

From: "Phil Gartrell" <phil@ireneinc.com.au>
Sent: Wed, 18 May 2022 16:02:25 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Subject: Representation - Huon Valley Draft LPS
Attachments: Huon Valley Draft LPS - Submission, Clark.pdf

Good afternoon,

Please find attached representation in relation to the Huon Valley Draft LPS, on behalf of our client Mr. Clark, in relation to their property at 155 Francistown Road, Dover.

Phil Gartrell
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12 May 2022

Mr Ramsay
Chair
Tasmanian Planning Commission
Level 3, 144 Macquarie Street



Dear Sir,

SUBMISSION REGARDING DRAFT HUON VALLEY LPS

I am writing on behalf of our clients Mr & Mrs Clark to make a submission in relation to the *Tasmanian Planning Scheme - Huon Valley Council Draft Local Provisions Schedules*.

The intent of this submission is to request that the existing Rural Resource zoning of our client's property at 155 Francistown Road, Dover be appropriately transitioned to the Rural Zone under the new planning scheme.



Figure 1: Site location (source: www.thelist.tas.gov.au © the State Government of Tasmania)



Figure 2: Site detail (source: www.thelist.tas.gov.au © the State Government of Tasmania)

The following sections review the draft LPS documents, along with the Southern Tasmania Regional Land Use Strategy to support a like-for-like zone translation from the existing Interim Planning Scheme - rather than the proposed rezoning to Agriculture under the Draft Huon Valley LPS.

SITE & SURROUNDS

The subject site comprises of the following titles:

- CT 36624/3 & CT 162543/2 - 155 Francistown Road, Dover

However, the site also includes CT 150769/1, which contains an existing dwelling and is zoned Rural Living. This representation does not seek any change to this property and as such, the only reference made is under the land use conflicts section of this report.

The northern title comprises an area of approximately 30.9ha, which is split through the centre by Hopetoun Road. There are several residential titles which sit either within or immediately adjacent to the northern title, along with several roads and road easements.

The southern title comprises an area 32.5ha and supports a large storage shed. This title is also adjoined by existing residential titles, similar to that evident across the northern title. The southern title also adjoins an existing apple orchard to the east, which extends to the north-east forming part of a larger plantation. To the west, both titles adjoin predominately vegetated hillslopes, owned by Forestry Tasmania/STT. Historical clearing has been undertaken on the subject site to support stock grazing.

PLANNING CONTROLS

EXISTING ZONING

The property is currently zone Rural Resource, illustrated in the figure overleaf.

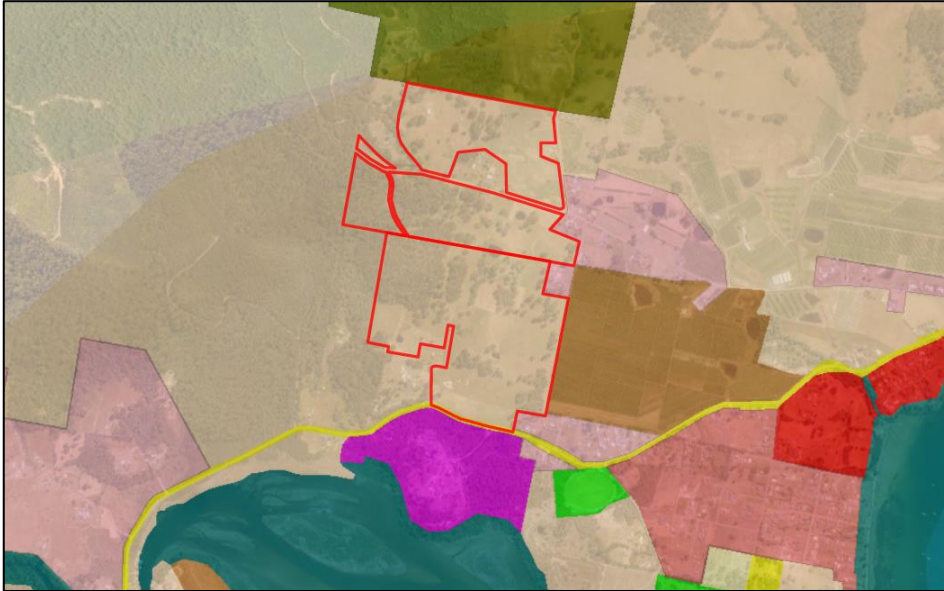


Figure 3: Existing zoning under the Interim Planning Scheme - site area in red (source: www.thelist.tas.gov.au © State of Tasmania)

PROPOSED ZONING UNDER DRAFT LPS

The site is earmarked for rezoning to Agriculture under the Draft LPS, as indicated below.

