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Sent: Tue, 31 May 2022 23:28:08 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Cc: "Paul Molnar" <sirpaulmol@gmail.com>
Subject: HVC LPS submission 6902 Huon Highway, Dover (PID: 2708256)
Attachments: Huon-LPS_Rural-RL_PlanningSubmission_Molnar-31-May-2022.pdf

Please find attached a Submission for the LPS on the above mentioned property.

Trent J. Henderson

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

- *“St Imre Vineyard”* – 6902 Huon Highway, Dover (PID: 2708256)

For: P Molnar

BY: TRENT J. HENDERSON

BA(Hons) GCurbDgn MEP RPIA

Principal Planner

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Appendix A - Land Assessment GES

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Summary

Project:	Huon Valley Local Provision Schedule Planning Submission relating to the land known "St Imre Vineyard" - 6902 Huon Highway, Dover (PID: 2708256) CT: 144541/2
Planning Authority:	Huon Valley Council
Planning Policy:	Section 35E - <i>Land Use Planning and Approvals Act 1993</i>
Current Scheme Zoning:	Rural Resource & Rural Living Area D
Proposed LPS Zoning:	Rural & Rural Living Zone C
Revised LPS Zoning:	Rural Living Zone A
Date of Assessment:	May 2022

1 Introduction

The property owner Paul Molnar has 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 “*St Imre Vineyard*”, 6902 Huon Highway, Dover (PID: 2708256) CT: 144541/2.

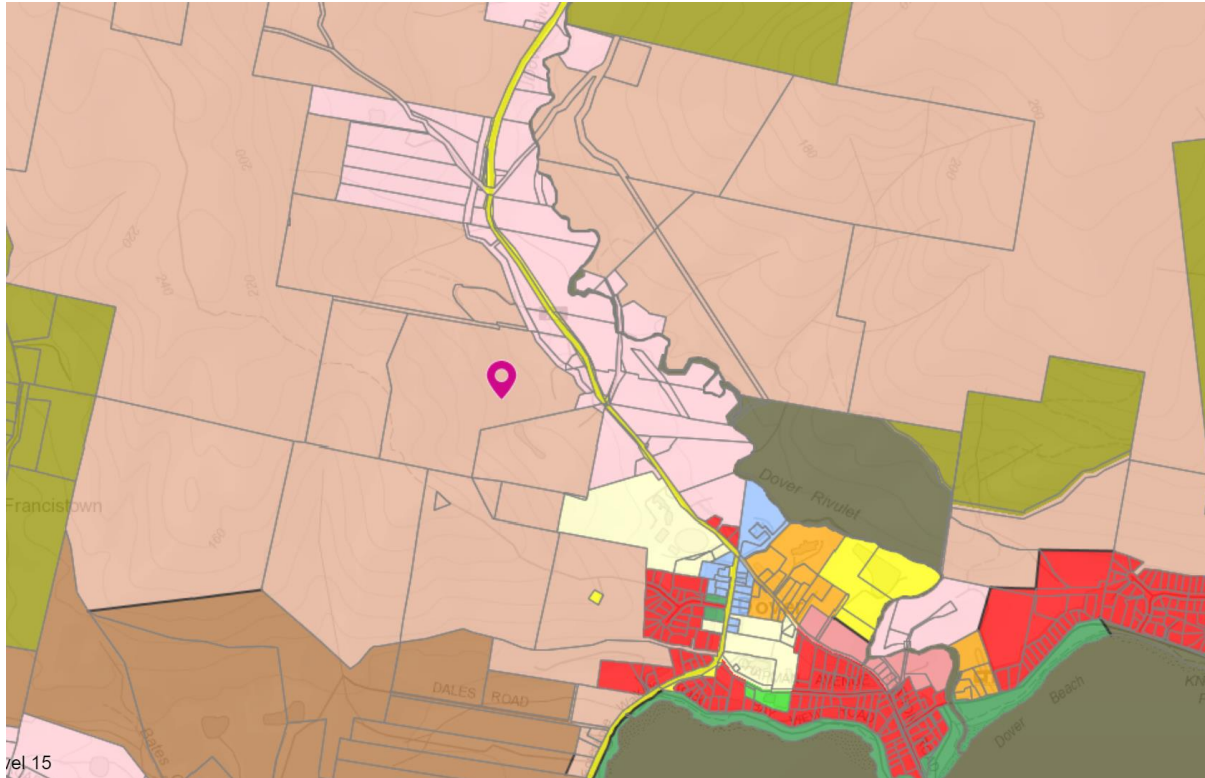


Figure 1.1 - *St Imre Vineyard*, 6902 Huon Highway, Dover (PID: 2708256), identified in the center of the image, and is to be zoned both Rural Living Zone C and Rural under the Huon Valley LPS.

