

14th June 2019
Daniel Hosemans
12 Philip St
Vermont Vic 3133
dhosemans@optusnet.com.au

Central Coast Council
19 King Edward St
Ulverstone 7315

RE: Change of Land Zoning

Dear Sir/Madam

I recently purchased a property at 1991 Loongana Rd, Loongana. The total size of my property is 77.6 Hectares. The land is currently zoned Rural Resource which covers properties exceeding 40 Hectares in Rural Areas. In 2005 the previous owner agreed to a restrictive covenant, under the Nature Conservation Act 2002, which covered approx 40.3 Hectares, leaving 37.8 Hectares unrestricted.

Loongana Rd runs through the middle of the property (east-west), and a council road reserve (north-south) divides the northern section in half, effectively creating 3 properties divided by council roads. Each of these 3 areas has a conservation component, and an unrestricted component, creating a total of seven zones, 4 unrestricted, and 3 restricted.

Rural Resource Zoning was intended to preserve larger areas of land for current or future resource development, and limit subdivisions which could affect the future productivity of the land. The rear half of the property is steep stony ground rising between 70 and 100m in elevation from the road, making it only useful for growing trees, nothing else. The lower area nearer the river has some good soil, but less than 10Ha, insufficient for any large scale agriculture.

I am currently considering increasing the covenant area, should this application be successful, to cover the two north eastern unrestricted zones, as these are very steep, and difficult to access. This will also create a solid green band of approx 500m wide, linking the Winterbrook Falls Forest reserve, with the Leven Canyon Regional Reserve, so it will permanently be a wildlife passage between these two forests.

This will reduce the usable (resource available) land from 37.8 Hectares to 30.9 Hectares, over two separate zones (13.6Ha & 17.3Ha), well below the threshold for a Rural Resource Classification, which is supposed to be over 40Ha and undivided. Planning regulations seem to be deficient in recognising the reduction in usable land where restrictive covenants have been adopted, and that some properties, like mine, may have a total area over 40 Ha, but a usable area of well below 40Ha.

regards
Daniel Hosemans

BOUNDARY DESCRIPTIONS

- N.B. BOUNDARY FOLLOWS NORTHERN SIDE OF TRACK
- S.W. BOUNDARY FOLLOWS SOUTHERN SIDE OF TRACK

STATE FOREST CPR2239
G.G.K.07

LEGEND

- Conservation Covenant Area
- Folio Boundaries FR239626-1

SCALE
0m 125m 250m 500m

TITLE BLOCK:

NO.	PRODUCTION / AMENDMENT	AUTHORITY	REFERENCE	DRAWN	APPROVED	DATE	SCALE	1:500
1.	PRODUCTION	RMC - PFRP	C9-3854	PCB	AN	15/12/2006	QND	AC234 Zone 53
X	AMENDMENT	RMC - PFRP		PCO	CB	23/2/2007	DATUM (M)	(M)

INFORMATION & LAND SERVICES - DEPARTMENT OF STATE DEVELOPMENT, WATER & ENVIRONMENT
TASMANIA

GAZETTED

STAFF NAME:

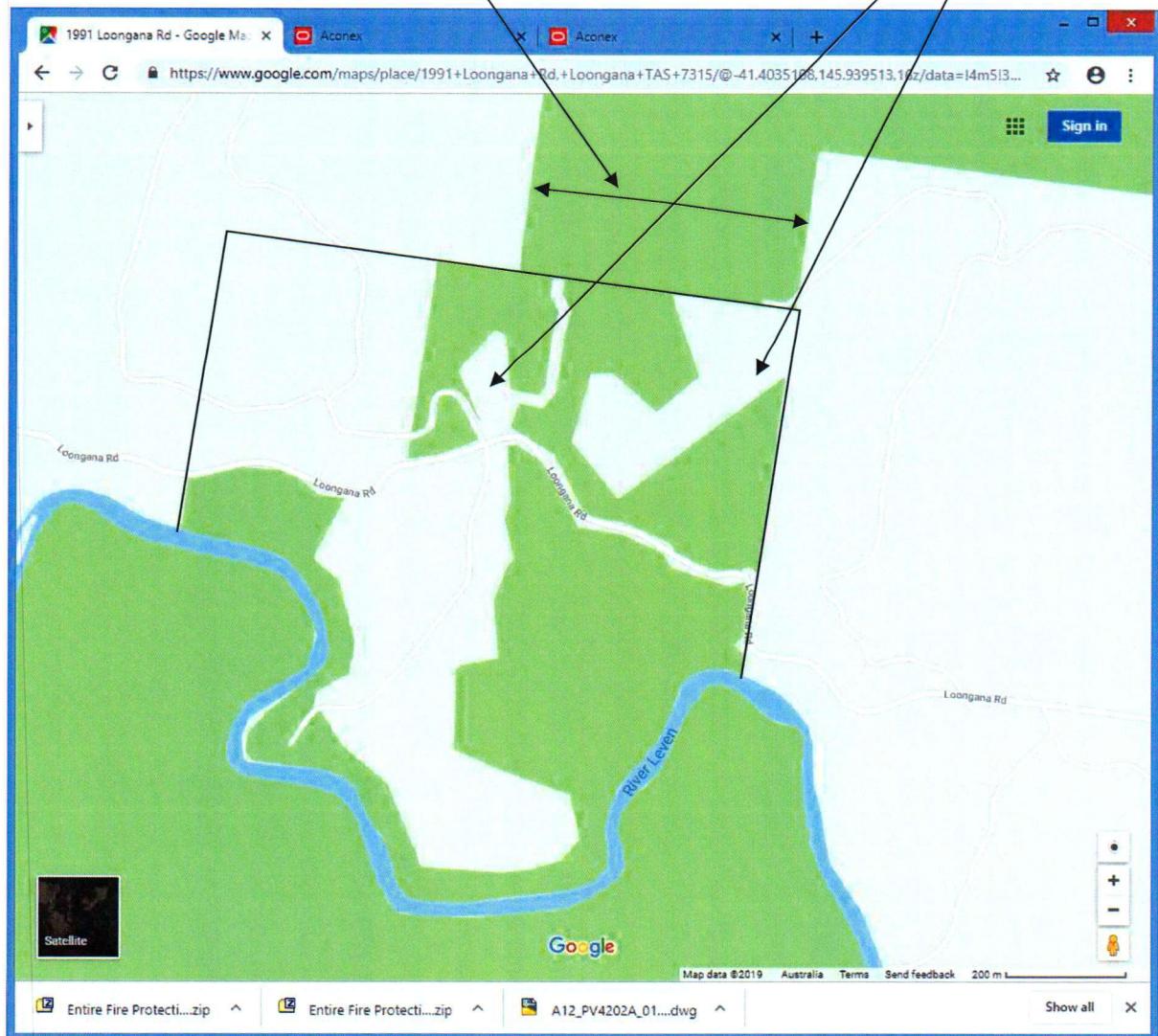
CENTRAL PLAN REGISTER
Surveyor General
Date Registered: 15/12/2006

GDA

CPR 6961

500m wide unbroken reserve, linking the Winterbrook Falls Forest Reserve, with the Leven Canyon Regional Reserve

areas proposed to add to covenant (7Ha)



10th July 2019
Daniel Hosemans
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Sandra Ayton
Central Coast Council
19 King Edward St
Ulverstone 7315

RE: Additional Information for LPS2019 - (1991 Loongana Rd, Loongana)
Change of Land Zoning from Rural Resource to Rural Living

Dear Madam,

Further to my previous correspondence regarding a request to change my zoning from Rural Resource to Rural living, given that the proposed zoning under the new planning scheme, without intervention, will be Rural, being similar to the previous allocation of Rural Resource. I request you consider the following.