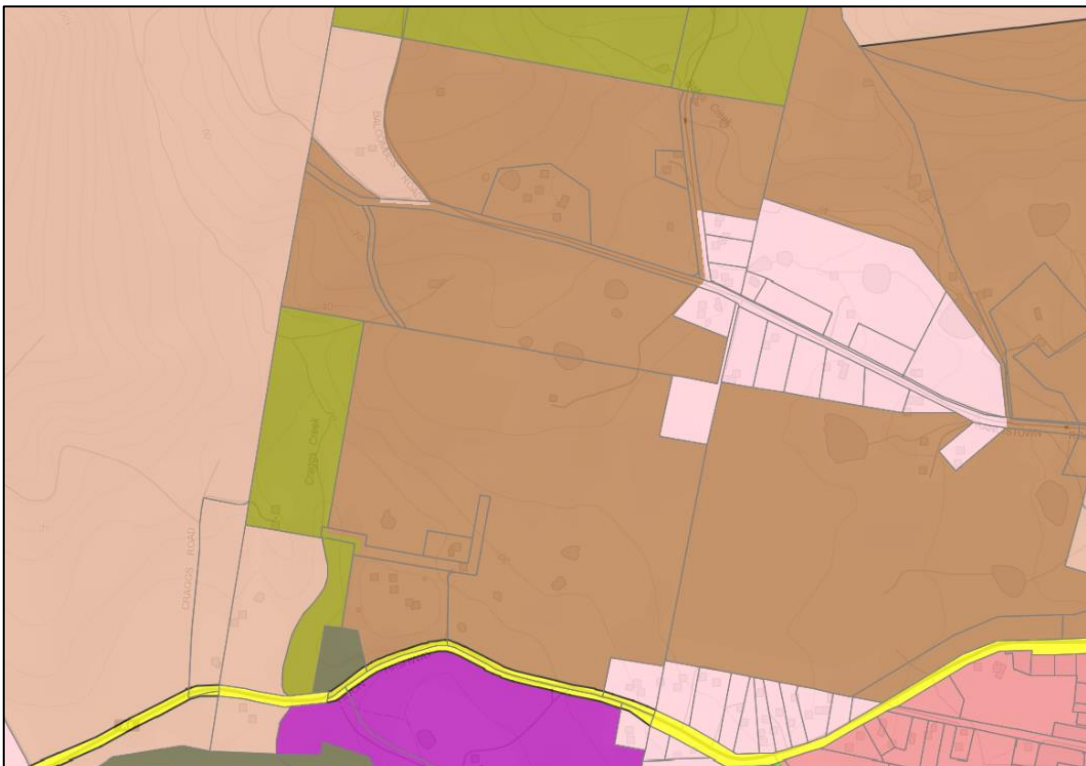


Figure 4: Proposed zoning of the site under the Huon Valley Draft LPS (dark brown area denotes Agriculture Zoning (source: www.thelist.tas.gov.au © State of Tasmania & Insight GIS)

CODE OVERLAYS

Biodiversity Protection Area

Substantial portions of the site are currently identified within the Biodiversity overlay, however the mapping does not identify any threatened vegetation communities.

Attenuation Area

A portion of the southern section of the site is identified within an attenuation overlay, which provides additional controls for the use/development of sensitive use, such as residential use within the mapped area. The attenuation area relates to a previous industrial operation being undertaken on the adjoining property to the south. However, the client has advised that this operation either no longer operates or does so at much reduced capacity.

Landslide

A portion of the western corner of the property is identified as susceptible to landslide, however it is within an area already covered by existing vegetation and is unlikely to pose any risks.

Scenic Road Corridor

A portion of the southern section of the site is contained within a propose Scenic Road Corridor. The application of this overlay seeks to maintain visual/landscaping qualities along identified sections of road. The overlay provides additional design and siting considerations for buildings and works.

LAND CAPABILITY

The land capability mapping available on the LISTMap indicates the site possesses a mix of Class 5 and 6 soils, which are not considered prime agricultural land and are generally only suited to limited cropping or grazing.

