

From: "Evelyn Bond" <evbond13@hotmail.com>
Sent: Tue, 31 May 2022 17:21:33 +1000
To: "hvc@huonvalley.tas.gov.au" <hvc@huonvalley.tas.gov.au>
Subject: BRUCE HENRY BOND & EVELYN LATHAM BOND - REPRESENTATION CONCERNING PROPOSED PLANNING CHANGES
Attachments: BH & EL Bond signed cover sheet for representation against proposed planning changes 31 May 2022.pdf, B H & E L Bond Planning Representation 31 May 2022.pdf

Dear Sirs,

Please find our representation against the proposed application of the Draft Local Provisions Schedule to our properties in Judbury, Tasmania **attached**. Please note that two documents are attached:

1. the signed cover sheet; and
2. accompanying submissions in relation to our opposition to the proposed application of the draft LPS.

Yours faithfully,
Bruce & Evelyn Bond

Mr B H & Mrs E L Bond
49 Lonnvale Road
JUDBURY TAS 7109

31 May 2022

The General Manager
Huon Valley Council

By email only: hvc@huonvalley.tas.gov.au

Representations Concerning Proposed Planning Changes

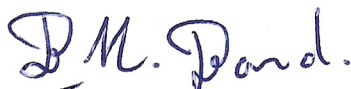
We each make the **attached** representation against the proposed application of the Local Provisions Schedule to our properties in Judbury, Tasmania. The certificates of title to which our representation relates are:

Titles owned by Bruce Henry Bond
217098/1
118789/1
55162/1
247588/1
220412/1
130703/2
154626/2
251927/1

Titles owned by Evelyn Latham Bond
216299/1
6770/1
55162/2
55651/1
63537/1

Signed:

Bruce Henry Bond



Evelyn Latham Bond



Mr B H Bond
 49 Lonnvale Road
 JUDBURY TAS 7109

31 May 2022

The General Manager
 Huon Valley Council

By email only: hvc@huonvalley.tas.gov.au

Representation Concerning Proposed Planning Changes

This representation primarily relates to **each** of the following titles, which I am the registered owner of:

Title Ref	PID: Summary of improvements & total land area in PID	Interim Planning Scheme	Tasmanian Planning Scheme (Draft LPS)	Land size	Position on Draft LPS – Summary of submission as to any alternative zoning
217098/1	5699439 Dwelling, farm improvements, hay sheds, machinery shed, orchard, fencing	Rural Resource	Agriculture	3.428 ha	I oppose the proposed zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
118789/1	Total: 19.538 ha	Rural Resource	Agriculture	16.11 ha	I oppose the proposed zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
55162/1	7709805 Shed, fencing Total 7.39 ha	Rural Resource	Agriculture	3.44 ha	I oppose the proposed zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.

247588/1		Rural Resource	Agriculture	3.94 ha	I oppose the zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
220412/1	5699367 Orchard, farm improvements, fencing Total 9.66 ha	Rural Resource	Agriculture	9.66 ha	I oppose the proposed zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
130703/2	2892102 Fencing	Rural Living	Rural Living	5.609 ha	I oppose the proposed application of Rural Living Zone to this certificate of title.
154626/2	Total 9.8601 ha	Rural Living	Rural Living	0.942 ha	I oppose the proposed application of Rural Living Zone to this certificate of title. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
251927/1		Rural Living, Rural Resource	Agriculture, Rural Living	3.31 ha	I oppose the proposed application of Rural Living Zone to this certificate of title. I oppose the proposed zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.

Total: 46.439 ha

This representation also directly concerns **each** of the following properties, which are owned by my wife and business partner, Evelyn Latham Bond:

Title Ref	PID: Summary of improvements & total land area in PID	Interim Planning Scheme	Tasmanian Planning Scheme	Land size	Position on Draft LPS – Summary of submission as to any alternative zoning
216299/1	3400798 Fencing	Rural Resource	Agriculture	1.655 ha	I oppose the zoning change from Rural Resource to Agricultural Zone.