Under the Rural Classification, the minimum lot size is 40Ha. I understand that this provision is to ensure that large undivided productive properties be preserved for future generations and endeavours. As I mentioned previously, my property contains a large Conservation Covenant, and road reserves, that divide my 77.6Ha property into 7 different areas. A total of 40.12Ha is the Conservation Covenant area, leaving 37.48Ha available for any productive use. Area 4, on the attached plan, is almost 6Ha, is steep, has no access, and the covenant will not allowing clearing to provide access. As this land is of no practical use either, I propose to have this added to the covenant area. It will create a wide green belt, linking the Winterbrook Falls Forest reserve, with the Leven Canyon Regional Reserve, so it will permanently be a wildlife passage between these two forests. This reduces the usable land to aprox 30Ha, divided almost exactly in half by Loongana Rd, which is well below the threshold of a single lot of 40Ha for Rural Classification.

The State Government recognises that Conservation Covenants are no longer a productive part of the existing property, and do not charge land tax on the covenant areas. Local Councils recognise that Conservation Covenants are no longer a productive part of the existing property, and do not charge council rates on the covenant areas.

Surely the Planning Authority did not intend that land that is not available for any possible productive use, now or in the future, be included in the minimum 40Ha.

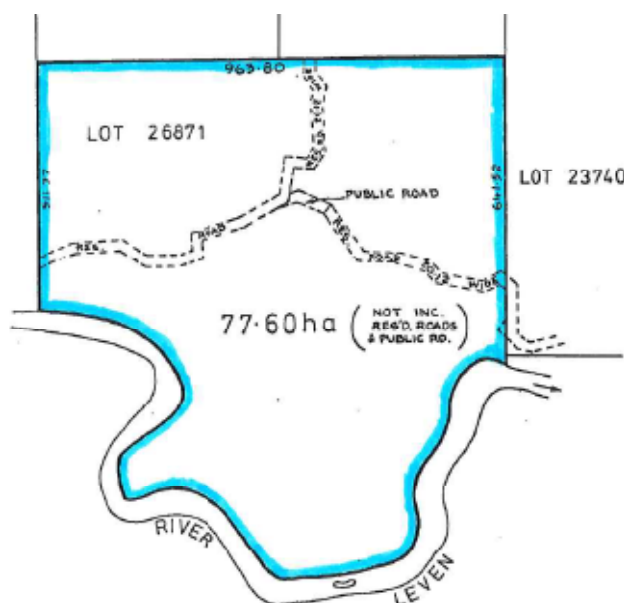
I respectfully submit, that any land covered by a Conservation Covenant, should not be taken into account, when determining land area for planning classification, and the divided configuration of my property is more suited to Rural Living rather than Rural. There are already many residential properties along Loongana Road.

