

From: "Mingming Ma" <mma@jmg.net.au>
Sent: Tue, 31 May 2022 10:14:57 +1000
To: "hvc@huonvalley.tas.gov.au" <hvc@huonvalley.tas.gov.au>
Cc: "Simon Zelestis" <szelestis@jmg.net.au>; "fitzgeraldan@outlook.com" <fitzgeraldan@outlook.com>
Subject: Representation Letter for the draft of the Local Provision Schedule
Attachments: LPS Representation 450 Lonnvale Road, Judbury.pdf

Dear Sir/Madam,

Please see the attached Representation Letter on the draft of the Local Provision Schedule.

Thank you
Kind regards,
Mingming Ma | GRADUATE TOWN PLANNER
JMG ENGINEERS & PLANNERS

117 Harrington Street HOBART TAS 7000
E: mma@jmg.net.au
P: 03 6231 2555



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JMG Ref: 220430PL

30th May 2022

General Manager
Huron Valley Council
Via email - hvc@huonvalley.tas.gov.au

Dear General Manager,

REPRESENTATION TO HUON VALLEY COUNCIL ON THE DRAFT LOCAL PROVISION SCHEDULE - TASMANIAN PLANNING SCHEME CONSULTATION; PROPOSED AMENDMENT FOR 450 LONNAVALE ROAD, JUDBURY

JMG Engineers & Planners have been engaged by the owners of the site to prepare a representation regarding 450 Lonnavales Road, Judbury on the *Draft Huon Valley Local Provisions Schedule (HOU LPS)*.

1. Site, Location, & Context

The subject site (see Figure 1) is located at 450 Lonnavales Road, Judbury (PID 7336228; CT 208976/1). The site contains existing buildings and associated outbuildings on a lot with an area of approx. 10.95ha. The property has a large frontage onto Lonnavales Road with existing access.

The site is currently partially cleared and contains a number of buildings and hard standings, with mature vegetation on the site. The site has been in constant use since the early 1990s as an apiary site and honey production facility, that includes:

- An average of over 100 hives on site
- Over winter sites and holding areas for transporting bees
- Buildings used for honey extraction, honey storage, heater room for warming honey, and winter bee box storage
- Associated work shed for hardware storage, repairs, and maintenance of bee boxes, lids and bases, pallets, and mixing of sugar syrup for winter bee feed
- Vehicle depot for approx. 3 x truck, 3 x other farm vehicle, 2 x avant, 2 x trailer, 1 x forklift

The site has also been used historically for a range of rural/agricultural uses including kennels, fruit, animal, and honey production, which date back before the use of the site as listed above by the current owners.

117 Harrington Street
Hobart 7000
Phone (03) 6231 2555
Fax (03) 6231 1535
infohbt@jmg.net.au

49-51 Elizabeth Street
Launceston 7250
Phone (03) 6334 5548
Fax (03) 6331 2954
infohbn@jmg.net.au

Johnstone McGee &
Gandy Pty Ltd
ABN 76 473 834 852
ACN 009 547 139
as trustee for Johnstone
McGee & Gandy
Unit Trust

www.jmg.net.au

The owners of the site have plans to expand the business operations on-site, potentially including new sheds for additional storage, undercover areas for trucks, clearing and levelling to create additional store areas for additional hives, and minor works to enable safe use of fork lift and avants around the site, and the erection of a number of ecoshacks for farm tours such as educational operators and school groups.

The site is currently zoned *Rural Resource* [26.0] under the Interim Planning Scheme.

Surrounding the site is a mixture of land zoned *Rural Resource* (to the north, east, and west) with *Significant Agricultural* [27.0] to the immediate south (see Figure 2).



Figure 1 - Subject Site ((Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>))

2. Huon Valley Interim Planning Scheme 2013

Use and development

The site is currently zoned *Rural Resource* (see Figure 2) under the *Huon Valley Interim Planning Scheme* (HVIPS). The purpose of the zone is broadly for 'resource development uses', and the protection of rural resources. The site was determined to be 'Unconstrained' within the study of 'Land Potentially Suitable for Agricultural Zone' (as outlined on TheList) which suggests that it was considered a suitable site for rural uses, and which reflects its current and historic use.

