



From: John Thompson [REDACTED]

Sent: Sunday, 5 June 2022 10:11 AM

To: Dorset Council <dorset@dorset.tas.gov.au>

Cc: Gail Dennett [REDACTED]; John Dennett [REDACTED]; Peter Riggall

[REDACTED]; Kim Eastman [REDACTED]

Subject: Representation on the Dorset Draft LPS - Conservation Landholders Tasmania

Attention: Dorset Planning Authority

Please find attached our 10 page representation on the currently exhibited Dorset Draft LPS.

Could you please acknowledge receipt of this email?

Regards

John

--
John Thompson
on behalf of the Board of Trustees, CLT Trust

Phone
Email



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5th June 2022

Tim Watson
General Manager
Dorset Council
PO Box 21
SCOTTSDALE TAS 7260

Via email: dorset@dorset.tas.gov.au

Representation about the Dorset Draft LPS – proposal to change the zoning of four reserved properties to Landscape Conservation

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Dorset Draft LPS Zone Maps and the Supporting Report and believes that three properties at North Scottsdale containing Private Reserves protected by conservation covenant, with land reserved for the protection of biodiversity, should be rezoned from Agriculture to Landscape Conservation. The case for rezoning these three properties is based on the 22 April 2021 Tasmanian Planning Commission (TPC) advice about the zoning of covenanted land and on Guideline LC22, when read together with Guideline AZ6.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Surveyor Creek	721 OLD WATERHOUSE RD NORTH SCOTTSDALE TAS 7260	7234619	105162/1
Scottsdale #2	1425 FORESTER RD NORTH SCOTTSDALE TAS 7260	2000514	133542/2
Scottsdale #1	1453 FORESTER RD NORTH SCOTTSDALE TAS 7260	2000522	133542/1

CLT has written to the owners of these three properties to inform them of Council's proposed rezoning of their properties and to seek their support for CLT's alternative proposal. The owners of the latter two properties have agreed to the proposed rezoning and have already submitted

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representations to this effect. No response has been received to date from the owner of the third property.

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

CLT also supports the extension of the Landscape Conservation Zone to include all of the covenanted land within the Dunbarton Reserve near Nabowla, as proposed by the landowners in their representation.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Dunbarton	'DUNBARTON' - 183 BRIDPORT BACK RD NABOWLA TAS 7260	1905872	112806/1

Background

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

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

The application of Landscape Conservation Zone in the Dorset Draft LPS

In the Draft Zone Maps the Landscape Conservation Zone has been used to replace the Environmental Living Zone at Derby, Musselroe Bay and Cape Portland as well as for clusters of titles near Bridport and Nabowla currently zoned Rural Resource. The rationale for the application of the Landscape Conservation Zone is discussed on pp 91-92 of the Supporting Report.

The apparent lack of consideration of Landscape Conservation Zone or Environmental Management Zone for most properties containing reserved land protected by conservation covenant is contrary to the Tasmanian Planning Commission advice on the Planners Portal dated 22 April 2021 on this matter (included in Appendix A of this representation) that states:

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

The Home Page of the Planners Portal states:

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

This oversight by the Planning Authority can be remedied in its Section 35F Report by recommending the proposed changes.

Private land in Dorset municipality reserved for the protection and conservation of biodiversity

In the Dorset planning area there are 23 properties containing 1,365 ha of private reserved land protected by conservation covenant distributed across 34 titles.

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

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

Case for rezoning three of these properties from Agriculture to Landscape Conservation

Of the twenty three (23) properties with Private Reserves mentioned above the Planning Authority has correctly applied Landscape Conservation Zone to a cluster of 6 titles on two properties at Nabowla (PID 1868207 and 1905872). The covenanted land on three properties at Bridport (PID 9025930, 9025931 and 2683802) has been rezoned to Environmental Management with the balance of those properties zoned Agriculture via split zoning. One property at Derby has been zoned Rural Living D.

Of the remaining properties CLT considers that three should have Landscape Conservation Zone applied to them. The three are zoned Agriculture in the Draft Zone Maps.

The other 14 properties were not considered because significant areas within titles on those properties are also used for Resource Development or the rezoning to Landscape Conservation would create a spot zone.

