

**From:** "Phil Gartrell" <phil@ireneinc.com.au>  
**Sent:** Tue, 31 May 2022 15:58:47 +1000  
**To:** "Huon Valley Council" <hvc@huonvalley.tas.gov.au>  
**Subject:** Draft Local Provisions Schedules - Representation  
**Attachments:** Huon Valley LPS - Submission, Leelam.pdf

Good afternoon,

Please find attached a representation to the Draft Huon Valley LPS, on behalf of our client Ms. Lam, for a property at 33 Smiths Road, Huonville.

Phil Gartrell  
Senior Planner

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31 May 2022

Mr. Browne  
General Manager - Huon Valley Council  
40 MAIN STREET, HUONVILLE  
TAS, 7109



Dear Sir,

### SUBMISSION REGARDING DRAFT HUON VALLEY LPS

I am writing on behalf of our client Ms Lam to make a submission in relation to the *Tasmanian Planning Scheme - Huon Valley Council Draft Local Provisions Schedules*.

The intent of this submission is to request that our client's property at 33 Smiths Road, Huonville be considered for Rural zoning under the new planning scheme.

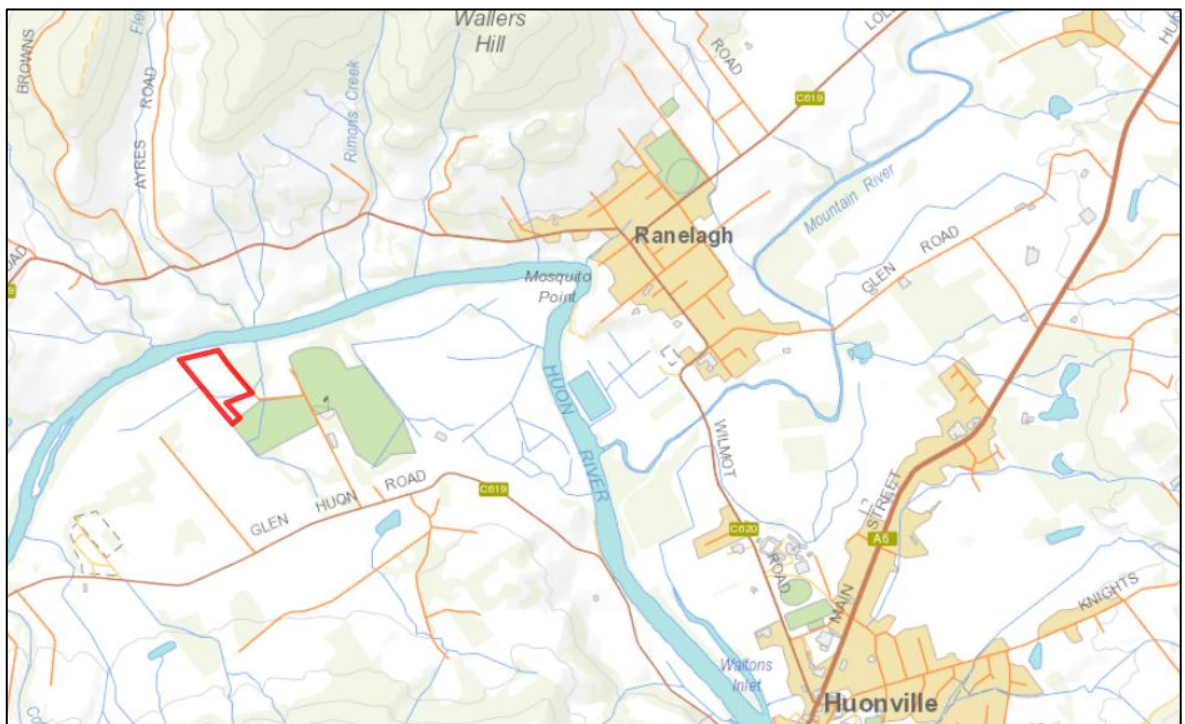


Figure 1: Site location (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State Government of Tasmania)



**Figure 2: Site detail (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © the State Government of Tasmania)**

The following sections review the draft LPS documents, along with the Southern Tasmania Regional Land Use Strategy to support a rezoning of the site from Significant Agricultural under the Interim planning Scheme to Rural Resource under the Huon Valley Draft LPS.