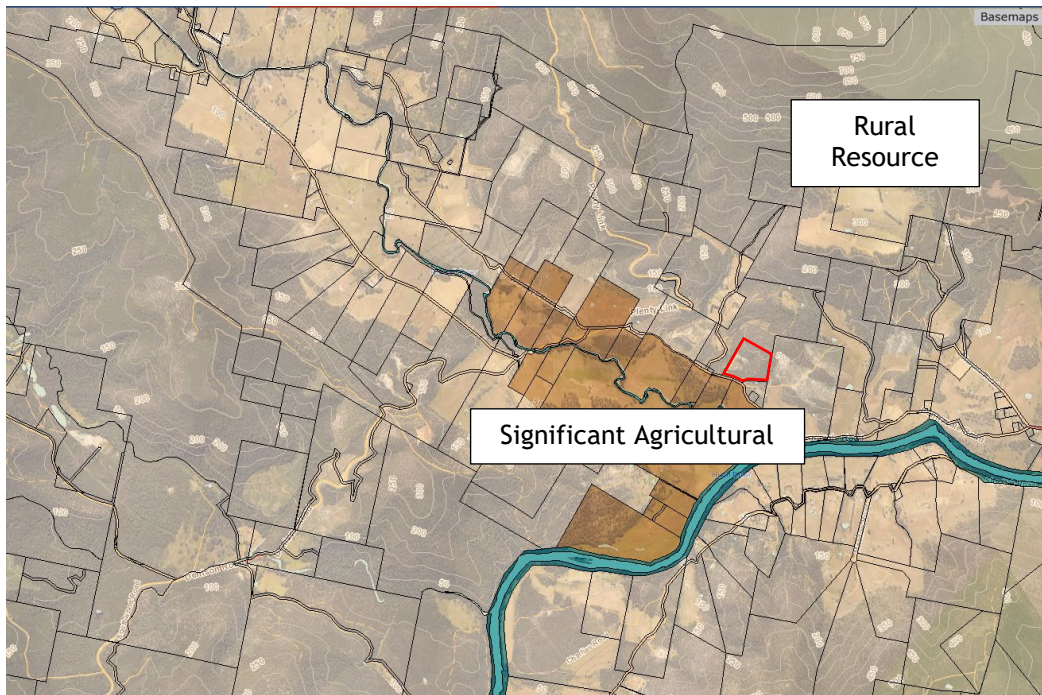


Figure 2 - HVIPS Zoning ((Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>))

Under the HVIPS Residential use is permitted in the zone only if a home-based business or an extension or replacement of an existing dwelling. Residential use is discretionary only if for a single dwelling. All other residential use is prohibited, with Visitor Accommodation 'Discretionary' if for backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, overnight camping area, etc.

Subdivision can only occur within this zone where each subsequent lot is no less than 40ha.

Resource development is listed as a 'No Permit Required' use if for agriculture, beekeeping, crop production, horse stud (amongst other uses), 'Permitted' for all other uses, with only intensive animal husbandry a 'Discretionary' use. This would likely not restrict the use of the land for its current and proposed future use.

Codes and overlays

The site is also covered by the Bushfire Prone Areas code overlay, Landslip Hazard Area, and the Biodiversity Protection Area overlay.

The Biodiversity Protection Area covers almost the entire site shown in Figure 3 which identifies areas of potential threatened native flora and fauna communities.