1.1 Background

It is acknowledged Huon Valley Council (the Council) did enormous work in progressing the LPS to this stage and we commend the Council and its planning staff for it. However, given the extent of work required, it is understandable that some nuances of the zone mapping are not ideal due to the base data not being specific to each site.

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 in question.

The concern is that the site is split between Rural Resource and Rural Living under the Huon Valley Interim Planning Scheme 2015, a situation Council intends to replicate in the proposed LPS.

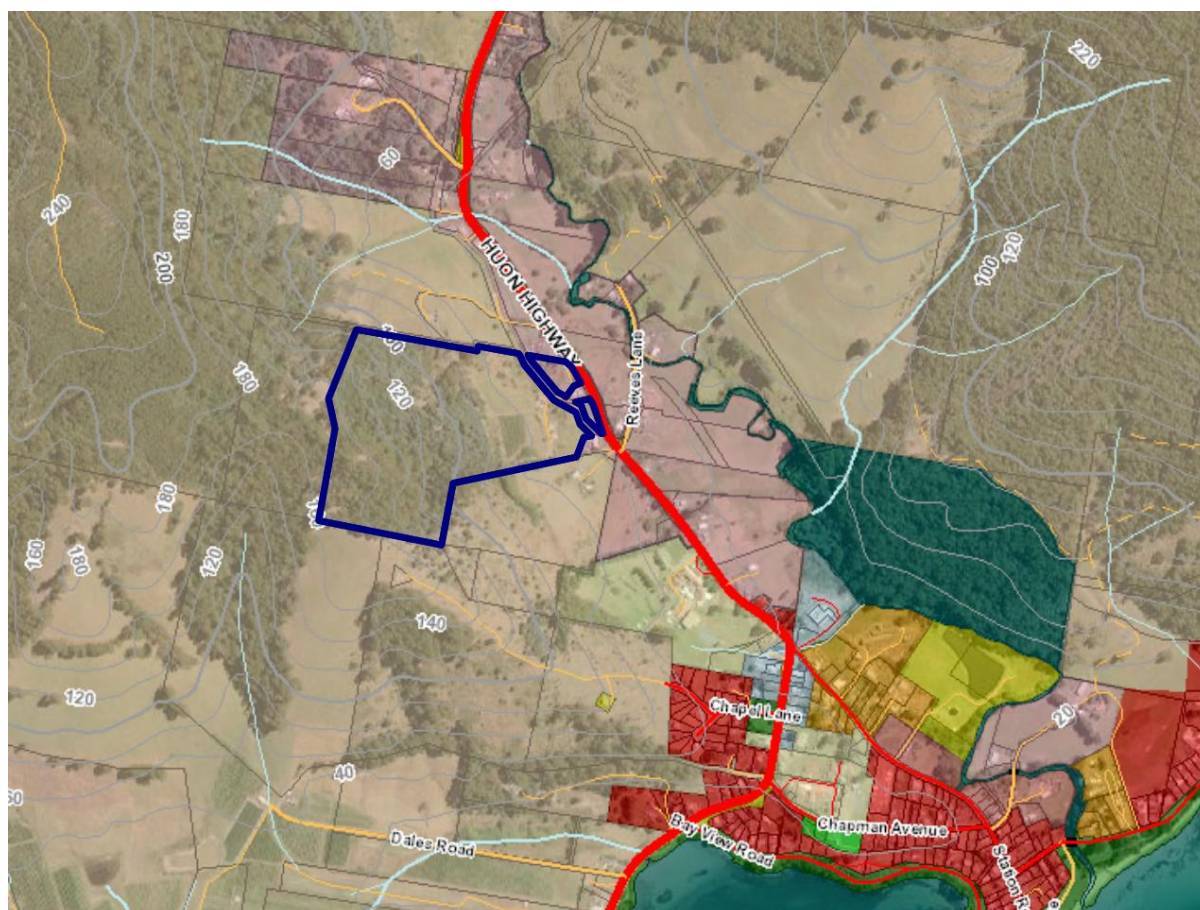


Figure 1.1a – The single title associated with 6902 Huon Highway, Dover. The light brown is zoned Rural Resource whilst the light pink is Rural Living along the frontage, pursuant to Huon Valley Interim Planning Scheme 2015. (Source LIST Map)

Whilst split zoning is a recognised land use management tool to delineate on ground characteristics it has its complications, particularly in terms of land management.