## SITE & SURROUNDS

The subject site comprises of the following title:

- CT 149545/2 - 33 Smiths Road, Huonville.

The title comprises an area of approximately 5.7ha and is located adjacent to the Huon River. There is a small agricultural lot immediately adjoining the site at 23 Smiths Road which is used for residential purposes.

The site was previously used as cherry orchard, with many of the trees still in reasonable condition. The client intends to continue growing cherries on the property.

The site also adjoins the Huon Valley Golf Club to the south.

## PLANNING CONTROLS

### EXISTING ZONING

The property is currently zoned Significant Agricultural, as illustrated in the figure overleaf.

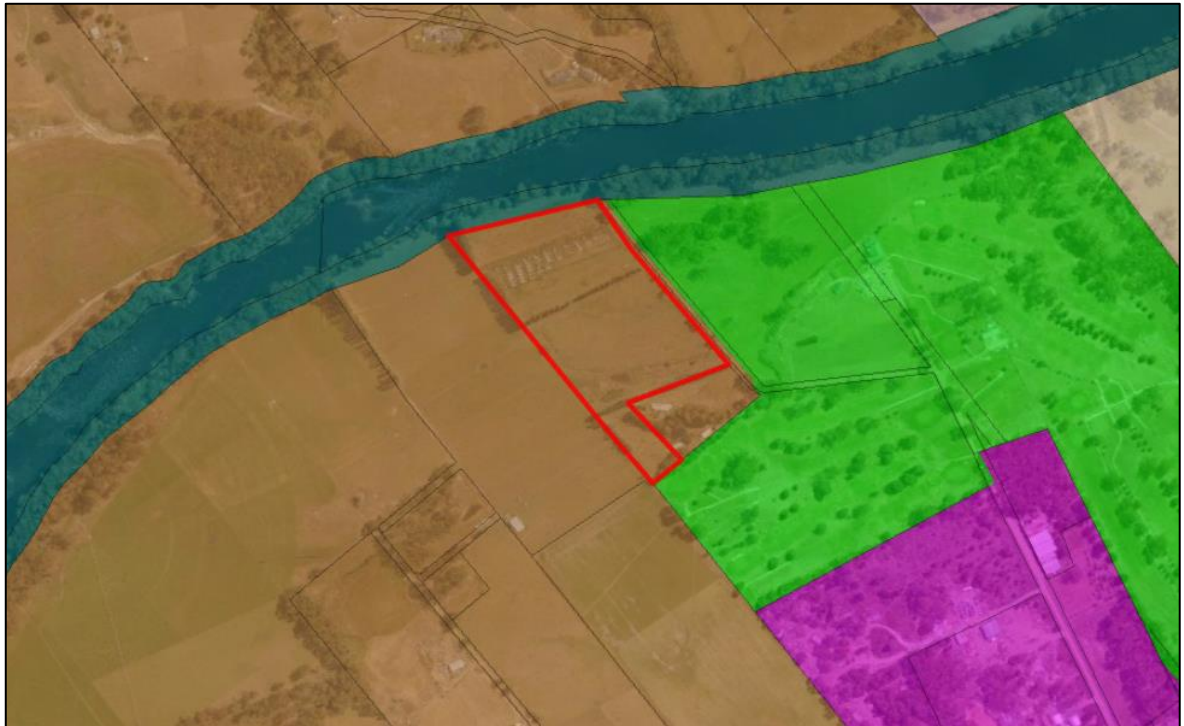


Figure 3: Existing zoning under the Interim Planning Scheme - site area in red (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au) © State of Tasmania)

#### PROPOSED ZONING UNDER DRAFT LPS

The site is earmarked for a like-for-like transition from the Significant Agriculture zone to the Agriculture Zone under the Draft LPS.

