

27 May 2022

68 O'Hallorans Road
Geeveston 7116

210

General Manager
Huron Valley Council
PO Box 210 Huonville
TAS 7109

Dear Mr Browne,

RE: Representation for the Huon Valley Council's advertised Landscape Conservation Zoning applied to O'Hallorans Road Geeveston (PID 3167244, CT 153917/1)

Property O'Hallorans Road, Geeveston (PID3167244 / CT 153917/1)
Purpose Change zoning from Landscape Conservation to Rural Zone

We, Helen and Mark Jessop, owners of the above property, would like to submit the following representation that objects to the proposed Landscape Conservation Zone (LCZ) being applied to Lot 1 O'Hallorans Road Geeveston (PID 316724) - here after referred to as O'Hallorans Rd.

The land is currently zoned Rural Resource. LCZ has been applied due to the use of the priority vegetation overlay and a Regional Ecosystems Model (the REM) that we believe generally over represents habitat and which Council Officers have acknowledged as likely to be incorrect. The Priority Veg Report lists its finding reliability as "variable" to "extremely variable". Council staff using inaccurate GIS models rather than making a detailed physical assessment has resulted in staff failing to make the best "like for like" zoning decision. We argue that the use of deficient data, a faulty assessment of the land potential and over reliance on models resulted in the decision to incorrectly zone our 75ha farm as Landscape Conservation Zone. Our analysis firmly places the property in the Rural Zone. This process lacks procedural fairness for us, the current owners.

RECOMMENDATION

1. The HVC accepts that the zone best applied to O'Halloran's Road (PID 3167244) is Rural.
2. HVC modify the LPS zoning from Landscape Conservation to Rural Zone.

SUMMARY

Under the Huon Interim Planning Scheme this 75ha farm is currently zoned Rural Resource. We believe a like for like zoning under the new Scheme would be Rural. Rather the LPS proposes the Landscape Conservation Zone (LCZ). When asked (on 20/2/22) the reason for proposing LCZ, the HVC replied 18 days later by unsigned email (on 10/3/22) that:

Your property has 82.3% native vegetation. This vegetation is likely to be habitat to threatened fauna. It also has mapped scenic features (hilltop or ridgeline). A significant portion of the native vegetation community is listed as threatened (Eucalyptus tenuiramis forest and woodland on sediments).

We contend that the property is largely farm land with some regrowth vegetation - which is already well protected by Natural Asset (waterway) overlays, Scenic Protection overlays and the difficult topography that makes it uneconomic to further develop. The property has been logged since the 1850's.

There is some habitat we are conserving, but this happens as much due to physical issues above. An on ground survey found no *E. Tenuiramis*. The main eucalyptus species are common Stringy Bark (Tas

Oak) or *E. Obliqua*, some White Gum or *E. Viminalis* and fewer *E. Ovata* (which is largely contained on lower/damper areas and slopes). Both *Viminalis* and *Ovata* are threatened species.

We contend that the Tas Veg overlay applied to O'Hallorans Rd is largely inaccurate and has not been ground tested nor effectively updated. It significantly over reports the range and extend of the threatened species. The Biodiversity Protection Area overlay (based on the Regional Ecosystem Model - REM) is also lacking and covers large areas of cleared pasture based on overly inclusive habitat assumptions. We argue that the unpublished assumptions of the REM are overly inclusive, not developed for the Huon Valley and are seriously dated and not maintained by its developer. It contains an unreported number of errors - for instance an associate has found the raptor nest exclusions to be excessive (not 100m as recommended by the state but 500m). We contend that the Council staff should not rely on the assumption of REM or its accuracy when first hand observational data is presented - as we will do in this submission.

The HVC email (10/3/22) also stated "*it is recommended to seek the professional advice of an independent planner who will give you more insight about what specific provisions mean for your property, and should you choose to make a representation, what information is needed to support that*". We believe that such a recommendation by the Council is an unreasonable burden on rate payers where Council has failed to consult widely with its constituents. We approached 3 planners - two effectively refused and one charged \$400 to give a proposal. The overall fee proposed for the work we required would come to in excess of \$15,000-20,000.

We are making this submission without representation. However we draw on Mark's experience as a farmer, past president of the Huon Agricultural Society, convenor of the Huon Small Farms Expo, owner of a food brand, his academic role lecturing in Agri-business Marketing at Muresk Institute of Agriculture (Curtin Uni) and 10 years as a marketing and business consultant. We reserve the right to seek independent professional advice at any point in this process.

This submission will show:

LZ1 Guideline not followed	The HVC assessment of the property is in error and the property does not meet the LZ1 criteria of 80% native vegetation coverage.
Rural Zone for O'Hallorans Road is consistent with past, current and future use	The May 2017 Agricultural Land Mapping Project lists the block as "Potential Unconstrained" Agricultural land. The block presents opportunity for activities such as viticulture and various high value products. There is opportunity to irrigate from the Kermandie River.
Consistent Zoning patterns are preferred within neighbouring blocks	The neighbouring blocks along O'Hallorans and Scotts Rd are Rural or Agriculture.
Like for Like transition not applied	An assessment against the Rural Zone criteria is a better fit. The zoning as LCZ also goes against the broader community interest and strategic intent in STRLUS of maintaining larger more viable farming blocks in the Huon
Priority Veg Report - has not been ground tested and is wrong	Images and descriptions are provided to show that the Priority Vegetation report is wrong.
Threatened species can be protected without Zoning	Any conservation / landscape values are well protected without this zoning by topography and Code overlays

We believe that the proposed change to LCZ represents a fundamental and ideological change in the land management practices that are allowed in the current zone. It will render our (and future) farming operation significantly less viable. This is a significant "down zoning" for our purposes.

LEGISLATIVE AND POLICY FRAMEWORK

We strongly believe that farming and conservation hold many common objectives and as land managers we must manage both our farm land and land that contains natural values. However, as farmers we recognise we work in a framework that has a Resource Management and Planning System that protects 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 restrictions on our land under the LCZ is both unreasonable and unnecessary.

We believe that Huon Valley Council has previously recognised this when in May 2019 they made a commitment in Council to apply the LPS "like for like" and identified that 26.0 Rural Resource was most appropriately transitioned to 20 Rural or 21 Agriculture zoning. While this decision was overturned we believe that the intent is most appropriate and relevant to our situation.

We have reviewed the Planning Reform web site and found Fact Sheet 4 on Rural and Agriculture helpful. In the opening paragraph it states: "*The Tasmanian Planning Scheme includes two zones for managing our rural and agricultural areas, the Rural Zone and the Agriculture Zone. These zones are a recalibration of the Planning Directive No. 1 (PD1) Rural Resource Zone and the Significant Agriculture Zone*". It is our belief that the original drafting of the new Planning Scheme intended that the vast majority of Rural Resource zone would find its way to either of these two new zones. Nowhere in this Fact Sheet is Landscape Conservation mentioned.

