



Comparison of LPS for Landscape Conservation Zone & Rural Zone

Guideline No. 1

Local Provisions Schedule (LPS): zone and code application

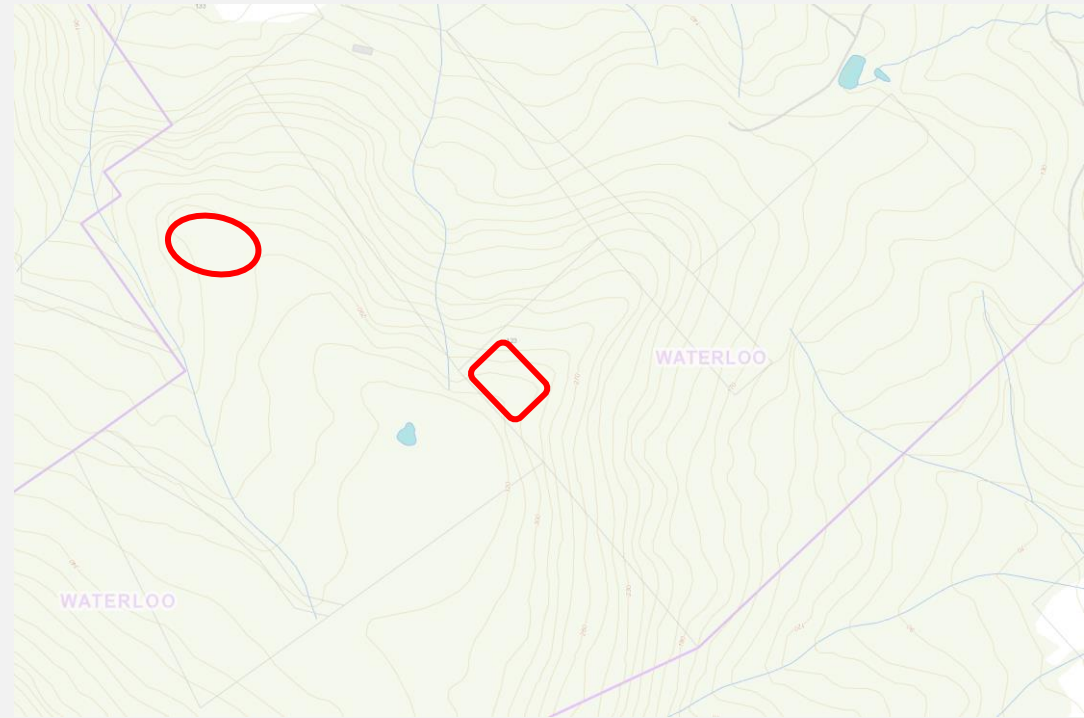
June 2018

This Guideline has been issued by the Tasmanian Planning Commission under section 8A of the *Land Use Planning and Approvals Act 1993* with the approval of the Minister for Planning and Local Government.

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| <div>22.0</div> <div>Landscape Conservation Zone</div> <div></div> <div>Red 150, Green 146, Blue 0</div> | <div>The purpose of the Landscape Conservation Zone is:</div> <div>22.1.1 To provide for the protection, conservation and management of landscape values.</div> <div>22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.</div> | <div>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.</div> <div>LCZ 2 The Landscape Conservation Zone may be applied to:</div> <div><div>(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;</div><div>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</div><div>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</div></div> |
| <div>20.0</div> <div>Rural Zone</div> <div></div> <div>Red 228, Green 172, Blue 144</div> | <div>The purpose of the Rural Zone is:</div> <div>20.1.1 To provide for a range of use or development in a rural location:</div> <div><div>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</div><div>(b) that requires a rural location for operational reasons;</div><div>(c) is compatible with agricultural use if occurring on agricultural land;</div><div>(d) minimises adverse impacts on surrounding uses.</div></div> <div>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</div> <div>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and</div> | <div>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</div> <div>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</div> <div>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</div> <div><div>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</div><div>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</div><div>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</div></div> |
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| Zone | Zone Purpose | Zone Application Guidelines |
| | does not compromise the function of surrounding settlements. | <div>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</div> <div>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</div> |

Siting of Current Development Applications :

Both DA included specific assessment against the Scenic Protection Code with the Planner requiring further additional information and photos from specific locations as part of the assessment. Both DA were approved with no conditions in relation to the Scenic Protection Code.



