

From: michelle.synnott@outlook.com
Sent: Wed, 20 Apr 2022 10:33:24 +1000
To: hvc@huonvalley.tas.gov.au
Subject: local provisions schedule representation
Attachments: property ID 352944 CT 174032 1, submission.pdf

please find attached a representation for the local provisions schedule from Aidan Direen 7368 Channel Highway Cygnet Tas 7112. Property ID 352944 CT 174032/1

Local Provisions Schedule - Representation

[Further Information on making a representation](#)

I/We (name)*

Individual/s or on behalf of a Body

Are you lodging as a Individual, Company or Organisation

Individual/s

Body - Incorporated Association, Company etc.

Of Address*

Street address or PO Box

Address Line 2

Town or Suburb*

Postcode

Email

If provided, we will forward a copy of this representation to the email address supplied.

Phone Number

References

Aidan Direen

The General Manager
Huron Valley Council
40 Main Street
Huronville Tas 7109

Re reference -Draft Huron Valley Local Provisions Schedule. Property ID 352944 CT 174032/1

Dear Sir

I wish to lodge a formal objection to the current planning provisions of my property ID 352944 CT 174032/1.

The proposed zoning is Agriculture and we wish to have your Councils consideration of changing the Zoning to Rural Living.

The property has had extensive pressures for a number of years for subdivision development as a logical extension of the residential development of the township of Cygnet. This is consistent with good planning principles in not fragmenting your residential development and to maximise the use of available infrastructure and services available.

The change zoning to Agriculture will compromise the future development of the township of Cygnet. The more compatible and sustainable Zone of Rural Living is more appropriate. This zone is also consistent with the current uses of the property and future town expansion, in the development and use of existing infrastructure and services.

Issues

- The property is marginal for agriculture use and has in recent years experienced pressures for residential development and the property has taken on a hobby farm role. To have agriculture zone next to residential areas is not good planning in our view.
- Also there are issues with CT 14219/4, area 6981.011, CT 142190/3 area 4818.87, CT 504494/1 area 6148.596, CT 9932/1 area 2487.319 and CT 177833/1 area 20603.391. All these lots are zone Agriculture and all are under the minimum requirement of 40 hectares. All these lots have dwellings established and are of insufficient size for Agriculture, even if adhered they would be of no sustainable value for agriculture purposes. There are also serious conflict environmental issues as detailed in this submission. There is also the potential the properties on these separate titles and zoned agriculture are in possible breach of the new state planning provisions.

The Guide Lines for the Agriculture Zone are- 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.

Conflict with or interference from non-agricultural uses;

My property PID 352944 has a direct interface with Property PID 347324 zoned General Residential. This completely restricts the use and purpose of my land for commercial agricultural use. For example, general crop production is not possible to enable aerial spraying of crops.

Non-agricultural use or development that precludes the return of the land to agricultural use

The land has been used for hobby application farming, predominately dairy farming. This has been declining in recent years with the pressure for residential land, my property has seen and experienced significant changes.

The land value and topography make it unviable for commercial agriculture production.

The adjoining properties PID 996736, PID 9218291, and PID 5858356 are all zoned Rural Living.

Strategically changing my property PID 352944 to Rural Living completes a logical extension of those zones. It also provides strategically the opportunity for Council to plan for the extension of residential development into a zoning that is compatible with the adjoining zones.

Use of land for non-agricultural use in irrigation districts.

My property is not suitable for major irrigation uses for agriculture purposes, in fact it does not have its own complete water supply and is supplemented by the town water supply. The Utilities Zone next to the existing dam may at some future date be required for facilities expansion, which will make my property totally unviable for any agriculture production purposes.

Because my property borders a residential zone, this makes irrigation for commercial purposes unviable.

Justification for Rural Living Zone

- **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.**

By changing to Rural Living zone, all natural landscape values can be retained. There is no vegetation to be removed, if further residential development was to occur. There is no impact on wildlife or other environment considerations. If the property was made to go into some form of agriculture production, then issues surrounding environmental noise and reduced amenity for local residents will occur.

Rural Living zone enables the existing operation of the property recognising the limited services of natural availability of the water supply. The application of the agriculture zone is not possible without the water supply to make it viable. Town water supply is not economically viable for sustainable agriculture purposes.

- **To provide for compatible agricultural use and development that does not adversely impact on residential amenity.**

The Rural Living Zone will provide the continuation of the use of the property. It has been proven its compatibility with residential development. I have received no significant complaints on the current operations of the property, that have not been able to be resolved.