As we have researched this issue we have found that many councils, with scenic equal beauty to the Huon, have not commonly applied, LCZ - and even sparingly if at all. Where Huon has applied it to 13% of titles, I understand the Central Highlands have not used it, Tasman only 50 times, Dorset Council has limited Scenic overlay and only 20 LCZ lots and Derwent Valley only used it for less than 2% of titles. Why are people interested in farming in the Huon been treated differently?

Mark was on the Huon Agricultural Society Committee for 10 years and President for 3 of them. We started the Huon Small Farms Expo as we believed that there was strong interest in rural and agricultural activities in the Huon. It ran for 3 years (pre-COVID) and had around 2000 people attend each year to talk to other small farmers, retailers and various associations. He was also involved in the establishment of the Huon Producers Network which brought together a range of people interested in sustainable food production and other rural activities.

The Huon has been rural and wishes to preserve its rural culture as an important component of its identity.

A like to like conversion from Rural Resource to rural is the most appropriate move for the Huon. The Huon has very limited large scale agricultural land (unlike say the intensive farm areas of the NW Coast) but we do have many areas suitable for rural (farming) activity.

The Council's Huonville/Ranelagh Master Plan (2019) notes that 'Recently more specialised apple industry, salmon farming, the wine industry and other intensive farming operations such as berries, have seen a resurgence in Huonville's agricultural prosperity'.

The Rural Zone could well have been created with diverse regions like the Huon in mind. The fact sheet makes this compelling argument:

"The Rural Zone provides for all agricultural uses to occur in conjunction with a range of rural businesses and industries. The Rural Zone importantly acknowledges that significant areas of Tasmania's rural land provide a variety of other activities beyond agriculture, all of which significantly contribute to Tasmania's economic growth."

By contrast the LCZ zone is designed with the sole purpose of limiting use and we believe is fundamentally opposed to farming, whereas the Rural zone encourages it.

Whereas Council staff have been telling the public and Councillors that LCZ is not at all incompatible with resource development the governments own Fact Sheet 4 outlines what some of the critical differences (and benefits) of Rural Zone are:

- providing significant exemptions from the need to gain planning approval for agricultural buildings and works;
- reducing setbacks for agricultural buildings such as sheds to ensure that land is not sterilised by the need to put a shed in the middle of a paddock.
- supporting Tasmania's rural entrepreneurs by providing for diversification and value adding of agricultural uses and supporting Tasmania's renowned 'paddock to plate' and 'paddock to gate' experiences;
- not restricting processing facilities such as wineries by dictating where produce can be sourced for processing thereby making businesses more sustainable into the future;
- providing contemporary and practical planning rules, in particular the recognition that land size is not the key to success of agricultural industries;
- not dictating what farmers grow and how they grow it;
- achieving a balance between development control and allowing industry, business and communities to flourish with minimal regulation.

Importantly the sheet states "Both the Rural and Agriculture Zones provide a clear pathway for agricultural uses, with uses largely being No Permit Required". This is the opposite to LCZ!

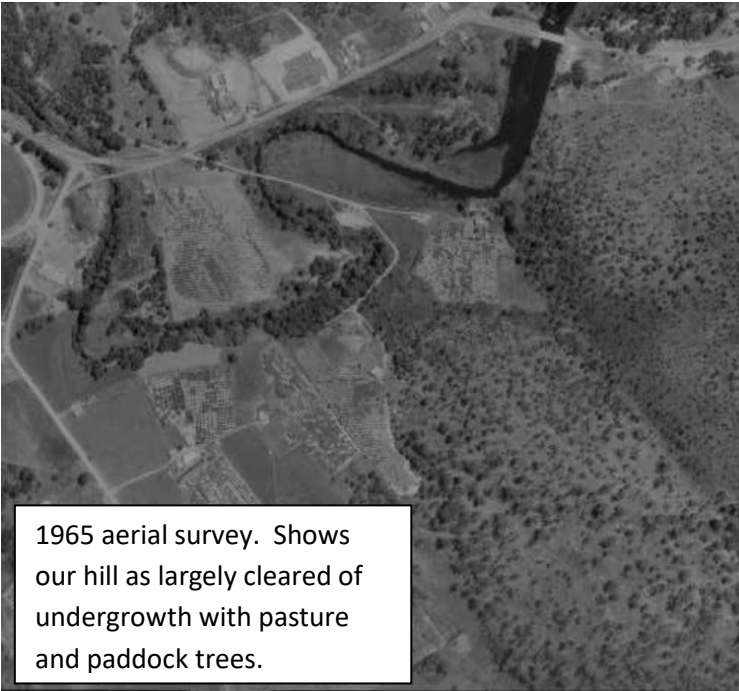
We also ask you to consider whether the Council has meet the Objectives of the Resource Management and Planning System of Tasmania as defined in the [Land Use Planning and Approvals Act 1993](#), particularly:

Act	Observation
1(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	We feel the HVC LPS process has prioritised ecological consideration over a sustainable resource development opportunities.
1(c) to encourage public involvement in resource management and planning	The level of community consultation in our view has been limited for such major changes as moving land to LCZ, which we believe needs to be on an "opt in" basis only.
1(d) to facilitate economic development in accordance with the objectives	The wide spread application of LCZ over land with agricultural potential is not consistent with this objective
2(i) to provide a planning framework which fully considers land capability	We do not believe that the AK Decision Tree has been effectively used to first assess agricultural potential before applying LCZ.

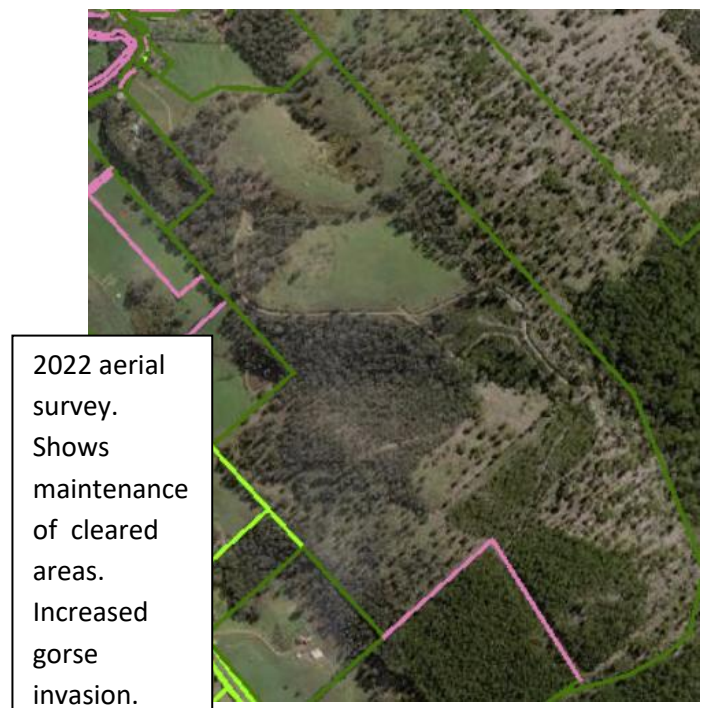
We want to be able to farm our farm in the same way all other farmers in Tasmania can and the application of the LCZ to our farm does not allow this.

