

**Kathy Bradburn**

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**From:** malcolm.grant@optusnet.com.au  
**Sent:** Wednesday, 20 October 2021 3:56 PM  
**To:** development  
**Cc:** thompsonjohnng@gmail.com  
**Subject:** Representation on Central Highlands Draft LPS  
**Attachments:** SPPs - 20 Rural Zone.pdf; SPPs - 22 Landscape Conservation Zone.pdf; Letter to CH landholder Grant PID 3268969 - 20Sep21.pdf; Representation to Central Highlands Council re Draft LPS - CLT - 19Sep21.pdf; SPPs - 20 Rural Zone.pdf; SPPs - 22 Landscape Conservation Zone.pdf; Letter to CH landholder Grant PID 3268969 - 20Sep21.pdf; Representation to Central Highlands Council re Draft LPS - CLT - 19Sep21.pdf

**Attention: Central Highlands Planning Authority**

To Whom it may concern,

I am the owner of the 40.1 ha property located at Lot 3 Marked Tree Road, Hamilton, (PID 3268969, Title Ref. 166563/3).

The Central Highlands Draft Local Provisions Schedule currently exhibited indicates that it is intended that my property be rezoned as Rural.

The majority of my property (27.43 ha) is covered by the Bullock Hills Reserve and protected by a Conservation Covenant. As such it has been identified by both the Tasmanian State Government and Australian Federal Government as worthy of protection and conservation as a result of the biodiversity it contains.

As more than 60% of my property is private reserve, and the non-reserved part of the property is unsuitable and not used for agriculture, Guidelines LCZ1 and RZ1 together indicate that the property should not be rezoned to Rural, but should be rezoned to Landscape Conservation.

In further support of my claim, my property is part of a cluster of six adjoining properties containing the 271.7 ha Bullock Hills Reserve which in turn adjoins the 294 ha Pelham West Nature Reserve to the north proposed for Environmental Management Zone.

In its representation, Conservation Landholders Tasmania, has presented a detailed case for rezoning my property and those in the cluster of which it is a part as Landscape Conservation. I support their case and agree to my property being rezoned to Landscape Conservation.

Please acknowledge receipt of my representation.

Regards

Malcolm Grant

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Erskineville, NSW 2043

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Email sent using Optus Webmail

## 20.0 Rural Zone

### 20.1 Zone Purpose

The purpose of the Rural Zone is:

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.

### 20.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	
Utilities	If for minor utilities.
<b>Permitted</b>	
Business and Professional Services	If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If associated with Resource Development or Resource Processing.
Emergency Services	

Use Class	Qualification
Extractive Industry	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Manufacturing and Processing	If for the processing of materials from Extractive Industry.
Pleasure Boat Facility	If for a boat ramp.
Research and Development	If associated with Resource Development or Resource Processing.
Residential	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
Resource Processing	
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a woodyard.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	If for guests accommodated within an existing building.
<b>Discretionary</b>	
Bulky Goods Sales	If for: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscaping materials supplier; (c) a timber yard; or (d) rural supplies.
Business and Professional Services	If not listed as Permitted.
Community Meeting and Entertainment	
Crematoria and Cemeteries	

Use Class	Qualification
Custodial Facility	
Educational and Occasional Care	If not listed as Permitted.
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Manufacturing and Processing	If not listed as Permitted.
Motor Racing Facility	
Pleasure Boat Facility	If not listed as Permitted.
Recycling and Waste Disposal	
Research and Development	If not listed as Permitted.
Residential	If for a single dwelling and not restricted by an existing agreement under section 71 of the Act.
Service Industry	If associated with Extractive Industry, Resource Development or Resource Processing.
Sports and Recreation	
Storage	If not listed as Permitted.
Tourist Operation	
Transport Depot and Distribution	
Visitor Accommodation	If not listed as Permitted.
<b>Prohibited</b>	
All other uses	

## 20.3 Use Standards

### 20.3.1 Discretionary use

Objective:	That the location, scale and intensity of a use listed as Discretionary: <ul style="list-style-type: none"> <li>(a) is required for operational reasons;</li> <li>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;</li> <li>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and</li> <li>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.</li> </ul>
Acceptable Solutions	Performance Criteria
<b>A1</b> A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if: <ul style="list-style-type: none"> <li>(a) the gross floor area does not increase by more than 30% from that existing at the effective date; and</li> <li>(b) the development area does not increase by more than 30% from that existing at the effective date.</li> </ul>	<b>P1</b> A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to: <ul style="list-style-type: none"> <li>(a) the nature, scale and intensity of the use;</li> <li>(b) the importance or significance of the proposed use for the local community;</li> <li>(c) whether the use supports an existing agricultural use;</li> <li>(d) whether the use requires close proximity to infrastructure or natural resources; and</li> <li>(e) whether the use requires separation from other uses to minimise impacts.</li> </ul>
<b>A2</b> No Acceptable Solution.	<b>P2</b> A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(a) the location of the proposed use;</li> <li>(b) the nature, scale and intensity of the use;</li> <li>(c) the likelihood and nature of any adverse impacts on adjoining uses;</li> <li>(d) whether the proposed use is required to support a use for security or operational reasons; and</li> <li>(e) any off site impacts from adjoining uses.</li> </ul>
<b>A3</b> No Acceptable Solution.	<b>P3</b> A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with

	<p>agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature, scale and intensity of the use;</li> <li>(b) the local or regional significance of the agricultural land; and</li> <li>(c) whether agricultural use on adjoining properties will be confined or restrained.</li> </ul>
<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature, scale and intensity of the proposed use;</li> <li>(b) whether the use will compromise or distort the activity centre hierarchy;</li> <li>(c) whether the use could reasonably be located on land zoned for that purpose;</li> <li>(d) the capacity of the local road network to accommodate the traffic generated by the use; and</li> <li>(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.</li> </ul>

## 20.4 Development Standards for Buildings and Works

### 20.4.1 Building height

Objective:	<p>To provide for a building height that:</p> <ul style="list-style-type: none"> <li>(a) is necessary for the operation of the use; and</li> <li>(b) minimises adverse impacts on adjoining properties.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building height must be not more than 12m.</p>	<p><b>P1</b></p> <p>Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the proposed height of the building;</li> <li>(b) the bulk and form of the building;</li> <li>(c) the separation from existing uses on adjoining properties; and</li> <li>(d) any buffers created by natural or other features.</li> </ul>

20.4.2 Setbacks

Objective:	That the siting of buildings minimises potential conflict with use on adjoining sites.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Buildings must have a setback from all boundaries of: <ul style="list-style-type: none"> <li>(a) not less than 5m; or</li> <li>(b) if the setback of an existing building is within 5m, not less than the existing building.</li> </ul>		<b>P1</b> Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: <ul style="list-style-type: none"> <li>(a) the bulk and form of the building;</li> <li>(b) the nature of existing use on the adjoining properties;</li> <li>(c) separation from existing use on the adjoining properties; and</li> <li>(d) any buffers created by natural or other features.</li> </ul>
<b>A2</b> Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: <ul style="list-style-type: none"> <li>(a) not less than 200m; or</li> <li>(b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</li> </ul>		<b>P2</b> Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: <ul style="list-style-type: none"> <li>(a) the size, shape and topography of the site;</li> <li>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) the existing and potential use of adjoining properties;</li> <li>(e) any proposed attenuation measures; and</li> <li>(f) any buffers created by natural or other features.</li> </ul>

