
From: matthew williams <m8ttwill@gmail.com>
Sent: Tuesday, 23 May 2023 3:42 PM
To: Edgell, Chloe
Cc: cjp7777@hotmail.com; Luke Hearnden
Subject: Fwd: 264 Cloverside Rd [SEC=UNOFFICIAL]
Attachments: 264 Cloverside Road Representation.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Chloe I hope you are well.

I am Matt williams from 236 cloverside road in Lucaston and you assisted in the hearing I had with the commission last Tuesday. In that hearing I mentioned the predicament of my neighbour at 264 Cloverside road (Craig jessop-pond) and I was told by the commissioner he could put in a submission for consideration. Please find attached that submission. Happy to discuss and Craig is cc'd and his phone number is I. The attached for a follow up if needed. In short we feel a small parcel of his single title was wrongly split zoned and he is seeking the entire property be zoned Rural.

Please let Craig and I know next steps or an alternate contact if a better person to connect with.

Many thanks

Matt Williams
0458267682

Begin forwarded message:

From: "WILLIAMS, Matthew" <Matthew.Williams@health.gov.au>
Date: 23 May 2023 at 15:36:21 AEST
To: m8ttwill@gmail.com
Subject: 264 Cloverside Rd [SEC=UNOFFICIAL]

Chloe.edgell@planning.tas.gov.au

cjp7777@hotmail.com

"Important: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of this transmission."

17 May 2023
Tasmanian Planning Commission and Huon Valley Council

Dear Relevant Members of Commission and Council,

RE: Representation for the Huon Valley Council’s advertised zoning of 264 Cloverside Road, Lucaston.

Contents

Executive Summary	1
An Overview of My Property and Future Development	2
Responding to the proposed Landscape Conservation Zoning under the new Tasmanian Planning Scheme (effective 2019)	4
LCZ1	4
LCZ2	5
LCZ3	7
LCZ4	8
Response to Section 8A Guidelines for Rural Zone - Guideline No. 1 Local Provisions Schedule (LPS): zone and code application	8
RZ1	8
RZ2	9
RZ3	9
Summary	9

Executive Summary

I am Craig Jessop-Pond – and am the owner of the above property.

I apologise for a late representation but I was unaware of the process in its’ entirety until very recently when my neighbours at 236 Cloverside Rd explained that they were attending a Commission hearing on their zoning. On investigation it was discovered that a small portion of my land was segregated and given separate zoning treatment, despite being part of an established and connected title. Mr Williams from 236 Cloverside Rd mentioned my predicament at the Planning Commission hearing and was advised to convey a willingness to receive a representation on my land and it’s proposed future zoning.

The following is my representation in objection to the proposed *Landscape Conservation* zoning assigned by the Huon Valley Council (HVC), as part of the advertised draft Local Provisions Scheme (LPS) submission - for a small parcel of land on my title (the majority of which is to be correctly zoned Rural Zone).

I believe that the more appropriate zone of **Rural** should be applied to the entirety of my title - because the said property does not meet the *Landscape Conservation Zone* criteria but meets the criteria for *Rural Zone* under State Planning Provisions – Tasmanian Planning Scheme 2020 V3 (at as

19th February 2020) (TPS) which supports the Southern Tasmania Regional Land Use Strategy 2010–2035.

Specifically, the Rural Zone criteria corresponds with the land characteristics, surrounding similar zoned folios, historical use and alteration of the land and recognised land improvements.

I believe this might have been segregated from the larger parcel in error, and also zoned differently, in error.

This portion of our property has no evidence of threatened species existence and no verified evidence of threatened vegetation communities. I consider the rezoning in the absence of any identified values that are not already protected by legislation under the RMPS and the Scenic and Natural Assets Codes.

This small parcel of my land also lacks the criteria of scenic protection being completely hidden from view except from Cloverside Road and my own house.

I was not consulted directly on any proposed split zoning as proposed in the TPS.

An Overview of My Property and Future Development

My property is currently zoned as 26.0 *Rural Resource* under the interim Huon Valley Planning Scheme 2015 as per the data on LISTMap. It has a dwelling as indicated on Huon Valley Council's interactive map. The property has several overlays present including Landslip Hazard Area (about 20%), Scenic Protection Area (about 80%), Bushfire Prone Areas (whole property), biodiversity protected area. The typography of the land could be described as sloped with an altitude of approximately 300m up to 400m and a large block with house and paddock, with a smaller block across the road on the same title that is cleared and leads down to a man made dam. My entire parcel is approximately 50% covered with cleared pasture (including the residence). I currently utilise my land to graze a small number of sheep and house a large free range poultry endeavour including dozens of geese, ducks, fowl, chickens and turkey. We share the livestock with our community – a community that is largely also focussed on other sustainable lifestyle endeavours. This is a passion for my wife and I – and the conversion to rural for the main part of the land will be suitable to continue this endeavour. I am worried, however, that segregating the dam we utilise for our livestock and poultry endeavour – with the limitations of landscape conservation zone – would be problematic for us. I also fear that my potential hope to build a house on this lower parcel of land which receives much better sunlight aspect, would be hindered by separate zoning of this small parcel.