PROPERTY DESCRIPTION AND CURRENT USE

O'Hallorans Road is a 75 ha farming property that has been farmed for at least 70 years and possibly since the earliest settlement of the area (1850's). The Council Rates notice includes "Farm Improvements", which are two farm sheds, 6 fully fenced paddocks, irrigated water in some paddocks and 6 stock water holes. A good quality 6m wide all weather farm road runs from O'Hallorans Road to the top of the block and a number of fire tracks/fire breaks have been made. The series of photographs show the evolution of the property over the past 60 years.



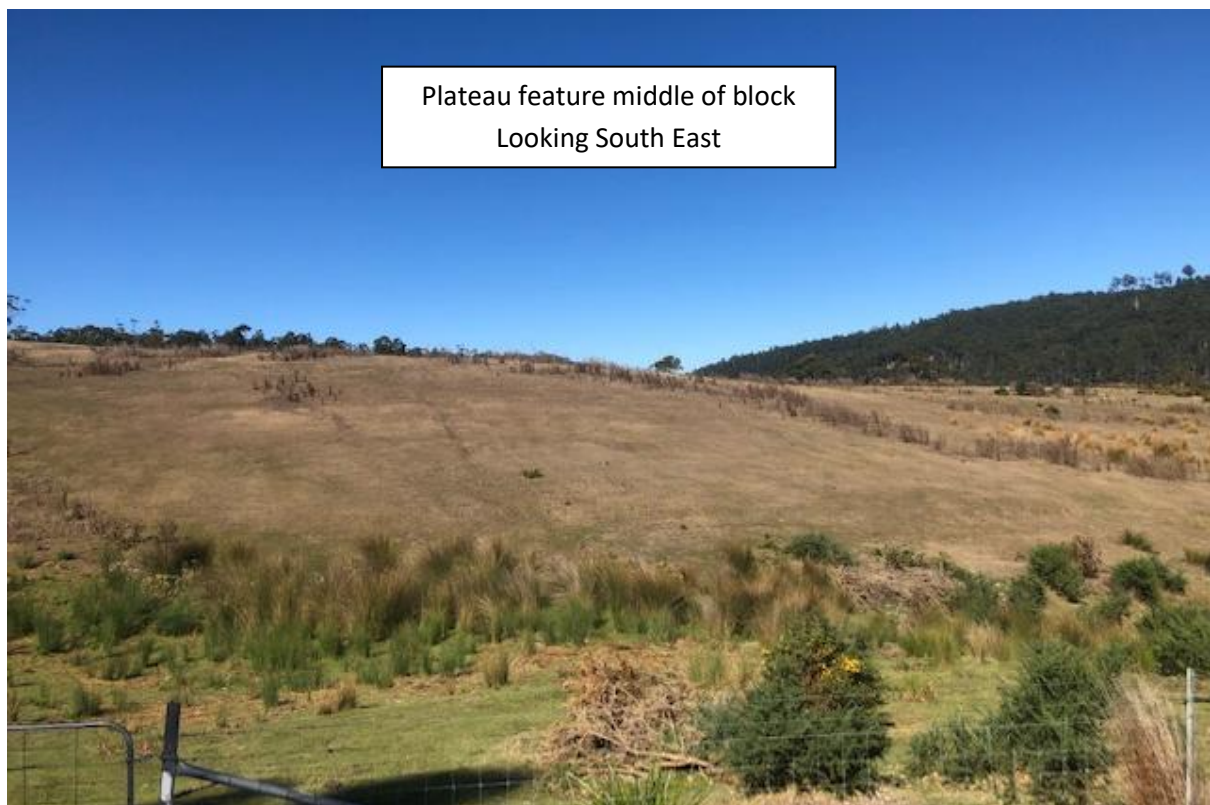
The property is a mix of improved pasture (around 24 ha), improved/rough pastures with paddock trees (round 22ha) and the remaining 29ha (approximately) is a mix of remnant and regrowth vegetation which is predominantly protected by being on steep hills/valleys (winter creek lines).



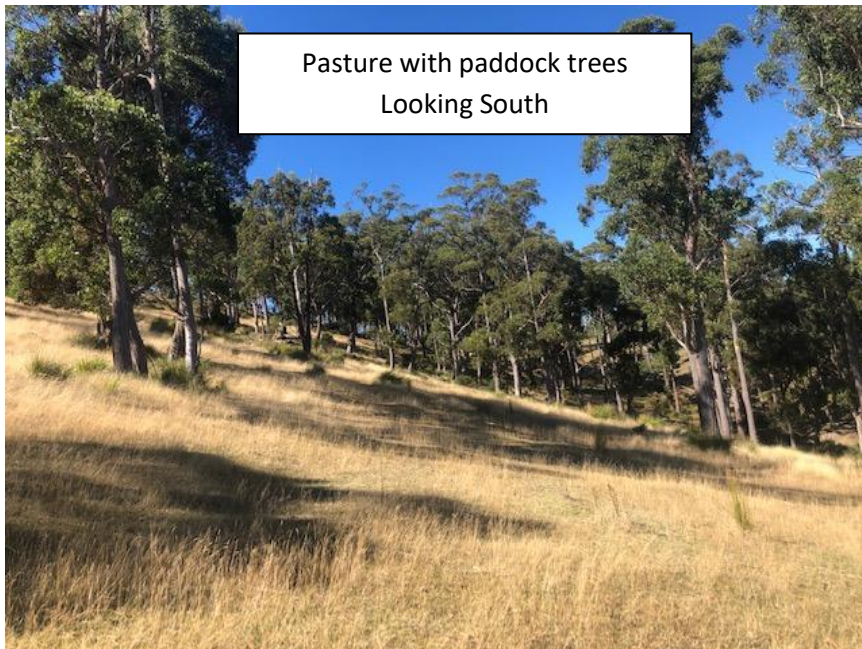
Enlarged picture of property.



The topography is a series of slopes and plateaus, spurs, winter creeks and steep hillsides. The site falls from 160m to 10m. The topography is such that much of the internal aspect of the property is hidden from external view (from the Huon Highway only see pasture is visible and from Cygnet Coast Road the view is blocked by forest on neighbouring properties in the foreground). From Scotts and Pillings Road there are only glimpses of our hill side above the tree line on land owned by other landholders. It is over shadowed by Whale Point Hill (220m) from the direction of Shipwrights Point. The dominant feature in the area is Whale Point Hill.



