

**From:** Danielle Gray  
**Sent:** Wed, 9 Mar 2022 12:07:34 +1100  
**To:** Information Management  
**Subject:** draft LPS representation 388 Scotts Road  
**Attachments:** 388 Scotts Road - LCA Report3.pdf, HVC draft LPS representation 388 Scotts Road Gray Planning on behalf of Latham 9.03.2022.pdf

To the attention of the General Manager

Dear Sir

Please find attached a representation from Gray Planning on behalf of Nets Tasmania (Don Latham) that objects to the proposed zoning of 388 Scotts Road to Agriculture under the draft LPS for the Huon Valley Council municipality.

If you wish to discuss, please contact the undersigned.

Regards  
Danielle

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GEO-ENVIRONMENTAL  

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S O L U T I O N S

LAND CAPABILITY ASSESSMENT

*388 Scotts Road, Cairns Bay*

For Nets Tasmania

September 2021



*Geo-Environmental Solutions Pty Ltd 29 Kirksway Place Battery Point 7004. Ph 6223 1839*

## **EXECUTIVE SUMMARY**

Geo-Environmental Solutions Pty Ltd was engaged by to complete an agricultural assessment of a property at Scott's Road in the locality of Cairns Bay, near Geeveston, Tasmania.

It is proposed that the zoning of the property be changed from 'Significant Agriculture' to 'Rural Resource' similar to adjacent land found to the south and west.

The properties and the land immediately surrounding the property is predominantly classified as Class 5 and Class 6 land with none of the land examined is prime agricultural land as defined under the State Protection of Agricultural Land Policy 2009.

The property has limited agricultural potential due to limitations of soil depth and erosion hazard and currently is only subject to limited grazing. The change in zoning from 'Significant Agriculture' to 'Rural Resource' would reflect the land capability of the property.

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## **FOUNDING STATEMENT**

This assessment report is one of many completed by John Paul Cumming of Geo-Environmental Solutions P/L (GES). John Paul holds a first class honours degree in Agricultural Science (major in soil science) and a PhD in environmental soil chemistry. John Paul was formerly an Honorary Research Associate in the Faculty of Engineering, Science, and Technology where he has participated in a number of academic and research projects pertaining to soil and environmental management. John Paul has current status as a Certified Professional Soil Scientist from the Australian Society of Soil Science Inc.

John Paul is a graduate of the Australian Institute of company directors, and a director of Geo-Environmental Solutions Pty Ltd (GES). In his role at GES John Paul has completed numerous land capability assessments for Federal, State and Local Government agencies. In addition, John Paul has supervised over 15,000 site and soil classifications for residential developments according to AS2870-2011 and AS/NZS1547-2012.

# 1 AGRICULTURAL REPORT SUMMARY

## 1.1 Introduction

The subject property is located at 388 Scotts Road in the locality of Cairns Bay, near Geeveston, Tasmania. The property is approximately 4ha in area and is contained within a single title (CT165935/2). The property is located at the southern end of Scott's Road on the intersection with the Huon Highway (see Figure 1 & 2).

The property is zoned 'Significant Agriculture' under the Huon Valley Interim Planning Scheme 2015. The land on the western and southern boundaries, adjacent to the subject land, is zoned 'Rural Resource', whilst land to the north and east is zoned significant agriculture (see Figure 3).

It is the scope of this report to consider the agricultural capability of the property, and how this relates to possible rezoning and future land use.



Figure 1 – Site location – title area highlighted in blue





Figure 2 – Aerial image of the property

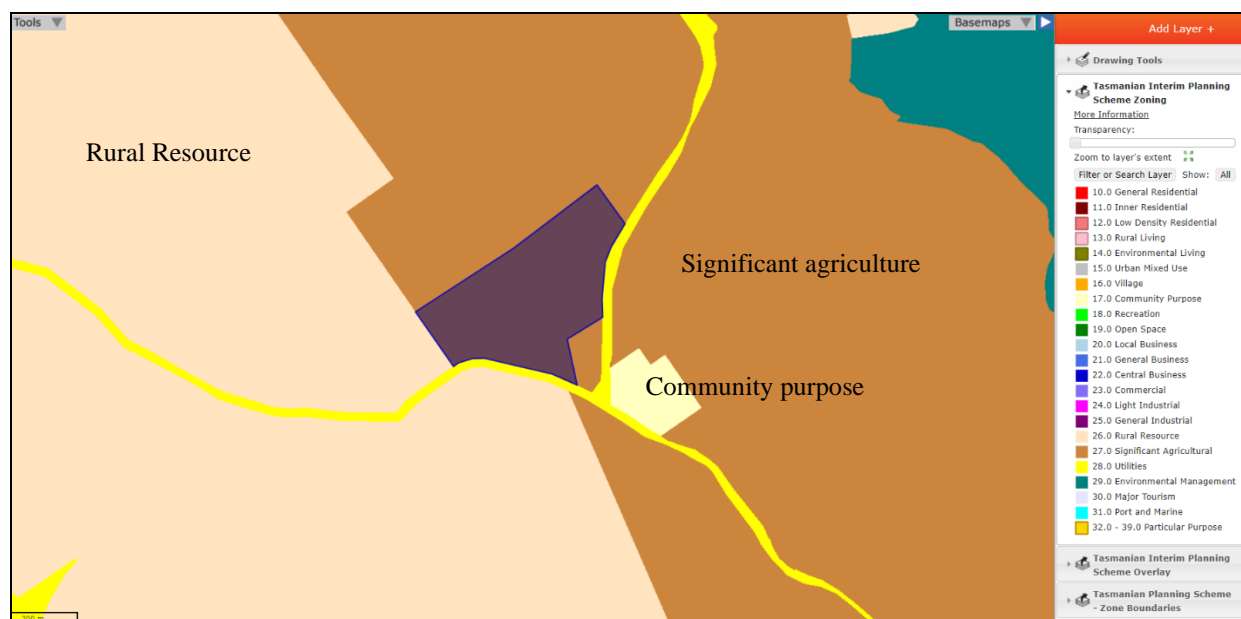


Figure 3 – Planning Zones – Huon Valley Interim Planning Scheme 2015 (site location highlighted in blue)

## 2 LAND CAPABILITY ASSESSMENT

### 2.1 Background

The subject property is located on the corner of Scott's Road and the Huon Highway in Cairns Bay (Figure 1). The [property supports a single residential dwelling, and for many years was the site of a bus depot for a local bus service, with numerous storage sheds, workshops, and associated hard stand areas. The property has seen very limited agricultural use over the past 50 years, with only low density grazing on the site. This is reflected in the land use mapping for the site (see figure 4) which indicates the site has been classified as rural residential use for many years. The remnant bush along the northern boundary of the property is mapped as residual native cover, the property to the east on Dawsons road as Manufacturing and Industrial, the orchards to the east of Scott's Road as Perennial Irrigated Horticulture, and the other cleared land further to the south and north as grazing modified pastures.

