

CRITIQUE OF HVC'S DRAFT LPS

A Data Driven Investigation



APRIL 12, 2023

HUON VALLEY ZONING ASSOCIATION
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Introduction

This report is a blanket submission by Huon Valley Zoning Association (HVZA) on the Huon Valley draft Local Provisions Schedule (draft LPS) which was exhibited for public comment on 24/1/2022 to 31/5/2022.

This document also refers to the previous HVZA representation submitted during that exhibition period.

Over 400 representations were made during the exhibition period, with Council responding to these in a 35F report twice rejected by Councillors. The 35F report was finally adopted on 25/1/2023 with the addition of two initial General Response sections adopting new policy positions on the Landscape Conservation Zone (LCZ) and Agriculture Zone (AZ). Additional 'lost' representations not included in the 35F report were added over the following months.

HVZA formed from a diverse group of community members who began to work together during the exhibition period. The group's first formal meeting was held on 24/7/22 and we became incorporated on 31/10/22. Our objectives are:

Huon Valley Zoning Association seeks considered community participation in the development and implementation of planning scheme(s) applying to the Huon Valley municipal area.

HVZA recognises that land owners and users have an important stake in setting strategic land use directions and should be empowered and assisted to contribute to our diverse and productive Huon Valley community.

HVZA sought to meet with Council several times to raise concerns, offer feedback and better understand the draft LPS rationale, but this request was rejected on at least 3 formal occasions. We believe this caused lost opportunities to improve the draft LPS early on, but have worked hard to improve our understanding of inputs and issues despite these barriers to engagement.

This report aims to show the Tasmanian Planning Commission the multitude of issues we found within the draft LPS and makes recommendations for principles and solutions which could achieve a more fair, feasible and evidenced outcome for the community. This report also identifies obvious mapping/GIS errors.

The following abbreviations will be used:

| | |
|---------|-------------------------------------|
| Council | Huon Valley Council |
| | |
| HVC | Huon Valley Council |
| HVIPS | Huon Valley Interim Planning Scheme |
| LPS | Local Provisions Schedule |
| TPC | Tasmanian Planning Commission |

Zones may be referred in short form i.e., Rural Zone (RZ) and Landscape Conservation Zone (LCZ).

A brief analysis of Zoning Data, the Representations and Proposed Outcomes

HVZA members began work to analyse the draft LPS during exhibition period, and data on the broad extent of LCZ compared to other Tasmanian councils was an early output (see our 31/5/22 representation).

Further analysis explored the possible origin of potentially problematic characteristics in particular zoning or overlays, but shifted over time to focus on what our LPS might look like if State Guidelines were followed and community knowledge was incorporated in decision-making.

The following section will detail our analysis of the data published by Huon Valley Council (HVC) before, during, and after their exhibition of the HVC's draft LPS. Commentary on the sourcing and development of quality datasets for analysis is included in Appendix D1.

HVZA recognises that processing large datasets can be complex and time consuming. However, Huon Valley Council had over four years (4 years 9 months from the date of the SPPs inception 2 March 2017 to 15 Dec 2021, date of TPC direction to exhibit¹) to consider, compile, check and present their data to the TPC for review and approval to exhibit to the community. Despite this errors and issues remain. A number of these errors and issues have been addressed by Council, through being raised by individual community members and the HVZA.

The Raw Data – Zoning

Leading up to the exhibition period for their draft LPS, HVC went through a number of modifications to their decision-making process for proposed application of the new zones and overlays. This will be discussed later in this document but it should be recognised and understood that the data presented in HVC's final Appendix 61 document on 22 May 2019² is their final pre-exhibition list of zones and overlays proposed for Huon Valley titles. Transcripts of Council Meetings, 22 May 2019 and 19 May 2021 where HVC were acting as a Planning Authority and discussed matters relating to their draft LPS have been attached to this document in Appendix 1. Other key meetings to consider are 28 Sept 2022, 14 Dec 2022, 15 Dec 2022, and 25 Jan 2023. Much can be said about information presented within these meetings but this discussion will focus on the data at hand.

Council initially exhibited a total of 68 Appendices (or 4,800 pages) of information for the community to read through and digest within the statutory 60 day exhibition period³. Technically, according to the TPC's repository it was 65 Appendices and a number of supporting reports⁴. Taking over four years for HVC to compile, this is an extraordinary amount of technical information for a community of mostly

¹ See Fact Sheet 2: Tasmanian Planning Scheme – An Overview. Tasmanian Planning Commission DOJ: Sept 2017, P.1 "The State Planning Provisions were made by the Minister on 22 February 2017 and came into effect on 2 March 2017 following a period of public consultation, public hearings and recommendations by the independent Tasmanian Planning Commission". Cf Huon Valley Council's Meeting Transcript 19 May 2021, Wardlow at 02h40m55s.

² See Huon Valley Council Meeting Minutes, Agenda incl Reports WEBSITE.PDF p.72(66) and 2019 DRAFT-LPS-Part 1 – 17.013- 19 Combined Attachments A and B Combined.pdf.

³ Figures cited by Mr Lyle Ground at HVC's Community LPS Exhibition Information Session 28 Jan 2022

⁴ See Tasmanian Planning Commission: <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/lps-huo-tps>

planning laity to even begin to comprehend. It is appreciated that Council petitioned the TPC for extensions to the exhibition period, which finally closed after 128 calendar days⁵.

Using Appendix 61 Version 26 Nov 2021 with the List_Parcel_Huon_Valley.zip (LPHV) extracted from the LIST version 21 Dec 2021, and the endorsed 35F document, the HVZA was able to consider, examine, prepare and present maps and findings for these hearings within approximately 6 weeks of Council's final endorsement of their 35F document^{6,7}. A number of table joins were used to accurately connect between the observations in Appendix 61 and that of LPHV's attribute table where perfect parity could not be achieved between the datasets. This is discussed further within Appendix D1 within the *Compiling Mapping and Zoning Data*, section.

A further issue was that the iterations of Council's 35F documents were constantly changed. HVZA identified more than 20 issues with Council's 10.010 document and presented them to Council in early Jan 2023 for consideration. We are grateful that although, not being permitted to present more complex issues we had identified to Council in a meeting, these more discrete issues were considered and amended where appropriate.

Frustratingly, and purely from a data collation perspective, the endorsed 35F document has seen frequent discovery and subsequent assessment of representations that seemingly, 'fell through the cracks'⁸. It is for this reason that HVZA's zoning data analysis will be limited to LPS decisions and representation discovery not past the final endorsement of the 35F document in Jan 2023, up to and including Representation 411 Nicholls Rivulet and Ida Bay.

The Raw Data – The Representations

As of 29 March 2023 there were 417 representations made to HVC in response to Council's exhibited Draft-LPS. The distribution of representations received by other Councils that had completed their respective exhibition periods by 29 June 2022 is presented in the following box and whisker chart.

⁵ See Tasmanian Planning Commission: <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/lps-huo-tps>

⁶ See Huon Valley Council's Appendix 61, V. 26 Nov 2021, and 10.010 Combined Attachment LPS Report 28 Sept. 22

⁷ See the LIST <https://listdata.thelist.tas.gov.au/opendata/>. Cadastral Parcels, Huon Valley Municipality. 21 Dec. 2021.

⁸ See HVC's meeting documentation after Jan 2023 (date of 35F endorsement) inc. March 2023 (where four more representations were found).

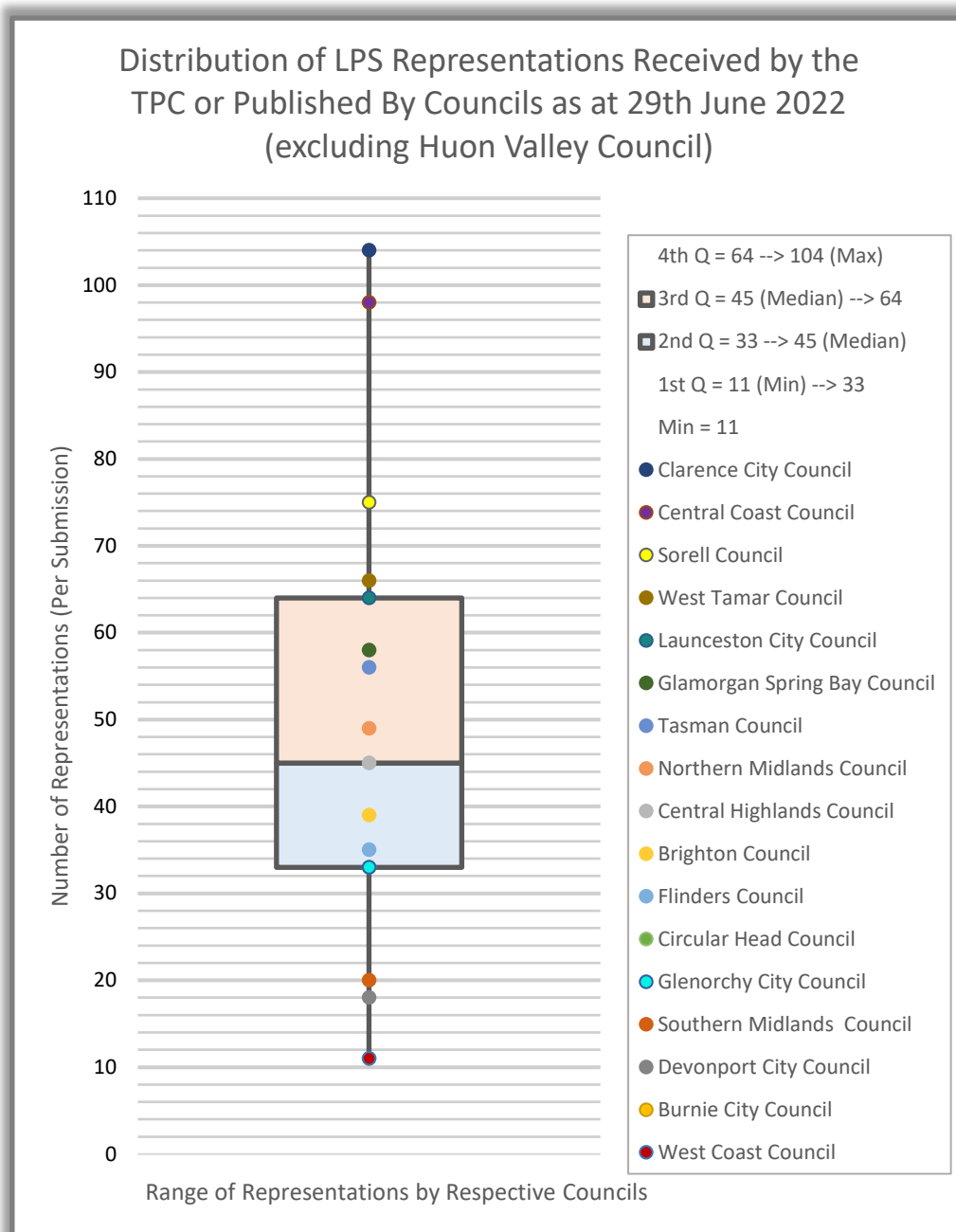


Figure 1: Spread of Representations Received by Councils following Exhibition of Draft-LPS

As a general observation most LPS consultations generate between 33-64 representations. The highest number of representations received were from Clarence City Council at 104, closely followed by Central Coast Council at 98. It should be noted that these numbers are not normalised to account for a Council's own representations nor has there been analysis that adjusts raw counts into relative rates such as representations per capita etc. However, one would expect the number of representations received to fall within these ranges.

When plotted against their peers, the Huon Valley Council's received representations are strikingly higher as shown in the following box and whisker plot.

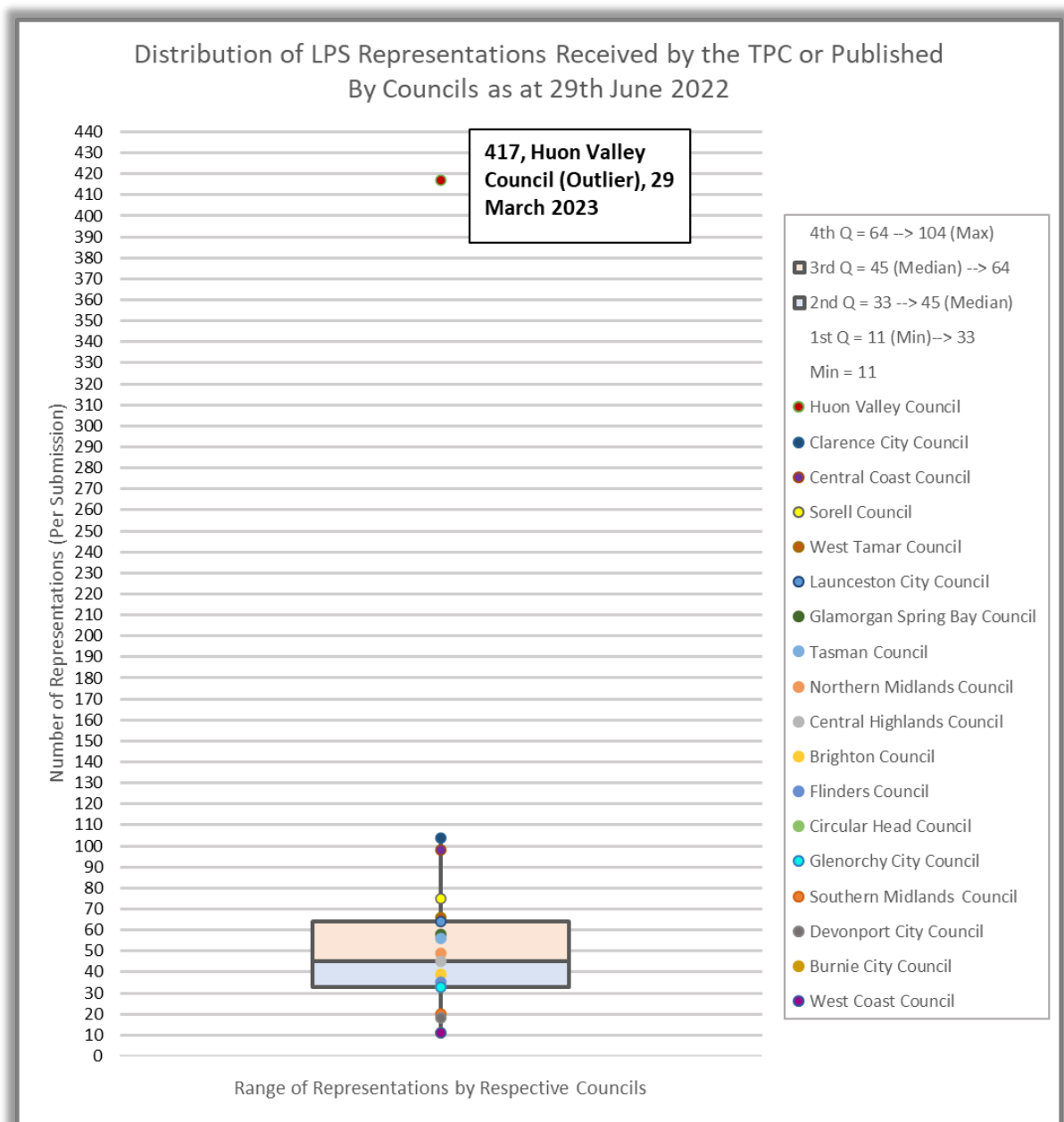


Figure 2: Spread of Representations Received by Councils (Inc. HVC) following Exhibition of Draft-LPS

Over four times the number of representations were received compared with the next highest LPS. This could be an indicator of Council not having applied zoning or overlays correctly, but many other factors could be postulated to this spike. Some of these could include exceptional community consultation throughout the process, unfounded community angst, a large population, a community that has a culture of engaging with Council programmes, or the majority of representations being made by Council or community groups.

Council only makes up only around seven of these representations and only a few are from community groups. There are a number of what appear to be duplicates or representations with essentially minor amendments. However, the majority of representations appear to be unique.

Exceptional community consultation or a strong culture of engaging with Council programmes also seem an unlikely causes, given Council's late mailout to the community, and relatively low

participation at the Council's LPS Community Information Sessions^{9,10,11}. The Huon Valley also has a relatively low population compared with a number of municipal areas, such as Clarence City Council for example and unfounded community angst seems unlikely given the community as a whole have demonstrated a general concern and unease over particular zone and overlay changes proposed by the Huon Valley Council.

Through the analysis and recommendations provided within Appendix D1, and the significant time constraints of around 4 to 6 weeks, a focus of Zoning within the scope of LCZ, AZ, and RZ was adopted.

⁹ See HVC Meeting Transcript 19 May 2021 02h34m45s Cr Gibson "I mean this the equivalent to, in my view, the equivalent to the rezoning of whole areas which normally would take, you know you would have enormous community engagement and feedback from. So, I don't know how much that community feedback will actually be listened to and umm incorporated. It's hard to know."

Mr Luke Chiu's Response at 02h35m18s, "Yeah, it's difficult to talk about what where any feedback would end up going because I can't talk on behalf of the Commission but certainly there's a very structured process for representations to be considered and public hearings and the like to have that heard and thrashed out. So, there is certainly the process there."

¹⁰ See HVC Meeting Question 29 June 2022 p.492 Where it appears that Council did not consult the public even after being presented with the TPC's established directions for other municipal areas to obtain landowner written agreement.

Question: "The Tasmanian Planning Commission's decisions on a number of LPSs have indicated they do not agree with the application of Landscape Conservation Zone to properties without the written agreement of property owners. For example, Tasman LPS Decision point 194 and Southern Midlands Decision point 75. Has Huon Valley Council sought the written agreement of property owners to rezone their land as LCZ, or does it plan to do this?"

HVC's Response: "Acting Director Environment and Development Services advised that Huon Valley Council has not sought permission and does not intend to at this stage".

¹¹ See HVC Meeting Minutes 30 March 2022 P.228 "Community Information Sessions (January 2022 – 42 attendees and March 2022 – 84 attendees)". This is quite small when considering thousands of properties are proposed to go to a non-like for like zone. Furthermore, this was only an information session of what was already in stage of formal exhibition. No consultation could be considered during this exhibition period.

Commentary: Landscape Conservation Application (Methods)

Council's Process

The HVC has applied the use of LCZ in the following manner.

“Selection criteria and process followed:

- The first step was determining which properties were predominantly covered by native vegetation and formed part of a large area of native vegetation (LCZ 1). All natural vegetation features were extracted from the TasVeg 4.0 layer and intersected with the parcels layer to determine a percentage cover of native vegetation for each lot. 80% native vegetation cover was used as the minimum coverage for selection as potential LCZ properties.*
- Properties which had 80% native vegetation cover but which were under Sustainable Timbers Tasmania ownership, were mapped as a Private Timber Reserve, or which were listed as Future Potential Production Forests were all removed from the layer to align with the State Planning Provisions and Local Provision Schedule Guidelines.*
- All shared boundaries in the TasVeg 4.0 natural features layer were dissolved and the area calculated for the resultant polygons to assess which properties were part of native vegetation areas greater than 20 ha. Those located in areas of native vegetation less than 20 ha were removed.*
- All state owned, formally reserved land, and proposed Environmental Management Zone properties were removed.*
- The resultant layer was then intersected with the Natural Assets Code and Scenic Landscape Code. Any properties falling outside of these were inspected to determine compliance with the LCZ application guidelines.*
- Properties with registered conservation covenants were included in the LCZ layer.*
- The layer was then manually inspected to remove any processing artefacts and to re-confirm property alignment with LCZ application guidelines.”*

Critique of step one:

The Council's criteria present issues achieving LCZ1. This step neglects identification of land significantly visible from surrounding areas and the land within subject title must be perceived to have positive value that is important or beneficial to the degree that it warrants specific control of its use i.e., titles with landscape values. Native vegetation cover, in and of itself, does not create a landscape value, especially when there are extensive areas of similar vegetation within frequent patterns or forest openings. Council's step has highlighted the majority of rural titles within the municipality even where it is evidently not appropriate.

With reference to the purpose of LCZ which “is for the protection, conservation and management of landscape values” and Flinders LPS Decision outlines guidance , “The Landscape Conservation Zone guidelines in the context provided by the zone purpose, require the Zone to be applied to land with landscape values” and “landscape value is taken to mean that the land must be significantly visible from surrounding areas and must be perceived to have positive value that is important or beneficial to the degree that it warrants specific control of its use.” The Council’s step one does not meet LCZ1. Their method resulted in strange alignments of properties and spot zones and in far remote titles being zoned to Landscape Conservation Zone. This also resulted in titles which have almost no visibility from scenic corridors or population centres being zoned to Landscape Conservation Zone.

Questions: Did HVC seek clarification and or guidance from the TPC at any point regarding the appropriateness of this step? If not, why not? If yes, what was the advice from the TPC?

Flinders LPS Decision:

324. The Landscape Conservation Zone guidelines in the context provided by the zone purpose, require the Zone to be applied to land with landscape values. LCZ 1 is the key guideline, and its application is contingent on identification of landscape values. LCZ 2, like LCZ 1 (after it has established landscape values as the condition of its application), lists the types of landscapes that the zone might be applied to i.e. bushland areas, large areas of native vegetation, or other areas of locally or regionally important native vegetation. LCZ 2 also provides for the Zone to be applied to areas of bushland or native vegetation that are ‘not otherwise reserved,’ but this is dependent on meeting the remainder of LCZ 1, which indicates that the Zone is only appropriate for use and development of a ‘small scale.’

325. Landscape is defined in the Macquarie Dictionary as ‘a view or prospect of rural scenery, more or less extensive, such as is comprehended within the scope or range of vision from a single point of view.’ Value is defined as ‘that property of a thing because of which it is esteemed, desirable, or useful, or the degree of this property possessed; worth, merit, or importance.’ Therefore, in the context of Guideline No. 1 and the Zone purpose, landscape value is taken to mean that the land must be significantly visible from surrounding areas and must be perceived to have positive value that is important or beneficial to the degree that it warrants specific control of its use. Otherwise the impacts on natural and scenic values can be managed through the Priority Vegetation Area and Scenic Protection Area overlays.

When was the HVC made aware of Flinders LPS Decision?

What steps the HVC take in response to this?

Did the HVC seek clarification and or guidance from the TPC when advised from ERA Planning and Environment made mention “***I do not concur with this TPC decision, that in the context of Guideline No. 1 and the Zone purpose, landscape value is taken to mean that the land must be significantly visible from surrounding areas***”?

If not, why not? If yes, what was the advice from the TPC?

To what extent was ERA Planning and Environment involved in Councils’ application of this zone?

Critique of step two:

In context of step one, it is valid logic to exclude areas primarily used for forestry purposes as such, a zone applied to these circumstances should be Rural. However, during investigation there are titles zoned LCZ which the HVZA identified as Private Timber Reserves and or having a Forest Practice Plan. This can be explained by the time delay of getting these zones assigned, however, this prompts a couple of questions:

Does HVC intend to reverse application of LCZ as titles obtain Private Timber Reserves or Forest Practices Plans?

Who will burden the cost of these zone changes?

Critique of step three:

The Council's criterion of a minimum 20ha is consistent with the Guidelines, however, this principle was not consistently applied (please refer to Commentary on Spot Zoning for examples and many titles included grouped did not meet this minimum). Although the ideal lot size is 20ha there are some rare instances where it is appropriate, for example if a title under 20ha has a scenic waterfall or an enclave of Environmental Management Zone.

What steps did the HVC take to avoid spot zoning?

What method did the HVC take to avoid zoning remote areas and other areas with low visual landscape value?

Critique of step four:

No critique, however, referencing Draft LPS supporting report Appendix 63 Page 19 the TPC pointed out some instances that were missed.

Critique of step five:

Please refer to critique of step 1, on how the HVC does not meet LCZ1.

What method did the HVC use to inspect titles?

Did the HVC inspect each individual title that didn't meet the criteria?

Did the HVC apply LCZ4 at this step?

When did HVC apply LCZ4 with respect to rural residential titles?

If the HVC did not apply LCZ4 with respect to rural residential titles, why not?

Critique of step six and seven:

With respect to conservation covenants and application of LCZ to covenanted land. The Flinders LPS Decision details the following:

*326. Conservation covenants, the Priority Vegetation Area overlay and the Scenic Protection Area overlay all indicate that land **might** have landscape value. That these provisions routinely overlap with the Landscape Conservation Zone is unsurprising given the Zone is intended to be applied to areas of bushland and native vegetation. However, the Priority Vegetation Area overlay and the Scenic Protection Area overlay do not control use; that is primarily the domain*

of zones, so the ultimate question is whether the scale and type of uses provided by a zone are appropriate and necessary if land has landscape value. Unless such values are significant enough to warrant use and development being curtailed to a small scale, then conservation covenants, the Priority Vegetation Area overlay and the Scenic Protection Area overlay, can operate perfectly well under the provisions of another zone, such as the Rural Zone, which provides for a more expansive use and development options.

