

**From:** "Michela Fortini" <Michela@ireneinc.com.au>  
**Sent:** Wed, 4 May 2022 14:52:25 +1000  
**To:** "hvc@huonvalley.tas.gov.au" <hvc@huonvalley.tas.gov.au>  
**Subject:** Representation - Huon Valley LPS  
**Attachments:** Representation.pdf

To the General Manager,

Please see attached representation for the Huon Valley LPS pertaining to 155 & 158 Sawyers Creek Road, submitted on behalf of our client Adrian Stevenson.

Please confirm receipt of this email.

Kind Regards,

Michela Fortini  
Graduate Planner  
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27<sup>th</sup> April 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 -155 & 158 SAWYERS CREEK ROAD, MOUNTAIN RIVER  
DRAFT HUON VALLEY LOCAL PROVISIONS SCHEDULE

I write to make a submission on behalf of Adrian Stevensen as the landowner of 155 Sawyers Creek Road and his son as the landowner at 158 Sawyers Creek Road in relation to the proposed change to the zoning with the *Draft Huon Valley Local Provision Schedule*. It is proposed that the zoning would more appropriately be Rural rather than Landscape Conservation as proposed under the forthcoming State Planning Provisions.

SITE AND SURROUNDS

155 Sawyers Creek Road consists of one title described by CT 174325/4. The site comprises of approximately 20.25ha of land, with a residential dwelling and three main outbuildings (associated with the rural uses of the land). The site has frontage onto Sawyers Creek Road along the northern boundary. There is a natural stream running south to north through the site. The topography of the site responds to the site's location in relation to the streambed with an easterly slope aspect. The lowest part of the site is by the streambed, and the topography of the site has a variance of approximately 45m across its entirety.

158 Sawyers Creek Road consists of one title described by CT 174325/1. The site comprises of approximately 21.5ha of land with two buildings comprising of a principal dwelling and a shed. The site has a topographic variance of approximately 80m across its entirety.

The two titles will henceforth be referred to as the subject land. The subject land once formed part of a larger farming title that has been in the family for a number of generations and included:

- 155 Sawyers Creek Road
- 158 Sawyers Creek Road
- 159 Sawyers Creek Road
- 57 Fyfes Road

The intent was to continue the family farming business across the newly formed titles. This intent is evidenced in the correspondence between the client and Rural Business Tasmania (RBT). In particular, the client sought advice from RBT regarding farm succession planning between the years of 2004 and 2021. A letter has been attached in appendix A as evidence of this intent to expand farming operations after the partition of the titles.

The intention for the subject land is to expand the existing apple orchard on 159 Sawyers Creek Road by increasing the productive capacity of 155 & 158 Sawyers Creek Road in a sustainable way. The intention is also to make use of existing cattle-yard infrastructure by expanding beef production and pasture development across both titles.

Since the time of discussion surrounding the farming succession plan, the landowners have been working on expanding the farming capacity of 159 Sawyers Creek Road through land management and weed clearance of 155 & 158 Sawyers Creek Road.

The subject land is further described by the following figures:

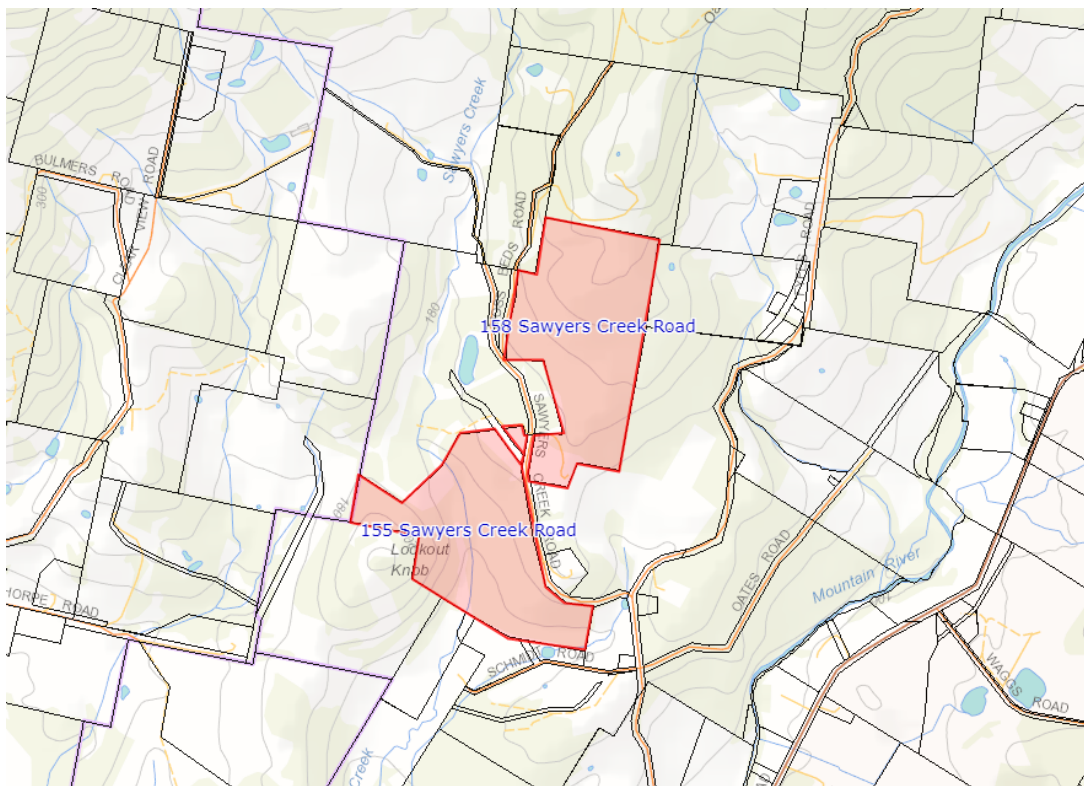


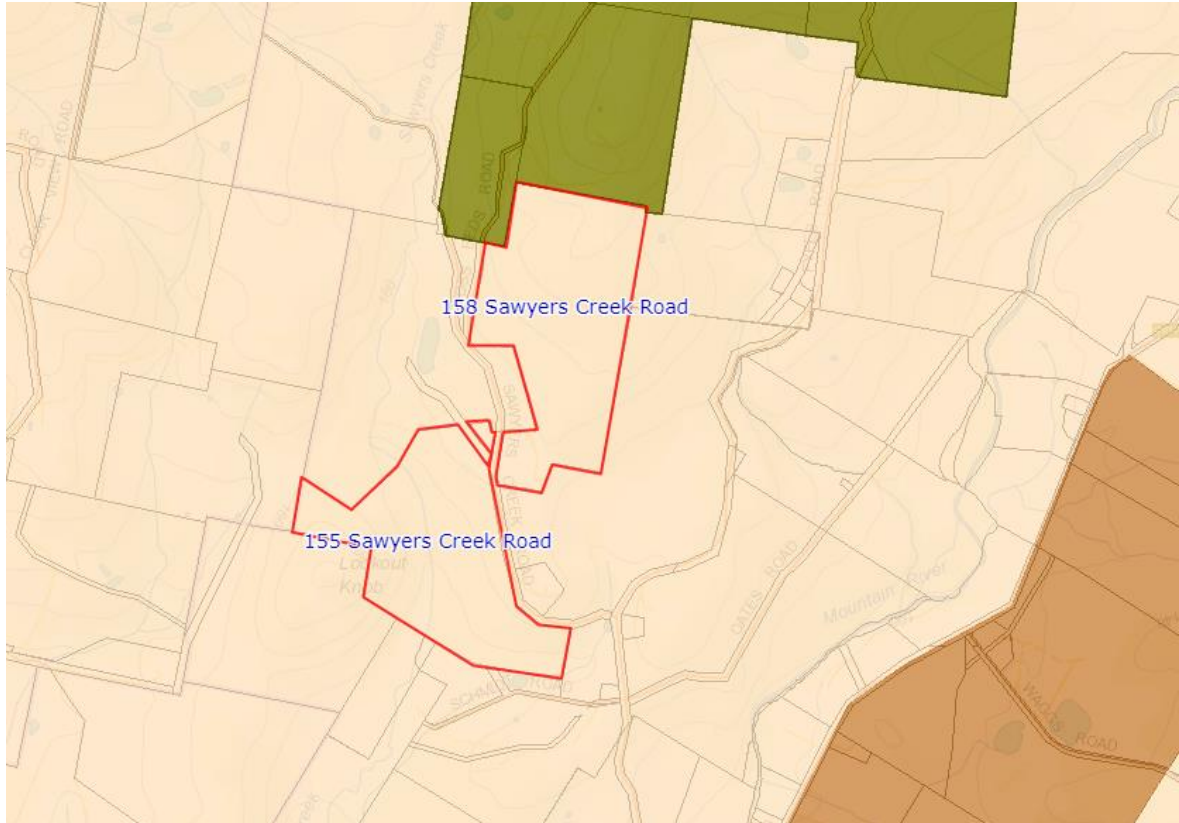
Figure 1: Location with topographic and cadastre (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania)