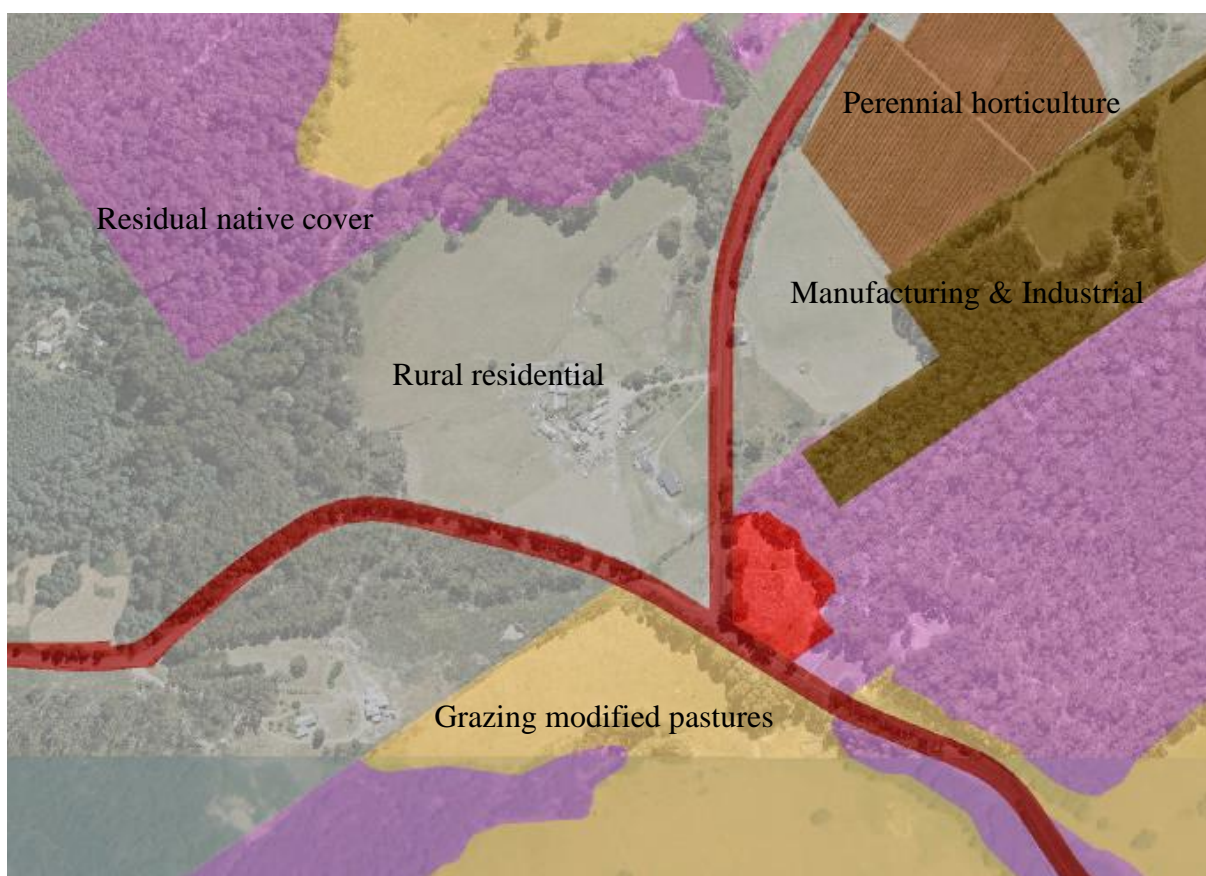


Figure 4 – Land use mapping from the List (2019)

The property has a north easterly aspect with gentle slopes over an elevation range of approximately 50 – 100m and is situated approximately 700m from Cairns Bay. The cleared land has an average slope of between 5 – 15% (Figure 5) which steepens to greater than 20% within the vegetated gully surrounding the drainage line near the northern boundary (Figure 7). A significant area of wet ground is also present associated with a drainage line and small poor-quality dams predominantly filled with rushes and reeds close to the boundary with Scott's Road (see figure 6).



The pastures examined on the property were generally poor, with a mix of native and improved species found, with significant weed ingress including a significant matt of moss species in areas of the property. The moss indicating poor drainage, wet soil conditions and a lack of good winter sunlight on parts of the property. A significant area of the property close to Scotts Road is segregated from the main paddock area by two drainage lines, both of which are eroded, and the larger drainage line close to Scotts Road features a few small dams mostly filled with rushes. The eroded gullies have in place been filled with rubbish and other debris in an attempt to slow erosion, which has largely been unsuccessful as the soils are likely to be dispersive.

The climate of the region is described by Musk and Derose (2000) as temperate climate moderated by the proximity to sea. According to the rainfall information supplied by the Bureau of Meteorology, the weather station at Geeveston has recorded an average annual rainfall of 900mm. This is considered a moderate annual rainfall and is generally consistent with many other agricultural regions in the southern region of the state. The mean monthly rainfall indicates that there is a winter/spring bias with lowest monthly rainfall occurring during February and highest monthly rainfall generally recorded during August/September.



**Figure 5 – Example of the rolling hill topography on the property with the dwelling and sheds in the distance**





**Figure 6 – view of drainage line and associated wet areas close to Scotts Road**



**Figure 7 – View of the edge of cleared area to remnant bush along northern boundary**

## 2.2 Geology

The study area falls within the Mineral Resources Tasmania 1:250 000 mapping sheet for SE Tasmania. The site is inferred to be underlain by Permian sediments of Upper glaciomarine sequences of pebbly mudstone, pebbly sandstone and limestone; with a smaller area of Jurassic dolerite on the eastern side of the property, which is consistent with much of the surrounding environment. Based upon field survey of soils and rock exposures the actual geological pattern differs slightly from the mapping, with no dolerite evident on the property.