The 16.6 hectare is currently used for a residential dwelling, a vineyard and in the upper reaches of the lot as a bush block. There is limited opportunity to expand the vineyard into the native vegetation, yet because of the current zoning arrangement there is limited capacity for secession planning through the establishment of a lot to assist in financing expenses associated with the vineyard and the property.

1.2 Site

The property covers just over 16.6 hectares and although a single title, it is effectively divided into three areas, which are:

- Rural Living Area along the Highway frontage
- The vineyard area of the first half of the hill side, and
- The native vegetation area at the highest half of the lot.

Most of the site is positioned between the 30m contour and approximately the 170m contour.

Vegetation type is listed under the TasVege layer of the LIST Map as Agricultural land for most of the property (Figure 1.2a). The remaining site is Regenerating cleared land (FRG) although vineyards are established here, the upper area is Lowland grassland complex (GCL)

and *Eucalyptus globulus* wet forest (WGL). (Figure 1.2a below), the latter is listed under Schedule 3A - Threatened native vegetation communities of the *Nature Conservation Act 2002*.

The Land Capability of the site and surrounding properties is Class 5, which is land moderately suitable for pastoral use but considered unsuitable for cropping¹; see Figure 1.2b below. Whilst it is true that grapes to an extent to reasonably well on poor soil, this does not equate to huge quantities of harvest.

