

**From:** Danielle Gray  
**Sent:** Thu, 14 Apr 2022 14:15:59 +1000  
**To:** Kelly Davis;Information Management  
**Subject:** RE: Representation to draft Huon Valley Council LPS re: 250 Turn Creek Rd Grove for Walker  
**Attachments:** HVC draft LPS representation Gray Planning obo Walker 250 Turn Creek Rd 12 April 2022.pdf

Dear Kelly

Please find attached representation for HVC LPS on behalf of Graham and Barbara Walker of 250 Turn Creek Road Grove with watermark now removed.

The original was sent through on the 12<sup>th</sup> April to the hvc email – please replace with the one attached.

Thank you for picking up! Have a great break over Easter,

Regards  
Danielle

***Our office will close for the Easter, Anzac Day and school holiday period at 5pm on Thursday 14 April 2021 and will reopen Tuesday 26 April 2021.***

**Danielle Gray** B.Env.Des, MTP, MPIA  
Principal Consultant  
**Gray Planning**

M: 0439 342 696  
P: 03 6288 8449  
E: [danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)  
W: [www.grayplanning.com.au](http://www.grayplanning.com.au)  
A: 224 Warwick St, West Hobart, TAS, 7000

---

**From:** Kelly Davis <kdavis@huonvalley.tas.gov.au>  
**Sent:** Thursday, 14 April 2022 1:07 PM  
**To:** Danielle Gray <danielle@grayplanning.com.au>  
**Subject:** RE: Representation to draft Huon Valley Council LPS re: 250 Turn Creek Rd Grove for Walker

Hi Danielle

Thanks so much 😊

Have a lovely Easter break!

Kelly Davis  
Development Services Support Officer

☎ 03 6264 9475

✉ [kdavis@huonvalley.tas.gov.au](mailto:kdavis@huonvalley.tas.gov.au)

🌐 [www.huonvalley.tas.gov.au](http://www.huonvalley.tas.gov.au)

📍 40 Main Street, Huonville, Tas, 7109  
PO Box 210, Huonville, Tas, 7109



**HUON VALLEY  
COUNCIL**

**We're here for you**

COVID-safe measures are in place at all Council locations to protect our community.

Please call **03 6264 0300** for general enquiries or phone payments.

For more information on our services, visit [www.huonvalley.tas.gov.au](http://www.huonvalley.tas.gov.au).

This email is strictly confidential and intended only for the person or persons to whom it is addressed. If you are not the intended recipient you are warned that any disclosure or copying of the information is unauthorised. If this message has been received in error please delete it along with any attachments and notify the sender



Please consider the environment before printing this message

---

**From:** Danielle Gray <[danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)>

**Sent:** Thursday, 14 April 2022 12:54 PM

**To:** Kelly Davis <[kdavis@huonvalley.tas.gov.au](mailto:kdavis@huonvalley.tas.gov.au)>

**Subject:** RE: Representation to draft Huon Valley Council LPS re: 250 Turn Creek Rd Grove for Walker

Hi Kelly

Stupid me again. I thought I had taken off the watermark. Will remove it and sent through the hvc email again and cc you in to that email.

Thank you very much for getting in touch

Regards  
Danielle

---

**From:** Kelly Davis <[kdavis@huonvalley.tas.gov.au](mailto:kdavis@huonvalley.tas.gov.au)>

**Sent:** Thursday, 14 April 2022 11:50 AM

**To:** Danielle Gray <[danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)>

**Subject:** RE: Representation to draft Huon Valley Council LPS re: 250 Turn Creek Rd Grove for Walker

Morning Danielle

I hope you're well.

I've received your representation obo Barbara and Graham Walker of 250 Turn Creek Road, Grove.

I notice that the rep has "DRAFT confidential" across every page.

I just wanted to confirm that this is the final rep? I know your previously sent reps haven't had the "draft confidential" text across them, so just wanted to confirm with you.

Thanks!

Kelly Davis  
Development Services Support Officer

<p>☎ <a href="tel:0362649475">03 6264 9475</a> ✉ <a href="mailto:kdavis@huonvalley.tas.gov.au">kdavis@huonvalley.tas.gov.au</a> 🌐 <a href="http://www.huonvalley.tas.gov.au">www.huonvalley.tas.gov.au</a> 📍 40 Main Street, Huonville, Tas, 7109 PO Box 210, Huonville, Tas, 7109</p>	 <p><b>HUON VALLEY COUNCIL</b></p> <p><b>We're here for you</b> COVID-safe measures are in place at all Council locations to protect our community. Please call <b>03 6264 0300</b> for general enquiries or phone payments. For more information on our services, visit <a href="http://www.huonvalley.tas.gov.au">www.huonvalley.tas.gov.au</a>.</p>
--	---

This email is strictly confidential and intended only for the person or persons to whom it is addressed. If you are not the intended recipient you are warned that any disclosure or copying of the information is unauthorised. If this message has been received in error please delete it along with any attachments and notify the sender



Please consider the environment before printing this message

---

**From:** Danielle Gray <[danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)>  
**Sent:** Tuesday, 12 April 2022 3:02 PM  
**To:** Information Management <[hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)>  
**Cc:** Graham Walker <[graham@thewalkerwebsite.com](mailto:graham@thewalkerwebsite.com)>  
**Subject:** Representation to draft Huon Valley Council LPS re: 250 Turn Creek Rd Grove for Walker  
**Importance:** High

Dear Sir/Madam,

Please see attached a representation regarding the currently advertised LPS for Huon Valley Council from Gray Planning on behalf of Barbara and Graham Walker who are the owners of 250 Turn Creek Road.

Please disregard the previous email sent that had an incorrect address in the email subject line – a clerical error on my behalf.

The attached representation is identical to that sent earlier at 11:52am today but for the sake of clarity please disregard the earlier 11:52am email entirely and consider the attached a formal representation to Council and lodged by Gray Planning on behalf of Barbara and Graham Walker who are the owners of 250 Turn Creek Road.