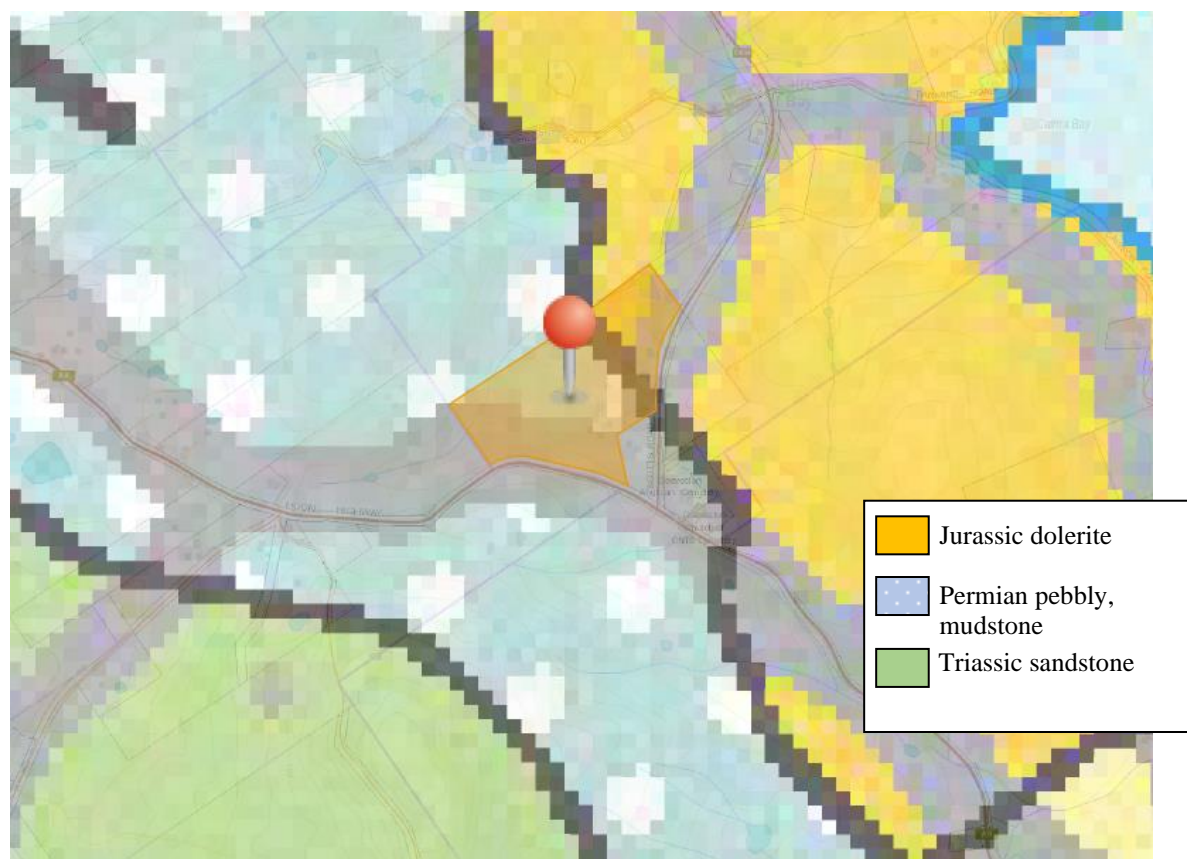


Figure 8 – Extract from geological map

## 2.3 Soil distribution

One main soil type was observed across the property, associated with the main rock type. Survey of the property indicates that the soils are derived from Permian sediments of pebbly mudstone, sandstone, and limestone. The soils examined were generally shallow (Figure 9) and in places feature a very high stone content (figure 10). Soils derived from Permian sediments have known potential for soil dispersion, and evidence of dispersive subsoils were observed in the eroded gullies on the site. The soils displayed a duplex profile of fine sandy silt topsoils, overlying mottled grey and yellow silty clay subsoils, with a variable stone content. The soils are classified according to the Australian soil classification as Sodosols due to the expected high sodium content of the soils. The soils are generally poor agricultural soils and are limited by erosion potential, stone content, rooting depth, impeded drainage, and poor nutrient status.





**Figure 9 – Typical soil profiles of shallow bleached grey sandy silt overlying mottled clays**



**Figure 10 – Shallow stony soils associated with the hill crest near the house on site**



## 2.4 Land Capability Assessment

The Land Capability Survey of Tasmania, Derwent 1:100 000 edition 6 (Musk and DeRose, 2000) indicates that the cleared land has been mapped as Class 5 with vegetated land on the upper slopes mapped as Class 6 (Figure 11). Field assessment has modified the distribution of land capability classes, based upon the areas of steeper slopes, remnant vegetation, and the significant wet area with eroded gullies close to Scotts Road all mapped as class 6 (see figure 12). The open pasture areas on site have been mapped as a complex mix of class 5 and 6, as there are variable shallow soils on the site, with areas of high stone content.

