

**From:** "Danielle Gray" <danielle@grayplanning.com.au>  
**Sent:** Mon, 30 May 2022 13:20:17 +1000  
**To:** "Information Management" <hvc@huonvalley.tas.gov.au>  
**Cc:** "Tim Wark" <tim@westwoodprop.com.au>; "Stuart Ayliffe" <stuartayliffe@live.com.au>  
**Subject:** Representation to draft Huon Valley Council LPS re: 7495 Huon Highway Strathblane for Ayliffe and Wark  
**Attachments:** HVC draft LPS representation 7495 Huon Highway Gray Planning on behalf of Ayliffe and Wark 30.05.2022 FINAL.pdf  
**Importance:** High

Dear Sir/Madam,

Please see attached a representation regarding the currently advertised LPS for Huon Valley Council from Gray Planning on behalf of Mr Tim Wark and Mr Stuart Ayliffe who are the owners of 7495 Huon Highway at Strathblane.

The attached representation prepared on behalf of Mr Wark and Mr Ayliffe objects to the proposed Agriculture zoning application to their property under the draft LPS for the Huon Valley Council municipality.

If you wish to discuss, please contact the undersigned.

Regards  
Danielle  
cc. Tim Wark and Stuart Ayliffe

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Danielle Gray, Principal Consultant  
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30 May 2022

General Manager  
Huron Valley Council  
PO Box 210  
Huronville TAS 7109

Dear Sir,

**Representation for advertised draft Local Provision Schedule (LPS) documents, Huon Valley Council with respect to proposed zoning of 7495 Huon Highway at Strathblane.**

Gray Planning has been engaged by the owners of 7495 Huon Highway at Strathblane Mr Stuart Ayliffe and Mr Tim Wark to submit a representation that objects to the proposed Agriculture zoning as proposed in the zone mapping provided as part of the draft LPS documentations currently being advertised by Huon Valley Council.

The title reference for the subject site is CT-127603/1.

The owners of the subject site strongly oppose the zoning of their property from the current Rural Resource zone under the current Interim Planning Scheme to the proposed zoning of Agriculture.

This zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines and when also considered against the characteristics and existing Industrial use of the subject site.

Commentary against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is provided within this representation as well as commentary on land characteristics and agricultural potential mapping criteria.

The subject site at 7495 Huon Highway, Strathblane is currently used for the purposes of ship building which occurs within a 740sqm shed and associated slipway.

This Industrial use and activity take up more than 90% of the subject site and when considered against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines, the proposed Agriculture zone is considered to be completely inappropriate.

On that basis, this representation opposes the proposed Agriculture zoning of the subject site under the advertised draft LPS documentation.



Instead, it is considered the subject site is more appropriately zoned as Rural.

### The subject site

The subject site is 7495 Huon Highway at Strathblane and is currently wholly zoned Rural Resource zone under the *Huon Valley Interim Planning Scheme 2015* as shown overleaf in Figure 3.

The subject site measures 1.5 hectares in total area. The subject site has access onto Huon Highway to its southern boundary via a right of way.

The subject site has frontage also onto Crown land that adjoins the Esperance River.



**Figure 1.** 7495 Huon Highway outlined. The property contains a large outbuilding used for the purposes of boat building (orange arrowed) with more than 90% of the site comprising cleared areas for the boat building activity, storage associated with the use and access. Source: TheLIST, sourced 27 May 2022, no nominated scale.

Adjoining properties to the immediate east of 7495 Huon Highway are zoned Significant Agriculture while properties to the west on Huon Highway are zoned Rural Living as shown in Figure 3 of this report.

There is no agricultural use of the subject site as it is entirely used and occupied for the purposes of boat building which occurs within a 740sqm shed and slipway within the subject site.



There is agricultural use of immediately adjacent neighbouring properties to the east only. The above image Figure 1 also shows a very small amount of remnant native vegetation both within the subject site, Crown land and neighbouring properties in the surrounding area.

The subject site is virtually level and the Industrial use and activity covers almost the entire site area.

The subject site is rated as an Industrial property with its use being noted on rating details as 'Ship Building and Repair and Maintenance'. Figure 2 below is the property report for the subject site.

The subject site has no record of any agricultural use and has nil opportunity for any agricultural use owing to its current use and development and small size (1.5 hectares).

