

HUON VALLEY COUNCIL  
Action  
Officer: .....

25 MAY 2022

File No: .....

Set ID: .....

Gayle O'Brien  
125 Bakers Creek Road  
Lucaston TAS 7109  
PID 7716503  
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0437 311 822

Mr Jason Browne  
General Manager  
Huon Valley Council  
[hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)

Dear Mr Browne

I am writing to you to submit a representation as part of the Huon Valley Draft Local Provisions Schedule (LPS) for my property at 125 Bakers Creek Rd, Lucaston (hereafter referred to as The Property) and for my submission to be included in the Councils report to the Tasmanian Planning Commission as part of the draft LPSs.

The Property is currently zoned as Rural under the draft LPS, has a Bush-Fire prone code and no specific Area Plans, Site Specific Qualifications or Local area objectives. The Property has a residential building and ancillary building (Attachment A). The Property is not deemed to have any important natural or landscape values.

The Property has a three sided boundary. One side is Bakers Creek Road, one side is conjoined with two smaller lots averaging 1 acre each .

I would like to submit that the application of Rural Zone to The Property is inappropriate and request that it be considered as Rural Living Zone (RLZ) or Low Density Residential Zone) LDRZ based on the reasons listed below.

## RURAL ZONE OBJECTIONS

According to The State Policy on the Protection of Agricultural Land 2009 the principles underlying Agricultural and Rural Zone are for the protection and enhancement of agricultural land and enterprises. (source: <https://>

[www.dpac.tas.gov.au/ data/assets/pdf file/0004/82714/  
State Policy on the Protection of Agricultural Land 2009.pdf](http://www.dpac.tas.gov.au/data/assets/pdf_file/0004/82714/State_Policy_on_the_Protection_of_Agricultural_Land_2009.pdf)).

### *Reasons for objection to Rural Zone*

1. According to the State Planning Office (then the Planning Policy Unit) document Fact Sheet 4 - Tasmanian Planning Scheme (Attachment B):

*The Rural Zone provides for a range of uses, in addition to agricultural uses, that may require a rural location for operation purposes that are associated with agricultural uses or Resource Processing”, and “provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries” (underlining my own).*

The current Rural Zone is not fit for purpose as The Property does not have the capacity to support the Principle of Rural Zone to protect or contribute to agricultural activities as outlined in Fact Sheet 4 (Attachment B), or to protect or enhance agricultural land and enterprises, for the following reasons and contained in the supporting material:

- i) The Property is not suitable for any crop production due to size constraints of the block, lack of water, poor soil quality. Please see attachment *Nutrient Ag Solutions Assessment* for The Property (Attachment C);
- ii) The Property size, geographical position and building locations do not allow for setback requirements for agricultural activities (Attachment C),
- iii) It is not financially viable for agricultural acquisition due to costs outweighing benefits for said agricultural benefit (*Agricultural Land Mapping Project: Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone, Background Report May 2017* <source: [planningreform.tas.gov.au](http://planningreform.tas.gov.au)>);
- iv) The land is not fit for other business activities such as mining (refer to Mining Tenement Map [Attachment D]), aquaculture or forestry industry due to land slope, size restraints, lack of water;
- v) The Property is conjoined with other small lots that also fall under the same constraints as listed above.

Historically, the developments in Bakers Creek Road (including The Property and surrounding lots) have followed a pattern of settlement reflected in the former Village zone (located at the corner of Bakers Creek Road and Lucaston Road, Lucaston), which is currently categorised under the LPS as Rural Living Zone (RLZ).

The Southern Tasmania Regional Land Use Strategy 2010-2035 (source: [planningreform.tas.gov.au](http://planningreform.tas.gov.au)) encourage strengthening communities with a 'move to a more structured approach to residential growth and planning for rural living opportunities to minimise detrimental impacts whilst not impacting on productive rural land.

The application of either RLZ or Low Density Residential Zone (LDRZ) comply with the Performance indicators of Tasmanian Planning Scheme (TPS) Zone Purpose 11.1.1 and 10.1.1 for areas lacking infrastructure and ensure the nature of the area is preserved from development as outlined in the TPS 11.5.1 P1 (f) and 10.6.1 A1 P1 (e), that any development must adhere to *'the pattern of development existing on established properties in the area'*.