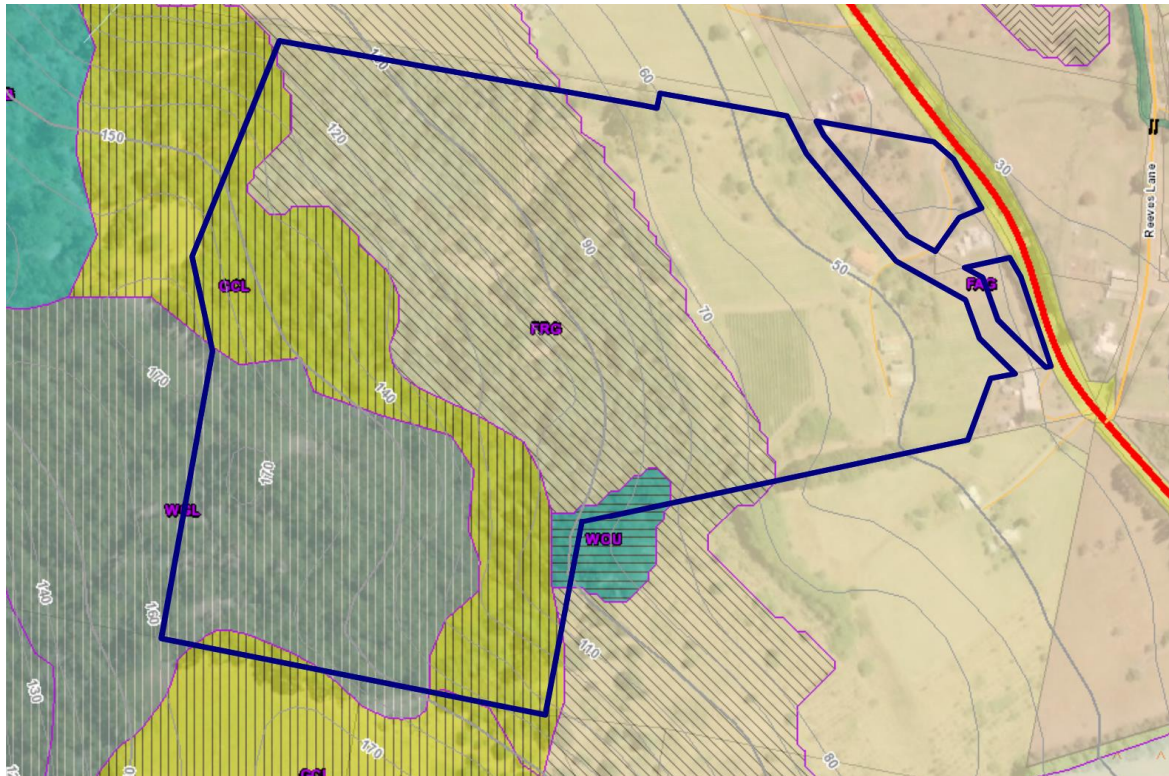


Figure 1.2a- The TasVege layer of the LIST Map has the site as predominantly agriculture vegetation, the mid-section is mapped as Regenerating cleared land (FRG), with the upper area Lowland grassland complex (GCL) and *Eucalyptus globulus* wet forest (WGL). (Source LIST Map)

¹ R.C. DeRose, "Land Capability Survey of Tasmania: D'Entrecasteaux Report," (Tasmania: Department of Primary Industries, Water and Environment, 2001).

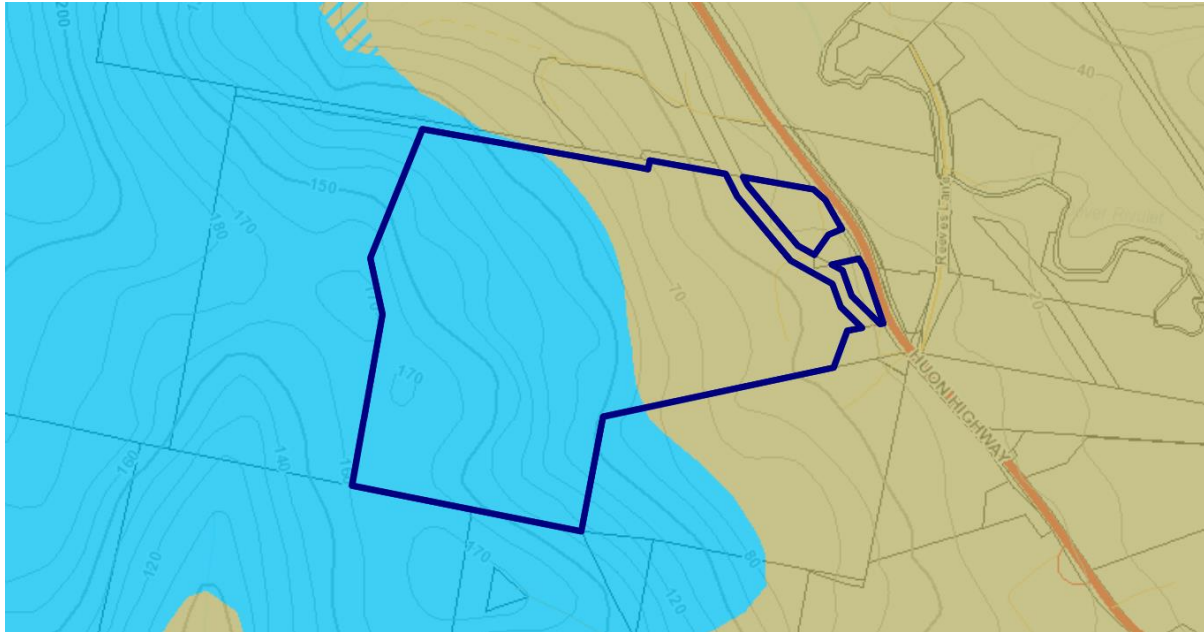


Figure 1.2b – Land Capability Map – the olive-green area is predominately Class 5, which is marginal grazing land and unsuitable for cropping. (Source LIST Map)

The Land Capability will be further assessed within the attached GES assessment.

1.3 Surrounding

The surrounding lots are mixed in size and zoning with Rural Living and Rural zones dominant; however, the site is not far from the centre of Dover.

These properties are characterised by a single residential dwelling with associated outbuildings. Any agricultural land use appears to be restricted to livestock grazing by a small herd. This land use appears to be confirmed by aerial imagery, Figure 1.1a above. Additionally, this is understandable considering the land capability is at Class 5, being only marginally suitable for cropping.