PREMIUM PROPERTY Information Report		
PROPERTY DETAILS - 7495 HUON HWY STRATHBLANE		
<b>Property Name:</b>		
<b>Land Use:</b>	Industrial - SHIPBUILDING & REPAIR MAINTEN. (valuation purposes only)	
<b>Improvements:</b>	SHED & PART SLIPWAY	
<b>Improvement Sizes (Top 3 by Size):</b>	<b>Improvement:</b>	<b>Area:</b>
	SHED	740.0 square metres
	MEZZANINE	
	SLIPWAY	
<b>Number of Bedrooms:</b>		
<b>Construction Year of Main Building:</b>		
<b>Roof Material:</b>		
<b>Wall Material:</b>		
<b>Land Area:</b>	1.535 hectares	
<b>Title References:</b>	127603/1	
<b>Municipality:</b>	HUON VALLEY <a href="#">View Municipality Information Report</a>	
<b>Title owner:</b>	127603/1 : STUART AYLIFFE, TIMOTHY ALLEN WARK	
<b>Interested parties:</b>	STUART AYLIFFE, TIMOTHY ALLEN WARK	
<b>Postal address:</b>	PO BOX 386	
<b>(Interested Parties)</b>	MARGATE TAS 7054	

**Figure 2.** The property report data for 7495 Huon Highway noting its Industrial land use and approved development in the form of a very large 740sqm shed and slipway. Source: TheLIST, sourced 27 May 2022, no nominated scale.



### Current zoning

The subject site is currently zoned Rural Resource under the *Huon Valley Interim Planning Scheme 2015* which facilitates its boat building operations.

Council have applied the current Rural Resource zone to the subject site in an area of mixed zoning and use. This zone enables a wide range of land use and enables the current land use which operate on a small yet specialised scale.

However, the proposed application of the Agriculture zone under the draft LPS is not readily understood given the size and entirely Industrial use of the subject site.

The proposed Agriculture zone is not a like for like transition across to the proposed LPS as this zone has been applied in areas historically used for orchards and established agricultural uses and large rural land holdings with mostly obvious agriculture potential.



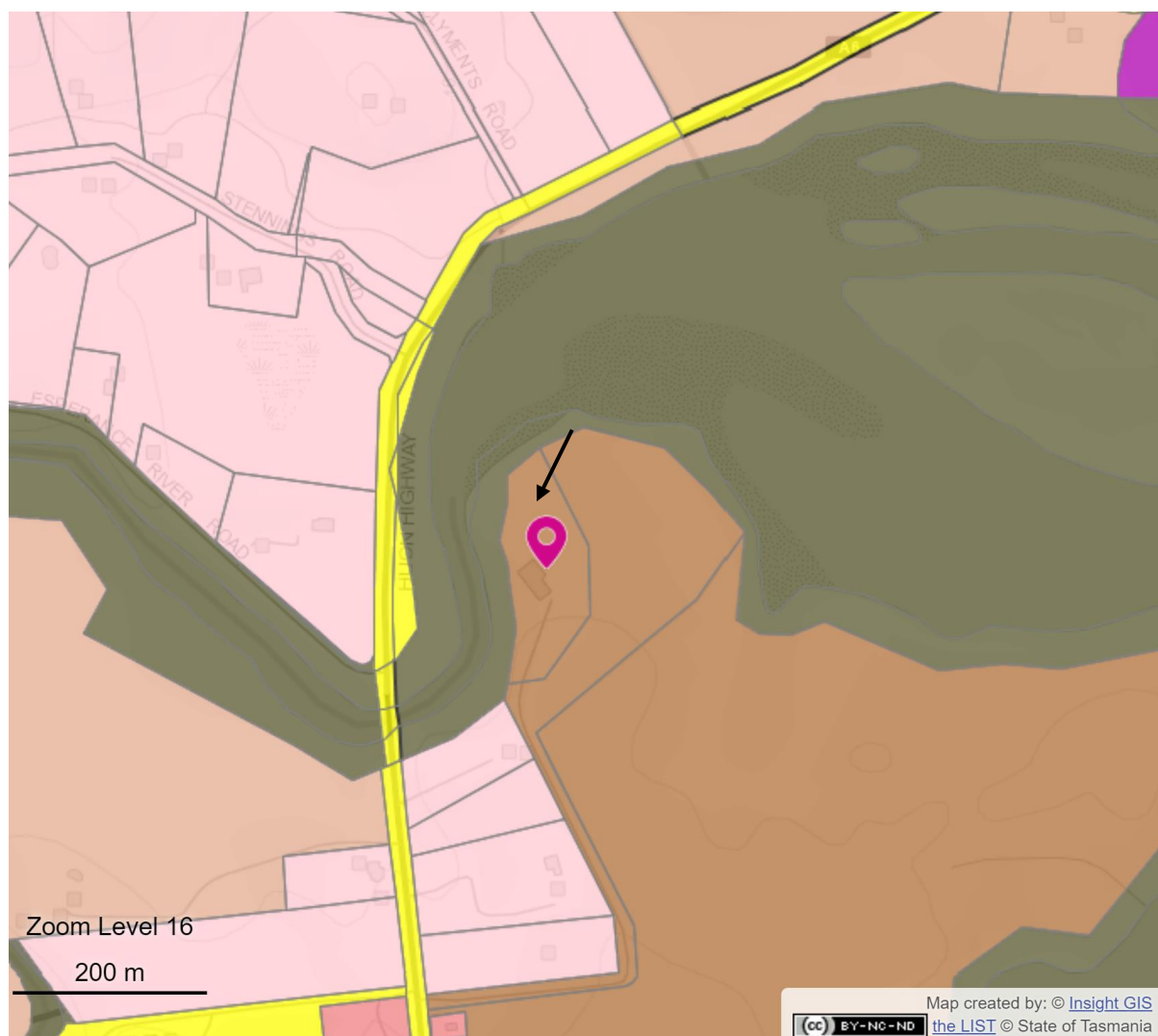
**Figure 3.** The subject site outlined. The subject is site is currently zoned Rural Resource with Significant Agriculture to the immediate east. Land shaded pink is Rural Living Area B. Source: TheLIST, sourced 27 May 2022, no nominated scale.



