

From: "Verona McKay" <verona316@gmail.com>
Sent: Tue, 31 May 2022 10:04:19 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Attn: General Manager: HUO LPS Representation Cloverside Rd Title 139382/2
Attachments: 220529 McKay Representation HUO LPS (final).pdf

Good Morning General Manager,
Please find attached representation for our property title 139382/2 Cloverside Rd.
We would like to note that at this time, 31/05/2022 we have not received a letter nor email to notify us of the intention to rezone our property. We found out by chance.
We hope you will consider the information we are presenting.

Regards,
Rebecca and Lee McKay
0400049771
0427810810

29 May 2022
General Manager
Huon Valley Council
PO Box 210
Huonville TAS 7109

Dear General Manager,

RE: Representation for the Huon Valley Council’s advertised zoning of Title 139382/2, on Cloverside Road.

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Executive Summary

Our names are Lee and Rebecca McKay and we are the owner of the following property – Title 139382/2, on Cloverside Road (Figure 1). The following is our representation in objection to the proposed Landscape Conservation zoning assigned by the Huon Valley Council (herein HVC) as part of the advertised draft Local Provisions Scheme (LPS) submission. We believe that the more appropriate zone of **Rural** should be applied because the said property does not meet the Landscape Conservation Zone criteria but meets the criteria for Rural Zone under State Planning Provisions – Tasmanian Planning Scheme 2020 V3 (at as 19th February 2020) (TPS) which supports the Southern Tasmania Regional Land Use Strategy 2010–2035. Specifically, the Rural Zone criteria corresponds with my land characteristics, surrounding similar zoned folios, historical use and alteration of the land, and recognised land improvements. Further to this the “Overview Assessment” in Table 1. which the TPC applies to decide zoning based on the information contained in a representation as follows indicated that “like for like” is a part of the assessment:

Table 1. Overview Assessment used by the TPC to decide zoning during a representation under the new planning scheme - Tasmanian Planning Scheme 2020 V3 (at as 19th February 2020).

Snapshot

To assist provide an overview of the requirements each representation has been summarised using the table below, and where required, explored in further detail.

Overview assessment	
Is the representation consistent with:	Yes/No/NA
the STRLUS	
State Policies	
the Guidelines	
TPC Drafting Instructions/Practice Notes	
Local Strategy/Policy	
a "like for like" conversion of the CIPS2015	
Natural Justice issues	
Does the representation relate to the drafting/content of the SPP's?	
Does the merit of the representation warrant modification to the exhibited LPS?	

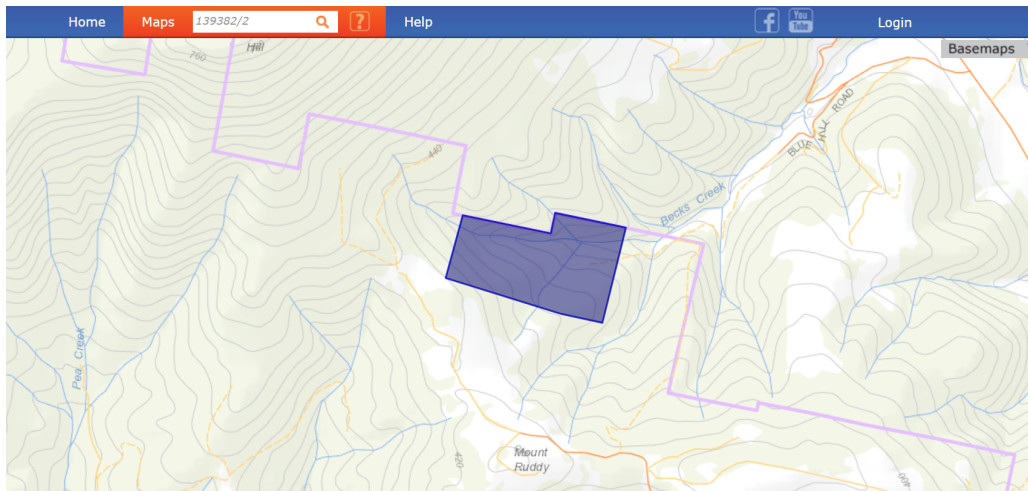


Figure 1. Property location taken from TheList – CT 139382/2, on Cloverside Road.

