right and even if granted, water availability can be problematic in dry summers. Severe droughts such as in 1982-3 have resulted in flow almost ceasing completely.

Draft Huon Valley LPS Temby Representation for Rural Living 221 Bakers Creek Road, Lucaston

Appendix 2 Letters of Support

Lucaston letter of support for Pook and Temby Submission	ucaston letter of support for Pook and Temby Submission
We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Bakers Creek Road.	dersigned, support the submission to the Tasmanian Planning on by Mike and Ann Pook who own 5 blocks of land around 249 tek Road, and Catherine and Mark Temby who own 221 Bakers d, Lucaston to have their land re-zoned from "Agriculture" to "Rural
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement as the zor pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our in land us	tand this change will not affect the existing agricultural businesses ing of Rural Living more accurately reflects the existing settlement heir property and many other properties along Bakers Creek Road, we are concerned an increase in large scale agriculture would result a conflicts e.g., an increase in heavy vehicle movements on our road and competition for finite water resources.
Print Name DREW PLVA & ROMETTE PLVA Print Nar	Ronto Treland-Barratt
Dated	2/4/22
	378 Bakers Geek Rd Lucaston
Education letter of support for 1 ook and 1 emoy Submission	neaston letter of support for Pook and Temby Submission
Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living". Living".	dersigned, support the submission to the Tasmanian Planning on by Mike and Ann Pook who own 5 blocks of land around 249 sek Road, and Catherine and Mark Temby who own 221 Bakers d, Lucaston to have their land re-zoned from "Agriculture" to "Rural
as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our	tand this change will not affect the existing agricultural businesses ng of Rural Living more accurately reflects the existing settlement heir property and many other properties along Bakers Creek Road.
vulnerable road and competition for finite water resources. Print Name	SHARNA RANEL + BEN FAINETS
Dated	1-4-22
	259 BAKERS CREEK ED, LICASTEN TAS FLOOT
Lucaston letter of support for Pook and Temby Submission Lu	easton letter of support for Pook and Temby Submission
We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Commission Commi	ersigned, support the submission to the Tasmanian Planning by Mike and Ann Pook who own 5 blocks of land around 249 k Road, and Catherine and Mark Temby who own 221 Bakers Lucaston to have their land re-zoned from "Agriculture" to "Rural
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy which movements on our However, we	nd this change will not affect the existing agricultural businesses of Rural Living more accurately reflects the existing settlement eir property and many other properties along Bakers Creek Road, are concerned an increase in large scale agriculture would result onflicts e.g., an increase in heavy vehicle movements on our
vulnerable	Matthew Brown & Julie Brown
Dated	19 Haven 3/04/22
Address	330 BAKERS CREEK ROAD LUCASTON
Lucaston letter of support for Pook and Temby Submission	Lucaston letter of support for Pook and Temby Submission
Bakers Creek Bood, and Catherine and Mark Temby who own 221 Bakers Creek Bood Load, and Catherine and Mark Temby who own 221 Bakers	indersigned, support the submission to the Tasmanian Planning ion by Mike and Ann Pook who own 5 blocks of land around 249 reek Road, and Catherine and Mark Temby who own 221 Bakers ad, Lucaston to have their land re-zoned from "Agriculture" to "Rural
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement as the zo pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts of an air content of the content of	rstand this change will not affect the existing agricultural businesses ning of Rural Living more accurately reflects the existing settlement f their property and many other properties along Bakers Creek Road, we are concerned an increase in large scale agriculture would result se conflicts e.g., an increase in heavy vehicle movements on our
Print Name. HEATHER COLS O	e road and competition for finite water resources.
	Men 2000
Dated5/04/2022	88 BAKERS CREEK RD TIEG

Appendix 2 Letters of Support (cont)

Lucaston letter of support for Pook and Temby Submission	Lucaston letter of support for Pook and Temby Submission
We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".	We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.	We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.
Print Name	Print Name STEPHEN BOULANE SOURCE COURSE Signed Bong Jo Bong
Dated 13-4-2022	Dated
Address 138 Bakers Creek Road Lucaston 7109	Address 357 BAKERS CREEK ROAD LUCASTON 1109
District dealers at the state of the property of the last of the design of the state of	The second secon
Lucaston letter of support for Pook and Temby Submission	Lucaston letter of support for Pook and Temby Submission
We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".	We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and may other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy which emovements on our vulnerable road and competition for finite water resources.	We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.
Print Name Player Access MICHELLE OFMESE	Print Name SHEEANA BEZC
Dated	Dated
Address 5 BAKERS Cr lg Lucasion	
	Address 311 BAKERS CREEK RD WATTON THE 109
Lucaston letter of support for Pook and Temby Submission	Lucaston letter of support for Pook and Temby Submission
We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".	We, the undersigned, support the submission to the Tasmanian Planning Commission by Mike and Ann Pook who own 5 blocks of land around 249 Bakers Creek Road, and Catherine and Mark Temby who own 221 Bakers Creek Road, Lucaston to have their land re-zoned from "Agriculture" to "Rural Living".
We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.	We understand this change will not affect the existing agricultural businesses as the zoning of Rural Living more accurately reflects the existing settlement pattern of their property and many other properties along Bakers Creek Road. However, we are concerned an increase in large scale agriculture would result in land use conflicts e.g., an increase in heavy vehicle movements on our vulnerable road and competition for finite water resources.
Print Name MARK 4ACEY	Print Name LOUISE DARBY- KEITH
Signed. Affal James	
Dated	Dated
Address 40 BANN CREEL KD LUCA-TON	Address 324 BAKERS CREEK RD LUCASTON TH