The 22 April 2021 TPC advice to Planning Authorities on the zoning of covenanted land outlines the circumstances where the application of Landscape Conservation is appropriate.

the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

The three properties proposed for rezoning from Agriculture to Landscape Conservation all adjoin the North Scottsdale Regional Reserve which is zoned Environmental Management and therefore the properties have 'connectivity with other land zoned for similar values'.

The rezoning of these three properties is also supported by Guideline LCZ2(a), when read together with Guideline AZ6 (see Appendix A for the relevant extracts from Guideline No. 1). Guideline LCZ2(a) states

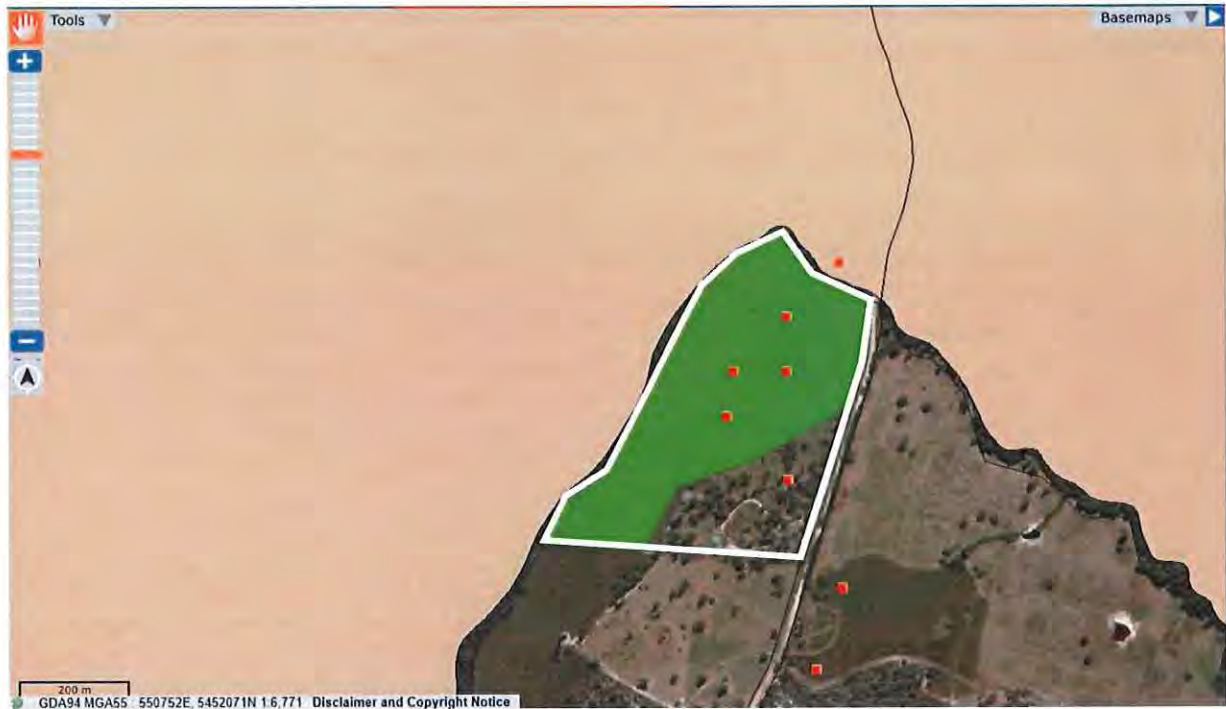
*The Landscape Conservation Zone may be applied to:
(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation*

The extension of the Landscape Conservation Zone to the 5.15 ha of covenanted land at 183 Bridport Back Road (Title Ref. 112806/1) to the east of Bridport Back Road is supported by Guideline LCZ2(a) when read together with Guideline RZ1.

Details of the three properties are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green areas), Threatened Flora Points (light green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers.

Surveyor Creek Reserve (CAPAD 2020 Row No 2462)

Address 721 OLD WATERHOUSE RD NORTH SCOTTSDALE TAS 7260
PID 7234619
Title Ref 105162/1



The 15.5 ha Surveyor Creek Reserve covers 74% of the 20.9 ha Title Ref. 105162/1. The Reserve adjoins the Scottsdale North Regional Reserve to its west and north (beige area). An existing residence is located near the southern boundary.

