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Sent: Tue, 31 May 2022 22:59:58 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Submissions to the Draft LPS
Attachments: Submissions to the Huon Valley Draft LPS x 5.pdf

Please find attached a further paper containing 5 brief submissions to the Draft Huon Valley Council Local Provisions Schedule. I understand the deadline for submissions is midnight tonight.

Please acknowledge safe receipt of this and my earlier submission (sent 30 May 2022).

With grateful thanks, Jenny Cambers-Smith



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Submissions to the Huon Valley Draft Local Provisions Schedule

31 May 2022

1. REFERENCE: PID 7609775, 80 MITCHELLS ROAD, CRABTREE 7109

80 Mitchells Road has been zoned 'Rural' in the draft Huon Valley Council Local Provisions Schedule (LPS), however, this submission argues that this decision has been made on outdated data, and that the property should more properly – according to HVC's own criteria – be zoned 'Landscape Conservation'.

According to *Section 8A Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*, the purpose of LCZ is as described in Figure 1.

The *Guideline* continues as per Figure 2:

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.
LCZ 2	The Landscape Conservation Zone may be applied to: <ul style="list-style-type: none"> (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation; (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.
LCZ 3	The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

Figure 2: Section 8A guideline for the application of LCZ



In order to apply LCZ fairly, HVC developed criteria that aimed to meet the purpose and guidelines for the zone. These included '80% native vegetation coverage coupled with the presence of either the Natural Assets or Scenic Landscape Code overlay', plus a 'minimum native vegetation patch of 20ha'. The *TasVeg 4.0* overlay was used to assess the extent of bush cover, but in the case of 80 Mitchells Road is significantly out of date. Figure 3 shows the *TasVeg 4.0* Listmap layer applied to the state aerial basemap. It can be seen that a significant area of bush is omitted from the layer. Figure 4 (overleaf) shows the discrepancy more clearly. It is probable that the bush has regrown since the *TasVeg 4.0* layer and *Priority Vegetation Areas* were first mapped.

Figure 3: *TasVeg 4.0* layer overlaid onto aerial basemap, showing 80 Mitchells Road, Crabtree

- 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.

Figure 1: Purpose of Landscape Conservation Zone

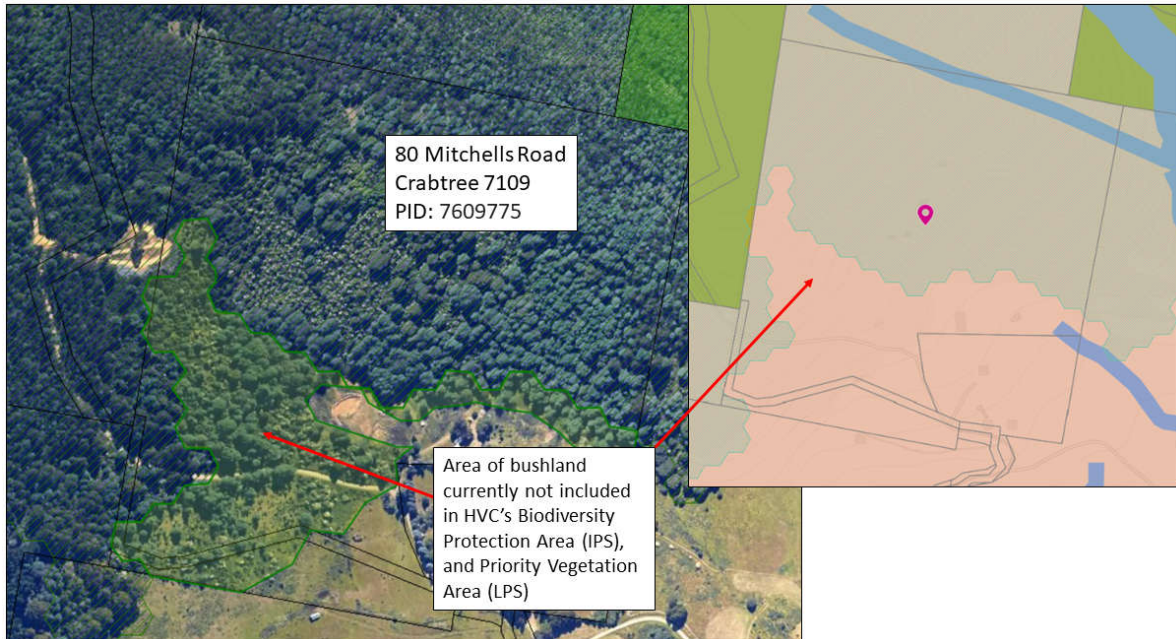


Figure 4: 80 Mitchells Road showing the Biodiversity Protection Area from the Interim Planning Scheme (crosshatched green, left map from Listmap), with a green polygon showing native bush not included in the layers. The right diagram is from the draft HVC LPS.

