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Sent: Thu, 12 May 2022 08:33:16 +1000
To: "Huon Valley Council" <hvc@huonvalley.tas.gov.au>
Subject: Att: General Manager, Huon Valley Council
Attachments: LPS submission Huon Valley.pdf

Ref: Draft Huon Valley Local Provisions Schedule
Please see attached submission.
Fiona Brine

SUBMISSION ON THE DRAFT HUON VALLEY LOCAL PROVISIONS SCHEDULE (LPS)

to The General Manager, Huon Valley Council

from Fiona Brine, lodging as a Individual

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9/5/2022

References are included in Comments text.

OVERVIEW

PMAT:

I support the Planning Matters Alliance Tasmania's key issues of concern regarding the Tasmanian Planning Scheme (<https://www.planningmatterstas.org.au/key-issues>):

- *Reduces the community's right to have a say and in many instances removes appeal rights, weakening democracy;*
- *In urban areas smaller block sizes, higher buildings built closer to fences, and multi-unit developments in all residential areas are allowed. Neighbourhood amenity and character, privacy and sunlight into your backyard, home and on your solar panels are not adequately protected. Rights to challenge inappropriate developments are very limited;*
- *Commercial tourism development can be approved in most national parks and reserves without guarantee of public consultation, and with no rights to appeal. This means that the public has no guarantee of public comment and no appeal rights over public land on almost 50% of the State;*
- *Exemptions in the Natural Assets Code (i.e. Agriculture, Commercial and Residential Zones) and mapping conventions mean many areas of native vegetation/habitat will not be assessed or protected, impacting biodiversity and losing valuable urban trees;*
- *No provision for affordable or social housing;*
- *No Code for Aboriginal Heritage, Stormwater, On-site Waste Water or Geoconservation;*
- *Forestry, mine exploration, fish farming and dam construction remain largely exempt;*
- *Threatens Tasmania's brand including natural and cultural heritage; and there is*
- *No opportunity to embed sustainable transport, green building design and emissions reductions considerations into the planning process.*

I am a landholder with a Conservation Covenanted property in Petcheys Bay, zoned by the HVC as Landscape Conservation. I fully support this zoning as it helps me protect the biodiversity and ecosystems on my property and in my area. My property adjoins other extensive LCZ land (along Black Jack Ridge), which helps to protect local biodiversity and ecosystem health through defragmentation.

KEY REFERENCES

LUPAA (1993) SCHEDULE 1 - Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
(c) to encourage public involvement in resource management and planning; and
(d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\) , \(b\) and \(c\) ; and](#)
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In [clause 1 \(a\)](#) , **sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –**

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Convention on Biological Diversity CBD

(<https://www.cbd.int/countries/profile/?country=au#facts>)

Major threats to biodiversity include climate change and enhanced climate variability; loss, fragmentation and degradation of habitats.

The loss and degradation of native vegetation is an ongoing threat to Australia's biodiversity and to the productivity of industry... Native vegetation not only underpins many social and economic aspects of Australian society but also plays a crucial role in sustaining ecosystem function and processes such as maintaining soils and purifying streams.

CBD 2020: Global Biodiversity Outlook 5 – Summary for Policy Makers

(<https://www.cbd.int/gbo/gbo5/publication/gbo-5-spm-en.pdf>)

Efforts to conserve and restore biodiversity need to be scaled up at all levels using approaches that will depend on local context. These need to combine major increases in the extent and effectiveness of well-connected protected areas and other effective area-based conservation measures, large-scale restoration of degraded habitats, and improvements in the condition of nature across farmed and urban landscapes as well as inland water bodies, coasts and oceans.

