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Sent: Tue, 31 May 2022 17:14:00 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Cc: "Juan D. Ramirez V." <survespa@gmail.com>
Subject: LPS Submission 180 Middle Road Pelverata CT: 49031/1 (PID 7757110)
Attachments: RedSealPlanning_Huon-LPS_Submission-180-Middle-Rd-Pelverata_31-May-2022.pdf

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

- 180 Middle Road Pelterata CT: 49031/1 (PID 7757110)

For: J Ramirez

BY: TRENT J. HENDERSON

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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

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Summary

Project:	Huon Valley Local Provision Schedule Planning Submission relating to the land known as • 180 Middle Road Pelverata CT: 49031/1 (PID 7757110)
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
Recommended zoning	Rural
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 horticultural 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:

180 Middle Road Pelverata CT: 49031/1 (PID 7757110)

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 180 Middle Road Peverata CT: 49031/1 (PID 7757110) 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 used for a small horticulture farm which is why the owners purchased the Rural Resource Zoned Land. Such a use is a Resource Development use class which is a no permit required use.

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 on the west and Environmental Living to the east. .

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.

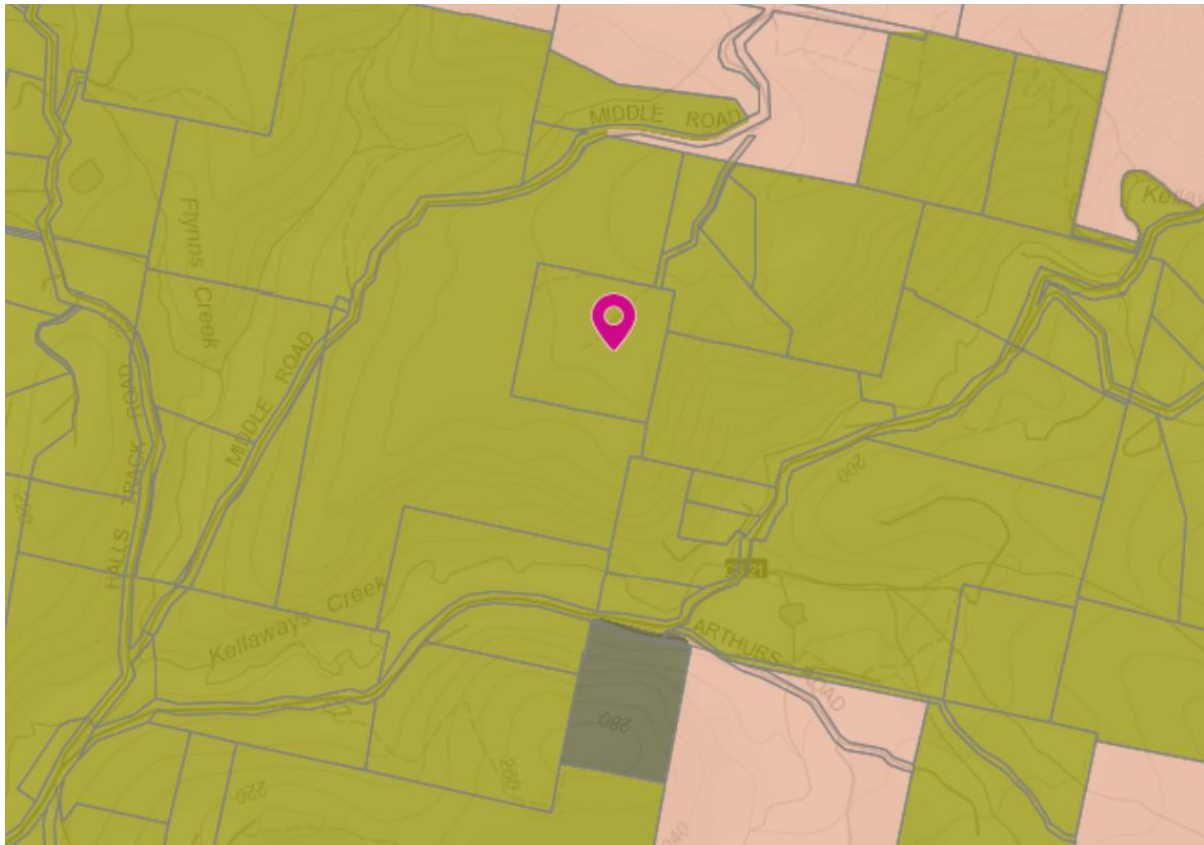


Figure 1.3a – The site is to be zoned Landscape Conservation. Additionally, the property is also subject to the Priority Vegetation Area of the Natural Assets Code (Source Huon Valley Council LPS Draft Interactive Map)

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 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.

The property owner has purchased the site specifically for it being Rural Resource and the small horticultural activities they can undertake within that zoning.

3 Conclusion

The subject land under the LPS is proposed to be zoned Landscape Conservation; however, this does not factor in the established the existing user rights of individuals who have recently purchased the land for the reason that it was zoned Rural Resource.

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:

- 180 Middle Road Peverata CT: 49031/1 (PID 7757110)

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



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