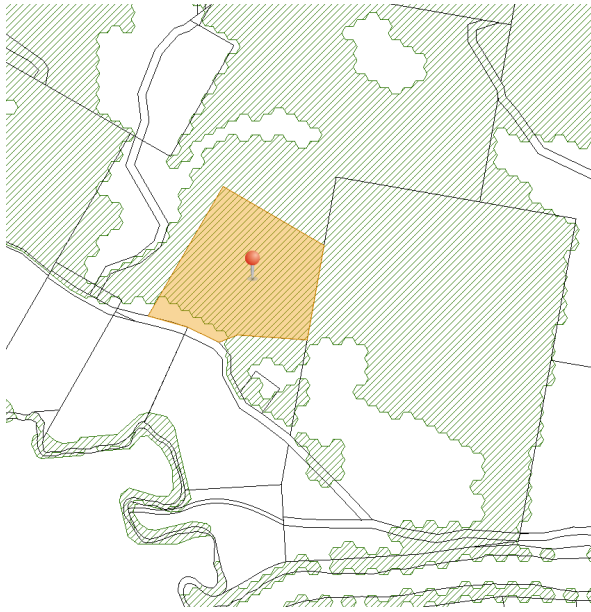


Figure 2 - Biodiversity overlay (Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>)

The Biodiversity Code broadly seeks to minimise the loss of threatened native vegetation communities and flora species, conserve threatened fauna habitat, and minimise the loss of locally significant biodiversity values.

As such under the current Planning Scheme, the clearance of land would likely require a development application and would likely need to be accompanied by a Flora and Fauna Assessment by a suitably qualified person. The TASVEG mapping (see Figure 4) indicates that there is potentially priority vegetation on the site.



Figure 3 - TASVEG 4.0 (Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>)

This shows areas of *Eucalyptus obliqua* dry forest (light green), *Eucalyptus pulchella* forest and woodland (dark green), and Extra-urban miscellaneous (light hatching).

The Bushfire overlay covers the entire site.

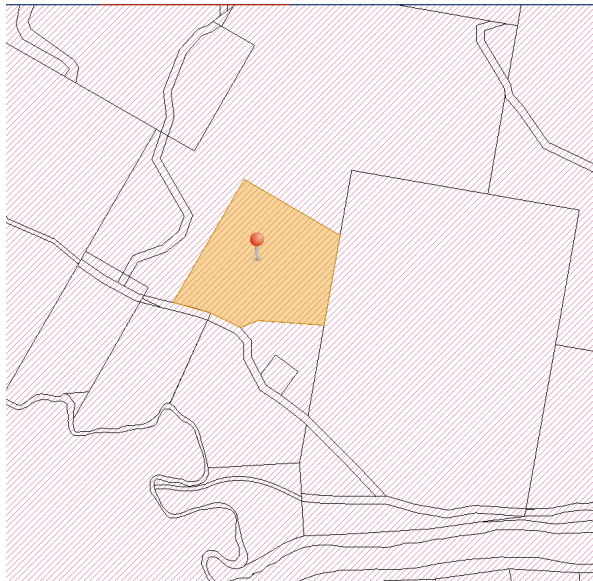


Figure 4 - Biodiversity overlay (Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>)

The purpose of the bushfire-prone code is broadly to ensure that use and development are appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

The current clearing appears to be sufficient for this purpose, however, further advice should be sought regarding bushfire management.

The Landslip Hazard Area identifies as 'Remaining areas slopes 11-20deg', which would potentially mean that an assessment by way of a Landslip Risk Management Report could be required depending on the use and development proposed within this area.

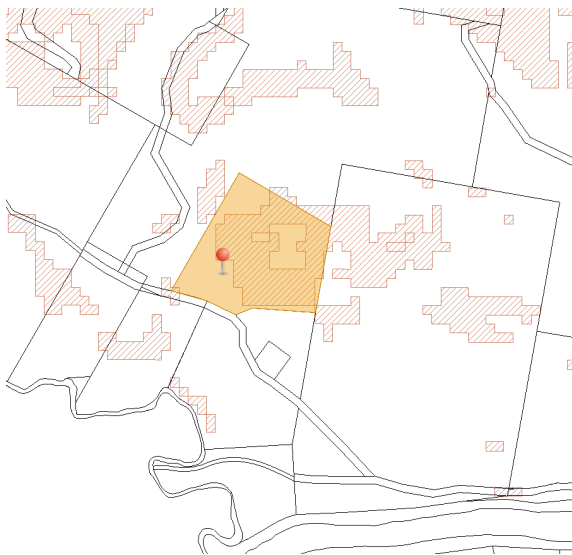


Figure 5 - Biodiversity overlay (Source: TheList 2018, accessed 27/05/2022, <<https://maps.thelist.tas.gov.au>>)