Impacts of Habitat Loss and Fragmentation on Terrestrial Biodiversity

Jordan E. Rogan, Thomas E. Lacher Jr, in [Reference Module in Earth Systems and Environmental Sciences](#), 2018

Habitat loss and fragmentation are currently the main threats to terrestrial biodiversity. Anthropogenic disturbance such as agricultural expansion has resulted in dramatic global habitat loss and fragmentation. There have been an increasing number of empirical studies seeking to understand the consequences of these processes on terrestrial biodiversity. Despite lack of consensus, there is a growing body of literature supporting the overwhelmingly negative consequences of habitat loss and fragmentation on terrestrial biodiversity worldwide. Future research focusing on more taxonomic groups and accompanying global threats such as climate

change will be critical to increasing our ability to manage landscapes effectively to improve species conservation efforts into the future.

ZONE PURPOSES (with reference to HVC's Draft LPS Supporting Report)

22.0 Landscape Conservation Zone (LCZ)

22.1 Zone Purpose The purpose of the Landscape Conservation Zone is:

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

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.

Land parcels that contain high conservation values should be considered for this zone, particularly if threatened vegetation communities or threatened species presence can be demonstrated, if they adjoin additional reserves, remnant vegetation, contribute to landscape connectivity or have scenic landscape values etc.

The SPPs and Guideline No. 1 for applying the new zones provided by the TPC allow for zoning of a non-covenanted property as Landscape Conservation where the property contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation.

The following 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 are relevant to the case for rezoning covenanted and non-covenanted properties to Landscape Conservation. The section 8A Guideline has been made by the Tasmanian Planning Commission to assist Councils in applying the SPP zones in their LPSs:

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;

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, ... which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

Forestry (including Private Timber Reserves), marine farming and dam construction are largely outside the Planning Scheme, but need to be planned for with the same criteria as all other land uses, with communities enabled to have their say.

From the HVC TPS Consultation interactive map, the zone purpose has not been achieved for the Huon Valley ie the protection, conservation and management of landscape values. In addition,

Schedule 1 objectives of LUPAA (1993) have not been achieved, contrary to the HVC Draft LPS supporting report (p68).

The LCZ (and EMZ, mainly in national parks) is the only rural zone to protect landscape values. No zone protects wildlife, inland refugia areas need to be identified and zoned EMZ to protect wildlife and vegetation from adverse climate change effects. The HVC zoning criteria hasn't allowed for this planning. More land currently zoned RLZ and RZ needs to be zoned LCZ to protect natural values - there is not nearly enough connected, LCZ zoned areas to protect threatened wildlife and their ecosystems in the Huon Valley. This has already been suggested by the TPC section 8A Guideline. Crown land outside urban areas, and Council reserves, should be zoned EMZ.

Just as Tasmania has prioritised mapping and zoning of suitable land for agriculture, land important for maintaining healthy ecosystems and biodiversity needs to be identified and appropriately zoned to protect it, to achieve LUPAA objectives of sustainability. This includes the designation of inland refugia to combat climate change impacts.

Contrary to the TPC Section 8 Guideline, RZ appears to be a default zoning in most rural areas of the Huon Valley despite the large areas of priority vegetation present, eg west of Huon Estuary. NAC provisions are not strong enough to protect this priority vegetation (eg the use of terms such as 'mimimise' and 'have regard to' which have little actual effect in protecting vegetation). RZ also promotes fragmentation with an open minimum lot size (ie to 0ha). Extractive industries, intensive animal husbandry and plantation forestry are allowed without permits.

This is poor planning for land use, is not based on the inherent values of the land and doesn't achieve LUPAA and STRLUS objectives of sustainable development. It effectively encourages further biodiversity decline. The HVC has not provided a planning framework which fully considers land capability, as it claims to have done on p74 of its Draft LPS Supporting Report. I also refer to the CBD and Rogan biodiversity paper text included above under References, outlining biodiversity threats.

The TPS zoning and codes and their application doesn't allow for protection of natural features, such as forested hilltops or climate change refugia (eg south-facing vegetated hillsides and wetter valleys). This is despite coastal refugia being given protection in the TPS.