The Property is constrained by many factors, as outlined above, making it only suitable for residence. The Property is located in a settlement pattern close to the former Village (now RLZ) and given the block size and incapacity to contribute to rural activities, the application of LDRZ (or in the least RLZ), is more appropriate than the current Rural Zone.

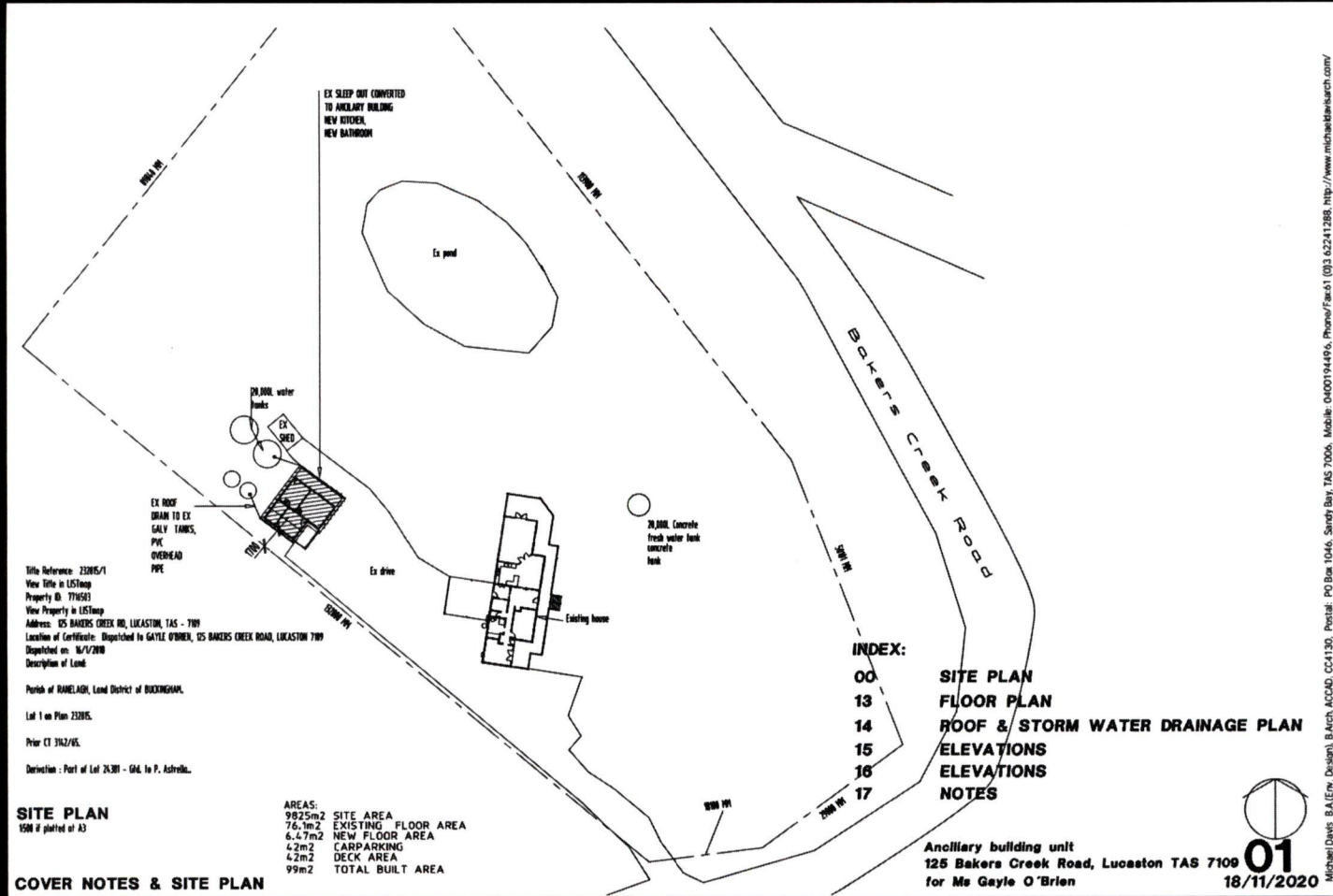
With these points in mind, I respectfully request that The Property be rezoned in line with the former Village zone.