20.4.3 Access for new dwellings

Objective:	That new dwellings have appropriate vehicular access to a road maintained by a road authority.	
Acceptable Solutions		Performance Criteria
<b>A1</b> New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.		<b>P1</b> New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is appropriate, having regard to: <ul style="list-style-type: none"> <li>(a) the number of users of the access;</li> <li>(b) the length of the access;</li> <li>(c) the suitability of the access for use by the occupants of the dwelling;</li> <li>(d) the suitability of the access for emergency services vehicles;</li> <li>(e) the topography of the site;</li> <li>(f) the construction and maintenance of the access;</li> <li>(g) the construction, maintenance and usage of the road; and</li> <li>(h) any advice from a road authority.</li> </ul>



## 20.5 Development Standards for Subdivision

### 20.5.1 Lot design

Objective:	To provide for subdivision that: (a) relates to public use, irrigation or Utilities; or (b) facilitates use and development for allowable uses in the zone.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) be required for public use by the Crown, a council or a State authority;</li> <li>(b) be required for the provision of Utilities or irrigation infrastructure;</li> <li>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or</li> <li>(d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2.</li> </ul>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) have sufficient useable area and dimensions suitable for the intended purpose, excluding Residential or Visitor Accommodation, that: <ul style="list-style-type: none"> <li>(i) requires the rural location for operational reasons;</li> <li>(ii) minimises the conversion of agricultural land for a non-agricultural use;</li> <li>(iii) minimises adverse impacts on non-sensitive uses on adjoining properties; and</li> <li>(iv) is appropriate for a rural location; or</li> </ul> </li> <li>(b) be for the excision of an existing dwelling or Visitor Accommodation that satisfies all of the following: <ul style="list-style-type: none"> <li>(i) the balance lot provides for the sustainable operation of a Resource Development use, having regard to: <ul style="list-style-type: none"> <li>a. not materially diminishing the agricultural productivity of the land;</li> <li>b. the capacity of the balance lot for productive agricultural use; and</li> <li>c. any topographical constraints to agricultural use;</li> </ul> </li> <li>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>(iii) the existing dwelling or Visitor Accommodation must meet the setbacks required by subclause 20.4.2 in relation to setbacks to new boundaries;</li> <li>(iv) it is demonstrated that the new lot will not unreasonably confine or restrain the operation of any adjoining site used for agricultural use; and</li> <li>(c) be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to: <ul style="list-style-type: none"> <li>(i) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(ii) the topography of the site;</li> <li>(iii) the functionality and useability of the frontage;</li> <li>(iv) the anticipated nature of vehicles likely to access the site;</li> <li>(v) the ability to manoeuvre vehicles on the site;</li> <li>(vi) the ability for emergency services to access the site; and</li> <li>(vii) the pattern of development existing on established properties in the area.</li> </ul> </li> </ul>
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, is provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic, including pedestrians; and</li> <li>(d) the pattern of development existing on established properties in the area.</li> </ul>

## 21.0 Agriculture Zone

### 21.1 Zone Purpose

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.

### 21.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	If: (a) on land other than prime agricultural land; or (b) an agricultural use, excluding plantation forestry, on prime agricultural land if it is dependent on the soil as the growth medium or conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium.
Utilities	If for minor utilities.
<b>Permitted</b>	
Food Services	If associated with Resource Development or Resource Processing.
General Retail and Hire	If associated with Resource Development or Resource Processing.
Pleasure Boat Facility	If for a boat ramp.
Residential	If for:

Use Class	Qualification
	(a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling.
<b>Discretionary</b>	
Bulky Goods Sales	If: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscape supplier; or (c) a timber yard.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	
Emergency Services	
Extractive Industry	
Food Services	If not listed as Permitted.
General Retail and Hire	If not listed as Permitted.
Manufacturing and Processing	If for: (a) the manufacturing of agricultural equipment; or (b) the processing of materials from Extractive Industry.
Research and Development	
Residential	If: (a) not restricted by an existing agreement under section 71 of the Act; and (b) not listed as Permitted.
Resource Development	If not listed as No Permit Required.
Resource Processing	
Storage	If for: (a) a contractors yard; (b) freezing and cooling storage; (c) a liquid, solid or gas fuel depot; or (d) a woodyard.

Use Class	Qualification
Tourist Operation	
Transport Depot and Distribution	If for the transport and distribution of agricultural produce and equipment.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	
<b>Prohibited</b>	
All other uses	

## 21.3 Use Standards

### 21.3.1 Discretionary uses

Objective:	That uses listed as Discretionary: (a) support agricultural use; and (b) protect land for agricultural use by minimising the conversion of land to non-agricultural use.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution.		<b>P1</b> A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to: <ul style="list-style-type: none"> <li>(a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;</li> <li>(b) access to infrastructure only available on the site or on land in the vicinity of the site;</li> <li>(c) access to a product or material related to an agricultural use;</li> <li>(d) service or support for an agricultural use on the site or on land in the vicinity of the site;</li> <li>(e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and</li> <li>(f) provision of essential Emergency Services or</li> </ul>

	Utilities.
<b>A2</b> No Acceptable Solution.	<b>P2</b> A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to: <ul style="list-style-type: none"> <li>(a) the area of land being converted to non-agricultural use;</li> <li>(b) whether the use precludes the land from being returned to an agricultural use;</li> <li>(c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.</li> </ul>
<b>A3</b> No Acceptable Solution.	<b>P3</b> A use listed as Discretionary, excluding Residential, located on prime agricultural land must: <ul style="list-style-type: none"> <li>(a) be for Extractive Industry, Resource Development or Utilities, provided that: <ul style="list-style-type: none"> <li>(i) the area of land converted to the use is minimised;</li> <li>(ii) adverse impacts on the surrounding agricultural use are minimised; and</li> <li>(iii) the site is reasonably required for operational efficiency; or</li> </ul> </li> <li>(b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.</li> </ul>

<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>A Residential use listed as Discretionary must:</p> <ul style="list-style-type: none"> <li>(a) be required as part of an agricultural use, having regard to: <ul style="list-style-type: none"> <li>(i) the scale of the agricultural use;</li> <li>(ii) the complexity of the agricultural use;</li> <li>(iii) the operational requirements of the agricultural use;</li> <li>(iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and</li> <li>(v) proximity of the dwelling to the agricultural use; or</li> </ul> </li> <li>(b) be located on a site that: <ul style="list-style-type: none"> <li>(i) is not capable of supporting an agricultural use;</li> <li>(ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and</li> <li>(iii) does not confine or restrain agricultural use on adjoining properties.</li> </ul> </li> </ul>
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## 21.4 Development Standards for Buildings and Works

### 21.4.1 Building height

Objective:	To provide for a building height that: (a) is necessary for the operation of the use; and (b) minimises adverse impacts on adjoining properties.
Acceptable Solutions	Performance Criteria
<b>A1</b> Building height must be not more than 12m.	<b>P1</b> Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the proposed height of the building; (b) the topography of the site; (c) the bulk and form of the building; (d) separation from existing use on adjoining properties; (e) the nature of the existing uses on adjoining properties; and (f) any buffers created by natural or other features.

### 21.4.2 Setbacks

Objective:	That the siting of buildings minimises potential conflict with use on adjoining properties.
Acceptable Solutions	Performance Criteria
<b>A1</b> Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.	<b>P1</b> Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: (a) the bulk and form of the building; (b) the nature of existing use on the adjoining properties; (c) separation from existing use on the adjoining properties; and (d) any buffers created by natural or other features.