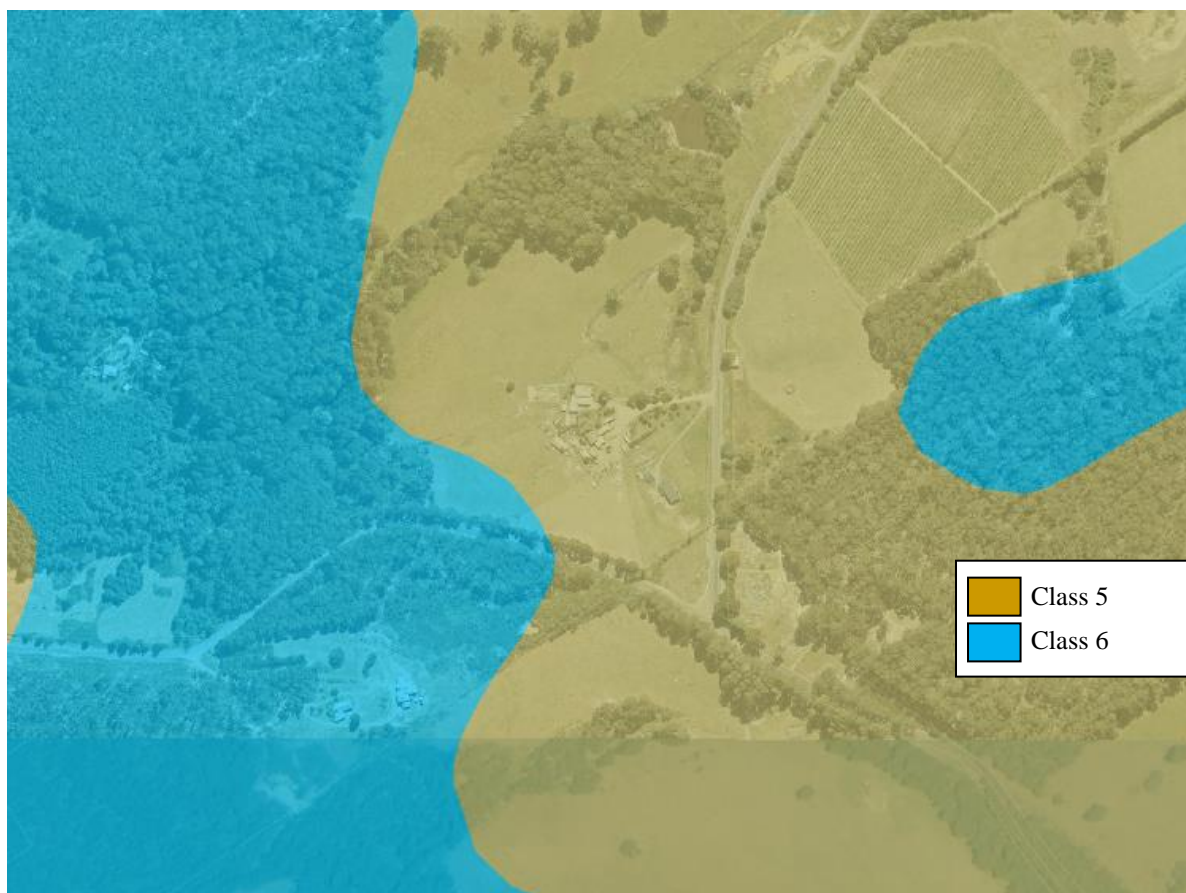
According to Grose (1999):

CLASS 5 land is defined 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 defined 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.



**Figure 11 – Land Classification boundaries from Land Capability Survey of Tasmania, Derwent 1:100 000 (Musk and DeRose, 2000).**





**Figure 12 – Land Classification boundaries from field survey**

## 2.5 Agricultural Land Use

None of the land examined is prime agricultural land as defined under the State Protection of Agricultural Land Policy 2009, with land classified as either Class 5 or Class 6 land. The agricultural potential of the property is therefore limited. The slope angle, shallow soil profiles and potential soil dispersion preclude intensive agricultural use due to high erosion hazard. The cleared area of the property is therefore only suited for pastoral use (i.e. grazing) however there are still moderate to high limitations to this land use.

The cleared area of the two property (Class 5+6 land) is unsuited to cropping due to limitations of slope and erosion hazard. The slope of the land also limits the suitability for grazing with low grazing pressure and soil conservation measures required to maintain vegetative cover. Currently this land only receives limited management as it can only handle lower stock pressure either requiring smaller stock mob size or intensive pasture monitoring to minimise overgrazing.

The remaining vegetated areas and wet drainage areas (Class 6 land) are unsuited for agricultural use due to steep slope angles and high erosion hazard. These areas should remain under vegetation to protect the soil resource.

The existing agricultural development in the region is predominantly contained at lower elevations and corresponds to gentle slopes associated with Jurassic dolerite soils. Much of this development is in perennial horticulture (mainly apples) with limited supplementary grazing of the hillslopes (see local land use in figure 4). Perennial horticulture is a significant

part of history and culture of the Huon Valley region. A zoning of ‘Significant Agriculture’ is therefore appropriate to help protect these areas of better-quality land from fragmentation or conversion to non-agricultural use.

In contrast, the property assessed has only limited agricultural potential (light grazing only) and the low carrying capacity of the land coupled with limited land area means that a viable agricultural enterprise cannot be sustained on the property. The property has also supported rural residential use plus an ancillary land use as bus storage and servicing depot for many years. Several small titles adjacent or close to the property also support rural residential use, which has already fettered the immediate area for significant agricultural use. The site also has a natural buffer to agricultural land to the north in the form of the area of remnant vegetation along the northern boundary, and Scott’s Road to the east also provides a buffer to agricultural land in that direction. The zoning of ‘Significant Agriculture’ is not fitting for the property and it is suggested that it be re-zoned to ‘Rural Resource’ similar to the adjoining properties to the south and west (Figure 3).

### 3 CONCLUSIONS

- The property and the land immediately surrounding the property is predominantly classified as Class 5 and 6 land for agricultural use.
- None of the land examined is prime agricultural land as defined under the State Protection of Agricultural Land Policy 2009
- The land does not have identified local or regional agricultural significance
- The land has only limited agricultural potential (pastoral only), with moderate to severe limitations
- The low carrying capacity and limited land area results in limited viability for agricultural enterprises
- The land has historically supported rural residential use with an ancillary use as a bus storage and servicing depot
- Several surrounding smaller properties also support rural residential land use under a current rural resource zoning
- The property has adequate natural buffers from nearby significant agricultural land and the rezoning of the land to rural resource will not fetter the existing agricultural use of the property or nearby properties

Therefore, the ‘Significant Agriculture’ zoning is not fitting for the property, and it is suggested that they be re-zoned to ‘Rural Resource’.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD  
*Environmental and Engineering Soil Scientist*

## 4 REFERENCES

Grose. C.J. (1999). Land Capability Survey Handbook: Guidelines for the Classification of Agricultural Land in Tasmania – Second Edition, Department of Primary Industries, Water and Environment, Tasmania

Musk R. and De Rose R. (2000), Land Capability Survey of Tasmania. Derwent Report. Department of Primary Industries, Water and Environment, Tasmania, Australia.

Noble K E (1992). Land Capability Survey Handbook. Department of Primary Industries, Water and Environment, Tasmania



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9 March 2022

General Manager  
Huon Valley Council  
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Dear Sir,

**Representation for advertised draft Local Provision Schedule (LPS) documents, Huon Valley Council with respect to proposed zoning of 388 Scotts Road, Cairns Bay.**

Gray Planning has been engaged by the owners of 388 Scotts Road, Cairns Bay Mr Don Latham to submit a representation that objects to the proposed Agriculture zoning as proposed in the zone mapping provided as part of the draft LPS documentations currently being advertised by Huon Valley Council.

The owner of the subject site opposes the zoning of their property from the current Significant Agriculture zone to the proposed zoning of Agriculture as this zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site.