If you wish to discuss, please contact the undersigned.

Regards  
Danielle  
cc. Graham and Barbara Walker

**Danielle Gray** B.Env.Des, MTP, MPIA  
Principal Consultant  
**Gray Planning**

M: 0439 342 696  
P: 03 6288 8449  
E: [danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)  
W: [www.grayplanning.com.au](http://www.grayplanning.com.au)  
A: 224 Warwick St, West Hobart, TAS, 7000

---

**From:** Danielle Gray  
**Sent:** Tuesday, 12 April 2022 11:52 AM  
**To:** Information Management <[hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)>  
**Cc:** Graham Walker <[graham@thewalkerwebsite.com](mailto:graham@thewalkerwebsite.com)>  
**Subject:** Representation to draft Huon Valley Council LPS re: 50 Constance Road Cygnet for Smith  
**Importance:** High

To the attention of the General Manager

Dear Sir

Please find attached a representation from Gray Planning on behalf of Graham and Barbara Walker that objects to the proposed Landscape Conservation zoning application to their property at 250 Turn Creek Road at Grove under the draft LPS for the Huon Valley Council municipality.

If you wish to discuss, please contact the undersigned.

Regards  
Danielle  
cc. Graham and Barbara Walker

**Danielle Gray** B.Env.Des, MTP, MPIA  
Principal Consultant  
**Gray Planning**

M: 0439 342 696

P: 03 6288 8449  
E: [danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)  
W: [www.grayplanning.com.au](http://www.grayplanning.com.au)  
A: 224 Warwick St, West Hobart, TAS, 7000



Danielle Gray, Principal Consultant  
Gray Planning  
224 Warwick Street  
West Hobart TAS 7000

12 April 2022

General Manager  
Huon Valley Council  
PO Box 210  
Huonville TAS 7109

Dear Sir,

**Representation for advertised draft Local Provision Schedule (LPS) documents, Huon Valley Council with respect to proposed zoning of 250 Turn Creek Road, Grove for Walker.**

Gray Planning has been engaged by Graham and Barbara Walker who are the owners of 'Lemon Tree Farm' at 250 Turn Creek Road, Grove to submit a representation that objects to the proposed Landscape Conservation zoning as proposed in the zone mapping provided as part of the draft LPS documentation currently being advertised by Huon Valley Council.

Mr and Mrs Walker own and occupy the subject site at 250 Turn Creek Road and oppose the zoning of their property from the current Rural Resource zone to the proposed zoning of Landscape Conservation on the basis that they have serious concerns about their ability to run their farm under this zoning and also feel that the proposed zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site and surrounding area.

The owners previously ran farming properties in Queensland before purchasing the property to continue primary industry activity including growing zone appropriate agricultural crops such as Kunzea and therefore have serious concerns about the ongoing viability of their land for primary industry farming purposes under the proposed Landscape Conservation zone.

Commentary against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is provided within this representation as well as commentary on land characteristics and existing land use.

It is further considered that Council has not undertaken sufficient analysis of the subject site as well as other similarly affected properties to justify a rezoning from a rural zoning to an environmental zoning that is focussed solely on landscape values.



The subject site at 250 Turn Creek Road has no evidence of, or any documented threatened vegetation communities, no evidence of, or documented threatened species, does not have more than 80% native vegetation cover, is not on a prominent skyline or ridgeline and has no identified or documented landscape values.

It is considered the rezoning in the absence of any identified values is not in accordance with the recommended application of the Landscape Conservation zone as outlined in the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines.

On that basis, this representation opposes the proposed Landscape Conservation zoning of the subject site as proposed under the advertised draft LPS documentation. Instead, it is considered the subject site is more appropriately retained as a rural zoning on a like for like transition from Rural Resource under the current Interim Planning Scheme to the Rural zone under the Huon Valley LPS.

### **The subject site**

The subject site is 250 Turn Creek Road at Grove (CT-44169/2) and is currently wholly zoned Rural Resource zone under the *Huon Valley Interim Planning Scheme 2015* as shown overleaf in Figure 3.

The subject site measures approximately 18.13 hectares in total area. The subject site has frontage onto Turn Creek Road to its northern frontage boundary.

Of the site area, around 4.91 hectares of the subject site is cleared of vegetation per se across a large primary area measuring around 3.995 hectares in area (which also contains the dwelling and all outbuildings) and a smaller cleared area north of this larger area measuring around 0.92 hectares. These measurements were taken from aerial photos from The List and 'cleared areas' calculated did not include any area comprising any vegetation. Photographs of the subject site overleaf show there is also exotic vegetation within the subject site so the percentage of native vegetation is likely to be marginally less than 73%.

