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Sent: Tue, 31 May 2022 16:42:28 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>; "Ellie Blyth" <ellie.blyth@hotmail.com>
Subject: Huon LPS Submission 139 Arve Road
Attachments: Huon-LPS_Rural-RL_PlanningSubmission_Blyth_31-May-2022.pdf

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

- 139 Arve Road, Geeveston (PID: 7475877)

For: E S Blyth & J C Fielding

BY: TRENT J. HENDERSON

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Principal Planner

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Summary

Project:	Huon Valley Local Provision Schedule Planning Submission relating to the land known as the property at 139 Arve Road, Geeveston
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 B
Proposed LPS Zoning:	Rural & Rural Living Zone A
Revised LPS Zoning:	Rural Living Zone A
Date of Assessment:	May 2022

1 Introduction

The property owners Ellen S. Blyth and Julian C. Fielding 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 139 Arve Road, Geeveston (PID: 7475877 and CT: 147470/1), which is severed into three sections by the junction of Arve Road and Wilsons Road.

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. Our principal 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.

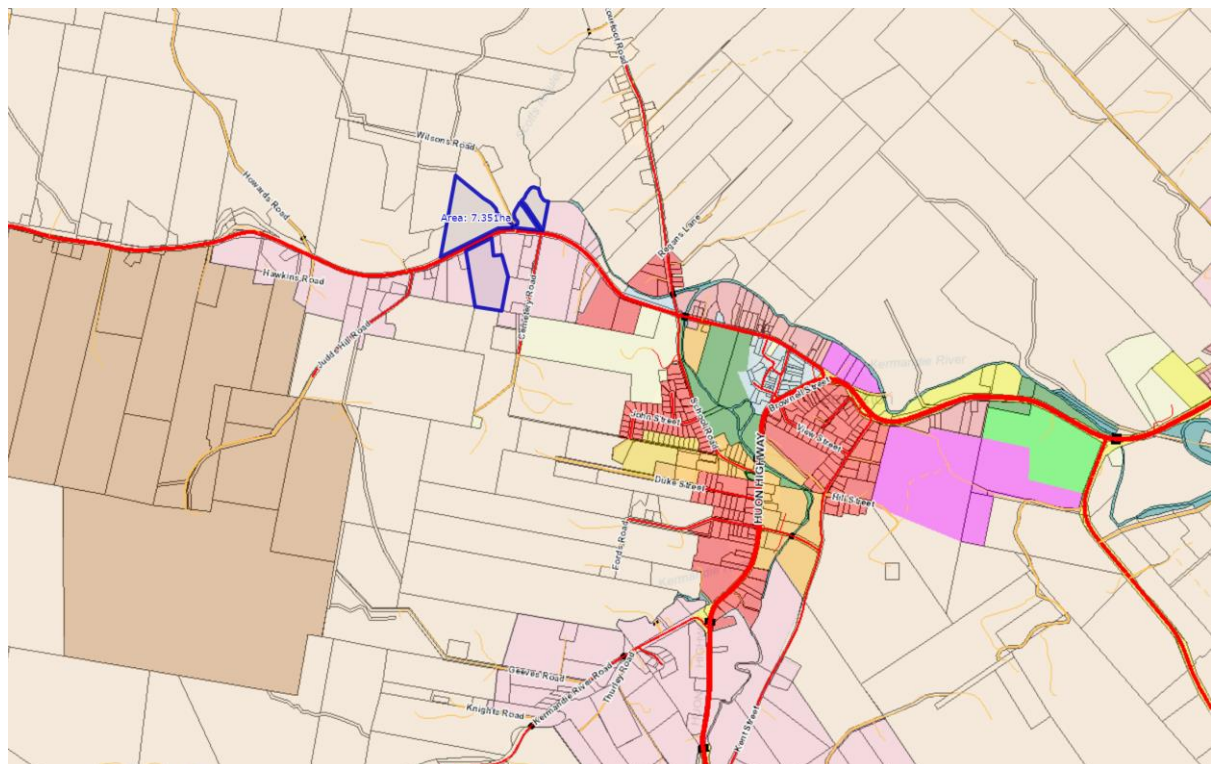


Figure 1.1a – The single title associated with 139 Arve Road, Geeveston. The light brown is zoned Rural Resource whilst the light pink is Rural Living under the current Huon Valley Interim Planning Scheme 2015. (Source LIST Map)

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. As observed within the image of Figure 1.1b below, the junction of Wilsons Road and Arve Road is not within public ownership, whilst a reserve road severs the adjoining paddock and leads nowhere.