The author is very familiar with this property as our family has helped the elderly gentleman who lives there to manage his weeds, chainsaw and chop his firewood, and general maintenance tasks. The author has spent countless hours navigating the bushland on this property, spot-spraying and hoeing the highly invasive foxgloves that have been gaining a foothold. We are therefore aware that this property is very biodiverse, with rough terrain and significant bushland, and is completely unsuitable for significant development over and above the existing house, dam and associated gardens and sheds. Spotted-tailed quolls, Eastern quolls, Tasmanian devils and other endangered species live on and in the vicinity of this property. The access road between 60 and 80 Mitchells Road is 4WD only and not maintained by HVC. The road has essentially turned into Jefferys Track at this point.

The landholder, Jerry Smutny, is a signatory to and beneficiary of a Tasmanian Farmers and Graziers Association \$10K grant recently awarded to the author and thirteen other adjoining properties (including the author's property at 56 Mitchells Road), to tackle foxgloves and Californian thistles on a landscape scale. Jerry is keen to restore his property to a native pristine state and we believe would be supportive of this zone change.

For the reasons set out above, this submission therefore requests that 80 Mitchells Road be rezoned in the LPS, to *Landscape Conservation* and that the *Priority Vegetation (biodiversity)* overlay be extended to include the green polygon in Figure 4.

2. REFERENCE: PID 3514840, 56 MITCHELLS ROAD, CRABTREE 7109

56 Mitchells Road is owned jointly by the author, Jenny Cambers-Smith, and husband, Bronte Smith. Our property has been zoned 'Rural' in the draft LPS, owing to much of the property having been historically cleared and currently being grazed as a semi-commercial farming operation. We believe this zoning is the most appropriate, despite our aim to run our property in the most environmentally-sustainable way as possible. However, we wish to request that the *Biodiversity Overlay*, which covers portions of our property, be extended to take in significant wetlands, in addition to the currently identified bushland and riparian corridors.

Figure 5 (below) shows the southern portion of 56 Mitchells Road with the existing *natural assets* overlays (*Biodiversity* and *WCPA*) as per both the Interim Planning Scheme and the draft HVC LPS. The large polygon in pale green is our proposal for an extension to the *Biodiversity Overlay*. Much of this area is extremely wet, fed by significant springs and seepages. The area is home to frogs, bats, bandicoots, dragonflies, praying mantis and a whole diverse range of native wildlife. We wish to ensure this area is protected from inappropriate development into the future, and that the area is preserved for its significant natural values. The preservation of well-vegetated wetlands will become ever more important in the future as they are known to sequester carbon as well as acting as important water stores through drought periods.