3. Draft Huon Valley Draft Local Provision Schedule

Under the *Draft Huon Valley Draft Local Provision Schedule* (HOU LPS) the site is proposed to be zoned as *Landscape Conservation*. The purpose of this zone is to protect, conserve, and manage landscape values, and for compatible use or development that does not adversely impact the protection, conservation and management of the landscape values.

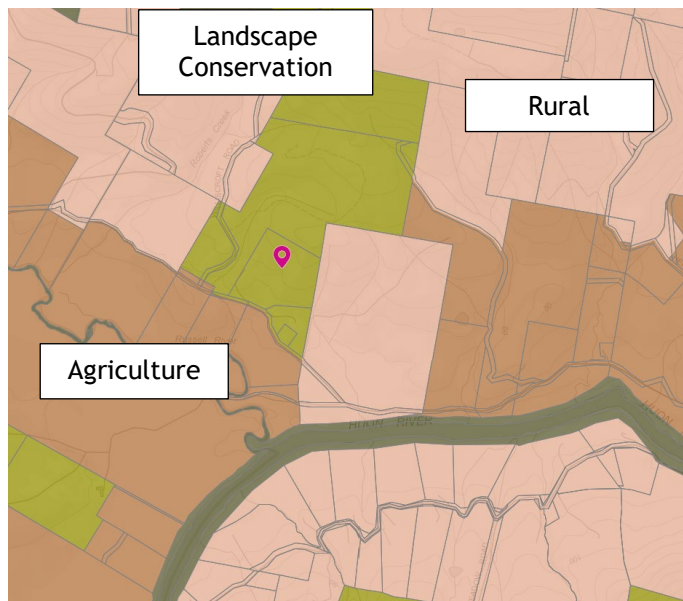


Figure 6 - Proposed Zoning - subject site in red (Source: Huon Valley Council Tasmanian Planning Scheme Consultation, accessed 27/05/2022, < <https://planning.discovercommunities.com.au/connect/analyst/mobile/#!/main?mapcfg=huonvalley>>)

Use and development

Within this zone residential use is permitted if for a home-based business, or for a single dwelling.

The use of the site for its current operations and the proposed expansion of operations would now become in its majority (in relation to the Resource Development component) a 'discretionary' use. As such under the new zoning, it is likely that a development application would now be required for any expansion of the current operations, which would need to demonstrate that it is 'compatible with landscape values' having regard to the scale of the use, type of use, and landscape values of the site and surrounding land. Visitor accommodation remains a discretionary use within the proposed new zone.

Codes and overlays

Under the Draft HOU LPS, the site is covered by very similar overlays to the current Planning Scheme. The Landslip Hazard Code (identified as the 'low landslip hazard band') remains in its current location, as does the Bushfire-prone Area (across the whole site), and the Natural Assets Code (across the entire site excluding the southern boundary, as per the current biodiversity overlay).

The Natural Assets Code generally seeks to minimise impacts on natural assets, ecology, priority vegetation, and threatened species habitat. Clearance within this area is likely to require a development application and would likely need to be accompanied by a Flora and Fauna Assessment by a suitably qualified person.

Rationale for new zoning

The Supporting Report for the Draft *HOU LPS* (November 2021) states that the land has been zoned as Landscape Conservation in accordance with LCZ 1, 2 & 3 (see Table 1 below). It is however noted that the site was determined to be 'Unconstrained' within the study of 'Land Potentially Suitable for Agricultural Zone' (as outlined on TheList) which suggests that it was considered as a suitable site for agricultural uses. This accords with the basis upon which the current owners have been using the site for a range of rural/agricultural uses since the early 1990s (and its use for other rural/agricultural uses dating back further), and proposals for the potential expansion of these uses as described above.

