

Owner / Representor: Ivan Boshoff and Scott Fuller			Location address: Lot 2 GARDEN ISLAND CREEK RD		
CT	PID	Area Size	IPS	Council LPS (Post 35F)	Requested Zone/s
129058/2	9467910	5.13 ha	14.0 Environmental Living	Landscape Conservation Zone	Preference 1: <i>Rural Living Zone</i> Preference 2: <i>Rural Zone</i>

Location of title.



LEGEND		
<span style="color: red;">■</span> General Residential	<span style="color: purple;">■</span> Light Industrial	<span style="color: yellow;">■</span> Community Purpose
<span style="color: pink;">■</span> Low Density Residential	<span style="color: darkpurple;">■</span> General Industrial	<span style="color: green;">■</span> Recreation
<span style="color: lightpink;">■</span> Rural Living	<span style="color: tan;">■</span> Rural	<span style="color: teal;">■</span> Open Space
<span style="color: orange;">■</span> Village	<span style="color: brown;">■</span> Agriculture	<span style="color: peachpuff;">■</span> Future Urban
<span style="color: lightblue;">■</span> Local Business	<span style="color: olive;">■</span> Landscape Conservation	<span style="color: magenta;">■</span> Particular Purpose
<span style="color: blue;">■</span> General Business	<span style="color: darkolivegreen;">■</span> Environmental Management	<span style="color: grey;">■</span> Split*

\*Split Zones please consult Draft-HVC-LPS data Appendix 61 and later 35F documentation.

\*\*Light Blue Border shows owner's land in question.

Viewshed: 0% Coverage



Huon Valley Zoning Association's Viewshed Map:

LEGEND			
HVZA-ViewShed	8 - 10	18 - 20	Landscape Conservation
No. of Viewpoints	10 - 13	20 - 23	Landscape Conservation Split Zone
< 3	13 - 15	> 23	
3 - 5	15 - 18	HVC-LCZ-Post35F	
5 - 8	VIEWShed		

\*Light Blue Border shows owner's land in question.

\*\*Landscape Conservation (LCZ) Borders indicate land within the Huon Valley Councils Endorsed 35F and Draft-LPS with LCZ full or split Zoning intent.

\*\*\* The HVZA-Viewshed indicates how visible parts of the subject title is from a viewshed based off of verified scenic road corridors. The colour shade represents how many viewpoints can see a portion of land. Further, explanation is to be provided to the TPC by HVZA.

## Property Description

Frontage adjacent to Garden Island Creek Rd is approximately 222m.

Garden Island Creek Road is not a major commuter or tourist road. It is a government-maintained no through road. The road has **not** been identified by council as a major/scenic road and it has **no** Scenic Rd Corridor Overlay. Traffic is generally low, primarily by surrounding property owners. View ship audience is to be low and scenic quality to be low. The length of viewability is short as people pass by a short 222m frontage, back into heavily screened roadway.

The property is 12 acres of flat and primarily fenced pasture – surrounded by residential dwellings, vacant cleared land, and regrowth bush. It has a natural water supply and frontage to garden island creek.

The property has a driveway, water tank and a shipping container, used for storage, that were installed by previous owners. Prior to this, the land was used solely for pasture/farming.

The land was purchased because it is cleared and zoned to allow a residential dwelling – meaning that no native vegetation needs to be cut down to build a residential building.



Above: Google Map Street View Image Cnr of Garden Island Creek Rd and Woods Rd Looking toward subject site.

Note: Access to property is easy from a (quiet) government-maintained road.



Above: Google Map Street View Image Cnr of Garden Island Creek Rd subject site. Approx. Mid point of property frontage Looking forward towards property.

Note: the whole of the property is cleared and is mainly a fenced paddock.



Note: The property has powerlines running through its centre.



Note: As seen above, that property has its own natural water supply.



Note: The property is cleared and contains **no** native or protected vegetation overlays.

## Current use of title

As evident in the photo below, the property has a small pastured paddock and natural water supply used for keeping for a small quantity of livestock/pets and for watering the current garden beds. In addition, the land is weeded regularly in preparation for a home site and to support local ecology.

The property has powerlines that are used by neighbouring properties as a resource to power their residential dwellings. A shipping container is used to store supplies, accessed by a driveway and has potential so be used as a temporary dwelling during residential construction. The property was purchased recently (April), with the intention to put in a driveway to a single, two-bedroom residential dwelling and shed. Plans are being prepared to be submitted to council. However, this use may be under jeopardy under the proposed LCZ if not approved in time. In addition, plans are to regenerate some of the land with native vegetation to stop further erosion of garden island creek and to become of natural value.

A SC, SSE and BAL reports that were recently completed (09/06/2023 – last report received date), all confirm that the land is suitable for a residential purpose.