Commentary against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is provided within this representation as well as commentary on land characteristics, land capability and agricultural potential mapping criteria.

The application of Agriculture zoning to the subject site at 388 Scotts Road currently used for the purposes of a dwelling that is centrally located within the subject site, is covered with a substantial extent of thick native vegetation in the form of Eucalyptus forest that takes up approximately 30% of the subject site and that has closely adjacent residential use and development is considered inappropriate and is not in accordance with the recommended application of the Agriculture zone as outlined in the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines.

On that basis, this representation opposes the proposed Agriculture zoning of the subject site as proposed under the advertised draft LPS documentation. Instead, it is considered the subject site is more appropriately zoned as Rural.





### The subject site

The subject site is 388 Scotts Road, Cairns Bay and is currently wholly zoned Significant Agriculture zone under the *Huon Valley Interim Planning Scheme 2015* as shown overleaf in Figure 2.

The subject site measures 10.95 hectares in total area. The subject site has frontage onto Scotts Road to its eastern frontage boundary and also boundary frontage onto Huon Highway to its southern frontage boundary.

The subject site has vehicular access only from Scotts Road which currently services the existing dwelling at the property.



**Figure 1.** 388 Scotts Road outlined. The property contains a single dwelling (orange arrowed) and outbuildings and is a mix of regrowth native vegetation on north and western site perimeters with the remaining pasture of undulating and moderate to steep gradients up to 1 in 3 in steepness. Source: TheLIST, sourced 8 March 2022, no nominated scale.

Adjoining properties to the immediate north and to the east of 388 Scotts Road are also zoned Significant Agriculture while properties to the west on Huon Highway are zoned Rural Resource as shown in Figure 2 of this report.

The subject site is directly adjacent to residential development in the form of a single dwelling on small lot at 390 Scotts Road (see above Figure 1 where 390 Scotts Road is indicated with a yellow arrow).

There is no agricultural use of the subject site other than grazing at a domestic scale with around 20 to 30 sheep being grazed at any one time as opposed to commercial scale grazing (and no recent history of the subject site having any agricultural use).



There is no apparent agricultural use of immediately adjacent neighbouring properties. The above image Figure 1 also shows a significant extent of native vegetation both within the subject site and neighbouring properties in the surrounding area.

The subject site also has undulating gradients up to 1 in 3 in steepness.

Nets Tasmanian Pty Ltd (Mr Don Latham) purchased the property in late 2019 and have used the property for private residential purposes as well as for the small domestic scale grazing of sheep in the cleared pasture areas of the subject site for the purposes of pasture management.



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**Current zoning**

The subject site is currently zoned Significant Agriculture under the *Huon Valley Interim Planning Scheme 2015*.

This zoning is applied to some adjacent properties to the north and east where properties experience moderate to steep and undulating gradients and also have thick stands of native vegetation cover.

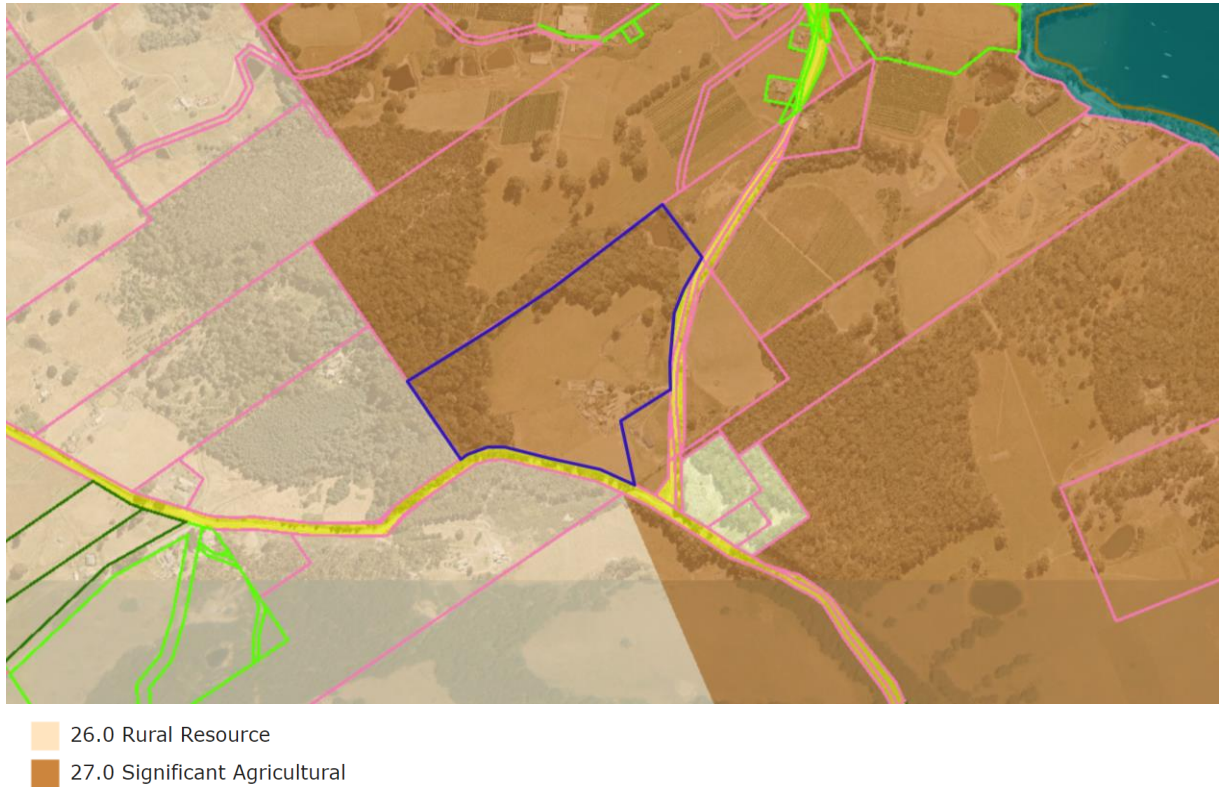
To the north along Scotts Road around 500m away are properties that are currently used for apple orchards within cleared portions of land.

The subject site and surrounding area were inspected in September and December 2021 as well as again in February 2022 and there was no evidence of any other agricultural use along the length of Scotts Road other than well established apple orchards. These orchards are almost entirely located in the northern end of Scotts Road, not the southern end where Scotts Road meets the Huon Highway where the subject site is located.