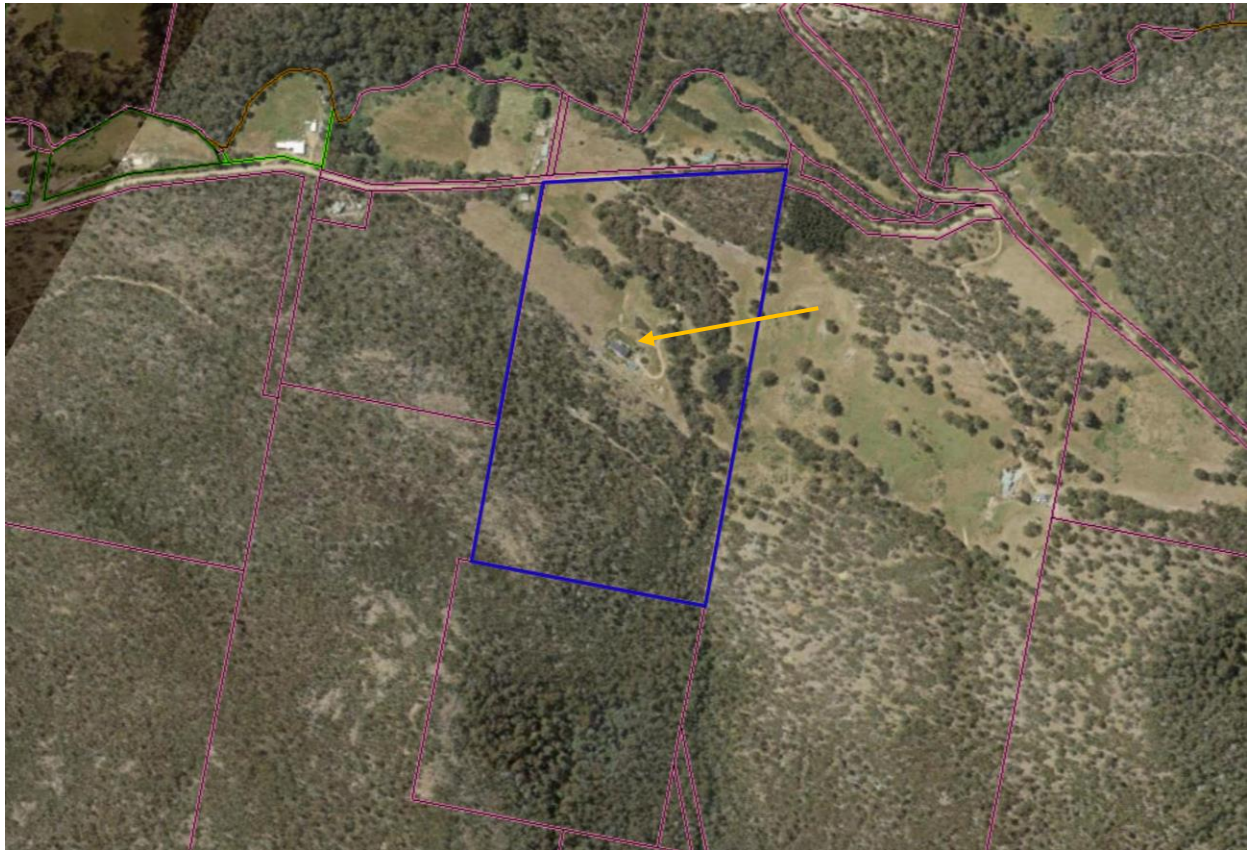
These calculations equate to a total of around 4.91 hectares of the subject site being historically cleared pasture out of the overall 18.13 hectare site area. This equates to the subject site being around 27% clear and having vegetation cover of no more than approximately 73%.

The subject site contains a single dwelling and an outbuilding comprising a three bay garage immediately east of the dwelling. There are also multiple dams within the subject site.

The subject site has vehicular access only from Turn Creek Road.







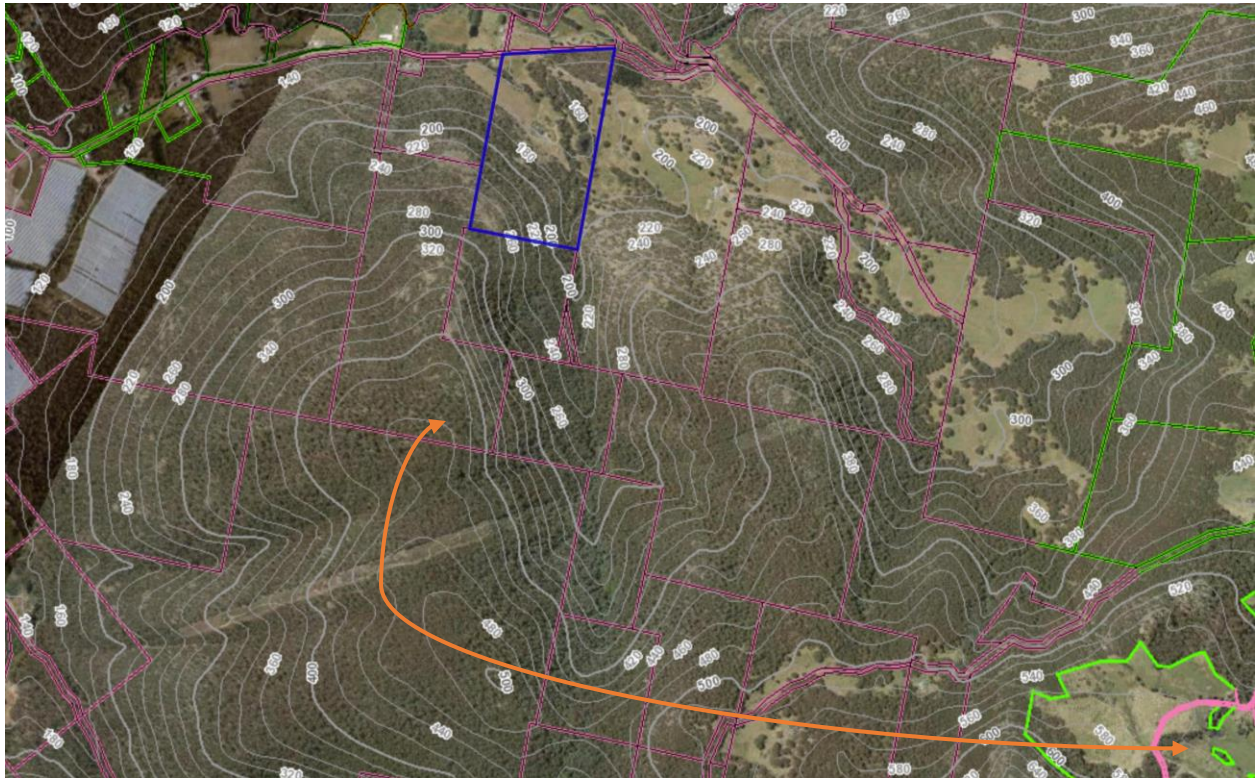
**Figure 1.** 250 Turn Creek Road outlined. The property contains a single dwelling (approximate location indicated with a yellow arrow) and outbuildings and contains around 27% cleared pasture and around 73% vegetation, the vast majority being native Eucalyptus forest. Source: TheLIST, sourced 11 April 2022, no nominated scale.