Pasture with paddock trees
Looking South



There are pockets of native vegetation, which are under some stress from overgrazing by wallabies and possums. A brief survey conducted with the assistance of Mark Geeves identified some good patches of native vegetation - but nothing exceptional. Mark is a Geeveston local, past President of the Australian Plant Society Tasmania, contributing author on local flora and is horticulturally trained. This confirms the

assessments from the two previous HVC/NRM-S employees (Kerry Johnston and Tim Ackroyd) who visited the site over the past 10 years.

The biggest threat to the remnant native vegetation is invasive weeds - especially gorse. As farmers, we have an ongoing weed management program which includes mechanical removal of gorse followed by cut and spray of regrowth and/or laying of new pasture. It is a difficult and ongoing challenge. We are in the process of fencing out patches of native vegetation to support regrowth.

The property is currently home to one of Tasmania's most successful alpaca studs, with around 300 head owned by us. The business is successful in the Show ring as a stud breeder - winning many supreme awards for animal and fleece shows in Tasmania. Our stud sires are used around Tasmania.



Fleece grown on the property finds its way into Tasmanian woven alpaca blankets and scarves and is also spun into beautiful knitting yarn by NSW company Great Southern Yarns who then send it around Australia and retail their yarn in Europe and America.

MOSSVALE ALPACAS

Our alpaca comes from Australia's greenest state – Tasmania. The cold climate and rich pasture produces a lustrous, clean and well-nourished fleece. Mark and Helen Jessop, of Mossvale Alpacas, run a herd of 300 alpacas and work with a collection of boutique alpaca farmers from the region to select fleeces for their softness, fibre length and suitability for yarn.

The Jessops have raised alpacas for over 20 years and have a special connection with their animals and their fleece.



The final aspect of our business is to retail alpaca meat. Alpaca is a lean and low cholesterol protein that has a very mild sweet flavour like lamb, but lacks lamb's fatty after taste. Our alpaca is used in our local community by the likes of local celebrity chef Sarah Clare (of Master Chef fame) and has been on the menu of Osteria in Franklin and Willie Smith's in Grove. We trade under the brand Valley Alpaca.



ARGUMENT

This submission puts 6 cases for why LCZ is either incorrectly applied or unnecessarily applied. In summary it is argued:

Observation	Impact	Argument	Outcome
LZ1 Guideline not followed	O'Hallorans Road does not meet LZ1 for inclusion of the LCZ	Using the REM, HVC assessed O'Hallorans Road was 82% native vegetation. Ground testing show this to be grossly overestimated and in fact less than 40% is native vegetation.	The block does not meet LCZ1 and cannot be zoned LC.
Rural Zone for O'Hallorans Road is consistent with past, current and future use	STRLUS would encourage the most productive use of the land - which is rural	The property has been an operating farm for most of the 1900s and continues in the same use today. It has rural use potential.	The block most appropriately fits the Rural zoning
Consistent Zoning patterns are preferred within neighbouring blocks	LCZ on this property is inconsistent with other properties in the area	Under the interim scheme and the new LPS the majority of properties on O'Halloran Road and Scotts road are not zoned LC - but more likely Agriculture or Rural	The block should be zoned Rural
Like for Like transition not applied	The block was not comparatively assessed between LCZ and RZ	When the block is assessed against RZ it meets RZ1, RZ2 and RZ3. When assessed against LCZ it does not meet the criteria.	The block should be zoned Rural
Priority Veg Report - has not been ground tested and lacks accuracy and validity	Topography and Natural Asset and Scenic Code Overlays provide protection to these values	The REM is a model and has not been ground tested - it is inaccurate. Natural Asset and Scenic Protection Codes provide ample protection where it is desirable.	The property has been a mix of bush and pasture for a century. Continuing as a managed farm will provide ongoing protection to the natural assets of the area.
Threatened species can be protected without Zoning	Topography and Natural Asset and Scenic Code Overlays provide protection to these values	The REM is a model and has not been ground tested - it is inaccurate. Natural Asset and Scenic Protection Codes provide ample protection.	LCZ is not required to achieve a balance between resource development and preservation of natural assets

Guideline 1 not followed - O'Hallorans Road does not meet LZ1 for inclusion of the LCZ.

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.

In the HVC presentation on the LPS it was stated clearly that LCZ is applied when there is a property or group of properties that are 80% native vegetation.

The HVC Supporting Report stated:

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. p41

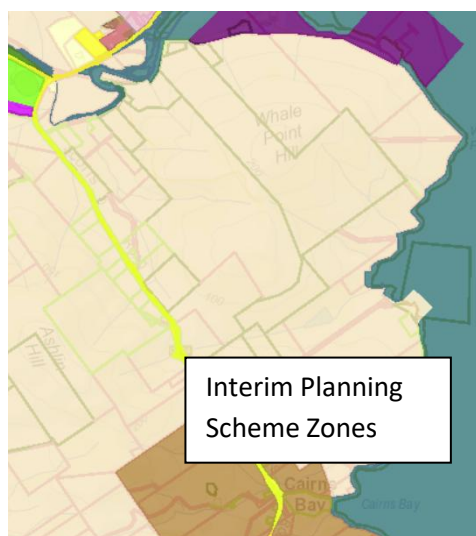
We believe the information presented above shows that the land does not meet the 80% native vegetation threshold. In fact around 45ha is farm grazing land and less than 40% is remnant - regrowth native forest. While the property has natural values which can be protected under STRLUS Strategic Direction 6 these areas are more effectively protected by other means such as overlays (see below).

We believe that the spatial information used by the HVC is out of date and inaccurate. This is consistent with the assessment of the STRLUS, which states "An essential element in increasing the responsiveness to the natural environment is accurate and consistent spatial information at the appropriate resolution, something which is currently lacking and needs improvement."

On the basis of this information alone the LCZ should be removed as the property does not meet the first level of selection in LZ1 and for this reason the LCZ should not be applied.

Rural Zone for O'Hallorans Road is consistent with past, current and future use.

Historically the whole of Whale Point Hill and properties on Scotts Road and O'Hallorans Road have all been zoned Rural. We believe that the land remains suitable for larger scale resource development and as such does not meet the intent of LCZ1.



We contend that our ongoing farming of the property becomes more difficult under the LCZ zone. Much of the normal activity of farming, in our view, moves to a discretionary use under LCZ whereas it is permitted under the Rural Zoning. Our belief is confirmed in the Council response to Philip Garth's question without notice the 27 April 2022 meeting of Council states that "Resource Development (farming) is discretionary".

Farms need to evolve to meet changing needs and apply best practice. This involves on going resource development activities. The discretionary nature of these activities will add significant cost and time delays for us and also adds an administrative burden to an already busy HVC staff. We believe that technically many farming changes will require to

seek approval from Council which may include additional cost and time spent on consultant reports. We strongly feel this an unnecessary and unreasonable financial impost on running our farming business.

Guideline 1 states, "the Landscape Conservation Zone provides a clear priority for the protection of landscape values". The HVC fact sheet also states "The Landscape Conservation Zone does not aim to render land 'unusable', rather "allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land". "

However the comments associated in LZ1 in Table 12 of the HVC supporting document clearly are about restriction or constraint of further development ..."*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*".