It is unclear why the Rural Resource zoning has been applied by Council to neighbouring land as opposed to Significant Agriculture when there is no clear pattern of land characteristics obviously conducive to agricultural use because of tree cover, residential use, gradient and topography.

Likewise, the proposed application of the Agriculture zone under the draft LPS is not readily understood other than it appears to be a like for like transition across to the proposed LPS and has been applied in an area historically used for orchards, even on land with no documented recent history of orchard use.





**Figure 2.** The subject site 388 Scotts Road outlined. The subject is site is currently zoned Significant Agriculture. The amendment to rezone portion of this application seeks approval for the entirety of the subject site to be rezoned to Rural Resource. The above aerial mapping shows properties north and east of the subject site being zoned Significant Agriculture while properties to the south and west are zoned Rural Resource. Source: TheLIST, sourced 8 March 2022, no nominated scale.



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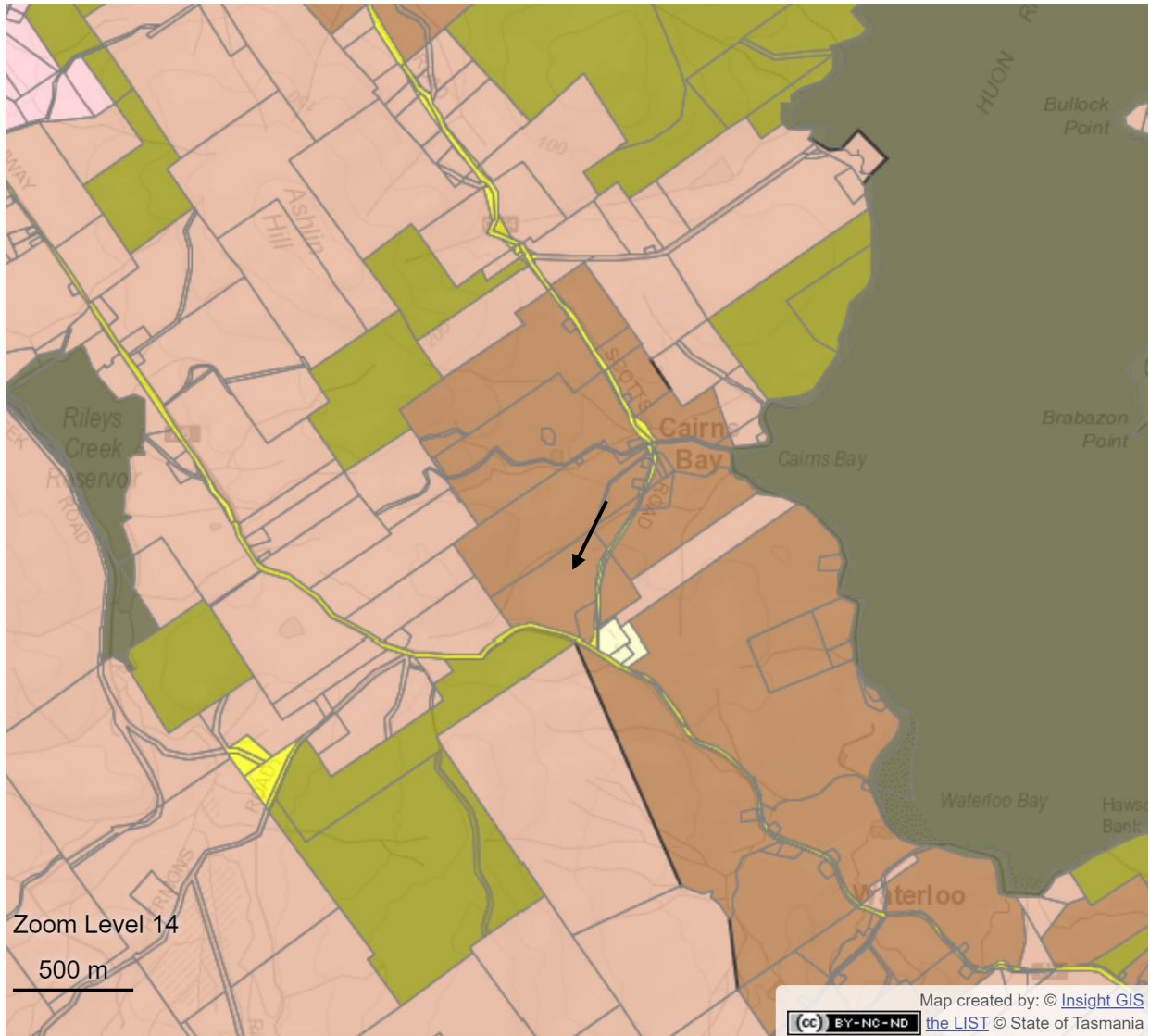


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**Proposed zoning under the draft Huon Valley LPS**

The advertised draft LPS for Huon Valley Council shows the subject site to be zoned to Agriculture, presumably on a ‘like for like’ basis. The Agriculture zone has been applied to properties throughout the area generally already zoned Significant Agriculture as shown below in Figure 3.



**Figure.3.** Proposed draft LPS zoning of the subject site (shown arrowed) to be zoned to Agriculture (dark brown) with properties to the north, west and south of the subject site will be zoned Rural (light brown). Source: TheList, sourced 8 March 2022, no nominated scale.



It is considered there is inconsistency in the application of the Rural zone and Agriculture zone in the draft LPS with it being unclear as to what constitutes the threshold for being Agriculture zone versus Rural zone other than to continue zoning on a 'like for like' basis.

Some properties, including the subject site, are flagged to continue to be zoned Agriculture from the current Significant Agriculture zone and appear to have no obvious agricultural use and some appear to also contain a single dwelling. This is the case of both 388 Scotts Road (the subject site) and also its entirely residential and much smaller neighbour 390 Scotts Road.

Council's rationale for zoning Agriculture versus Rural is unclear as there are no consistent or obvious characteristics that apply to land zoned Agriculture versus Rural.