Given that we were not formally notified by the Huon Valley Council regarding the changes to zoning of our property and found out by chance two weeks prior to final submission at of 31st of May 2022 and recognising the anomalies with the zoning we refute the zoning of Landscape Conservation Zone and prove that Rural Zone is not only more appropriate for the property as its primary use is not for conservation of landscape and natural values (these values are already protected under various Acts mentioned below and protected under the Natural Assets Code). The LCZ sets natural values as a precedence over residential and rural living but that the LCZ is not fit for purpose on any land title in the Huon Valley unless a title is already under some form of reserve system or if it is in consultation with the landholder. It must be recognised that the modelling conducted – Regional Ecosystem Modelling (REM) is a proprietary tool that is inaccurate, and the council cannot update it, it must be done by the owner of the model who is now retired. In addition to this there are already mechanisms in place that protect the natural values of my property and therefore the LCZ not only inappropriate but unnecessary.

We also wish to note that there has been no Natural Justice in the TPC process of implementing the planning scheme – many people in the valley including ourselves have either only recently found out about the rezoning or still do not know due to the lack of council initiative to send out letters to all ratepayers. Many people cannot afford a planner at short notice, cannot get a planner in this limited time or do not have the time now to undertake self-written representation. The way the TPC applies

the implementation process is poorly consultative and many who live in our municipality may not use social media to access information or the world wide web.

We reserve the right to present this evidence to support the case for the comparable Rural Zone based on the assessment criteria in Table 1 and the “like for like” argument among all the other criteria you will find that is comparable with Rural Zone and incomparable with the Landscape Conservation Zone. Any information on the Priority Vegetation Report is not validated and not accurate. Furthermore, our property has no evidence of threatened species existence and no evidence of threatened vegetation communities. We consider the rezoning in the absence of any identified values that are not already protected by legislation under the RMPS and the Scenic and Natural Assets Codes (See Table 3). Our property was already subject to this under Rural Resource which is comparable with *Rural Zone* not *Landscape Conservation Zone*.

More detail on the misappropriated Landscape Conservation Zone will be provided in the following sections. It is considered that rezoning isn't in accordance with the TPC's Section 8A of the Guideline No. 1 Local Provisions Schedule (LPS): zone and code application. Based on the arguments in this executive summary and the arguments set out in detail below the representation opposes the proposed Landscape Conservation Zone as indicated in the draft HUO-LPS. The property in question should have the property retained values of Rural Resource zoning by applying the “like for like” transition from Rural Resource under the IPS to the Rural Zone under the Huon Valley LPS.

It is important to recognise that we have a Resource Management and Planning System that protects our natural values. These values are already protected by legislation and regulators such as:

Nature Conservation Act 2002

Forest Practices Authority

Environmental Protection Agency

Tasmanian Threatened Species Protection Act 1995

Environment Protection and Biodiversity Conservation Act 1999

Nature Conservation Amendment (Threatened Native Vegetation Communities) Act 2006

Environmental Management and Pollution Control Act 1994

State Policies and Projects Act 1993

Placing further provisions for conservation of this land is not validated and inaccurate on landholders under the LCZ is not necessary especially when the conservation values are inaccurate.

An Overview of My Property and Future Development

Our property is currently zoned as 26.0 *Rural Resource* under the interim Huon Valley Planning Scheme 2015 as per the data on LISTMap. It is a previously logged and undeveloped block of land that we wish to build a dwelling and associated sheds/storage on. The property has several overlays present including Landslip Hazard Area, Waterway and Coastal Protection, Bushfire Prone Areas (whole property) and Priority Vegetation Area (whole property). The topography of the land could be described as moderately sloping and flattening out to the east. It is covered with open understorey of about 50% rough pasture and the remaining 95% is 1967 stringy bark regeneration as indicated by TasVeg 4.0 – WOB: *Eucalyptus obliqua* wet forest (Figure 2).



Figure 2. Top: Young stand of *Eucalyptus obliqua* dry forest (DOB) evidence here by photograph and also on LISTMap TASVEG 4.0. There is also some *E. obliqua* wet forest in northwest corner of the property (WOB).