The recommended Zoning will provide strategic land management opportunities for both the owner of the property and Huon Valley Council.

Rural Living maintains the ambience of the Town and at same time provides the planning opportunities to meet the needs of the community long term.

- **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.**

The State Policy on the protection of Agriculture Land 2009. Is problematic in its application to my property PID 352944.

- The purpose of the State Policy on the Protection of Agricultural Land (PAL) 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”.

The stated objectives are:

“To enable the sustainable development of agriculture by minimising:

(a) conflict with or interference from other land uses; and

(b) non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.”

The agriculture zone proposed has the serious potential to cause conflict and interference with other land uses. Details of conflicts have been provided in this report such as irrigation spraying and, farm machinery conflict issues.

The Rural Living Zone will enable greater management of conflicts.

The Agriculture Zone cannot comply with the State policy on agriculture land in that it cannot be proven it is sustainable development of agriculture. Also, the land cannot be returned to agriculture use, given the continued town expansion in the future.

To provide for Visitor Accommodation that is compatible with residential character.

The property has plans for future expansion to include hobby farming and caravan stays as a tourist attraction. The rural Living zone is consistent with these intentions and land use strategy uses. This will also provide significant economic benefits to the region and is compatible with recommended changes.

The detailed strategic analysis detailed in this submission we believe is consistent with planning policies and seeks the endorsement of you Council for the changes.

Please find attached rezoning application dated the 26 September 1995. This application indicates the said land was zoned rural. The land has been zone and used for that purpose for the last 27 years. This rezoning application also demonstrates the uses of the land and its relationship with the town expansion that occurred over that period. This is totally inconsistent with the intended uses of the rezoning of the property to Agriculture.

Also find attached Planning Scheme Amendment and Subdivision dated the 30 September 2020, which is evidence of the use of the property for Urban growth which is again totally in breach of the intent of the agriculture zone.

Our property is surrounded by Rural Living and General Residential. Property PDI 5858356 is zone agriculture. Providing a Rural zone between my property and PDI 5858356 removes all land management conflict issues. Therefore our view is Rural Living is the most appropriate zone.

It also provides consistency of application of the land use planning principles as demonstrated and provided for in the attached documents provided.

I have also attached an independent report of the viability of the said land for agriculture purposes. This report also confirms that the Rural Living Zone is the appropriate zone for the sustainability of the property.

Please advise if you require further information. Also could you please advise me as to the process and procedures to appeal this decision, if you are unable to accede to my request to change the zoning from Agriculture to Rural Living.

I hope you are able to give favourable consideration to our request and I look forward to you early reply.

Yours Faithfully



Aidan Direen

Date

Brooks, Lark and Carrick

A.C.N. 009 529 711

LAND & ENGINEERING SURVEYORS

ANTHONY O. CARRICK (B.App.Sc.Surv.)
M.I.S. AUST. REG. SURVEYOR

RONALD A. BROOKS (CONSULTANT)
M.I.S. AUST. REG. SURVEYOR

DAVID W. WALKER (ASSOCIATE)
M.I.Eng. & Mining Surveyors (Surv.Cert.)

OUR REF: AC/9529 - 700/95

YOUR REF:

G.P.O. BOX 2023
HOBART TAS 7001.
7 DESPARD STREET,
HOBART 7000.
TELEPHONE: (002) 23 5666
(002) 23 8396
FACSIMILE: (002) 24 0143
MOBILE: (018) 12 3346

"THE STRIDES BUILDING",
3-5 WILMOT ROAD,
HUONVILLE
TELEPHONE: (002) 64 1722
(Thursdays)

10 GORDON STREET,
SORELL
TELEPHONE: (002) 65 2208
(Tuesdays)

13 CHANNEL HIGHWAY,
KINGSTON
TELEPHONE: (002) 29 1804

22 September 1995

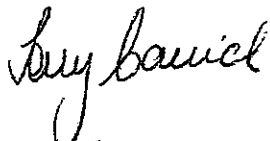
Mr Aiden Direen
Channel Highway
CYGNET TAS 7112

Dear Sir,

RE: REZONING APPLICATION

Please find enclosed a planning agreement to be signed and returned to Peter Fischer at Council.

Yours faithfully,
Brooks, Lark and Carrick
per:



A.O. Carrick

enc.

