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Sent: Tue, 31 May 2022 16:39:13 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Subject: Huon Valley LPS 49 Allens Rd Grove

 [RedSealPlanning Huon-LPS Submission-49-AllensRD...](#)

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Red Seal Planning respectfully acknowledge the Traditional Owners of the land, the Muwinina band of the South-East Nation, on which we work and learn, and pay respect to the First Nations Peoples of lutruwita (Tasmania), the Palawa, and their elders, past, present and future.

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RED SEAL
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Huon Valley Local Planning Schedule (LPS)
Submission Section 35E – Land Use Planning and
Approvals Act 1993:

- 49 Allens Road, Grove CT: 106638/1

For: property owners

BY: TRENT J. HENDERSON

BA(Hons) GCurbDgn MEP RPIA

Principal Planner

Contents

Summary	2
1 Introduction	3
1.1 Background	3
1.2 Site	3
1.3 Surrounding	4
2 Current Planning Provisions.....	5
2.1 The Property and Operations.....	5
2.2 Impact of the Site & Surrounding Analysis	5
2.3 LPS Zone Purpose Statements	5
3 Conclusion.....	6

Appendix A – Farm Management Plan,

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Summary

Project:	Huon Valley Local Provision Schedule Planning Submission relating to the land known as • 49 Allens Road, Grove CT: 106638/1
Planning Authority:	Huon Valley Council
Planning Policy:	Section 35E - <i>Land Use Planning and Approvals Act 1993</i>
Current Zoning:	Rural Resource
Proposed Zoning:	Landscape Conservation
Date of Assessment:	April 2022

It is our submission that the decision tree used to determine the delineation of Landscape Conservation Zone and Rural Zone has not examined the existing land use of the site. It is also positioned that the assessment has viewed the site and surrounding area as individual lots, determining that their size, underlying soil quality, and topography of the land, is not agricultural use, and has wrongly been considered not part of the agricultural estate. In doing this the Council has erred to take into consideration lots for farming can be capable of being used for agriculture regardless of ownership.

Therefore, pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Landscape Conservation in accordance with the provisions of the SPP Part 21, to the land known as:

- 49 Allens Road, Grove CT: 106638/1

Instead, the land should be considered for Rural Zone (Part 20 of the SPPs) as this reflects the land use character.

1 Introduction

The property owners have engaged Red Seal Urban & Regional Planning to review the exhibited documents of the Huon Valley draft Local Provisions Schedule (LPS) in relation to land known as 49 Allens Road, Grove CT: 106638/1 and the proposal to zone the land Landscape Conservation.

1.1 Background

Pursuant to Section 35E of the *Land Use Planning and Approvals Act 1993* (LUPAA), the following representation is made to assist Council and the Tasmanian Planning Commission (TPC) in implementing zoning by providing onsite clarification for the properties of concern.

The site is in the early stages of a horticulture farm which is why the owners purchased the Rural Resource Zoned Land.

The subject property is proposed to be zoned 'Landscape Conservation'. However, it is our position that pursuant to Section 35E (3)(b) of LUPAA, the draft LPS should not apply Part 22 Landscape Conservation Zone of the SPPs to the area of land specified, and it should remain zoned Rural Part 20 of the LPS.

1.2 Site

Yes, the site is covered by native vegetation and not the traditional pasture or crop fields; however as the Agriculture assessment attached demonstrates the site is being used for an agricultural use.



Figure 1.1a – The farm involves the outlined property. (Source LIST Map)

1.3 Surrounding

Under the current planning provisions, the site is Rural Resource Zone and is surrounded by Rural Resource Zone.

In addition to being zoned Landscape Conservation, the entire property is proposed to be subject to the Priority Vegetation Area of the Natural Assets Code.

No scenic overlays currently apply or are proposed at this stage.

The Landslide Hazard overlays are to transition across to the LPS in the same alignment.