	Total: 6.0011 ha				For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
6770/1		Rural Resource	Agriculture	4.3254 ha	I oppose the zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.
55162/2		Rural Resource	Agriculture	0.021 ha	I oppose the zoning change from Rural Resource to Agricultural Zone. For the reasons which are outlined below, I submit that it would be appropriate to apply the Rural Zone to this land.

Total: 6.0011 ha

Together, my wife and I are the registered owners of 52.4401 hectares of land in the district of Judbury.

BACKGROUND - USE OF THE LAND:

The following information is relevant to the historical, current, and intended future use of our land at Judbury by my wife and I.

The properties known as “Brookside” and “Sunnyside” have been in the Bond family for generations, passing down to me from the Rimon family via my late mother (who was married to my late father, Henry Bond).

Using current property identifiers to describe my property:

- the “Brookside” property is generally located at and around 49 Lonnvale Road, Judbury. This property is particularly identified by the following certificates of title: 118789/1, 220412/1, 247588/1 & 55162/1.
- the “Brookside” homestead was first built in 1906. In addition to the homestead, there are various sheds, outbuildings and stockyards which are located on certificate of title 118789/1 (which is one of two titles grouped together as PID 5699439);
- the Huon Valley council records incorrectly record the residence and related improvements to be located on PID 5699367, which is incorrect because that PID relates exclusively to certificate of title 220412/1.

- my wife and I married in 1975, and since that time we have resided in the “Brookside” homestead, at 49 Lonnvale Road, Judbury. The homestead is located on certificate of title;
- to add to the “Brookside” property, I purchased adjoining land which is identified by certificate of title 217098/1;
- From the perspective of a primary production land tax exemption, most of the “Brookside” and surrounding titles are grouped together as PID 5699439, 5699367 & 7709805;
- the “Sunnyside” property is generally located around 1310 Glen Huon Road, Judbury. The character of this property has altered over the years, due to:
 - the construction of the Glen Huon Road, which segregated the titles (and caused one title [251927/1] to more logically form part of the “Brookside” property); and
 - the retirement of my late mother from the partnership under which she and i conducted the farming business prior to 1998. At this time, a boundary adjustment was undertaken to enable:
 - my mother to retain ownership of her longstanding home at 1310 Glen Huon Road; and
 - the surrounding land to be excised from that residence, so that it could continue to be utilised as farming land;
 - The “Sunnyside” residence is now owned by my brother, and I continue to own the farming land, which is identified by certificate of title 130703/2;
- I purchased additional land adjoining the “Sunnyside” property. Over the years, I have sold some of that additional land (including the sale of a small cottage at 1276 Glen Huon Road, Judbury, and an area of land to the Tasmanian Fire Service which now houses the Upper Huon Fire Brigade and is an asset to the district). These types of property transactions were necessary in order to fund works on the property, to purchase supplies such as fertiliser, and to enable expenditure on farming machinery and living expenses. While I have sold some of the land adjoining “Sunnyside”, I have retained ownership of certificate of title 154626/2 which is located adjacent to the Upper HUon Fire Brigade.
- For the purposes of a primary production land tax exemption, the properties surrounding “Sunnyside” are grouped together as PID 2892102.

Additionally, the property known as “Homeburn” was passed from my wife’s parents to her in 2003. Some of that property (including the “Homeburn” homestead at 113 Lonnvale Road, Judbury) has since been sold by my wife in order to enable expenditure on the farm and to provide some funding for us as we advance in years, but my wife continues to own land parcels adjacent to that property, namely certificates of title 216299/1, 6770/1 & 55162/2 (which are grouped together as PID 3400798).

I commenced working on the family farm when I turned 15, in 1963. My father passed away in December 1968 at the age of 56, and I have worked almost exclusively on the

farm since then. There have been some periods where I had to obtain other employment away from the farm, because the revenue produced by the farm was simply not sufficient to sustain my wife and I, or to raise our now adult children.

When I first began work on the farm, it consisted of apple orchards, a cherry orchard, and beef cattle farming was conducted on the balance land. Both the apple and cherry industries are incredibly labour intensive and success in generating revenue is very much dependant upon many factors including:

- the ability to secure markets, which we found to be incredibly difficult with emerging varieties;
- transportation and packing costs;
- finding labour that was skilled enough to not cause damage to the crop during harvest; and
- the weather.