Our local Garden Island Creek community are concerned with these zone changes. Evidence of this can be found in the number of submissions made to the TPC for these hearings that have been made by our community. Also by the discussions had with local council by our neighbours.

Note: Areas of value such as the waterways are protected already under other existing regulations.



How does the title not meet Council's proposed Zone

The land does not satisfy the planning criteria and zone application guidelines for the Landscape Conservation Zone. It IS NOT compatible with the character of existing development in the area – ie residential dwellings.

Council has not ground truthed this property. Nor have they provided any strategic assessment of this property as it relates to landscape values. It has NO native vegetation, NO Scenic Landscape Code overlays, NO Natural Assets Overlay (priority vegetation overlay), NO bushland areas and NO significant landscapes.

Property has greater than 20% cleared (close to 100% cleared); and so, it does not meet LCZ criteria for being mostly native vegetation coverage. When we spoke to council about LCZ, they told us that only properties with 80% or more native vegetation will be zoned as land conservation.

The land does not meet Council's minimum lot size of 20ha or more. Granted it has been stitched together to form a group that exceeds that min size, most of the properties it has been grouped with have residential dwellings already on them. This grouping ignores the characteristics of this particular property.

The land is amongst other land that is used for rural residential land uses and they have formed part of the local Garden Island Creek community for over 100 years. The land (and many of those it has been grouped with) has been completely cleared of native vegetation from prior and current agriculture and rural residential use. It fails a reasonable test of scenic landscape or conservation land as set out in 35F, and the substitution of the Landscape Conservation Zone as a replacement for the Environmental Living Zone is inconsistent with guidelines as stipulated withing the Notes.

How does the title meet Requested Zone/s

The Rural Zone criteria corresponds with the land characteristics, surrounding similar zoned folios, historical use and alteration of the land and recognised land improvements. It IS compatible with the character of existing development in the area – ie residential and small scale agricultural.

The priority of Rural Living Zone is for very low-density residential use within a rural setting, whilst the LCZ priority is for protection, conservation and management of landscape values while allowing for other compatible uses, such as residential use.

The Garden Island Creek area has many residential properties and is within a rural setting. This land does not have any protection, conservation or landscape overlays or values.

The land is not in the 'Land Potentially Suitable for Agricultural Zone' layer on the LIST.

The size and layout of the land allow for building a residential dwelling, without have any impact on the conservation and management of landscape values.

There is a government-maintained road to access the property, fenced pasture, garden beds, powerlines to support power, neighbouring residential properties, and sufficient (much more than required) cleared land on which to build a residential property in a rural setting as per the requested zone/s. In addition, plans are currently being designed to be submitted to council for a residential building. Therefore the primary purpose of the land is residential in nature.

Are you challenging a Natural Assets Code?	Yes	No
Are you challenging a Scenic Protection Code?	Yes	No
Are you challenging any other Overlay?	Yes	No

Additional Notes:

Previously zoned ELZ. Fits size and scope of RLZ better. See Guideline 8A for Rural Living Zone. Rural Zone also a potential given the whole of the title is cleared and with power.

Financial damages and loss in value:

The proposed zoning will result in a reduction of permissible land uses (notably Residential) corresponding in more difficult and expensive planning requirements for approvals for Discretionary Uses, and larger minimum lot sizes, resulting in a reduction of the land value. These mentioned restrictions will financially ruin our family.

Please note that just because we reject the zoning of LCZ, it does Not mean we do not wish to protect the landscape on our land.

The Rural Zoning is protected under the Natural Assets Code, so the zoning of LCZ is not essential or fitting for this title's purpose.

We cannot attend our representation in person due to work requirements. Instead, we will attend virtually.

We are concerned by the wording (regarding building a residential Dwelling), \*single dwelling located within a building area, if shown on a sealed plan.

\*Discretionary if for a single dwelling.

Huon Council is unable to confirm if this means we CANNOT build on our land.

In closing, we are mainly making this representation because we want to build a residential building on our cleared block of land, just like our neighbours have done and continue to do. We waited for a cleared piece of land like this to become available in an area with a good community. We worked hard (and continue to) to pay for this land and save to build, and we are teachers who want to move and contribute to our local community more. This can only happen if we can build a residence.

However, we are also making this representation because at no point during our conversations with the council, and there were many, did anyone mention this zone change to us. Council members have yet to come to our land and check how it should be zoned. Council members have yet to go to our Garden Island Creek community, consult us, and ask what we want. Instead, they have relied on online data and grouped us with other properties for ease. And they have since admitted that this forced zone change of Landscape Conservation Zone does not meet their or Huon Valley's future development plans and residential needs (as per a recent motion made in a council meeting by Councillor Jessop).

We are pro-protection of our landscape and our flora and fauna. We plan to live on our land and revegetate it. We are also afraid of the changes this zoning will have to us, our dreams, our finances, our community and our chances to build a home. That is why we are making this representation.

Thank you for considering our representation.