The *Eucalyptus obliqua* dry forest (DOB) regrowth with large patches of cleared understorey are solid throughout the property although there is mention of *E. globulus* wet forest (WGL) this is inaccurate, does not reflect TASVEG 4.0 nor what is evident on this title. The intention is to continue to maintain the vegetation around an area cleared for house and shed for maximum bushfire management and convert some of the DOB regrowth back to rough pasture for gardens and livestock.

Responding to the proposed Landscape Conservation Zoning under the new Tasmanian Planning Scheme (effective 2019)

Ultimately three key areas of evidence are presented here to show that the LCZ is in contradiction with how we wish to manage the land which we purchased as RR and has now gone to a proposed zone LCZ that is in contradiction with how we wish to live and is also based on inaccurate data:

- Inaccuracy of the Priority Vegetation Area (PVA) overlay applied by the HUO LPS with no verification of my property's natural values
- Contradiction with the LCZ on past and current land use
- No natural justice has been undertaken in the process with TPC or the HVC

- The PVA is based on extent in bioregion that is not reserved but should then be applied to the landholder to carry this conservation liability. The statement regarding the amount of priority vegetation that is not under reserve is also not valid due to the inaccuracy of the data and the modelling.

We have spent a lot of time searching for a document that outlines what criteria the council believed our land met when applying the LC Zone and overlays. We were told that there was a decision process made in a general sense during one of the sessions held by the HVC on March 18th 2022. Given the lack of specific criteria of the LC Zone applicable to our property that we are aware of, we will address the council’s comments that are found in Table 12 of LPS-HUO-TPS Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule Nov 2021, p41-42.

Table 12

Zone Application Guidelines	Comments
<p>LCZ 1 <i>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.</i></p>	<p>The application of 80% native vegetation coverage coupled with the presence of either the Natural Assets or Scenic Landscape Code overlay as the first level of selection meets the intent of this guideline in that most of the property is constrained but there may be some potential for small scale use or development.</p> <p>A significant portion of the properties selected are located on the vegetated scenic hill slopes that characterise the Huon Valley. These areas have been spared from historical clearing due to being considered suboptimal for agriculture.</p> <p>The analysis of 'large areas of native vegetation' was attributed to a minimum native vegetation patch size of 20 ha. This links directly with the LCZ use standard 22.5.1 P1 minimum lot size of 20 ha.</p>

LCZ1

The Priority Vegetation Area mapping used by the HVC covers a whole swathe of vegetation that is not a priority and certainly not a threatened vegetation community. The data is old and inaccurate and stating that vegetation is present in reserves < 30% in the bioregion which is why it is listed will also be inaccurate. Coupled with the lack of natural values assessment for the property, it must be agreed that no such accurate data exists to be able to understand our property’s natural values. There is no scenic overlay. The land has a history of being disturbed as per Figure 2. Also my property is under the 20 ha size.

<p><i>LCZ 2</i> <i>The Landscape Conservation Zone may be applied to:</i></p> <p><i>(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;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p>	<p>Addressed by ensuring properties contain the Natural Assets Code overlay. The Huon Valley Natural Assets code is based on the 'Regional Ecosystem Model' which selected priority vegetation patches based on a range of criteria including, threat status, threatened species habitat, relative reservation, local scale fragmentation, and relative rarity.</p> <p>It is important to note that modelling is based on best available data. Portions of the Huon Valley, especially those with limited road access or in remote areas, have had limited sampling and are somewhat data deficient.</p> <p>The Huon Valley is privileged to have a high diversity and abundance of threatened species, placing additional importance on protecting not only core habitat areas but natural ecological corridors between them that allow for species dispersion.</p>
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LCZ2

Both Council and LISTMap admit to TASVEG 4.0 mapping being indicative in most cases at best. This is true of our land and all priority/threatened flora, listed in the Huon Valley Council's report. TASVEG 4.0 indicates our property is DOB not WGL as the council has noted in the Priority Vegetation Report. There are also no threatened flora or fauna records on my property.

Speaking to all LCZ 2 comments, HVC have not provided sufficient data to support their additional claims within the Priority Veg Report and LCZ zoning and associated overlays should not be applied in the absence of such data.