The Southern Tasmanian Regional Land Use Strategy (STRLUS) policies outlined in the HVC Draft LPS Supporting Report on p80 onwards are also not achieved, specifically:

BNV 1.1

Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.

The HVC has applied the protection of EMZ and LCZ in very limited and fragmented areas, despite most other rural areas carrying priority vegetation. Biodiversity will be reduced and ecosystems harmed (also reducing climate change resilience) by this lack of protection, contrary to HVC claims.

BNV 1.2

Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme: a) specify the spatial area in which biodiversity values are to be recognised and

protected; and b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.

Again, such limited, fragmented application of LCZ and EMZ by the HVC renders its biodiversity at risk, along with discretionary/exempt applications of the NAC in other zones.

BNV 1.3

Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated.

Biodiversity offsets: a. are to be used only as a 'last resort';

b. should provide for a net conservation benefit and security of the offset in perpetuity;

c. are to be based upon 'like for like' wherever possible.

HVC offsets are limited to onsite application only, limiting efficacy and very difficult to enforce or maintain, unlike other Tasmanian Councils that have offsite offsets possible.

BNV 1.6 (p81)

Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.

As I have mentioned elsewhere, the HVC has only considered coastal refugia in its Draft LPS Supporting Report. Inland refugia, such as on south-facing hillsides and wetter valleys, have been ignored, though they will be essential to climate change resilience in the Huon Valley (see AdaptNRM: <https://adaptnrm.csiro.au/>). This is inadequate planning and will not achieve LUPAA and STRLUS objectives.

BNV 2

Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.

Sparse LCZ and EMZ areas outside national parks, and mainly as highly fragmented zone areas, means that these threatened and other communities are not protected, particularly in the face of climate change. Biodiversity and ecosystem health will be further reduced.

BNV 2.1

Avoid the clearance of threatened native vegetation communities except:

a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and

a. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.

The Strategy is not clear whether the term 'outweigh' refers to \$ values or anything other, likewise for the term 'significantly'. In any case, BNV 2.1 apparently does not support BNV 2 policies nor LUPAA Schedule 1 objectives.

BNV 2.2

Minimise clearance of native vegetation communities that provide habitat for threatened species.

'Minimise' is a completely unquantitative term here. And having a HVC priority vegetation area overlay is no guarantee of non-clearance.

NATURAL ASSETS CODE (NAC)

The purpose of the Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The Natural Assets Code (NAC) does not apply in the following zones: Inner Residential, Agriculture, urban commercial, business or industrial zones, Village Zone and Urban Mixed Use Zone. It only applies in the GRZ and LDRZ at subdivision stage. For example, the NAC does not prevent land clearing in the GRZ to put up new houses. .

The NAC only applies to 'priority vegetation' which is any vegetation that is mapped and is largely built on supporting 'known' data points of threatened flora and fauna and is presented as the 'Priority Vegetation Overlay' (PVO) over the LPS. This mapping layer is ONLY available for review at the same time as each LPS is under review (the Act requires an LPS to be undertaken every five years). However, the Priority Vegetation Overlay should be regularly updated, as knowledge about natural values changes. For example known locations, conservation status of threatened species, which will push habitat into the 'priority' definition, and bushfire impacts which may alter priorities for habitat protection. Also, the NAC only seeks to 'minimise impacts' rather than to 'protect values'.

The failure by the state government to produce (mandatory) State of Environment Reports for Tasmania only exacerbates the situation, as it is unclear how natural values in the Huon Valley are changing.

The purpose of the NAC is limited to the protection of threatened flora and fauna, failing to appreciate the need for broader values to be protected in order to maintain ecological processes and biodiversity. Biodiversity values are not limited to critical habitat or threatened species or vegetation communities. The mapping is critical. If not mapped, no permit is required to remove vegetation and an ecological specialist is not required to address any impacts from potential development applications. For the PVO to be activated during a planning decision on a property parcel, the PVO must overlap with that parcel. If vegetation is to be protected in the Huon Valley, it needs to be mapped under the NAC or protected through another tool, eg the Scenic Protection Code or a SAP.