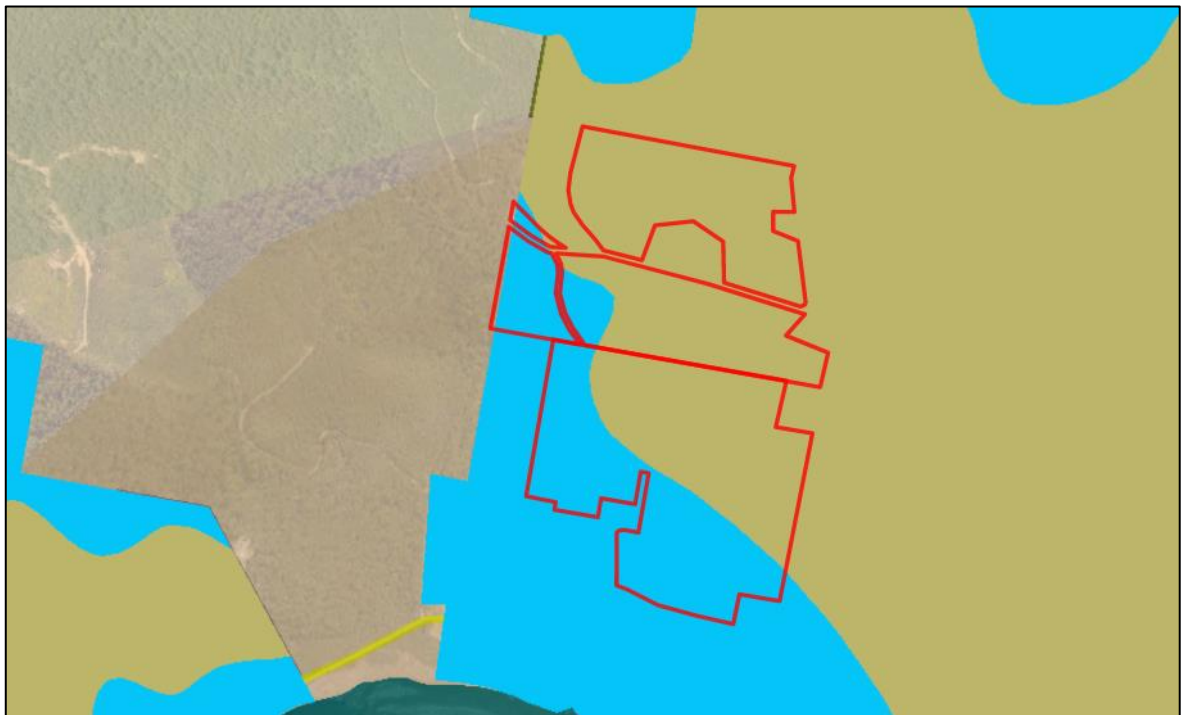


Figure 5: Land capability mapping indicating Class 5 (green) and Class 6 (blue) land (source: www.thelist.tas.gov.au © State of Tasmania)

Whilst the client intends to continue using the property for less intensive agricultural purposes such as livestock keeping/grazing, the Agricultural zoning is not necessary given the soil quality and extent of existing vegetation.

In addition, substantial work has been undertaken on the site to improve the agricultural potential, but the site still has limitations - primarily the presence of rocky soils in various locations.

Agricultural Land Mapping Project

The Land Potentially Suited for Agricultural Use layer on the LISTMap is informed by the Ag Land Mapping Project. The project identified the subject site as being unconstrained for agricultural use. This is determined by assessing three primary criteria.

Criteria 1 - Is the title size a potential constraint for agricultural use?

The site is of substantial size and wouldn't be considered a constraining factor in its own right.

Criteria 2 - Are there potential constraints for the title being used or amalgamated with adjoining agricultural land?¹

The southern title which forms part of the site adjoins existing agricultural land to the east, which supports a broadscale apple orchard.

However, the northern title is intersected by Hopetoun Road, along with several other roads and residential properties - one of which is located centrally within the northern title.

These factors substantially restrict the viability of any amalgamation. Our client is also aware of previous issues raised by residents adjoining the apple orchard, such as noise, spray emissions etc.

Whilst people living in rural areas generally acknowledge the trade-offs of living in such areas, there is still a limit to which individual properties owners should have to endure, particularly in the event of any amalgamation to support broadscale agricultural use. This is particularly evident considering the residential property at 26 Hopetoun Road, which is enclosed on all sides by our client's northern title which forms part of the site.

In terms of the capital value of the land, the criteria indicates that titles with a higher capital value per hectare (i.e. properties with a value of \$50,000+ per ha) may be less suitable for amalgamation due to the cost. The higher cost per hectare is usually an indication that the property supports a residential dwelling which substantially increases the cost.