<p><b>A2</b></p> <p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <ul style="list-style-type: none"> <li>(a) not less than 200m; or</li> <li>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</li> </ul>	<p><b>P2</b></p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size, shape and topography of the site;</li> <li>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) the existing and potential use of adjoining properties;</li> <li>(e) any proposed attenuation measures; and</li> <li>(f) any buffers created by natural or other features.</li> </ul>
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#### 21.4.3 Access for new dwellings

Objective:	That new dwellings have appropriate vehicular access to a road maintained by a road authority.	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>		<p><b>P1</b></p> <p>New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority, that is appropriate having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of users of the access;</li> <li>(b) the length of the access;</li> <li>(c) the suitability of the access for use by the occupants of the dwelling;</li> <li>(d) the suitability of the access for emergency services vehicles;</li> <li>(e) the topography of the site;</li> <li>(f) the construction and maintenance of the access;</li> <li>(g) the construction, maintenance and usage of the road; and</li> <li>(h) any advice from the road authority.</li> </ul>

## 21.5 Development Standards for Subdivision

### 21.5.1 Lot design

Objective:	To provide for subdivision that: (a) relates to public use, irrigation infrastructure or Utilities; and (b) protects the long term productive capacity of agricultural land.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities or irrigation infrastructure; or (c) be for the consolidation of a lot with another lot provided both lots are within the same zone.		<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, must: (a) provide for the operation of an agricultural use, having regard to: (i) not materially diminishing the agricultural productivity of the land; (ii) the capacity of the new lots for productive agricultural use; (iii) any topographical constraints to agricultural use; and (iv) current irrigation practices and the potential for irrigation; (b) be for the reorganisation of lot boundaries that satisfies all of the following: (i) provides for the operation of an agricultural use, having regard to: a. not materially diminishing the agricultural productivity of the land; b. the capacity of the new lots for productive agricultural use; c. any topographical constraints to agricultural use; and d. current irrigation practices and the potential for irrigation; (ii) all new lots must be not less than 1ha in area; (iii) existing buildings are consistent with the setback required by clause 21.4.2 A1 and A2; (iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use; and (v) it does not create any additional lots; or

	<p>(c) be for the excision of a use or development existing at the effective date that satisfies all of the following:</p> <ul style="list-style-type: none"> <li>(i) the balance lot provides for the operation of an agricultural use, having regard to: <ul style="list-style-type: none"> <li>a. not materially diminishing the agricultural productivity of the land;</li> <li>b. the capacity of the balance lot for productive agricultural use;</li> <li>c. any topographical constraints to agricultural use; and</li> <li>d. current irrigation practices and the potential for irrigation;</li> </ul> </li> <li>(ii) an agreement under section 71 of the Act is entered into and registered on the title preventing future Residential use if there is no dwelling on the balance lot;</li> <li>(iii) any existing buildings for a sensitive use must meet the setbacks required by clause 21.4.2 A2 or P2 in relation to setbacks to new boundaries; and</li> <li>(iv) all new lots must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use.</li> </ul>
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the distance between the lot or building area and the carriageway;</li> <li>(c) the nature of the road and the traffic, including pedestrians; and</li> <li>(d) the pattern of development existing on established properties in the area.</li> </ul>

## 22.0 Landscape Conservation Zone

### 22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

- 22.1.1 To provide for the protection, conservation and management of landscape values.
- 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

### 22.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
<b>Permitted</b>	
Residential	If for a: (a) home-based business; or (b) single dwelling located within a building area, if shown on a sealed plan.
Utilities	If for minor utilities.
<b>Discretionary</b>	
Community Meeting and Entertainment	If for a place of worship, art and craft centre or public hall.
Domestic Animal Breeding, Boarding or Training	
Emergency Services	
Food Services	If for a gross floor area of not more than 200m <sup>2</sup> .
General Retail and Hire	If associated with a Tourist Operation.
Residential	If for a single dwelling.
Resource Development	If not for intensive animal husbandry or plantation forestry.

Use Class	Qualification
Sports and Recreation	If for an outdoor recreation facility.
Tourist Operation	
Utilities	If not listed as Permitted.
Visitor Accommodation	
<b>Prohibited</b>	
All other uses	

## 22.3 Use Standards

### 22.3.1 Community Meeting and Entertainment, Food Services, and General Retail and Hire uses.

Objective:	That Community Meeting and Entertainment, Food Services, and General Retail and Hire uses operate at a scale and in a manner that does not cause an unreasonable impact on landscape values.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must be within the hours of 8.00am to 6.00pm.		<b>P1</b> Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must not cause an unreasonable impact on the landscape values having regard to: <ul style="list-style-type: none"> <li>(a) the duration or extent of vehicle movements; and</li> <li>(b) noise, lighting or other emissions.</li> </ul>

22.3.2 Visitor Accommodation

Objective:	That Visitor Accommodation is of a scale that is: (a) compatible with the landscape values of the site and surrounding area; and (b) does not impact the safety and efficiency of local roads or private rights of way.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Visitor Accommodation: (a) guests are accommodated in existing buildings; and (b) has a gross floor area of no more than 300m <sup>2</sup> .		<b>P1</b> Visitor Accommodation must: (a) be of a scale that respects the character of use in the area; (b) not cause an unreasonable impact on the landscape values of the site; and (c) not adversely impact the safety and efficiency of the local road network or unreasonably disadvantage owners and users of rights of carriageway.

22.3.3 Discretionary use

Objective:	That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution.		<b>P1</b> Use listed as Discretionary must be compatible with landscape values, having regard to: (a) the nature, scale and extent of the use; (b) the characteristics and type of the use; (c) the landscape values of the site; (d) the landscape value of the surrounding area; and (e) measures to minimise or mitigate impacts.

## 22.4 Development Standards for Buildings and Works

### 22.4.1 Site coverage

Objective:	That the site coverage is compatible with the protection, conservation and management of the landscape values of the site and surrounding area.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Site coverage must be not more than 400m <sup>2</sup> .	<b>P1</b> Site coverage must be compatible with the landscape values of the site and surrounding area, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the capacity of the site to absorb run-off;</li> <li>(c) the size and shape of the site;</li> <li>(d) the existing buildings and any constraints imposed by existing development;</li> <li>(e) the need to remove vegetation;</li> <li>(f) the location of development in relation to cleared areas; and</li> <li>(g) the location of development in relation to natural hazards.</li> </ul>	

### 22.4.2 Building height, siting and exterior finishes

Objective:	That building height, siting and exterior finishes: <ul style="list-style-type: none"> <li>(a) protects the amenity of adjoining properties;</li> <li>(b) minimises the impact on the landscape values of the area; and</li> <li>(c) minimises the impact on adjoining agricultural uses.</li> </ul>	
Acceptable Solutions		Performance Criteria
<b>A1</b> Building height must be not more than 6m.	<b>P1</b> Building height must be compatible with the landscape values of the site, having regard to: <ul style="list-style-type: none"> <li>(a) the height, bulk and form of proposed buildings;</li> <li>(b) the height, bulk and form of existing buildings;</li> <li>(c) the topography of the site;</li> <li>(d) the visual impact of the buildings when viewed from roads and public places; and</li> <li>(e) the landscape values of the surrounding area.</li> </ul>	