The subject site contains large cleared areas as well as several dams and a centrally located dwelling.

These characteristics are the overriding reason the owners purchased the property and relocated from Queensland in 2019 as they were aware of the Rural Resource zoning at the time of purchasing the property and purchased on the belief that they would be able to undertake agricultural or animal husbandry use of the subject site (while not necessarily removing any vegetation to undertake these uses).







**Figure 2.** 250 Turn Creek Road outlined. The subject site has an undulating gradient and sits close to the floor of a valley at 100-200m elevation in between two ridgelines that rise up to 500m in elevation. Source: TheList, sourced 11 April 2022.

The above Figure 2 shows elevation and contour data sourced from The List. The elevation contours confirm the subject site is elevated above the 100m base elevation of the valley that it sits within, but more than three quarters of the subject site sits below a 200m elevation level on the lower elevated areas of a hillside. The subject site could not, in any capacity be considered to be in a skyline area or on any prominent ridgeline.

Based on contours and elevation data, the ridgeline and skyline area is indicated approximately above (orange line).







**Image.1.** Looking south west toward the dwelling at the subject site. Source: realestate.com.au, sourced April 2022, images taken 2019.



**Image.2.** Looking south within the subject site toward the centrally located dwelling and one of the dams the site contains. Source: realestate.com.au, sourced March 2022, images taken 2019.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244





**Image.3.** Looking north west from within the subject site toward one of the dams. Source: realestate.com.au, sourced April 2022, images taken 2019.



**Image.4.** Looking south east from within the subject site to lot 1 Turn Creek Road (CT239187/1) to the south east beyond the subject site . Source: realestate.com.au, sourced April 2022, images taken 2019.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244





**Image.5.** Looking east toward another dam within the subject site located close to the eastern side boundary. Source: realestate.com.au, sourced April 2022, images taken 2019.



**Image.6.** Looking east toward the dwelling from within the subject site. Source: realestate.com.au, sourced April 2022, images taken 2019.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244





**Image.7.** Looking west toward the dwelling and outbuildings from within the subject site. Source: realestate.com.au, sourced April 2022, images taken 2019.

### **Owner concerns with respect to the proposed rezoning**

The owners purchased the property in 2019 to utilise the pasture and continue their farming background. Their business ‘Lemon Tree Farm’ is a registered business and they have plans to utilise dams and large cleared areas within the subject site. At the time of buying the property, its current rural zoning of Rural Resource would facilitate these plans.

There is, therefore, considerable concern regarding the proposal to rezone the property from Rural Resource (which currently facilitates the farming use of the property) to Landscape Conservation where the primary objective is environmental conservation in terms of the protection, conservation and management of landscape values.

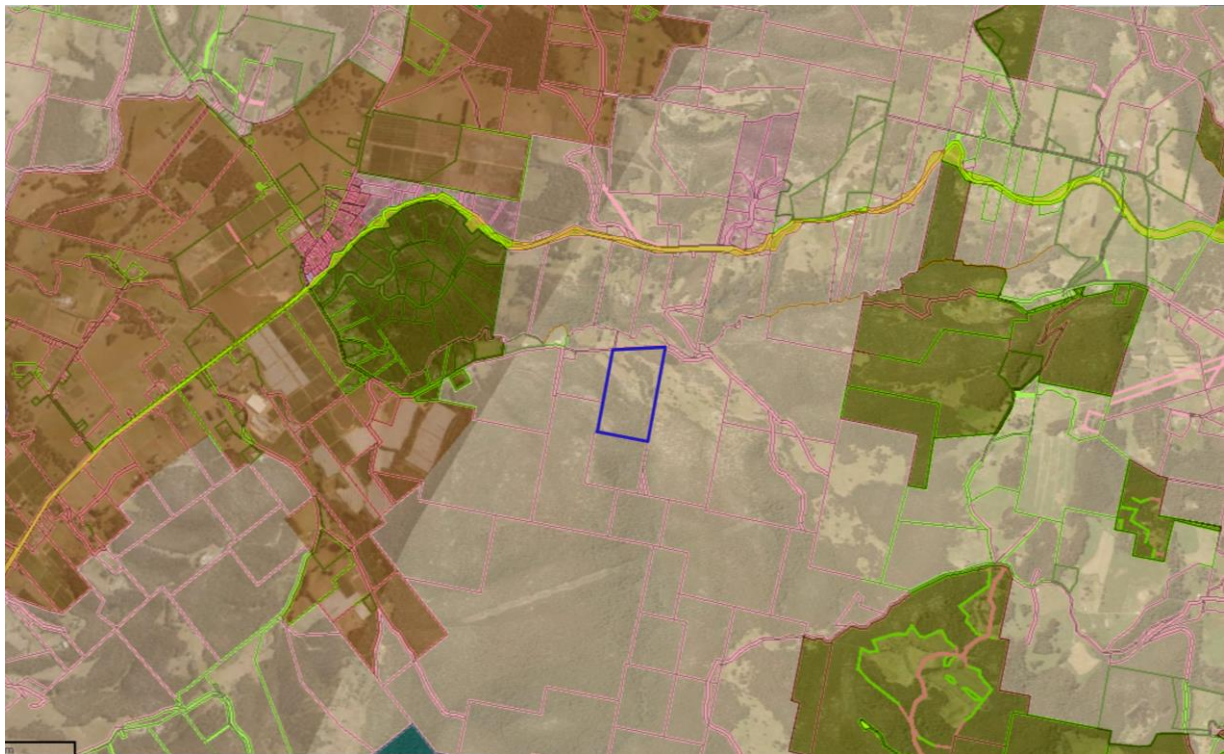


### Current zoning

The subject site at 250 Turn Creek Road is currently zoned Rural Resource under the *Huon Valley Interim Planning Scheme 2015*.