Did HVC seek clarification and or guidance from the TPC at any point regarding the appropriateness of this step? If not, why not? If yes, what was the advice from the TPC?

Did HVC approach ERA for clarification? If so, when?

Is the clarification from ERA in alignment with the TPC including precedents set?

Commentary on Council's draft LPS Table 12

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> |
| <p>LCZ 2 <i>The Landscape Conservation Zone may be applied to:</i></p> <ul style="list-style-type: none"> <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> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i> <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>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> |

Commentary: We have already discussed how LCZ 1 and LCZ 2 are not met by Council's comments in the previous section. Landscape Conservation Zone should be seen in the context of landscape values (and landscape values require viewership), as such, the Council's comments about applying this zone to titles to areas with Natural Assets does not in and of itself indicate that said titles should be proposed for "Landscape Conservation Zone".

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| <p>LCZ 3 <i>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.</i></p> | <p>This was addressed by using the following selection criteria to select LCZ suitability:</p> <ul style="list-style-type: none"> • Three or more adjoining properties • Borders existing Environmental |
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| | |
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| | <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. |
|--|--|

Commentary: Taking the assumption that each point is separate and not a combined selection criteria. Point 1: HVC has taken a position that LCZ 3 is achieved by ***“three or more adjoining properties”***. This should also be met within the context of LCZ 1, and in particular LCZ use standard 22.5.1 P1 minimum lot size of 20 ha. HVC in their commentary has not reaffirmed use standard 22.5.1 P1 Minimum lot size:

Does the HVC agree that point 1 should read as following: **three or more adjoining properties meeting a combined minimum lot size of 20ha**. Opposed to ***“three or more adjoining properties”*** ?

Point 2: HVC has taken a position that LCZ 3 is achieved by ***“Borders existing Environmental Management or Environmental Living properties intended to transfer to LCZ”***.

First and foremost, Environmental Living Zone has been disestablished and the latter part of Council’s reasoning is redundant. Environmental Living Zone should be assessed and transitioned appropriately according to the most appropriate zone, please refer to LCZ 4 (the most like for like zone that preserves the intent of the previous HVIPS zone, e.g., Rural Living, Rural or Landscape Conservation – this requires decision matrix). If a group of titles were appropriately zoned to Landscape Conservation this would be covered by point 1 (See above).

Can the HVC provide a rationale: ***“Borders existing Environmental Management... properties”*** ?

Environmental Management Zone has a distinct and different criterion (hence, the need for LCZ 4). Additionally: this should also be met within the context of LCZ 1, and in particular LCZ use standard 22.5.1 P1 minimum lot size of 20 ha. It is also not necessarily appropriate to link these two zones together as it can have a net result of blurring the discursive boundaries of private and public land.

Point 3: ***“If less than three adjoining properties, the total area of these properties is at least 20 ha”***

Can the HVC provide a rationale or clarification on this statement?

Is this taken to mean, a property must be at least 20ha in total area, or does it mean it can be two properties with at least 20ha in total area?

TPC to clarify: How does the TPC define ‘a group of titles’? E.g., Are two titles considered ‘a group of titles’?

From Dictionary online:

verb 3rd person present: groups
1. put in a group or groups.

Common understanding of group is “three or more” where two titles would be a “pair” of titles. Three titles would be a “group” of titles.

Dictionary

Definitions from Oxford Languages · Learn more

Search for a word



group

/gruːp/

See definitions in:

All Music Military Art Chemistry Mathematics Linguistics

noun

plural noun: groups

1. a number of people or things that are located, gathered, or classed together.
“a group of boys approached”

Similar: category class classification grouping set lot batch

- a number of people that work together or share certain beliefs.
“I now belong to my local drama group”

Similar: faction division section clique coterie circle set ring

- a commercial organization consisting of several companies under common ownership.
“the largest newspaper group in the UK”

Similar: association club society league guild circle union

- a number of musicians who play popular music together.
“I’ve always been a fan of the guitarists in the group”

- **MILITARY**
a division of an air force, usually consisting of two or more stations.

- **ART**
two or more figures or objects forming a design.

2. **CHEMISTRY**
a set of elements occupying a column in the periodic table and having broadly similar properties arising from their similar electronic structure.

- a combination of atoms having a recognizable identity in a number of compounds.
“a methyl group”

3. **MATHEMATICS**
a set of elements, together with an associative binary operation, which contains an inverse for each element and an identity element.

4. **LINGUISTICS**
(in systemic grammar) a level of structure between clause and word, broadly corresponding to phrase in other grammars.

verb

3rd person present: groups

put in a group or groups.
“three chairs were grouped around a table”

Similar: assemble collect gather together mass amass cluster clump

- put into categories; classify.
“molluscs are grouped into seven different classes”

Similar: categorize classify class sort bracket pigeonhole grade

- form a group or groups.
“growers began to group together to form cooperatives”

Similar: unite join up join together team up join forces pool resources

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| <p>LCZ 4 <i>The Landscape Conservation Zone should not be applied to:</i> (a) <i>land where the priority is for residential use and development (see Rural Living Zone); or</i> (b) <i>State-reserved land (see Environmental Management Zone).</i></p> | <p>Formally reserved state land was removed from the property selection.</p> |
|---|--|

Commentary: We have already discussed or sought further clarification from Council as to how LCZ 4 was or was not met in the previous section.

The HVC has only applied LCZ 4 with regards to (b) State-reserved land (see Environmental Management Zone) where *“Formally reserved state land was removed from the property selection.”*

Can the HVC provide a rationale as to why LCZ 4 (a) land where the priority is for residential use and development (see Rural Living Zone) was not addressed in the draft LPS?

Council's 35F statement about Landscape Conservation

Regarding various representations, the HVC has made the following statement over 90 times throughout the 35F document.

"The combination of the intensity of use allowable in the Rural zone and the lack of locational requirements relating to landscape and vegetation clearance impacts results in the Rural zone not to be the most appropriate zone for the site."

This statement is usually accompanied with:

"In accordance with LCZ 1, the Landscape Conservation Zone is to be applied to land with landscape values that includes bushland areas and large areas of native vegetation."

Referring to the Section 8A Guideline:

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.*

The HVC uses the language **is to be applied to land with landscape values that includes bushland areas and large areas of native vegetation**". Notice that the 'should' has been replaced with an imperative of certainty, 'is to be' as seen in HVC's endorsed 35F, 60 times:

"In accordance with LCZ1, the Landscape Conservation Zone is to be applied to land with landscape values that includes bushland areas and large areas of native vegetation. The site is in proximity to the Huon River, is elevated and contributes to a large bushland area. (HVC's Endorsed 35F Document. Used 60 separate times in response to representations)"

LCZ 1 key guideline states, "should be" and lists examples "such as". It is not a definite determination as the statement from HVC infers and its application is contingent on identification of landscape values.

In the 35F report HVC has stated that:

"The council has not undertaken ground truthing to define what the landscape values of the Huon Valley are in the first instance, and secondly, what, of those values, are identified for protection and conservation. If evidence can be provided otherwise then the LCZ may not be correctly applied to that land title."

Does this admission of not undertaking, "ground truthing to define what the landscape values of the Huon Valley are in the first instance, and secondly, what, of those values, are identified for protection and conservation", invalidate the majority of cases where Landscape Conservation Zone is applied in the Huon Valley?

The council seeks to shift the burden of proof to the landholder “If evidence can be provided otherwise then the LCZ may not be correctly applied to that land title”.

Why is it not the case for the Council to provide sufficient reason for rezonings?

If Council is unsure about the application of LCZ, then why apply LCZ at the rejection of another, potentially more suitable zone?

The onus of proof should rest on the applicant seeking to make change, to be clear, in this case the applicant is the Planning Authority applying the new zone. It is not unreasonable to ask the Planning Authority to provide sufficient evidence to justify zone application. In addition, in review of the 35F report, the HVC has rejected objections to the application of LCZ in the cases where:

- Representor has presented a natural values assessment.¹²
- Representor has a private timber reserve.¹³
- Representor has a current industry use on title.¹⁴
- Representor is a qualified Forest Practices Officer/s¹⁵

How can the community have confidence where Council can disagree with experts and professional reports speaking to the problematic application of Landscape Conservation Zone without providing sufficient evidence to reject the objection?

What qualifications and reports has the author/s of the 35F provided to justify HVC’s position?

Why is it Landscape Conservation Zone until proven otherwise?

In addition, the HVC has applied Landscape Conservation Zone land to properties without consent or representation from the title owner.¹⁶

Why has the HVC not got informed consent from the title owner/s?

The HVC admits that there is uncertainty.

“It is also important to note that Council has applied an assumption that “much of the areas of bushland have been spared from historical clearing due to being considered suboptimal for traditional horticultural activities.” There is though a significant amount of land in the Huon Valley that has been previously used as cleared rural land but, in recent years, has regrown with native vegetation. This land may still have those rural opportunities available to them notwithstanding they may be presently viewed as part of the current landscape.

Again this land has not been ground truthed and evidence may be provided to challenge the landscape values of the land

¹²Representation 18, 39, 349

¹³Representation 321 (title has private timber reserve)

¹⁴Representation 25, 167

¹⁵Representation 196

¹⁶Representation 247 and 393

against the rural use opportunities that may” be available. This evidence may result in the LCZ not being correctly applied to that land title.

Council therefore acknowledges that application of the LCZ, as applied in the Draft Scheme, is subject to some uncertainty.”

With the admission of uncertainty, is it not prudent to reassess the application of Landscape Conservation Zone title by title using more appropriate guidelines?

Can the TPC give the HVC appropriate guidance on the matter of applying the Landscape Conservation Zone?

The HVC has admitted that their process of applying Landscape Conservation Zone has not taken into consideration existing uses and thus may not be the appropriate zone use and proposes a compromise of using split-zones or other mechanisms to achieve the protection of landscape values:

“As a consequence the Council as a Planning Authority will proceed to the hearing on the section 35F Report taking into account the following principles on application of the LCZ:

- a. While the Council has applied the stated criteria, where evidence is provided to the hearing that demonstrates that the property title is not consistent with that criteria then application of the LCZ may not be the appropriate zone and an alternative zone will be considered.*
- b. The Council has not taken into account current use of the land to the extent that there is potential loss of amenity for an existing landowner by transitioning from the current zone to LCZ. In particular, application of LCZ may have been applied to operational rural properties and therefore is likely in some circumstances to limit farming practices. To suggest that a landowner relies upon existing use rights does not provide any certainty of use of the land.*

As a result of existing use and development there are many land titles where the application to the entire title would be incongruous to the existing use and development of the land and there are many circumstances where application of the LCZ would be justified for part but not to the entirety of a property.

In these circumstances the Council requests consideration of:

- i. The application of split zoning to protect the necessary landscape values whilst not restricting use of land that has no landscape values; or*
- ii. The application of an alternate zone with reliance on the Natural Values and Scenic Protection Codes over the relevant portions of the land the subject of landscape values.”*

With regards to split zoning (more detail can be found in Commentary on Split Zoning), the practice is generally regarded as a bad planning practice as it incurs costs, creates confusion, and does not sufficiently protect landscape values. Overall, it is a less effective and less than ideal planning mechanism especially when there is already an applied overlay that satisfies this aspect.

Additionally, this would rely on the HVC doing the following:

- Accurately determining what activates occur on what property.
- Working with groups of title owners in determining where LCZ would be most applicable.

- Accurately surveying sites and documenting the splits or code overlays.

With regards to application of, *“The application of an alternate zone with reliance on the Natural Values and Scenic Protection Codes over the relevant portions of the land the subject of landscape values”*, this generally would be the most ideal outcome for both, the Planning Authority and title owner. As it is accepted by Council that, overlays act as trigger mechanism for further investigation of the scenic values and or natural values on site during the planning process while not limiting the title owners pre-existing and potential productivity on title.

However, application of overlays must be done via an appropriate strategic planning assessment with comprehensive community and landholder engagement. This assessment should be done by an independent third party not associated with this draft LPS or consultants that have provided advice to council on this matter.

HVZA's Process (Identifying a Viewshed)

We believe that *The Landscape Conservation Zone guidelines in the context provided by the zone purpose, require the Zone to be applied to land with landscape values. LCZ 1 is the key guideline, and its application is contingent on identification of landscape values*, and that *landscape values must be significantly visible from surrounding areas*. Many titles zoned Landscape Conservation Zone are remote and are not significantly visible. As such a different approach needs to be taken to assess potentiality of titles going to Landscape Conservation Zone. Additional assessments need to be conducted to determine visibility, and to help with identification of titles.

To this end the HVZA has produced a Viewshed Map which helps highlight the visibility of titles (Appendix M1)¹⁷.

The viewshed map assists the determination of potentiality of titles for Landscape Conservation by:

- Identifying significantly visible titles along the Scenic Road Corridors.
- Ensuring titles are significantly visible by confirming there are 3 or more viewership points to see a title area and adhere to an 80% viewership coverage.
- Assessing titles using a frame of reference like South East Coastal Hills Scenic Quality Class Frame of Reference with consideration of traffic hierarchy of priority (Appendix 2).
- Evaluating if the title better fits with Landscape Conservation or consider if additional study is required for an alternative protection mechanism. One may already be in place.

This was achieved by, plotting viewpoints on areas with higher levels of public sensitivity and creating a viewshed of the valley. By contrasting what is covered by the HVZA Viewshed with what Council proposed landscape conservation zones we can highlight possible areas which may contain natural values for additional analysis.

Due to limited time and access to data, HVZA used viewpoints with a spacing of 1km point along the Scenic Road Corridors within the Valley. This is an area which has been determined to have a degree of moderate to higher sensitivity and thus, higher levels of concern for scenic quality and landscape change. It would be more ideal to capture information regarding traffic data and types of traffic within each part and locality as this would provide the ability to weight certain parts of the corridor of less or more value depending on the type of traffic routes, and possibility open more areas for investigation. I.e., Higher concern is noted for recreational traffic, medium concern for tourist traffic and some commuter traffic and lower concern for commercial and forestry traffic.

According to: Table 3.2 Viewer Sensitivity Levels for Travel Routes and Use Areas, the Scenic Road Corridors are Sensitivity Level 1, thus viewer points were plotted on these routes.¹⁸

Without additional data it is almost impossible to determine locations that are categorised sensitivity level 2 and 3. For the most part, the majority of Sealed Roads with more than 50 vehicles per day are already intersected by the Scenic Road Corridor thus, any analysis done would already pick up these

¹⁷ Appendix M1: HVZA Map Set: Viewshed for the Huon Valley Municipal Area

¹⁸ Appendix 2 : https://www.planning.tas.gov.au/_data/assets/pdf_file/0007/597985/Supporting-Report-Attachment-5-Scenic-Assessment-Methodology-27-November-2020.PDF

viewer points. Due to limited data and time and to maintain academic rigor ensuring the integrity of the process we limited ourselves to the use of Scenic Road Corridors.

The viewshed radius of 6km was selected as it covers “Foreground” (0 to 1km) and “Middleground” (1km to 6km). “Background” which is (6km to 16km) was not chosen as with distance, landscape values diminish.

A Manual for Forest Landscape Management defines these positions further:


“Foreground (0 to 0.5 or 1 km) — Zone where colour contrast and textural detail are most clearly perceived.

Middleground (1 km to 5 or 6 km) — Here the links between different parts of the landscape become clearly apparent (e.g., a series of hills is seen as a range, or riverine plant communities signify the drainage pattern of a broad valley).

Background (6 km to 16 km) — Textures are no longer visible, but mountain and valley forms, skylines and ridgelines and shades of blues and greys become important. Background may extend to 25 km for remote, mountainous, natural country viewpoints .”¹⁹

To further justify the usage of a viewshed radius of 6km Table 3.3 Viewing Distance Ranges from Guidelines for Scenic Values Assessment Methodology and Local Provisions Schedules²⁰ is as follows:

Table 3.3 Viewing Distance Ranges

| Distance of View | Distance Range | Relative Visual Magnitude |
|------------------|------------------------|---|
| 0 - 500 m | Near Foreground (NF) | Zone of Greatest Visual Influence |
| 500 m – 1 km | Mid Foreground (MF) |  |
| 1 - 2 km | Far Foreground (FF) | |
| 2- 4 km | Near Middleground (NM) | |
| 4- 8 km | Far Middleground (FM) | |
| 8 - 12 km | Near Background (NB) | |
| 12 – 20km | Mid Background (MB) | |
| 20-32+km | Far Background (FB) | Zone of Least Visual Influence |

A distance of 6km is middle value of “Far middleground (FM)” reaching closer to Zone of Least Visual Influence. As such, it is reasonable to conclude that the selection of 6km as a viewshed radius is an

¹⁹Appendix 3: Forest Practice Authority 2006, A Manual for Forest Landscape Management, Forest Practice Authority, Hobart, TAS

²⁰Appendix 2: https://www.planning.tas.gov.au/__data/assets/pdf_file/0007/597985/Supporting-Report-Attachment-5-Scenic-Assessment-Methodology-27-November-2020.PDF

acceptable parameter and is grounded in two separate planning assessment methodologies specific to Tasmania. These being:

- A Manual for Forest Landscape Management: Forest Practice Authority,
- Guidelines for Scenic Values Assessment Methodology and Local Provisions Schedule

Landscape values in the background need to be of a high scenic quality class to be considered for protection. This will require assessment and additional study but it should be fairly evident to those with local knowledge e.g. Sleeping Beauty. Within these parameters, it was possible to create a viewshed map for the entire Huon Valley area (Appendix M1). This map was overlaid with current titles proposed to be zoned Landscape Conservation by the HVC. This map informs where the HVC should focus their efforts on assessment using a frame of reference like South East Coastal Hills Scenic Quality Class Frame.²¹

Because it provides a gauge of visual impact, the selection of 3 or more viewership points which can be viewed from a title area and 80% viewership coverage was the basis of HVZA identifying properties for further LCZ consideration. If there is one or two viewpoints the impact is fairly minimal, whereas three viewpoints enables triangulation, with a fairly high likelihood that there is a continuum of viewability.

We superimposed the HVCs application of Landscape Conservation Zone over our viewshed map, resulting in the identification of titles to which the HVC has applied Landscape Conservation Zone over titles with little or no viewshed coverage (Appendix M1).

In the process of creating the viewshed map (Appendix M1) the HVZA produced a topographical map for the Huon Valley Municipal Area (Appendix M2). This map was useful in helping identify significant ridgelines and hilltops which do not have viewshed Coverage but may be of a higher scenic quality class that warrants additional investigation.

It is important to note a zone area size that is below 20ha (minimum allowable lot sizes) will be seen as “Spot Zoned” and will require exceptional reasoning to justify applying Landscape Conservation Zone. Furthermore, the Environmental Management Zone should not be considered a part of the Landscape Conservation Zone total area. These are two distinct zones with different respective foci.

Results: With this process we created Appendix M1, a viewshed map for the Huon Valley Municipal Area and Appendix M2 a topographical map for the Huon Valley Municipal Area. We are sufficiently confident that best possible planning practices were taken in creating these maps given very limited time frame of under 4 weeks FTE. We would be able to accomplish more with additional time, resources and collaboration with the relevant Planning Authorities.

²¹ See Appendix 2.

Commentary on Environmental Living Zone Translation

Council's Process

Of the approximately 1178 zones (including split zones) previously zoned Environmental Living Zone in the HVIPS council has transitioned 1167 titles to Landscape Conservation from the draft LPS. Of the remaining ELZ titles, four zones were translated to Environmental Management, five were translated to Rural, and four translated to Rural Living. This constitutes an approximate 99% translation from Environmental Living Zone to Landscape Conservation Zone.

As per the Tasmanian Planning Scheme – Landscape Conservation Zone Information Sheet
“The LCZ is not a like-for-like replacement for the Environmental Living Zone”²²

The HVC asserted in their Draft LPS supporting report with regard to Environmental Living Zone “...the most similar zone and therefore appropriate translation is, in most circumstances, the Landscape Conservation Zone.”²³ No additional investigation or quality assurance in making this assumption is apparent.

In response to multiple representations, the HVC hired a consultant to determine areas of potential Rural Living communities. The HVC's 35F document has approximately 453 titles council is proposed to transition to Rural Living (including split zones), approximately 8 titles agreed to transition rural (including split zones) resulting in approximately in total 461 titles transitioned away from Landscape Conservation Zone to other zones. This constitutes an approximate margin of error of 39% in their transition method.

It is evident that additional analysis is required of the method used by the HVC to translate these properties across to the new Tasmania Planning Scheme. The HVC has also last minute added additional titles to be translated across in the 'lost representations' from the HVC. Some of these representations are not actually visible on the TPC website.

Questions for the HVC on this topic:

When did HVC apply LCZ 4 when assessing ELZ conversion?

If the HVC did not apply LCZ 4, why not?

Is a margin of error of nearly 40%, by council's admission, acceptable?

Would this 35F change constitute a substantial modification?

²² https://planningreform.tas.gov.au/__data/assets/pdf_file/0007/661156/Landscape-Conservation-Fact-Sheet.pdf

²³ Draft LPS supporting report

HVZA's Process

As previously detailed, the Environmental Living Zone (ELZ) within the interim planning scheme has not been carried over to the SPPs. Within the municipality, the ELZ applies a range of areas and uses:

- Coastal areas where existing natural and landscape values are to be retained whilst providing for residential uses or development.
- Areas with Hobby Farms where the intent for the land is rural living.
- Areas with Private Timber Reserves and Forest Practices Plans.
- Areas which have previous cleared land where the intent for the land is rural living.
- Areas which have conservation covenants mixed with rural living.

The wide range of uses and intents of areas in these areas present a challenge in disestablishing the ELZ and converting it into relevant Codes under the SPP. Since, the overall intent is largely for small scale rural activities and or residential living, HVZA has calibrated the transition in such a fashion:

Where areas are within an enclave of the EMZ, assign LCZ or RLZ (see next step. if within an established RLZ Cluster) as this meets criteria for LCZ 1 and LCZ 2.

Where areas create a cluster with smaller lot sizes and a contain a dwelling or potential for a dwelling, provisionally assign Rural Living Zone based on classification.

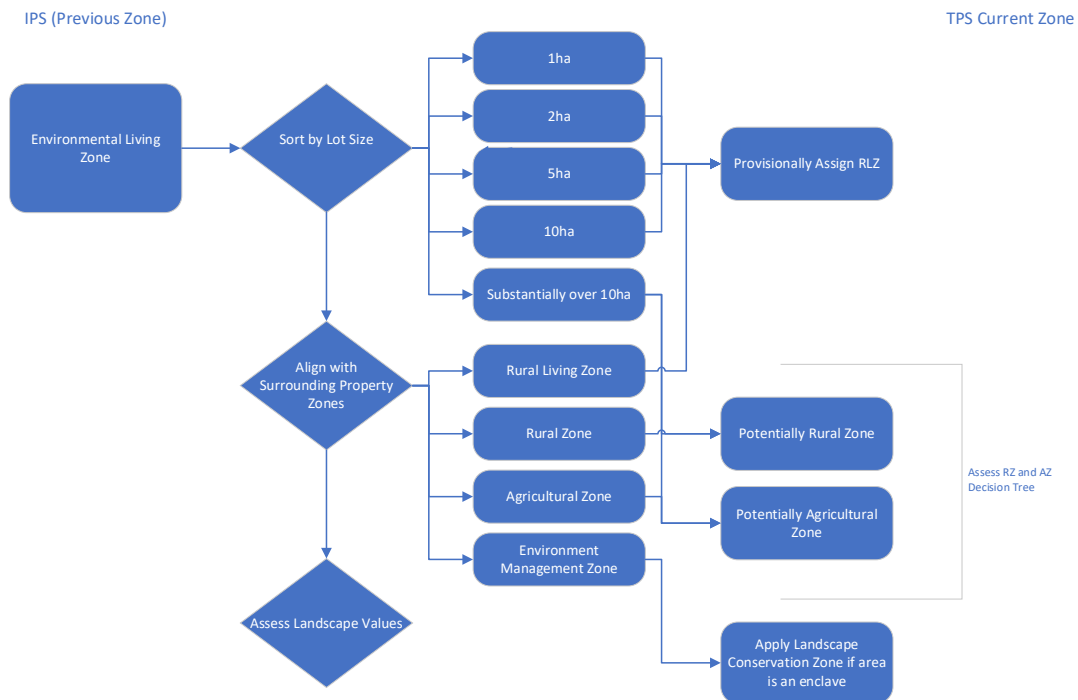
Where areas are not in a cluster with smaller lot sizes, realign with prevailing zones based on the RZ and AZ Decision Tree.