HUON VALLEY COUNCIL	
REFERRED TO.....	PO
26 SEP 1995	
FILE No.....	585406
FOLIO No.....	95/25/52

~~585406~~

7118597

THIS DEED is made the 29TH day of ~~SEPTEMBER~~ 1995

BETWEEN HUON VALLEY COUNCIL (hereinafter called "the Planning Authority") of the one part AND THE ESTATE OF H H DIREEN of Cygnet in Tasmania (hereinafter called the "Owners")

WHEREAS

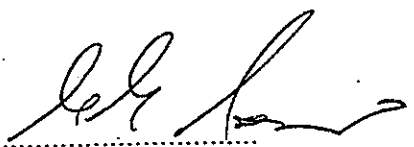
1. The Owners are the owner of land covered by the Port Cygnet Planning Scheme 1988 at Channel Highway, Cygnet and comprised in Certificate of Title 3968 Folio 89 (hereinafter called "the Land").
2. Brooks, Lark & Carrick on behalf of the Owners lodged an application (hereinafter called the "Application") under section 33 of the Land Use Planning and Approvals Act 1993 to rezone the south-western portion of the Land from Rural to Closed Residential, a copy of which is annexed hereto and marked with the letter "A".
3. The Application incorporated a covering letter dated 31 July 1995 and a plan (hereinafter called "the Plan")
4. The Plan shows a lot of 1000 square metres that incorporates that portion of the Land subject to the rezoning (hereinafter called "the Lot") and the balance of the Land.
5. The purpose of the Application is to allow an application for a permit to be lodged with the Planning Authority under section 57 of the Land Use Planning and Approvals Act 1993 to sever the Lot from the Land.
6. The Planning Authority and the Owners agree that the provisions of this Agreement shall bind them and their respective successors in title.

NOW THIS DEED WITNESSETH AS FOLLOWS:-

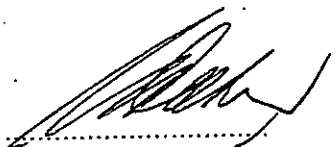
- I. The Owners jointly and severally covenants with the Planning Authority that they will not lodge any further applications for a planning permit under section 57 of the Land Use Planning and Approvals Act 1993 to subdivide the balance of the Land as shown on the Plan.
- II. This agreement ends on the happening of any of the following events:-
 - a) Upon the Planning Authority giving notice to the Owners and the Purchasers with the approval of the Land Use Planning Review Panel;
 - b) By agreement between the Planning Authority and the Owners and the Purchasers;
- III. This agreement may be amended by agreement between the Planning Authority and the Owners.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of HUON VALLEY)
COUNCIL has been here affixed this 29)
day of SEPTEMBER 1995 under delegated)
authority granted pursuant to a resolution of)
the Council passed on the 14th day of)
February 1994.)

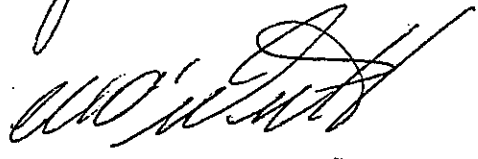


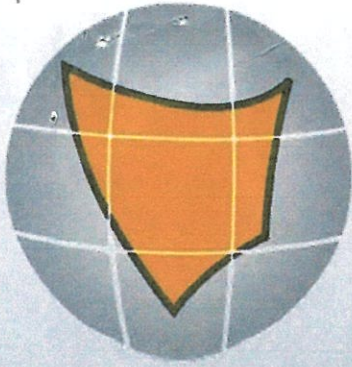
Mayor



General Manger

SIGNED SEALED AND DELIVERED by)
the said THE ESTATE OF H H DIREEN)
and in the presence of:)
)
)

A. J. Direens

(M. H. O'NEIL)



