
From: John Thompson <thompsonjohng@gmail.com>
Sent: Friday, 5 August 2022 4:59 PM
To: Planning
Cc: Gail Dennett; John Dennett; Scott Bell
Subject: Representation on the George Town Draft LPS - Conservation Landholders Tasmania
Attachments: Representation to George Town Council re Draft LPS - CLT - 05Aug22.pdf

Attention: George Town Planning Authority

Please find attached our 6 page representation on the George Town Draft Local Provisions Schedule.

Could you please acknowledge receipt of this email?

Regards

John

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

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5th August 2022

Shane Power
General Manager
George Town Council
PO Box 161
GEORGE TOWN TAS 7253

Via email: planning@georgetown.tas.gov.au

Representation on George Town Draft LPS - support for proposed rezoning of properties with conservation covenants

Dear Shane

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the George Town Draft LPS Zone Maps and the Supporting Report and endorses the Planning Authority's proposal to rezone to Landscape Conservation the titles on the following four properties containing private reserves protected by conservation covenant.

| <i>Reserve Name</i> | <i>Property Address</i> | <i>Property ID</i> | <i>Title References</i> |
|----------------------------|---|---------------------------|--------------------------------|
| Bellingham | 94 GEES MARSH RD BELLINGHAM TAS 7254 | 7236374 | 121822/1 |
| Little Pipers River | 95 GEES MARSH RD BELLINGHAM TAS 7254 | 2937892 | 221928/1 121822/2 |
| Esmerelda Enterprises | 177 SALTWOOD RD PIPERS BROOK TAS 7254 | 6472076 | 221927/1 |
| Morielle (Bellingham) | 227 BELLINGHAM RD PIPERS BROOK TAS 7254 | 2678333 | 145665/1 |

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CLT agrees that these titles should be rezoned to Landscape Conservation based on the Planners Portal advice to Planning Authorities on 22 April 2021 regarding the zoning of covenanted land and Guidelines LCZ1 and LCZ2, when read together with Guidelines RZ1 and AZ6.

CLT also endorses the proposed rezoning to Environmental Management for the following two titles containing covenanted land within a Conservation Area.

| <i>Reserve Name</i> | <i>Property Address</i> | <i>Property ID</i> | <i>Title References</i> |
|--|-----------------------------------|---------------------------|--------------------------------|
| Unnamed Conservation Area (Pipers Brook) | BELLINGHAM RD BELLINGHAM TAS 7254 | 2527869 | 136940/1 203624/1 |

This rezoning is consistent with the same Planners Portal advice and Guideline EMZ1.

CLT agrees that the other five properties in the municipality containing private reserves protected by conservation covenant are appropriately zoned as Agriculture, Rural or General Industrial due to their mixed use or that the conservation covenant is not perpetual.

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 110,000 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 most local planning authorities in their Draft LPS. CLT considers that much of this reserved land is more appropriately zoned as Landscape Conservation.

Reserved land in George Town municipality protected by conservation covenant

There are 10 properties in George Town municipality containing 1,644 ha of reserved land protected by conservation covenant distributed across 14 titles. The total area of covenanted land represents 2.5 % of the municipality's 653 km² area.

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. The perpetually covenanted 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 containing perpetual covenants 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 DNRE. These natural values were ‘ground-truthed’ by DPIPW or Tasmanian Land Conservancy ecologists when the Reserves were established.

The application of Landscape Conservation Zone in the George Town Draft LPS

To its credit the George Town Planning Authority has applied the Landscape Conservation Zone to covenanted land consistent with the Planners Portal advice to Planning Authorities dated 22 April 2021 (see Appendix A) and Guidelines LCZ1 and LCZ2, when read together with Guidelines RZ1 and AZ6 (relevant extracts included in Appendix A). Landscape Conservation Zone has not been applied to non-covenanted land during the current process.

In Section 4.2.10 ‘Rural Resource Zone in IPS’ of the Supporting Report the Planning Authority identified four properties with covenanted land to be rezoned from Rural Resource to Landscape Conservation (pp 33-34).

| <i>Reserve Name</i> | <i>Property Address</i> | <i>Property ID</i> | <i>Title References</i> |
|----------------------------|---|---------------------------|--------------------------------|
| Bellingham | 94 GEES MARSH RD BELLINGHAM TAS 7254 | 7236374 | 121822/1 |
| Little Pipers River | 95 GEES MARSH RD BELLINGHAM TAS 7254 | 2937892 | 221928/1 121822/2 |
| Esmerelda Enterprises | 177 SALTWOOD RD PIPERS BROOK TAS 7254 | 6472076 | 221927/1 |
| Morielle (Bellingham) | 227 BELLINGHAM RD PIPERS BROOK TAS 7254 | 2678333 | 145665/1 |

On p 33 of the Supporting Report it states:

Application of the zone is consistent with LCZ1 of the 8A guideline for the titles that are entirely covered by a covenant.

Where the covenant forms a smaller portion of the lot, the zone for that lot should be the primary intent for the site. That is why the zones for the titles with covenants on them are in the Agriculture Zone. These are on CT145665/2 and CT203624/1¹.

For the purposes of the Protection of Agricultural Land Policy 2000, these sites are considered to have already been converted to a non-agricultural use, by virtue of the covenant.

Also in Section 4.2.10 on p 27 the Planning Authority identified a property on public land containing a conservation covenant across two titles to be rezoned to Environmental Management.

¹ CT 203624/1 is actually zoned EMZ and is part of a Conservation Area. Presumably a typographical error.

| Reserve Name | Property Address | Property ID | Title References |
|--|-----------------------------------|--------------------|-------------------------|
| Unnamed Conservation Area (Pipers Brook) | BELLINGHAM RD BELLINGHAM TAS 7254 | 2527869 | 136940/1 203624/1 |

On p 33 of the Supporting Report it states:

Application of the zone is consistent with EMZ 1 of the 8A guideline.

In respect to the Protection of Agricultural Land Policy 2000, the site has never been used for agriculture.

The other five properties in the municipality containing conservation covenants that have been zoned other than Landscape Conservation or Environmental Management are listed below.

| Reserve Name | Property Address | Property ID | Title References | Draft LPS Zone |
|-------------------------|---|--------------------|-------------------------|-----------------------------|
| Bellingham Vineyard | BRIDPORT RD PIPERS BROOK TAS 7254 | 2743887 | 145665/2 | Agriculture |
| Unnamed – variable term | BEECHFORD RD BEECHFORD TAS 7252 | 9221732 | 114506/1 114506/2 | Rural |
| Pipers River Road | Lot 2 PIPERS RIVER RD PIPERS RIVER TAS 7252 | 2871934 | 117512/2 | Rural |
| Four Mile Creek #3 | Lot 1 EAST TAMAR HWY LONG REACH TAS 7253 | 2936339 | 152545/1 152001/1 | Rural General Industrial |
| Blairgowrie Falls | Lot 1 OLD BANGOR TRAM RD MOUNT DIRECTION TAS 7252 | 3218750 | 163247/1 | Agriculture |

Yours sincerely



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Appendix A

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.

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, 23.0 Environmental Management Zone, 20.0 Rural Zone, and 21.0 Agriculture Zone, with key words and phrases underlined.

- 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.*
- 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; ...
- EMZ 1 *The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:*
(a) land reserved under the Nature Conservation Act 2002; ...
- 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.