<p><b>A2</b></p> <p>Buildings must have a setback from a frontage not less than 10m.</p>	<p><b>P2</b></p> <p>Building setback from a frontage must be compatible with the landscape values of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the frontage setbacks of adjacent buildings;</li> <li>(c) the height, bulk and form of existing and proposed buildings;</li> <li>(d) the appearance when viewed from roads and public places;</li> <li>(e) the safety of road users; and</li> <li>(f) the retention of vegetation.</li> </ul>
<p><b>A3</b></p> <p>Buildings must have a setback from side and rear boundaries not less than 20m.</p>	<p><b>P3</b></p> <p>Buildings must be sited to not cause an unreasonable loss of amenity, or impact on landscape values of the site, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size, shape and orientation of the site;</li> <li>(c) the side and rear setbacks of adjacent buildings;</li> <li>(d) the height, bulk and form of existing and proposed buildings;</li> <li>(e) the need to remove vegetation as part of the development;</li> <li>(f) the appearance when viewed from roads and public places; and</li> <li>(g) the landscape values of the surrounding area.</li> </ul>
<p><b>A4</b></p> <p>Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of:</p> <ul style="list-style-type: none"> <li>(a) not less than 200m; or</li> <li>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</li> </ul>	<p><b>P4</b></p> <p>Buildings for a sensitive use must be sited to not conflict or interfere with uses in the Rural Zone or Agriculture Zone, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size, shape and topography of the site;</li> <li>(b) the separation from those zones of any existing buildings for sensitive uses on adjoining properties;</li> <li>(c) the existing and potential use of land in the adjoining zones;</li> <li>(d) any buffers created by natural or other features; and</li> <li>(e) any proposed attenuation measures.</li> </ul>



<p><b>A5</b></p> <p>Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.</p>	<p><b>P5</b></p> <p>Exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the appearance of the building when viewed from roads or public places in the surrounding area;</li> <li>(b) any screening vegetation; and</li> <li>(c) the nature of the exterior finishes.</li> </ul>
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#### 22.4.3 Access to a road

Objective:	That new dwellings have appropriate vehicular access to a road maintained by a road authority.	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>		<p><b>P1</b></p> <p>New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of users of the access;</li> <li>(b) the length of the access;</li> <li>(c) the suitability of the access for use by the occupants of the dwelling;</li> <li>(d) the suitability of the access for emergency services vehicles;</li> <li>(e) the topography of the site;</li> <li>(f) the construction and maintenance of the access; and</li> <li>(g) the construction, maintenance and usage of the road.</li> </ul>

22.4.4 Landscape protection

Objective:	That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building and works must be located within a building area, if shown on a sealed plan.</p>	<p><b>P1</b></p> <p>Building and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the extent of the area from which vegetation has been removed;</li> <li>(b) the extent of native vegetation to be removed;</li> <li>(c) any remedial or mitigation measures or revegetation requirements;</li> <li>(d) provision for native habitat for native fauna;</li> <li>(e) the management and treatment of the balance of the site or native vegetation areas;</li> <li>(f) the type, size, and design of development; and</li> <li>(g) the landscape values of the site and surrounding area.</li> </ul>
<p><b>A2</b></p> <p>Buildings and works must:</p> <ul style="list-style-type: none"> <li>(a) be located within a building area, if shown on a sealed plan; or</li> <li>(b) be an alteration or extension to an existing building providing it is not more than the existing building height; and</li> <li>(c) not include cut and fill greater than 1m; and</li> <li>(d) be not less than 10m in elevation below a skyline or ridgeline.</li> </ul>	<p><b>P2.1</b></p> <p>Buildings and works must be located to minimise impacts on landscape values, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the size and shape of the site;</li> <li>(c) the proposed building height, size and bulk;</li> <li>(d) any constraints imposed by existing development;</li> <li>(e) visual impact when viewed from roads and public places; and</li> <li>(f) any screening vegetation.</li> </ul> <p><b>P2.2</b></p> <p>If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas.</p>

## 22.5 Development Standards for Subdivision

### 22.5.1 Lot design

Objective:	That each lot: <ul style="list-style-type: none"> <li>(a) has an area and dimensions appropriate for use and development in the zone;</li> <li>(b) contain areas which are suitable for development, located to protect and conserve landscape values; and</li> <li>(c) is provided with appropriate access to a road.</li> </ul>
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <ul style="list-style-type: none"> <li>(a) have an area of not less than 50ha and: <ul style="list-style-type: none"> <li>(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> <li>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</li> <li>b. easements or other title restrictions that limit or restrict development; and</li> </ul> </li> <li>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</li> </ul> </li> <li>(b) be required for public use by the Crown, a council or a State authority;</li> <li>(c) be required for the provision of Utilities; or</li> <li>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</li> </ul>	<p><b>P1</b></p> <p>Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the relevant Acceptable Solutions for development of buildings on the lots;</li> <li>(b) existing buildings and the location of intended buildings on the lot;</li> <li>(c) the ability to retain vegetation and protect landscape values on each lot;</li> <li>(d) the topography of the site; and</li> <li>(e) the pattern of development existing on established properties in the area,</li> </ul> <p>and must have an area not less than 20ha.</p>
<p><b>A2</b></p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<p><b>P2</b></p> <p>Each lot, or a proposed lot in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</li> <li>(b) the topography of the site;</li> <li>(c) the functionality and useability of the frontage;</li> </ul>

	<ul style="list-style-type: none"> <li>(d) the anticipated nature of vehicles likely to access the site;</li> <li>(e) the ability to manoeuvre vehicles on the site;</li> <li>(f) the ability for emergency services to access the site; and</li> <li>(g) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</li> </ul>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic; and</li> <li>(e) the anticipated nature of vehicles likely to access the site.</li> </ul>
<p><b>A4</b></p> <p>No Acceptable Solution.</p>	<p><b>P4</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.</p>



20 September 2021

Malcolm Grant  
41 MacDonald Street  
ERSKINEVILLE NSW 2043

**Advice about the rezoning of your covenanted property at Lot 3 Marked Tree Road, Hamilton, by Central Highlands Council and the current public Exhibition Period until 22 October 2021**

Dear Conservation Landholder

If you are a recipient of *The Running Postman* you will know who we are and that as fellow covenant landholders we have been organising forums and field days for conservation landholders for over 9 years.

With the change to the state-wide Tasmanian Planning Scheme (TPS) many properties in the Central Highlands municipality are being rezoned due to the retirement of several zones in the Central Highlands Interim Planning Scheme 2015.

Most of the conservation properties with Private Reserves protected by conservation covenant in the Central Highlands municipality will be rezoned as Rural or Agriculture by your Council unless the owners request that their property be zoned otherwise. The Exhibition Period was notified by two public notices in Tasmanian newspapers and on the Council web site, the only legal requirement for public notification.

Your 40.1 ha property at Lot 3 Marked Tree Road, Hamilton, (PID 3268969, Title Ref. 166563/3) is currently zoned as Rural Resource. In the recently exhibited Draft Zone Maps your property is being rezoned to the new TPS zone Rural.

Rural or Agriculture may be appropriate for titles where part of the land is used for agriculture but the new zone Landscape Conservation is more appropriate for titles fully covered by a Private Reserve or partly covered by a Private Reserve where the non-reserved part is not used for agriculture.

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Conservation Landholders Tasmania (CLT) is of the view that the new Landscape Conservation Zone should be applied to all of your property. Given that the Bullock Hills Reserve, the name of your covenanted area, covers 27.3 ha (68%) of the 40.1 ha Title Ref. 166563/3, Landscape Conservation Zone should apply to the whole title as the non-reserved area appears unsuitable and not used for agriculture.

CLT is proposing that all six adjoining properties that contain the 271.7 ha Bullock Hills Reserve are rezoned to Landscape Conservation and have also written to the other five landowners. A ListMap screenshot below shows the combined area (solid white border).



If you were considering building on the non-reserved land in the future, Residential Use for a new dwelling is a Discretionary Use under both the Rural and Landscape Conservation zones. The Performance Criteria that you would need to meet under Landscape Conservation only require you to demonstrate that a new dwelling will be compatible with the landscape values, i.e. the natural and scenic values.