PDA Surveyors

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PLANNING SCHEME AMENDMENT AND SUBDIVISION

CHANNEL HIGHWAY, CYGNET

S43A SUBMISSION

Meeting: 30.09.2020
Item Number: 17.020/20*

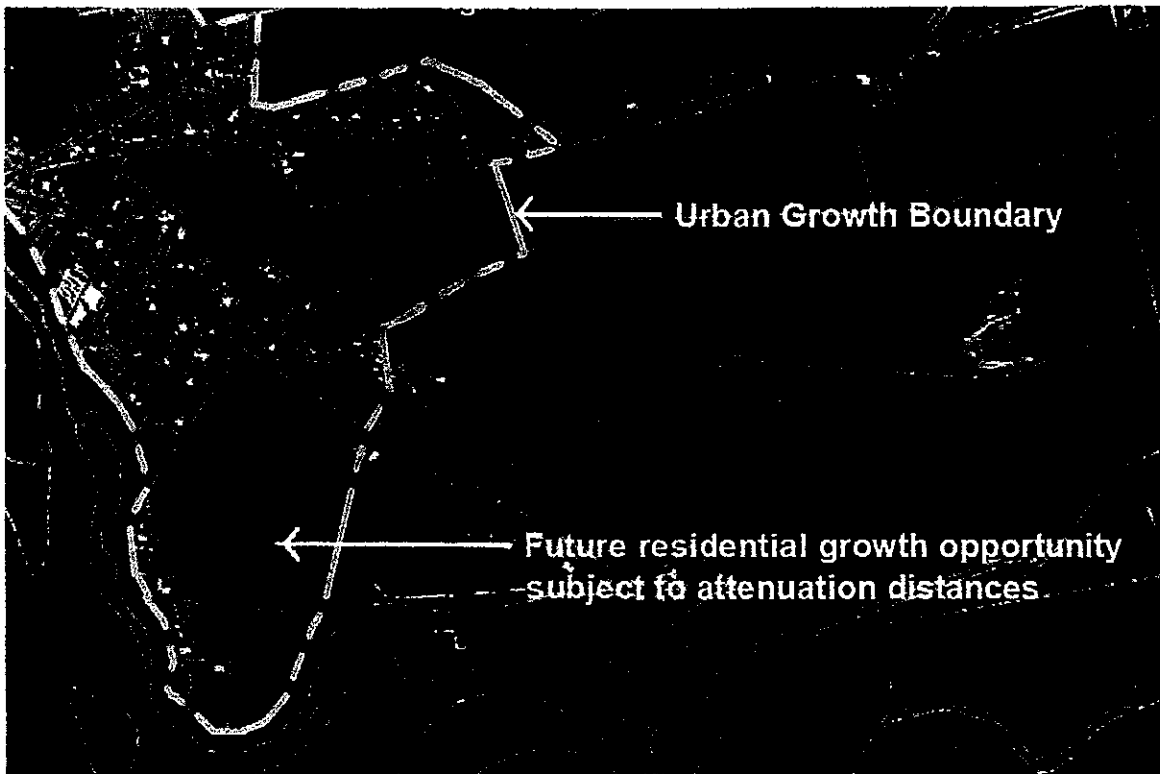


Figure 6. Closer view of Urban Growth Boundary identified in the Land Use and Development Strategy

5.4.3 *Cygnets Township Plan 2009*

The Cygnets Township Plan provides guidance around the following issues:

- land use planning and development (Section 2.1);
- landscape values and amenity (Section 2.2); and
- open space and trail networks (Section 2.3).

The Plan is more focused on urban design than it is on land use planning. Nevertheless, it identified that at the time, there was a sufficient amount of residential zonings both within and to the east of the town. It is considered that these findings lack rigorous analysis and are not considered to be a suitable basis upon which to determine the adequacy of supply for residential land. The proposed development of the land is consistent with the directions and recommended actions of the Plan as follows:

- supports the implied urban consolidation objectives
- improves pedestrian connectivity.

Mr A Direen
Cygnet Dairy
Cygnet Tasmanian

Dear Mr Direen,

Subject: Viability of Cygnet Dairy Property

I am writing to confirm our previous discussions in reference to your current Dairy farm. I would like to confirm in my opinion its is no longer viable as a farming operation particularly with respect to Dairying.

As you know over the past few decades the size of dairy farms have had to grow to deal with rising costs associated with farming. Your current operation now falls well short of what would be considered as a viable size for farming. If you continue to operate in the current manner, I would predict a loss each and every year.

Over our many years of association (Supplying milk to the Wicked Cheese Company), you have tried hard to remain viable. The main problems you are well aware of revolved around consistent supply to the small factory, having problems with volume and composition variation, making it an uneconomical supply option.

Suppling a larger factory your milk is also not an option as volumes are too low and distance to far to make it viable.

I would be happy to review your operation and financial situation but given my current knowledge would be quite sure that I would confirm the above.

If you require any more assistance, please feel free to call me on 0417 541 951 to discuss.

Yours Sincerely
Ashley McCoy
Food Industry Consultant and Dairy Technologist
ashleymccoy1@bigpond.com