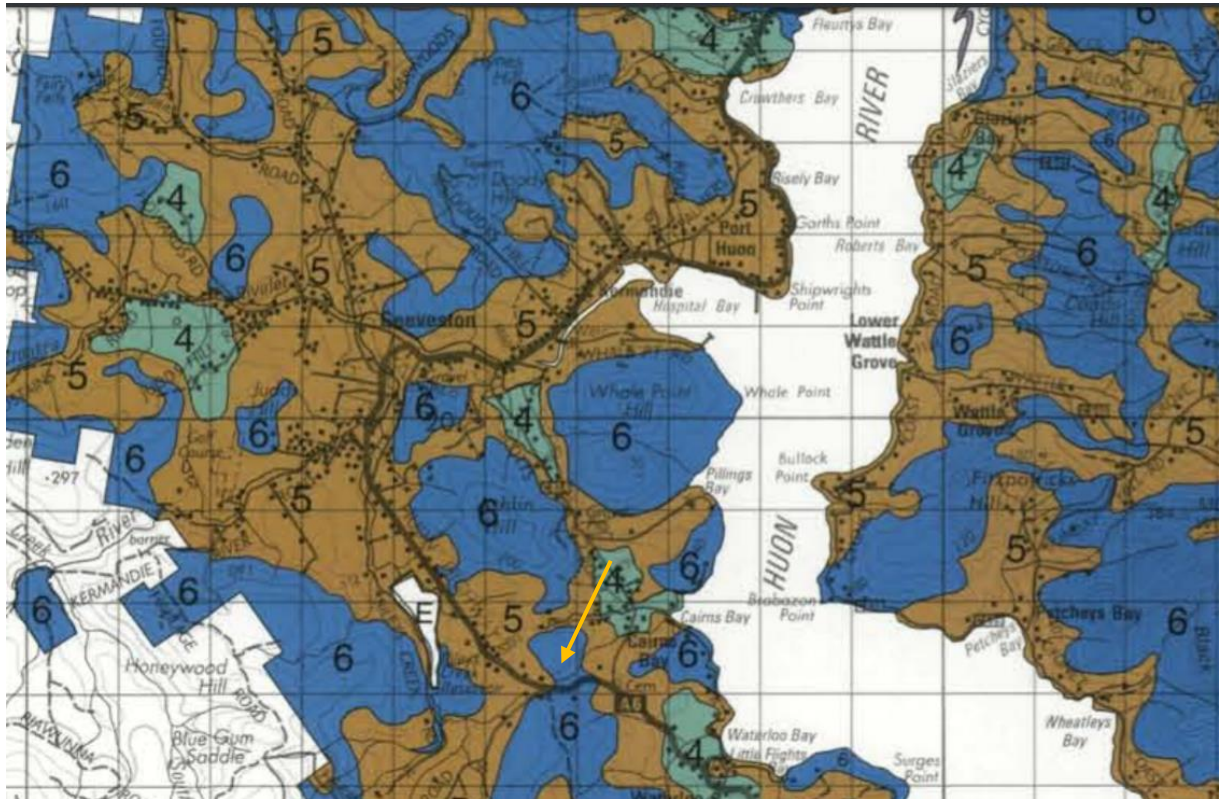
The subject site at 388 Scotts Road has multiple obvious constraints and contains a centrally located dwelling, contains large and thickly wooded areas of Eucalyptus forest native vegetation that covers around one third of the site area, has areas of moderate to steep gradient land and is directly adjacent to other residential use.

It is considered inappropriate that the subject site will continue to be covered by the highest level of agricultural zoning despite these constraints.



### Land Capability of the subject site

The subject site is mapped as a combination of 5 and 6 in terms of Land Capability by DPIPW:



**Figure 4.** 388 Scotts Road arrowed. The subject site is a combination of blue (6) and brown (5) (Land Capability map DPIPW). Source: TheLIST, sourced 8 March 2022, no nominated scale.

#### CLASS 5

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 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.

It is considered that the subject site should not be zoned Significant Agriculture, based on its low to very low capability to sustain even grazing and low suitability for cropping.



The subject site additionally has other constraints that restrict its ability for agricultural use including native vegetation cover, adjoining residential use and existing residential use within the subject site itself.

This issue has been discussed in more detail by a suitably qualified agricultural in the Land Capability Assessment by GES dated September 2021 that is included as part of documentation for this representation.



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**Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS**

The proposed zoning of the subject site to be zoned to Agriculture is considered to be contrary to the Tasmanian Planning Commission’s Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Agriculture:

Zone	Zone Purpose	Zone Application Guidelines
<b>21.0</b> <b>Agriculture Zone</b>  Red 179, Green 113, Blue 59	The purpose of the Agriculture Zone is: 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.	AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the LIST, while also having regard to: (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: (i) incorporates more recent or detailed analysis or mapping; (ii) better aligns with on-ground features; or (iii) addresses any anomalies or inaccuracies in the ‘Land Potentially Suitable for Agriculture Zone’ layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is 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; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level 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. AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6. AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the ‘Land Potentially Suitable for Agriculture Zone’ layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

Zone	Zone Purpose	Zone Application Guidelines
		(b) whether the title is isolated from other agricultural land; (c) current ownership and whether the land is utilised in conjunction with other agricultural land; (d) the agricultural potential of the land; and (e) any analysis or mapping undertaken at a local or regional level 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. AZ 4 The ‘Potential Agricultural Land Initial Analysis’ layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to: (a) any titles that have or have not been included in the ‘Land Potential Suitable for the Agriculture Zone’ layer, including titles that are surrounded by land mapped as part of the LIST layer; (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3; (c) outlying titles that are either included or excluded within the ‘Land Potential Suitable for the Agriculture Zone’ layer; and (d) larger titles or those with extensive areas of native vegetation cover. AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. 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



Zone	Zone Purpose	Zone Application Guidelines
		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(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;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone 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;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p>

Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p>Note: Further details on the Agricultural Land Mapping Project can be found in the <i>Agricultural Land Mapping Project: Background Report, April 2017</i>, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (<a href="http://www.justice.tas.gov.au/tasmanian_planning_reform">www.justice.tas.gov.au/tasmanian_planning_reform</a>).</p>

Comments have been made against each of the above guidelines with respect to the proposed rezoning of the subject site to Agriculture:

*AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:*

*(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*

*(i) incorporates more recent or detailed analysis or mapping;*

*(ii) better aligns with on-ground features; or*

*(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is 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;*





**Comment:** It is unclear if Council have specifically considered the subject site with respect to on ground features, use of the site and demonstrated constraints that appear to have been identified in the 'Land Potentially suitable for Agriculture zone' mapping which notes the site as being Potentially Constrained 2B (see below Figure 5).



**Figure.5.** Mapping of the subject site as being Potentially Constrained 2B. Source: TheList, sourced 9 March 2022, no nominated scale.