The NAC does not stop land clearing, it only requires a permit, but the community has no rights to take action to protect vegetation if it is not mapped as 'priority vegetation' or protected by another means under the TPS. The NAC fails to take into account contemporary best practice conservation planning (i.e. the importance of landscape connectivity and avoiding landscape fragmentation). This will allow for the ongoing decline of biodiversity across Tasmania. The extensive exemptions from the NAC severely compromise the capacity to achieve even its limited aims of protecting threatened species.

In the Huon Valley LPS Consultation maps, EMZ areas are sparse apart from western national parks, and LCZ zones (where NAC protection applies fairly strictly) are mostly highly disconnected and fragmented. For example, LCZ areas along the Huon Estuary are very limited and are highly fragmented and disconnected, despite the large areas of priority vegetation there. This fragmentation causes biodiversity loss and opposes the LCZ and EMZ zone purposes outlined above, as well as the LUPAA Objectives of sustainable development.

Fragmentation and disconnection of protected areas means that Huon biodiversity will continue to decline, particularly with climate change impacts. It also means the wildlife is unable to find refugia as the climate warms, rendering current threatened species extinct and threatening other wildlife that is managing now.

SCENIC PROTECTION CODE

The purpose of the Scenic Protection Code is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.

Despite significant views of the Huon Estuary area, there are no scenic protection areas between Geeveston and Dover, or south of Dover, or for Estuary/Channel areas south of Deep Bay, for example. The Huon Valley is a predominantly scenic area as a whole and the Scenic Protection Code should be applied to reflect that, to protect for the future (and fulfil LUPAA and STRLUS objectives). Otherwise, future tourism industries will be threatened. Another point is that hilltops and ridgelines do not have any scenic protection, despite wide-ranging views of them, and from them where accessible, across the Valley. Therefore, in not recognising or protecting most scenic landscapes, the zone purpose has not been achieved in the Huon Valley. LUPAA Schedule 1 objectives also have not been achieved (contrary to claims on p73 (g) of Draft LPS Supporting Report by HVC).

In addition, scenic overlays appear to be discretionary for the HVC, eg the recent Cygnet subdivision decision in which part of the scenic corridor overlay was deleted to allow proposed subdivision buildings alongside the Channel Highway which will obscure clear views of Port Cygnet. Despite local community objections as well. So it is obvious the Scenic Protection Code has little actual effect on development in scenic areas, again not achieving its purpose.

While Franklin has a heritage-protecting SAP, other townships in the Huon Valley do not, despite their unique heritage and scenic values, eg Cygnet and Dover. These townships and centres need to be valued and protected, to maintain the Huon Valley's character that is so important to our communities. This protection should include significant trees and vegetation.

Therefore the Southern Tasmanian Regional Land Use Strategy (STRLUS) policies outlined in the HVC Draft LPS Supporting Report on p100 onwards are not achieved, specifically:

CV 4

Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.

See my 4.1 response.

CV 4.1

State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values. This needs to be applied to the whole of the Huon Valley, not just in a few places. Many historic or scenic areas have not been identified or protected, despite their obvious significance. This also negatively affects sustainable tourism in the Valley - see T1.1 and T1.2 (p112 of Report). Applying the new TPS to Huon Valley planning decisions when so many scenic or heritage areas have not been identified or protected is clearly inadequate and detrimental planning.

CV 4.2

The key values of regionally significant landscapes are not to be significantly compromised by new development through appropriate provisions within the planning scheme.

The zones and codes noted by the HVC in their Report have not been applied in many significant landscapes across the Huon Valley, and so are unprotected from new development. And as I have noted, scenic overlay inclusion does not result in guaranteed protection of an area in the Huon Valley.



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9/5/2022