Where areas create a cluster with lot sizes substantially over 10ha, provisionally assign Rural Zone and then assess zone with prevailing zones based on the RZ and AZ Decision Tree.

Where areas are not in a cluster with lot sizes substantially over 10ha, provisionally assign Rural Zone and then assess zone with prevailing zones based on the RZ and AZ Decision Tree.

After all zones are provisionally assigned, the zones will be reassessed appropriate use for LCZ using LCZ Transition Decision Tree. This sort of matrix will seek to maximise in flagging and highlighting current use and applied to confirm zoning.

Over the page is HVZA's decision matrix used for assessing ELZ transition pathway:



Confirming potential titles to transition to Rural Living Zone with respect to the application of LCZ4, “land where the priority is for residential use and development (see Rural Living Zone)”. Doing a ‘first pass’ on LCZ4 is rather simple and can be completed in three simple operations.

- Operation 1: Compile a list ELZ Zones out according to title.
- Operation 2: List Zone types set out in plan prior to HVIPS 2015 according to title.
- Operation 3: Compare zones: Residential A, Low Density Residential and Rural Residential, Semi Rural Residential, Reserved Residential, Village etc

With this first pass in confirming that there is and was previously intended residential use it is possible to identify approximately 212 titles that could have been translated to Rural Living. Of these HVC did not transition across approximately 112 titles and actively disagreed with 11 representations that spoke to some of these titles.

As, this is a first pass it will not pick up areas previously zoned Rural A, Rural B and Rural C previous to the HVIPS 2015. Additional assessment for confirmation is needed by following a decision tree matrix in assessing if titles are suitable for Rural Living.

The HVC’s 35F document, presents approximately 453 titles that Council proposed to transition to Rural Living which were previously ELZ set to be zone LCZ. Although, it should be commended that the HVC has highlighted these many titles within the time constraints in drafting the 35F we believe there should be many more titles reassessed and potentially moved away from Landscape Conservation Zone to Rural Living on the basis of:

- Clear intent of Rural Living.
- In a significant existing Rural Living cluster.
- Low visibility and viewshed coverage.

- Council's incorrect justification for Landscape Conservation on a Rural Living title.

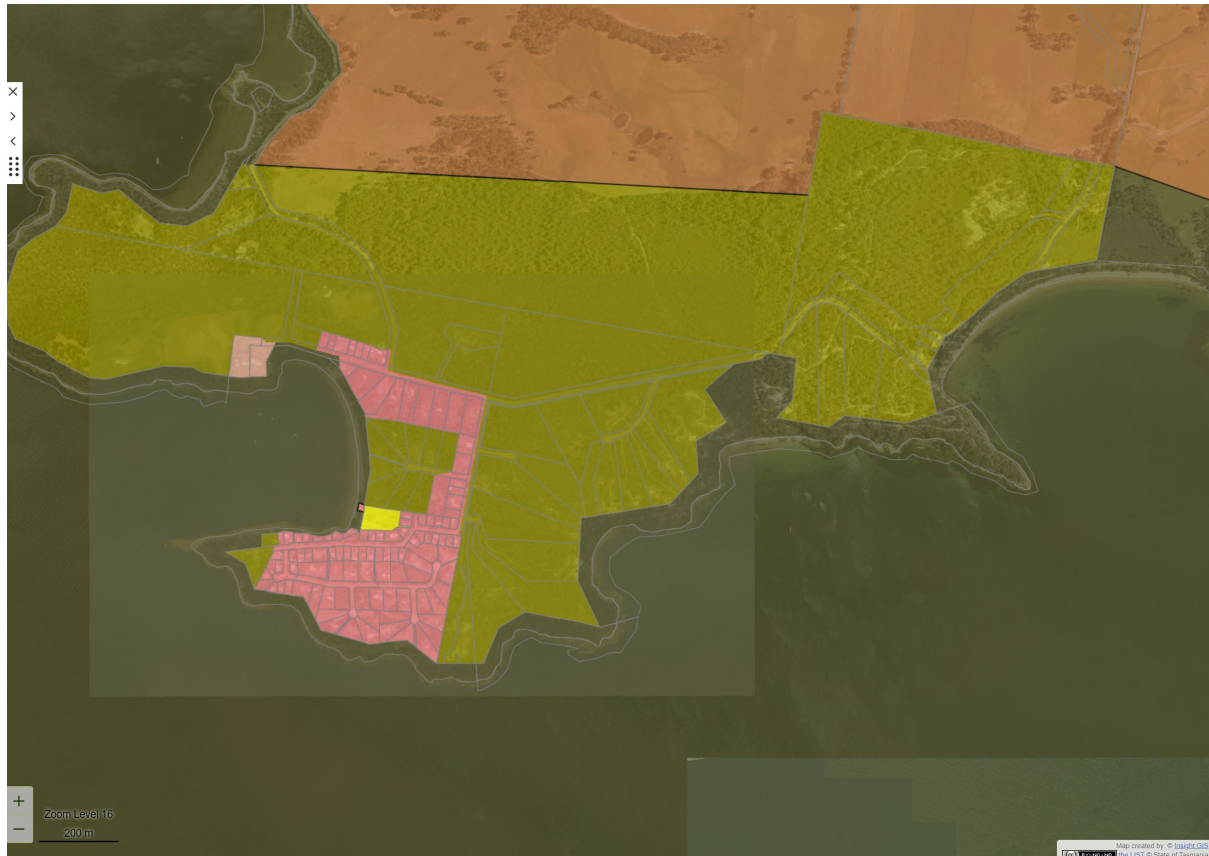
Below are three case studies which highlight a multitude of issues. The case study of Eggs and Bacon Bay and Randall's Bay highlights the HVC's lack of analysis on a site which has a clear intent of Rural Living, Low visibility and viewership and little to no justification why this area is Landscape Conservation Zone. The case study of Glen Huon highlights areas existing in a Rural Living cluster with lower visibility/viewership. The case study of Surges Bay highlights Council's incorrect justification of Landscape Conservation plus the area has been for the most part transitioned into the LPS' Rural Living Zone.

Case Study: Eggs and Bacon Bay and Randall's Bay

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Pre-IPS | HVZA LPS |
|-----------------|------------------|-----------------------------|---------------------------|------------------------|---------------------------|--------------|
| 154385/1 | 35 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 154385/2 | 33 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 26482/2 | 31 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 26482/3 | 29 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 26482/4 | 27 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/5 | 25 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/8 | 19 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/7 | 21 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/6 | 23 FLAKEMORES RD | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/9 | HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/15 | 14 HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/11 | 21 HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/12 | 19 HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/13 | 15 HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |
| 30982/14 | 9 HANNAH CL | EGGS AND BACON BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential B | Rural Living |

RE: FLAKEMORE ROADS AND HANNAH CL TITLES

Below figure shows the surroundings of the uses around these properties.



Representation 37. (relating to 23 Flakemores Road) provided with a generic objection to being rezoned without a preferred zone being stated by the representor, however, this should have been instigated. An investigation as whether this area should be Landscape Conservation with respect to applying LCZ4 should have implemented. Council's comment to this particular representation was:

"The request is not on a Local Provisions Schedule matter, rather the general principle of applying a new Tasmanian Planning Scheme. Notwithstanding this, the lot characteristics most suit Landscape Conservation Zone."

Can the HVC please explain how they make the determination that *"the lot characteristics most suit Landscape Conservation Zone"*?

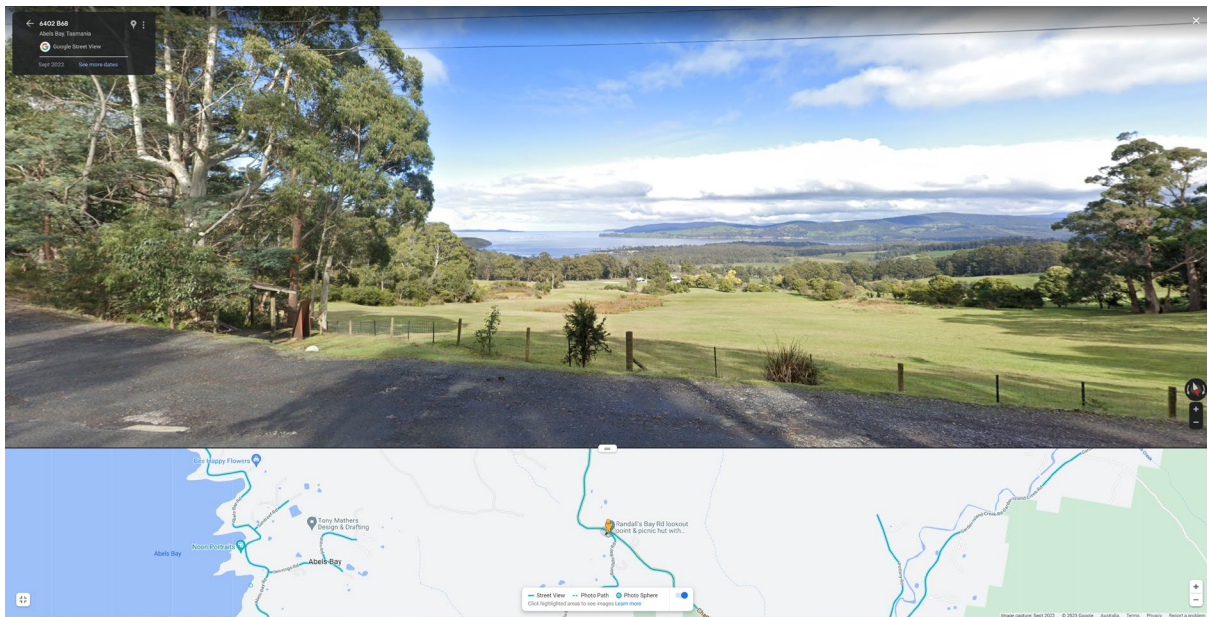
As LCZ4 states:

"LCZ 4 The Landscape Conservation Zone should not be applied to:
(a) land where the priority is for residential use and development (see Rural Living Zone);
(b) State-reserved land (see Environmental Management Zone). "

Pre-HVIPS, these lots were zoned as "Low Density Residential B". Historically, this area has a priority for residential use, and further evidence of residential use is apparent since all these titles have dwellings.

Additionally, these titles are not "significantly visible". The closest Scenic Road Corridor is approximately 2km away in the northeast and is obscured by tree cover looking southwest from

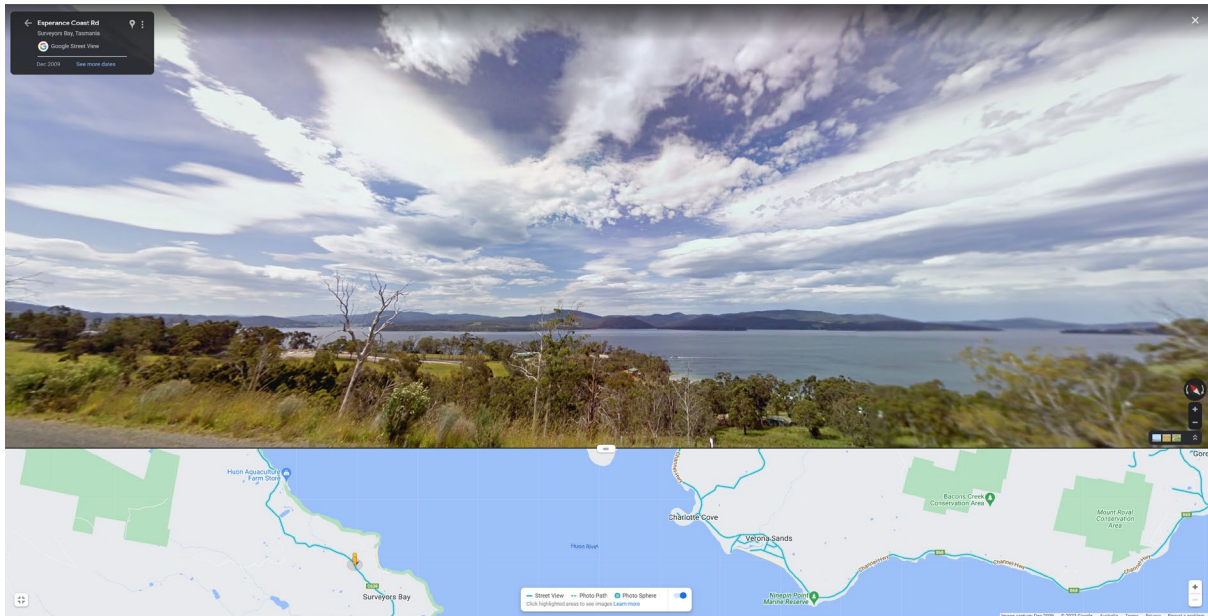
Channel Highway. Furthermore, the distant Mount Esperance and hills across the river present itself as the dominate Landscape Value from Channel Highway (below).



(Below) A viewer point from along Scenic Road Corridor Channel Highway in Garden Creek Road would be a strip under 500m in length over 3km away and is obscured by tree cover. The Echo Sugarloaf State Reserve is the dominate Landscape Value along with Garden Creek Island. The bay itself does not warrant a viewership analysis as there are fish farms approximately 1km off the coast and traffic is generally commercial.



(Below) The viewpoints from Surveyor's Bay are over 4km away and is obscured by tree cover from Environment Management Zones along the coast. The Echo Sugarloaf State Reserve is the dominate Landscape Value along with Garden Creek Island with rest of the landscape fading into the distance. At these distances textures begin to fade and shades of greens, blues and greys become dominant.



Assessing landscape value based on South East Coastal Hill Scenic Quality Class Frame of Reference and A Manual for Forest Landscape Management Scenic Quality Frame of Reference

Landform Features: Low

Significant expanses of rolling hills or flat plains with indistinct dissection by rivers and streams and not dramatically defined by adjacent landforms (generally 0% to 10% slope).

Vegetation Features: Low

Extensive areas of similar vegetation with infrequent patterns or forest openings.

Water form Features: Low

Water course over where priority vegetation and a few intersections.

Cultural/ Heritage Features (Visual Only):

Little to no visual presence and influence of cultural heritage features reflecting local history or contemporary cultural features of high scenic value to the community as reflected through built forms and structures.

Native Wildlife Features (Visual Only): Not possible to determine.

Similar titles associated to this would be: 114356/1; 114356/2; 114356/3; 114356/4; 114356/5; 54228/1; 65490/1; 65490/2; 65490/3; 65490/4; 21453/2 from RANDALLS BAY RD. Titles have come from in the HVIPS Environmental Living and some from Rural Resource where the majority would have come from pre-HVIPs "Low Density Residential B" or "Rural B" Classification.

Within the region, there are titles which are surrounded by Low Density Residential

| CT | Address | Address | IPS Zone | LPS Zone (Council) | HVZA LPS | Size (ha) |
|-----------------|-----------------|-----------------------|---------------------------|------------------------|-------------------------|-----------|
| 138032/1 | | RANDALLS BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential | 0.40 |
| 138031/1 | 67 WILLIAMS RD | RANDALLS BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential | 0.89 |
| 152436/1 | 45 WILLIAMS RD | RANDALLS BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential | 1.28 |
| 110546/1 | 111 WILLIAMS RD | RANDALLS BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential | 0.36 |
| 27297/36 | 103 WILLIAMS RD | RANDALLS BAY TAS 7112 | 14.0 Environmental Living | Landscape Conservation | Low Density Residential | 0.38 |

RE: WILLIAMS RD (138032/1); 67 WILLIAMS RD (138031/1); 45 WILLIAMS RD (152436/1); 111 WILLIAMS RD (110546/1) and 103 WILLIAMS RD (27297/36)

The figure below shows the surroundings of the uses around these properties. These properties were previously zoned 14.0 Environmental Living and surrounded by Low Density Residential. None of these properties meet minimum lot requirements for LCZ. There is clear intent that these areas are for residential uses as they are within a low-density residential area (LCZ4). As such, should be translated to the adjoining Low Density Residential Zone.



Pre-HVIPS these lots were zoned as “Village” and “Rural B”, however, this is within a Low-Density Residential Cluster. Historically this area has had a priority for residential use.

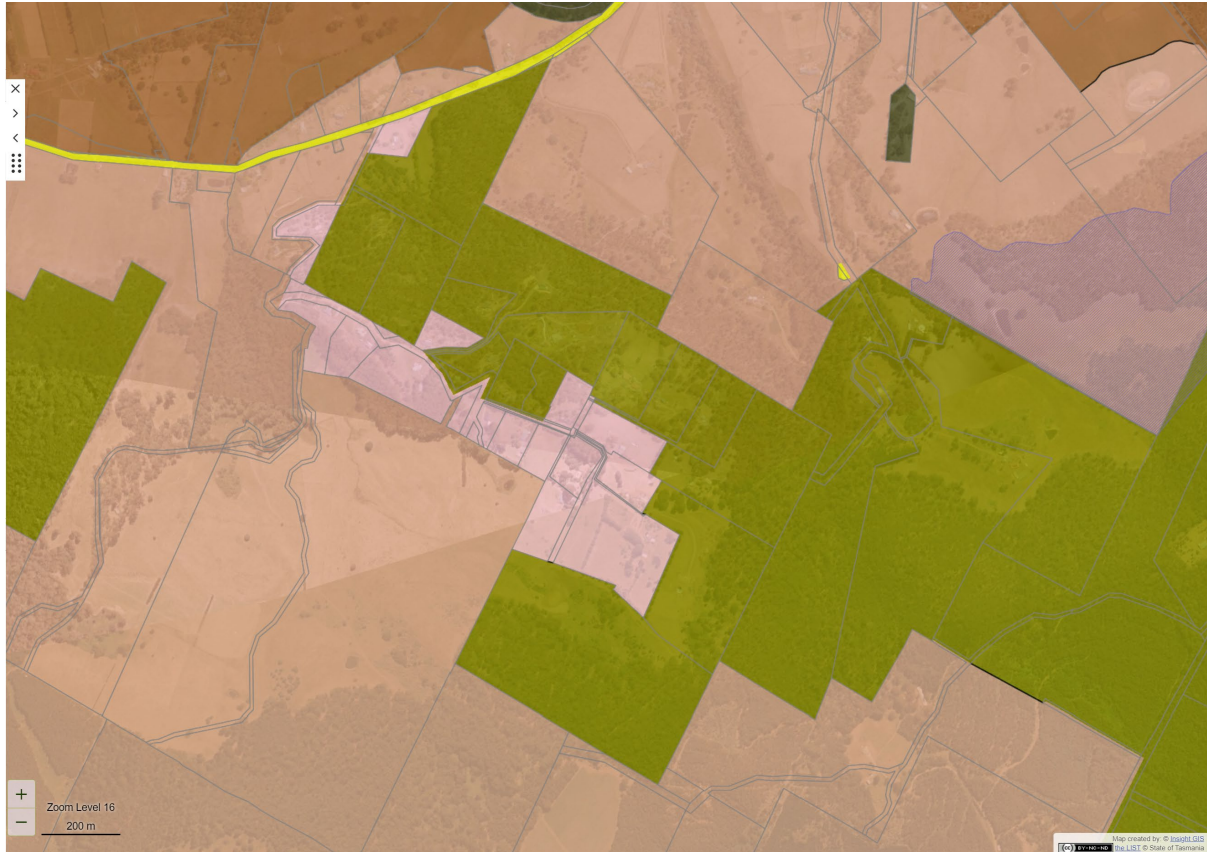
Additionally, these titles are not “significantly visible”. Echo Sugarloaf State Reserve is the dominant Landscape Value where it obscures all points of viewership from the Channel Highway. We cannot find a suitable viewer point location to show the visibility of the sites, and thus, should be considered ‘unseen’ visually). The bay itself does not warrant a viewership analysis as there are fish farms approximately 1km off the coast and traffic is generally commercial traffic.

Can the HVC explain why these titles were not considered to be brought in line with surrounding property titles?

What specific landscape value is being protected that is “significantly visible”.

Case Study: Glen Huon

Figure Below shows the surroundings of the uses around various titles zoned existing in a Rural Living cluster with lower visibility/viewership.



These properties were previously zoned 14.0 Environmental Living and surrounded by Rural Living and Rural. Representation 36 provided an objection to being rezoned with the following heavily summarised arguments:

- Does not meet councils' definition 80% native vegetation cover. (90% of title is cleared)
- Intended uses are Residential and Hobby Farm
- Title is not on hilltop or ridge line.

Councils comment:

“Scenic values of vegetated hills and prominent ridgelines in the Huon Valley have been prioritised, and development managed to minimise the visual impact on the landscape, primarily through the application of zoning. This has, under the HVIPS been done through the application of the Environmental Living Zone or the Scenic Protection Code. The Environmental Living Zone has not been carried over to the SPP's. The Landscape Conservation Zone under the draft LPS has been applied to most land currently zoned Environmental Living in the HVIPS due to the landscape values afforded by these areas through vegetation coverage, proximity to the Huon River or their elevated positions.

In reviewing this representation received and others in the Environmental Living Zone of Glen Huon, Council assessed the application of the Landscape Conservation Zone to this area and determined the characteristics of this area, in terms of vegetation coverage, hillsides and proximity to the Huon River reflect the important landscape characteristics of the Huon Valley. These landscape values include vegetated hills and valleys framing cleared agricultural, interspersed with remnant areas of bushland, together with the Huon River and tributary waterways. Accordingly, only small-scale use or development is appropriate.

Importantly, there is no strategic intention for this site and the broader Environmental Living area, which is significant in size, to be an area of residential use and development within a rural setting and given the substantial portion of lots in the LGA being of a size typically associated with a rural-residential lifestyle (for example 26 % of lots are between 1 ha – 10 ha) any increase in the Rural Living zone needs to be considered on a municipal level with supporting detailed strategic analysis to avoid an incremental continuous increase in Rural Living land.

The application of the Landscape Conservation zone is therefore considered the most appropriate zone for this site."

Pre-HVIPS these lots were zoned as "Rural Residential" and some titles within the HVIPS are "Rural Living". Historically, this area has a priority for residential use and is within an area with Rural Residential. Additionally, these titles are not "significantly visible", the closest Scenic Road Corridor is approximately 4km away in the southwest and Channel Highway is completely obscured by Cannell's Hill. Glen Huon Road (approximately 1km away) and North Huon Road (approximately 2.5km away) which are the other two access roads but they are not considered to be part of a Scenic Road Corridor and provide very limited visibility of these title, where the majority of titles are 'unseen'.

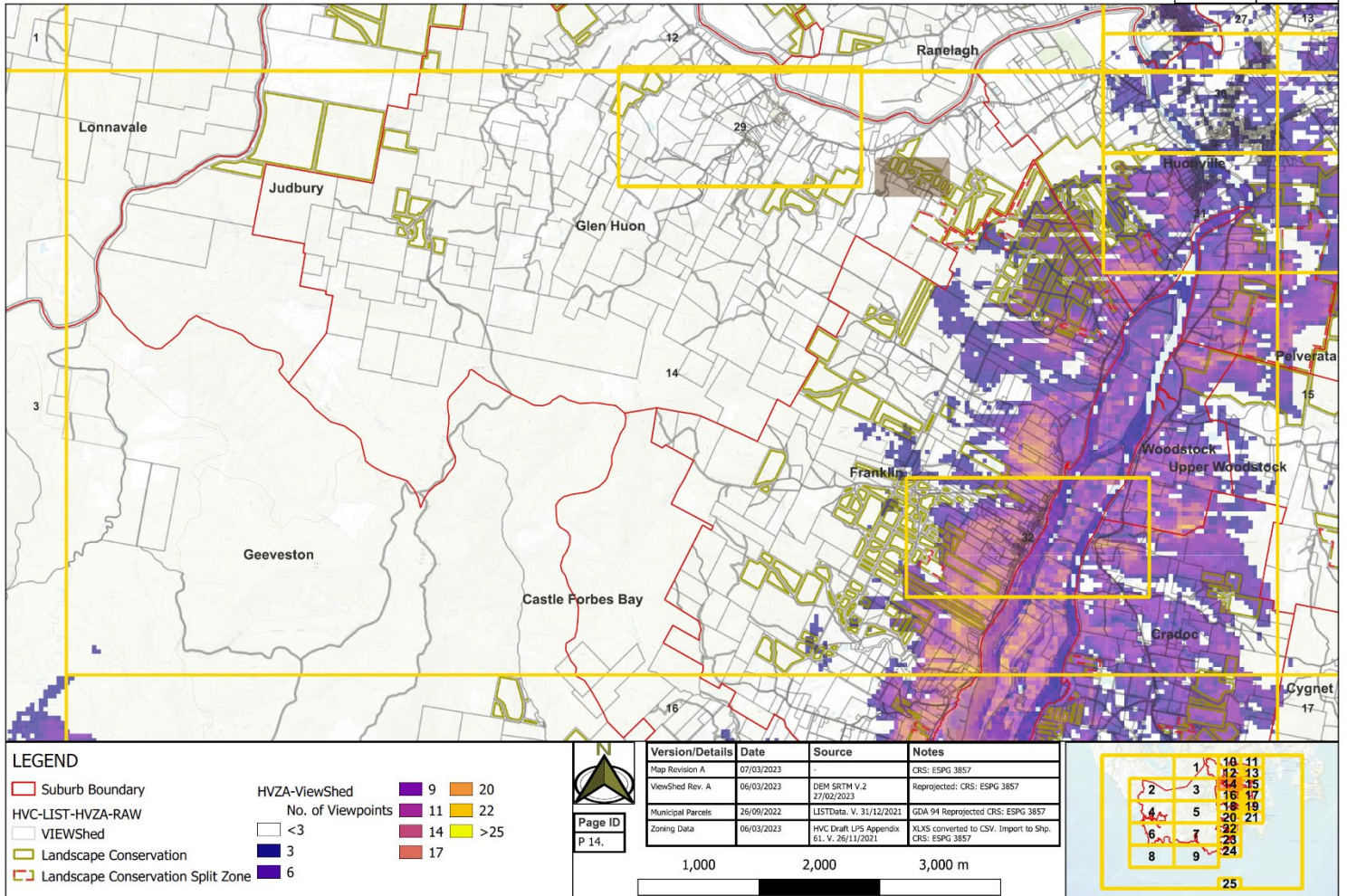
Please see viewshed map produced by the HVZA (Huon Valley Zoning Association) Map Number 14. Excerpt of viewshed map Viewshed for this title can be seen below, site area can be seen in brown highlight.