*(b) any other relevant data sets; and*

*(c) any other strategic planning undertaken at a local or regional level 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.*

**Comment:** It is requested that Council confirm if any more detailed strategic planning with respect to the application of the Agriculture zone has been undertaken.



*AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.*

**Comment:** The subject site is currently zoned Significant Agriculture. It is considered that given the site constraints of the subject site at 388 Scotts Road that this zoning is not appropriate and therefore should not transition across to an Agriculture zone under the Huon Valley LPS.

*AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;*

**Comment:** The subject site is currently used for a single dwelling and outbuildings with these being located centrally within the property.

The subject site is mapped as being Criteria 2B which is described in the *Agricultural Land Mapping Project Background Report May 2017* as having: *'physical barriers, in that the surrounding land is potentially unsuitable or unviable for agriculture (Criteria 2B)'*

A land capability assessment by GES dated September 2021 has additionally considered the Significant Agriculture zoning of the subject site is not appropriate. This has been included as Appendix 1 to this representation.

*(b) whether the title is isolated from other agricultural land;*

**Comment:** The subject site is directly adjacent to other land also noted as being Potentially Constrained (Criteria 2B and Criteria 2A).

*(c) current ownership and whether the land is utilised in conjunction with other agricultural land;*

**Comment:** The subject site is privately owned, has no known history of being used for agricultural purposes and has multiple constraints as outlined in this representation. The subject site is not utilised in conjunction with any other agricultural land.



*(d) the agricultural potential of the land; and*

**Comment:** It is considered the land has very low agricultural potential owing to the constraints highlighted in this representation. The subject site is mapped as a combination of 5 and 6 in terms of Land Capability by DPIPWE.

*(e) any analysis or mapping undertaken at a local or regional level 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.*

**Comment:** It is requested that Council provide more information to justify the proposed Agricultural zoning of the subject site.

*AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:*

*(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;*

**Comment:** The subject site is adjacent to other land also noted as being Potentially Constrained as well.

*(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;*

**Comment:** The subject site is mapped as being Potentially Constrained 2B as well as land directly adjacent (390 Scotts Road is mapped as 2A). There are other properties in close proximity and directly adjacent to the subject site that are likewise mapped as being Potentially Constrained and being 2A or 2B land.

*(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and*

**Comment:** The subject site is adjacent to multiple other parcels of noted as being Unconstrained (to the north) but these neighbouring title are of large area (generally greater than 10ha), minimal or no native vegetation cover and have current orchard use.



*(d) larger titles or those with extensive areas of native vegetation cover.*

**Comment:** The subject site is considered a larger title marginally in excess of 10 hectares and has approximately 30% native vegetation cover.

*AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. 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;*

*(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*

*(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*

*(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or*

*(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.*

**Comment:** The subject site is considered to be a larger title but is not proposed to be split zoned and therefore AZ 5 is irrelevant.

A split zoning is considered inappropriate as the existing dwelling within the subject site is located centrally within the most level and cleared area of the property.



*AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:*

*(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone 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;*

**Comment:** It is requested that Council provide more information as to why the land has been proposed to be zoned to Agriculture in terms of a more detailed local strategic analysis.

*(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;*

**Comment:** The subject site does not have similar characteristics to land mapped as suitable for Agricultural zone and contains multiple constraints as outlined in this representation. The subject site does not form part of a larger area of land used on conjunction with land mapped as suitable for the Agriculture zone.

*(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or*

**Comment:** The subject site is not appropriate to be zoned Agriculture and has a low potential for any such agricultural use owing to site characteristics and mapped land capability (a mix of 5 and 6).

*(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.*

**Comment:** It is considered that the subject site should not be zoned Agriculture as it is considered that the land has multiple constraints.





**Regional Policies**

Rezoning the subject site to Rural as opposed to Agriculture would not obstruct relevant Regional Policies.

Comments are provided against relevant Regional Policies as follows:

**State Policy on Water Quality Management 1997**

The objectives of this policy are to:

*(a) focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;*

*(b) ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;*

*(c) ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;*

*(d) facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and*

*(e) apply the precautionary principle to Part 4 of this Policy.*

The subject site does not contain any watercourses and is not adjacent to any watercourse.

**State Coastal Policy 1996**

This policy has three guiding principles:

*Natural and cultural values of the coast shall be protected.*

*The coast shall be used and developed in a sustainable manner.*

*Integrated management and protection of the coastal zone is a shared responsibility.*

The subject site is in a coastal area as the subject site is less than 1km to the coast (around 0.6km).

The rezoning of the subject site from the proposed Agriculture zone under the draft LPS to a Rural zone will have no impact on this Policy.



**State Policy on Protection of Agricultural Land 2009**

The subject site is not considered to be prime agricultural land in classification, has no current or recent agricultural use and has a very low likelihood or potential of agricultural use owing to the identified constraints. The subject site has a Land Capability classification of 5 and 6.

It is considered there would be no obstruction of this Policy by not zoning the subject site Agriculture.

The purpose of the 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.*

Furthermore, the Land Capability Assessment by GES included as part of this representation confirms the subject site is not 'prime agricultural land'.

The subject site is mapped as a combination of 5 and 6 in terms of Land Capability by DPIPW which states:

**CLASS 5**

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 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.

It is considered that the subject site should not be zoned Significant Agriculture, based on its low to very low ability to sustain even grazing and marginal to low suitability for cropping.

The subject site additionally has other constraints that restrict its ability for agricultural use including substantial thick pockets of native vegetation cover, adjoining residential use and existing residential use within the subject site itself.

The issue of land capability and suitability of the subject site for an Agricultural zoning has been discussed in more detail by a suitably qualified agricultural in the Land Capability Assessment by GES dated September 2021 that is included as part of documentation for this representation as Appendix 1.



**Request for the proposed zoning to be reconsidered by Council and the TPC**

The owner is requesting that the proposed zoning of the subject site to Agriculture be reconsidered in context of the issues outlined in this representation.

The current and proposed application of the Agriculture zone is considered inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site characteristics and multiple constraints identified in this representation.

It is considered that the Tasmanian Planning Commission instead consider a zoning of Rural for the subject site at 388 Scotts Road.

Should you wish to discuss the above, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of Mr Don Latham, owner of 388 Scotts Road, Cairns Bay





**Appendix 1 – GES Land Capability Report dated September 2021**



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