Figure 1.1b – the lot boundaries are shown in blue, with Wilsons Road (yellow) crossing through the title of the lot whilst the road reserve is through the center of the adjoining paddock. (Source LIST Map)

1.2 Site

The property covers just over 7.3 hectares and although a single title, it is effectively divided into three areas, which are:

- Area A: Land south of Arve Road, (2.7 ha)
- Area B: Land west of Wilsons Road and north of Arve Road, (3.4 ha)
- Area C: Land east of Wilsons Road and north of Arve Road, (1.1 ha)

Most of the site is positioned between the 30m contour (Area C) and approximately the 45m contour (Area A). However, the topography ranges from generally level for most of the property to a height of just over 60m near the northern boundary (Area B).

Vegetation type is listed under the TasVege layer of the LIST Map as Agricultural land for most of the property (Figure 1.2a). An area of about 9000m² on the south facing slope of Area B is covered in *Acacia dealbata forest* (NAD) as shown within the TasVege layer of the LIST Map (Figure 1.2a below), which is not 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.

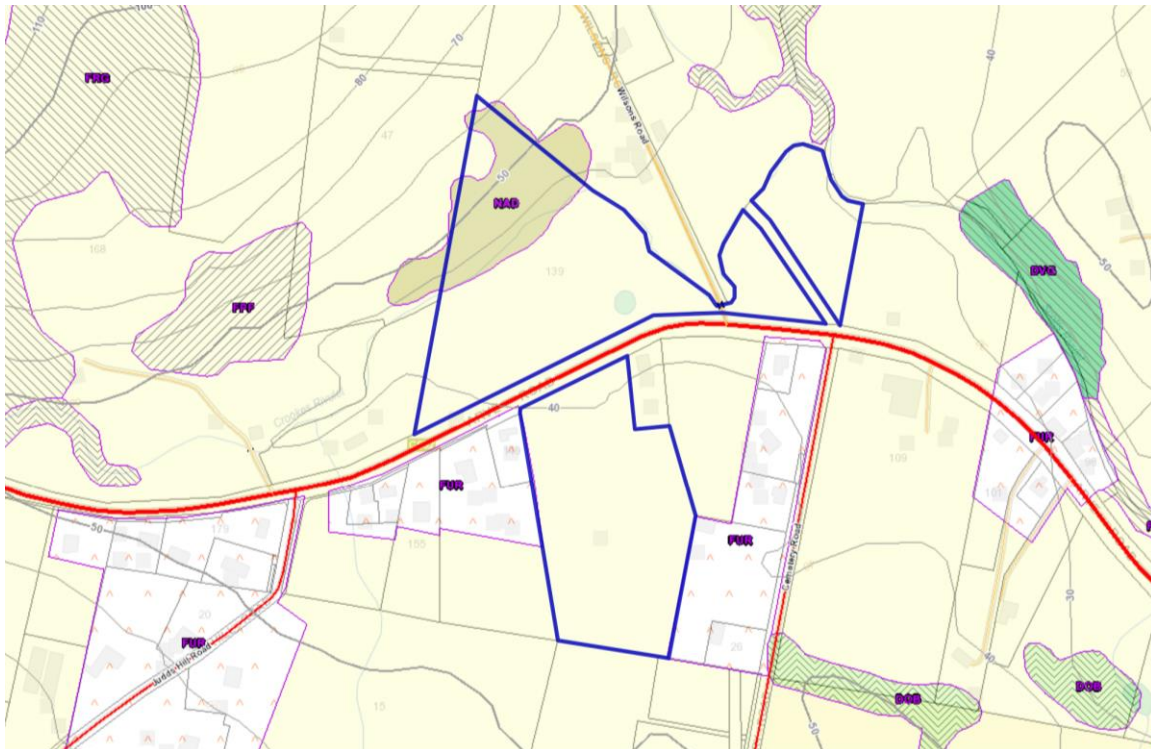


Figure 1.2a- The TasVege layer of the LIST Map has the site as predominantly agriculture vegetation with the small lot covered in *Acacia dealbata* forest (NAD). (Source LIST Map)