Kind regards,

 (Gayle O'Brien)

Gayle O'Brien

Cc [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)



## TASMANIAN PLANNING SCHEME – RURAL AND AGRICULTURE

The Tasmanian Planning Scheme includes two zones for managing our rural and agricultural areas, the Rural Zone and the Agriculture Zone. These zones are a recalibration of the Planning Directive No. 1 (PDI) Rural Resource Zone and the Significant Agriculture Zone inconsistently used in interim planning schemes and will better reflect the characteristics of Tasmania's rural and agricultural areas.

The Rural and Agriculture Zones also provide significant improvements through enhanced protection of our important agricultural areas and the removal of unnecessary barriers to agricultural industries and diversification.

### Why were the interim planning scheme rural zones recalibrated?

It is clear from resultant interim planning schemes that the Rural Resource Zone and Significant Agriculture Zone were not fit for purpose.

The Significant Agriculture Zone was too narrow in its scope in that it was limited to "land for higher productivity value agriculture dependent on soil as a growth medium".

The Rural Resource Zone then had to capture all other agricultural land that was

not deemed as having 'higher productivity value'.

The Rural Resource Zone and the Significant Agriculture Zone were unable to be applied in a manner that reflected the complexities of Tasmania's agricultural land. What resulted through interim planning schemes was the inconsistent application of the two rural zones across the State.

The Significant Agricultural Zone is only used in the Southern region. The North and Cradle Coast regions only applied the Rural Resource Zone and covered a broad range of rural locations ranging from the rich soils of the north-west coast to areas of limited agricultural potential on the west coast.

The resultant interim planning schemes demonstrated a need to more broadly identify and protect agricultural land. The need for two different rural zones was clearly demonstrated by the characteristics of rural and agricultural land in Tasmania.

### What improvements have been made through the Rural and Agriculture Zones?

The Agriculture Zone provides a much broader scope for the identification and protection of agricultural land in Tasmania.

Priority is given to agricultural uses in this zone.

The Rural Zone provides for the remaining rural land where there is limited or no potential for agriculture. The Rural Zone provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries.

The Rural Zone importantly acknowledges that significant areas of Tasmania's rural land provide a variety of other activities beyond agriculture, all of which significantly contribute to Tasmania's economic growth.

Both the Rural and Agriculture Zones remove barriers to agricultural industries by:

- providing consistent planning requirements for agriculture across Tasmania avoiding the confusion and significant variation that currently exists under interim planning schemes;
- providing significant exemptions from the need to gain planning approval for agricultural buildings and works;
- reducing setbacks for agricultural buildings such as sheds to ensure that land is not sterilised by the need to put a shed in the middle of a paddock.
- providing a consistent application of these zones to protect our key agricultural areas through the Agriculture Zone and removing significant barriers to other activities in other rural areas through the Rural Zone;
- implementing the *State Policy on the Protection of Agricultural Land* in a clear and consistent manner;
- protecting the right to farm in Tasmania's key agricultural areas and avoiding conflicts with other uses such as housing;
- providing a clear delineation between the Rural and Agricultural Zones and the Rural Living Zone ensuring rural lifestyle developments avoid conflict with farming activities;
- supporting Tasmania's rural entrepreneurs by providing for diversification and value adding of agricultural uses and supporting Tasmania's renowned 'paddock to plate' and 'paddock to gate' experiences;
- not restricting processing facilities such as wineries by dictating where produce can be sourced for processing thereby making businesses more sustainable into the future;
- providing contemporary and practical planning rules, in particular the recognition that land size is not the key to success of agricultural industries;
- providing a clear pathway for the construction of polytunnels on prime agricultural land ensuring that important industries that require a controlled environment for growth are not fettered;
- not dictating what farmers grow and how they grow it;

- achieving a balance between development control and allowing industry, business and communities to flourish with minimal regulation
- providing clear exemptions from planning codes such as the Natural Assets Code and the Scenic Protection Code to allow existing industries to continue to operate.

The Agriculture Zone will also be supported by the Agricultural Land Mapping Project providing mapping guidance for local councils to improve consistency in the application of the rural zones under the Tasmanian Planning Scheme. This is a first for Tasmania.