Additionally, council has made note in Representations 225 for Cygnet Coast Road, that landscape values could be maintained under the Rural Living Zone provision.

"Moreover, it was determined that the area's landscape values could be maintained under the Rural Living Zone provisions, given the limited types and intensity of uses allowable, the limited no permit required and permitted uses, together with the zone purpose statements identifying, existing natural and landscape values are to be retained and consideration of scale and intensity of use (in the context of amenity) being required."

HVZA Map Set: Viewshed for the Huon Valley Municipal Area

When Printed on A3
Map Scale: 1:74,000



Addressing the HVC comments directly:

The HVC comment: *“The Environmental Living Zone has not been carried over to the SPP’s. The Landscape Conservation Zone under the draft LPS has been applied to most land currently zoned Environmental Living in the HVIPS due to the landscape values afforded by these areas through vegetation coverage, proximity to the Huon River or their elevated positions.”*

It is correct that the Environmental Living Zone has not been carried over to the new planning system, however, the assumption that Environmental Living Zone should be a direct translation to Landscape Conservation Zone is incorrect as explained in previous commentary about the Council’s process. The Council has also admitted that this stance is incorrect with the large number of amendments requested within the 35F from Environmental Living Zone to Rural Living Zone. It should be noted that some titles within this area were also under the HVIPS “Rural Living” Zone and thus, this logic does not flow. The river itself does not provide a viewership point, and proximity to the river should not be considered unless there is evidence to the contrary making sections which are potentially visible to the river a viewership point. Elevated position of these titles is also discounted by the lack of visibility from potential viewshed points.

The HVC comment: *“In reviewing this representation received and others in the Environmental Living Zone of Glen Huon, Council assessed the application of the Landscape Conservation Zone to this area and determined the characteristics of this area, in terms of vegetation coverage, hillsides and proximity to the Huon River reflect the important landscape characteristics of the Huon Valley. These landscape values include vegetated hills and valleys framing cleared agricultural, interspersed with remnant areas of bushland, together with the Huon River and tributary waterways. Accordingly, only small-scale use or development is appropriate.”*

Representation 36 makes reference to 90% cleared on their title. Other titles are significantly cleared too. This directly contradicts the HVC’s process of “80% native vegetation cover was used as the minimum coverage for selection as potential LCZ properties.” This area is more characteristic of a plateau enclosed by hillsides. They are not visually significant as the potential viewership angles are low impact (not a part of a Scenic Road Corridor).

How did the HVC determine that these titles are significantly visible? If not, with understanding the context that Landscape Conservation Zone should be applied where it is “significantly visible “

Why has the HVC insisted on translating Rural Living titles along with other titles from Residential use to Landscape Conservation?

The HVC comment: *“Importantly, there is no strategic intention for this site and the broader Environmental Living area, which is significant in size, to be an area of residential use and development within a rural setting and given the substantial portion of lots in the LGA being of a size typically associated with a rural-residential lifestyle (for example 26 % of lots are between 1 ha – 10 ha) any increase in the Rural Living zone needs to be considered on a municipal level with supporting detailed strategic analysis to avoid an incremental continuous increase in Rural Living land.”*

This comment possibly refers to The STRLUS (see regional policy SRD1.3) which supports the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. As this site is within a Rural

Living community evidenced by previous zoning of “Rural Living” it is entirely in keeping with STRLUS to translate these titles to Rural Living and in some cases revert back to a Rural Living Zone. Strategic planning needs consultation with the community. The transition from the HVIPS to the TPS was envisioned as a translation exercise.

Can the HVC explain how they implemented strategic planning in the draft LPS and why?

Using a rubric, and doing as desktop assessment landscape value based on the South East Coastal Hill Scenic Quality Class Frame of Reference and A Manual for Forest Landscape Management Scenic Quality Frame of Reference:

Landform Features: Low

Significant expanses of rolling hills or flat plains with indistinct dissection by rivers and streams and not dramatically defined by adjacent landforms (generally 0% to 10% slope). These titles are within a Rural Living precinct and more characteristically of a plateau enclosed by hillsides.

Vegetation Features: Low

Extensive areas of similar vegetation with infrequent patterns or forest openings.

Large forest clearings with straight or unnatural appearing shapes and edges

Water form Features: Low

Water course over where priority vegetation and a few intersections.

Cultural/ Heritage Features (Visual Only):

Little to no visual presence and influence of cultural heritage features reflecting local history or contemporary cultural features of high scenic value to the community as reflected through built forms and structures.

Native Wildlife Features (Visual Only):

Not possible to determine.

Figure below shows titles sitting on a flat area, within a mountain range.

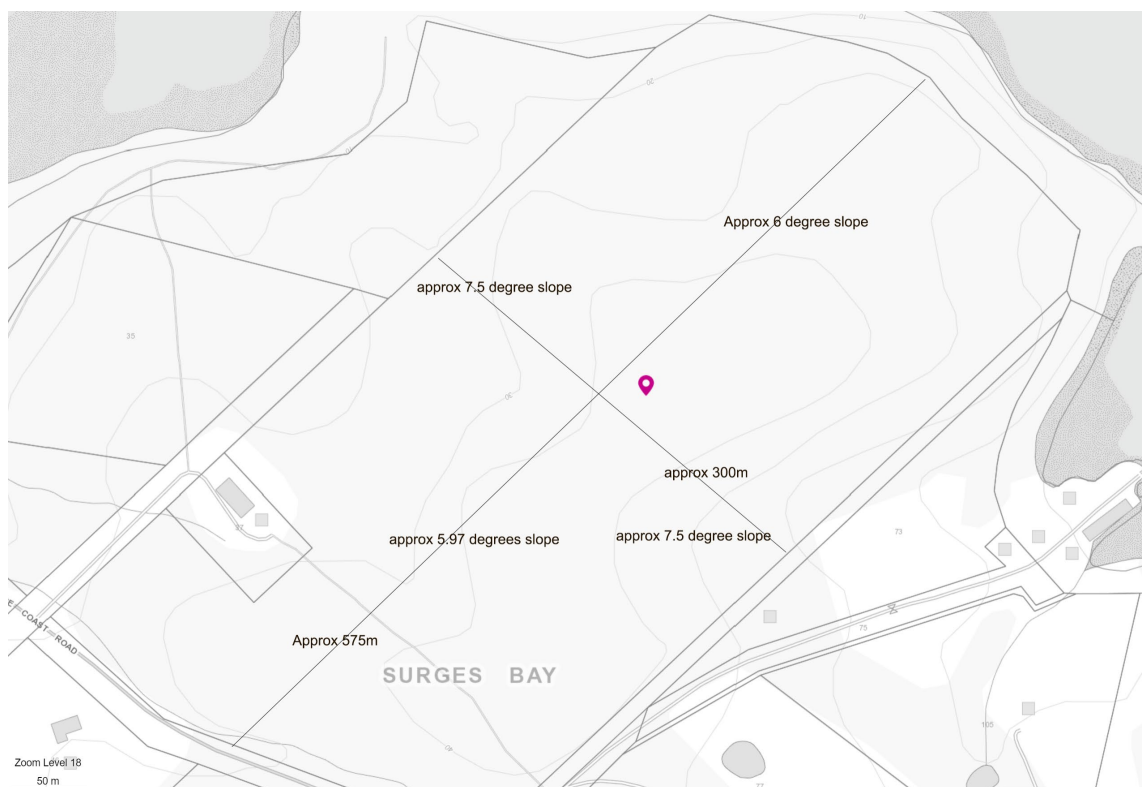


Case Study: Surges Bay

Within Surges Bay the 35F has proposed to move approximately 64 titles from Landscape Conservation to Rural Living. This shows the greater shift away from Landscape Conservation from the direct translation from Environmental Living Zone. This has created a spot zone for Representation 212.

A comment from council: *“The landscape values of the site include a **hilltop and ridgeline** and 99% vegetation coverage, including a significant portion mapped as threatened *Eucalyptus amygdalina* forest and woodland on sandstone”*. The site has a slope of less than 10-degree slope. This would be classed as a “low” landform feature according to South East Coastal Hills Scenic Quality Class Frame of Reference. This would be incorrect justification of Landscape Conservation as measured against a Scenic Quality Class.

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Size (HA) |
|--------------|-----------------------------|---------------------|---------------------------------|---------------------------|-----------------|
| 170960/ 1 | Lot 1 ESPERANCE COAST RD | SURGES BAY TAS 7116 | 14.0 Environmental Living | Landscape Conservation | 17.2937788 9 |



Landform Features: Low

Significant expanses of **rolling hills** or flat plains with indistinct dissection by rivers and streams and not dramatically defined by adjacent landforms (generally 0% to 10% slope).

When assessing Landscape Values did the HVC assess titles based on Scenic Quality Class?

Identifying additional potential Rural Living areas

In the 35F report, the HVC hired a consultant to determine the areas of titles which demonstrated the priority for residential use and development (LCZ4). Originally, the draft LPS did not use LCZ4 with regards to, “land where the priority is for residential use and development (see Rural Living Zone)”.

- LCZ 4 The Landscape Conservation Zone should not be applied to:
- (a) land where the priority is for residential use and development (see Rural Living Zone);
 - (b) State-reserved land (see Environmental Management Zone).

HVZA using the HVZA’s process has identified potential additional areas where the priority is for residential use and development coming from ELZ that has been proposed LCZ application by the HVC. Please note, that this is not a complete and comprehensive identification due to time constraints.

| Locality | Additional Areas | 35F | Refer to Appendix M4 |
|------------------------------|------------------|--|----------------------|
| ABELS BAY TAS 7112 | 13 | 0 | |
| BROOKS BAY TAS 7116 | 0 | 33 | |
| CAIRNS BAY TAS 7116 | 0 | 0 | |
| CASTLE FORBES BAY TAS 7116 | 4 - 16 | 0 (HVC Disagreed with Representation 162) | |
| CHARLOTTE COVE TAS 7112 | 0 | 0 | |
| CRABTREE TAS 7109 | 9 | 0 | |
| CRADOC TAS 7109 | 35 | 32 | |
| CYGNET TAS 7112 | 17 | 0 (HVC Disagreed with Representation 142 and 213) | |
| DEEP BAY TAS 7112 | 2 | 0 | |
| DOVER TAS 7117 | 23 | 1 | |
| EGG ISLANDS TAS 7113 | 0 | 0 | |
| EGGS AND BACON BAY TAS 7112 | 18 -20 | 0 (HVC disagreed with Representation 37 and 159) | |
| FRANKLIN TAS 7113 | 1 | 56 | |
| GARDEN ISLAND CREEK TAS 7112 | 49 | 0 | |
| GARDNERS BAY TAS 7112 | 0 | 0 | |
| GEEVESTON TAS 7116 | 1 | 0 | |
| GLAZIERS BAY TAS 7109 | 0 | 12 | |
| GLEN HUON TAS 7109 | 13 | 0 (HVC disagreed with representation 36) | |
| GLENDEVIE TAS 7109 | 0 | 0 | |
| GORDON TAS 7150 | 0 | 0 | |

| | | | |
|-----------------------------|----|---|--|
| GROVE TAS 7109 | 0 | 46 | |
| HASTINGS TAS 7109 | 23 | 10 | |
| HUON ISLAND TAS 7112 | 0 | 0 | |
| HUONVILLE TAS 7109 | 5 | 0 | |
| IDA BAY TAS 7109 | 8 | 0 | |
| JUDBURY TAS 7109 | 4 | 9 | |
| KAOOTA TAS 7150 | 0 | 0 | |
| LONNAVALE TAS 7109 | 0 | 0 | |
| LOWER LONGLEY TAS 7109 | 3 | 0 | |
| LOWER WATTLE GROVE TAS 7109 | 0 | 0 | |
| LUCASTON TAS 7109 | 5 | 0 | |
| LUNE RIVER TAS 7109 | 22 | 13 | |
| LYMINGTON TAS 7109 | 0 | 0 | |
| MAATSUYKER ISLAND TAS 7117 | 0 | 0 | |
| MIDDLETON TAS 7163 | 0 | 0 | |
| MOUNTAIN RIVER TAS 7109 | 2 | 20 | |
| NICHOLLS RIVULET TAS 7112 | 25 | 21 | |
| PELVERATA TAS 7150 | 1 | 53 | |
| PETCHEYS BAY TAS 7109 | 0 | 16 | |
| POLICE POINT TAS 7116 | 2 | 53 | |
| PORT HUON TAS 7116 | 10 | 0 | |
| RAMINEA TAS 7109 | 0 | 1 | |
| RANDALLS BAY TAS 7112 | 12 | 0 | |
| RANELAGH TAS 7109 | 0 | 0 | |
| RECHERCHE TAS 7109 | 0 | 0 | |
| SOUTHPORT LAGOON TAS 7109 | 0 | 0 | |
| SOUTHPORT TAS 7109 | 11 | 12 | |
| SOUTHWEST TAS 7170 | 0 | 0 | |
| STRATHBLANE TAS 7109 | 0 | 0 | |
| SURGES BAY TAS 7116 | 3 | 64 (HVC disagreed two representations with and made spot zones) | |
| SURVEYORS BAY TAS 7116 | 0 | 1 | |
| UPPER WOODSTOCK TAS 7150 | 0 | 0 | |
| VERONA SANDS TAS 7112 | 0 | 0 | |
| WATERLOO TAS 7109 | 0 | 0 | |

| | | | |
|--------------------------|-----|-----|------------|
| WATTLE GROVE TAS 7109 | 0 | 16 | |
| WOODSTOCK TAS 7109 | 0 | 0 | |
| Total (approx.) | 287 | 453 | 740 Titles |

Please note, with additional investigation there may be additional areas. The HVC has made multiple representations translating a significant number of titles away from Landscape Conservation to Rural Living. This approach has made it more difficult to analyse in a limited time frame. It should be noted, that the HVZA did their own process (double blinded) and resulted in over 85% parity with the endorsed draft 35F report where the Rural Living consultant was engaged to reassess ELZ to LCZ clusters that were subsequently agreed to by Council to be zoned RLZ.

Conclusions from case studies and additional application of LCZ4.

These three case studies show that the HVC has not done the relevant groundwork in determining if titles should be Landscape Conservation Zone. Again, the HVC stated in the in the 35F report that:

“The council has not undertaken ground truthing to define what the landscape values of the Huon Valley are in the first instance, and secondly, what, of those values, are identified for protection and conservation. If evidence can be provided otherwise then the LCZ may not be correctly applied to that land title.”

As such, there are many titles that have been incorrectly translated from Environmental Living to Landscape Conservation Zone with very little analysis and evidence supporting the application of such zone. The HVC used a consultant who identified approximately 453 titles Council that it post draft-LPS now proposes to transition to Rural Living (including split zones). Using our methods in we have highlighted approximately 287 additional titles that potentially should be considered for Rural Living Zones. This would bring the Council’s error rate up to over 62% from the initial re-considered translation. Note this does not consider if titles should be appropriately zoned to Rural Zone.

Additional study needs to be taken to determine if former Environmental Living Zones should be translated to Rural Zone opposed to Landscape Conservation. This would be possible if the HVC had a decision tree or decision matrix when applying Landscape Conservation Zone as opposed to a direct translation done in the first instance.

We believe that the HVC’s initial process was and still is fundamentally flawed and thus, as a result created much confusion, anxiety, and angst within the community. Again, it should be mentioned and applauded that the HVC has begun to identify problematic translations, as a result they have fielded a lengthy 35F report. However, due to time constraints and other limitations and even though they have made a valiant effort, this process should have been taken before the draft LPS was exhibited. There is still significant analysis and work required to remedy the situation as more areas are being highlighted to be suitable candidates for transitioning across to Rural Living Zones.

Commentary Rural Land uses to Landscape Conservation

Approximately 925 titles previously zoned Rural Resource in the HVIPS were translated by the HVC to Landscape Conservation.

Types of uses that were translated across were but not limited to are:

- Private Timber Reserves (PTR) / Properties with Forest Practices Plans (FPP)
- Sawmills
- Low to medium scale farms
- Hobby farms
- Community farming-coops
- Low to medium scale orchards
- Boutique Animal husbandry
- Apiaries
- Areas with large clearings
- Other rural activities
- Rural airport

With regards to various representations, the HVC has made the following statement approximately 64 times throughout the 35F document.

"The site is zoned Rural Resource under the interim planning scheme. The Rural Resource zone and the Rural zone are not like-for-like zones and there is a clear policy distinction between the Rural Zone under the SPP's and the Rural Resource Zone under the HVIPS. Hence the specific requirement in RZ1 to consider the appropriateness of the application of the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values when considering the application of the Rural Zone. The policy difference can be broadly categorised in terms of use, and natural and landscape values".

Reviewing some other councils' interpretation:

Brighton Council:

*"The LPS is required to zone rural land into the Rural Zone and the Agricultural Zone. The majority of this land is currently under the Rural Resource Zone(RRZ) and the Significant Agriculture Zone (SAZ) in BIPS 2015. These zones were created to recalibrate the RRZ and the SAZ which were inconsistently used and applied in interim schemes across the State."*²⁴

Burnie: Council:

*"Table 3.13 - Spatial Application of the Rural Zone
Most Comparable BIPS 2013 Zone: Rural Resource zone"*²⁵

²⁴ https://www.planning.tas.gov.au/_data/assets/pdf_file/0004/653719/Brighton-draft-LPS-Brighton-Council-Supporting-Report-18-March-2019.PDF page80

²⁵ https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/653640/Burnie-draft-LPS-supporting-report-11-October-2019.PDF Page 110

Central Highlands Council:

*"The LPS is required to zone rural land that is currently under the Rural Resource Zone or the Significant Agriculture Zone into either the Rural Zone (RZ) or the Agriculture Zone (AZ). These zones were created to recalibrate the Rural Resource Zone and the Significant Agriculture Zone which were inconsistently used and applied in interim schemes across the State."*²⁶

Clarence City Council:

*"The general principles/methodology of zone application are: (1) Implement the State Land Potentially Suitable for Agriculture Zone layer (published on the LIST) where it supports a "like for like" conversion of the existing zones. I.e. CIPS2015 Rural Resource Zone to TPS Rural Zone and CIPS2015 Significant Agricultural Zone to TPS Agriculture Zone"*²⁷

Devonport:

*"Zone Name Rural Comparable Zone under the Interim Planning Scheme Rural Resource
The inclusion of the Rural Zone with the SPPs is the result of a recalibration of the existing standard Rural Resource Zone and Significant Agriculture Zone included with interim planning schemes around the State"*²⁸

It is evident that other Councils have considered that Rural Zone for the most part is the most comparable zone. Clarence City Council made mention of "like for like" conversion of the existing zones, and in reading the 35F report there are multiple town planners / planning agencies which reference this concept. Furthermore, these sentiments have been further endorsed by the TPC with the completion of the directions hearings in aforementioned councils that have completed their transition to the TPS.

Why does the HVC seemingly have a different view from the prevailing planning authority community?

Additionally, HVC made a commitment in May 2019 to apply the LPS as a "like for like" as per the objectives of the HVC:

²⁶ https://www.planning.tas.gov.au/_data/assets/pdf_file/0003/622443/Draft-LPS-supporting-report.PDF
Page 65

²⁷ https://www.planning.tas.gov.au/_data/assets/pdf_file/0009/587421/Supporting-report-18-October-2019.PDF Page 54

²⁸ https://www.planning.tas.gov.au/_data/assets/pdf_file/0004/589153/Devonport-draft-LPS-supporting-report-20-February-2020.PDF Page 25

The draft LPS largely carries over existing Interim Planning Scheme zoning, as much of the existing zoning correlates with requirements set out in Guideline No. 1. However, some changes have been proposed. The following table shows a comparison of the current Interim Planning Scheme zones and the most comparable zones that will apply under the TPS when the draft HVLPS is implemented. Further information on the zone changes and also in relation to the codes is shown in Appendix 2.

Comparison table

| Interim Planning Scheme | TPS |
|--|--|
| 10.0 General Residential Zone | 8.0 General Residential Zone |
| 12.0 Low Density Residential Zone | 10.0 Low Density Residential Zone |
| 13.0 Rural Living Zone | 11.0 Rural Living Zone |
| 16.0 Village Zone | 12.0 Village Zone |
| 20.0 Local Business Zone | 14.0 Local Business Zone |
| 21.0 General Business Zone | 15.0 General Business Zone |
| 23.0 Commercial Zone | 17.0 Commercial Zone |
| 24.0 Light Industrial Zone | 18.0 Light Industrial Zone |
| 25.0 General Industrial Zone | 19.0 General Industrial Zone |
| 26.0 Rural Resource Zone | 20.0 Rural OR 21.0 Agriculture Zone |
| 27.0 Significant Agricultural Zone | 20.0 Rural OR 21.0 Agriculture Zone |
| 14.0 Environmental Living Zone | 22.0 Landscape Conservation Zone OR 11.0 Rural Living Zone |
| 29.0 Environmental Management Zone | 23.0 Environmental Management Zone |
| 28.0 Utilities Zone | 26.0 Utilities Zone |
| 17.0 Community Purpose Zone | 27.0 Community Purpose Zone |
| 18.0 Recreation Zone | 28.0 Recreation Zone |
| 19.0 Open Space Zone | 29.0 Open Space Zone |
| 32.0 Particular Purpose Zone 1 – Urban Growth Zone | 30.0 Future Urban Zone |
| 33.0 Particular Purpose Zone 2 - Future Road Corridor | HUO-P1.0 Particular Purpose Zone - Future Road Corridor |
| 34.0 Particular Purpose Zone 3 - Southwood Integrated Timber Processing Site | HUO-P2.0 Particular Purpose Zone - Southwood Integrated Timber Processing Site |
| 35.0 Particular Purpose Zone 4 - Franklin Marine and Tourism Precinct | HUO-P3.0 Particular Purpose Zone - Franklin Marine and Tourism Precinct |

Can the HVC explain the evolution from May 2019 to May 2022/23?

Who advised council that “The Rural Resource zone and the Rural zone are not like-for-like zones”?

Although Landscape Conservation does provide for some small-scale uses such as home-based businesses these do not match up with the vast range of activities on titles mentioned above. In most cases, these uses would be better related to Rural Zone with reference to the TPS use tables. Below is a small snapshot how uses on some titles are not compatible with Landscape Conservation.

| Use | Rural Zone | Landscape Conservation Zone |
|--|---|--|
| PTR & FPP | Extractive Industry | N/A |
| Sawmill | Manufacturing and Processing Resource Processing Storage | Prohibited Prohibited Prohibited |
| Low to medium scale farms Hobby farms Community farming-coops Low to medium scale orchards Boutique Animal husbandry | Resource Development Resource Processing Storage Domestic Animal Breeding, Boarding or Training | Prohibited Prohibited Prohibited Discretionary: Domestic animal breeding, boarding or training. Resource Development: If not for intensive animal husbandry or plantation forestry |
| Apiaries | Beekeeping Resource Development Resource Processing Storage | Beekeeping |

Please refer to the SPPs use tables from Tasmanian Planning Scheme State Planning Provisions

Case Study: Titles having timber reserves being zone to Landscape Conservation.