### Proposed zoning under the draft Huon Valley LPS

The advertised draft LPS for Huon Valley Council shows the subject site to be rezoned to Agriculture, with no apparent or obvious justification. The Agriculture zone has been applied to properties throughout the area generally already zoned Significant Agriculture as shown below in Figure 3.

Most of these properties have obvious orcharding use apparent in aerial photography.



**Figure.3.** Proposed draft LPS zoning of the subject site (shown arrowed) to be zoned to Agriculture (dark brown) with all other properties proceeding on a like for like basis in terms of their proposed zoning under the LPS). Source: TheList, sourced 27 May 2022, no nominated scale.



Council’s rationale for proposing to rezone the subject site to Agriculture is unclear as there are no consistent or obvious characteristics that would justify a zoning of Agriculture.

The subject site has multiple obvious constraints and contains ship building use and development that covers more than 90% of the subject site. There is no ability whatsoever for the subject site to have any agricultural use.


It is considered entirely inappropriate that the subject site will be covered by the highest level of agricultural zoning despite containing a recognised Industrial use and development with no agricultural potential.



**Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS**

The proposed zoning of the subject site to be zoned to Agriculture is considered to be entirely contrary to the Tasmanian Planning Commission’s Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Agriculture:

Zone	Zone Purpose	Zone Application Guidelines
<b>21.0</b> <b>Agriculture Zone</b>  Red 179, Green 113, Blue 59	The purpose of the Agriculture Zone is: 21.1.1 To provide for the use or development of land for agricultural use. 21.1.2 To protect land for the use or development of agricultural use by minimising: (a) conflict with or interference from non-agricultural uses; (b) non-agricultural use or development that precludes the return of the land to agricultural use; and (c) use of land for non-agricultural use in irrigation districts. 21.1.3 To provide for use or development that supports the use of the land for agricultural use.	AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the LIST, while also having regard to: (a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which: (i) incorporates more recent or detailed analysis or mapping; (ii) better aligns with on-ground features; or (iii) addresses any anomalies or inaccuracies in the ‘Land Potentially Suitable for Agriculture Zone’ layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; (b) any other relevant data sets; and (c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6. AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the ‘Land Potentially Suitable for Agriculture Zone’ layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;

Zone	Zone Purpose	Zone Application Guidelines
		(b) whether the title is isolated from other agricultural land; (c) current ownership and whether the land is utilised in conjunction with other agricultural land; (d) the agricultural potential of the land; and (e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council. AZ 4 The ‘Potential Agricultural Land Initial Analysis’ layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to: (a) any titles that have or have not been included in the ‘Land Potential Suitable for the Agriculture Zone’ layer, including titles that are surrounded by land mapped as part of the LIST layer; (b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3; (c) outlying titles that are either included or excluded within the ‘Land Potential Suitable for the Agriculture Zone’ layer; and (d) larger titles or those with extensive areas of native vegetation cover. AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if: (a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed





Zone	Zone Purpose	Zone Application Guidelines
		<p>local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</p> <p>(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</p> <p>(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or</p> <p>(e) it can be demonstrated that:</p> <p>(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(ii) there are significant constraints to agricultural use occurring on the land; or</p> <p>(iii) the Agriculture Zone is otherwise not appropriate for the land.</p> <p>AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:</p> <p>(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</p> <p>(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;</p>