My wife's parents originally purchased the "Homeburn" property at 113, Lonnavale Road, Judbury in 1966. Because I had purchased the land identified as 217098/1, the "Homeburn" and "Brookside" properties shared a common boundary. At the end of 1966 my wife completed her secondary schooling at Huonville District High School and commenced working on the farm as an employee of her parents who were orchardists and beef cattle farmers.

By about 1973, the apple market was failing and returns for apple farmers diminished. My wife realised that my parents could no longer afford to pay her a wage from the farm earnings, so she moved in with an elderly relative in South Hobart and attended at Mitchell Secretarial College in order to take up a position in an office which would have a regular income. My wife initially worked for a labour hire company, Tas Personnel, and then secured a position with AGC Financial which she remained in until 1982 when she was pregnant with our first child. Since that time, my wife has assumed home duties (including raising our now adult children) and she has assisted me to run the farm as business partners.

The apple industry was always very hard work for little return, but I would say it had "hit rock bottom" by approximately 2004. By this time, my wife and I had converted all of our apple orchards into pasture, and we ceased to be involved in the pome fruit industry.

In 2009, I required emergency quintuple bypass surgery and accordingly from 2010 onwards we gradually reduced our cherry production to almost nil. We have retained apple and cherry trees for personal use only.

We continue to conduct a beef cattle farming business. Save for our residence and machinery sheds, we utilise almost all of our Judbury properties for grazing. Our

combined properties are able to sustain approximately 35-40 head of beef cattle for grazing at most time of the year, depending on the age and size of the cattle within the herd. It is also necessary for us to reduce the number of head we run in around September each year, to enable paddocks to be “locked up” to grow which then permits the harvesting of silage and hay in the summer months for:

- winter stock feed; and
- some sales of hay and silage to derive income.

I have always been concerned that being involved in primary production and running the farm has not enabled me to accumulate any significant amount of superannuation, leaving my wife and I financially exposed as our ages increase and our health deteriorates.

It has always been my intention (and I have always understood that I would be able) to sell parcels of land from around the edges of our property if we needed the money. For that reason, I have retained as many titles as possible and I have not sought to adhere all of the farm onto one title.

RESTRICTIONS AND EASEMENTS:

Save for what follows, all of our land in the district of Judbury is unencumbered and is essentially free of easements or restrictions on title:

1. One of my wife’s titles, namely 55162/2, is a very small laneway title. That title is subject to a right of carriageway in favour of my land parcel 55162/1, because:
 - my land parcel does not have any frontage onto either the Lonnvale Road or Jacobsons Road; and
 - without frontage onto a main road, the parcel would be without legal access and therefore landlocked;
 - access to Jacobsons Road has been made possible by utilising my wife’s laneway title, and then passing over my nearby title 247588/1. In relation to that second title of mine, I note there is no need to have an easement registered because those titles have a common owner.
2. The “Sunnyside” title which is located in between the Glen Huon Road and the Huon River is subject to a right of drainage in favour of the Crown; and
3. When the boundary adjustment was completed to remove the “Sunnyside” residence from the farming land, the approval granted by the Huon Valley Council was subject to a condition under s83(5) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* that the balance lot (130703/2) “is suitable for the installation of a modified septic tank subject to a minimum of 500m²”.

Given that our titles are essentially free of registered restrictions on use, we have continued to conduct our partnership business in a way which retains as many titles as possible, so that we could sell blocks of land if we needed to do so for financial reasons.

ZONING IMPLICATIONS FOR OUR LAND:

There are four critical implications arising from the zoning which is proposed for our land:

1. we would not be able to continue our longstanding farming activities on some of our land, as it is proposed to be zoned Rural Living;
2. our capacity to fund our retirement and achieve a fair market value for the sale of smaller parcels of our land would be removed, as it is proposed to be zoned Agricultural and would no longer be attractive to hobby farmers, market gardeners etc as they would not be able to satisfy the requirement that a dwelling must be necessary for farming activities; and
3. our capacity to put our land (which is not prime agricultural land) to other uses would be unduly restricted; and
4. our continued use of our residence, which has existed on the land since approximately 1909, may be an illegal use of our land if it is re-zoned as Agricultural.