Approximately 10 titles (including split zones) are evidenced as having Private Timber Reserves and or Forest Practice Plans. These are but not limited to:

| Location: | CT | Addressed in 35F | PTR ID |
|-----------------------|----------|-------------------------------------|--------|
| 50 CONSTANCE RD | 167107/2 | HVC Disagree with Rep ²⁹ | 4881 |
| 50 CONSTANCE RD | 167107/1 | HVC Disagree with Rep ³⁰ | 4880 |
| 429 TOBYS HILL RD | 44189/1 | Not addressed | 4776 |
| HUON HWY | 231701/1 | Not addressed | 264 |
| 510 MAXFIELDS RD | 105671/1 | HVC Disagree with Rep ³¹ | 641 |
| Lot 1 JACOBSONS RD | 155017/1 | Not addressed | 3028 |
| 293 UMFREVILLES RD | 236603/1 | HVC Disagree with Rep ³² | 4872 |
| UMFREVILLES RD | 245440/1 | HVC Disagree with Rep ³³ | 4873 |
| Lot 1 BAKERS CREEK RD | 175065/1 | Not addressed | 396 |

This could be as a result of time delay.

In the future when a title obtains a Private Timber Reserve will the HVC be intending to change the zone to more appropriate zone?

Who will bear the cost burden of these zone changes?

What mechanism will in place to ensure that future forestry operations are not inappropriately zoned?

Please note, this is not an exhaustive list of titles that have Private Timber Reserves – there are certainly more titles which have these present that are zoned Landscape Conservation Zone and will be needed to be addressed. This has resulted from an overly broad reliance on “*Properties which had 80% native vegetation cover*” and not considering the established and developmental capacity of a title.

Did HVC consider the developmental capacities of titles before proposing titles go to Landscape Conservation?

²⁹ Representation 40

³⁰ Representation 40

³¹ Representation 54

³² Representation 321

³³ Representation 321

Case Study: Titles having a Forest Practice Plan.

Approximately 42 titles (including split zones) have or had a Forest Practice Plan. These are these are but not limited to :

| CT: | Address | 35F | FPP Status | FPP Number |
|-----------|------------------------------|----------------------|-----------------------------|------------|
| 246888/1 | JEFFERYS TRK | Disagree (Rural) | Current Certified FPP | AXW0016 |
| 144372/3 | Lot 3 WYLIES RD | | Expired > 3 years | CWB0172 |
| 174388/1 | 93 RIFLE RANGE RD | | Current Certified FPP | TRI0169 |
| 167107/1 | 50 CONSTANCE RD | Disagree (Rural) | Expired > 3 years | AXW0014 |
| 159368/2 | 410 SKY FARM RD | | Expired > 3 years | CWB0165 |
| 203150/1 | HUON HWY | | Expired > 3 years | TRI0234 |
| 227202/1 | 205 FRANCISTOWN RD | | Current Certified FPP | TDJ0097 |
| 24293/1 | 71 GLENBERVIE RD | Agree (Rural) | Expired > 3 years | TDS0011 |
| 104032/2 | DE WINTIN ST | Agree (Rural Living) | Expired > 3 years | CWB0035 |
| 141613/2 | 368 BRAESIDE RD | Disagree (Rural) | Expired > 3 years | TRI0389 |
| 122392/1 | 290 MAXFIELDS RD | | Expired > 3 years | TRI0357 |
| 232526/1 | PADDYS LANE | | Expired > 3 years | TDS0065 |
| 228452/1 | 97 BRITAINS RD | | Expired > 3 years | PWV0009 |
| 123033/6 | Lot 6 GARDEN ISLAND CREEK RD | Disagree | Expired > 3 years | TJW0366 |
| 129059/7 | Lot 1 GARDEN ISLAND CREEK RD | | Expired > 3 years | CWB0168 |
| 123033/7 | Lot 7 GARDEN ISLAND CREEK RD | | Expired > 3 years | TJW0358 |
| 206894/1 | ARVE RD | | Expired > 3 years | TRI0240 |
| 122390/1 | COSTAINS RD | | Current Certified FPP | CWB0053 |
| 212909/1 | COSTAINS RD | | Expired > 3 years | RTO0098 |
| 34614/14 | 62 CLARK RD | | Expired > 3 years | CWB0142 |
| 181367/17 | 39 BULL OAK WAY | Agree (Rural Living) | Expired > 3 years | CWB0154 |
| 108645/1 | LUNE RIVER RD | | Current Certified FPP | CWB0034 |
| 135021/2 | WALLIS RD | | Expired > 3 years | AKO0098 |
| 158560/16 | 383 LONNAVALE RD | Disagree | Current Certified FPP | CWB0078 |
| 158504/32 | 383 LONNAVALE RD | Disagree | Current Certified FPP | TRI0311 |
| 158504/31 | 383 LONNAVALE RD | Disagree | Expired within last 3 years | CWB0155 |
| 206077/1 | 599 BAKERS CREEK RD | | Expired > 3 years | RML0100 |
| 108640/1 | 1010 HALLS TRACK RD | Disagree (Rural) | Expired > 3 years | TDS0030 |
| 49031/1 | 180 MIDDLE RD | Disagree (Rural) | Expired > 3 years | AXW0015 |
| 44038/4 | 502 POLICE POINT RD | Agree (Rural Living) | Current Certified FPP | JCT0030 |
| 200343/1 | ESPERANCE COAST RD | | Expired > 3 years | TRI0309 |

| | | | | |
|----------|--------------------|---------------------|--------------------------------|---------|
| 112160/1 | ESPERANCE COAST RD | | Expired > 3 years | JCT0025 |
| 152992/2 | WHALE POINT RD | Disagree (Rural) | Expired > 3 years | JCT0026 |
| 137404/1 | LEPRENA TRK | | Expired > 3 years | TRI0375 |
| 157293/1 | Lot 1 HUON HWY | | Expired > 3 years | TJW0328 |
| 45790/3 | Lot 3 HUON HWY | | Expired > 3 years | AKO0106 |
| 152300/1 | Lot 1 HUON HWY | Agree (Rural) | Expired within last 3 years | CWB0019 |
| 124000/2 | HUON HWY | | Expired > 3 years | FPL0377 |
| 100016/1 | 7558 HUON HWY | Disagree (Rural) | Current Certified FPP | DFR0150 |
| 138477/3 | 46 NORRIS RD | Agree (Rural) | Current Certified FPP | TRI0164 |
| 208378/1 | NORRIS RD | Disagree | Current Certified FPP | JCT0020 |

The above list shows titles that have or had Forest Practices Plans. Previous Forest Practices Plans are included because of the selection criteria used by the HVC *“predominantly covered by native vegetation and formed part of a large area of native vegetation”*. Previous Forest Practices Plans typically have had harvesting and or the removal of vegetation, but may have left some forest cover or are in a state of regenerative growth.

Current titles with Forest Practices Plans should be most likely be zoned as Rural similar to titles with Private Timber Reserves.

As titles obtain Forest Practice Plans / Private Timber Reserves will the HVC be intending to change the zone to a more appropriate zone?

Who will bear the cost burden of these zone changes?

What mechanism was in place to ensure that future endorsed forest practices operations are not inappropriately zoned?

Case Study: Titles with large clearing being zoned to Landscape Conservation

The following titles are largely cleared or previously extensively cleared these are but not limited to:

| CT | Addressed in 35F/Comment | FFP |
|---|--|---------|
| 124000/2 | Not addressed / not checked | FPL0377 |
| 152300/2 | Not addressed / not checked | |
| 152300/1 | Changed to Rural (Representation 4 ³⁴) | MJS0757 |
| 45790/1 153369/1 13994/1 29651/1 228590/1 203267/1 | | |
| 111086/1 | | |
| 49398/1 244998/1 102805/1 102805/2 | ELZ to LCZ – Lots of titles with cleared land. | |
| 252437/1 209788/1 18066/1 236599/1 227202/1 230765/1 233647/1 | ELZ to LCZ – Lots of titles with cleared land. | |
| 35753/2 35753/6 | ELZ to LCZ lots | |
| 149202/3 140107/2 140107/1 158504/29 | Looks like dominate alterations. | |

The HVC has used the methodology of “*predominantly covered by native vegetation and formed part of a large area of native vegetation*”. The above list is a small sample of titles in which have been or previously cleared to a great extent.

In the future when a title a has extensive clearings, will the HVC be intending to change the zone to more appropriate zone?

Who will bear the cost burden of these zone changes? What mechanism was in place to ensure that future forestry operations were not inappropriately zoned?

Some of these clearings look to be Dominant Alterations, presumably to achieve this level of clearing these titles would have a low scenic and low sensitive value to begin with, did HVC consider using a scenic quality class frame of reference when assessing titles in going to Landscape Conservation?

³⁴ Representation 4

In assessing Representation 4, why did the Council not assess surrounding areas?

Why is there a priority vegetation overlay across these titles where there is extensive clearing?

Is the HVC going to correct the REM record?

Case Study: Sawmill being zoned to Landscape Conservation.

Going through the 35F the Council disagreed representation 167. This representation is currently a sawmill zoned Rural Resource under HVIPS and is proposed to be zoned to Landscape Conservation.

Did the HVC consult use tables with regards to current titles on site and the possibility that they would not meet the uses of Landscape Conservation Zone?

Knowing that this title is an active sawmill, did the HVC assess this title with regard to use tables?

Reasons why HVC rejected was: *"The combination of the intensity of use allowable in the Rural zone and the lack of locational requirements relating to landscape and vegetation clearance impacts results in the Rural zone not to be the most appropriate zone for the site. In accordance with LCZ 1, the Landscape Conservation Zone is to be applied to land with landscape values that includes bushland areas and large areas of native vegetation. The site is extensively covered in native vegetation, includes a ridgeline, hilltop and valley and contributes to a larger bushland area. This site, specifically, has mapped threatened native vegetation as Eucalyptus tenuiramis forest and woodland on sediments."*

Figure below shows the surrounding titles of the site. The site sits on a hillside of Dorset Hill. The subject site is located approximately 2.5 km away of any skyline area and nowhere near the significant and prominent ridgeline located to the north of the subject site at least 2.5km away.

The subject site is also less than 20 hectares in area and does not meet the Council criteria of being a large lot comprising a 20-hectare area of native vegetation.

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.

152300/2

📍 lon: 146.973896 lat: -43.015123

Titles

See on map

PID3135736

Parcel Address540 NORTH HUON RD

CT213051/1

Tenure TypeFreehold Title

LocalityRANELAGH

ImprovementsTIMBER MILL

Area186404.982

Overlays

Priority Vegetation Area

Landslip Hazard

Waterway and Coastal Protection

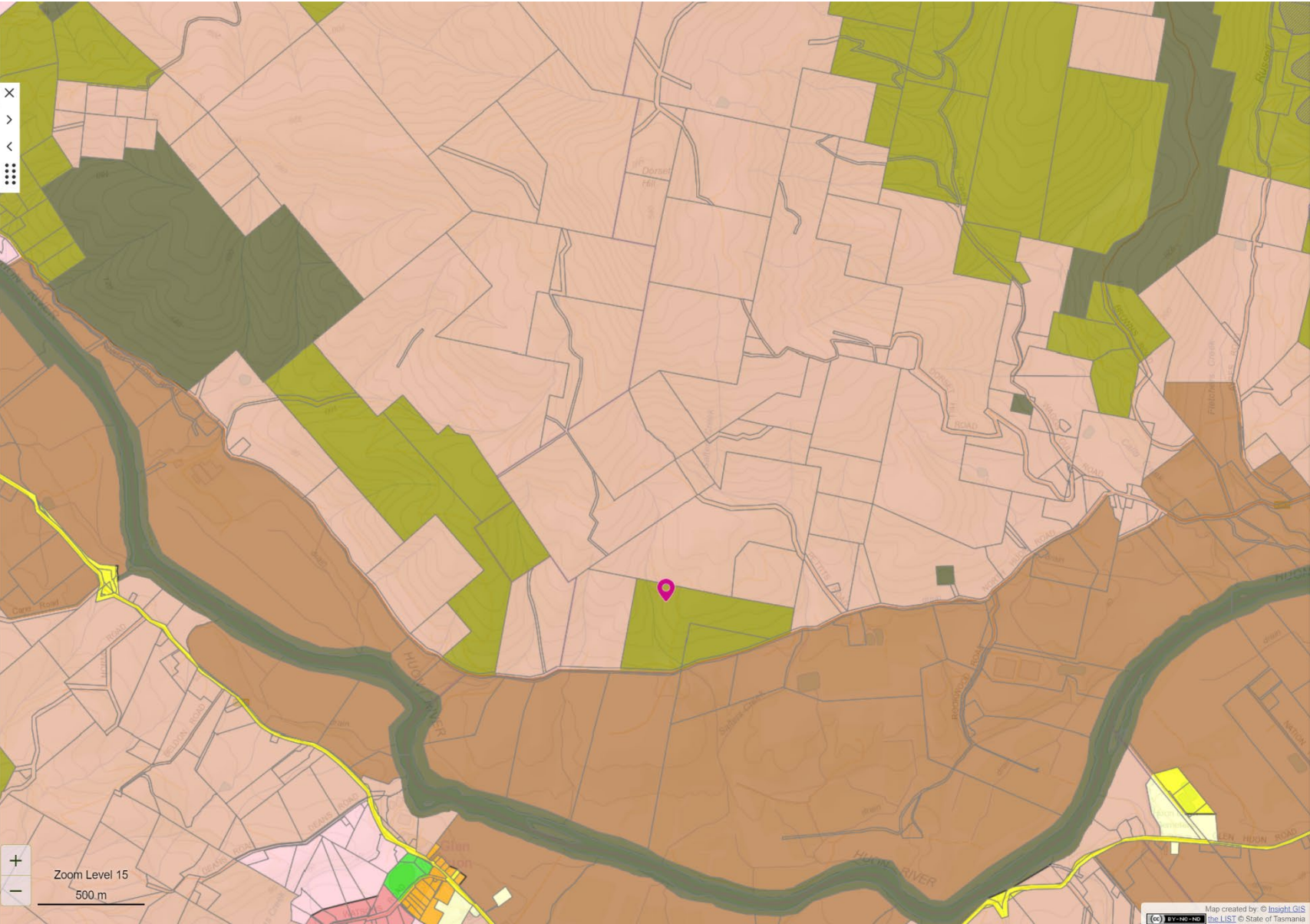
Bushfire Prone Areas

NOTE: Additional codes are not mapped and may be triggered based on description

Links

Priority Veg Report

Zones



With reference: *This site, specifically, has mapped threatened native vegetation as Eucalyptus tenuiramis forest and woodland on sediments.*

This has been not ground truthed and with regards to Landscape Conservation, largely irrelevant, especially as it is on small parts of the titles, and relevant code overlays act as a trigger mechanism for further investigation of the natural values on site during the planning process.

In the 35F report HVC has stated that:

“The council has not undertaken ground truthing to define what the landscape values of the Huon Valley are in the first instance, and secondly, what, of those values, are identified for protection and conservation. If evidence can be provided otherwise then the LCZ may not be correctly applied to that land title.”

With reference *“The site is extensively covered in native vegetation, includes a ridgeline, hilltop and valley and contributes to a larger bushland area”.*

The Minister's Urban Skylines and Hillfaces Committee (2000) defined the skyline as "the silhouettes of hills and ridge lines against the sky" and hillfaces as "the sides of hills and include those ridgelines below the skyline". With a rise of approximately 80m and a run of approximately 540m the slope is approximately 14°. Dorset Hill, which this hillside title sits on, is approximately 540m in height. The highest point of this title is approximately 180m. When considering the above definition, the subject site is on a 'hillface' but is not within a skyline or ridgeline area and furthermore, is located nowhere near these.

What definition was HVC using as “ridgeline” that determined this title to have a ridgeline?

What ground truthing did the HVC do to certify the existence of mapped threatened native vegetation as Eucalyptus tenuiramis?

Why is Dorset Hill, an area which is more dominant in the landscape zoned Rural while this title zoned landscape conservation?

Assessing landscape value based on South East Coastal Hill Scenic Quality Class Frame of Reference and A Manual for Forest Landscape Management Scenic Quality Frame of Reference

Landform Features: Low

Significant expanses of rolling hills or flat plains with indistinct dissection by rivers and streams and not dramatically defined by adjacent landforms (generally 0% to 10% slope).

A Manual for Forest Landscape Management refers to slopes under 20%.

This is a hillside title with some valley depressions.

Vegetation Features: Low

Extensive areas of similar vegetation with infrequent patterns or forest openings.

Water form Features: Low

Water course over where priority vegetation and a few intersections.

Cultural/ Heritage Features (Visual Only): No comment

Native Wildlife Features (Visual Only):

Not possible to determine.

Case Study: Airport being zoned Landscape Conservation

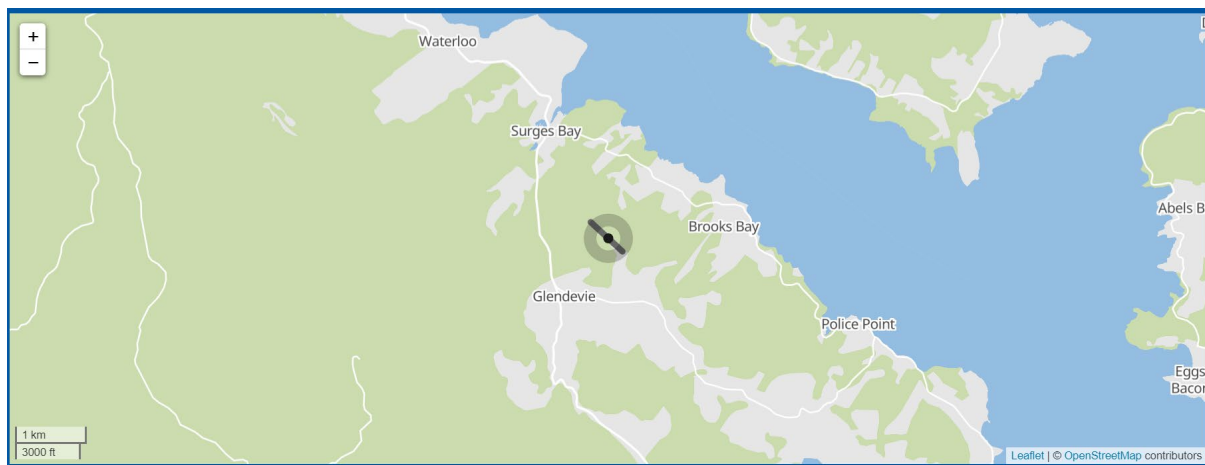
HVC Zoned Glendevie Airport (YGVE) to Landscape Conservation Zone. Although there is no representation.

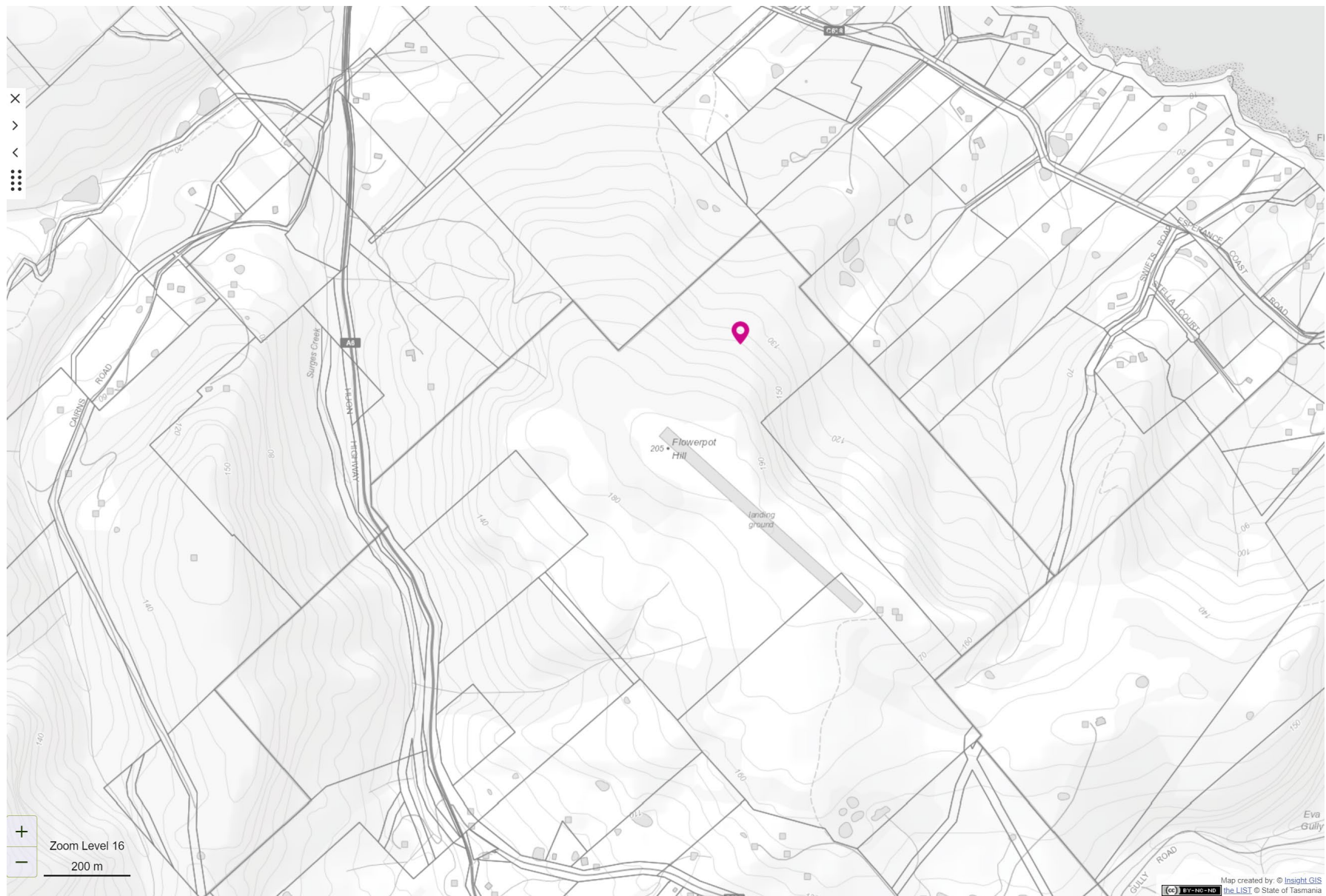
Why the HVC consider zoning an airport to Landscape Conservation Zone appropriate?

Should the HVC consider applying code C16 over this area?

Can the TPC provide clarity on what zone this should be zoned as major airport may be more appropriately located within a Particular Purpose Zone, however, this seems to be a small airport?

| | |
|-------------|-------------------------------------|
| ICAO | YGVE |
| Runways | 13/31 (130°/310°) |
| Type | Small airport |
| Location | Gelendevie Tasmania Australia |
| Coordinates | -43.2316, 147.00018 |





Conclusions from case studies.

These case studies show that the HVC has not done the relevant groundwork when determining that titles should be Landscape Conservation Zone. Again, the HVC stated in the in the 35F report that:

“The council has not undertaken ground truthing to define what the landscape values of the Huon Valley are in the first instance, and secondly, what, of those values, are identified for protection and conservation. If evidence can be provided otherwise then the LCZ may not be correctly applied to that land title.”

As such, there are many titles that have been incorrectly transitioned away from Rural land uses to Landscape Conservation. These issues are endemic within the draft LPS with regards to Landscape Conservation.

Did the HVC consider the developmental capacity of lands when applying Landscape Conservation?

Did the HVC consider using a frame of reference when defining landscape values? I.e., South East Coastal Hill Scenic Quality Class Frame of Reference and A Manual for Forest Landscape Management Scenic Quality Frame of Reference

If so, how and what processes did the HVC use to weight landscape values?

Was there any consideration of viewership when applying Landscape Conservation?