It is also noted that the vast majority of surrounding land within the wider vicinity, including sites covered by the proposed draft Natural Assets Code, that were also identified as ‘Unconstrained’ within the study of ‘Land Potentially Suitable for Agricultural Zone’, has been zoned as Rural. This includes sites immediately adjoining to the east, and sites to the west, northwest, and northeast, as well as sites south and west of the Russell River.

Table 1 - Draft LPS supporting report Table

<p>LCZ 1 <i>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.</i></p>	<p><i>The application of 80% native vegetation coverage coupled with the presence of either the Natural Assets or Scenic Landscape Code overlay as the first level of selection meets the intent of this guideline in that most of the property is constrained but there may be some potential for small scale use or development. A significant portion of the properties selected are located on the vegetated scenic hill slopes that characterise the Huon Valley. These areas have been spared from historical clearing due to being considered suboptimal for agriculture. The analysis of ‘large areas of native vegetation’ was attributed to a minimum native vegetation patch size of 20 ha. This links directly with the LCZ use standard 22.5.1 P1 minimum lot size of 20 ha.</i></p>
<p>LCZ 2 <i>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 contains 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.</i></p>	<p><i>Addressed by ensuring properties contain the Natural Assets Code overlay. The Huon Valley Natural Assets code is based on the ‘Regional Ecosystem Model’ which selected priority vegetation patches based on a range of criteria including, threat status, threatened species habitat, relative reservation, local scale fragmentation, and relative rarity. It is important to note that modelling is based on best available data. Portions of the Huon Valley, especially those with limited road access or in remote areas, have had limited sampling and are somewhat data deficient. The Huon Valley is privileged to have a high diversity and abundance of threatened species, placing additional importance on protecting not only core habitat areas but natural ecological corridors be</i></p>
<p>LCZ 3 <i>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.</i></p>	<p><i>This was addressed by using the following selection criteria to select LCZ suitability:</i></p> <ul style="list-style-type: none"> • <i>Three or more adjoining properties</i> • <i>Borders existing Environmental Management or Environmental Living properties intended to transfer to LCZ.</i> • <i>If less than three adjoining properties, the total area of these properties is at least 20 ha</i>

These comparable sites in terms of identified agricultural potential and vegetation coverage are also of a similar character to the subject site (i.e. in low land agriculture areas and not on the vegetated hills and mountains referred to in 2.4.5.3 of the Draft LPS Supporting Report), and subject to similar vegetation coverage (including multiple sites within the valley that have large expanses of either/both Eucalyptus obliqua dry forest and Eucalyptus pulchella forest and woodland as identified in the TASVEG 4.0 layer).

4. Conclusion

This submission contends that the *Landscape Conservation* zone is not compatible with the historic and existing use of 450 Lonnvale Road for its current operations and would also compromise the owners proposed plans to expand operations on site. Furthermore, the current use of the site as a viable business and local employment site will likely be put at risk by the proposed zone change which will impact on the viability of the current and future commercial operations on site.

It is requested that the Council reconsiders the proposed zoning under the draft LPS to reflect the suitability of the site for rural uses, in line with the zoning of similar sites within the vicinity where ‘Unconstrained’ agricultural land, including land with large

areas of vegetation coverage, that have been zoned as Rural. An alternative zone, such as Rural, would enable the continued operation of the business and local employment, as well as facilitate its potential future expansion, which is at risk under the proposed new zoning.

If you require any further information or clarification with respect to this advice, please contact me on 6231 2555 or at planning@jmg.net.au.

Yours faithfully

JOHNSTONE MCGEE & GANDY PTY LTD

**Simon Zelestis
TOWN PLANNER**