This zoning is very widely applied to properties in the surrounding area.

Many of the properties currently zoned Rural Resource under the Interim Planning Scheme have large cleared areas as evidenced below in Figure 3. Many have grazing and agricultural use evident.



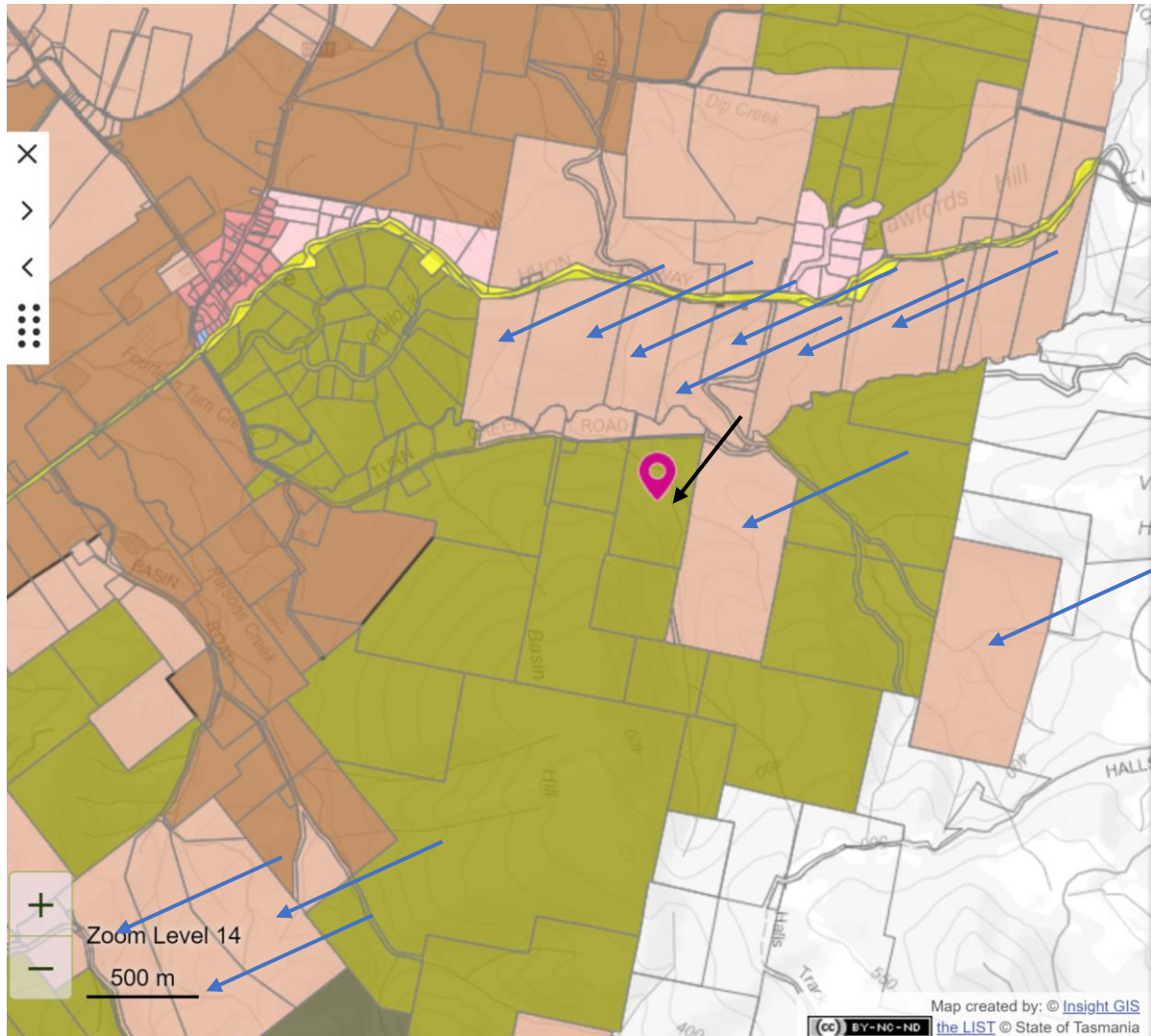
**Figure 3.** The subject site 250 Turn Creek Road shown outlined. The subject is site is currently zoned Rural Resource. The above mapping shows the extent of Rural Resource zoned land (beige) that widely applied across the area. There are pockets of Environmental Living (green) and also Significant Agriculture (brown). Source: TheLIST, sourced 11 April 2022, no nominated scale.





**Proposed zoning under the draft Huon Valley LPS**

The advertised draft LPS for Huon Valley Council shows the subject site to be rezoned from Rural Resource to Landscape Conservation.



**Figure.4.** Proposed draft LPS zoning of the subject site (shown marked with a pink marker and black arrow) to be rezoned to Landscape Conservation. Properties of comparable sizes and characteristics such as vegetation cover extent proposed to retain their rural zoning and indicated with a blue arrow Source: TheList, sourced 11 April 2022, no nominated scale.

The above mapping shows multiple properties in addition to the subject site, in the surrounding area being proposed to be rezoned from the current rural zoning (Rural Resource) to Landscape Conservation (green).

Conversely, some properties with significantly larger site areas than the subject site but comparable extent of vegetation cover are retaining their rural zoning and will be Rural zoned under the LPS. Such properties are marked in Figure 4 above with a blue arrow.



**Council’s rationale for rezoning to Landscape Conservation as per their supporting LPS document dated November 2021.**

The supporting document for the advertised draft LPS was reviewed as part of the background investigation undertaken to prepare this representation on behalf of the owners of the subject site.