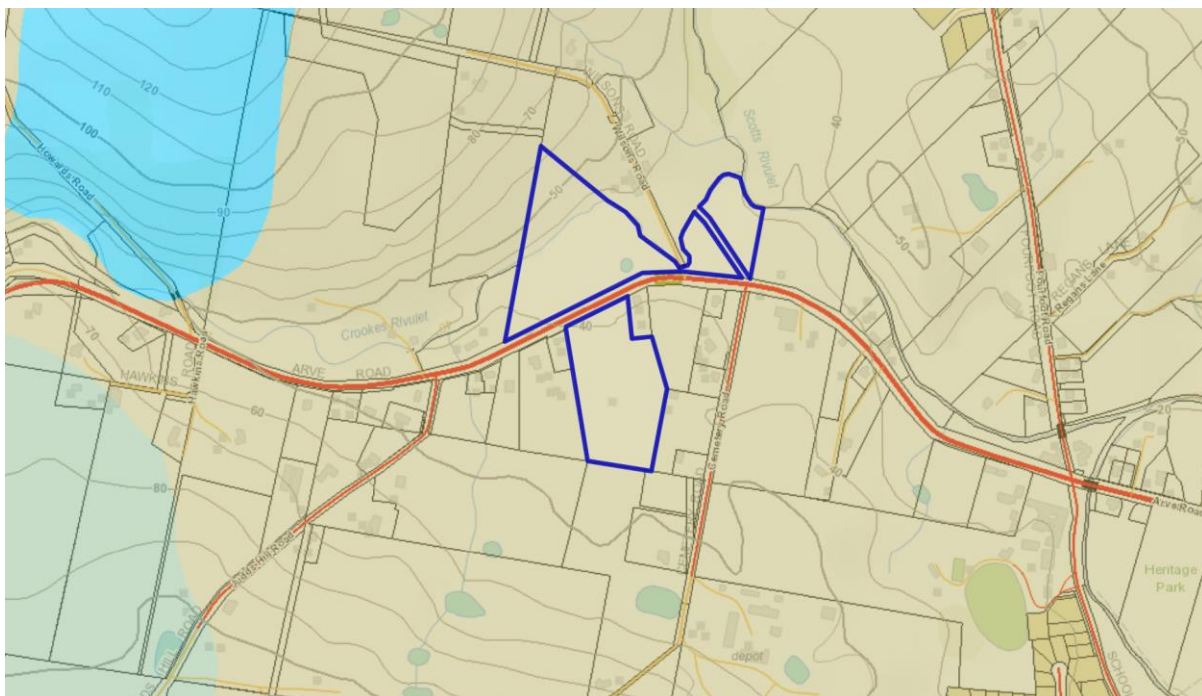


Figure 1.2b – Land Capability Map – the olive green area is Class 5, which is marginal grazing land and unsuitable for cropping. (Source LIST Map)

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

Crookes Rivulet traverses the north of the site joining Scotts Rivulet at the north-eastern corner of the property. Whilst the rivulet has been known to rise during a significant storm event, according to the property owners who have a long family association with the land, the area between Crookes Rivulet and Arve Road is not known to flood. The LIST Map shows this portion is outside the Geeveston Flood Risk Area as well as outside the Kermantie River disaster area² and is not subject to inundation.

1.3 Surrounding

The land to the north of the property along Wilsons Road is zoned Rural Resource and as seen in Figure 1.1a, the properties adjoining to the east towards Geeveston centre are zoned Rural Living Area B, as is the western side.

The surrounding lots are mixed in size with Rural Living lots ranging from less than 1000m² to 5.5 hectares.

These properties are characterised by a single residential dwelling with associated outbuildings. Any agricultural land use appears to be restricted to livestock grazing of a small herd typified by either a couple of cows or a handful of sheep.