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

## EXISTING PLANNING SCHEME ZONES

Under the *Huon Interim Planning Scheme - 2015*, the subject land is currently zoned Rural Resource as shown in the below figure:



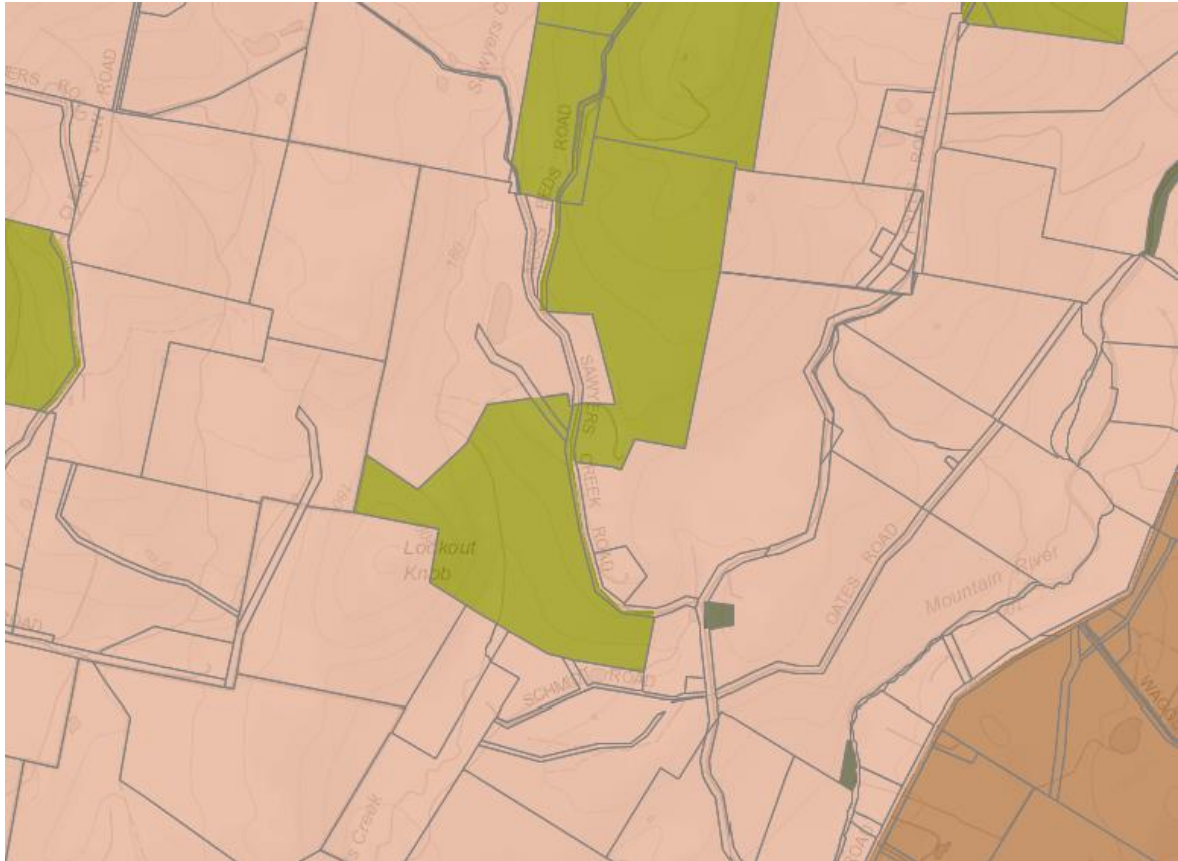
**Figure 3:** Huon Valley Interim Planning Scheme zone plan with cadastre and zones from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State of Tasmania

Currently, adjoining blocks to the east and west and south of the land are similarly zoned as Rural Resource. The adjoining lot to the north of 158 Sayers Creek Road is zoned Environmental Living.