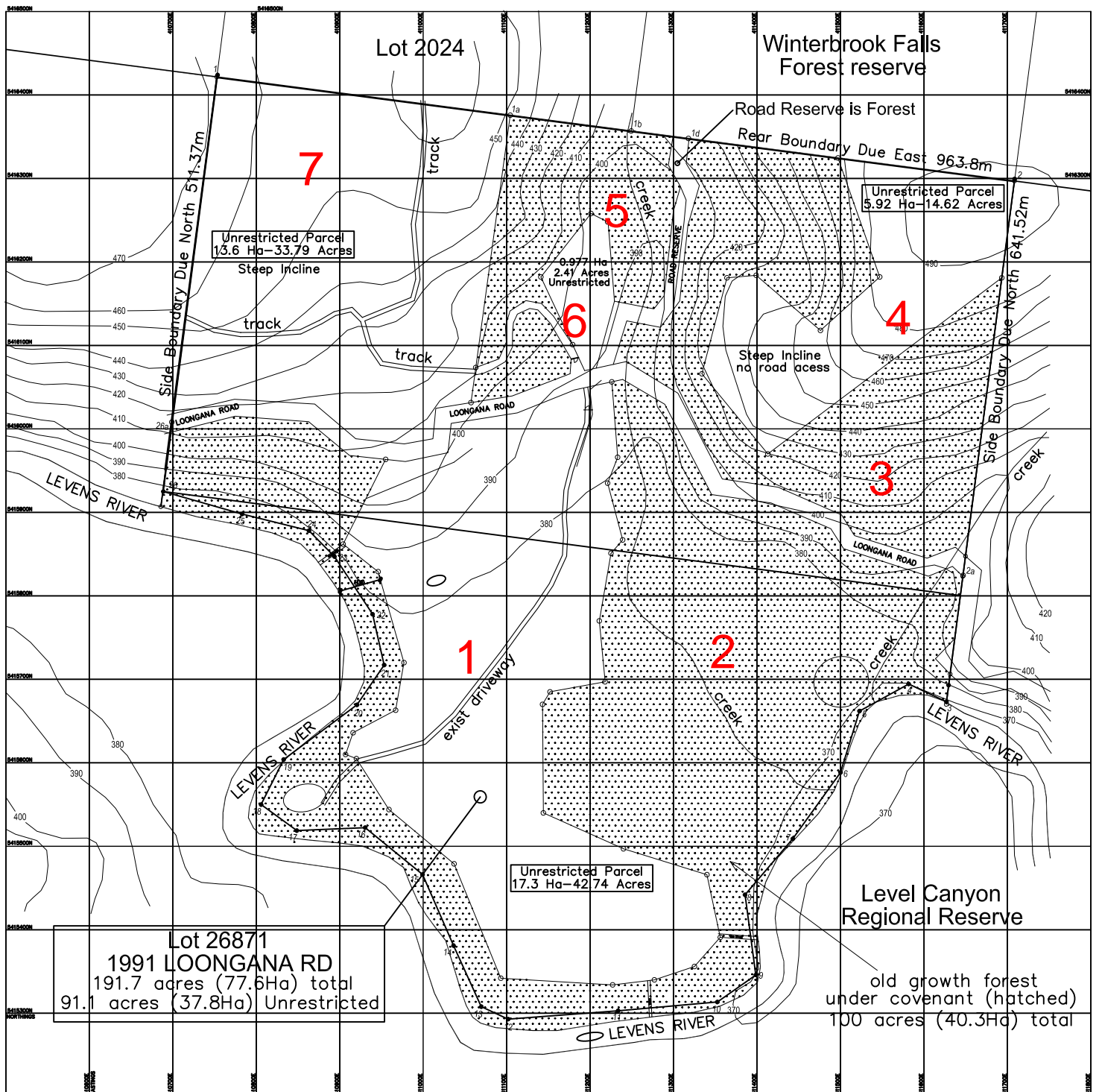
My neighbour, on my northern boundary, (lot 2024), has an access issue, in that council never constructed a road on the council road reserve, which adjoins her property. This road reserve runs north-south through my property, starting at Loongana Rd, and is 300m long, crosses a creek, and is currently natural forest. As a result, she uses a road on my property for access, and refuses to sign an indemnity waiver I offered her, to temporarily resolve this problem. I have legal advice to seal off her access at my boundary, to avoid any possible legal liability. She lives off grid, and this would leave her stranded.

Should council see fit to grant a rezoning to Rural living, I would apply for a subdivision of aprox 10Ha, adjacent my pensioner neighbours property, also creating a right of way, as access for both her, and the new property created. I would otherwise not consider a right of way, through the middle of the land, without a subdivision to support it. Without one, my neighbour will be unable to sell her property, as I will not allow any future owners access along my roads.

Here's hoping that you find this proposal agreeable, and we can have a good outcome for my neighbour, council, myself, the environment and a newly created rateable property for the shire.