It is relevant to note that we have documentation dating back for many years, to the time when the Huon Planning Scheme 1979 (**Former Scheme**) was in place.

Under the Former Scheme, our land was zoned Intensive Rural and/or Rural. For land zoned as:

- Intensive Rural it was not necessary to obtain a permit in order to conduct agricultural or intensive agricultural use of the land (Table of Uses, 5.1 & 5.4). Permits to construct a single dwelling, and a dwelling & ancillary apartment could be applied for (Table of Uses, 1.1 & 1.7), or to operate a market garden (Table of Uses 5.2). Storage, rural industry and tourist operations were discretionary uses (Table of Uses, 3.5, 4.7 & 5.7); and
- Rural could be used in the same way as land zoned Intensive Rural, with the following additional uses being possible:
 - Other residential buildings were a discretionary use (Table of Uses, 1.2)
 - Special Industry and timber mill were a discretionary use (Table of Uses, 4.4 &)
 - Miscellaneous use was discretionary (Table of Uses, 7.4)

Our documentation is able to demonstrate the basis on which the Huon Valley Council raised its rates notices for many decades. Aligning the historical use, and historical

rating of the properties to what is now proposed under the Draft LPS, the following is relevant:

- It is entirely unclear how or when the zoning has altered from Intensive Rural or Rural to Rural Living, and we can only assume that this was a result of the Interim Planning Scheme. We received no notice of the change, or its importance, from the Huon Valley Council; and
- The proposed zoning change to Agricultural is the result of a recommendation by LK Consultants. I oppose that recommendation.
- The allowable use of the property under the zoning which is reflected by our historical rates notices was not as restrictive as that which is proposed to be imposed upon us under the Draft LPS.

I have been unable to find any Local Area Objectives relevant to the Judbury district. Therefore, there are no Local Area Objectives able to justify the removal of liberties which would result from converting the land to Agricultural Zone (from Rural Resource).

Pursuant to the Supporting Report Attachment 4 (Decision Tree) for Potentially Constrained Titles, it is open to zone our titles as Rural (as opposed to Agricultural) because:

- Titles adjacent to Residential Zones that display very constrained characteristics may be more suited to a Residential Zone.
- While Rural Living is an alternative, that would unduly restrain the continuation of existing farming activities on the land and would not promote the best use of the land;
- the land is not directly adjacent to 'medium to large-scale' agricultural characteristics or activities
- Size of Land Parcels:

Even taken at its absolute highest, and even if the entire landholdings were taken into account (which should not be the case due to the character and undulating nature of the land) there is an insufficient area to conclude that medium or large-scale agricultural characteristics are present on the titles which are proposed to be changed to the Agricultural Zone;

- Segmentation:

To the East, the property is bounded by Calvert Park at 1273 Glen Huon Road, which is a Recreation zoned property for community amenity.

To the South, the property is bounded by the Huon River. This is a significant watercourse (approximately 50 m from river bank to river bank) and it is submitted that zoning on the other side of the river is largely irrelevant.

Furthermore, located on the other side of the Huon River is a northern facing grove of she oak (casuarina). Zoning considerations for a native species is of course different to that of pastoral land);

To the North, the property is largely bounded by a main road;

The property at 113 Lonnvale Road (which is not owned by us) is proposed to be zoned Rural under the LPS. That zoning will already act to segment the zoning of our properties from the large landholdings of Hoova Holdings Pty Ltd at 383 Lonnvale Road, Judbury (which are variously proposed to be zoned Rural, Agricultural, and Landscape Conservation);

- Character of the land:

It is submitted that in circumstances where the agricultural potential of the land is limited, a zoning of Rural is appropriate, as it:

- allows agricultural use;
- permits broader uses of the land (and without the restrictions imposed under the Agricultural Zone) and will encourage the best use of the land and diversification of rural business from the land;
- does not unduly constrain opportunities for:
 - residential use, beyond the aim of minimising conversion of land which is compatible with agricultural use; or
 - subdivision, except that the minimum lot size for subdivided rural land is 40ha.
- It cannot be said that each of our properties in Judbury are well connected from a planning/zoning perspective. Particularly:
 - there is cluster of properties located to the North of Lonnvale Road (PID7709805 [C/T 55162/1 & 247588/1], and PID 3400798 [C/T 216299/1, 6770/1 & 55162/2]).