Given the poor soil classification and the actual agricultural use occurring on surrounding land, it is understandable that the latest State Land Use (2019) it is understandable the surrounding land is a mixture of land use classifications, below Figure 1.3a.

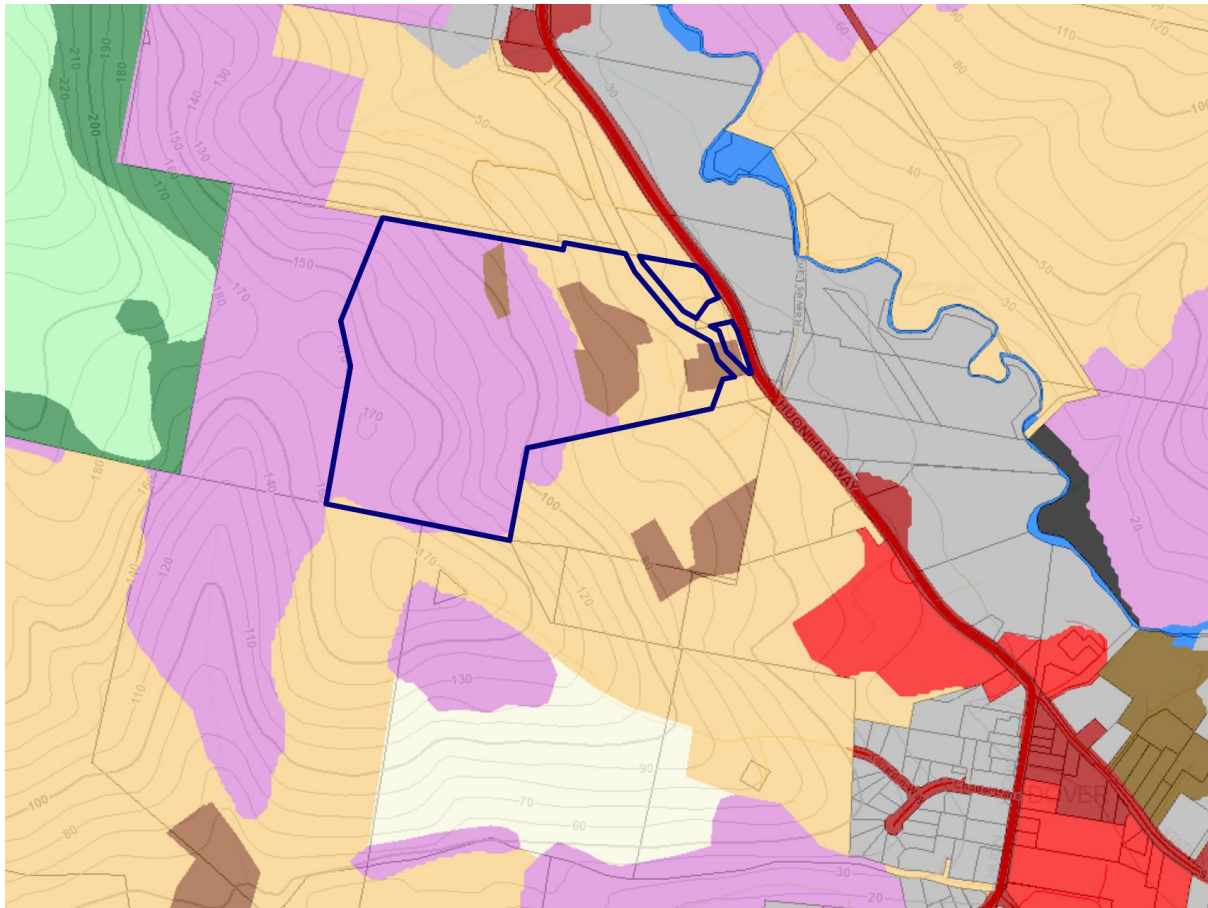


Figure 1.3a – Land Use 2019, the site is split in usage between native vegetation and agricultural use. The properties in grey are classified as *Code:5.4.3 Rural residential without agriculture*, which applies to all the properties eastern side of the highway. (Source LIST Map)

2 Planning Provisions

2.1 At Issue

Under the Huon Valley LPS, 6902 Huon Highway, Dover (PID: 2708256) is proposed to be split zoned — Rural and Rural Living. Whilst the zoning might appear a logical transition, it creates a problem for the property owners in that the property is not of a sufficient capacity to properly farm.