The below picture shows an image of my land and I have circled the segment that has been artificially segregated and zoned separately to Landscape Conservation Zone. It is divided from my larger parcel by the road but is integral to how we use and intend to use my land.

264 CLOVERSIDE RD LUCASTON

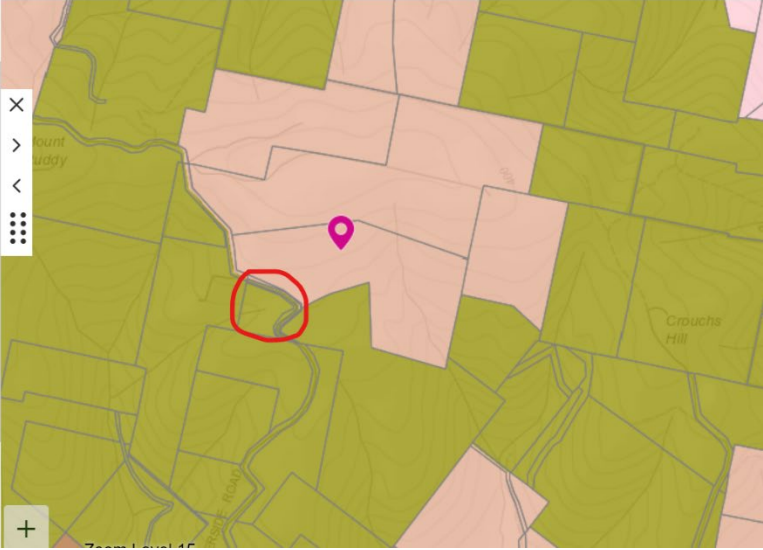
lon: 147.052259 lat: -42.956208

Titles

See on map

PID	2811982
Parcel Address	264 CLOVERSIDE RD
CT	152022/2
Tenure Type	Freehold Title
Locality	LUCASTON
Improvements	DWELLING
Area	197268.028


Overlays



The below image is a satellite image from the LPS site indicating the lack of vegetation and habitat cover. It is part of my land (seen north of the parcel) and would appreciate it treated as such.

maps.thelist.tas.gov.au/listmap/app/list/map

Home Maps 264 cloverside road ? Help



Responding to the proposed Landscape Conservation Zoning under the new Tasmanian Planning Scheme (effective 2019)

Myself and many in my community have spent a lot of time searching for a document that outlines what criteria the council believed my land met when applying the LC Zone and overlays. I was told that there was a decision process made in a general sense during one of the sessions held by the HVC in March 18th 2022. Given the lack of specific criteria of the LCZ Zone applicable to my property that I'm aware of, I will address the council's comments that are found in Table 12 of LPS-HUO-TPS Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule Nov 2021, p41-42.

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>

LCZ1

Background:

The Priority Vegetation Area mapping used by the HVC covers a whole swathe of vegetation that is not a priority and certainly not a threatened vegetation community. The data is old and inaccurate and stating that vegetation is present at in the bioregion which is why it is listed will also be inaccurate. Coupled with the lack of natural values assessment for the property, it must be agreed that no such accurate data exists to be able to understand if my property's natural values. My property has a Scenic Overlay and a Priority Vegetation Overlay (which is inaccurate). My property has been cleared in many areas – including historic clearing in the now wooded area. Walking through there are historic fences with trees growing in them, sheds, foundations and agricultural equipment residue. It may have been sub optimal for agriculture given the slopes and rocks, but has clearly in the past been used for agriculture in its entirety. Like the whole road, up until the 1970s the area was selectively logged and there are logging landings and tracks to drag logs out , throughout the entire property and much of the way up and down either side of the slopes. Up until the 1980s the lower slopes behind my house were cleared for rough pasture. I will need to at a minimum keep the currently cleared area such for fire abatements reasons.

The Scenic Overlay needs to be revisited as the only area visible is my larger portion that is correctly zoned Rural.