The subject land is within close proximity to two minor settlements: Crabtree (approximately 8kms) and Moutain River (approximately 5kms).

## DRAFT LPS ZONES

In drafting the LPSs, the sites have been proposed to be zoned Landscape Conservation as seen below:



**Figure 4: Draft LPS zoning with Landscape Conservation (green) and Rural (pink) (source: Draft Huon Valley LPS)**

As demonstrated in the figure above, the majority of the lots surrounding the subject land have maintained their Rural zoning. 155 & 158 Sawyers Creek Road are the only two lots within the area that have not received a ‘like-for-like’ zoning. We submit that the zoning has therefore been inconsistently applied within the area, and that the Natural Asset Code provides sufficient protection of the natural values on the site if the existing Rural zoning is retained.

The purpose of the proposed Landscape Conservation zone is as follows:

*22.1.1 To provide for the protection, conservation, and management of landscape values.*

*22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

The site has a number of identified natural values as demonstrated by TASVEG mapping. These include:

158 Sawyers Creek Road

- (DOB) Eucalyptus obliqua dry forest
- (DAM) Eucalyptus amygdalina forest on mudstone

155 Sawyers Creek Road

- (DAS) Eucalyptus amygdalina forest and woodland on sandstone
- (DPU) Eucalyptus pulchella forest and woodland
- (DOB) Eucalyptus obliqua dry forest

It is considered that the natural assets overlay will be sufficient protection to ensure future use or development does not adversely impact the above values.

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

*LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.*

It is important to note that, across the two titles, the subject land is not undisturbed by previous human and farming activity. Vegetation across the subject land is somewhat fragmented both internally and externally due to multiple informal gravel roads running throughout the subject land. The fragmentation of bushland is further exacerbated by the predominantly cleared nature of the adjoining lots. Furthermore, much the subject land has been used for cattle scrub grazing, particularly over the winter months. Both 155 & 158 Sawyers Creek Road also contain residential dwellings that ensure there is not a contiguous area of bushland between the two titles. In this regard, the landscape conservation zone is not considered the most appropriate zoning for the land in question. This representation contends that the Natural Values overlay will provide sufficient protection for the identified natural values on site whilst providing a more suitable zoning for the land.

*LCZ 2 The Landscape Conservation Zone may be applied to:*

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contain threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

Approximately 3ha of 155 Sawyers Creek Road is covered by threatened *Eucalyptus amygdalina* forest on mudstone. The Natural Assets code will ensure future use and development minimises any adverse impacts on these values.

Despite the concentration of this species being located towards the northern end of the lot, a large portion of agricultural land separates the bushland from being connected to 158 Sawyers Creek Road. This area of significantly modified land means that between the lots, a contiguous area of forest cover cannot be provided as seen in the figure below. As no direct corridor is provided between the two lots, the landscape conservation zone is unable to provide a natural extension between the current Environmental Management Zone to the north and the subject land.

Under the interim planning scheme, the subject land was zoned as Rural Resource not Environmental Living. Based on the above considerations, a 'like-for-like' zoning would be considered more appropriate across the subject land.



Figure 5: site with Threatened Native Vegetation communities 2020 (source: the LIST, 2022).

*LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*

Each title is approximately 20ha. This is not considered a large area considering the Landscape Conservation Zone has a minimum lot size of 50ha under the provisions of the planning scheme. Whilst the subject land shares a boundary with a larger lot zoned for landscape conservation to the north of 158 Sawyer Creek Road, the land has far greater interaction and intersection with the adjoining rural landscape. It is therefore considered that the subject land does not meet the criteria for landscape conservation.