By its nature the LCZ is about limiting change, it assumes that only "some small-scale use or development may be appropriate" (Supporting Report p 41) - such as maybe a residence in an already cleared area.

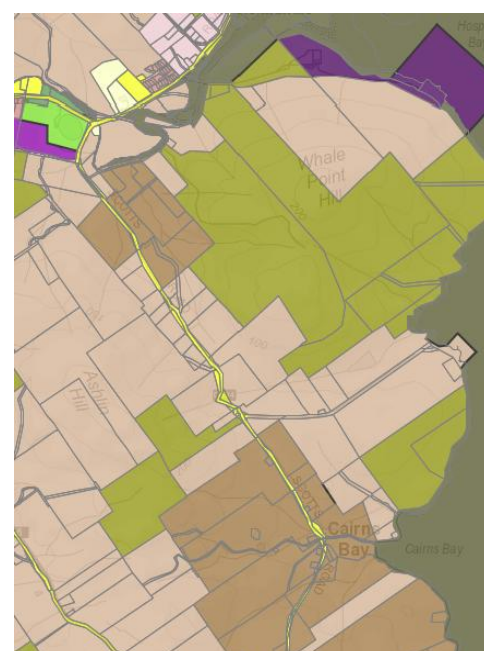
The current and previous owners' use of O'Hallorans Road is for grazing - this has been the use for at least the past 25 years that we are aware of and looking at previous survey photography we contend it has been the use for at least 70 years. To effectively manage this rural enterprise, as farmers we do need to change the environment - this may include clearing land for erecting internal fencing or adding fire trails, planting of pasture and crops and invasive weed control (mechanical or chemical).

The Huon Valley LGA lacks large parcels of land suitable for rural use - this a large proportion of smaller (<15ha) rural plots. We took 2 years searching for farming land that could be used for our rural business. To constrain the future rural use of this parcel of land is not in the best interest of the Huon Valley - economically or socially.

STRLUS Strategic Direction 5 Supporting our Productive Resources, identifies that all forms of primary production are critical to the economic and social health of our regional towns and villages. We believe that our property is part of this value adding - particularly STRLUS acknowledges that "niche agricultural commodities" are one of its targets. The land is already used for grazing but has potential for at least viticulture, cut flowers and horticulture as well as agri-tourism and farm gate sales. The STRLUS states "Supporting productive industries through appropriate land use planning responses is important for maintaining the vitality of these individual communities as well as protecting those landscape characteristics, which make Southern Tasmania an attractive place to live and visit".

Is LCZ consistent with other properties in the area?

No. As seen on the map, the vast majority of properties in the area (excluding the Geeveston township) are rural and agricultural zoned under the LPS. All properties on O'Hallorans Road, except this property are either Rural or Agriculture zone. **We strongly submit that all properties on O'Halloran's Road should be zoned Rural.** All



properties in this area and on Whale Point Hill were previously zoned Rural Resource. Our property and those titles are all used for grazing and have been recorded as farming land for generations.

Rural Zone is the most appropriate for O'Hallorans Road

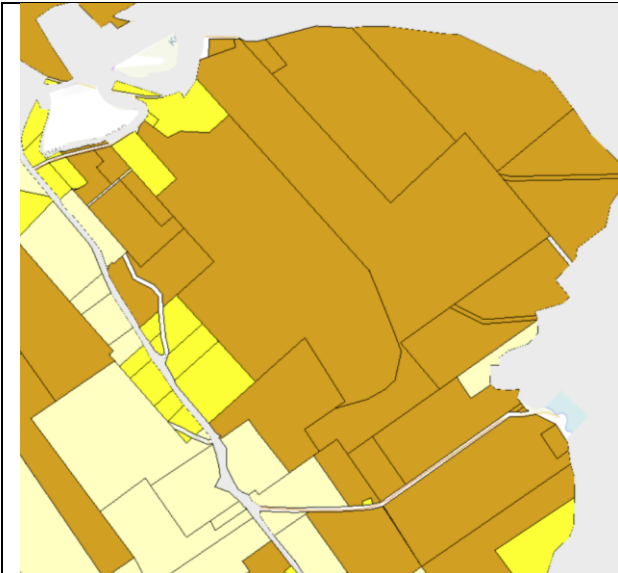
O'Hallorans Road is currently zoned Rural Resource. LPS-HUO-TPS - Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule, on page 20 states "Further analysis of land currently zoned Rural Resource and Significant Agriculture was undertaken for land to be rezoned **either** Rural, Agriculture, Landscape Conservation or Rural Living."

And on Page 27 "This has meant that numerous properties that were zoned Rural Resource or Significant Agricultural under the Interim Planning Scheme, have been rezoned to the Rural, Agriculture, Landscape Conservation or Environmental Management Zones in accordance with the Guidelines."

We contend that the guidelines were not correctly applied to our land as the data used to make the decision is in error. In our view as the long standing use of the land is rural the most appropriate "like for like" transition is Rural.

The Statewide planning scheme and Guideline No1 are clear in the criteria for zoning land as Rural. We provide the following assessment against the Rural Zone criteria:

Zone Application Guidelines	Response
<p>RZ 1 The Rural Zone should be applied to land:</p> <ol style="list-style-type: none"> 1. in non-urban areas 2. with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, 3. and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone 4. for the protection of specific values. 	<ol style="list-style-type: none"> 1. The property is non-urban. 2. The property has some, but limited potential for agriculture. The property rises some 170m over 1.2KM - making it relatively steep in places. There are numerous plateaus, but none of these are more than 5 ha. This makes the property impractical for large scale agriculture - such as irrigated cropping. The top soil is a fertile clay loam - it supports improved pastures. There are minimal surface rocks in the pastured areas. There is opportunity for some high value production on a number of areas on the property - including olives, nuts, grapes and cherries. Irrigation water is possible from the Kermantie River - either to irrigate directly or to store on farm. 3. As shown above it does not meet the requirement for LCZ nor is this consistent with its current and long term historical use. 4. Scenic values and biodiversity are protected by code overlays and the topography of the block.
<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>Agricultural Land Mapping Project Identifying land suitable for inclusion within the Tasmanian Planning Scheme's Agriculture Zone Background Report, May 2017 (published by Department of Justice, Planning Policy Unit).</p> <p>The data and method used in this report is recorded on the GIS ListMap. All land on Whale Point Hill including our block is classed as Potentially Unconstrained (brown) and nearby properties as Potential by Constrained Criteria 2A (Yellow).</p>



In the AK Consultants report Guidelines for Identifying Areas of Interest, it states that where there are "multiple titles a consistent zoning per holding is preferred where appropriate."

Our farm consists of 5 titles - 4 of these are zoned in the LPS as rural (PID 3167236, 5259724, 5252821, 5252813) - only this block is LCZ. It would be appropriate for this block to be zoned rural also.

RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:

- (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;
- (b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land

We believe three points are relevant -

- (a) under the D'ENTRECASTEAUX REPORT Land Capability Survey of Tasmania 2001 the land is classed 5/6 (suitable for pastoral/grazing) - however this assessment does not take into account horticulture (such as viticulture and orchards) or the possible access to irrigation water. By considering these possibilities the property becomes obviously rural.

The AK Decision Tree report also provides further valuable advice. It states that irrigation resources can be considered for properties within 1 KM of a stream - this property has riparian rights to the Kermadie River. AK recommend that for most value added activity only 2-6ML/Ha is required - which we believe is within the resources available from the Kermadie to supply

The Block is not associated with other agricultural properties.

- (b) as outlined above the topography in particular makes large scale agriculture unlikely, but smaller niche production and horticulture which would possibly include a level of on farm processing and making is not unreasonable (such as viticulture). The location of the property (close to the main tourism route) makes it ideal for agri-tourism / farm gate sales.

- (e) the unique size of the property, positioning in what is a clearly rural/agricultural zone area, the distance from urban/village zones and its already established pastures and infrastructure support Rural zoning.

Are there scenic values that need to be protected at O'Hallorans Road?

The LCZ "focus primarily on conservation of scenic and natural values, with considerations on the extent of native vegetation, potential scenic values...". We would contend that due to the topography of the land and the northern dominance of Whale Point Hill there is little public scenic value offered by the O'Hallorans Road property.

What value there is can be amply protected by the existing scenic overlay applied to Whale Point Hill and the unnamed feature 160 (C8.1.21) on the extremity of our block - away from the primary farming land.

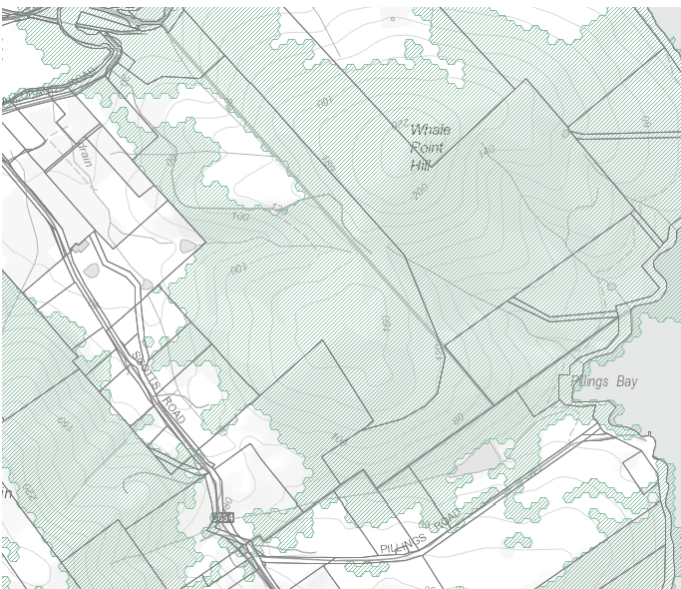
Additional protections are also in place that limit clearing on all land in Tasmania. Substantial areas of the property are excluded from any clearing as the land is "vulnerable" - stream sides, steep slopes, threatened species habitat. As TFGA states on their website -

- Small scale clearing (up to 1 ha per property per year) providing landholder consent is given and the land is NOT vulnerable land. Vulnerable land refers to: stream sides and stream side reserves, machinery exclusion zones, land with steep slopes, land within the high and very high soil erodability class, land that consists of or contains a threatened vegetation community or threatened species, land with vulnerable karst soils, or land that contains an area of trees reserved from harvesting or clearing under an expired forest practices plan.

Scenic values can be protected by dual zoning, but the HVC appears to be unwilling to apply dual zoning - despite other LGAs seeming to be willing to do so (such as Brighton).

Priority Veg Report - Eucalyptus, Other Vegetation and Fauna

The Priority Vegetation overlay is based on the Regional Ecosystem Model (REM) which HVC claims is a "comprehensive, high resolution spatial analysis". However it is also a model based on assumptions and is not ground tested. It is based on outdated Tas Veg 3.0 maps and it contains assumptions that are not public (eg protection zones around bird nest sites). As such we would argue that the REM is HIGHLY interpretive and should only be relied on as a guide for further investigation. In fact the LIST overlay makes this warning. I have also heard from professionals in the area that the Priority Veg Reports are so unreliable that they are a "almost meaningless "priority vegetation" overlay based on erroneous data".



We provide further first hand reports that sometimes confirms the REM, can place different interpretations on REM data or disconfirms the REM.

We believe this first hand assessment has greater evidentiary value than the REM.

The on ground data that we rely on is based on twice walking the property with Huon Valley Council / NRM-S staff (Kerry Johnston c2013 and Tim Ackroyd c2016) and on both occasion being told that there were no areas of the property that would be worthy of special consideration or support for conservation. They did not identify any threatened populations and stated that the forests on the property generally lacked any effective understory due to the over grazing by wallabies.

Finally a more recent walk was conducted with Mark Geeves in March 2022. Mark is a Geeveston local, past President of the Australian Plant Society Tasmania, contributing author on local flora and is horticulturally trained. This walk focused on identifying the communities outlined in the Priority Veg Report.

Trees are distributed across the entire block, some as open woodland over pasture, others are isolated paddock trees and there are two patches of 'forest'. There are 3 main species of Eucalypt present on the block - they are generally intermixed at lower altitudes but on the higher and dryer areas (>120m) it is largely *E. obliqua* (stringy bark or Tas Oak). In damper areas there is more of a mix of White Gum or *E. viminalis* with *E. obliqua* and *E. ovata*.

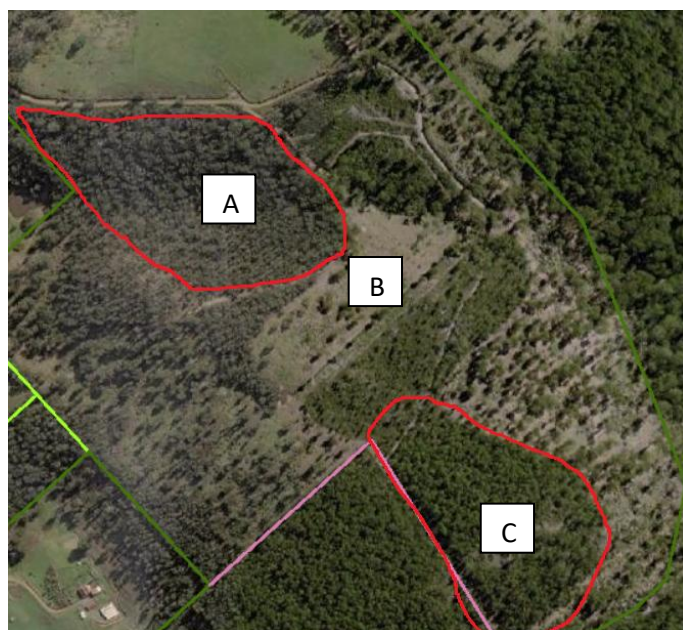
E. tenuiramis was identified by Council in their correspondence as being one of the threatened species on the block. It does not appear on the Tas Veg data on our property nor is it listed in the Priority Veg Report. The 2022 on ground survey did not find any *E. Tenuiramis* on this property. Two possible examples were found next to the Kermadie River on the Crown Land riparian way - which is already protected with the Environmental Management zoning and Crown ownership.