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

LCZ2

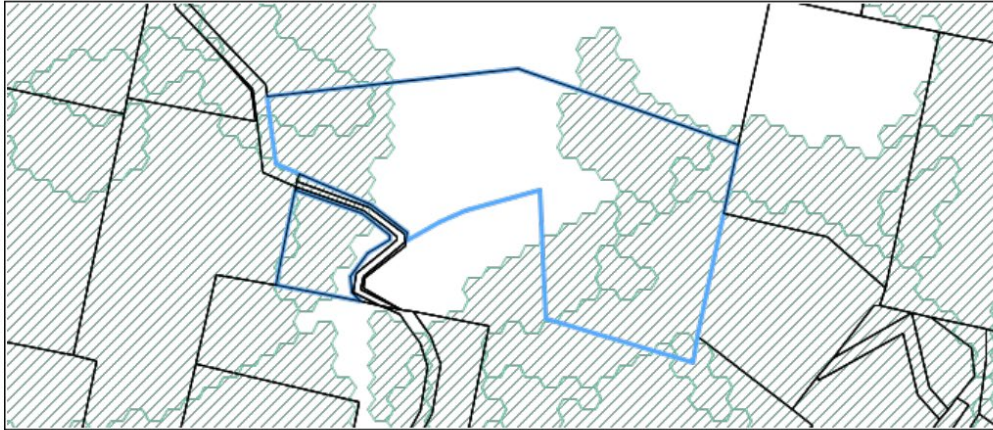
Both Council and LISTMap admits to TASVeg mapping being indicative in most cases at best. This is true of my land and all priority/threatened flora, listed in the Huon Valley Council's report are not present on this property.

The Swift Parrot *Lathamus discolor* is also mentioned in the Priority Vegetation Report, but this critically endangered species has not been heard or seen anywhere in the community for many many years. You will see no vegetation of concern is listed for the parcel in question (as it is cleared land) and the fauna will remain uninterfered with as it is unfenced. Even if fenced, this small parcel's segregation from my larger block in zoning does not make much sense even accounting for the priority vegetation report.

The relevant overlay should be adjusted to meet the observed data and in consultation with the property owner.

Priority Vegetation Overview

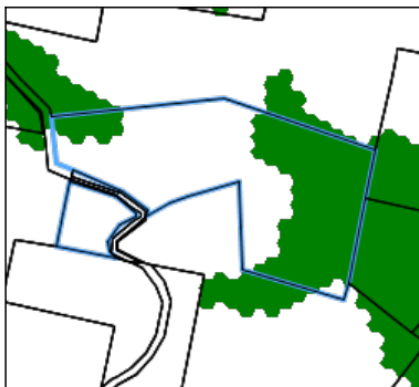
PRIORITY VEGETATION OVERVIEW MAP



This Priority Vegetation Area overlay report shows a subset of the Regional Ecosystem Model. The overlay contained in the planning scheme is shown only over zones to which it can apply.

Priority Vegetation Details

Relative Reservation



Relative Reservation

- (NAD) *Acacia dealbata* forest
- (WGL) *Eucalyptus globulus* wet forest

Reservation status is a measure of the degree to which vegetation communities are included in the Comprehensive, Adequate and Representative (CAR) reserve system. Higher levels of reservation give greater confidence that the species for which vegetation communities are surrogates are likely to be protected, subject to appropriate geographic and biophysical distribution in the landscape. Reservation provides greater certainty of the maintenance of better condition vegetation and hence maintenance of ecological function at local and landscape scales.

Why is it included?

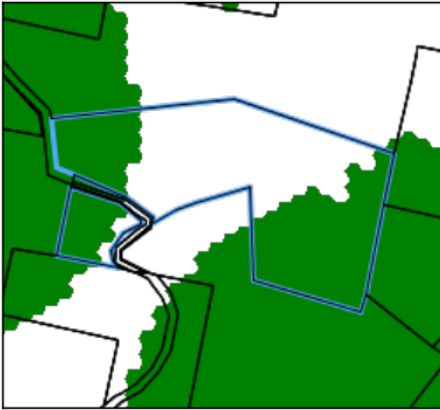
- Less than 30% of extent in bioregion is in reserves