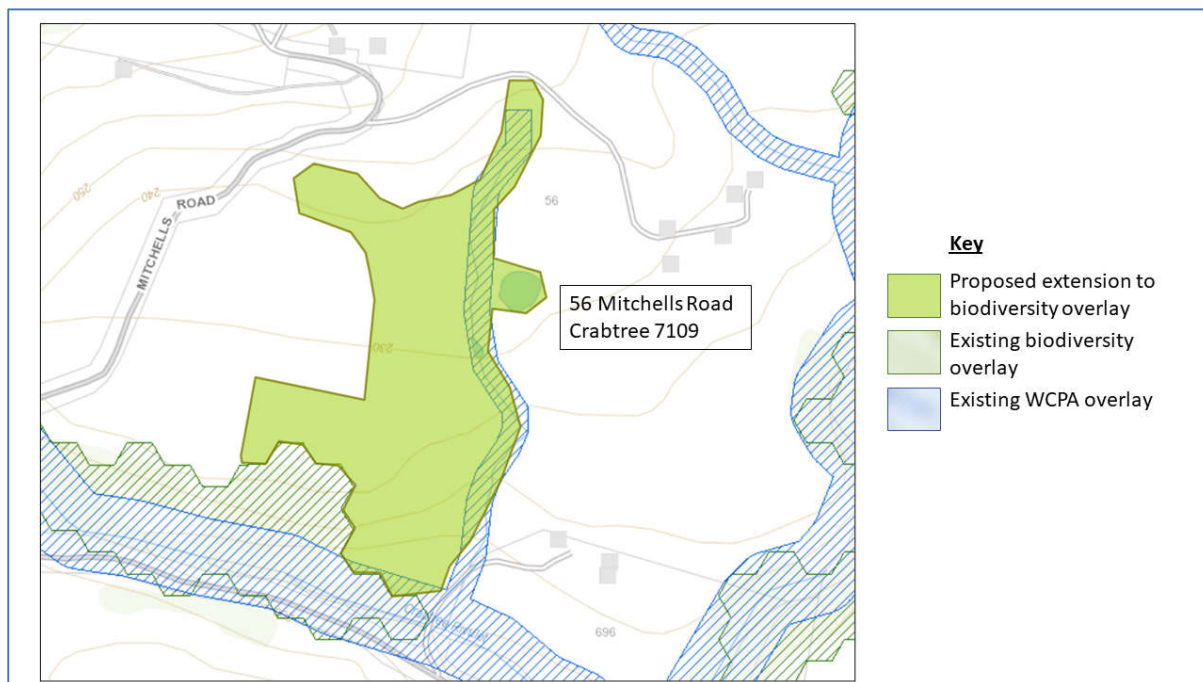


Figure 5: Southern portion of 56 Mitchells Road, showing existing Biodiversity and WCPA overlays, plus a proposed Biodiversity Overlay extension.

Figure 6 (overleaf) is a visual developed for our recent successful grant application to the Tasmanian Farmers and Graziers Association for a \$10K grant to tackle invasive weeds across 14 properties on a landscape scale (comprising 200ha). The figure is relevant as it is overlaid onto a recent Google Maps aerial shot showing extended bushland, new dams and the wetlands referred to above. Our paddocks (within a wallaby fence) cover just 40% of the property, and we do our best to ensure the remaining 60% is managed sensitively for environmental and biodiversity purposes. We have planted around 1,000 trees over the past 18 years, installed new dams, swales, wombat gates and understorey plants.

The author runs TasWildlife, a brand aimed at promoting Tasmania's unique wildlife, monitored on our property by 6 trailcams. A small minority of the 25,000+ video clips collected are edited and published on social media, eg www.youtube.com/c/taswildlife. Major burrows have been identified on the property and are monitored by trailcam. Most recently, another young wombat has been born and a thriving community of wombats and Tasmanian devils, need wildlife corridors and undeveloped land to survive into the future. Spotted-tailed quolls have been observed at various locations and our land remains a haven for Eastern-barred bandicoots, platypus and Eastern quolls. We are regularly visited by raptors including Wedge-tailed eagles, brown falcons, brown goshawks and grey goshawks. We have actively controlled feral flora and fauna including cats, sparrows and invasive weeds. TasWildlife is in the process of collating data for uploading to national biodiversity and conservation databases.

We are members of 'Farmers for Climate Change', and our land is registered as 'Land for Wildlife', as administered by the *Tasmanian Land Conservancy*, owing to its impressive biodiversity credentials.

It is very important to us that as much of the land as possible is preserved and managed sensitively for its natural values for the benefit of wildlife and future human generations.