These titles comprise a total of 13.38 ha, but is segregated from the main “Brookside” property by the Lonnvale Road. Because the stock yards, residence, storage sheds and machinery sheds are located on the main “Brookside” property, it is necessary to transport all machinery, equipment, supplies and indeed stock across Lonnvale Road in order to farm upon this cluster of land.

Lonnvale Road is a primary access road to the Southwood Integrated Timber Processing Site, which is recognised, via the Particular Purpose Zone, for its regional economic importance. A consequence of residing on a road which services a site of economic importance is the increased vehicle movements (both passenger and heavy haulage) which travel past the property in connection with that site. Stock, machinery and equipment movements can also be problematic due to Lonnvale Road being a

school bus route, and the only means by which residents of Lonnvale and the Denison Valley are able to access critical destinations such as Huonville, Kingston and Hobart; and

- There are two properties to the East of Glen Huon Road (within PID 2892102 [C/T 130703/2 & C/T 154626/2]).

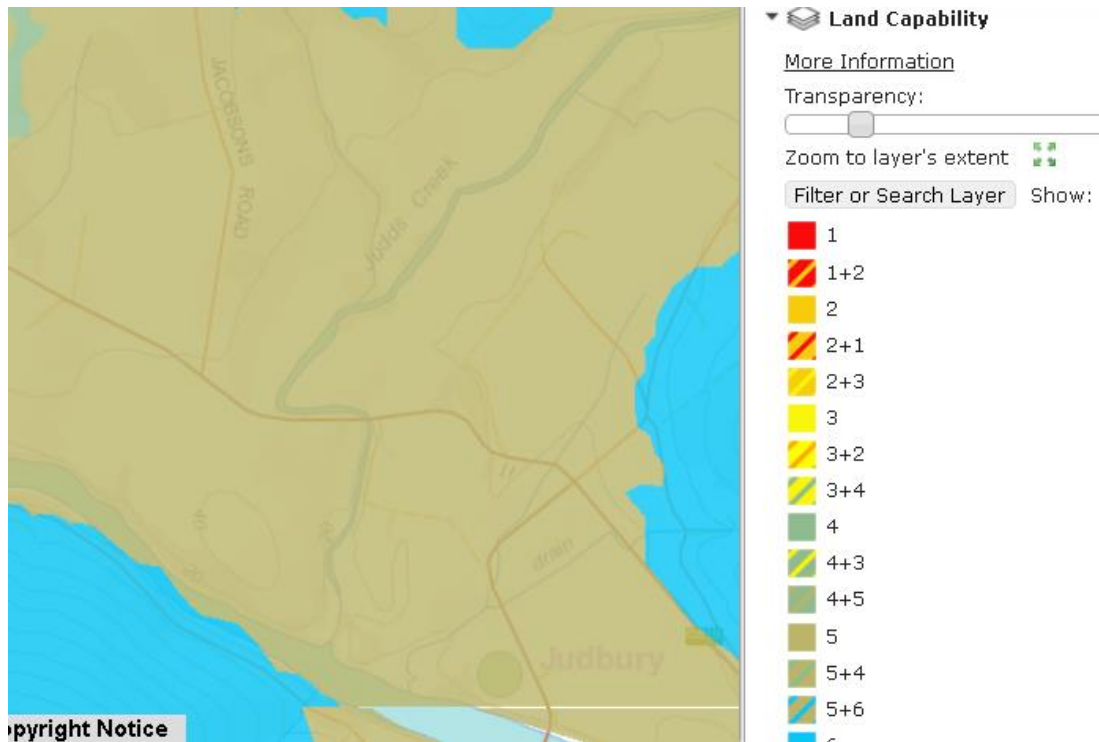
These titles comprise a total of 6.551 ha, and are segregated from the main “Brookside” property by Glen Huon Road. Similarly, it is necessary to transport machinery, equipment, supplies and stock to those properties, across Glen Huon Road. Glen Huon Road is a busier main road than Lonnvale Road, as it also carries domestic traffic from Judds Creek Road/ George Street and North Huon Road;

- that leaves the balance of the main “Brookside” property, comprising 32.508 hectares. This property is insufficient to meet the “viable” agricultural business requirements detailed below, even if it is not considered exclusively from the properties detailed above. In addition to being undulating land with some landslip areas, large portions are watercourse reserves (for the Huon River, and for Judds Creek), and not able to be used for intensive farming activities.