In the Central Highland Draft Zone Maps the new Landscape Conservation Zone has not been used anywhere and there is no evidence in the Supporting Report prepared by the Planning Authority that they considered using Landscape Conservation Zone for your property.

However, the Tasmanian Planning Commission Guidelines make it clear that Landscape Conservation Zone should be applied to titles containing Private Reserves where the non-reserved part is not used for agriculture.

In Tasmania all land under conservation covenant is classed as Private Reserve, has a Reserve Name and is part of the Tasmanian Reserve Estate. It has been identified for protection and conservation by both the State and Federal Governments.

You are entitled to request rezoning of your property to Landscape Conservation during the current 60 day Public Exhibition period provided by your Council which closes on **22 October 2021**.

The benefits of rezoning to Landscape Conservation Zone for titles containing conservation covenants are:

1. The planning protection provided by Landscape Conservation Zone under the Tasmanian Planning Scheme complements the restrictions on use and development by the landowner within the covenanted area under the *Nature Conservation Act 2002*.
2. Landscape Conservation Zone prohibits Extractive Industries (i.e. mining, quarrying), as well as plantation forestry and intensive animal husbandry (e.g. feed lots, piggeries, poultry farms) - all of these and many other uses incompatible with a conservation property are permitted under Rural and Agriculture Zones. A conservation covenant will not prevent mining but the inability of the mining company to obtain a planning permit will.
3. On the non-covenanted part of the title Landscape Conservation Zone will still permit uses compatible with the covenanted part such as residential, visitor accommodation and home based business. Any existing uses on the non-covenanted part are necessarily permitted under the General Provisions of the TPS.
4. Having a title containing a conservation covenant zoned as Landscape Conservation provides planning protection under the *Land Use Planning and Approvals Act 1993* across the whole title, not just the covenanted area.
5. Landscape Conservation zoning will have greater influence on a neighbour's planning application for discretionary use or development on their property than the conservation covenant. Conservation covenants are not recognised *per se* under the *Land Use Planning and Approvals Act 1993*.

If you wish to have your conservation property zoned as Landscape Conservation during the current Planning Scheme process it is critical that you make a representation by post or email to your Council by the **22 October 2021** deadline. Information on how to make a representation and the Draft Zone Maps are available on the Central Highlands Council web site at <https://centralhighlands.tas.gov.au/central-highlands-draft-local-provisions-schedule-lps/>

During the Tasmanian Planning Commission hearings that follow the Exhibition process you will have the opportunity to present your case in person or online via Microsoft Teams to the commissioners whether Central Highlands Council supports your representation or not.

CLT has submitted a representation to Central Highlands Council on 19 September requesting that 13 of the 61 properties containing Private Reserves in the Central Highlands municipality, currently rezoned to Rural, should be rezoned to Landscape Conservation subject to landowner agreement. Your property is included in the 13 properties. Given the tight timeframe it has been necessary to make our representation before contacting you but you can be reassured that the Tasmanian Planning Commission will not agree to rezoning your property unless you request it in writing.

Please contact me by phone or email if you would like more information about the implications of Landscape Conservation Zone, or if you would like assistance with making a representation. CLT

has been successful in arguing the case for rezoning to Landscape Conservation in other municipalities. We are happy to share what we have learnt as well as draft a representation for you.

Yours sincerely

John Thompson  
On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125  
Email [thompsonjohnng@gmail.com](mailto:thompsonjohnng@gmail.com)





19<sup>th</sup> September 2021

Central Highlands Planning Authority  
Development and Environmental Services  
19 Alexander Street  
Bothwell TAS 7030

Via email: [development@centralhighlands.tas.gov.au](mailto:development@centralhighlands.tas.gov.au)

**Representation about the Central Highlands Draft LPS – proposal to change the zoning of thirteen (13) reserved properties to Landscape Conservation**

***Summary of Representation***

Conservation Landholders Tasmania (CLT) has reviewed the Central Highlands Draft LPS Zone Maps and the Supporting Report and believes that thirteen (13) properties containing Private Reserves with land reserved for the protection of biodiversity should be rezoned to Landscape Conservation based on Guideline LCZ1, when read together with Guideline RZ1, subject to landowner agreement.

<b><i>Reserve Name</i></b>	<b><i>Property Address</i></b>	<b><i>Property ID</i></b>	<b><i>Title Reference</i></b>
Bronte Park #1	Lot 1 LYELL HWY BRONTE PARK TAS 7140	3054354	241850/1
Bronte Park #2	LYELL HWY BRONTE PARK TAS 7140	2304227	243948/1
Cockatoo Hill	LYELL HWY BRADYS LAKE TAS 7140	1860790	127910/12
London Lakes	Lot 8 VICTORIA VALLEY RD LONDON LAKES TAS 7140	3210249	164812/8
Bothwell	DENNISTOUN RD BOTHWELL TAS 7030	1853865	126437/1
Bullock Hills Reserve	1190 MARKED TREE RD HAMILTON TAS 7140	3268942	166563/1

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<b><i>Reserve Name</i></b>	<b><i>Property Address</i></b>	<b><i>Property ID</i></b>	<b><i>Title Reference</i></b>
Bullock Hills Reserve	Lot 2 MARKED TREE RD HAMILTON TAS 7140	3268950	166563/2
Bullock Hills Reserve	Lot 3 MARKED TREE RD HAMILTON TAS 7140	3268969	166563/3
Bullock Hills Reserve	Lot 1 MARKED TREE RD HAMILTON TAS 7140	3264618	166564/1
Bullock Hills Reserve	Lot 2 MARKED TREE RD HAMILTON TAS 7140	3264597	166564/2
Bullock Hills Reserve	Lot 3 MARKED TREE RD HAMILTON TAS 7140	3264626	166564/3
Gold Hole Gully	NICHOLS RD ELDERSLIE TAS 7030	5467371	119278/1
Pelham Tier	SONNERS RD PELHAM TAS 7030	5467400	212268/1

The natural values within these Reserves have already been identified for protection and conservation by the Minister for Environment and Landscape Conservation Zone should be applied during the current Draft Local Provisions Schedule assessment process given that Landscape Conservation zone was not applied when drafting the LPS.

This representation has not considered the various Private Reserves owned by the Tasmanian Land Conservancy or trawtha makuminya Reserve owned by the Aboriginal Land Council of Tasmania as these properties will be the subject of separate representations.

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## ***Background***

Conservation Landholders Tasmania (CLT) is an educational trust. Conservation landholders including those with land reserved by conservation covenant are the beneficiaries of the Trust. In Tasmania there are currently about 900 reserves under conservation covenant totaling 111,000 ha, or 4.2% of the private property in the state. The Trustees organise field days and forums on topics of relevance and interest to these conservation landholders. CLT has been supported by the three NRMs and the Tasmanian Land Conservancy for over 9 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned from Rural Resource to Rural or Agriculture by local planning authorities in their Draft LPS. CLT considers that much of this reserved land is more appropriately zoned as Landscape Conservation.

## ***The application of Landscape Conservation Zone in the Central Highlands Draft LPS***

Section 5.3 CHIPS2015- SPP Zone Conversions on pp 57-60 of the Supporting Report makes it clear that the Planning Authority has as far as possible adopted a 'like for like' zone conversion and has not considered any zones that do not map directly according to its zone conversion table.