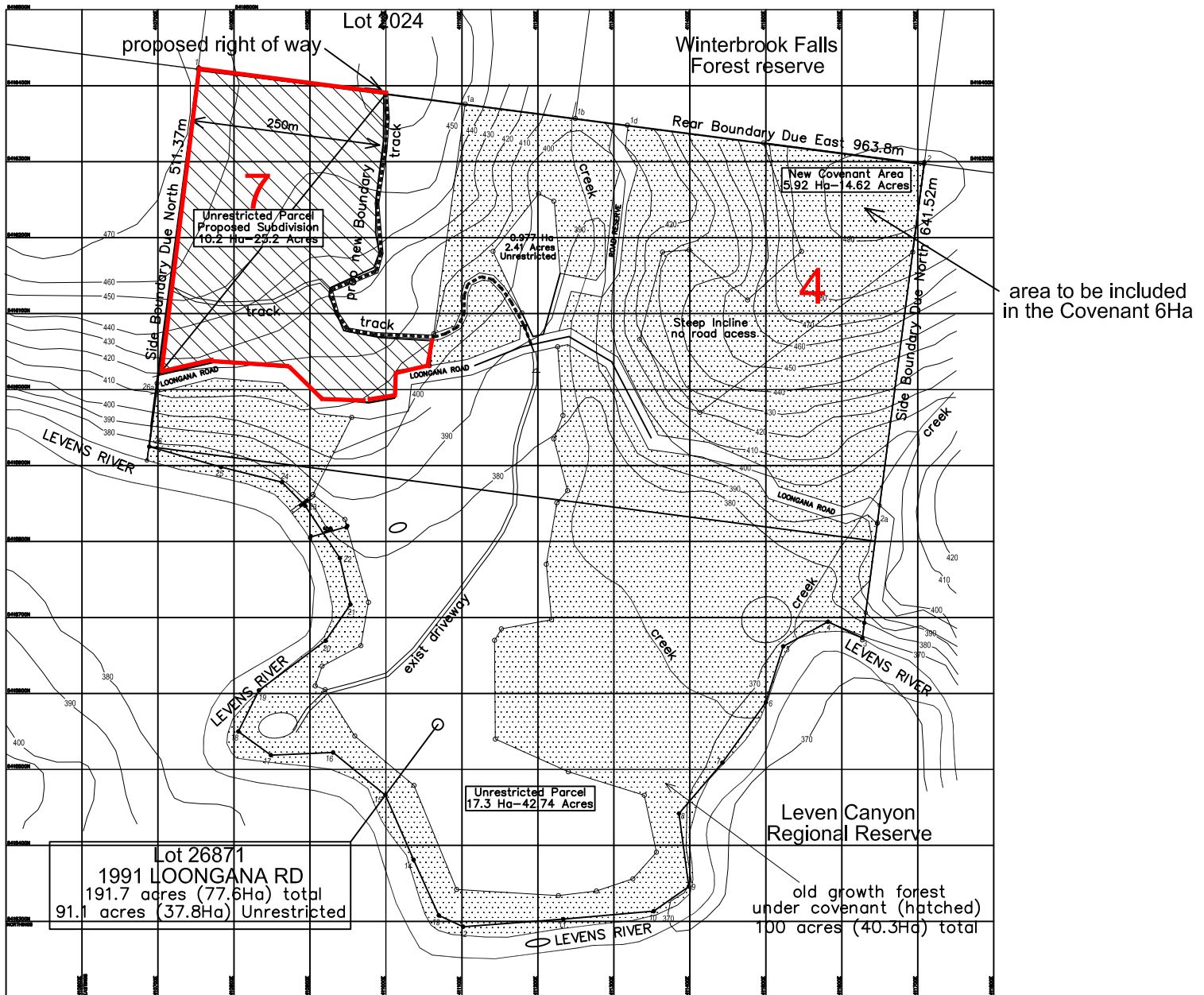
regards
Daniel Hosemans





1991 LOONGANA RD - EXISTING BOUNDARIES PLAN

Area 7 is the proposed subdivision.
Dotted line is proposed right of way.



1991 LOONGANA RD - NEW BOUNDARIES PLAN

Area 4 is inaccessible, and will be added
to the conservation covenant.