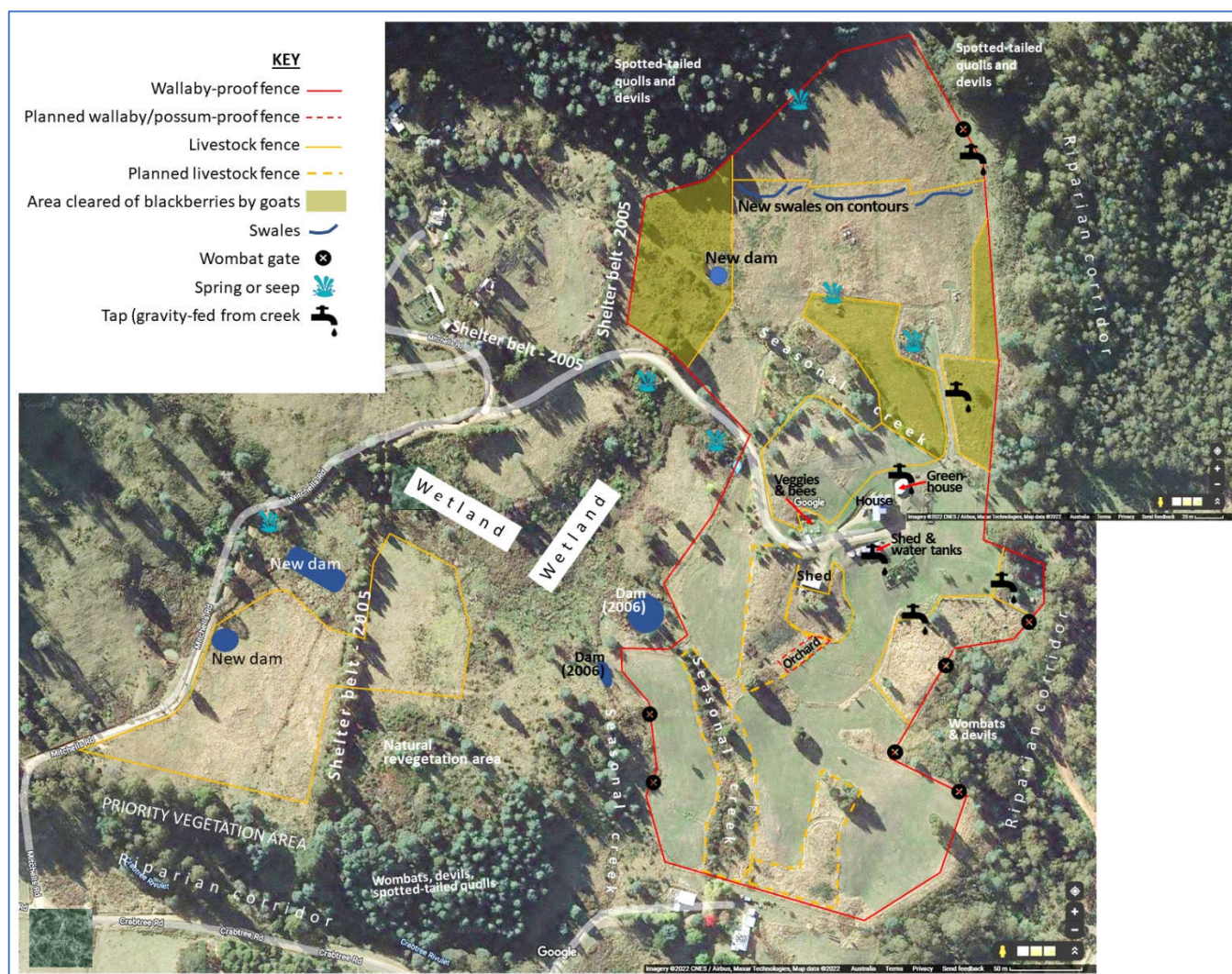


Figure 6: Improvements undertaken on our property (56 Mitchells Road) plus sightings of endangered wildlife.

In conclusion, we request that HVC extend the *Biodiversity Overlay* on our property to cover the wetland areas shown in Figures 5 and 6.

3. REFERENCE: PID 3392222, LIDDELLS ROAD, CRABTREE 7109

This small forested 8.3ha lot (see Figure 7 over page), is tenured by Sustainable Forestry Tasmania and is slated as Future Production Zone. However, it is very much a ‘stranded asset’, surrounded as it is by reserve, covenanted properties (to become LCZ) and freehold properties (LCZ and *Rural* in the draft HVC LPS). While potentially accessible from Jefferys Track, it could never be economically viable to develop even a small section of road to recover and harvest this property, particularly as typical STT coupes are around 70Ha in size. As per guidelines pertaining to state forest, the property is zoned *Rural* in the draft HVC LPS.

It is submitted that this property’s tenure and zoning are both an anomaly, and it should more properly be included within the *Russell Ridge Conservation Area*, which was created in 2009 as part of the Forestry Agreement and creates an essential wildlife corridor between Wellington Park and the WHA to the west. It appears that the omission of this block was an oversight rather than a deliberate excision.