Applying Table 6 (Appendix 1) of the Supporting Report Attachment 4 (Decision Tree) to my land:

1. The Land Capability has been classified as 5, which means “Land unsuited to cropping and with slight to moderate limitations to pastoral use”. It is not optimal for intensive agricultural activities;

Land capability survey: Class 5



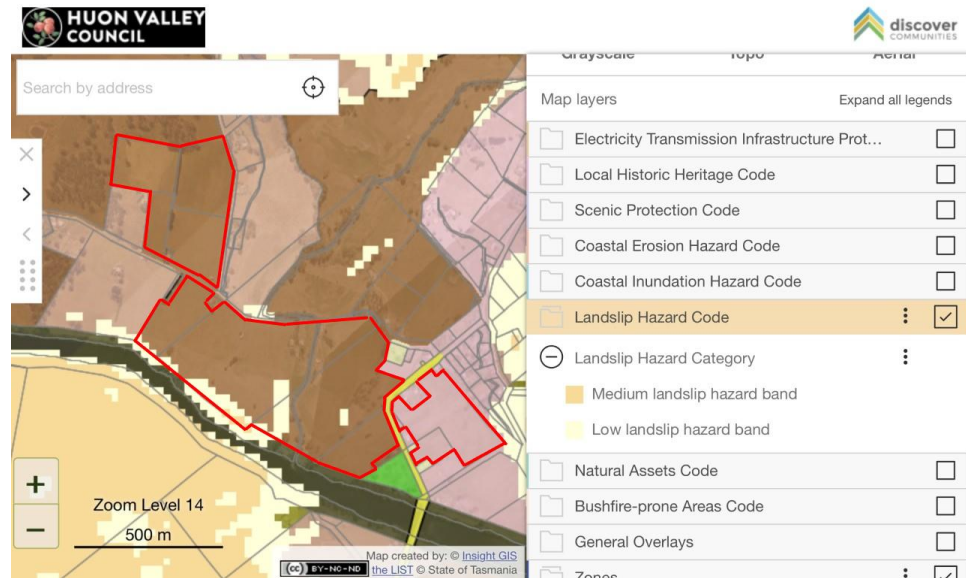
2. The size of our land holding is not sufficient to sustain a “viable” agricultural business, having regard to the following factors:
 - a. For grazing cattle (which is the primary farming activity I have undertaken on the property since the 1960’s) Table 6 prescribes that the farm size required for a “viable” business is **5,000 to 10,000 dse** (dry sheep equivalent) depending on rainfall;
 - b. Applying the information published by Meat & Livestock Australia on its website¹ “*Dry sheep equivalents (DSEs) are the most common unit used when comparing the feed and energy requirements for different classes of stock, including cattle. It is also a valuable measure when matching stocking rates to available pasture*” and although it is observed that “*100 cattle are not always 100 cattle*” it can be concluded that for mature steers (gaining 0.25kg/day) at weights of between 400 & 500 kg will have a **DSE of 8**.

Table 6: Dry Sheep Equivalent (DSE) ratings for different classes of cattle

Class of cattle (British breeds)	DSE at specified live weights	
Weaned calf • gaining 0.25kg/day • gaining 0.75kg/day	200kg • 5.5 • 8.0	250kg • 6.5 • 9.0
Yearling • gaining 0.25kg/day • gaining 0.75kg/day	400kg • 7 • 10	500kg • 8 • 11
Mature cattle • dry cow or steer (maintenance) • dry cow or steer gaining 0.25kg/day • bullock (maintenance) • bullock gaining 0.25kg/day • pregnant cow (last 3 months) • wet cow with 0-3 month calf • wet cow with 4-6 month calf • wet cow with 7-10 month calf	400kg • 7 • 8 • 8 • 12 • 9 • 14 • 18 • 22	500kg • 8 • 8 • 9 • 14 • 11 • 18 • 22 • 25