Consequently the new Landscape Conservation zone has not been used in the Central Highlands Draft LPS and does not appear to have been considered even though the AK Consultants publication *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* prepared in 2018 for the Southern Tasmanian Councils Authority (Appendix H) indicates that either Environmental Management or Landscape Conservation Zone should be considered for Private Reserves

*where deemed appropriate and as per Guideline EMZ 1 or LCZ 1 & LCZ 2.*

The lack of consideration of Landscape Conservation zone for titles containing reserved land protected by conservation covenant is even more surprising given the Tasmanian Planning Commission guidance on the Planners Portal dated 22 April 2021 on this matter (included in Appendix A of this representation) that states:

*Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.*

The Home Page of the Planners Portal states:

*The Planners Portal acts as a central resource to obtain clarification and information leading up to exhibition of a draft LPS.*

The Planning Authority apparently failed to monitor the Planners Portal leading up to exhibition and therefore failed to consider this additional guidance on the application of Landscape Conservation zone to reserved land even though it was available four months prior to the exhibition.

As a result of the 'like for like' conversion three titles containing Private Reserves have been zoned Environmental Management because that was their zoning under CHIPS2015.

<b>Reserve Name</b>	<b>Property Address</b>	<b>Property ID</b>	<b>Title Reference</b>
trawtha makuminya	MARLBOROUGH RD BRONTE PARK TAS 7140	5475806	202798/1
trawtha makuminya	MARLBOROUGH RD BRONTE PARK TAS 7140	5475806	202794/1
Skullbone Plains	GOWAN BRAE RD CENTRAL PLATEAU TAS 7304	5476083	224902/1

CLT considers that the failure of the Central Highlands Planning Authority to consider the rest of the private reserves within the municipality for rezoning to Landscape Conservation or Environmental Management is an unfortunate oversight but can be remedied in their Section 35F Report.

### ***Private land in Central Highlands municipality reserved for the protection and conservation of biodiversity***

In the Central Highlands planning area there are 61 properties containing 28,412 ha of private reserved land protected by conservation covenant distributed across 127 titles. This represents 3.6 % of the land in the municipality.

All of this land is included in the Tasmanian Reserve Estate which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. All of this land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's obligations under the international *Convention on Biological Diversity 1993*. All of the reserves are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2020) available at <https://www.environment.gov.au/land/nrs/science/capad>.

The landscape values within these Reserves have already been identified for protection and conservation by both the State and Federal Ministers for the Environment. Details of the natural values are contained in the Nature Conservation Plans which are held by the Private Land Conservation Program in DPIPW. These natural values were 'ground-truthed' by DPIPW or Tasmanian Land Conservancy ecologists when the Reserves were established.

### ***Case for rezoning many of these properties to Landscape Conservation***

Of the 61 properties with Private Reserves mentioned above 3 are owned by the Aboriginal Land Council of Tasmania and 8 are owned by the Tasmanian Land Conservancy, and the rezoning of these properties will be the subject of separate representations.

Of the remaining 50, CLT considers that 13 of the properties, all zoned Rural in the Draft Zone Maps, should have Landscape Conservation Zone applied to them. The other 37 properties were not considered as significant areas within titles on those properties are also used for agriculture.

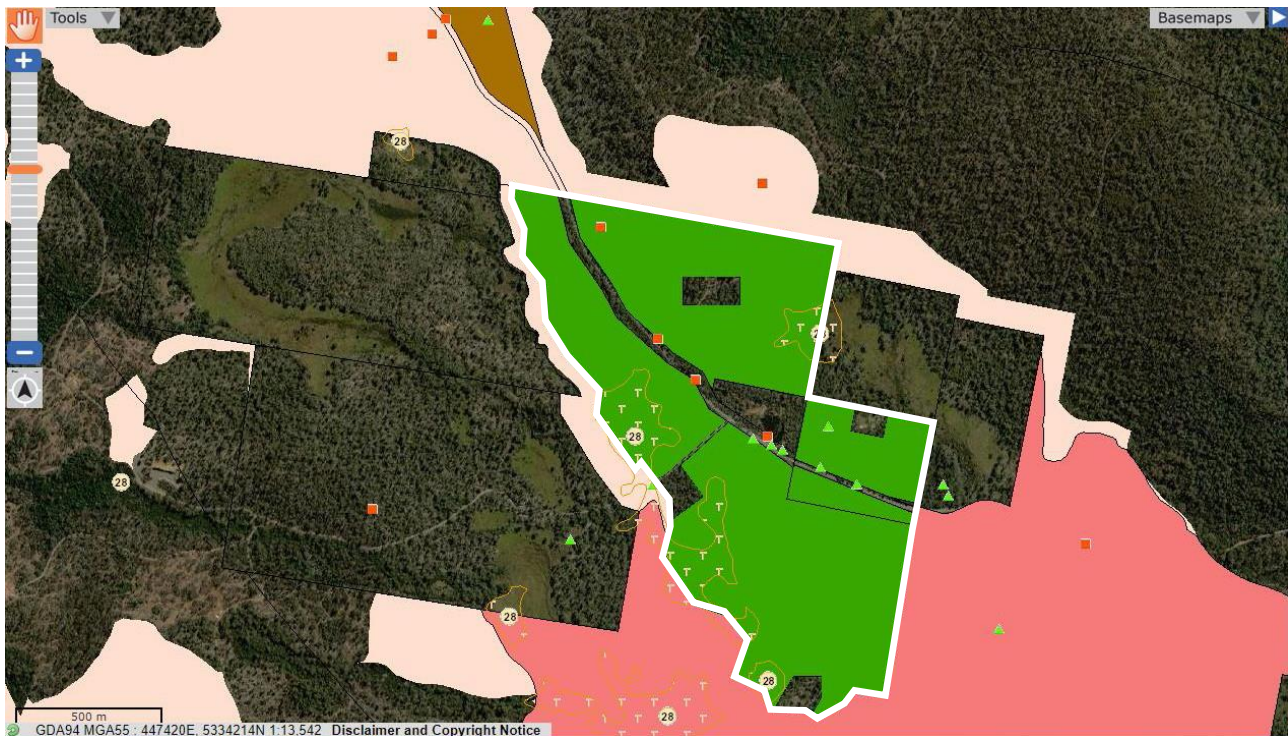
Guideline LCZ1, when read together with Guideline RZ1, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as they contain natural values 'that are identified for protection and conservation' (see Appendix A for the relevant extracts from Guideline No. 1).

Titles that are fully reserved as well as titles that are partly reserved, where the non-reserved part is unsuitable for agriculture, should therefore be zoned as Landscape Conservation.

Details of the 8 Reserves across the 13 properties are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green areas), Threatened Flora Points (light green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers. Where there are adjoining Private Reserves these have been discussed together.

**Bronte Park #1 Reserve** (CAPAD 2020 Row Nos 1271-1273)  
**Bronte Park #2 Reserve** (CAPAD 2020 Row Nos 1274-1275)

Addresses	PIDs	Title Refs	Percent reserved
Lot 1 LYELL HWY BRONTE PARK TAS 7140	3054354	241850/1	93%
LYELL HWY BRONTE PARK TAS 7140	2304227	243948/1	92%



Bronte Park #1 Reserve covers 116.1 ha (93%) of the 124.9 ha Title Ref 241850/1 and Bronte Park #2 Reserve covers 10.6 ha (92%) of the 11.6 ha Title Ref 243948/1. An existing residence is located in the non-reserved area of Title Ref 243948/1. Bronte Park #1 Reserve adjoins a Sustainable Timbers Tasmania Informal Reserve on its north and part of its south west boundary (pale pink) and is 200 m from the 96,404 ha Central Plateau Conservation Area (brown area).

It is proposed that all of the adjoining Title Refs 241850/1 and 243948/1 (white border) are rezoned to Landscape Conservation as the non-reserved parts of the titles are unsuitable and not used for agriculture.

