

**Kathy Bradburn**

---

**From:** Peter Cassar-smith <pcassarsmith@gmail.com>  
**Sent:** Thursday, 21 October 2021 9:21 PM  
**To:** development  
**Subject:** Re planning scheme amendments in relation to conservation covenanted properties  
**Attachments:** Conservation Landholder Letter.pdf

Hi, we have received the notification of proposed changes to the zoning of the conservation land which we currently own. (please see notification attached).

We would like to indicate our agreement with the proposed change in zoning of the conservation land, as outlined in the attached advice.

Please also note, we are in process of selling the property, however, the settlement has not yet been finalized. We passed the notification on to the purchaser and they have requested that we make this response as they also agree with the proposed zone changes.

Regards,  
Peter and Michelle Cassar Smith



20 September 2021

Peter and Michelle Cassar-Smith  
19 Fisher Street  
PORT ARLINGTON VIC 3223

**Advice about the rezoning of your covenanted property at Lot 3 Marked Tree Road, Hamilton, by Central Highlands Council and the current public Exhibition Period until 22 October 2021**

Dear Conservation Landholders

If you are recipients of *The Running Postman* you will know who we are and that as fellow covenant landholders we have been organising forums and field days for conservation landholders for over 9 years.

With the change to the state-wide Tasmanian Planning Scheme (TPS) many properties in the Central Highlands municipality are being rezoned due to the retirement of several zones in the Central Highlands Interim Planning Scheme 2015.

Most of the conservation properties with Private Reserves protected by conservation covenant in the Central Highlands municipality will be rezoned as Rural or Agriculture by your Council unless the owners request that their property be zoned otherwise. The Exhibition Period was notified by two public notices in Tasmanian newspapers and on the Council web site, the only legal requirement for public notification.

Your 138.9 ha property at Lot 3 Marked Tree Road, Hamilton, (PID 3264626, Title Ref. 166564/3) is currently zoned as Rural Resource. In the recently exhibited Draft Zone Maps your property is being rezoned to the new TPS zone Rural.

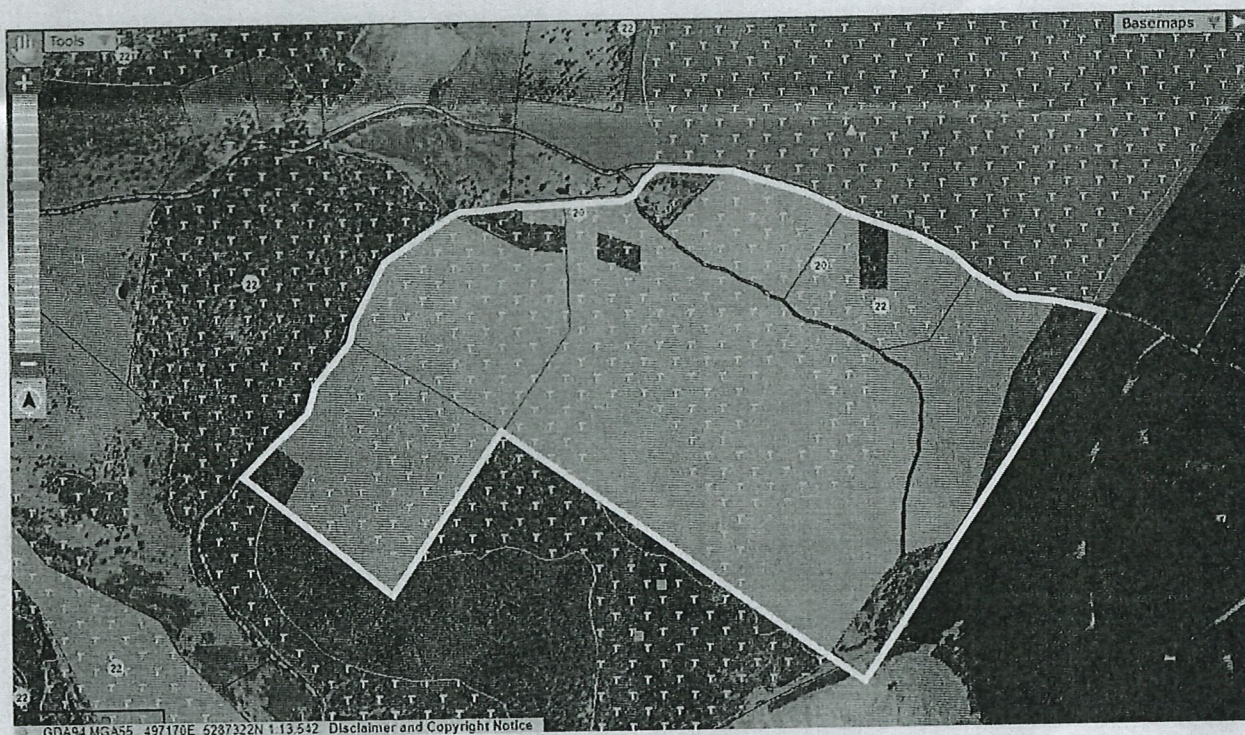
Rural or Agriculture may be appropriate for titles where part of the land is used for agriculture but the new zone Landscape Conservation is more appropriate for titles fully covered by a Private Reserve or partly covered by a Private Reserve where the non-reserved part is not used for agriculture.