Substantial Commencement for both Development Applications :

Due to the extensive works undertaken including all Bushfire Hazard reduction works & Bushfire Risk Assessment, soil testing, septic design, new crossover to council standard and construction of a new 1.5km road to service the sites, the 2 DA have satisfied the requirements for Substantial Commencement.

RE: Council Confirms - substantial commencement DA-151/2014 and DA-152/2014 Inbox x



Huon Valley Council <hvc@huonvalley.tas.gov.au>

Fri, May 5, 10:49 AM ☆ ↶ ⋮

to me, Huon

Hi Brett

Thanks for the email. Based on the information provided to us, I can confirm the works related to both Planning Permits DA-151/2014 and DA-152/2014 (issued 11 May 2015) was substantially commenced. Under Section 12 of *Land Use Planning and Approvals Act 1993*, the permits remain valid for future development regardless of future zone. That means, you can continue your construction even though your land is zoned LCZ in the future.

I trust this information helps.

Cheers
Rong



Huon Valley Council

Phone: 03 6264 0300

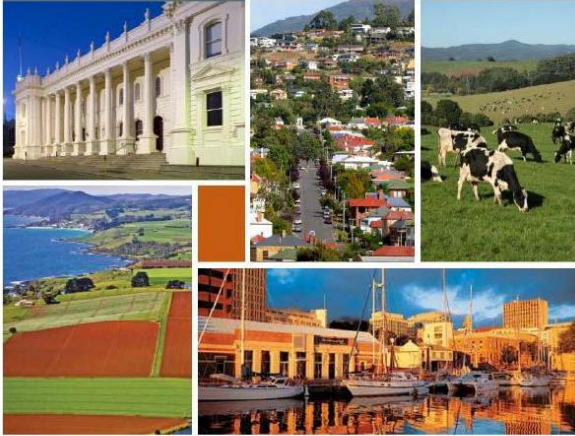
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Tasmanian Planning Scheme



State Planning Provisions

22.4.4 Landscape protection

| Objective: | That the landscape values of the site and surrounding area are protected or managed to minimise adverse impacts. |
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| Acceptable Solutions | Performance Criteria |
| A1 Building and works must be located within a building area, if shown on a sealed plan. | P1 Building and works must be located to minimise native vegetation removal and the impact on landscape values, having regard to: <ul style="list-style-type: none"> (a) the extent of the area from which vegetation has been removed; (b) the extent of native vegetation to be removed; (c) any remedial or mitigation measures or revegetation requirements; (d) provision for native habitat for native fauna; (e) the management and treatment of the balance of the site or native vegetation areas; (f) the type, size, and design of development; and (g) the landscape values of the site and surrounding area. |
| A2 Buildings and works must: <ul style="list-style-type: none"> (a) be located within a building area, if shown on a sealed plan; or (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and (c) not include cut and fill greater than 1m; and (d) be not less than 10m in elevation below a skyline or ridgeline. | P2.1 Buildings and works must be located to minimise impacts on landscape values, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the proposed building height, size and bulk; (d) any constraints imposed by existing development; (e) visual impact when viewed from roads and public places; and (f) any screening vegetation. P2.2 If the building and works are less than 10m in elevation below a skyline or ridgeline, there are no other suitable building areas. |

The Substantially Commenced Development Applications will fail a number of criteria for LCZ zoning as per the Tasmanian Planning Scheme. Including but not limited to siting within 10m of a ridgeline

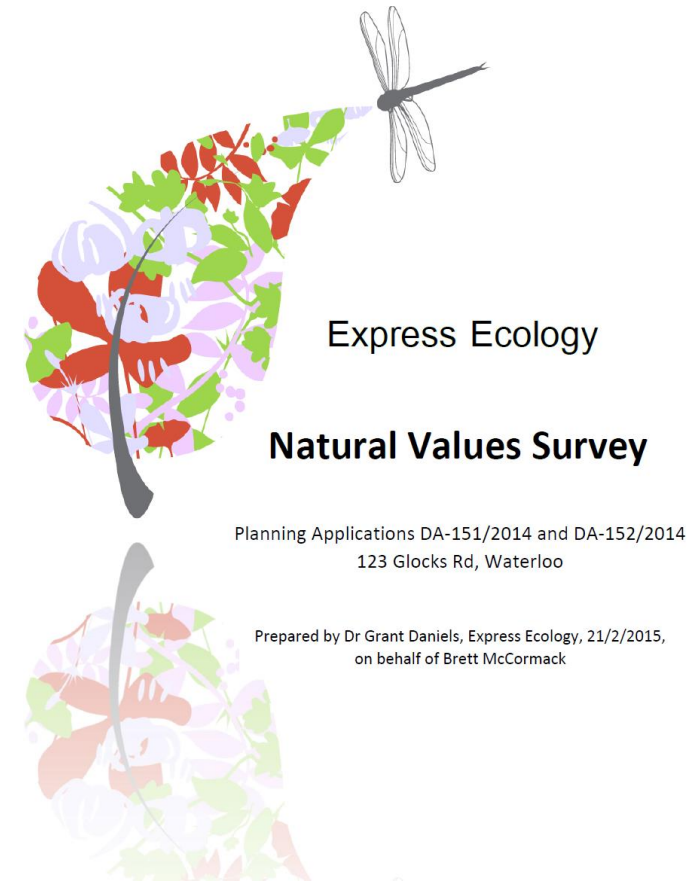
Natural Values Survey conducted as part of Development Applications :