With the split zoning, the two sections cannot be separated as this does not facilitate a subdivision within the Rural Zone area that meets the minimum lot size.

2.2 Proposed Alternative LPS Zoning

Rural Living, the core use of residential is maintained, but simultaneously the land can still be used for livestock grazing and horticultural activity such as the current vineyard.

2.3 LPS Zone Purpose Statements

The LPS purpose of the Rural Living Zone Clause 11.1, is as follows:

- 11.1.1 - *To provide for residential use or development in a rural setting where:
 - (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.*
- 11.1.2 - *To provide for compatible agricultural use and development that does not adversely impact on residential amenity.*
- 11.1.3 - *To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off-site impacts.*
- 11.1.4 - *To provide for Visitor Accommodation that is compatible with residential character.*

The specific purpose of the Rural Living zone is to allow residential development on rural land to act as a buffer from agricultural use impacting on sensitive use. The range of permitted use classes within Rural Living Zone Use Table 11.2 is limited to residential and visitor accommodation. As such, this provides a greater range of options for succession planning with the vineyard allowing for a diversification of income and investment opportunities.

Therefore, based on the zone purpose statements, the site is more suitable to be zoned Rural Living than Rural.

Zoning the property this way at 6902 Huon Highway, Dover, along with the surrounding properties that are already zoned Rural Living in the Huon Valley LPS, is consistent with the Guideline RLZ-1(a) as it is an:

residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity.

Additionally, this is also consistent with the statements under SRD 1.3 (a) of the *Southern Tasmanian Regional Land Use Strategy 2010-2035*.

Any environmental values would still be addressed under the Natural Assets Code which the LPS intends to have as an overlay in this area.

3 Conclusion

This representation provides site specific clarification for the following parcels of land

Based on the actual land use, an analysis of the purpose of the zones, and a review of the Guidelines, the more appropriate land use zoning is that of Rural Living Zone C to maintain the same zoning across the property. This zoning facilitates agricultural activities but is more applicable to the residential activity that is occurring on the land.

Therefore, pursuant to Section 35E (3)(b) of the *Land Use Planning and Approvals Act 1993*, the draft LPS should zone the property 6902 Huon Highway, Dover Rural Living Zone C, over the entire site.



30/05/22

Red Seal Urban & Regional Planning
Hobart TAS 7000

RE: Agricultural land Capability – PID 2708256 – 6902 Huon Highway Dover

I am a Certified Professional Soil Scientist (CPSS) and I have completed the assessment of numerous agricultural properties in Tasmania over the past 20 years including a number in the Huon Valley area. I have completed a review of my files for the local area and the subject property and can provide the following information.

- The property is located on the Huon Highway close to the township of Dover and is bordered by a mix of rural and rural residential properties (see figure 1 site location).
- The property is approximately 16ha in area
- The surrounding titles are also a mix of small sized rural properties ranging in area from approximately 0.12ha to over 20ha
- The property is underlain by Jurassic aged dolerite with gradational clay soils on the moderate to steep slopes of the properties (see figure 2 geological mapping).
- The property is mapped as a mix of class 5 and 6 agricultural land (see figure 3 land capability mapping).
- Based upon recent work in the region class 5 would be the predominant land class in the local area
- The land suitability mapping for the area which shows that the property is suitable for pasture production from typical ryegrass pastures provided adequate management measures are implemented (see figure 4 ryegrass pasture suitability).
- Generally, the clay soils are subject to pugging from stock in winter months and drainage improvements are required to improve pasture growth. Periodic pasture renovation with tillage to alleviate compaction is also often employed as a management measure.
- The soil types on the property have a number of identified soil limitations to agricultural use, and in particular due to the steep slopes erosion from cultivation poses a significant barrier to intensive agricultural use on parts of the study area (see figure 5 soil slope erosion hazard mapping).
- The area of soils on Jurassic Dolerite the following limitations have been identified
 - Soils on hill slopes can be shallow with a high stone content and poor rooting depth
 - Subsoils are imperfectly drained
 - Soil can be prone to erosion where denuded of surface cover

- From my review of the information relating to soil and land quality on the property it is my conclusion that the land has limited agricultural capability
- The title is relatively small in area and is surrounded by several small titles with either rural or rural residential use, therefore any future intensive agricultural use of the property is significantly fettered.
- In particular there are a number of very small residential style titles of less than 0.5ha bordering the frontage of the property and in close proximity on the Huon Highway
- Given the agricultural capability of the property is constrained, future zoning as part of the state-wide planning scheme must be carefully considered to ensure the optimal future use of the land resource
- In conclusion a rural living zoning which allows low intensity agricultural activities and rural residential uses may be the most appropriate use of the land resource into the future.