Comments are made against of the Landscape Conservation zone application guideline comments from Council as follows:

**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>

**Response to Council comments:**

The subject site does not have 80% (or more) vegetation cover as discussed earlier in this representation. The subject site has around 27% of cleared pasture areas.

In the absence of any landscape values assessment undertaken by Council as part of their background assessment, it is considered that there is no information that supports the subject site as having any particular or identified landscape value.

As already noted in this representation against Figure 2, the subject site is not located or in any close proximity to the skyline area or on any prominent ridgeline and sites around 300m below these areas to the south.



<p><b>LCZ 2</b>                  The <b>Landscape Conservation Zone</b> may be applied to:</p> <p>(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;</p> <p>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</p> <p>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of <b>landscape values</b>.</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>
--	--

**Response to Council comments:**

The subject site has no documented evidence of any threatened species or threatened species habitat. The Council comment above admits to data being deficient in any those areas with limited access or that are remote.

It is considered that where Council admits to there being insufficient data, properties should not be rezoned to Landscape Conservation where there is no data, analysis or studies that identify environmental or landscape values to support this rezoning.

There appears to have been no mapping undertaken by Council to identify threatened vegetation communities as mapped on TasVeg 4.0 and then accordingly apply this to proposed LPS zone mapping as justification of a Landscape Conservation zoning.

Likewise, there does not appear to have been any visual, landscape or scenic analysis of the municipal area to identify important viewfields, vistas, skyline areas or ridgelines.

In the absence of such information, it is questioned how a rezoning can occur, particularly when some very similar properties in close proximity (similar in terms of vegetation cover and extent and size) will retain their rural zoning.



<p>LCZ 3  <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"> <li>• Three or more adjoining properties</li> <li>• Borders existing Environmental</li> </ul>
--	---



	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> <li>• If less than three adjoining properties, the total area of these properties is at least 20 ha.</li> </ul>
--	--

**Response to Council comments:**

There has been no landscape analysis undertaken by Council as part of their LPS preparation.

In the absence of any landscape analysis undertaken by Council, it cannot be confirmed by Council that the subject site has any particular landscape values. Likewise, the absence of any landscape analysis means that the subject site as well as others to be rezoned to Landscape Conservation have no known scenic values.

It is clear the subject site when looking at contours and elevation is not on a prominent ridgeline and does not sit within a skyline area, as confirmed against Figure 2. In fact, the subject site is closer to the valley floor at 100-200m elevation than the 500m elevated ridgeline that runs to the south and south east of the subject site.

There are no planning scheme definitions for either ‘skyline’ or ‘ridgeline’.

The Minister's Urban Skylines and Hillfaces Committee (2000) defined the skyline as "the silhouettes of hills and ridge lines against the sky" and hillfaces as "the sides of hills and include those ridgelines below the skyline".

When considering the above definition, the subject site is on a ‘hillface’ close to the valley floor but is definitively not on any skyline area and is not on a ridgeline.

Without any documented analysis of landscape values and absence of any known or documented landscape values applicable to the subject site, it is considered unreasonable



for the subject site to be rezoned to a zone that prioritises “*protection, conservation and management of landscape values*”.

<p>LCZ 4 The <i>Landscape Conservation Zone</i> should not be applied to:</p> <p>(a) land where the priority is for residential use and development (see Rural Living Zone); or</p> <p>(b) State-reserved land (see Environmental Management Zone).</p>	<p>Formally reserved state land was removed from the property selection.</p>
---	--

### **Response to Council comments:**

The subject site is not prioritised for residential use and is not state reserved land.

#### *Endorsed Council documents*

The following endorsed Council documents have been taken into account in relation to preparation of the draft LPS.

<u>Appendix 33</u>	2016	<i>Huon Valley NRM Strategy (17.058.16)</i>
<u>Appendix 48</u>	2018	<i>Huon Valley Weed Management Strategy (2018-2023)</i>

### **Response:**

The above confirms that the background research from Council involves consideration of the Huon Valley NRM Strategy and a Weed Management Strategy.

As part of representation background investigative work, the NRM Strategy was reviewed. This Strategy does not contain any consideration of, or the identification of landscape or scenic values in the municipal area.

As already noted, there has been no landscape analysis undertaken by Council, no scenic values analysis and no analysis on identifying prominent ridgelines or skyline areas including those of particular scenic value.

The subject site is not known to have been identified as containing any threatened species or threatened species habitat.


In the absence of any known particular environmental values, no known or identified landscape or scenic values and no identified threatened species or species habitat, it is considered there is no justification at all for the rezoning of the subject site.



**Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS – Landscape Conservation zone**

The proposed zoning of the subject site to be rezoned to Landscape Conservation is considered to be contrary to many guidelines contained in the Tasmanian Planning Commission’s Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Landscape Conservation:

<p><b>22.0</b> <b>Landscape Conservation Zone</b></p>  <p>Red 150, Green 146, Blue 0</p>	<p>The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</p>	<p>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.</p> <p>LCZ 2 The Landscape Conservation Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</li> <li>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</li> </ul>
---	---	--

Zone	Zone Purpose	Zone Application Guidelines
		<p>LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</p> <p>LCZ 4 The Landscape Conservation Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) land where the priority is for residential use and development (see Rural Living Zone); or</li> <li>(b) State-reserved land (see Environmental Management Zone).</li> </ul> <p><i>Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.</i></p> <p><i>Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.</i></p>

Comments firstly have been made against each of the following purpose statements for the Landscape Conservation zone:

*The purpose of the Landscape Conservation Zone is:*

*22.1.1 To provide for the protection, conservation and management of landscape values*

Comment:

The subject site has no known landscape values. The subject site is located on a hillside close to a valley floor in terms of its elevation but is not located on, or close to any prominent ridgeline or skyline area.

The Council have not undertaken any landscape analysis as part of their supporting documents for the draft LPS. In the absence of any identification of any noted landscape



values and where these are located, land should not be rezoned across from a rural zone to the new Landscape Conservation zone.