Conclusion – incl. mitigation of impacts in relation to legislation

The potential impacts from dwelling construction and bushfire hazard maintenance relating to DA-151/2014 and DA-152/2014 appear to be limited to non-threatened values not covered under legislation.

- No threatened plant communities are present, and in general the vegetation is young, even-aged regrowth with high stem density and few large trees or stags, indicating clearance for logging around 20-30 years ago.
- No listed threatened plant species are present nor likely to have been overlooked.
- No threatened fauna were observed on site. Potential threatened fauna are considered likely to use the study area for occasional foraging only.
- No tree hollows suitable for nesting of the swift parrot were observed within the proposed impact footprint, including the bushfire hazard management areas.
- No habitat elements likely to support dens or nests of other threatened fauna were observed nor likely to have been overlooked.

Consequently, it is not considered likely that the proposed actions will result in detrimental impacts that trigger any relevant environmental legislation.





Priority Vegetation Report

| PID | CT | Address | Locality | Improvements | Area (m ²) |
|---------|---------|---------------|----------|--------------|------------------------|
| 7720027 | 46125/5 | 123 GLOCKS RD | WATERLOO | SHED | 132566 |

Priority Vegetation Overview

PRIORITY VEGETATION OVERVIEW MAP



Priority Vegetation Details

No priority vegetation recorded on this property.

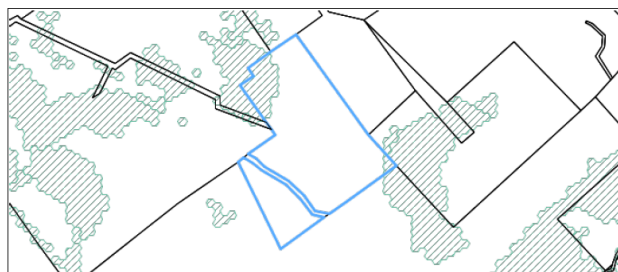


Priority Vegetation Report

| PID | CT | Address | Locality | Improvements | Area (m ²) |
|---------|----------|---------------|----------|--------------|------------------------|
| 7720027 | 128455/1 | 123 GLOCKS RD | WATERLOO | SHED | 296780 |

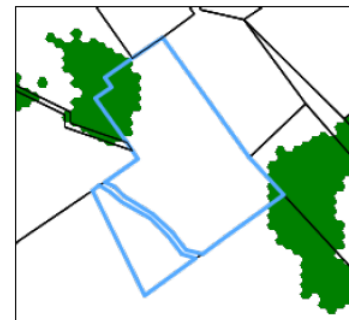
Priority Vegetation Overview

PRIORITY VEGETATION OVERVIEW MAP



Priority Vegetation Details

Threatened Fauna and Significant Habitat



Threatened Fauna

- mount mangana stag beetle
- swift parrot
- mount mangana stag beetle

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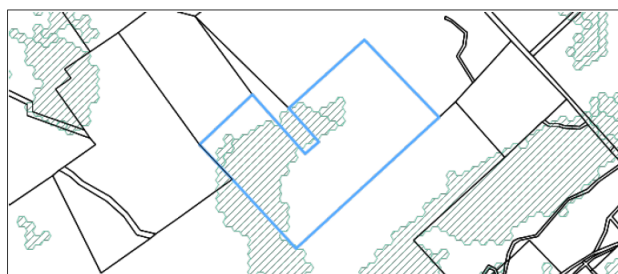