#### CODE OVERLAYS

##### Natural Assets Code

The site is intersected by several waterway overlays, however there are no named watercourses (aside from the Huon River) in proximity to the site.

#### LAND CAPABILITY

The land capability mapping available on the LISTMap indicates the site possesses a mix of Class 4 and 5 soils. According to the State Policy on the Protection of Agricultural Land, this soil classification is not considered prime agricultural land.

Notwithstanding, the site did previously support small scale cherry orchard, with many of the trees still in place on the site. The client intends to continue operating the cherry orchard.

Given the size of the site (approx. 5.7ha) and proximity to an existing residential dwelling to the east and the golf course to the south - the intended Rural zoning is still sufficient to allow ongoing agricultural use, whilst providing slightly less restrictions for the provision of a residential dwelling on the site to support the orchard operations.



Figure 4: Land capability mapping indicating Class 4 (dark green) and Class 5 (light green) land (source: www.thelist.tas.gov.au © State of Tasmania)

#### Agricultural Land Mapping Project

The Land Potentially Suited for Agricultural Use layer on the LISTMap is informed by the Ag Land Mapping Project. The project identified the subject site as being potentially constrained (Criteria 2A) for agricultural use. This is determined by assessing three primary criteria.

**Criteria 1** - *Is the title size a potential constraint for agricultural use?*

The site area of 5.7ha is a constraining factor.

**Criteria 2** - *Are there potential constraints for the title being used or amalgamated with adjoining agricultural land?*

- *Is the capital value of the title less than \$50,00/ha<sup>1</sup>*

The site adjoins the Huon Valley golf course to the south, an existing residential property to the east and significant agricultural land to the west. The property was sold in 2019 for \$190,000, which would equate to approximately \$34,000 per hectare.

Therefore, the property does not satisfy Criteria 2/2A.

**Criteria 3** - *Is residential development potentially constraining agricultural land?*

- *Is the title adjoining residential land?*

The site does not adjoin any existing residential zoned land, however the immediately adjoining property does contain an existing dwelling in close proximity to the existing orchard on the subject site.

<sup>1</sup> Agricultural Land Mapping Project - Background Report, *State of Tasmania* (2017)

The relatively high capital value, along with the relatively small lot size would make the viability of amalgamation with adjoining unconstrained land less worthwhile.

As outlined previously, our client (property owner) intends to continue operating the cherry orchard and develop a dwelling on-site to manage the operations.

The Rural Zoen would provide greater flexibility, given that the site does not fit the criteria for Agriculture zoning.

# STRATEGIC ASSESSMENT

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## SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

The Southern Regional Land Use Strategy (STLUS) provides an overarching strategic framework to guide land use planning in Southern Tasmania.

The strategy includes key directions and associated regional policies to provide guidance for Local Council's and the State Government. It is a statutory requirement that any application to amend a planning scheme must have regard to and be largely consistent with the relevant aspects of the strategy. The relevant regional policies which relate to the provision and zoning of agricultural land are addressed below.

### ***Regional Policy 16.5 - Productive Resources***

***PR 1 - Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.***

The site is identified as possessing a combination of Class 4 and 5 soils, according to Land Capability mapping available on the LISTMap. Under the State Policy for the Protection of Agricultural Land, land classified as Class 4 and 5 is **not** considered as prime agricultural land.

Class 4 land is identified as:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.*

Class 5 land is identified as:

*This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.*

Rezoning the site to Rural will afford the landowners greater flexibility in terms of use/development into the future, whilst retaining the wider strategic policy to generally preserve/maintain land that may be suitable for agriculture.

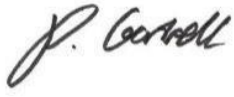
## SUMMARY

Based on the above and the current qualities of the site, this submission requests that Council and the Tasmanian Planning Commission consider rezoning the property Rural, as opposed to Agriculture under the draft LPS.

This allows the site to be utilised for a range of agricultural use/development, whilst also providing additional flexibility for the landowners.

If you would like further information, please do not hesitate to contact me on 6234 9281.

Yours sincerely



Phil Gartrell

Senior Planner

IRENEINC PLANNING