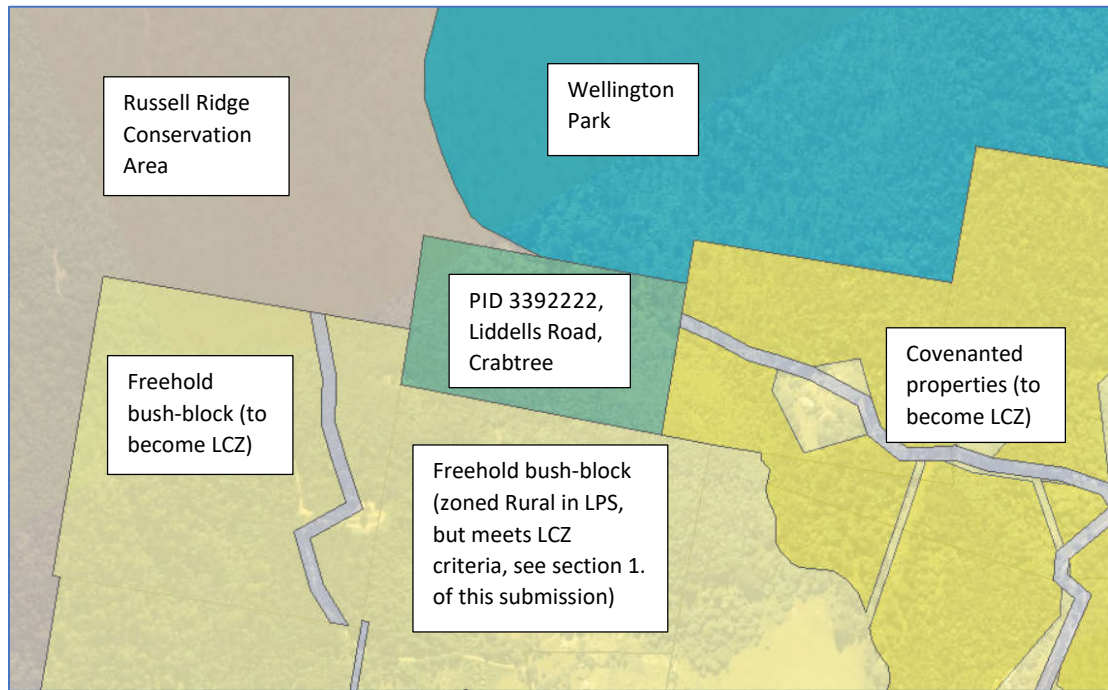


Figure 7: Small STT block (green) which it is submitted should be included within the Russell Ridge Conservation Area as it is an anomaly and a stranded asset.

4. REFERENCE: OPPOSITION TO HUON VALLEY ANTI-LCZ GROUP

The author is opposed to the Anti-LCZ group that has been very vocal in the Huon Valley, led by the fakely-profiled (on Facebook) William Blackstone. I believe their opposition to LCZ is based on misconceptions regarding the nature of the Tasmanian Planning Scheme and a misunderstanding of the zones. They have spread misinformation and have taken upon themselves to send out letters which have unnecessarily frightened people into thinking their properties will become 'National Parks'. I make the following brief points in response to some of the issues they raise in their social media and leaflets:

- The building of a residence is *discretionary* (rather than permitted) in several zones, including LCZ, *Rural* and *Agriculture*. The group implies that it is only LCZ that has this restriction.
- The LCZ zone purpose expressly states that some '*small scale use or development may be appropriate*' in LCZ. Therefore, while residential development is not the priority for the zone, it is still anticipated that low-impact development may be allowed. The same planning hoops an applicant may need to negotiate, exist for both *Rural* and *Agriculture* zones (with different *Performance Criteria*).
- **Existing uses are permitted uses in any zones.** Therefore, any property that already has grazing land, a residence, shed or any other use (that was legal under previous zoning), can continue unhindered. This is quite clear in the wording of the State Planning Provisions:

7.2 Development for Existing Discretionary Uses

7.2.1 Notwithstanding clause 6.8.1 of this planning scheme, proposals for development (excluding subdivision), associated with a Use Class specified in an applicable Use Table, as a Discretionary use, must be considered as if that Use Class had Permitted status in that Use Table, where the proposal for development does not establish a new use, or substantially intensify the existing use.

In addition, under section 7.0 of the SPP, the planning authority may at its discretion ‘bring a non-conforming use into conformity’.