Kind regards,



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Director

Figure 1 – Site location



Figure 2 – Geology mapping



Figure 3 – Land capability mapping



Figure 4 – Ryegrass pasture suitability mapping

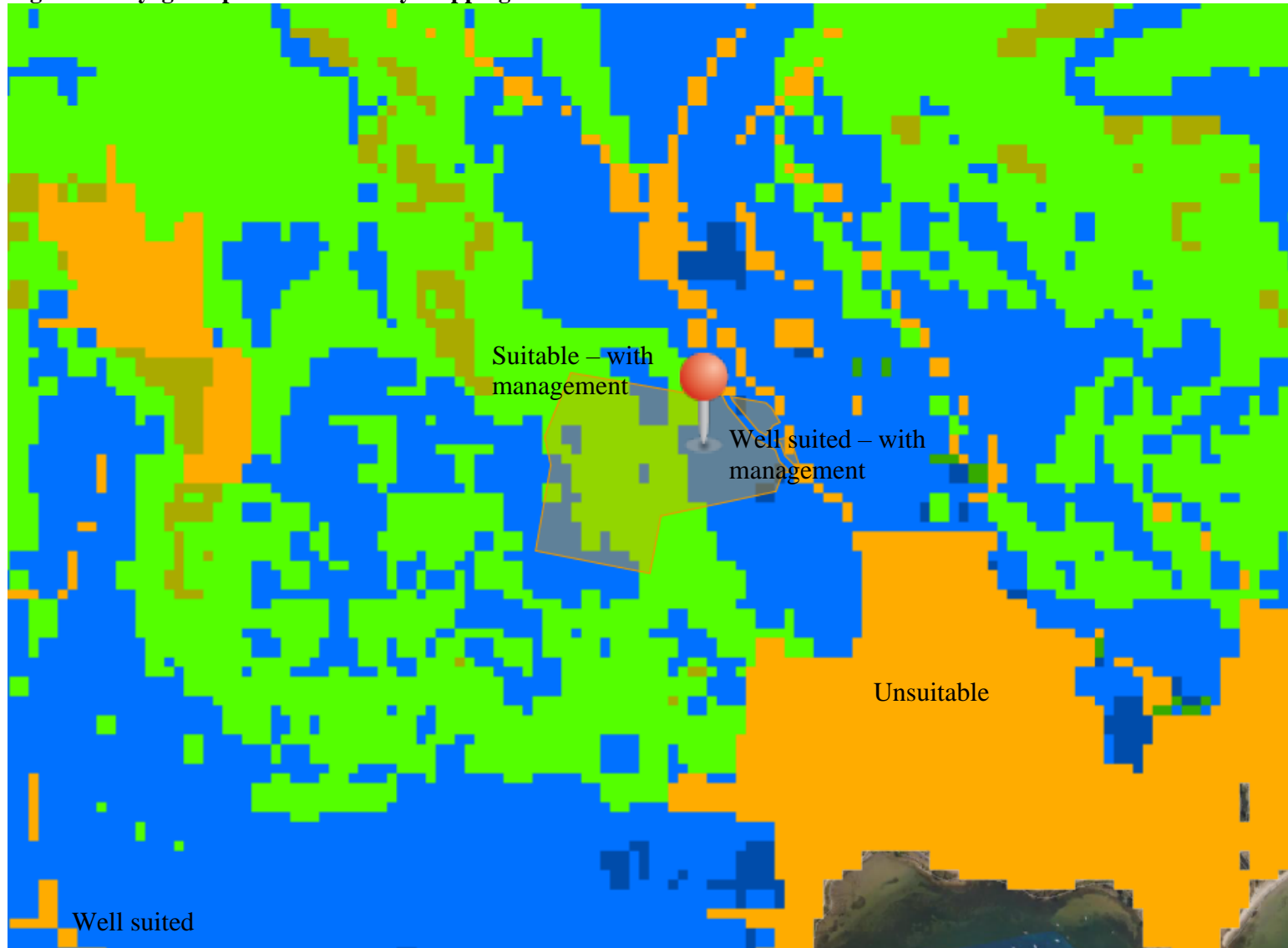
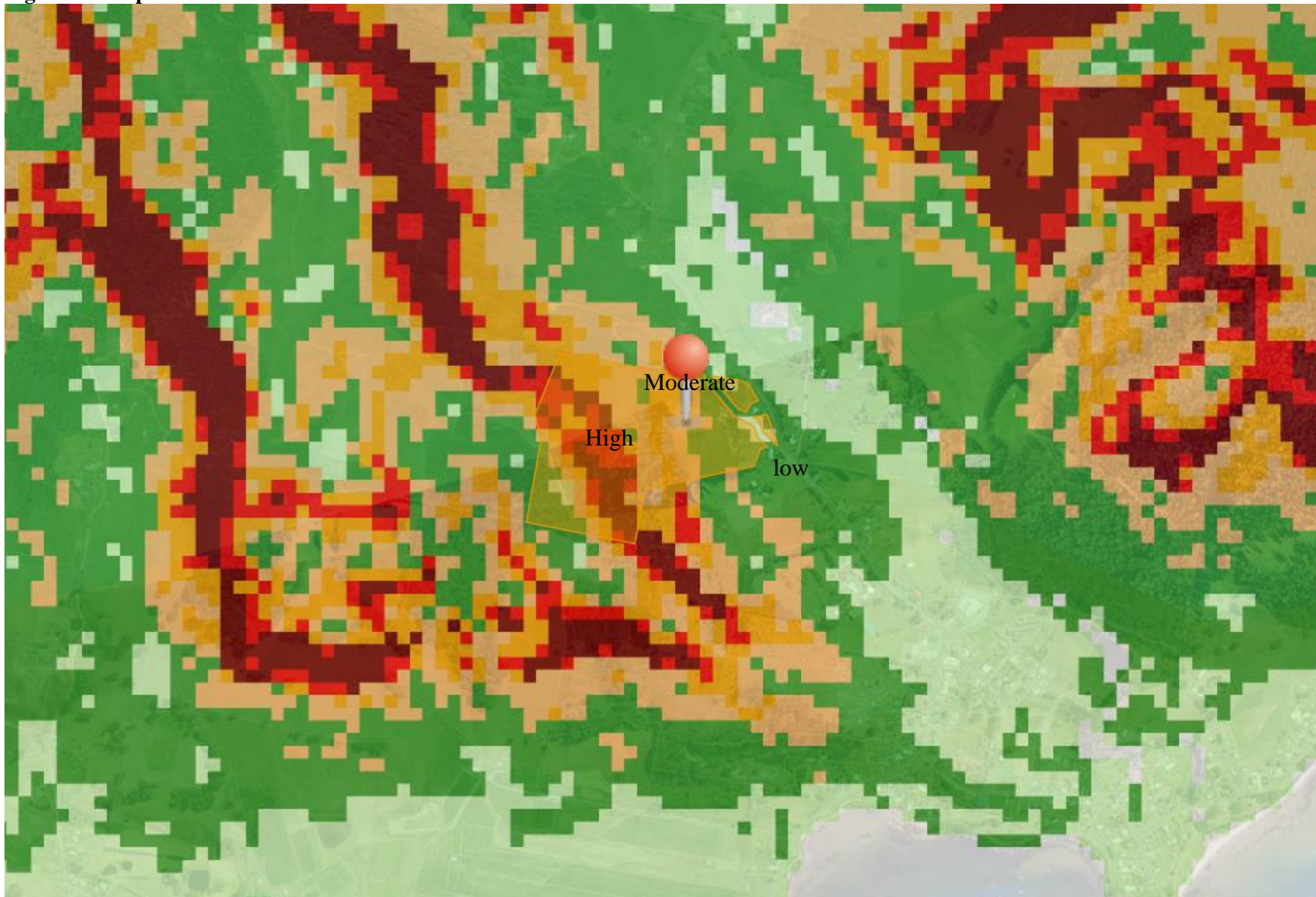


Figure 5 – Slope Erosion Hazard





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