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

Threatened Fauna and Significant Habitat



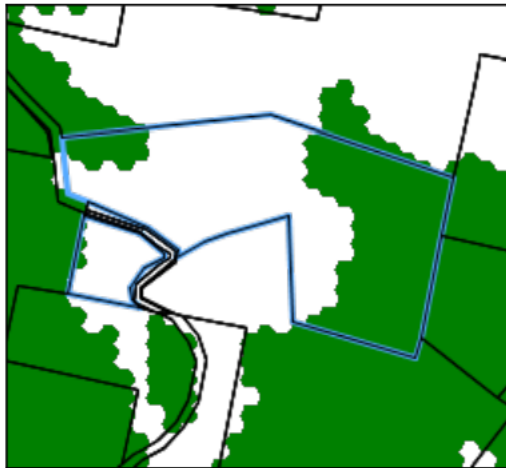
Threatened Fauna

- swift parrot
- swift parrot
- tasmanian wedge-tailed eagle
- grey goshawk
- wedge-tailed eagle

These are species listed as threatened fauna under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999). Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened fauna habitat characteristics are extremely varied and are modelled as significant based on Natural Values Atlas records with a limited number of habitat variables or more detailed customised models for about 100 fauna species. Some species habitat occurs across the landscape but not all sites may be essential for species survival and not all suitable habitat may be occupied. Species that rely on this type of habitat are classified as

species that re
landscape-dep
importance, h
the survival of
field verificati



Threatened Fauna Habitat

- tasmanian devil
- eastern quoll
- eastern barred bandicoot

Why is it includ
• Statutory rec
however not a

Data Source:

- NVA records
- rules
- Habitat-base

Reliability:

- Variable

Management:

- Check specie
- Check data c

LCZ3

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.

This was addressed by using the following selection criteria to select LCZ suitability:

- Three or more adjoining properties
- Borders existing Environmental


	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> If less than three adjoining properties, the total area of these properties is at least 20 ha.
<p>LCZ 4 <i>The Landscape Conservation Zone should not be applied to:</i></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>

I believe this small section of my land was inexplicably segregated in zoning planning and this provision does not apply. In and of itself it is smaller than the size requirements for LCZ-3.

LCZ4

As per LCZ4 the property was not formally reserved State land and the Rural Living Zone is not sought in this representation; however, the LCZ should not be applied to Rural Zones either and given that my property was Rural Resource under the Interim Planning Scheme 2015 the most appropriate zone to this is Rural as many of my other friends and neighbours seem to be zoned who have very similar properties and lead a similar lifestyle with a similar amount of development and future development.

Response to Section 8A Guidelines for Rural Zone - Guideline No. 1 Local Provisions Schedule (LPS): zone and code application

<p>20.0 Rural Zone</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
	<p>does not compromise the function of surrounding settlements.</p>	<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>

RZ1

Much of the area that you wind your way up through Cloverside Road can be described as Rural which is why titles on this road have been zoned Rural. There is a wide range of uses on almost all the properties on this road that meet the Rural Zone criteria – and this property has had a small

scale rural uses in the past including sheep, cattle and ducks. We currently run poultry and sheep for meat and eggs and have several existing cleared and properly fenced paddocks. The lower portion that is wrongly segregated is unfenced but integral to the poultry endeavour we run on site. The natural values of the property have been discussed in the case against LCZ and due to the inaccuracy of the data it is known that the land is not more appropriate to LCZ, it is with respect to its topography, existing development and utilities defined as a Rural Zone.

RZ2

The land is not suitable to agriculture due to the topography and soil type. Rough pasture is possible in small areas at best of upwards 10 acres in the owner's expert opinion. The rest of the property is forested with rocky slopes.

RZ3

The property in question has limited agricultural use and is not integral to the management of a larger farm holding within an Agricultural Zone. Demonstrated significant constraints can be evidenced by the mapping of the property where you will see it has shallow alpine soil and either side of the flats are heavily forested rocky slopes. Rough pasture provides food for sheep and goats but at small numbers. The market garden soil is from external sources or local soil is composted with chicken manure from the property. Spring water as a naturally occurring resource is present on the property and is appropriately located in the Rural Zone. The owner intends to get a Forest Practices Plan in the coming weeks.

Summary

The Rural Zone is better suited to my property in its entirety, intended uses and reflects a more appropriate like-for-like conversion of our current rural resource zone, when the new system comes into place. The property is rural and being used for rural purposes. Any natural values are protected by existing regulations and legislation. The LCZ should not be applied because the Priority vegetation report is inaccurate regarding the vegetation types and/or extent of them.

The odd application of landscape conservation to this parcel of my land should be revisited.

My neighbours are supportive of rural zone being applied to my entire property.

I very much appreciate you considering this submission and would welcome an opportunity to provide more information or discuss the unique elements of this property.

Regards

Mr Craig Jessop-Pond – 264 Cloverside Road, Lucaston. (consider this an electronic signature)

Contact: cjp7777@hotmail.com; 0418-411-936