---

ABN 47 746 051 320  
website [www.clt.asn.au](http://www.clt.asn.au)  
post 675 Cradle Mountain Road Erriba TAS 7310  
email [gaildennett@gmail.com](mailto:gaildennett@gmail.com)

Conservation Landholders Tasmania (CLT) is of the view that the new Landscape Conservation Zone should be applied to all of your property. Given that the Bullock Hills Reserve, the name of your covenanted area, covers 132.2 ha (95%) of the 138.9 ha Title Ref. 166564/3, Landscape Conservation Zone should apply to the whole title as the non-reserved area appears unsuitable and not used for agriculture.

CLT is proposing that all six adjoining properties that contain the 271.7 ha Bullock Hills Reserve are rezoned to Landscape Conservation and have also written to the other five landowners. A ListMap screenshot below shows the combined area (solid white border).



If you were considering building on the non-reserved land in the future, Residential Use for a new dwelling is a Discretionary Use under both the Rural and Landscape Conservation zones. The Performance Criteria that you would need to meet under Landscape Conservation only require you to demonstrate that a new dwelling will be compatible with the landscape values, i.e. the natural and scenic values.

In the Central Highland Draft Zone Maps the new Landscape Conservation Zone has not been used anywhere and there is no evidence in the Supporting Report prepared by the Planning Authority that they considered using Landscape Conservation Zone for your property.

However, the Tasmanian Planning Commission Guidelines make it clear that Landscape Conservation Zone should be applied to titles containing Private Reserves where the non-reserved part is not used for agriculture.

In Tasmania all land under conservation covenant is classed as Private Reserve, has a Reserve Name and is part of the Tasmanian Reserve Estate. It has been identified for protection and conservation by both the State and Federal Governments.

You are entitled to request rezoning of your property to Landscape Conservation during the current 60 day Public Exhibition period provided by your Council which closes on **22 October 2021**.

The benefits of rezoning to Landscape Conservation Zone for titles containing conservation covenants are:

1. The planning protection provided by Landscape Conservation Zone under the Tasmanian Planning Scheme complements the restrictions on use and development by the landowner within the covenanted area under the *Nature Conservation Act 2002*.
2. Landscape Conservation Zone prohibits Extractive Industries (i.e. mining, quarrying), as well as plantation forestry and intensive animal husbandry (e.g. feed lots, piggeries, poultry farms) - all of these and many other uses incompatible with a conservation property are permitted under Rural and Agriculture Zones. A conservation covenant will not prevent mining but the inability of the mining company to obtain a planning permit will.
3. On the non-covenanted part of the title Landscape Conservation Zone will still permit uses compatible with the covenanted part such as residential, visitor accommodation and home based business. Any existing uses on the non-covenanted part are necessarily permitted under the General Provisions of the TPS.
4. Having a title containing a conservation covenant zoned as Landscape Conservation provides planning protection under the *Land Use Planning and Approvals Act 1993* across the whole title, not just the covenanted area.
5. Landscape Conservation zoning will have greater influence on a neighbour's planning application for discretionary use or development on their property than the conservation covenant. Conservation covenants are not recognised *per se* under the *Land Use Planning and Approvals Act 1993*.

If you wish to have your conservation property zoned as Landscape Conservation during the current Planning Scheme process it is critical that you make a representation by post or email to your Council by the **22 October 2021** deadline. Information on how to make a representation and the Draft Zone Maps are available on the Central Highlands Council web site at <https://centralhighlands.tas.gov.au/central-highlands-draft-local-provisions-schedule-lps/>

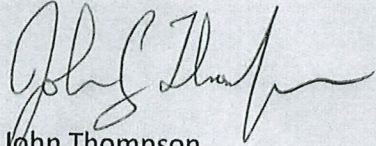
During the Tasmanian Planning Commission hearings that follow the Exhibition process you will have the opportunity to present your case in person or online via Microsoft Teams to the commissioners whether Central Highlands Council supports your representation or not.

CLT has submitted a representation to Central Highlands Council on 19 September requesting that 13 of the 61 properties containing Private Reserves in the Central Highlands municipality, currently rezoned to Rural, should be rezoned to Landscape Conservation subject to landowner agreement. Your property is included in the 13 properties. Given the tight timeframe it has been necessary to make our representation before contacting you but you can be reassured that the Tasmanian Planning Commission will not agree to rezoning your property unless you request it in writing.

Please contact me by phone or email if you would like more information about the implications of Landscape Conservation Zone, or if you would like assistance with making a representation. CLT

has been successful in arguing the case for rezoning to Landscape Conservation in other municipalities. We are happy to share what we have learnt as well as draft a representation for you.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John Thompson', with a stylized flourish at the end.

John Thompson

On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125

Email [thompsonjohnng@gmail.com](mailto:thompsonjohnng@gmail.com)