#### ZONE PROVISIONS

Under the Landscape Conservation Zone, resource development is a discretionary use. Whilst it is possible for the subject land to be utilised as an apple orchard under this zone, the client believes that the zone's provisions create unreasonable and unnecessary restrictions. Given the subject land's existing and continued rural use, the provisions for Discretionary Use (22.3.3), Site Coverage (22.4.1) and Landscape Protection (22.4.4) have the potential to place undue limitations on the site's agricultural capability.

#### LPS ZONE REQUEST

It is requested that the subject land be zoned Rural in accordance with the below strategies. The intention of the proposed zone is to enable the sustainable extension of the existing apple orchard



from 159 Sawyers Creek Road into the subject land. Rural zoning would enable the intended use for resource development to be ‘no permit required’. Rural zoning would also provide for a more compatible use within the broader landscape context.

## SOUTHERN REGIONAL LAND USE STRATEGY

As specified under Section 34(e), any amendment must address the requirements of the Regional Land Use Strategy, which in this case is the Southern Tasmanian Regional Land Use Strategy (STRLUS). A brief overview of the STRLUS is detailed below.

### **Biodiversity and Geodiversity**

*BNV1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.*

There are identified natural values across both sites. It is considered that the natural assets overlay will provide the protection of vegetation where required. The rural zoning will not allow for intensive use or development due to the natural values overlay across both sites.

### **Productive resources**

*PR 2 Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics*

The Huon Valley is known for both its significant and non-significant agricultural production. Much of the development within the area is closely linked to its natural resource base. Such productive bases provide the economic lifeblood of the region.

The strategy upholds that it is critical to sustaining the economic viability of landholdings that have the potential to contribute to these non-significant forms of agriculture. Retaining economically productive units of land, whether for traditional or boutique agricultural enterprises, is considered crucial.

By enabling the sites to rezone as Rural land, the sites may provide a diversification of production that may increase opportunities for further downstream processing in the Huon Valley. This is encouraged as a form of potential employment, wealth generation, and tourism. 155 Sawyers Creek is intended for use as an apple orchard as a natural extension of 159 Sawyers Creek Road.

The proposed Rural zone does not provide for intensive residential development and is therefore considered more appropriate for non-significant agricultural 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;*

The sites adjoin predominantly rural blocks most of which house residential dwellings on medium to large acreage.

Mountain River 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.

#### 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 would complement rather than 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 around Mountain River therefore dominates local land use.

#### 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, invest and work. The rezoning to Rural land would sustain the economic viability of landholdings that have the potential to contribute to non-significant forms of agriculture. Retaining potentially economically productive units of land is an important aspect of this strategy. This includes protecting agriculturally and horticulturally important units of land.

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. Here, it is important to protect lots with the potential to offer valuable economic output. The sites are considered ideal for the Rural zone due to their proximity to services, the existing developments on-site (including residential dwellings, storage and associated farming activity sheds), and the site's potential for small scale agriculture.

With demand for rural lifestyles increasing in the Huon region, designating the site as Rural zoning will promote the best use of the site to 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.

#### 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 proposed rural zoning is ultimately part of a much broader land use strategy to support non-significant agricultural industry.

The proposed rural zoning therefore provides for use and development of resources which is consistent with the broader landscape and allows for the maintenance of natural and physical processes on site.

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 proposed rural zoning 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 proposed rural zoning 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



Michela Fortini  
Graduate Planner  
**IRENEINC PLANNING & URBAN DESIGN**

APPENDIX A

27th April 2022

Ireneinc Planning

2/49 Tasma St Hobart

ATTN: Michela

Email: [michela@ireneinc.com.au](mailto:michela@ireneinc.com.au)

Dear Michela,

This is to confirm that Adrian and Audrey Stevenson of Mountain Creek, sought assistance from Leigh Noye, Rural Financial Counsellor from Rural Business Tasmania, in 2004, 2014, 2016 for succession planning advice, and again in 2021 with Rural Financial Counsellor Tim Hickey.

Their intention was to give each of their 4 children a 'block of land' this would form part of their inheritance on Adrian and Audrey's passing. Until that time they had the intention to continue farming across all titles despite separating the titles, and Adrian leases back 3 of the titles from the children, to continue the farming enterprise.

If you need any further clarification, please do not hesitate to ask.

Kind regards

Linda Groombridge

Associate Financial Counsellor

Rural Business Tasmania

Mob: 0437 429 107

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