The combined Bronte Park Reserves contain the threatened vegetation community No 28 Highland grassy sedgeland listed in Schedule 3A of the *Nature Conservation Act 2002*. They also contain the vulnerable *Hovea tasmanica* (Hill hovea) and the rare *Hovea montana* (Mountain purplepea) as listed in Schedules 4 and 5, respectively, of the *Threatened Species Protection Act 1995*. They also contain and provide habitat for the endangered *Aquila audax fleayi* (Tasmanian wedge-tailed eagle), *Sarcophilus harrisii* (Tasmanian devil) and *Dasyurus viverrinus* (Eastern quoll) all listed in Schedule 3 of the same Act. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

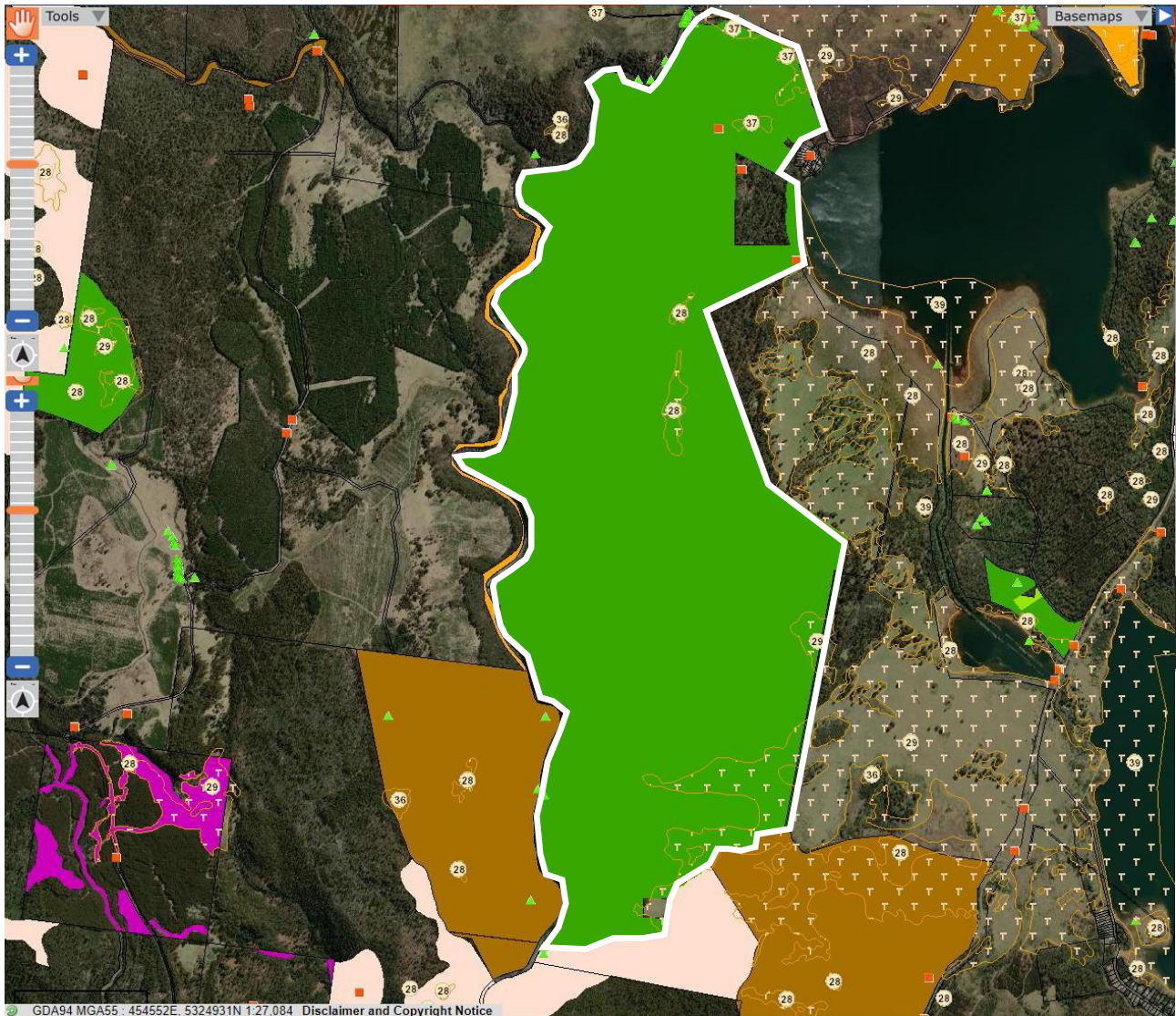


## Cockatoo Hill Reserve (CAPAD 2020 Row Nos 1333-1334)

Address LYELL HWY BRADYS LAKE TAS 7140

PID 1860790

Title Ref 127910/12



The 1240.0 ha Cockatoo Hill Reserve covers 98% of the 1268.4 ha Title Ref 127910/12. There are small non-reserved areas in the north and south of the title. A Reserved Road is located inside the south east boundary of the title. Cockatoo Hill Reserve adjoins the 461 ha Lake Binney Conservation Area (brown area) to its south east and the 250 ha Wentworth Creek Conservation Area (brown area) to its south west.

It is proposed that all of Title Ref 127910/12 (white border) is rezoned to Landscape Conservation as the small non-reserved parts of the title are unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation communities No 28 Highland grassy sedgeland, No 29 Highland *Poa* grassland and No 37 Subalpine *Diplarrena latifolia* rushland listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the endangered *Barbarea australis*

(Riverbed wintercress) listed in Schedule 3 of the *Threatened Species Protection Act 1995*, and also contains and provides habitat for the endangered *Tyto novaehollandiae* (Masked owl) and *Accipiter novaehollandiae* (Grey goshawk) also listed in Schedule 3 of the same Act. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