Aerial imagery indicates signs of remnant orchards within some of the paddocks, but no orchards or market gardens are now present within the surrounding properties. 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) sees the surrounding land including the subject site classified as *Code:5.4.3 Rural residential without agriculture*: see below Figure 1.3a.

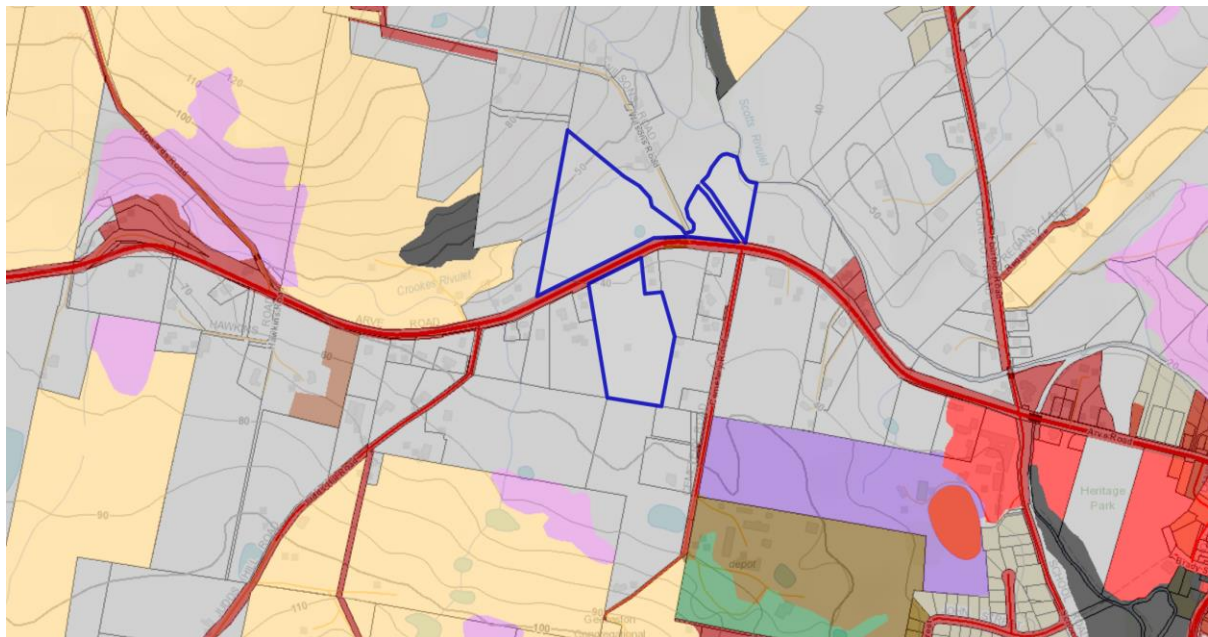


Figure 1.3a – Land Use 2019, properties in grey are classified as *Code:5.4.3 Rural residential without agriculture*, which applies to all the adjoining neighbouring properties. (Source LIST Map)

² ENTURA (2018) Kermantie River Flood Study: National Disaster Resilience Program.

2 Planning Provisions

2.1 At Issue

Under the Huon Valley LPS 139 Arve Road, Geeveston is proposed to be split zoned — Rural on the northern side of Arve Road and Rural Living on the southern side. 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.

However, the site is too large to manage as a small holding as it involves shifting livestock across Arve Road. Whilst stock crossing was common for previous generations of the owners, the increased traffic flow in recent years along Arve Road has made this practice unsafe and untenable at this location. A stock crossing underpass has been explored but the cost is unrealistic for grazing stock on a 7-hectare property.

Therefore, the owners would like to separate the land either side of Arve Road, and ideally either side of Wilsons Road.

It is understood that currently a lot could be subdivided from the Rural Living zoned land, but this would still result in Arve Road dividing the primary lot and would not remove the main concern for livestock handling. Additionally, the owners recognise that the larger lots are more appropriate for grazing of livestock.

With the split zoning, the two sections either side of Arve Road 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

The proposed zoning for the entire site is Rural Living under the Huon Valley LPS.

As Rural Living, the core use of residential is maintained, but simultaneously the land can still be used for livestock grazing, the current use. Additionally, by rezoning the northern side of the property, the site can be subdivided following the road layout to avoid potential conflict with livestock crossing the roads.