There are no records of *E. globulus* on this block.

On the property there are three types of understories for these trees - native vegetation, gorse or pasture. There are two areas of native vegetation (area A and C) that are protected either by topography or code overlay (natural asset or scenic). This is discussed in more detail below.

Our property is not old growth forest - it has been selectively logged since the 1850's - with timber supplying a number of mills in the area. There are few trees that have significant age.

LISTmap's Fire History layer also indicates that the title was wholly subject to the severe 1967 bushfire. The impact of this can be confirmed by the large presence of 50-60 year old relatively even-aged regrowth-structured forest with examples of larger trees with burnt out bases representing "fire survivors" and some grounded larger logs and stumps with fire scars.

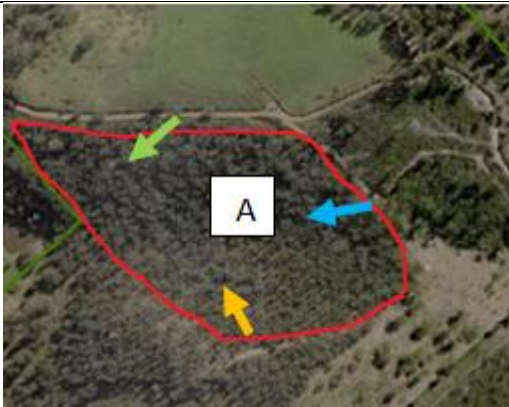


Of the three main Eucalyptus species *ovata* is clearly the least prominent in the areas indicated in the Vegetation Report. There are two main parcels of forest on the property - parcel C would be best described as *Eucalyptus obliqua* dry forest (as it is on the neighbouring property Priority Veg report) and A has a mix of species.

Area B - which is covered by the Priority Vegetation Overlay is clearly pasture and has been since the earliest aerial records of the area (1965).



Vegetation in foreground is gorse.
 This pasture area sits between the two parcels
 of bush (A & C) and is part of a 12 ha paddock of
 pasture with paddock trees



The first parcel of bush
 (Area A) is protected by
 topography (steep -falling
 by 100m (150m-50 m) over
 a distance of 500m), a
 natural assets overlay
 (waterway) is also poor
 quality and rocky land
 unlikely ever to be
 economically developed.

Image showing rocky nature of
 land.
 Both parcels of land are scattered
 with large granite outcrops.



Arrows show the direction of the more detailed photographs below.



Image over Parcel A looking toward
 Doodys Hill.




Image of Parcel B looking toward
Scotts Road









Image looking down winter creek
line to neighbouring dam (Scotts
Rd).




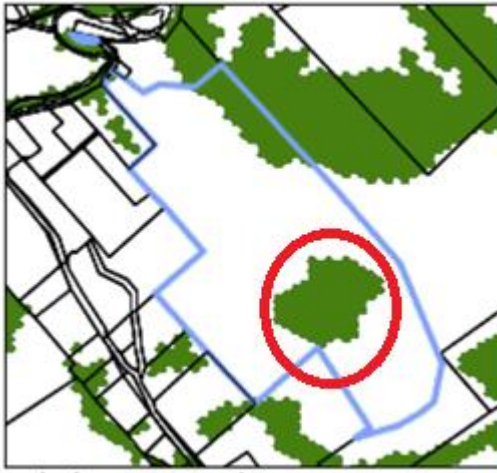


Mix of *E. obliqua* (stringy bark or
Tas Oak) *E. viminalis* and *E. ovata*.

This is probably the most intact area
of vegetation on the block and is
protected by the Natural Asset
Overlay (waterway), medium land
slip risk and steep slope.

	<p>Parcel C which is an area of significantly poorer forest than Parcel A, but does however contain a wider range of understory species.</p>
	<p>Parcel C is largely a granite outcrop with large sheets of rock close to the surface.</p> <p>It is protected by the Scenic Protection Overlay.</p>
	<p></p> <p>This area of Feature 160 has previously been farmed and has improved pasture leading onto the hill top. There are standing paddock trees (<i>E obliqua</i>).</p>
	<p></p> <p>Looking South to toward the Huon River. This area has been cleared of understory and logged previously. Main species almost entirely <i>E Obliqua</i>.</p>

		 <p>The other half of Feature 160 is a mix of small trees and understory.</p>
		 <p>The view looking into the the neighbours block toward PID2743203 - Lot 1 Scotts Road.</p> <p>The boundary of the two properties is about 5m into the tree line.</p>

O'Hallorans Rd Priority Veg Report	Additional Images	Ground Testing
<p>Eucalyptus Ovata forest and woodland</p> 	 <p>Black arrow show direction of image - dark green in foreground is gorse. Yellow line shows approx location of boundary.</p> <p>The red arrow is from the boundary looking toward the winter stream.</p>	<p>This is a valley that is part of a winter stream.</p> <p>The map indicates an area of 3.8ha described as E. ovata forest. This is incorrect and the area has been cleared since the 1960's and fully cleared and improved pastures since the 1980's. The photographs show that this is clearly grazing land pasture.</p> <p>There are some eucalyptus trees in the area but they are either paddock trees or along the winter waterway (which is protected by a Natural Asset Overlay). Around 80% of the trees are in this waterway.</p>

	 <p>The purple arrow is from the boundary looking up the hill along the boundary.</p> 	 <p>There is no native understory. Along the bottom of the valley the main species is gorse.</p> <p>In total there are 39 trees across the 3.8ha - or 975 sqm per tree. This is no native forest. The greatest concentration of trees is in the water way. The species present are - <i>E. viminalis</i>, <i>obliqua</i> and <i>ovata</i>. Over 2/3 is <i>obliqua</i>.</p>
<p>Eucalyptus Ovata forest and woodland</p> 	 	<p>We believe that the priority vegetation overlay is incorrectly positioned. Currently it covers the Scenic Protection Area following contour 160 - referred to as Feature 160.</p> <p>Approximately half the area has been cleared since at least the 1960's (see early photographs of Parcel C) . There is some vegetation on the feature but the area is substantially to the South of the current overlay in the neighbouring lot, PID 2743203 (see red circle).</p> <p>We also note that the same bushland extends to the adjoining property - Lot 1 Scotts Rd (PID 2743203) which in their Veg Report is not listed as <i>ovata</i> forest but as <i>obliqua</i> Dry Forrest.</p> <p>Our own physical inspection of the area confirms a mix of Eucalyptus species, of which not more than 15% is <i>ovata</i>.</p>

• (GSL) Lowland grassy sedgeland



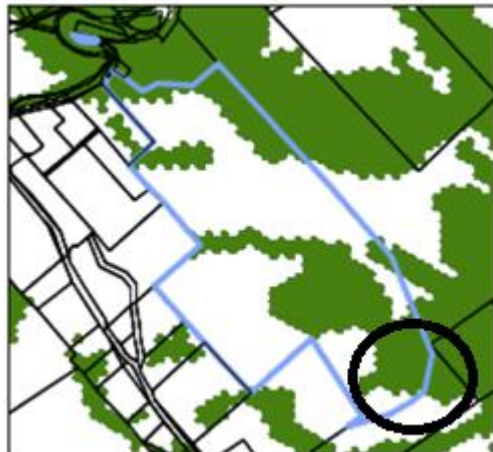
LIST Map aerial view showing pasture in GSL overlay area.