Commentary Significant Agriculture to Landscape Conservation

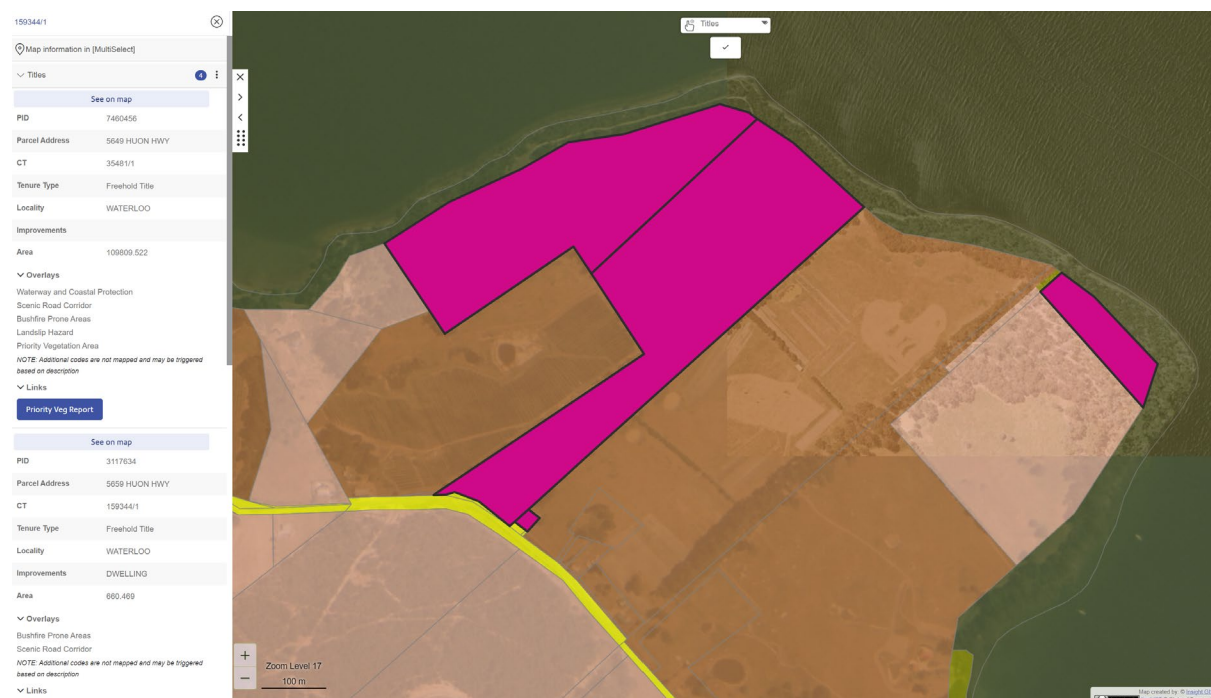
Case Study: Agriculture titles being zoned to Landscape Conservation

Approximately 4 titles (including split zones) previously zoned Significant Agriculture in the HVIPS was translated by the HVC to Landscape Conservation.

The State Protection of Agricultural Land Policy requires that the land use planning process must recognise and protect agricultural land for agricultural use, and that use and development on adjacent land must not compromise the on-going ability to access and use agriculture land for agricultural purposes.

The following titles:

| CT | Address | Address | IPS Zone | LPS Zone (Council) |
|-----------------|---------------|---------------------|-------------------------------|------------------------|
| 150411/1 | HUON HWY | SURGES BAY TAS 7116 | 27.0 Significant Agricultural | Landscape Conservation |
| 159344/1 | 5659 HUON HWY | WATERLOO TAS 7109 | 27.0 Significant Agricultural | Landscape Conservation |
| 16205/1 | 5647 HUON HWY | WATERLOO TAS 7109 | 27.0 Significant Agricultural | Landscape Conservation |
| 35481/1 | 5649 HUON HWY | WATERLOO TAS 7109 | 27.0 Significant Agricultural | Landscape Conservation |



Questions:

How does the HVC justify removing land which previously zoned Significant Agriculture in the HVIPS and zoning to Landscape Conservation?

Commentary Industrial to Landscape Conservation

Case Study: Agriculture titles being zoned to Landscape Conservation

Approximately 2 titles (including split zones) previously zoned Light Industrial in the HVIPS was translated by HVC to Landscape Conservation.

The following titles:

| CT | Address | Address | IPS Zone | LPS Zone (Council) | HVZA LPS |
|-----------------|----------------|-----------------------|---------------------------|--|---------------------------|
| 27534/1 | 42 THIESENS RD | GEEVESTON TAS 7116 | 24.0 Light Industrial, | Landscape Conservation, Light Industrial, | Light Industrial,Rural |
| 111713/2 | THIESENS RD | GEEVESTON TAS 7116 | 24.0 Light Industrial | Landscape Conservation | Light Industrial |

Went from 24.0 Light Industrial and 26.0 Rural Resource to Landscape Conservation



Notwithstanding that title 111713/2 is not visible from any scenic corridor or having any scenic protection overlay, there is clear industrial use on the site. It appears that this title does not meet the Council's own criteria of 80% coverage as most of the site is being used for industrial uses.

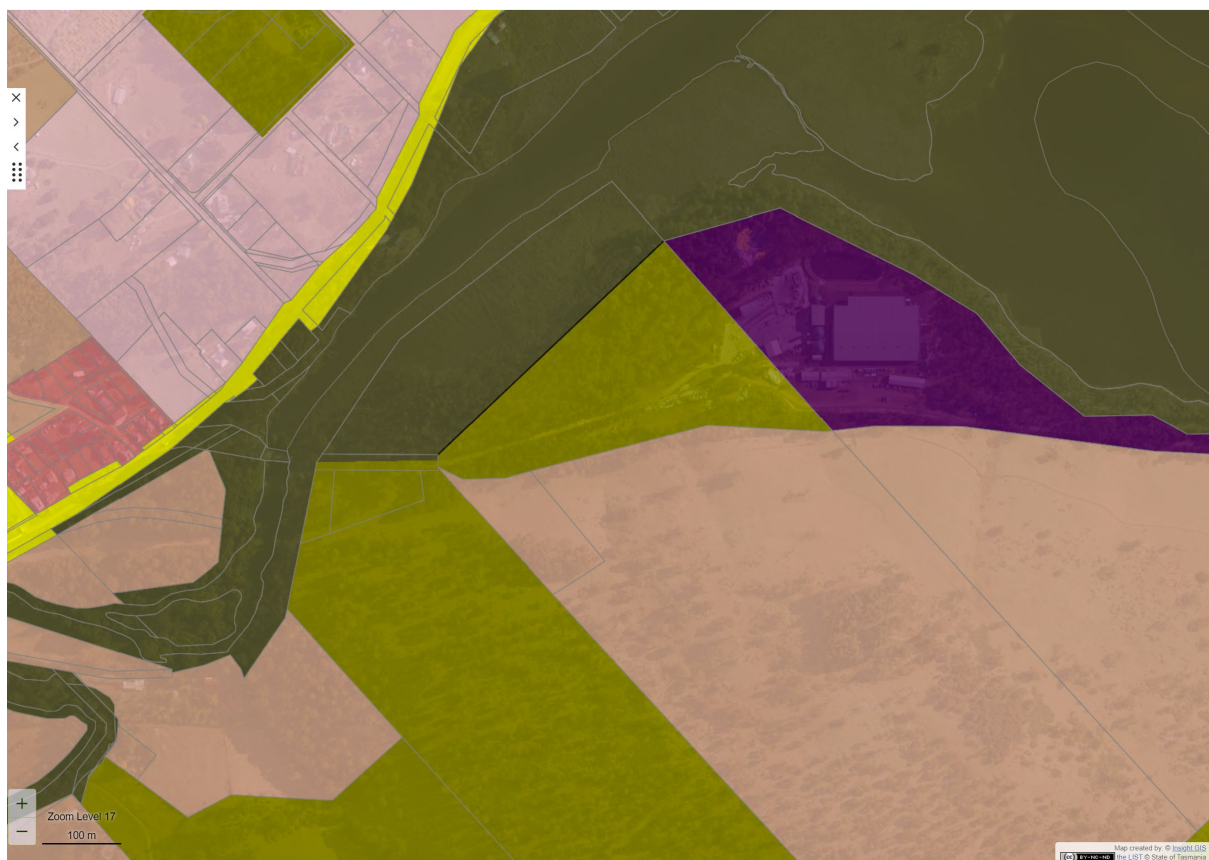
Regarding viewshed: Refer to HVZA Map Set: Viewership for Huon Valley Municipal Area P16.

(See Below)

Additionally, the HVC disagreed with a representation from Huon Aquaculture Company regarding their industrial site. Representation 25 in the 35F Report from the HVC has disagreed to change use to General Industrial, and Environmental Management. It is clear that there are industrial uses on site as shown on satellite imagery. Protection for the riparian is included under Environmental Management. The subject site is also less than 20 hectares in area and does not meet the Council criteria of being a large lot comprising a 20ha area of native vegetation.

Reasoning from the HVC “The Landscape Conservation Zone is being applied due to the constrained nature of the site as a result of a threatened vegetation community and being on the edge of the Huon River and the subsequent landscape values it affords.”

The area is not visible from any scenic corridor and does not have a scenic protection overlay.



From the representation, there seems to be a natural values assessment from EcoTas.

Did HVC not read/consider expert advice?

Can the HVC explain why they are zoning industrial areas as landscape conservation?

Regarding viewshed: Refer to HVZA Map Set: Viewership for Huon Valley Municipal Area P21.

Commentary on Spot Zoning.

"Spot zoning" is where a title is zoned a zoning provision where the prevailing zones are drastically different in intent and purpose and not meeting the requirements of application of the zones. It disrupts the zoning landscape with the overall zoning of the community, and thus undermining comprehensive planning.³⁵

Spot-zones should be avoided in order to maintain harmonious zoning patterns. It is considered a matter of good planning practice to reduce spot zones.³⁶ The figure to the right is an extreme example why spot zoning is not good planning practice and can lead to incompatible uses within an area.³⁷

It can also be argued that split zoning can cause Spot Zoned areas. This can be achieved where; a group of titles are split zoned to create a new zone area but are not in line with land use expectations in the area. This will be addressed further in the short commentary on Split Zoning and more details throughout this report.

It is generally understood that the application of zones to some land may require adjustments even though not fully appropriate, and are applied to reduce potential 'spot zoned' areas. For example, an established lot with agricultural potential may be zoned as Rural to avoid spot zoning to prioritise compatible zoning patterns.³⁸



Although not ideal, this is to ensure a continuity of zoning patterns and a general understood use for that region. It is always ideal to have a contiguous zone application, and even more ideal where zones transition slowly between uses to minimise impacts from rapid developmental change. For example, having districts, going from residential uses to rural living uses, to rural, to more intensive agriculture or industrial uses.

The HVC asserted in their Draft LPS supporting report that they have applied zones: "Also, accordance with the Zone Application Guidelines, the application of these zones to some land has also required adjustments to some zones that are to apply, for example, to: (a) reduce potential 'spot zoned' areas;"

No methodology that we found in the supporting documentation has detailed how the HVC undertook additional investigation or quality assurance in achieving this aim.

The HVC has used Environmental Management Zone and an adjoining title/s as a selection criterion to meet LCZ 3.

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.

³⁵ SPOT ZONING" - A SPOT THAT COULD BE REMOVED FROM THE LAW. Osborne M Reynolds, Jr

³⁶ https://www.planning.tas.gov.au/__data/assets/pdf_file/0008/634823/Decision-and-reasons-to-modify-draft-LPS-15-October-2021.pdf

³⁷ image was posted on imgur.com from PhilDunphy on November 27 2015 <https://imgur.com/gallery/y3cD3b2>

³⁸ West Tamar Local Provisions Schedule
Draft amendment AMD 01-22

This may explain why there are pockets of small titles zoned Landscape Conservation along riverbanks.

Can HVC explain why or how this application is appropriate considering these are two distinct zones?
Does this method contribute or detract from creating harmonious zoning patterns?

In the HVZA's view spot zoning of Landscape Conservation Zone would be where:

- A title or group of titles zoned for Landscape Conservation does not meet minimum lot requirements (20ha)
- Where minimum lot size requirements are not met, exceptional reasoning to justify applying Landscape Conservation Zone (i.e., the title has a dominate peak or Crown or significant identifiable landmark)
-

Note: Group of titles means 3 or more.

The following zoned titles are a few egregious examples of spot zoned areas within the draft LPS presented by the HVC.

Case Study: Boat Facility

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (ha) |
|-----------------|--------------|---------------------|-------------------------------|------------------------|---------------|-------------|
| 153006/1 | 12 SMITHS RD | SURGES BAY TAS 7116 | 26.0 Rural Resource | Landscape Conservation | Rural | 0.317050412 |
| 150411/1 | HUON HWY | SURGES BAY TAS 7116 | 27.0 Significant Agricultural | Landscape Conservation | Agriculture | 1.278191455 |

Figure below shows the surroundings of the uses around 12 SMITHS RD (CT: 153006/1) and HUON HWY (CT: 150411/1) , this is a clear spot zone. It is under the minimum required lot size and surrounded by Agriculture and Rural uses.

12 SMITHS RD also has the following improvements nearby or on title: Dwelling, Jetty, Stable. Representation 92 in the 35F Report from the HVC has disagreed that the property should be rezoned to Rural. As such, this remains as an egregious spot zone as it is does not meet a minimum of 20ha lot size for Landscape Conservation Zone.

HUON HWY (CT: 150411/1) does not have a representation in the 35F Report from the HVC. As such, this remains as an egregious spot zone as it is does not meet a minimum of 20ha lot size for Landscape Conservation Zone.



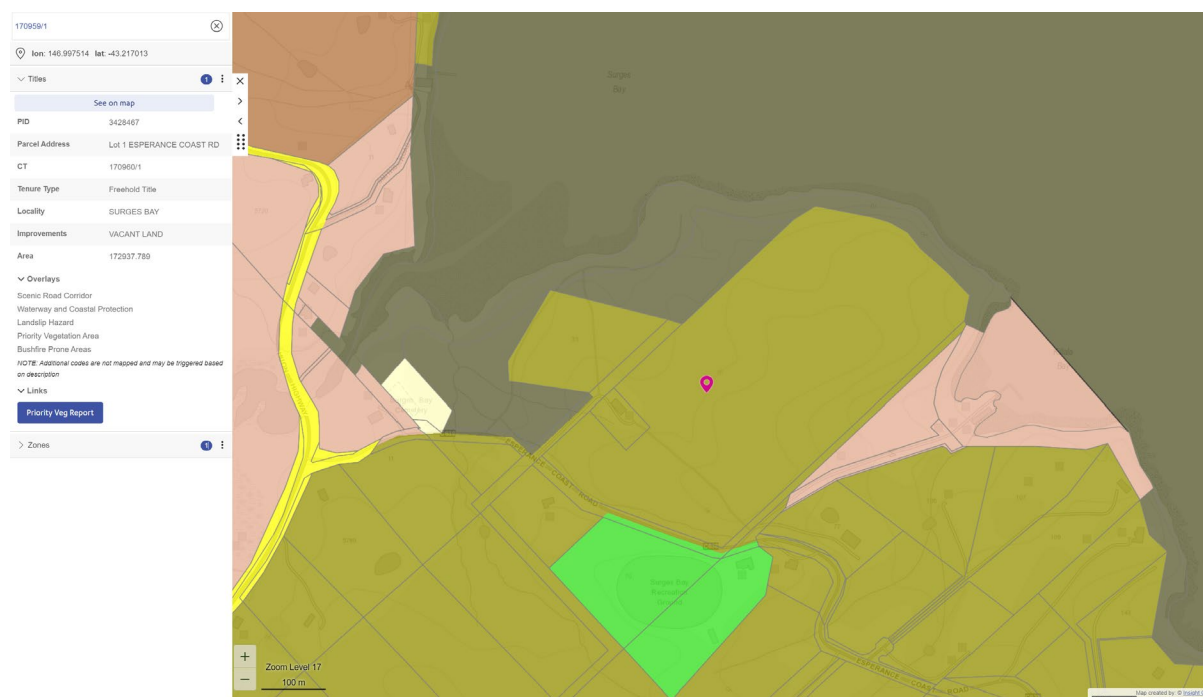
Regarding viewshed: Refer to HVZA Map Set: Viewership for Huon Valley Municipal Area P18

Case Study: Spot Zone that will be created from the 35F

As a result of a zone shift in the 35F, there have been spot zones created from titles being moved across to Rural Living. Within Surges Bay the 35F has proposed to move approximately 64 titles from Landscape Conservation to Rural Living. This has created a situation where the subject site is less than 20 hectares in area and thus does not meet the Council criteria of being a large lot comprising a 20 hectare area of native vegetation.

A comment from council: *“The landscape values of the site include a hilltop and ridgeline and 99% vegetation coverage, including a significant portion mapped as threatened Eucalyptus amygdalina forest and woodland on sandstone.”.*

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Size (ha) |
|----------------------|-----------------------------|---------------------|---------------------------------|---------------------------|-----------------|
| 170960/ 1 | Lot 1 ESPERANCE COAST RD | SURGES BAY TAS 7116 | 14.0 Environmental Living | Landscape Conservation | 17.2937788 9 |
| 170959/ 1 | 37 ESPERANCE COAST RD | SURGES BAY TAS 7116 | 14.0 Environmental Living | Landscape Conservation | 0.43229102 3 |



Regarding viewshed: Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P18

The same situation has occurred in Mountain River with title 251273/1 moving to Rural Living, this creates a spot zone on, 27866/1. Subject site is approximately 6.3ha and no longer meets the minimum requirements.



Regarding viewshed: Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P13.

CT: 199875/1. This also will be a spot zone from the Draft 35F.

Case Study: Common Spot Zone

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (HA) |
|----------|-----------------|--------------------|-------------------|------------------------|---------------|-------------|
| 121159/1 | 614 LADY BAY RD | SOUTHPORT TAS 7109 | 13.0 Rural Living | Landscape Conservation | 121159/1 | 7.329812683 |

Figure below shows the surroundings of the uses around 614 LADY BAY RD, this is a clear spot zone it is under the minimum required lot size and surrounded by Rural Living and Rural uses. 614 LADY BAY RD also came from IPS Zone Rural Living and historically pre-IPS zoned Rural Residential. Representation 297 in the 35F Report from the HVC has agreed to rezone this title to Rural Living. A basic check, which can be done via automation, could have identified and rectified this obvious zoning error.



This is a common pattern within the draft LPS. Where a title is zoned Landscape Conservation, objected to the 35F and then zoned to more of an appropriate zone. We applaud the HVC in their efforts to address this issue in this case.

Can the HVC detail out how they investigated and addressed potential spot zones before exhibiting the draft LPS? Not for just Landscape Conservation but also for other areas which may be of a concern.

Case Study: Titles Poorly Grouped

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (HA) |
|-----------------|-------------------------|------------------|---------------------|---------------------------|---------------|-----------|
| 104454/2 | Lot 2 ANDREWARTHA RD | RAMINEA TAS 7109 | 26.0 Rural Resource | Landscape Conservation | Rural | 10.34 |
| 101957/1 | STENNINGS RD | RAMINEA TAS 7109 | 26.0 Rural Resource | Landscape Conservation | Rural | 7.72 |

AND

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (HA) |
|-----------------|--------------|----------------|---------------------|---------------------------|---------------|-----------|
| 204237/1 | 34 CRAGGS RD | DOVER TAS 7117 | 26.0 Rural Resource | Landscape Conservation | Rural | 6.36 |
| 71926/1 | HUON HWY | DOVER TAS 7117 | 26.0 Rural Resource | Landscape Conservation | Rural | 1.65 |



Figure above shows the surroundings of the uses around these titles.

In both instances, this does not meet the minimum 20ha lot requirement (combined or alone), and in both instances these are spot zones. If the HVC was grouping these titles together, this practice should be questioned as the join happens on a corner and tiles are not actually adjoining in any significant manner.

Was this a modelling error? What checks were taken to prevent this sort of zone application?

Regarding viewshed: Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P21.

Conclusion and identifying inappropriate spot where title is zoned Landscape Conservation Zone

The HVC seemingly has done few checks for spot zonings. Approximately 70 titles are spot zoned, and with the 35F report changing a significant amount, there are more spot zones that will become apparent. Previously case studies are a few examples only. This issue is endemic within the Draft LPS especially with Landscape Conservation Zone. Approximate of current spot zoned titles from LCZ application are:

| Locality: | Number: | Reference Link |
|-----------------|---------|---|
| IDA BAY | 9 | 245028/1; 31644/1; 31644/2; 31644/3; 31644/4 31644/5; 245028/1; 31645/12;31645/11 |
| LUNE RIVER | 2 | 228079/1; 79048/1 |
| SOUTHPORT | 3 | 18010/2; 141156/2 121159/1 |
| STRATHBLANE | 7 | 36627/1; 244038/1; 30235/1; 149826/1; 216120/1 135135/1; Crown Title |
| RAMINEA | 3 | 104454/2 ; 101957/1 235763/1 (Addressed in 35F) |
| DOVER | 2 | 204237/1; 71926/1 |
| SURGES BAY | 3 | 153006/1; 150411/1 4/5949 |
| WATERLOO | 2 | 35481/1; 16205/1 |
| GEEVESTON | 2 | 224250/1; 203032/1 (linked very strangely) |
| PORT HUON | 12 | 120538/3; 120538/4; 224515/1; 169873/1; 159488/2; 174297/1; 174297/2; 174297/3; 174297/4; 174297/100; 50389/1; 40/7190 |
| FRANKLIN | 1 | 126260/2 |
| JUDBURY | 5 | 230325/1 9410/1; 9410/2; 240060/1;; Crown Title |
| RANELAGH | 4 | 162052/1; 162052/2; 43205/1; 41049/1 |
| CRABTREE | 2 | 246888/1; 240064/1 |
| MOUNTAIN RIVER | Over 20 | Most of these have been addressed in the 35f |
| HUONVILLE | 4 | 111667/1; 111670/1; Crown Title 213023/1 |
| UPPER WOODSTOCK | 1 | 205708/1 |
| CRADOC | 2 | 235177/1; 46667/1 |
| CYGNET | 4 | 48764/1; 47315/2; 47315/1; 35621/4 |
| GARDNERS BAY | 1 | 214125/1 |
| RANDALLS BAY | 1 | 137938/2 |

There is a lot of potential for more spot zones as the HVC has potentially zoned Landscape Conservation on large groups of titles which may not be appropriate. When titles are assessed and potentially rezoned this will also yield more spot zones causing additional work and checks to fix the newly created sport zones. Note, due to time constraints we were unable to assess post 35F spot zones.

Commentary on Split Zoning.

Split zoning is where a title has two or more zones applied but has not been cadastrally subdivided. Generally, there is a base zone of the property which is the primary zone whilst the split zone portion presents a different primary right to a particular portion of the title.

Split zoning presents some challenges as it can:

- Create confusion on land use rights, especially where there has been little to no land surveying of where uses end and start.
- Create additional workload for Council to check zoning rules and maintain databases.
- Reduce efficiency by interruption of contiguous zone uses.
- Lead to unnecessary litigation due to rendering land unsuitable for the original intent.

In Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application the Tasmanian Planning Commission has made reference to split zoning with respect to agriculture use: "Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles." ³⁹

The HVC in their Draft LPS Supporting Report gave no reference to the Council's official position on split zones. The HVC, however, made the following reference: "split zone some land to allow the priority vegetation areas to exist where less intensive agricultural use may also be possible" in response to, "The constraint of not being able to apply the priority vegetation area overlay to the Agriculture Zone"⁴⁰.

This seems to contradict State Legislation:

"To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land." ⁴¹

In the 35F report the HVC expresses favourable view on split zoning:

"As a result of existing use and development there are many land titles where the application to the entire title would be incongruous to the existing use and development of the land and there are many circumstances where application of the LCZ would be justified for part but not to the entirety of a property.

In these circumstances the Council requests consideration of:

- i. The application of split zoning to protect the necessary landscape values whilst not restricting use of land that has no landscape values; or*
- ii. The application of an alternate zone with reliance on the Natural Values and Scenic Protection Codes over the relevant portions of the land the subject of landscape values".*

Generally, it is advisable to reduce split zones to ensure clarity of zone and land use intent. Overlays generally can be used to act as a trigger mechanism for further investigation of certain values

³⁹ AZ 5

⁴⁰ HVC Draft LPS

⁴¹ State Policy on the Protection of Agricultural Land 2009

depending on the overlay during the planning process. Split zoning can lead to strange outcomes, for example pairing up two competing zone uses.

With reference to 212502/1 – 41.0655ha there was a comment,

NRM: needs to be split zoned to protect a large portion of WGL on this lot, which is important swift parrot foraging habitat within the near coastal zone (which has seen significant clearance in the Huon Valley in the last ten years)

It appears HVC originally wanted the zone split into Agriculture and Landscape Conservation but appears to be Agriculture and Rural now.

Was it the understanding from the NRM in the HVC that Landscape Conservation is for protection of only natural values?