It is foreseeable that the very northern tip of Area B would not be desirable to be zoned Rural Living as this would introduce the zone along Wilsons Road. However, a possible option is to see the split in zoning move from the Arve Road as the boundary to the topographical feature of Crookes Rivulet. Such an option should still see the site being divided along the road but keeps the native vegetation within the Rural Zone.

2.3 LPS Zone Purpose Statements

The appropriateness of the zoning under the LPS to Rural Living is even more evident with a review of the applicable zone purpose statements. The LPS specifies that the purpose of the Rural Zone Clause 20.1, is as follows:

20.1.1 - To provide for a range of use or development in a rural location:

- (a) *where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
 - (b) *that requires a rural location for operational reasons;*
 - (c) *is compatible with agricultural use if occurring on agricultural land;*
 - (d) *minimises adverse impacts on surrounding uses.*
- 20.1.2 - *To minimise conversion of agricultural land for non-agricultural use.*
- 20.1.3 - *To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

The fact that this land is poor quality is backed by being zoned Rural Resource; however, a simple transition to Rural instead of Agriculture is not necessarily the most appropriate measure when reviewing what is permissible within the zone. There is a broad range of uses within the Rural Zone Use Table 20.2 listed as a Permitted Use Class that may not be considered appropriate to be located at the end of streets that traverse through and near residential areas.

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. Additionally, in juxtaposition to the Rural Zone, any discretionary listed activities must have regard to their impact on amenity of sensitive use on surrounding properties, in addition to the impact on agricultural use, pursuant to Clause 6.10.2 of the New Scheme.

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 139 Arve Road, Geeveston, 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

Currently, the property 139 Arve Road, Geeveston is zoned both Rural Resource and Rural Living. Huon Valley Council has proposed under the Huon Valley LPS to maintain the split zoning of the land with Rural and Rural Living. Such a division is problematic for a property that is split in three by the road system, as the land is only suitable for livestock grazing yet is of insufficient size to sustain a livestock herd that could justify the infrastructure investment to manage risk posed by the increased traffic movements generated by tourist developments at the end of the Arve Road.

Whilst the proposed zoning of land Rural and Rural Living might be regarded as a clear transition of the current zoning, this assumes that the current zoning is correct.

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 A to maintain the same zoning across the property. This zoning facilitates minor 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 not zone the property 139 Arve Road, Geeveston, but zone the entire site Rural Living.

Reference

DeRose, R.C. "Land Capability Survey of Tasmania: D'entrecasteaux Report." 88. Tasmania: Department of Primary Industries, Water and Environment, 2001.



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Cc: "Ellie Blyth" <ellie.blyth@hotmail.com>
Subject: HVC LPS Land Capability Attachment 139 Arve Rd Geeveston 7475877
Attachments: Appendix-A_LandAssessment-Huon-LPS_PID-7475877_Blyth_31-May-2022.pdf

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30/05/22

Trent Henderson
Red Seal Urban & Regional Planning
Hobart TAS 7000

RE: Agricultural land Capability – PID 7475877 – 139 Arve Road Geeveston

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 Arve Road close to the township of Geeveston and extends over an area of over 7ha and is bordered by rural residential properties on all sides (see figure 1 site location).
- Whilst the property consists of one title, the property is split by Arve Road which runs approximately east to west and the southern portion of the property currently supports a dwelling
- The property is underlain by Permian aged sediments of pebbly mudstone with duplex soils on the moderate slopes of the property (see figure 2 geological mapping).
- The property is mapped as class 5 agricultural land (see figure 3 land capability mapping).
- 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 duplex 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 clay subsoils on the property poor drainage and water logging poses a significant barrier to intensive agricultural use (see figure 5 soil waterlogging hazard mapping).
- Previous assessment of soils in the local area identified a number of limitations to agricultural use of the main soil type on the property
- The area of soils on Permian sediments the following limitations have been identified
 - Soils on hill slopes can be shallow with a high stone content and poor rooting depth
 - Soils generally have a strong texture contract with potential for shallow perched seasonal water tables
 - Subsoils are imperfectly to poorly drained

- Sandy topsoils have an acidic pH trend, weak structure and can be prone to surface erosion
- The subsoil clays can also be sodic/dispersive and prone to erosion if stripped 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 property is small in area and is surrounded on all sides by several small titles with current rural residential use, therefore any future agricultural use of the property is significantly fettered
- Given the agricultural capability of the property is highly 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 may be more appropriate use of the land resource into the future.