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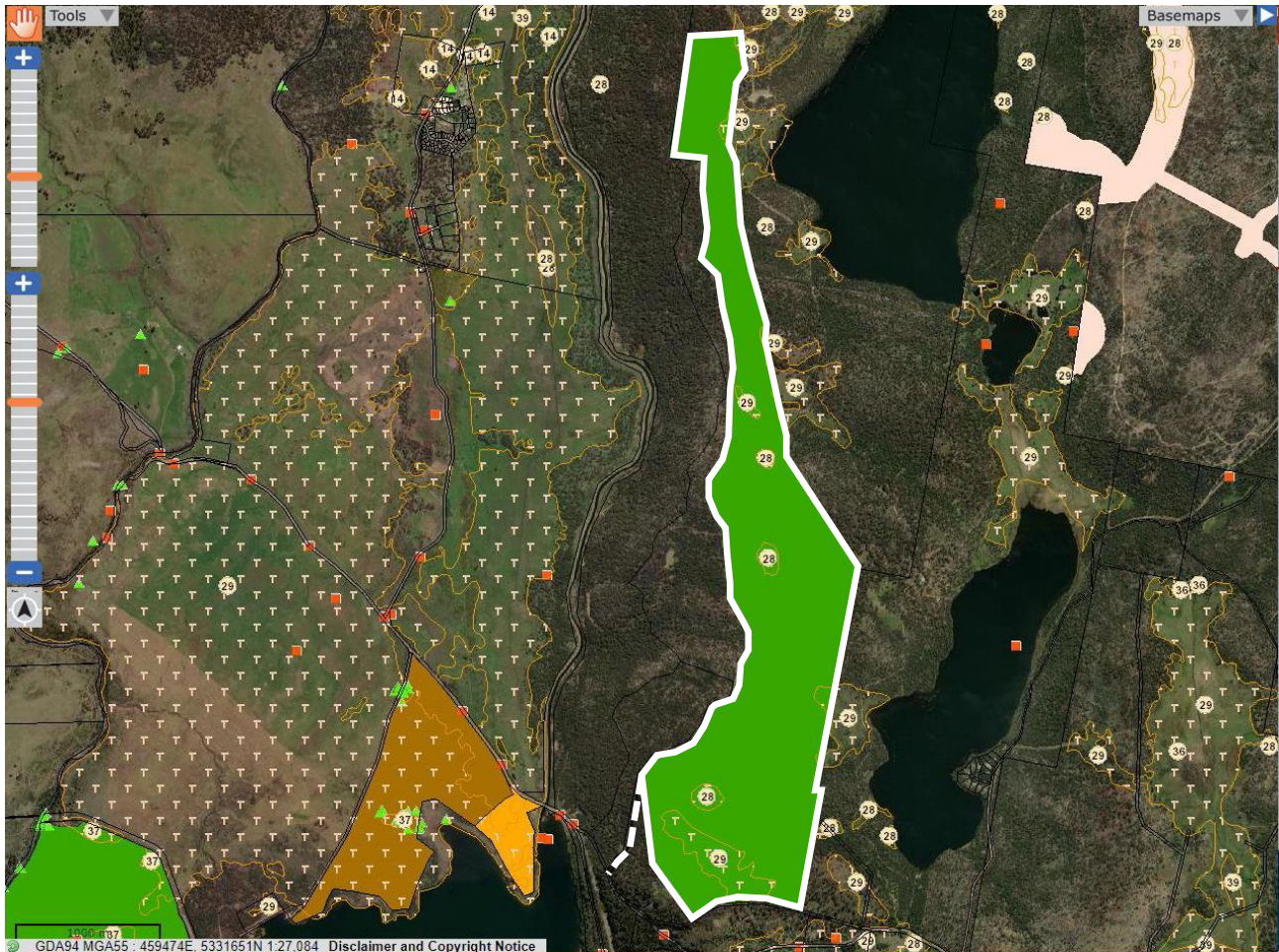


## London Lakes Reserve (CAPAD 2020 Row No 1881)

Address Lot 8 VICTORIA VALLEY RD LONDON LAKES TAS 7140

PID 3210249

Title Ref 164812/8



The 379.9 ha London Lakes Reserve covers 99.9%% of the 380.3 ha Title Ref 164812/8. The 0.4 ha of access track in the south west linking the Reserve to Victoria Valley Road is not reserved.

It is proposed that the 379.9 ha London Lakes Reserve on Title Ref 164812/8 (solid white border) is rezoned to Landscape Conservation with the access track (dashed white line) remaining in the Rural zone.

The Reserve contains the threatened vegetation communities No 28 Highland grassy sedgeland and No 29 Highland *Poa* grassland as listed in Schedule 3A of the *Nature Conservation Act 2002*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.



## Bothwell Reserve (CAPAD 2020 Row No 1247)

Address DENNISTOUN RD BOTHWELL TAS 7030

PID 1853865

Title Ref 126437/1



The 35.3 ha Bothwell Reserve covers 100% of Title Ref 126437/1. A 0.78 ha Domestic Zone is located in the south west corner of the title. The Bothwell Reserve adjoins the 134 ha Tiger Rise Conservation Area (brown area) to its north.

It is proposed that all of Title Ref Title Ref 126437/1 (white border) is rezoned to Landscape Conservation.

The Bothwell Reserve contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by the Reserve are in the Nature Conservation Plan held by DPIPWE.

**Bullock Hills Reserve (CAPAD 2020 Row Nos 1288-1294)**

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
1190 MARKED TREE RD HAMILTON TAS 7140	3268942	166563/1	20.5	16.6	81%
Lot 2 MARKED TREE RD HAMILTON TAS 7140	3268950	166563/2	20.7	18.1	87%
Lot 3 MARKED TREE RD HAMILTON TAS 7140	3268969	166563/3	40.1	27.3	68%
Lot 1 MARKED TREE RD HAMILTON TAS 7140	3264618	166564/1	41.9	39.3	94%
Lot 2 MARKED TREE RD HAMILTON TAS 7140	3264597	166564/2	41.8	38.2	91%
Lot 3 MARKED TREE RD HAMILTON TAS 7140	3264626	166564/3	138.9	132.2	95%



The total area of the Bullock Hills Reserve on the six titles listed above is 271.7 ha. The first three titles in the above list adjoin the 294 ha Pelham West Nature Reserve (dark green area) to their north east. There is an existing residence within the non-reserved part of Title Ref 166563/1.

It is proposed that all of the six adjoining titles containing this Reserve, as well as Lot 1 Marked Tree Road (PID 2820117, Title Ref 152912/1) between the two groups of titles and the short length of Reserved Road in the north west are all rezoned to Landscape Conservation as the non-reserved areas are unsuitable and not used for agriculture.

The Bullock Hills Reserve contains the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 22 *Eucalyptus tenuiramis* forest and woodland on sediments listed in Schedule 3A of the *Nature Conservation Act 2002*. The Reserve also contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plans held by DPIPWE.

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**Gold Hole Gully Reserve (CAPAD 2020 Row No 1657)**  
**Pelham Tier Reserve (CAPAD 2020 Row No 2155)**

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
NICHOLS RD ELDERSLIE TAS 7030	5467371	119278/1	11.6	11.6	100%
SONNERS RD PELHAM TAS 7030	5467400	212268/1	123.7	114.7	93%



Including the part of Gold Hole Gully Reserve on Title Ref 209091/1 in the Southern Midlands municipality (dashed white border), the combined Reserves have an area of 138.8 ha. Both Reserves adjoin the 67 ha Pelham North Nature Reserve (dark green area) and the Pelham Tier Reserve also adjoins the 49 ha Pelham Nature Reserve (dark green area). There is a residential dwelling on the non-reserved part of Title Ref 212268/1.

It is proposed that all of Title Refs 209091/1 and 212268/1 (solid white border) are rezoned to Landscape Conservation zone as the non-reserved part of Title Ref 212268/1 is unsuitable and not used for agriculture and existing Residential Use is Permitted under the General Provisions. Title Ref 209091/1 has also been proposed for rezoning to Landscape Conservation in our representation on the Southern Midlands Draft LPS that was exhibited recently.

Both Reserves contain the threatened vegetation community No 22 *Eucalyptus tenuiramis* forest and woodland on sediments listed in Schedule 3A of the *Nature Conservation Act 2002*. Both Reserves also contain and provide habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Thompson', with a stylized flourish at the end.

John Thompson  
On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125

Email [thompsonjohng@gmail.com](mailto:thompsonjohng@gmail.com)

## Appendix A

### *The relevant Guidelines*

The following are extracts from *Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0)*, June 2018 for 22.0 Landscape Conservation Zone and 20.0 Rural Zone with key words and phrases underlined.

- LCZ 1 *The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.*
- RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*

### *The relevant Q & A from the Planners Portal*

Extract from the 'Questions and Answers Zones – Other' with key phrases underlined.

22/4/2021

**Question** *What is the most appropriate zone for land with a conservation covenant?*

**Answer** *Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.*

*But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.*

*The application of zoning, as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options may be available.*

*Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such*

as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

Where a conservation covenant applies to a small portion of a large landholding that is appropriately zoned Rural or Agriculture or another relevant zone, it may not be appropriate or necessary to apply the LCZ to the area covered by the covenant as the values will be protected by the terms of the covenant, and at the same time be compatible with the wider use of that land.