Subject to landowner consent it is proposed that the whole title (solid white border) is rezoned from Agriculture to Landscape Conservation given its connectivity to the Scottsdale North Regional Reserve which is zoned Environmental Management and therefore zoned for similar values. The 4.4 ha of non-covenanted is unsuitable and not used for agriculture.

The Reserve contains and provides habitat for the Endangered *Engaeus spinicaudatus* (Scottsdale burrowing crayfish) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.

CLT has not received a response to its correspondence to date.

Scottsdale #1 Reserve (CAPAD 2020 Row No 2296)

Address 1453 FORESTER RD NORTH SCOTTSDALE TAS 7260
PID 2000522
Title Ref 133542/1

Scottsdale #2 Reserve (CAPAD 2020 Row No 2297)

Address 1425 FORESTER RD NORTH SCOTTSDALE TAS 7260
PID 2000514
Title Ref 133542/2



The 27.3 ha Scottsdale #2 Reserve covers 94% of the 29.1 ha Title Ref. 133542/2 and the 5.4 ha Scottsdale #1 Reserve covers 19% of the 27.9 ha Title Ref. 133542/1. Scottsdale #1 Reserve adjoins the 4080 ha North Scottsdale Regional Reserve to its west (beige area) and both Reserves adjoin the STT Informal Reserves (pale pink areas) to their east. Residential dwellings are located in the non-covenanted areas of both titles. The combined area of the two titles is 57.0 ha.

It is proposed that the both titles (solid white border) are rezoned from Agriculture to Landscape Conservation given their connectivity to the Scottsdale North Regional Reserve which is zoned Environmental Management and therefore zoned for similar values. The non-covenanted areas on each property are unsuitable and not used for agriculture. The owners of both of these properties have consented to the proposed rezoning and have submitted representations to this effect.

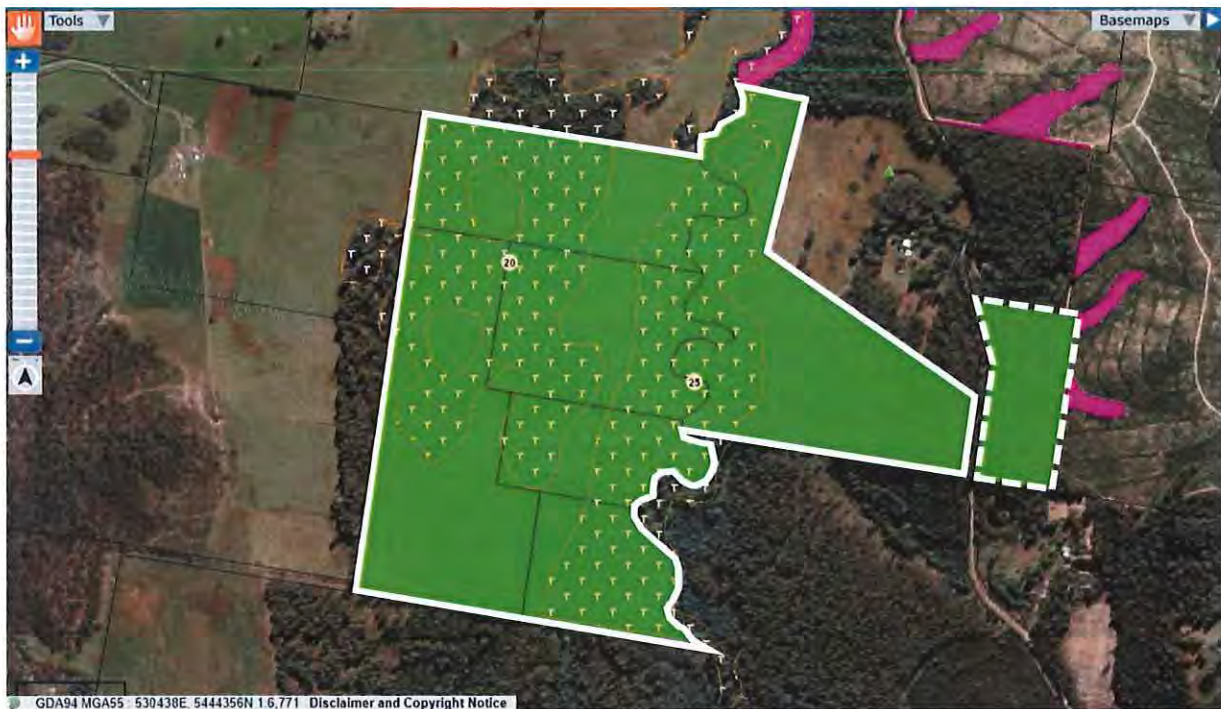
The Scottsdale #2 Reserve contains and provides habitat for the vulnerable *Astacopsis gouldi* (Giant freshwater crayfish) listed in Schedule 4 of the *Threatened Species Protection Act 1995* and also contains the rare *Hypolepis muelleri* (Harsh groundfern) listed in Schedule 5 of the same Act. Full details of the natural values protected by these Reserves are in the Nature Conservation Plans held by the Private Land Conservation Program in DNRE.