Kind regards,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

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

Figure 1 – Site location

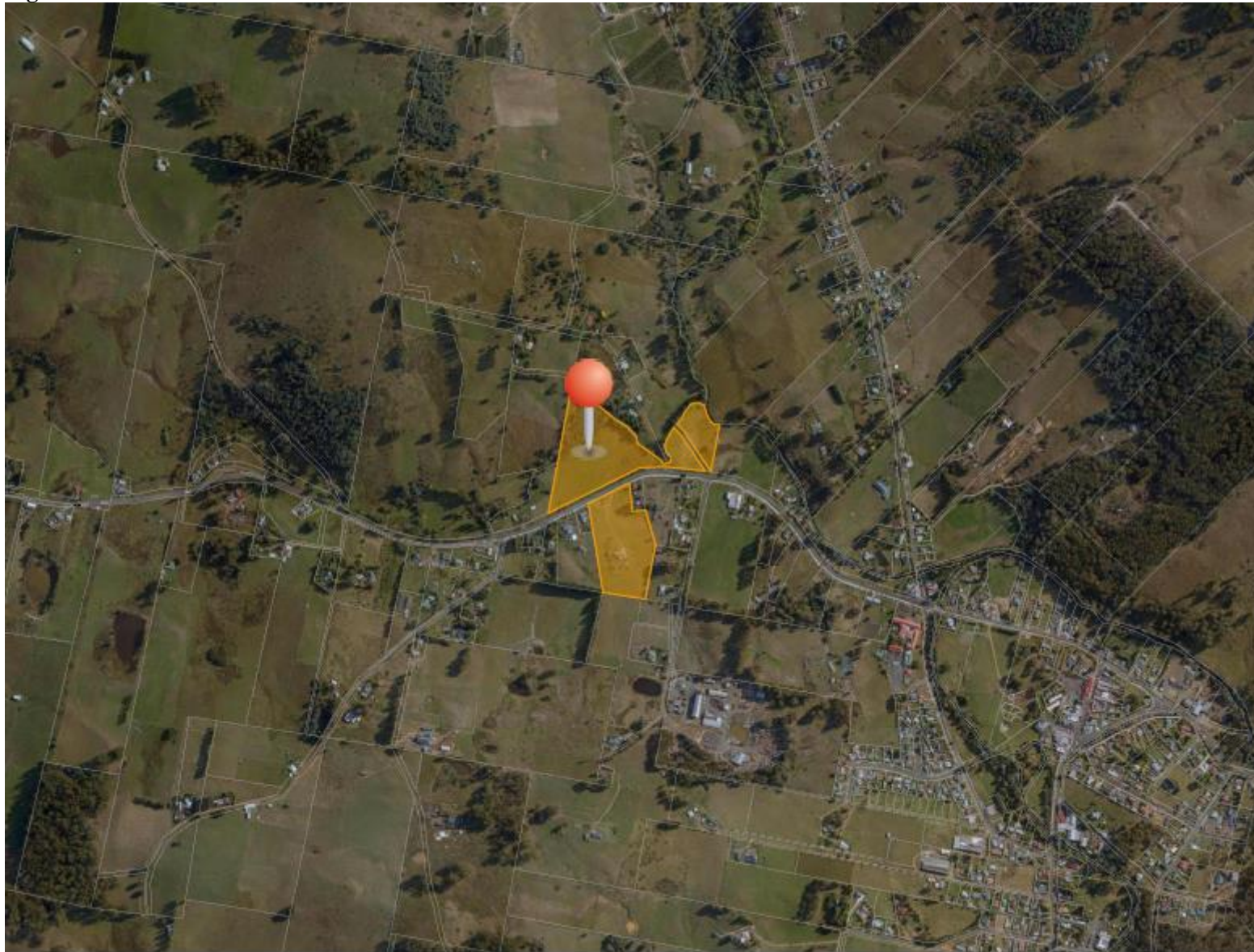