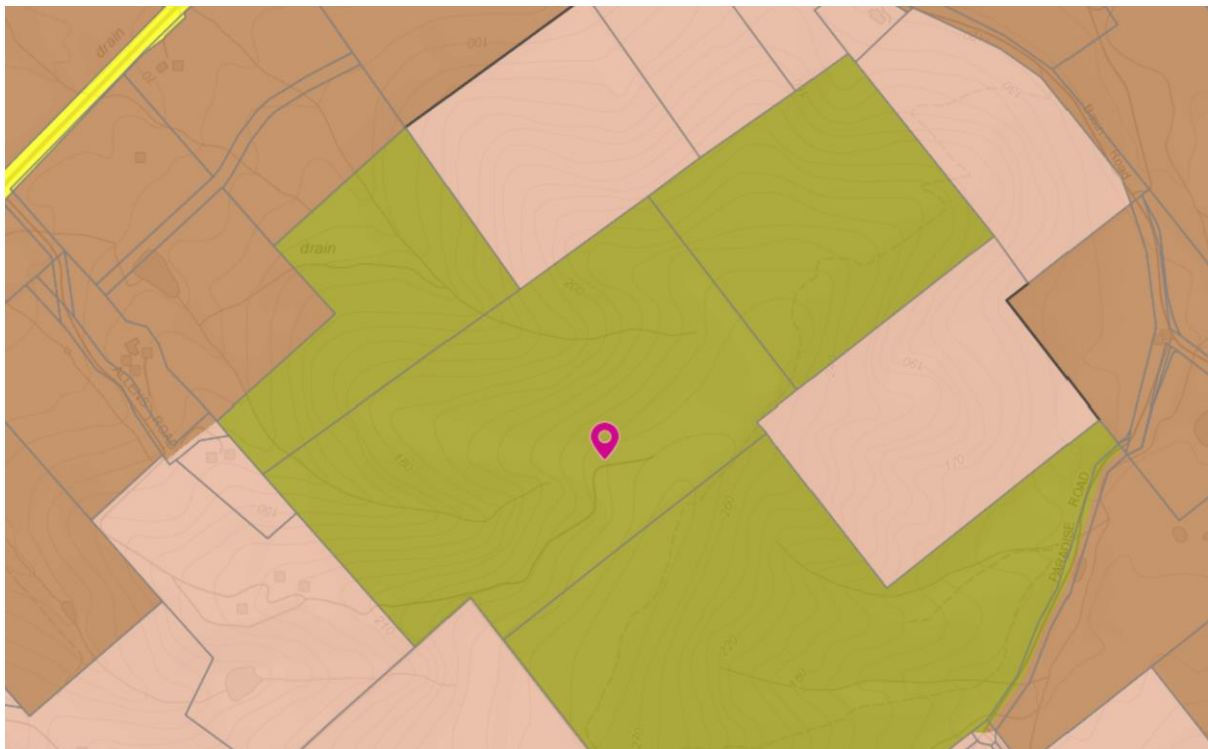


Figure 1.3a – The site is to be zoned Landscape Conservation. Additionally, the property is also subject to the Priority Vegetation Area of the Natural Assets Code (Source Huon Valley Council LPS Draft Interactive Map)

2 Current Planning Provisions

2.1 The Property and Operations

As outlined in Appendix A, the property has only recently been purchased for the purpose of Resource Development which is a No Permit Required use class in the current zoning.

2.2 Impact of the Site & Surrounding Analysis

The Tasmanian State Planning Scheme (SPP) adopts Tasmanian *State Policy on the Protection of Agricultural Land 2009*, to define Agricultural land:

“...means all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses”.

Agricultural use:

“...means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.”

Therefore, the purpose of the Rural zone is to prioritise primary industry related business, specifically farming and to minimise conflict with such activities.

However, by proposing to zone Landscape Conservation in the LPS, resource development is a discretionary use class; therefore, it is an activity that has gone from not requiring any form of authorisation from the Planning Authority to being an activity potentially subject to a refusal under Clause 22.3.3 of the LPS. This is even though the *State Agricultural Land Mapping Project - Background Report* has suggested that the land is “Potentially Unconstrained” which generally is assigned to the Agricultural Zone (Figure 2.2a).

2.3 LPS Zone Purpose Statements

In regard to the Purpose Statements for the Landscape Conservation and Rural Zones within the LPS, the Rural Zone is more consistent with the characteristics of the land and the use of the site.

Although the site was identified as unconstrained agricultural within the Land Suitable for Agriculture Zone, the native vegetation and topography means it is not suitable for transition to Agriculture Zone. Therefore, based on the current land use and the fact that this site is being used for an agricultural use shown by its very longevity to be sustainable, it is submitted that the LPS has erred in zoning this site Landscape Conservation.