- c. Applying a DSE of 8, **it would be necessary to have a herd size of between 625 and 1,250 in order to meet the “viable” agricultural business criteria.**
- d. Our herd size of **approximately 40 head** would need to be at least 16 times larger (or potentially up to 32 times larger) to amount to a viable agricultural business in accordance with Table 6, which would simply not be possible on our landholdings;
- e. To provide further illustration of the conclusion that our property cannot sustain a “viable” agricultural business pursuant to Table 6:
 - i. Table 6 indicates that a property utilised for dairy cows would need to sustain 350 head in order to meet the “viable” business requirement. This figure is lower than the 625 – 1,250 head of steers arrived at above, because the milk production of lactating cows is heavily influenced by the availability of feed and water, and they can have a DSE of between 18 and 25 . It would be impossible to operate a dairy farm of sufficient scale to amount to a “viable” agricultural business from our properties.
 - ii. the other types of land uses are not suitable, for the following reasons:
 1. like cattle, the land holdings are not of sufficient size to sustain a sheep herd of between 5,000 and 10,000;
 2. broad acre crops and vegetables require a land capability of between 1 & 4. The land capability is outside of that range, at 5, and large components of the property are not suited to broad acre farming as the landscape is generally undulating in nature. While there are improved flat areas of land, parts of the property is affected by steep gradient, as well as stone and landslip

(classified in the low to medium band under the Landslip Hazard Code);



3. I am now 74 years of age, and my wife is 71. Having been orchardists (cherry and apple) for approximately 40 years, I can express a confident opinion that growing stonefruit and pomefruit for local or export markets rarely amounts to “viable” agricultural businesses, due to the immense costs associated with labour, crop care, transport, accreditation, and the uncertain nature of weather in the Huon Valley at critical times during the polination, growing and fruiting seasons. We regularly had our cherry crops decimated by December rain and bird attack, and our apple crops destroyed by late season hail which could not be insured against. During our time in the industries, the revenue from sales regularly failed to meet the expenses;
4. for nurseries and cut flowers, the land capability range is to be between 1 & 4;
5. the vast majority of farming activities specified in Tables 7-12 would likely generate too much noise pollution for a property which is located very centrally within the district of Judbury, carrying a risk of conflict with neighbouring property owners and community values / amenity;
6. in my view, our property would be completely unsuitable for forestry plantations because it is located very centrally within the district of Judbury. Introduction of plantations at the centre of the district would reduce amenity and decrease the community feel of the region.

It is also noted from Page 3 of the Supporting Report Methodology that when it comes to the decision between Agricultural and Rural Zoning under the LPS, “the State prefers poorer quality land in the Rural Zone” and “where the current or potential scale of the agricultural use is

unlikely to achieve 'medium to large-scale' the Rural Zone may be more appropriate as it provides for a greater range of uses"

Contrary to the observations made in the Decision Tree, p7, these properties do not have underpasses to enable conveying of stock, vehicles or small machinery between the different areas of the properties, causing issues in relation to connectivity, and irrigation potential. Further, the proximity of our land to the centre of the district (and public amenity) must be kept in mind, and supports a zoning of Rural. That would be consistent with the STRLUS regional policy to "... Manage and protect the value of non-significant agricultural land in a manner that recognises sub-regional diversity in land and production characteristics. " Consistently with these submissions, STRLUS also provides that:

- current land use practices should be considered as there may be instances where titles under same ownership are utilised for differing land uses which are more appropriately zoned differently ; and
- Split Zoning of titles to only occur in exceptional circumstances: Split zoning is only to occur on titles that have significantly divergent agricultural potential. This will generally only occur on larger titles.

In summary, I believe the property better fits with the application criteria of the Rural zone, and that all properties owned by my wife and I in the Judbury district should be zoned accordingly.

Yours faithfully,

Bruce Henry Bond
evbond13@hotmail.com
62660251

Submissions adopted and endorsed by:

Evelyn Latham Bond
evbond13@hotmail.com
62660251