<p><i>LCZ 3</i> <i>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.</i></p>	<p>This was addressed by using the following selection criteria to select LCZ suitability:</p> <ul style="list-style-type: none"> • Three or more adjoining properties • Borders existing Environmental
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	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> • If less than three adjoining properties, the total area of these properties is at least 20 ha.
<p><i>LCZ 4</i> <i>The Landscape Conservation Zone should not be applied to:</i></p> <p><i>(a) land where the priority is for residential use and development (see Rural Living Zone); or</i></p> <p><i>(b) State-reserved land (see Environmental Management Zone).</i></p>	<p>Formally reserved state land was removed from the property selection.</p>

LCZ3

There are six titles that share the border of our property that are Rural Zoned (Figure 4.). In the interest of preventing spot-zoning and noting that our neighbouring proposed LCZ titles are also putting in a representation the arguments around our property also being more representative of Rural Zone under the new planning scheme the LCZ should be changed. Our property does not border any existing or Environmental Management or Environmental Living properties intended to

transfer to LCZ – we all have similar lifestyles of living in balance with the forest and wanting to be self-sufficient by farming some of the land, therefore property development and use is most suited to Rural Zone. Given the statements above against the LCZ3 criteria the property is not suited to LCZ and is most like my neighbours which is zoned Rural (Figure 3).

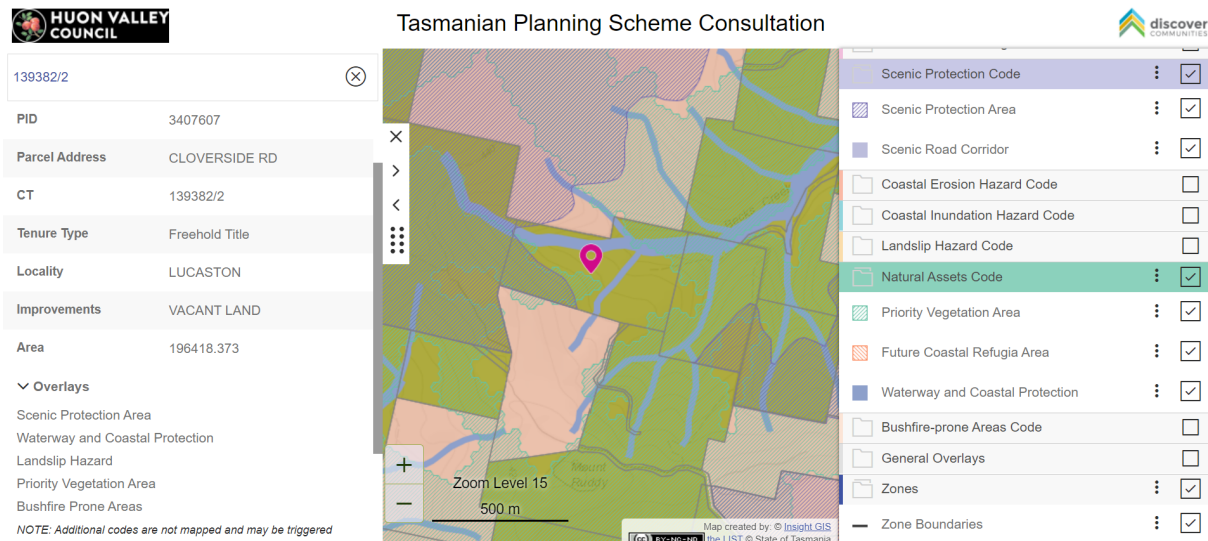



Figure 3. Map taken from the Huon Valley Planning Scheme Consultation Interactive Map with Codes.

LCZ4

As per LCZ4 the property was not formally a reserved State land and the Rural Living Zone is not sought in this representation; however, the LCZ should not be applied to Rural Zones either and given that our property was Rural Resource under the Interim Planning Scheme 2015 the most appropriate zone to this is Rural Zone as two titles you will see that border my property are zoned and have very similar properties and lead a similar lifestyle with a similar amount of development and future development.