Zone	Zone Purpose	Zone Application Guidelines
		<p>(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or</p> <p>(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and</p> <p>having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.</p> <p>Note: Further details on the Agricultural Land Mapping Project can be found in the <i>Agricultural Land Mapping Project: Background Report, April 2017</i>, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (<a href="http://www.justice.tas.gov.au/tasmanian_planning_reform">www.justice.tas.gov.au/tasmanian_planning_reform</a>).</p>

Comments have been made against each of the above guidelines with respect to the proposed rezoning of the subject site to Agriculture:

*AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:*

*(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:*

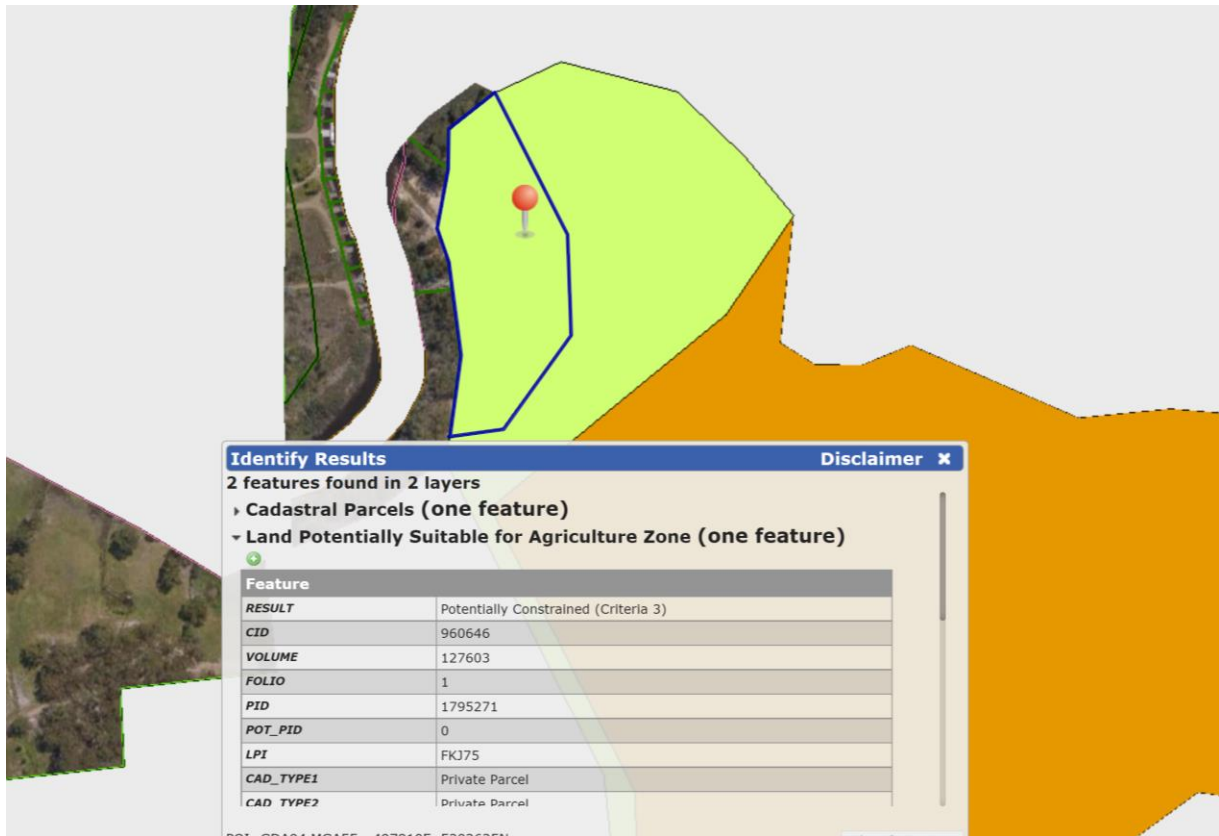
*(i) incorporates more recent or detailed analysis or mapping;*

*(ii) better aligns with on-ground features; or*

*(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*



**Comment:** It is unclear if Council have specifically considered the subject site with respect to on ground features, Industrial use of the site and demonstrated constraints that appear to have been identified in the ‘Land Potentially suitable for Agriculture zone’ mapping which notes the site as being Potentially Constrained Criteria 3 (see below Figure 4).



**Figure.4.** Mapping of the subject site as being Potentially Constrained 3. Source: TheList, sourced 27 May 2022, no nominated scale.

*(b) any other relevant data sets; and*

**Comment:** It is requested that Council confirm if relevant data was considered with respect to the application of the Agriculture zone. None is apparent in the supporting documentation provided as part of LPS documents.