Dunbarton Reserve (CAPAD 2020 Row Nos 1430 and 1431)

Address 'DUNBARTON' - 183 BRIDPORT BACK RD NABOWLA TAS 7260
PID 1905872
Title Ref 112806/1

Tiffanys Park Reserve (CAPAD 2020 Row No 2523)

Address TIFFANYS PARK' - 2415 GOLCONDA RD NABOWLA TAS 7260
PID 1868207
Title Refs 130081/1, 130081/2, 130081/3, 112805/2, 130081/4



The 23.4 ha Dunbarton Reserve to the east of the Little Forester River covers 55% of the 42.8 ha Title Ref. 112806/1 and the 57.3 ha Tiffanys Park Reserve to the west of the Little Forester River covers 100% of each of five titles 130081/1, 130081/2, 130081/3, 112805/2 and 130081/4. The combined reserved area is 80.7 ha.

In the Draft Zone Maps the Dorset Planning Authority has rezoned the 57.3 ha Tiffanys Park Reserve and 18.3 ha of the Dunbarton Reserve to the west of Bridport Back Road as Landscape Conservation Zone (solid white border). The 5.15 ha of Dunbarton Reserve to the east of the Bridport Back Road (dashed white border) has been zoned Rural together with the 19.4 ha of non-reserved land within Title Ref. 112806/1.

The rezoning of these titles is consistent with the 21 April 2022 Planners Portal advice that applying the Landscape Conservation Zone to a cluster of many covenanted titles with conservation covenants would demonstrate good strategic planning merit.

The owners of 183 Bridport Back Road (Title Ref. 112806/1) support the rezoning of their covenanted land to the west of Bridport Back Road to Landscape Conservation but have requested that the 5.15 ha of covenanted land to the east of Bridport Back Road also be included in this zone for consistency and have made their own representation to extend the Landscape Conservation Zone to include this. CLT supports this request.

Tiffanys Park and Dunbarton Reserves both contain the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 25 *Eucalyptus viminalis* wet forest, as listed in Schedule 3A of the *Nature Conservation Act 2002*.

The 5.15 ha of covenanted land on Title Ref. 112806/1 to the east of Bridport Back Road is fully forested and contains the threatened vegetation community No 20 *Eucalyptus ovata* forest and woodland. While this does not appear in the 'Threatened Native Vegetation Communities 2020' layer in ListMap (see ListMap screenshot above), it was identified by the DPIPWE ecologist during the site survey when the conservation covenant was created on 3 February 2003. The DPIPWE survey also reported that the covenanted land, including the 5.15 ha, contains and provides habitat for the vulnerable Giant Freshwater Crayfish (*Astacopsis gouldi*) as listed in Schedule 4 of the *Threatened Species Protection Act 1995*.

Full details of the natural values protected by the Dunbarton Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE.

Yours sincerely



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

Phone
Email



Appendix A

The relevant Guidelines

The following are extracts from Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0), June 2018 for 22.0 Landscape Conservation Zone, 20.0 Rural Zone and 21.0 Agriculture Zone with key words and phrases underlined.

- LCZ 2 *The Landscape Conservation Zone may be applied to:*
(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
- RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*
- AZ 6 *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;
(e) it can be demonstrated that:
(i) 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;
(ii) there are significant constraints to agricultural use occurring on the land; or
(iii) the Agriculture Zone is otherwise not appropriate for the land.

The relevant Q & A from the Planners Portal

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

22/4/2021

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

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

But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use

planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.

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

Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

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