*22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

Comment:

The subject site has no known landscape values. As already noted throughout this representation, the subject site is located on a hillside but is located closer to the valley floor in the surrounding area as opposed to being located on, or in close proximity to a prominent ridgeline or skyline area.

The Council have not undertaken any landscape analysis as part of their supporting documents for the draft LPS. In the absence of any identification of any noted landscape values and where these are located, land with no identified values should not be rezoned across from a rural zone to the new Landscape Conservation zone.

The subject site contains around 27% of historically cleared areas that are located in the northern portion of the subject site.



Comments have been made against each of the following zone application guidelines for the Landscape Conservation zone:

*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.*

Comment:

The subject site has not been identified as having any landscape values. In fact, there has been no municipal analysis or study that identifies any areas with landscape values for protection and conservation within the Huon Valley municipal area.

The subject site does not have 80% site native vegetation coverage which is a threshold identified by Council in their supporting report and used as justifying application of the Landscape Conservation zone.

The Council have not identified any important scenic values or undertaken any such studies that identify what scenic values apply to the municipal area and where such values are evident.

In the absence of any known or identified values, it is considered inappropriate and unreasonable to rezone the subject site to Landscape Conservation.

*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;*

Comment:

The subject site has less than 80% vegetation cover and has no documented evidence of any threatened native vegetation communities, threatened species or documented areas of locally or regionally important native vegetation.

*(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*

Comment:

The subject site contains a single dwelling and an outbuilding.





The subject site has no obvious significant constraints on development and given it has large cleared areas, is considered to have no significant constraints under the current Interim Planning Scheme.

*(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

Comment:

The subject site is currently zoned Rural Resource.

Council have not undertaken any study identifying landscape values or characteristics in the municipality and therefore it is considered cannot apply Landscape Conservation zoning to land not already zoned Environmental Living and with no known or identified values.

*LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*

Comment:

The subject site is around 18.13 hectares in area and is smaller than the minimum 20 hectare lot size for the Landscape Conservation zone.

There are no known or identified landscape values in the municipal area in the absence of any such study undertaken by Council.

*LCZ 4 The Landscape Conservation Zone should not be applied to:*

- (a) land where the priority is for residential use and development (see Rural Living Zone); or*
- (b) State-reserved land (see Environmental Management Zone).*

Comment:

This guideline is not applicable to the subject site as the property is neither prioritised for residential use and development and is not state reserve land.

The subject site does have residential use but is not currently zoned Rural Living.



*Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.*

Comment:

This note under the Section No 1 8A Guidelines notes that the Landscape Conservation zone provides a clear priority for the management of landscape values.

In the absence of Council having undertaken any assessment or study identifying landscape, natural or scenic values within the municipality, it is questioned how this zoning can be reasonably applied to the subject site.

It is considered that the proposed rezoning of the subject site is not based on any information confirming values.

Given the haphazard application of the Landscape Conservation zone that appears to follow no clear pattern, it is unreasonable given that many similar properties in the surrounding area will retain their rural zoning under the LPS.

Table 22.2 of the State Planning Provisions for the Landscape Conservation zone confirms that many Resource Development uses are at best, discretionary. Under the current Rural Resource zone such uses are No Permit Required or Permitted.

It is noted that intensive animal husbandry is Prohibited.

The owners of the subject site are particularly concerned about the significantly more limited extent of use classes that can be considered in the Landscape Conservation zone compared to those that can be considered in the Rural Resource zone.

Of particular concern is the priority of Landscape Conservation which focusses solely on the protection, conservation and management of landscape values. This is not conducive to, or considered to facilitate the use of a property for any farming purposes.

It is considered where Council propose to rezone land from a rural land which facilitates agricultural use and development to an environmental conservation zone where the conservation of landscape values is a priority, such a rezoning should be justified on an affected property having clearly identified landscape values that are identified as being important for the region.

As discussed, there are no landscape values identified for the Huon Valley Council municipal area at all. There have been no studies undertaken such as a landscape analysis by a suitably qualified and experienced person such as a landscape architect or similar.

There is no known mapping on TheList that identifies values as is the case for land with potential agricultural capability and land capability classification.



The only strategies relied upon are Council reports comprising a Weed Management Strategy and an NRM Strategy, neither of which make any particular reference to, or identification of landscape or scenic values in the municipal area.

It would appear that most properties have been identified as being candidates for the Landscape Conservation zone as a result of having 'large areas' of vegetation cover of a figure of at least 80% coverage and also currently being zoned Environmental Living. Neither of these apply to the subject site.


But beyond these, there is no other parameters or documented values that Council has relied upon to justify the rezoning to Landscape Conservation.

On that basis, it is considered the rezoning to Landscape Conservation should not occur, particularly for properties such as the subject site that are less than 20 hectares and have less than 80% vegetation cover.



**Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS – Rural zone**

The following Section 8A guidelines outline the following recommendations for land to be zoned Rural:

<p><b>20.0</b> <b>Rural Zone</b></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>
--	--	---

Zone	Zone Purpose	Zone Application Guidelines
	does not compromise the function of surrounding settlements.	<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>

Comments firstly have been made against each of the following purpose statements for the Rural zone with respect to the characteristics of the subject site:

*The purpose of the Rural Zone is:*

*20.1.1 To provide for a range of use or development in a rural location:*

**Comment:**

The subject site is considered moderately large in area at marginally over 18 hectares with varied gradients, excellent road access, is adjacent to agricultural land and is located in a rural area.

The characteristics of the subject site make it a site with potential for a range of use and development.



*(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*

Comment:

The subject site has limited potential for general agricultural use owing to its extent of vegetation cover.

*(b) that requires a rural location for operational reasons;*

Comment:

The subject site is in a rural locality and is located adjacent to agricultural land.