*(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

**Comment:** It is requested that Council confirm if any more detailed strategic planning with respect to the application of the Agriculture zone has been undertaken. None is apparent in the supporting documentation provided as part of LPS documents.

*AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.*

**Comment:** The subject site is currently zoned Rural Resource. It is therefore considered inappropriate that the proposed Agriculture zoning is not appropriate considering the existing Industrial use of the land.

*AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to: (a) existing land uses on the title and surrounding land;*

**Comment:** The subject site is currently used for Industrial uses in the form of boat building.

The subject site is mapped as being Potentially Constrained Criteria 3.

It is unclear why Council have considered an Agriculture zone in light of the subject site being cleared mapped as 'Potentially Constrained' and also against aerial photography which shows the subject site being used for commercial activity not conducive to any agricultural use.

*(b) whether the title is isolated from other agricultural land;*

**Comment:** The subject site is directly adjacent to other land also noted as being Potentially Constrained (Criteria 3).



*(c) current ownership and whether the land is utilised in conjunction with other agricultural land;*

**Comment:** The subject site is privately owned, has no known history of being used for agricultural purposes and has multiple constraints as outlined in this representation. The subject site is not utilised in conjunction with any other agricultural land. The subject site has no ability to be used in conjunction with any other agricultural land.

*(d) the agricultural potential of the land; and*

**Comment:** It is considered the land has nil agricultural potential owing to the constraints highlighted in this representation.

*(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

**Comment:** It is requested that Council provide more information to justify the proposed Agriculture zoning of the subject site.

*AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:*

*(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;*

**Comment:** The subject site is adjacent to other land also noted as being Potentially Constrained as well.



*(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;*

**Comment:** The subject site is mapped as being Potentially Constrained 3 as well as land directly adjacent.

*(c) outlying titles that are either included or excluded within the 'Land Potential Suitable for the Agriculture Zone' layer; and*

**Comment:** The subject site is not adjacent to any land noted as being Unconstrained.

*(d) larger titles or those with extensive areas of native vegetation cover.*

**Comment:** The subject site is considered a very small title marginally in excess of 1.5 hectares and has a very small amount of remnant native vegetation cover. More than 90% of the subject site is cleared and developed for the purposes of boat building.

*AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles. AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*

*(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*

*(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;*

*(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*

*(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or*

*(e) it can be demonstrated that:*



*(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*

*(ii) there are significant constraints to agricultural use occurring on the land; or*

*(iii) the Agriculture Zone is otherwise not appropriate for the land.*

**Comment:** The subject site is not considered to be a larger title and is not proposed to be split zoned and therefore AZ 5 is irrelevant.

*AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:*

*(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;*

**Comment:** It is requested that Council provide more information as to why the land has been proposed to be zoned to Agriculture in terms of a more detailed local strategic analysis. It is considered the subject site is entirely unsuitable for Agriculture zoning given its characteristics.

*(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;*

**Comment:** The subject site does not have any similar characteristics to land mapped as suitable for the Agriculture zone and contains multiple constraints as outlined in this representation. The subject site does not form part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture zone.

*(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or*

**Comment:** The subject site is not appropriate to be zoned Agriculture and has nil potential for any such agricultural use owing to site characteristics as outlined in this representation.



*(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.*

**Comment:** It is considered that the subject site should not be zoned Agriculture as it is considered that the land has multiple constraints that effectively rule out any agricultural potential or capacity even grazing.



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### **Regional Policies**

Rezoning the subject site to Rural as opposed to Agriculture would not obstruct relevant Regional Policies with respect to the protection of agricultural land.

Comments are provided against the relevant Regional Policy as follows:

### **State Policy on Protection of Agricultural Land 2009**

The subject site is not considered to be prime agricultural land in classification, has no current or recent agricultural use and has a nil likelihood or potential of agricultural use owing to the identified constraints.

It is considered there would be no obstruction of this Policy by not zoning the subject site Agriculture.

The purpose of the Policy is:

*To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.*

It is considered that the subject site should not be zoned Significant Agriculture, based on its nil ability to sustain even grazing.





**Request for the proposed zoning to be reconsidered by Council and the TPC**

The owners of the subject site are requesting that the proposed rezoning of the subject site to Agriculture be reconsidered in context of the issues outlined in this representation.

The proposed application of the Agriculture zone is considered entirely inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines and with respect to the subject site characteristics and multiple constraints identified in this representation.

It is considered that the Tasmanian Planning Commission instead consider a zoning of Rural for the subject site at 7495 Huon Highway.

Should you wish to discuss the above, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of Mr Stuart Ayliffe and Mr Tim Wark, owners of 7495 Huon Highway, Strathblane