The Tas Veg 3 map is incorrect. The area indicated is developed pasture.

Current State aerial photography showing the area to be cleared pasture.



Threatened Fauna • Grey Goshawk • Mount Mangana Stag Beetle • Swift Parrot



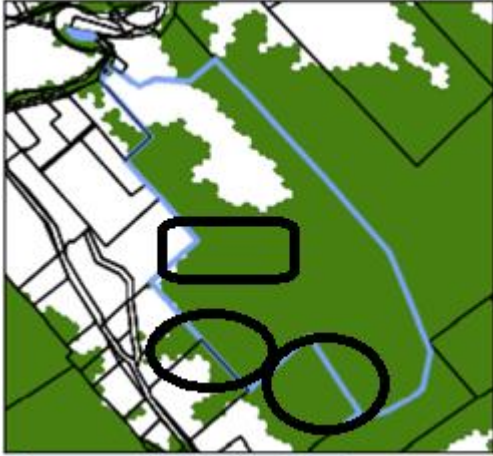
This is based on Habitat Models, the details of which are not available.

Grey Goshawk - no nesting sites indicated. We have not seen any at the top of the block, but they have been sighted near the Kermadie River (O'Hallorans Rd side) - but not on this particular block.

There have been infrequent Swift Parrot sightings on the upper extremity of the block (black circle).

The Stag beetle has not been searched for but we believe academic study several years ago has downlisted this species to Vulnerable.

Threatened Fauna Habitat • Eastern Barred Bandicoot • Tasmanian Devil

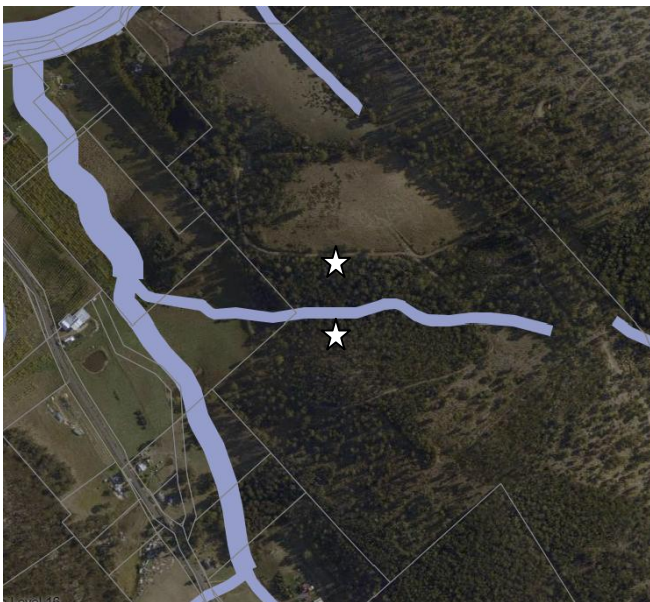


This is based on Habitat Models, the details of which are not available.

There have been no sightings of Tasmanian Devils.

Bandicoots are endemic to the area and are reported to tend to be in forest areas where there is cover provided by thick understory - see black circle. These areas are those which tend to be protected by the Natural Asset and Scenic overlay or the topography. There is no evidence of them being active in the pasture areas (eg sightings, diggings etc).

Habitat is Protected by other means



The marked up image (left) shows the Waterway Natural Asset code. The Starred areas signify "Medium" Landslip areas and are unlikely ever to be changed for this reason.

The area also has good tree cover and is most relevant for the protection of threatened species. The biggest threat to the habitat on the property comes from three of Australia's Weeds of National Significance - blackberry, gorse and willow. These weeds are zone B - containment. Even in the more densely forested areas gorse has become invasive, but in the open forested pasture areas gorse is the predominant understory plant. Gorse is particularly dangerous as it burns hot and presents a significant threat to any tree that it is encircled by in case of fire.

We make an ongoing investment in clearing gorse and to date have spent over \$20,000 on contractors as well as easily a similar amount of our own time on this task. This is justified to the extent that the property is operated as a rural farming business. We are concerned that a change in zoning to LCZ would make this task more time consuming (more approvals) as well as have other business flow on effects such as impact on land tax status, tax deductibility, ability to raise capital and so on.



Dark green plant in the foreground between the pasture and tree line is solid gorse.

We believe that our weed management efforts are also consistent with the STRLUS objective MRH 1 (Minimise the risk of loss of life and

property from bushfires) and BNV 5 (Prevent the spread of declared weeds under the Weed Management Act 1999 and assist in their removal).

We are acutely aware that bush fire management is important on our block - both because of the possible spread of fire down Scotts Road toward Cairns Bay, but also towards Geeveston and through both the local school and power substation - both vital local assets. On the other side of our block is land containing the Huon Aquaculture hatchery which we recognise as a vital asset to both the local and State economies. Effective farming of our land is a service to the Huon Valley and State community.

In conclusion

We believe that the application of the LCZ is incorrect and the best like for like transition is from Rural Resource to Rural zoning.

We contend that the estimate of native vegetation (82%) , based purely on spatial analysis is incorrect and in fact the property is less than 40% native vegetation. We believe the REM model is largely untested in the Huon Valley, contains substantial over estimates of habitats and is not fit for purpose in determining zoning decisions.

We believe that the topography, Natural Asset and Scenic Protection Code Overlays provides sufficient protection for any natural or scenic asset values of this property. Additionally, applying the LCZ to the whole 75 ha to protect areas already protected is a grossly disproportionate action.

We believe Rural zoning is the best strategic use of this land for the social and economic well being of the Huon Valley.

Finally, Rural Zoning is best suited to the current and historic land use of the block and is consistent with the use of other properties in the area. Application of the LCZ would make it harder to operate our rural business and potentially limit our ability to invest capital in important issues such as weed and pest control.

We are open to meeting with planning staff to find an agreeable solution.

Yours sincerely



Mark Jessop
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Helen Jessop