*(c) is compatible with agricultural use if occurring on agricultural land;*

Comment:

The subject site has large cleared fenced areas of pasture and multiple dams making it ideal to small scale and specialist agricultural use within these areas.

*(d) minimises adverse impacts on surrounding uses.*

Comment:

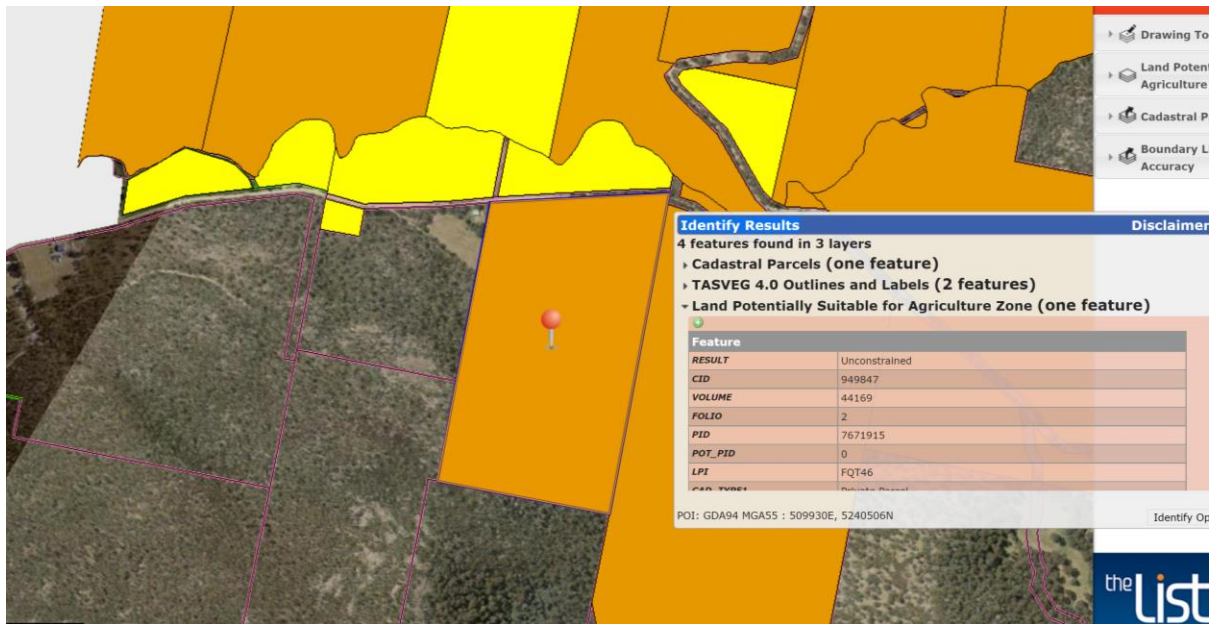
Surrounding uses are varied and include rural residential, vacant, grazing and orchards. Small scale cropping of species such as Kunzea in cleared areas would be unlikely to have any adverse impact on surrounding use.

*20.1.2 To minimise conversion of agricultural land for non-agricultural use.*

Comment:

The subject site considered to be 'unconstrained agricultural land' according to the 'Land Potentially Suitable for Agriculture zone' layer on TheList (see Figure 5 overleaf).





**Figure.5.** mapping of the subject site (shown marked with a red marker) noted as being ‘unconstrained’ land potentially suitable for agriculture. Source: TheList, sourced 11 April 2022, no nominated scale.

*20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

Comment:

The use of the subject site for any Kunzea growing would have no impact on any settlement including Rural Living zoned areas of Grove nearby.



Comments have also been made against each of the following zone application guidelines for the Rural zone:

*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.*

Comment:

The subject site is in a rural area with limited agricultural potential due to native vegetation cover.

*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.*

Comment:

The subject site is confirmed as ‘unconstrained’ in this layer from The List. Given the centrally located dwelling within the subject site and large areas of native vegetation, it is considered the Agriculture zone is not suitable. The best fit for the subject site in terms of zoning is Rural.

*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;*

Comment:

The subject site is identified as being ‘Land Potentially Suitable for Agriculture Zone’ layer on The List.

However, the subject site has limited potential for agricultural use owing to its extent of vegetation cover and is not integral to any larger farm holding.





*(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*

Comment:

The subject site has extensive tree cover throughout its site area with around 73% of site coverage comprising native vegetation. It is not considered a likely or ideal candidate for widespread agricultural use as a result. Only limited clear areas of the subject site currently under pasture would be ideal for agricultural use. On that basis, it is considered the subject site has significant constraints overall to agricultural use.

*(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;*

Comment:

The subject site is not known to be identified for the protection of any strategically important naturally occurring resource.

*(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*

Comment:

The subject site is not known to be identified for a strategically important use or development.

*(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

Comment:

The subject site has no known or documented landscape values and based on assessment of the subject site and its characteristics, it considered to be most appropriate zoned rural which results in a like for like translation from the Interim Planning Scheme across to the LPS and Tasmanian Planning Scheme.



**Request for the proposed rezoning to be reconsidered by Council and the TPC**

The owner is requesting that the proposed zoning of the subject site to Landscape Conservation be reconsidered as justified by multiple issues outlined in this representation.

The current and proposed application of the Landscape Conservation zone is considered inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines for both Landscape Conservation and Rural zones with respect to the subject site characteristics.

It is considered that the Tasmanian Planning Commission instead consider a 'like for like' zoning of Rural for the subject site at 250 Turn Creek Road which is compatible with the size and extent of vegetation cover on the subject site, its lack of any identified values, its hillside setting close to the nearby valley floor (as opposed to being located on a ridgeline or skyline setting), its large cleared pasture areas and being immediately adjacent and opposite to properties proposed to retain their rural zone under the LPS.

Should you wish to discuss this representation, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of Graham and Barbara Walker, 250 Turn Creek Road, Grove