- The group claims that HVC has applied LCZ more widely than any other municipality. I believe this is misinformation. They went so far as to say Kingborough had not applied any LCZ which is clearly untrue. The Tasman Council has applied LCZ to fewer properties than HVC, but properties in that municipality tend to be much larger and therefore are less likely to meet the criteria for LCZ. The Huon Valley has many smaller properties providing its highly attractive patchwork nature. It also has unique natural values, including scenic forested mountains and highly biodiverse wet bushland. It is important that these are protected from over-development into the future.
- The group has been disingenuous about the full range of uses allowed under *Rural* zoning. People are not commonly aware that innocuous sounding terms such as ‘Resource Development’, ‘Resource Processing’ and ‘Storage’ encompass many uses (with reduced setbacks from the IPS), that landowners would rarely wish to have as a near neighbour. Mineral extraction (eg quarries) are also permitted on *Rural* zones. LCZ prevents potentially highly inappropriate developments such as these:

Extractive Industry	use of land for extracting or removing material from the ground, other than Resource Development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.
Resource Development	use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry, forest operations, turf growing and marine farming shore facility.
Resource Processing	use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.
Storage	use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, self storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and woodyard.

- Another glaring omission in the anti-LCZ group’s publicity is that the existing zone for most properties to be transferred to LCZ, is ‘*Rural Resource*’, as defined in the Tasmanian Interim Planning Scheme. It is **already** only *discretionary* for a residence to be built on land zoned *Rural Resource*, therefore changing the zone is unlikely to make it any harder to gain planning permission than at present.
- The criteria set by HVC for assigning LCZ conform to the purpose of the zone and to the *Section 8A Guidance No. 1 Note* for councils. LCZ properties (according to the data accessible to council) have 80% or greater bushland and are **already** subjective to restrictive overlays such as *Priority Vegetation*, *Biodiversity* or *WCPA*. Thus, development is already restricted according to Code and Zone rules, with LCZ unlikely to make much difference to the planning hurdles to be overcome.
- Anyone buying a bush block zoned *Rural Resource* under the IPS, did so at considerable vendor risk, and it would appear this anti-LCZ group is now seeking to offset this risk by opening-up large tracts of the Huon to potentially highly inappropriate development that could drastically alter the character, scenic quality and liveability of our region.
- The group has consistently blamed council for the application of LCZ, whereas council has followed the rules laid down by the State Planning Provisions and associated Guidance Notes. HVC is subject to the same State rules and guidance as all other municipalities.
- The group has preferred to not tell its members that the State Planning Provisions themselves will come up for review, hopefully later in 2022, once all State Planning Policies have been developed. This review will give people a chance to comment-upon zone rules, something that cannot be done through this LPS process. Personally, I think it appropriate that ‘*residential*’ be a **permitted** use for *LCZ*, *Rural* and *Agriculture* zones, providing appropriate *Performance Criteria* are set and met. However, this is not something that HVC can unilaterally enact.

In conclusion I fully support HVC’s application of the LCZ zone in the Huon Valley and oppose the activities of the anti-LCZ group. I strongly submit this group should not be allowed to overturn LCZ zoning made in good faith, in accordance with SPP rules, unless it can be shown that the zoning was allocated in specific instances on incorrect data that don’t support the application of LCZ.

5. REFERENCE: APPLICATION OF A SCENIC OVERLAY AT THE HEAD OF CRABTREE VALLEY

Figure 8 shows that *Scenic Protection* overlays are applied to the steep and lofty sides of the Crabtree Road corridor in both the IPS and the HVC draft LPS:

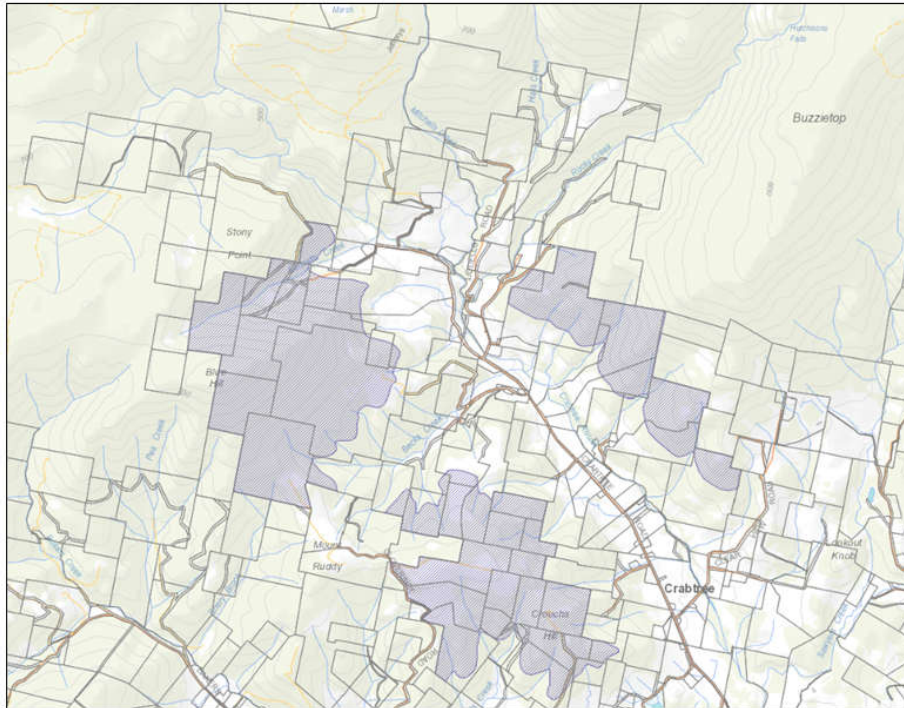


Figure 8: Purple-grey cross-hatched areas are Scenic Protection Areas defined in the IPS and the new draft HVC LPS

However, it seems a large omission not to provide the northern head of the Crabtree Valley with the same level of scenic protection. While some of the impressive mountains visible as one drives up Crabtree Road and side-streets at its northern end (eg Rocky Creek and Mitchells Roads), are protected by them being within state reserves (*Wellington Park* and the *Russell Ridge Conservation Area*), significant portions are wholly unprotected. Unsuitable and unsightly development on these soaring slopes, would truly be blots on the landscape. Therefore, it is proposed that a further Scenic Protection Overlay be established in Crabtree, approximately as shown in Figure 9. Since the author does not access to software to establish sightlines from different viewpoints, the outlines are estimates only.

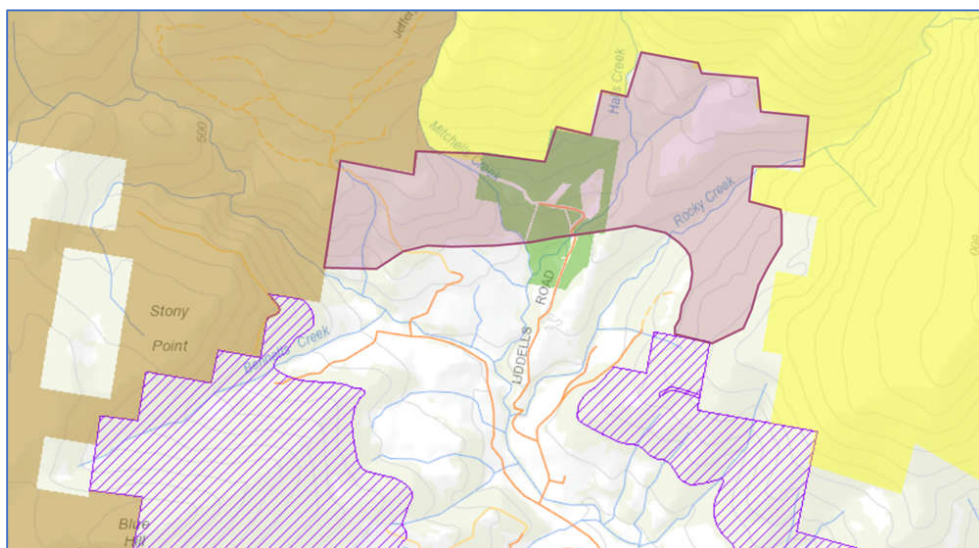


Figure 3: Pale solid purple polygon is a proposed new Scenic Overlay for the northern end of Crabtree. Cross-hatched purple polygons show existing Scenic Overlays. Reserves are kept outwith the proposed new Overlay.

While the Russell Ridge Conservation Area is a state reserve it is categorised in the lowest level of reserve protection. Therefore, it could well be appropriate to extend the Scenic Overlay across into the RRCA as a further level of protection for its scenic and natural values.

To conclude, this submission requests the instatement of a new *Scenic Protection Area overlay* to extend across the impressive slopes visible from the upper reaches of Crabtree Road and side roads, across the northern head of the valley.



The 5 submissions in this paper prepared and submitted by:
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