Figure 2 – Geology mapping



Figure 3 – Land capability mapping

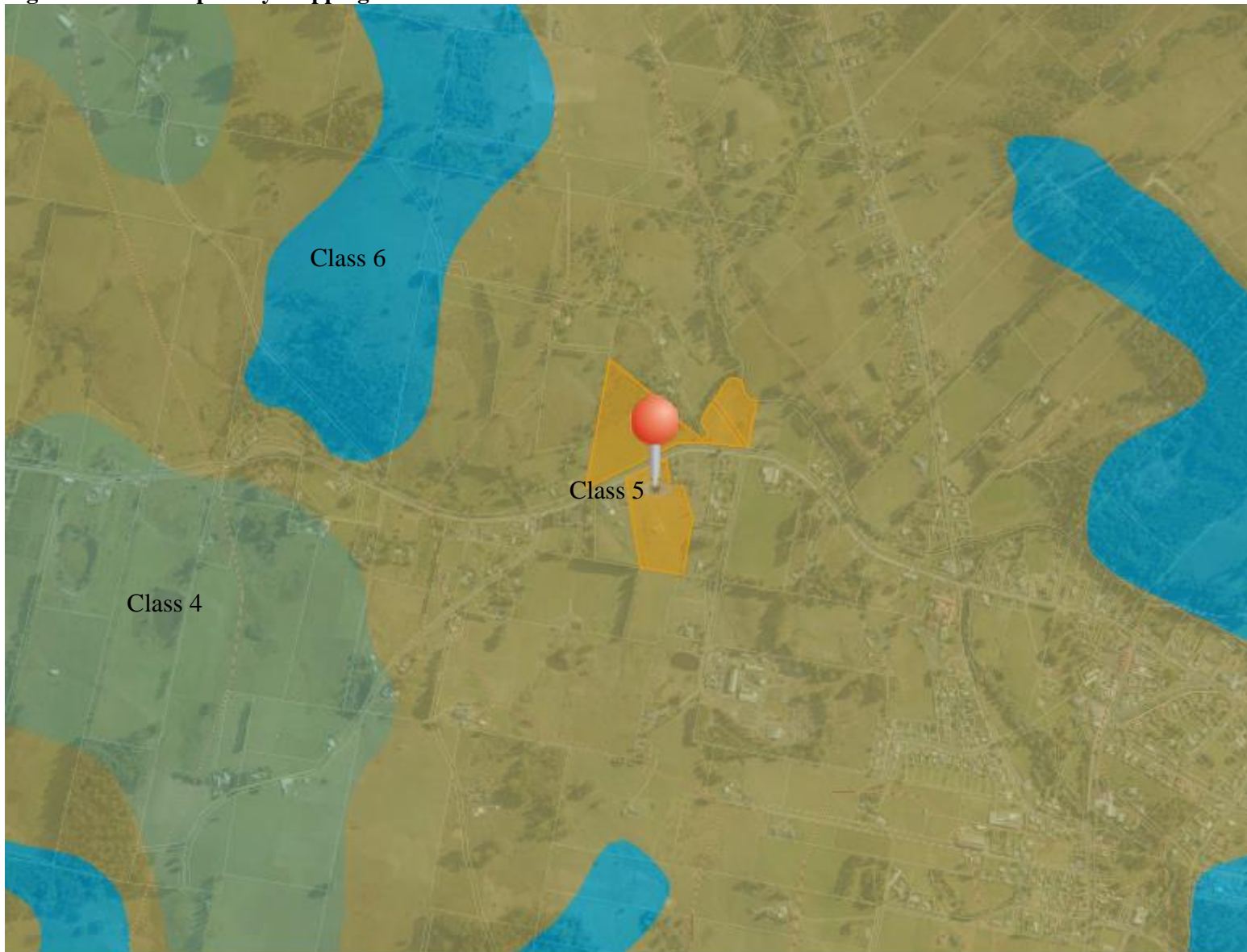


Figure 4 – Ryegrass pasture suitability mapping



Figure 5 – Soil Waterlogging Hazard