Split zones also complicate subdivisions where each zone must then meet the acceptable solutions of the acceptable solutions of a subdivision (ie., lot size). This has the potential to curtail usability of titles and restrict what would be otherwise appropriate uses of the title. It will also provide additional burden of the title owner to rezone prior to any other sorts of major development.

Through our investigation, we have come across range of split zones within the IPS and draft LPS reference from the data given to us by Appendix 61 in the draft LPS report:

| Zone (IPS) | Zone (LPS) | SPLITS (IPS) | SPLITS (draft LPS) | Split Increase |
|-------------------------------|--------------------------|--------------|--------------------|----------------|
| 10.0 General Residential | General Residential | 41 | 39 | -2 |
| 12.0 Low Density Residential | Low Density Residential | 37 | 32 | -5 |
| 13.0 Rural Living | Rural Living | 64 | 57 | -7 |
| 14.0 Environmental Living | | 58 | | -58 |
| 16.0 Village | Village | 14 | 13 | -1 |
| 17.0 Community Purpose | Community Purpose | 9 | 8 | -1 |
| 18.0 Recreation | Recreation | 7 | 5 | -2 |
| 19.0 Open Space | Open Space | 9 | 8 | -1 |
| 20.0 Local Business | Local Business | 9 | 8 | -1 |
| 21.0 General Business | General Business | 5 | 5 | 0 |
| 24.0 Light Industrial | Light Industrial | 9 | 8 | -1 |
| 25.0 General Industrial | General Industrial | 2 | 3 | 1 |
| 26.0 Rural Resource | Rural | 262 | 240 | -22 |
| 27.0 Significant Agricultural | Agriculture | 115 | 120 | 5 |
| 28.0 Utilities | Utilities | 75 | 97 | 22 |
| 29.0 Environmental Management | Environmental Management | 112 | 108 | -4 |
| | Landscape Conservation | | 92 | 92 |

In general, the draft LPS has introduced a base level of an additional 15 split zones where none had existed under the IPS. This should be understood that this comes as broad brush analysis where

investigation of each split zones from IPS to LPS has not necessarily been investigated for each of those instances. However, it does call into question what sort of justification the Council has provided to introduce additional split zone solutions over subject titles.

Reviewing some splits regarding the Utility Zone, it can be noted that the HVC appears to be applying a split for the sake of “road widening”. **Is this sort of split appropriate?** Example: CT 129856/3; CT 118121/2; CT 17705/1; CT 167891/1. While reviewing this issue, we came across some mapping errors where Utility Zones have been removed where it possibly it should remain as Utility Zone. CT: 54210/4, CT 54210/5 and CT 54210/6.

Reviewing some of the 92 split zones in Landscape Conservation Zone, a lot of these split zones have translated across from the previous Rural Resource Zone split and Environmental Living Zone, however, there are still an additional amounts of split zones which calls into question what sort of justification Council has provided to introduce additional split zone solutions in these instances.

Case study: Agriculture and Landscape Conservation.

Figure below shows the surroundings around 75 WOODCOCK RD, 55 WOODCOCK RD, AND WOODCOCK RD



The HVC has split the zone into two uses, Agriculture and Landscape Conservation.

The Split covers the back side of the Balfes Hill, where there is a pre-existing Scenic Overlay. This hillside does not face a Scenic Road Corridor or population centre. This split has been awkwardly transposed over the areas.

Is the additional administrative burden worth it, as the area is already constrained by a Scenic Overlay and topography?

Not only will this likely to increase confusion about what the title holder can do on the land, this but creates an additional administrative barrier to all stages in the developmental process. Thus, reducing the usability of the title.

Does the HVC consider land facing away from a Scenic Road Corridor and into a large agricultural community to have high landscape value?

Why is HVC trying to reduce agricultural potential of the local government area?

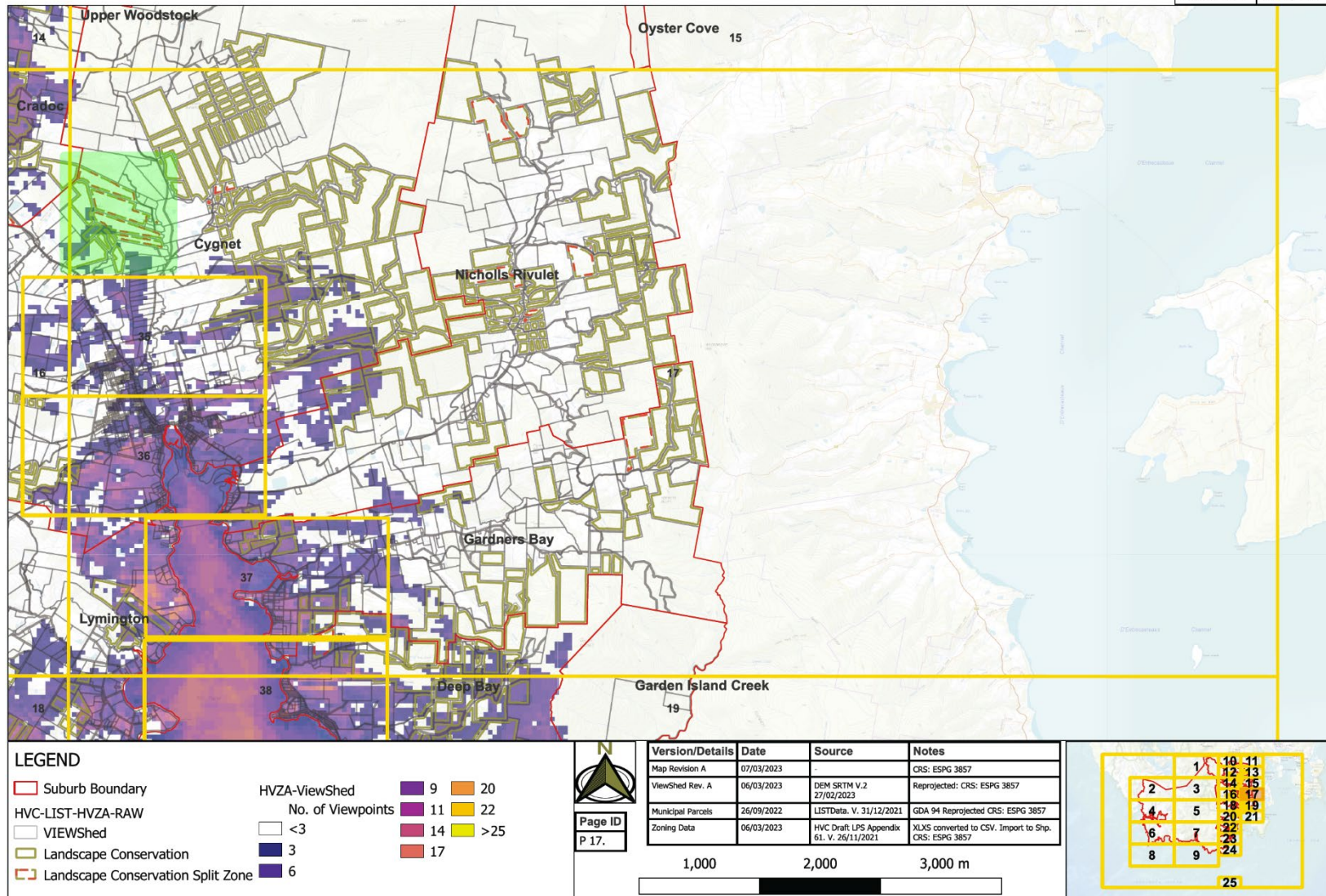
What ramifications has the HVC considered as a result of this practice?

Can HVC provide justification, with reference to what “significantly visible landscape value” is being protected?

Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P17 (Below – area highlighted in light green). There is limited viewshed on these titles

HVZA Map Set: Viewshed for the Huon Valley Municipal Area

When Printed on A3
Map Scale: 1:74,000



Case study: Private Timber Reserve and Landscape Conservation.

| CT | Address | Address | IPS Zone | | LPS Zone (Council) | Like for Like | Size (ha) |
|----------|--------------------|------------------|------------------|-------|----------------------------------|---------------|-----------|
| 155017/1 | Lot 1 JACOBSONS RD | JUDBURY TAS 7109 | 26.0 Resource | Rural | Landscape Conservation, Rural | Rural | 7.77 |



Figure above shows the surroundings around Lot 1 JACOBSONS RD. The HVC has split the zone into two uses, Rural and Landscape Conservation. The split occurs where the Private Timber Reserve boundary approximately begins.

It appears this title was split to join up titles adjoining to the Northwest and South so that it would theoretically be able to meet the minimum lot size of 20ha.

Why does the HVC consider this split to be appropriate?

Is it an appropriate use of a split zone to string properties in order to avoid spot zoning? Why?

Considering the relatively isolated, low elevation and surrounding uses of these titles, is it appropriate for Landscape Conservation application on either of these titles?

Can HVC provide justification, with reference to what “significantly visible landscape value” is being protected?

Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area. P12

Case study: Split Zoning led to instances of Spot Zoning

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (ha) |
|----------|----------------|----------------------|---------------------|-------------------------------|---------------|-----------|
| 244038/1 | 564 NARROWS RD | STRATHBLANE TAS 7109 | 26.0 Rural Resource | Landscape Conservation, Rural | Rural | 8.36 |

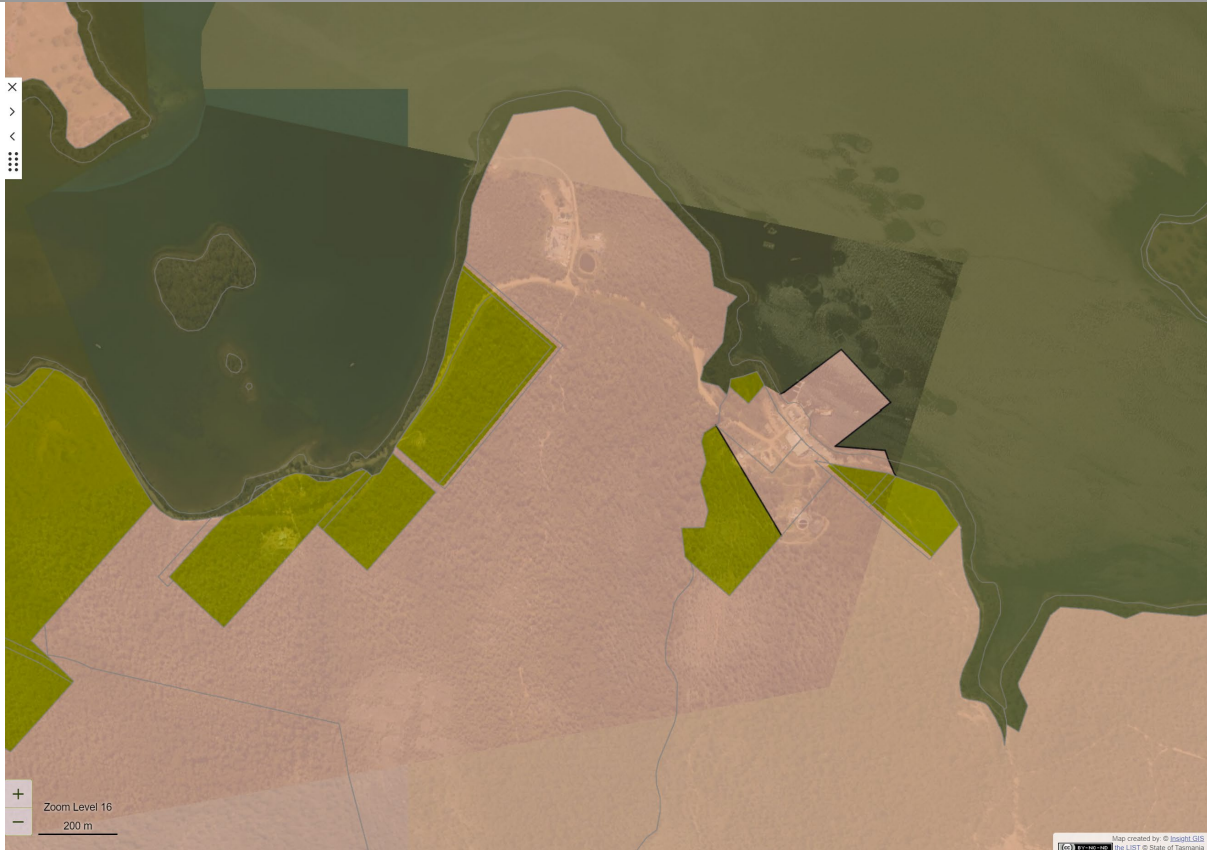


Figure above shows the surroundings of the uses around 564 NARROWS RD (244038/1). Not only is this example of spot zoning, but this is also seemingly an inappropriately split on the bases of:

- Split not meeting minimum requirements of the respective zone/s being under approximately 8.36 ha for the Landscape Conservation Zone.
- Justification for split was “to apply the zones consistent with Guideline No. 1 (RZ 1)”

HVC has not provided justification about why the area is split zoned for Landscape Conservation Zone. Can HVC provide justification, with reference to what “significantly visible landscape value” is being protected?

Is it more appropriate for this title be zoned entirely Rural considering it is Rural Resource Zone under HVIPS?

Regards to viewshed:

Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P20

Case study: Odd splits

| CT | Address | Address | IPS Zone | LPS Zone (Council) | Like for Like | Size (ha) |
|--------------|----------------------|--------------------|-------------------|--------------------|---------------|-----------|
| 178754/ 1 | 39 SNOWY VIEW HTS | HUONVILLE TAS 7109 | 13.0 Rural Living | Rural Living | Rural Living | 2.14 |



Why is this area split?

We cannot find reference to this in the HVCs supporting documents.

This does not seem to be an existing split either. Is this a mapping error?

Conclusion and identifying potentially inappropriate Split Zones where title is zoned Landscape Conservation Zone

There are approximately 843 split zone titles within the municipal area. The HVC has done several splits and with comments in the 35F report there is potential for more split zones.

Below is a limited list of Split Zones where titles are seemingly inappropriate or can be removed for greater zone clarity, please note this is not exhaustive:

| Locality: | Number: | Reference Link |
|-----------------|---------|---|
| SOUTH PORT | 3 | 102805/2 244998/1 240926/1 |
| STRATHBLANE | 1 | 244038/1 |
| DOVER | 1 | 231701/1 |
| FRANKLIN | 5 | 152751/2 169875/3 105671/1 25049/1 141133/2 |
| JUDBURY | 4 | 201293/1 146688/1 155017/1 71684/1 |
| HUONVILLE | 1 | 178754/1 |
| UPPER WOODSTOCK | 2 | 126703/12 PID 7177036 |
| CRADOC | 1 | 179667/1 |
| CYGNET | 4 | 245777/1 162081/1 133582/1 51669/1 |

Split zones should be reassessed. With the HVC proposing an increase in the potentiality of split zones in the 35F there is the possibility of more inappropriate splits which can create additional administrative burdens.

Can HVC provide a list of split zones in the HVIPS, and provide their justification for the split?
Can HVC provide a list of split zones in the draft LPS, and provide justification for the split?
Did the HVC review current split zones in the HVIPS and assess the necessity for them?
What processes did the HVC use to assess titles and recommend a split zone, e.g., did council use a decision tree?

Does HVC have the capacity to address additional planning complexities as a result of having approximately 843 split zones?

Commentary on titles not significantly visible from surrounding areas zoned Landscape Conservation.

Councils' selection criteria and process of assigning landscape conservation zone targeted a vast amount of fairly remote and isolated titles. Main suburbs affected are:

Corners of Glen Huon, Judbury, Ranelagh, Lucaston, Kaoota, Pelverata, Nicholls Rivulet, and Garden Island Creek, parts of Crabtree, and parts of Mountain River.

Isolated areas make achieving "significantly visible landscape value" harder, especially with consideration of titles which are low lying, or on a hillside opposite a scenic road corridor.

In response to Representation 186 Council made the comment:

"Property is in a comparatively isolated area of the Huon Valley. Surrounded by predominantly forestry land. This lot was not included in the original set of planning authority proposed Landscape Conservation properties. The planning authority therefore has no objection with it being Rural and, on reflection, the adjoining properties earmarked as Landscape Conservation Zone should be changed to Rural as there are negligible scenic values and landscape value mapping is somewhat coarse, with larger cleared areas and some silviculture included as native vegetation.

Change this site and the following sites to Rural in the draft LPS:

54055/1; 49931/1; 133190/2; 44120/1; 208045/1; 49931/3; 40644/2; 52787/1; 133190/1"

This sets a precedence that isolated areas of a lower scenic quality class and thus, should not be considered to be transitioned to Landscape Conservation. As such, we have identified a vast number of titles which can be considered as "isolated" or "remote". Please refer to Viewshed Map Appendix M1

Case Study: Judbury

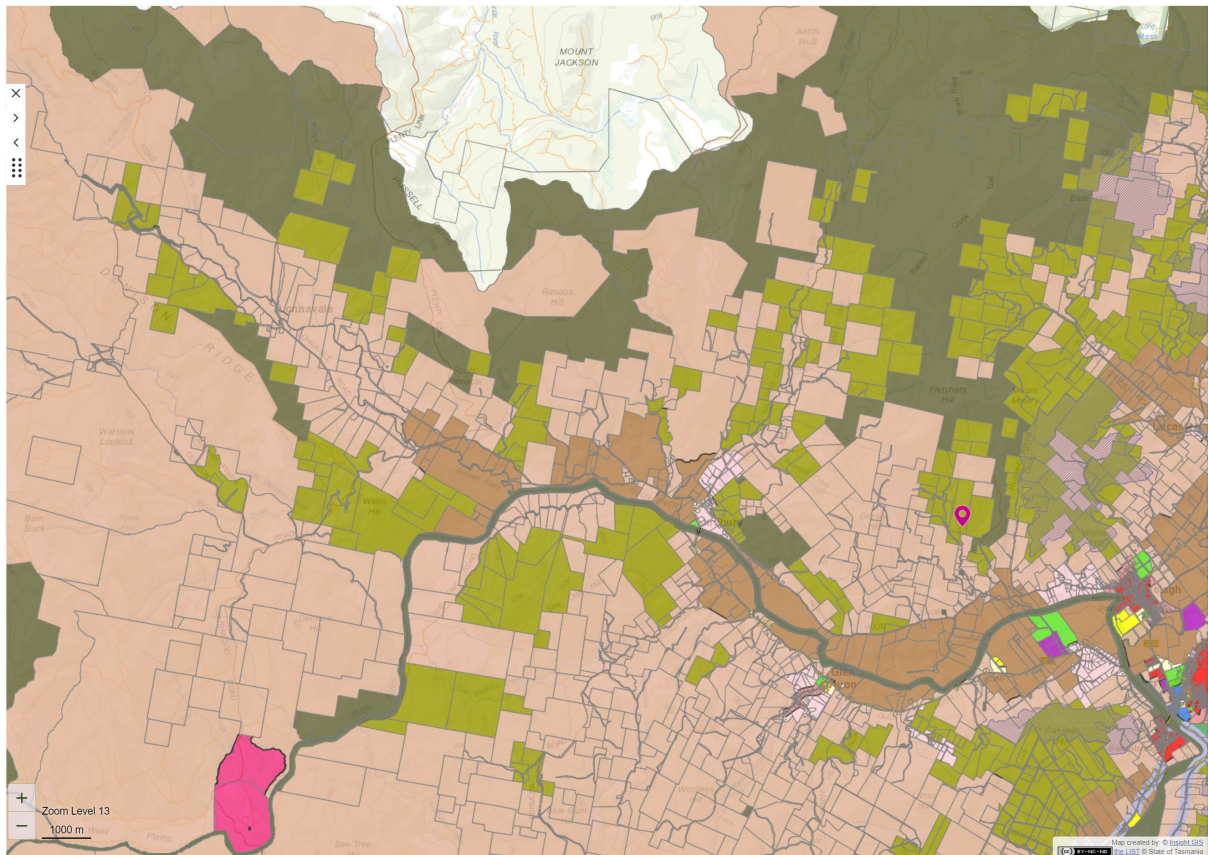
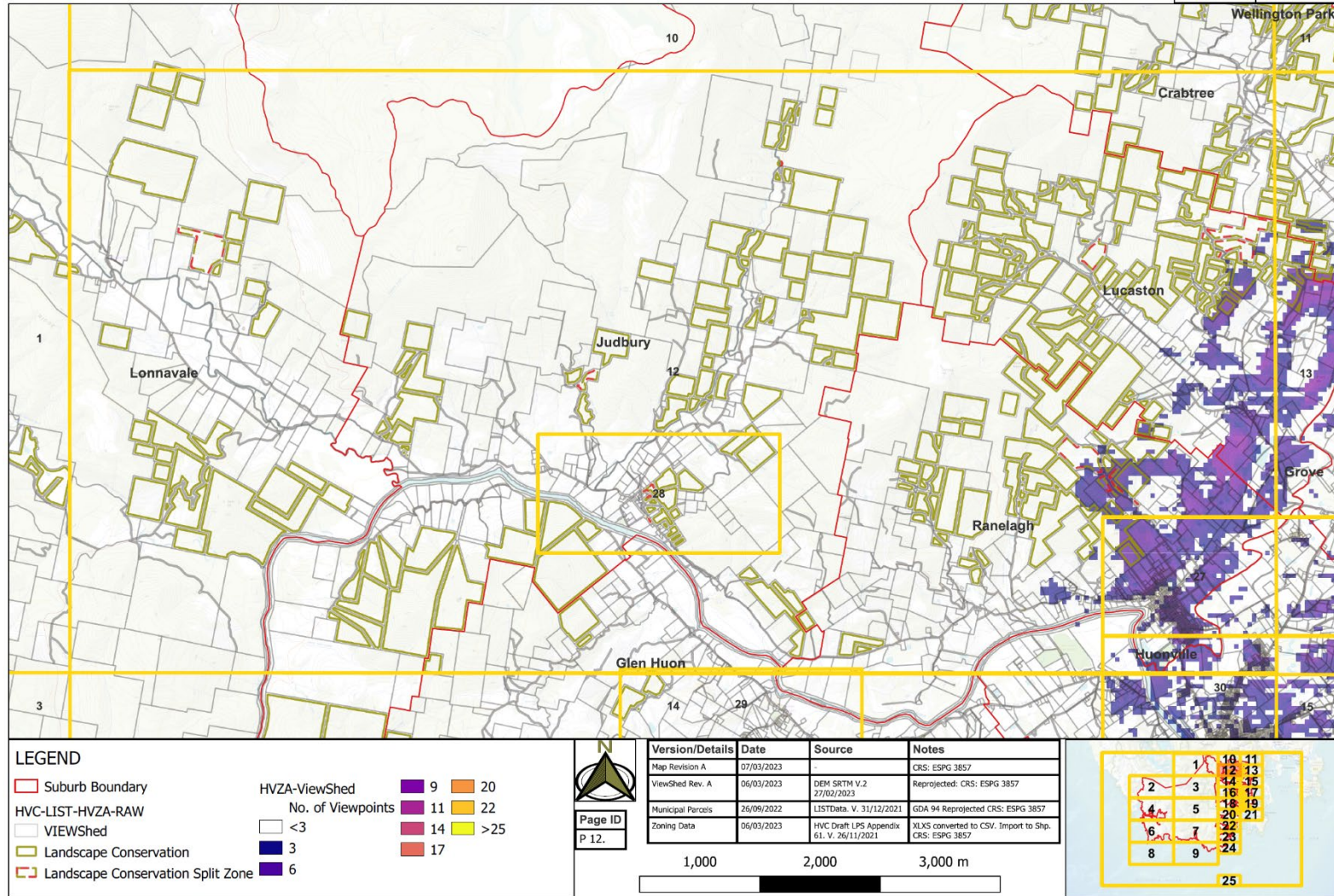


Figure above shows titles zoned Landscape Conservation Zone with comparison to nearest Scenic Road Corridor approximately 8km away and the nearest general residential lot in Ranelagh approximately 6km. These titles are clearly in the 'background' and some titles would be for all intents and purposes 'unseen' by traffic. Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P12.