As the sites are being used for agricultural use then the land by definition is agricultural land and therefore the zoning is more appropriate to be either Agriculture or Rural under the new Scheme. Additionally, the Agriculture or Rural zones' Purpose Statements are more consistent

with the current and historic use of the land, which is in turn consistent with the *State Policy on the Protection of Agricultural Land 2009*.

However, based on the surrounding land proposed to be Rural within the LPS the sites should also be zoned Rural under the new planning scheme.

3 Conclusion

The subject land under the LPS is proposed to be zoned Landscape Conservation; however, this does not factor in the established agricultural use of the site.

The site is a component of a family operated horticulture business that has relatively recently invested in the site under the Rural planning provisions. Zoning the land Landscape Conservation is inconsistent with the current and historic use of the land, and the *State Policy on the Protection of Agricultural Land 2009*.

Pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should not apply the zone Landscape Conservation in accordance with the provisions of the SPP Part 22 and the *Guidelines No.1 Local Provisions Schedule (LPS): zone and code application*, the land known as:

- 49 Allens Road Grove CT: 106638/1

instead, the land should be considered for Rural Zone (Part 20 of the SPPs) as this reflects the land use character.

Ron Bowditch BSCAg(Hons)
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NSW 2117
Tel: 0417 408 082
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Lavender Farm
49 Allens Rd
Grove
Tas, 7109

Preliminary Report/Comments
Farm Plan for 49 Allens Road, Grove, Tasmania
30 May 2022

Note:

1. Please view this report and commentary as preliminary only. It relies on discussions with you, review of your farm plan and zoning report, and a site inspection only.
 2. I have not undertaken any testing of the soil - I am relying on your reports
 3. I commend the thoroughness of your research and planning
-
- There is a subsoil rock shelf under part of the proposed cultivated area, exposed in a few small areas. Before committing to the layout of cultivation, mapping of the soil depth is advisable. For example by digging or ripping holes at 2-3m intervals along the contours
 - Although lavender will grow in shallow soil, 30+cm depth would be optimum to ensure effective watering, and protection of soil structure and cultivation equipment. If possible, the cultivation layout may be modifiable to use the areas found to be less than 15 cm deep for access
 - The rock shelf mapping process will also give insight into the soil profile. If the soil has not been altered by previous deep cultivation, you will observe a distinct transition from the darker, humus rich loamy topsoil, the A horizon, to a distinct, pale, clay rich B Horizon. If the soil has been previously deep ploughed the horizon may not be as distinct.
 - A feature of sodic soils such as yours is that the clay in the B horizon has a proportionally higher exchangeable sodium compared to other ions, which leads to ready dispersion of the clay in water. The soil is thus prone to collapse of soil structure, and erosion. The failure more than one old dam on the property is more than likely due at least in part to dispersion of sodic clay in the dam wall, and a form of erosion (tunnelling), in which dispersal and erosion of sodic clay can occur out of sight below the surface. Although the property has steep slopes and the location experiences frequent heavy rainfall, the lack of gully erosion suggests that the soil has equilibrated to the conditions, but the clay at risk of dispersal may simply be held in place by the topsoil and thus remains at risk, especially if disturbed

- On no account should you deep rip or turn up the soil to bring the B horizon to the surface until soil treatment is well established and the soil has had time to adjust to the treatment
- Your proposal to use gypsum to increase calcium and organic matter (such as sawdust, forest fines, and /or a green manure crop) to treat the soil is sound, however I note that you have tested the soil and found a typical PH of 6.5. This is at the acidic end of the PH range suitable for lavender. Until the PH tests above 7 or 7.2 lime may be a more suitable calcium source than gypsum as lime will have the additional benefit raising the PH more for the same calcium input. Once added organic matter and lime or gypsum has been mixed into the topsoil for several months, slightly deeper cultivation with further lime or gypsum, into the B horizon may be safely undertaken.
- Your proposal for water management is sound, however you should seek specific advice before attempting to restore a failed dam on soil such as yours.

Feel free to discuss any related matters with me.

I wish you well in your endeavour.

A handwritten signature in black ink, appearing to read 'Ron Bowditch', with a stylized, cursive script.

Ron Bowditch BSCAg(Hons)



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