Our aim is to build a small home and gardens in existing clear spaces, reestablish some of the overgrown pasture for small livestock, for pens and enclosures for the rehabilitation of orphaned and injured native wildlife and to protect large areas for the future. Additionally, we wish to undertake reinstatement of overgrown fire tracks leading into Crabtree which will aim to ensure a safe way of exit for ourselves, for our neighbours and to act as firebreaks in the event of a bushfire. We have worked towards purchasing this block for many years and have been to proud owners for six months. We aim to live a lifestyle that enables us to raise our children with minimal environmental impact and instill in them strong environmental and ecological values, understandings, awareness and vision for preservation.

Response to Section 8A Guidelines for Rural Zone - Guideline No. 1 Local Provisions Schedule (LPS): zone and code application

<p>20.0</p> <p>Rural Zone</p>  <p>Red 228, Green 172, Blue 144</p>	<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and</p>	<p>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</p> <p>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</p> <p>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</p>
<p>Zone</p>	<p>Zone Purpose</p> <p>does not compromise the function of surrounding settlements.</p>	<p>Zone Application Guidelines</p> <p>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>

RZ1

Much of the area can be described as Rural which is why titles on this road have been zoned Rural. There is a wide range of uses on our property, from establishing a beautiful rural lifestyle, running a small number of livestock, vegetable gardens, utilising overgrown pastures for growing fruit and hardy crops, rehabilitation pens for wildlife- that meet the Rural Zone criteria. The property has limited agricultural use due to areas of steep slopes, particularly around Beck's Creek (this area is to be preserved), poor, rocky, minimal top soil in some areas due to the property having been logged in the past and areas of landslide potential, particularly if cleared too much. It is suitable for running light numbers of livestock and hardy crops. The natural values of the property have been discussed in the case against LCZ and due to the inaccuracy of the data it is known that the land is not more appropriate to LCZ, it is with respect to its topography, existing development and utilities defined as a Rural Zone.

RZ2

The land is not suitable to agriculture due to areas of steep slope, areas with poor, rocky, minimal top soil, areas of older Wattles- the majority of which are nearing the end of their life cycle, in time these will fall and potentially create new areas for pastures or for natural species regrowth and regeneration. Some areas show strong evidence of having been pastures in the past. These remain somewhat green and can be reclaimed from bracken fern with some work. Good pastures are possible and good soils are evident in parts. It is possible with some efforts to reestablish what had been cleared pasture in the past to pasture again. We aim to reclaim a few acres in a previously cleared area for our home and small farm.

RZ3

My property has limited agricultural use and is not integral to the management of a larger farm holding within an Agricultural Zone. We have been working to clear bracken fern and reestablish the existing areas of pasture and clearings for future use, for running a small number of livestock and to

build a permanent dwelling for our family. We have begun working to set up gardens, making the most of the existing old clearings and reclaiming pasture.

Summary

Moving from the Landscape Conservation Zone to the Rural Zone is the most appropriate outcome because it meets the criteria for the Rural Zone and not the criteria for the Landscape Conservation Zone. The property is rural and being used for rural purposes – to build a small, low impact home for our family, to run a small number of livestock, to grow fresh produce and to live a green, low carbon existence, instilling environmental values in our children. We aim to enable our children to grow a strong connection to, knowledge of and understanding of their land and home, the flora, fauna, interconnections and interdependence of different cycles and systems in their environments.

Our family has worked towards purchasing this block for many years with the intention of building a home, complementing the lifestyles of our neighbours. We were able to purchase our property six months ago and have long term dreams for our family on this land. We aim to protect as much of the natural beauty of this piece of land as we can and preserve it for the future. Additional layers of protections are not necessary.

The property at Cloverside Road – CT 139382/2 has no records of threatened species, is under 20 ha and is not priority vegetation according to TasVeg 4.0 (it is DOB). Given the inaccuracy of the Priority Vegetation Area overlay and the way this model takes an expansive view of only “possible” issues, it proposes an overlay constraint on our land which is unnecessary.

The rezoning of my property to LCZ is fundamentally not in accordance with the TPC’s Section 8A Guidelines No.1 LPS Zone and Code application Guidelines. For this reason, this representation is in opposition of the proposed LCZ under the draft Huon Local Provisions Scheme. Applying like for like for the assessment, this property is more appropriately zoned as Rural (Huon LPS) having changed from Rural Resource under the Interim Planning Scheme 2015.