The southern title contains outbuildings, including a large outbuilding which is used to store equipment and feed to support ongoing agricultural use on the property. The northern title also contains a large shed used to store equipment and feed, along with a number of dams across the site.

Given the extent of structures across the property, it is anticipated that the capital value would exceed \$50,000 per hectare. The likely high capital value, along with the extent of vegetation clearing and soil management that would be required to utilise the site for broadscale agricultural use would also substantially increase the capital value required to amalgamate the property.

In addition, substantial vegetation clearance would also be required to enable the property to be used for broadscale agricultural use. This would also likely require substantial soil management, which the current owner has already undertaken in several areas - all of which adds to the cost of the property and reduces the likelihood of the site being suitable for amalgamation.

¹ Agricultural Land Mapping Project - Background Report, *State of Tasmania* (2017)

Criteria 3 - Is residential development potentially constraining agriculture land?

The subject site does support an existing dwelling, which not only increases the dollar value of the site but also constrains the further expansion of broadscale agricultural use from the adjoining property.

The site is also directly adjoining residential properties, which is another constraining factor, as is the variation in soil quality across the site. The property owner has estimated that of the 60ha property, only 27ha is suitable for agricultural use (due to vegetation and shallow rock in various areas across the site). In addition, the owner has undertaken substantial soil management over the years just to facilitate the current use of the site for grazing and livestock.

As outlined previously, our client (property owner) intends to utilise a large portion of the site for ongoing agricultural use (primarily grazing) and a translation of the current Rural Resource zoning would cater for the ongoing agricultural use of the property, whilst also providing greater flexibility into the future - as opposed to the Agricultural zoning which provides greater restrictions on non-agricultural use/development.

LAND USE CONFLICTS

As outlined above, the property is adjoined by ten (11) existing properties utilised primarily for residential use.

Six (6) of these properties are zoned Rural Living, whilst the remainder are zoned Rural Resource. Despite their zoning, the adjoining rural resource properties (listed below) have very limit lot sizes which are unlikely to be of a sufficient size to support moderate/large scale agricultural operations.

- 26 Hopetoun Road, Dover (2.07ha)
- 171 Francistown Road, Dover (3,310m²)
- 7306 Huon Highway, Dover (3.15ha)
- 7268 Huon Highway, Dover (4,012m²); and
- 7 Balcombes Road, Dover (3.9ha)

These properties are likely to also have capital values substantially higher than \$50,000 per hectare.

Their proximity to the subject site would constrain any substantial agricultural use on the subject site due to the likelihood of odours, noise and other emissions generated by broadscale agricultural use/development.

The like-for-like translation from Rural Resource to Rural would still provide scope for agricultural activities, but would also provide some additional flexibility for other use/development.

STRATEGIC ASSESSMENT

SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

The Southern Regional Land Use Strategy (STLUS) provides an overarching strategic framework to guide land use planning in Southern Tasmania.

The strategy includes key directions and associated regional policies to provide guidance for Local Council's and the State Government. It is a statutory requirement that any application to amend a planning scheme must have regard to and be largely consistent with the relevant aspects of the strategy. The relevant regional policies which relate to the provision and zoning of agricultural land are addressed below.

Regional Policy 16.5 - Productive Resources

PR 1 - Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.

The site is identified as possessing a combination of Class 5 and 6 soils, according to Land Capability mapping available on the LISTMap. Under the State Policy for the Protection of Agricultural Land, land classified as Class 4 and 5 is **not** considered as prime agricultural land.

Class 5 land is identified as:

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

Class 6 land is identified as:

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

The further analysis undertaken by the Planning Policy Unit, as part of the agricultural land mapping project identifies the site as being 'unconstrained'. Notwithstanding, the intention is simply to retain the existing allocation of Rural zoning for the property, which continues to allow for substantial agricultural use/development, but also provides a limited scope for broader use/development.

Essentially, the retention of Rural Resource (Rural) zoning will afford the landowners greater flexibility in terms of use/development into the future.

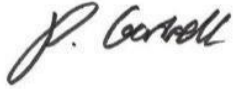
SUMMARY

Based on the above and the current qualities of the site, this submission requests that Council and the Tasmanian Planning Commission consider retaining the Rural zoning of the site at 155 Francistown Road (specifically CT 36624/3 & CT 162543/2), through a like-for-like translation from Rural Resource to Rural.

This allows the site to be utilised for a range of agricultural use/development, whilst also providing additional flexibility for the landowners.

If you would like further information, please do not hesitate to contact me on 6234 9281.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Gartrell', written in a cursive style.

Phil Gartrell

Senior Planner
IRENEINC PLANNING