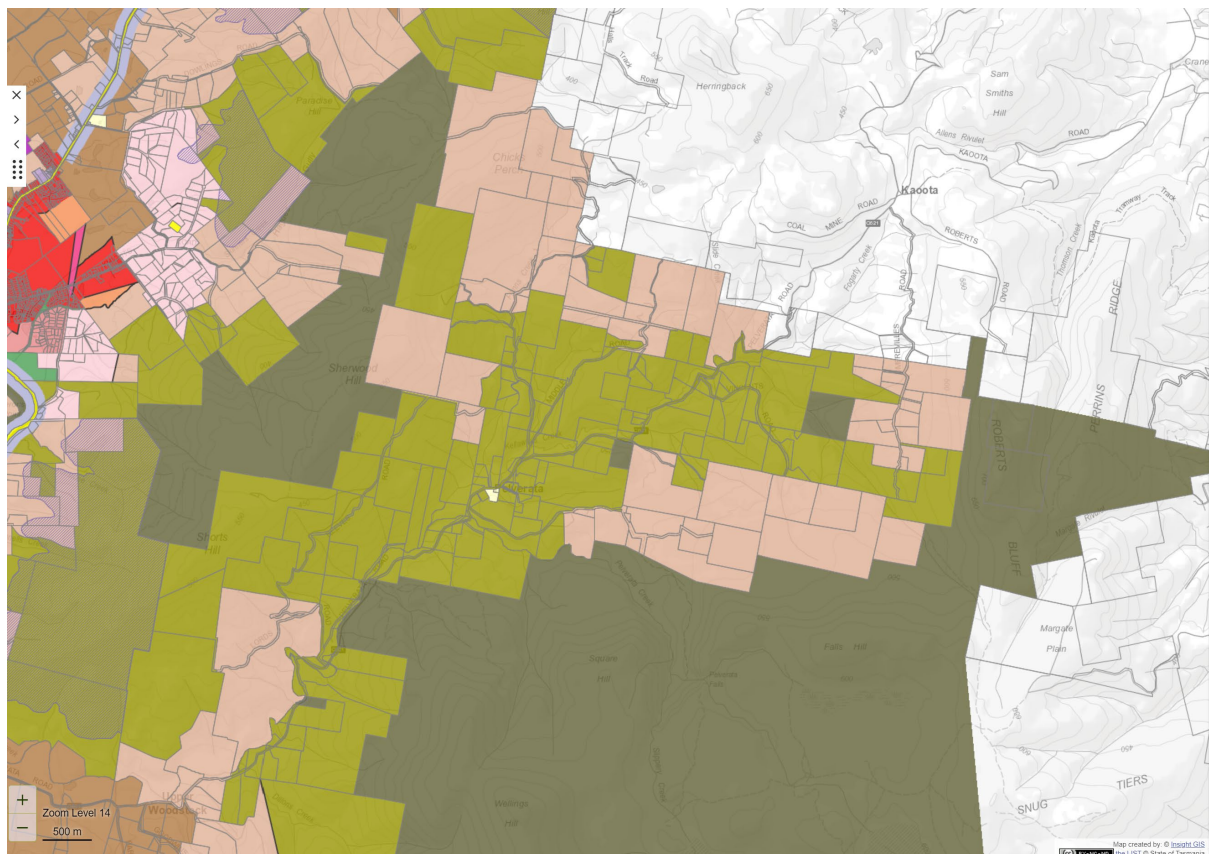
HVZA Map Set: Viewshed for the Huon Valley Municipal Area

When Printed on A3
Map Scale: 1:74,000



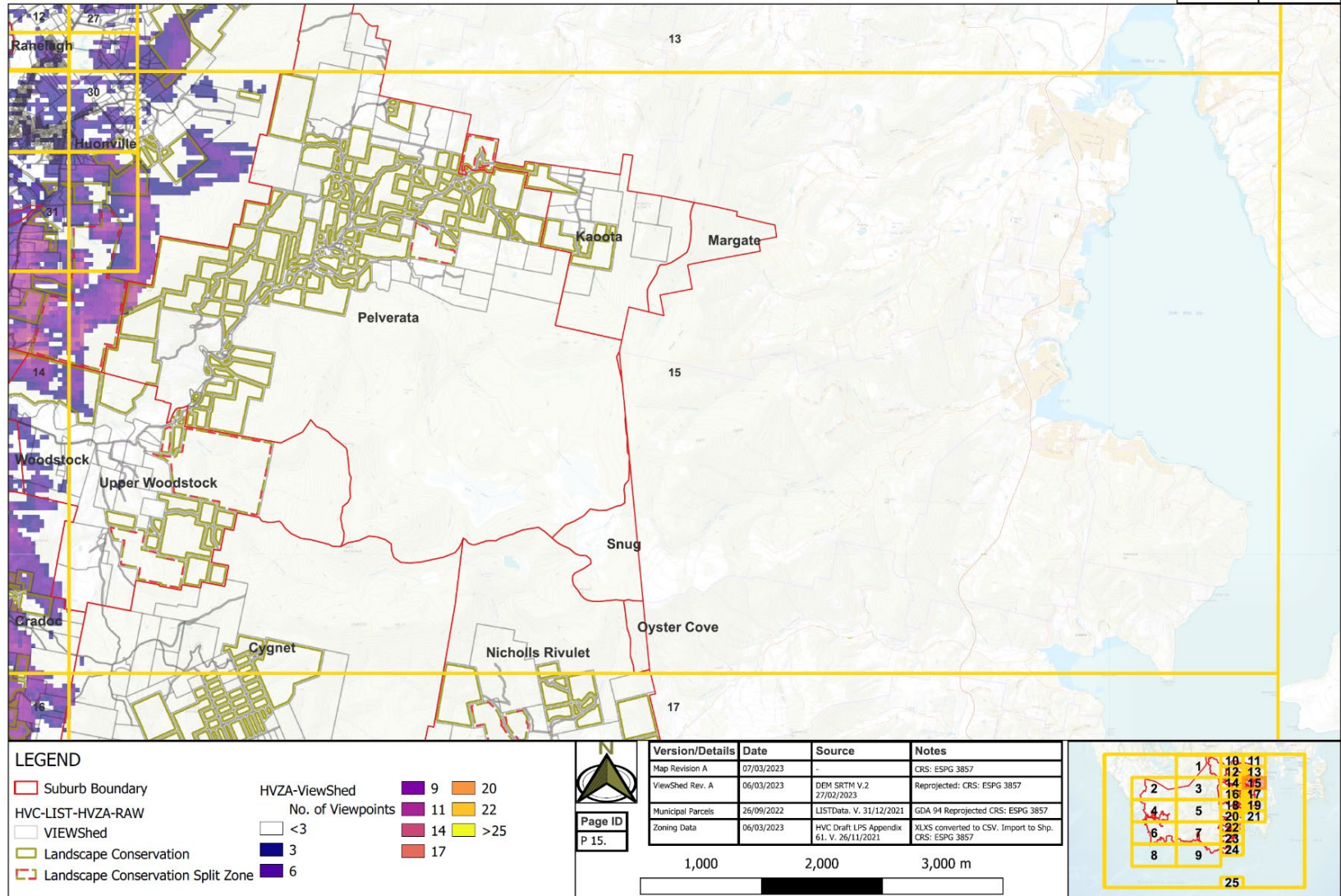
Case Study: Kaoota and Pelverata

Figure below shows titles zoned Landscape Conservation Zone with comparison to the nearest Scenic Road Corridor approximately 6 km behind Shorts and Sherwood Hill. The closest area could actually be considered a visual vantage point from a Scenic Road Corridor is approximately 9km away where Pelverata Road intersects the Channel Highway. The nearest general residential lot in Huonville is approximately 8km km behind Shorts and Sherwood Hill. These titles are clearly in the ‘background’ and most titles would be for all intents and purposes ‘unseen’ by traffic. Kaoota in particular is deemed to be ‘unseen’ where the landscape is completely hidden from the surrounding mountain and hillsides. Refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P15.



HVZA Map Set: Viewshed for the Huon Valley Municipal Area

When Printed on A3
Map Scale: 1:74,000



Commentary Agriculture Zones next to Residential Centres.

Case Study: Cygnet

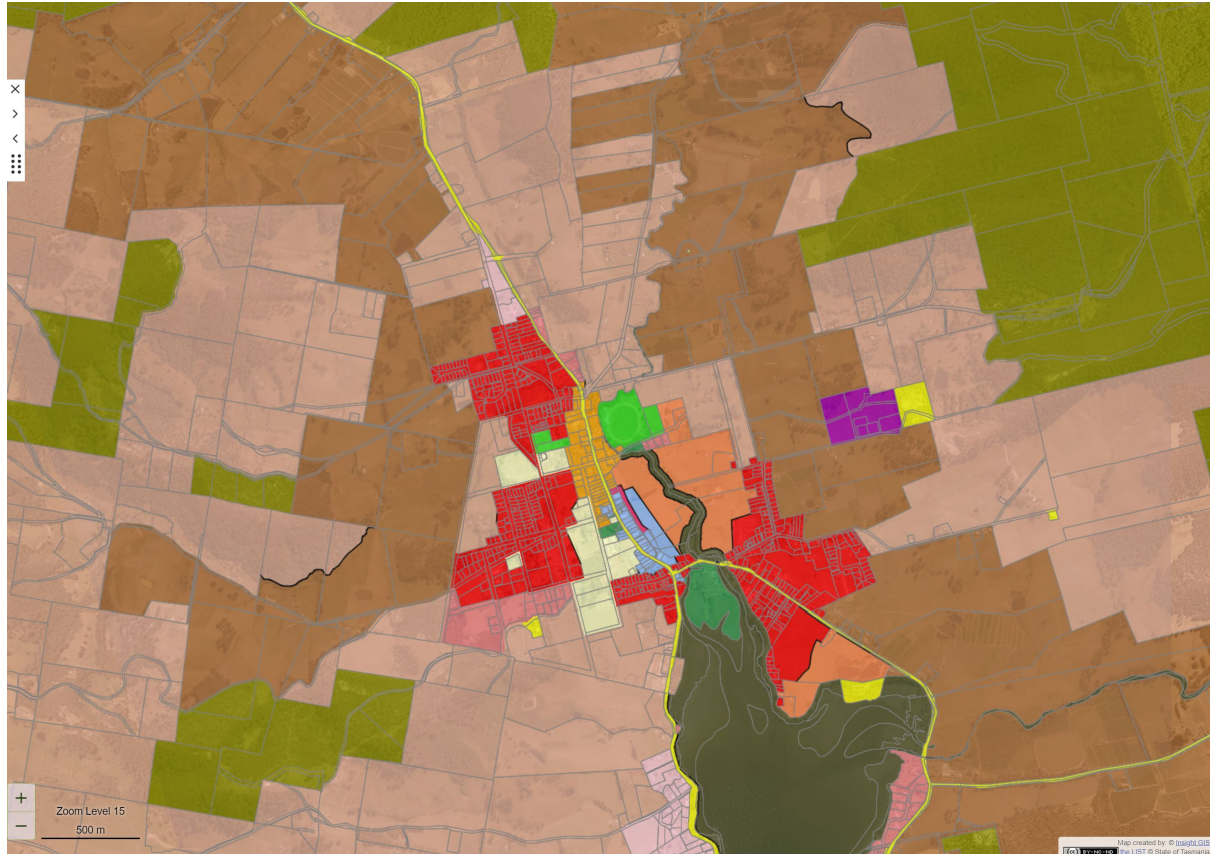


Figure above shows titles zoned Agriculture. Most of these areas came from as a direct translation to Significant Agriculture. This concept does make sense; however, it does not appear that there was any strategic work done to investigate the current uses of these titles and where they sit within the community. Agriculture land abutting General Residential land restricts the type of agricultural activities that can take place, and are areas which appear to be non-intensive rural uses on the North West side of Cygnet which directly abut General Residential.

CT 238321/1 for example is a segmented title where possibly the road reserves should be corrected for better clarity. This title along with neighbouring titles should be investigated for the current uses and assessed on the best zone matching the current use as is abutting General Residential.

CT 214928/1 for example is largely a bush block with around 40-50% of tree coverage. Again, this abuts General Residential and should be assessed on the current use.

When assessing Agriculture Zone classification did the HVC ground truth titles when there could be reasonable doubt of about the possible zoning classification?

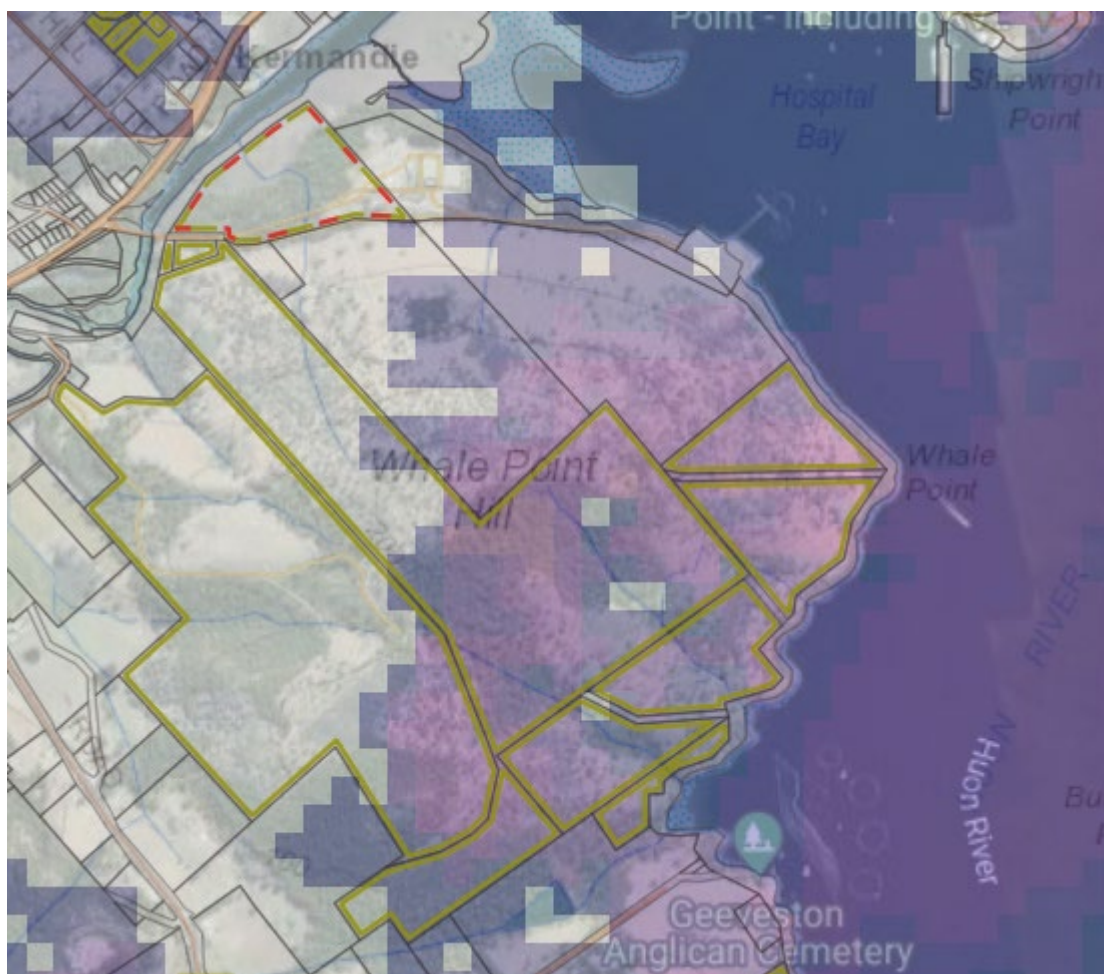
Was there a granular strategic reassessment on what is on title is and its current use?

Commentary Scenic Overlay Application

Case Study: Whale Point

The Scenic Overlay needs to be revisited. Council did a like for like transition from HVIPS to LPS. The figure below shows Whale Point Hill with a viewshed. It seems as if LCZ has been placed over Whale Point Hill areas where a Scenic Overlay may be more appropriate in parts. Especially over the Crown of the hill which in part is zoned Rural. Additionally, there are titles linked which are heavily cleared zoned LCZ and low visibility. (CT 153917/1). There are some 'high visibility' points of the viewshed, however, with regards to title: CT.152992/2, less than 80% of the title has a viewshed – and the view shed is mostly on the higher elevations of the land. Currently there is a Scenic Overlay in parts. It may be more appropriate to modify the Scenic Overlay. We suspect that the land holder is receptive to this⁴².

The titles on the hillsides 122080/1, 122080/1, 120136/1, 120136/1, 130162/1 are very sparse in terms of vegetation cover with many areas of similar vegetation and numerous forest openings. This makes sense as Forest Practice Plan Number: JCT0026 was in place along property numbers 1542,0925,0926,0927, 0928.



Please refer to HVZA Map Set: Viewshed for Huon Valley Municipal Area P16.

⁴² Representation 207

Commentary Biodiversity Overlay Application

As written in our previous representation to the HVC, the Biodiversity Overlay is overreaching and has had limited ground truthing. This is due to the methodology undertaken by the HVC when extending the Biodiversity Overlay using modelling data from tas veg.

The HVC also disagreed with expert opinion with regards to ground truthing please see various representations within the 35f.

Conclusion and Recommendations

It is evident that the council's selection criteria and process is fundamentally flawed and has been inconsistently applied. The selection criteria and process disregard preceding TPC decisions and guidelines.

324. The Landscape Conservation Zone guidelines in the context provided by the zone purpose, require the Zone to be applied to land with landscape values. LCZ 1 is the key guideline, and its application is contingent on identification of landscape values. LCZ 2, like LCZ 1 (after it has established landscape values as the condition of its application), lists the types of landscapes that the zone might be applied to i.e. bushland areas, large areas of native vegetation, or other areas of locally or regionally important native vegetation. LCZ 2 also provides for the Zone to be applied to areas of bushland or native vegetation that are 'not otherwise reserved,' but this is dependent on meeting the remainder of LCZ 1, which indicates that the Zone is only appropriate for use and development of a 'small scale.

*325. Landscape is defined in the Macquarie Dictionary as 'a view or prospect of rural scenery, more or less extensive, such as is comprehended within the scope or range of vision from a single point of view.' Value is defined as 'that property of a thing because of which it is esteemed, desirable, or useful, or the degree of this property possessed; worth, merit, or importance.' **Therefore, in the context of Guideline No. 1 and the Zone purpose, landscape value is taken to mean that the land must be significantly visible from surrounding areas and must be perceived to have positive value that is important or beneficial to the degree that it warrants specific control of its use.** Otherwise the impacts on natural and scenic values can be managed through the Priority Vegetation Area and Scenic Protection Area overlays.*

It appears that the HVC was informed of the Flinders LPS decision where ERA Planning and Environment made mention "*I do not concur with this TPC decision, that in the context of Guideline No. 1 and the Zone purpose, landscape value is taken to mean that the land must be significantly visible from surrounding areas*".

It appears that the HVC has not used a decision tree and instead used blanket selection criterion which has potentially created over 1900 titles being incorrectly zoned. There are approximately 480 titles by Council's 35F response that have been requested to be amended away from Landscape Conservation Zone. This draft LPS is fraught with inconsistencies and errors that require major analysis, review, and correction. The misapplication of Landscape Conservation Zone is endemic and does warrant full review.

We therefore, propose three potential solutions:

HVC manually reviews every title zoned LCZ in the context of the title itself and not surrounding or adjoining titles for significant visible landscape values in consultation with the title holder. The LCZ only applied to titles following strict guidance from the TPC (TPC provides a decision tree or matrix).

Ground truthing has to be paramount and no modelling is allowed as justification. Modelling should be only used as an indicator to trigger investigation. One report is recommended/required per title. (Part of the draft LPS requires substantial modification)

OR

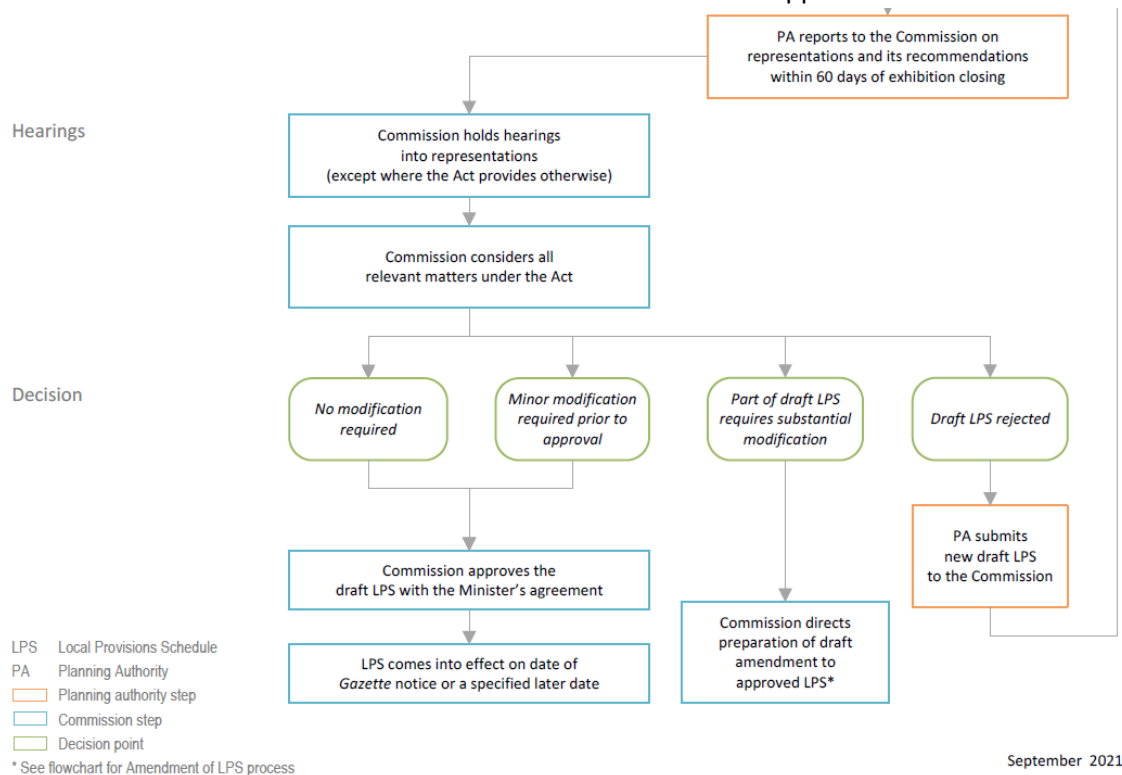
LCZ is not applied to any title except for the titles in enclaves within the Environmental Management Zone where HVC undergoes a Landscape Strategic Assessment using third party assessors and or in combination with suitably qualified staff with the exclusion of parties initially involved in the creation of the Draft LPS.

After the Landscape Strategic Assessment has been completed, HVC can revisit applying LCZ on titles where appropriate, following strict guidance from the TPC and title holder consultation. (Part of the draft LPS requires substantial modification)

OR

The TPC takes over the LPS process, where Council is no longer a planning authority in this matter and only can make representations on their own titles. (Draft LPS is rejected)

These solutions are in line with the Draft Local Provisions Schedule Approval Process:



Where by currently, part of the draft LPS requires substantial modification OR Draft LPS is rejected.

The HVZA is willing to assist any planning authority in coming up with an appropriate LPS for the Huon Valley Municipal Area.

There are additional issues regarding other zones.

In keeping with our commitment to help Council with establishing an LPS that is reflective of the community's expectation we have developed a sample HVZA-LPS with supporting zoning maps where we have followed the methodology based off our analysis.

Please note that this is what we were able to achieve within a 4-6 week time frame. See Possible Alternative LPS and Appendix M4.

Appendix 1: HVC Public Meeting Transcripts of LPS Discussions

(See file 20190522-Meeting Transcript-Snipped-APA-Section.pdf for 22nd May 2019, 20210519-Meeting Transcript-Snipped-APA-Section for 19th May 2021, See video file 20220928-Council meeting Snipped-APA-Section for 28th Sept 2022)

Appendix 2: Guidelines for Scenic Values Assessment Methodology and Local Provisions Schedules

(See corresponding file name.pdf)

Appendix 3: Forest Practice Authority 2006, A Manual for Forest Landscape Management

(See corresponding file name.pdf)

Appendix 4: Brief Zone assessment of Council's Application of LCZ per Locality

(See corresponding file name.pdf)

Appendix 5: HVZA Possible Alternative LPS Supporting Report

(See corresponding file name.pdf)

Appendix D1: Analysis of Data to Support HVZA's focus on specific areas of HVC's Zoning Process

(See corresponding file name.pdf)

Appendix M1: HVZA Map Set: Viewshed for the Huon Valley Municipal Area

(See corresponding file name.pdf)

Appendix M2: HVZA Map Set: HVC 35F with SRTM and LCZ for the Huon Valley Municipal Area (Topographic)

(See corresponding file name.pdf)

Appendix M3: HVZA Map Set: HVC 35F with Councils Responses for the Huon Valley Municipal Area

(See corresponding file name.pdf)

Appendix M4: HVZA Map Set: HVZA Possible Alternative LPS for the Huon Valley Municipal Area

(See corresponding file name.pdf)