The Agricultural Land Mapping Project establishes the broader state-wide strategic basis for spatially applying the Agriculture Zone based on common objective criteria and analysis. It utilises the most contemporary and sophisticated state-wide analysis on the suitability of land for a range of agricultural enterprises.

### What are the requirements in the Rural and Agriculture Zones?

Both the Rural and Agriculture Zones provide a clear pathway for agricultural uses, with uses largely being No Permit Required.

The Agriculture Zone includes some limitations on prime agricultural land for plantation forestry and agricultural uses that do not use the soil as a growth medium if conducted in a manner that prevents the soil being used in the future. This is

necessary to implement the requirements of the State Policy on the Protection of Agricultural Land.

The Rural Zone provides for a range of other uses, in addition to agricultural uses, that may require a rural location for operation purposes. These include Domestic Animal Breeding, Boarding and Training, Extractive Industry, Resource Processing and a limited range of Manufacturing and Processing, Storage and other uses that are associated with agricultural uses or Resource Processing.

The Agriculture Zone applies limitations on non-agricultural uses to protect agricultural land from unnecessary conversion. However, opportunities are provided for uses that:

- require access to specific naturally occurring resources in the zone;
- require access to infrastructure only located in that area;
- require access to a particular product or material related to an agricultural use;
- service or provide support to an agricultural use;
- provide for the diversification or value adding to an agricultural use; or
- provide essential emergency services of utility infrastructure.

Residential use in the Agriculture Zone must either be required as part of an agricultural use or located on land not capable of supporting agricultural use and not confine or restrain any adjoining agricultural use.

The Rural Zone also provides for the protection of agricultural land and agricultural uses by ensuring that discretionary uses, including Residential use, minimise the conversion of agricultural land and are compatible with agricultural use.

Subdivision in the Agriculture Zone is limited to the creation of lots for public use, utilities and irrigation infrastructure, the consolidation of lots, and for a variety of outcomes which support agricultural use.

No minimum lot size is specified for the Agriculture Zone. This recognises that the amount of land required is dependent on the agricultural use and the circumstances under which it operates.

Similarly, subdivision in the Rural Zone provides for the creation of lots for public use, utilities and irrigation infrastructure, the consolidation of lots. The Rural Zone provides additional opportunities for subdivision by providing a permitted minimum lot size of 40ha and for a variety of outcomes which support activities that require a rural location, such as agriculture, Resource Processing and Extractive Industries.

This is a summary of the key numerical standards in the Rural and Agriculture Zones:

Standard	Rural Zone	Agriculture Zone
Building Height	12m	12m
Setback (all	5m	5m

boundaries)		
Buffers for Residential Use	200m from Agriculture Zone	200m from lot boundary
Min. Lot Size	40ha	nil

## Where can I get more information about the Tasmanian Planning Scheme?

General information about the Tasmanian Planning Scheme and the preparation of Local Provisions Schedules can be found on the [Tasmanian Planning Reform website](#).

General enquiries about the preparation of the Tasmanian Planning Scheme should be directed to:

Planning Policy Unit, Department of Justice  
GPO Box 825 HOBART TAS 7001  
Ph (03) 6166 1429  
email [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au)

Enquiries on the public exhibition and assessment process should be directed to:

The Tasmanian Planning Commission  
Level 3, 144 Macquarie Street, Hobart  
GPO Box 1691 HOBART TAS 7001  
Ph (03) 6165 6828  
email [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

September 2017



1-4-2020

To whom it may concern.

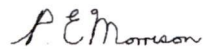
I have been asked to do an assessment on the viability of any sort of crop production on the property belonging to Gail O'Brien at 125 Bakers Creek Rd, Bakers Creek, and Property ID 7716503.

On viewing the property the first issue that became apparent is that there would not be enough room to be able to plant a crop in a big enough area to be profitable, build a water source or infrastructure to store or process the produce.

The second issue that I can see is how close the neighbours are. This makes it nearly impossible to have a buffer area between any crop and the neighbour's property so that there are no issues with any sort of spray drift moving onto the neighbour's property. The other issue with neighbours being close is not being able to mitigate any noise produced in the production of the crop.

Because of the above issues I cannot see how there can be any profitable crop planted on this property.

Peter Morrison



Senior Agronomist

Nutrien  
Ag Solutions.