Priority Vegetation Report

| PID | CT | Address | Locality | Improvements | Area (m ²) |
|---------|---------|---------------|----------|--------------|------------------------|
| 7720027 | 40694/1 | 123 GLOCKS RD | WATERLOO | SHED | 309400 |

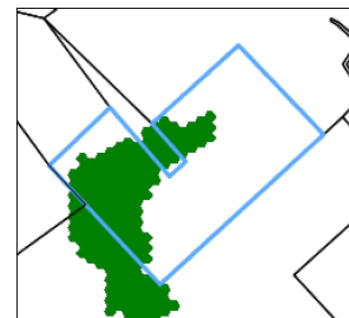
Priority Vegetation Overview

PRIORITY VEGETATION OVERVIEW MAP



Priority Vegetation Details

Threatened Fauna and Significant Habitat



Threatened Fauna

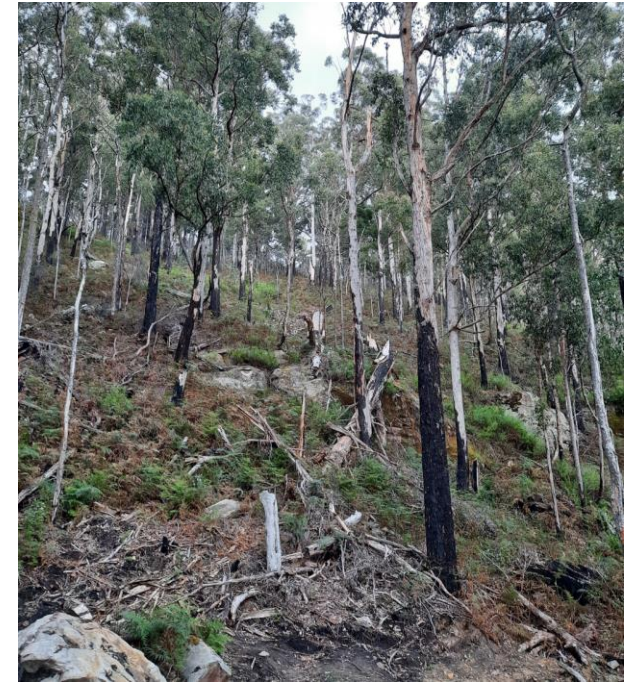
- mount mangana stag beetle
- swift parrot

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The Priority Vegetation Reports do not match the on ground findings as assessed via the Natural Values Survey which overlapped in parts or the owners knowledge of the property. For those remaining areas not assessed and showing on these Priority Vegetation reports they were destroyed by the 2019 fire.

Photos showing some of the damage from the 2019 fire



- 2019 Fire burned on property for over 2 weeks, all of the largest trees have been destroyed
- Significant amounts of trees have been damaged with severe impact on structural integrity
- Understorey in large swathes has been destroyed with no sign of regrowth almost 5 years later aside from bracken & some grasses and weeds being blown in
- Remaining forest is still subject to trees falling over as they were killed during the fire or structurally damaged by the fire and literally snapping either at ground level or part way up the trunk
- I have been in the bush and watched numerous fire affected trees come down still to this day, some I have been fortunate they did not fall in my immediate direction as I was close enough to be hit, 2 in particular landed directly where I was standing less than an hour earlier, 1 tree I had to literally run out of the way as it landed where I was standing
- Spent 5 weeks clearing what were my walking trails before the fire, it does not matter how many times I clear them sooner or later there are more trees laying across the trail requiring to be cleared again.
- TFS came and looked at the property a few months after the fire and commented the property would be ready to burn again if a fire that came through the next fire season



Photos taken 27/9/23 in both of the Priority Vegetation Zones



When assessing the appropriate zone for the property the following points should to be considered :

- The DA assessments specifically looked at the Scenic Protection Code and found no impact which nullifies one of the key criteria for consideration for the Landscape Protection Zone
- No ability to undertake intensive agricultural activities due to topography
- The bulk of the property is not visible as it slopes away from the road and those bits that can be seen are only brief snippets (anyone familiar with the road through Waterloo will understand)
- The Natural Values survey finding no threatened communities / habitat / fauna
- Huon Valley Council Priority Vegetation Reports showing either no Priority Vegetation or being contradicted by the Natural Values Survey where the areas crossed over or the remainder being destroyed by the 2019 fire
- Extensive damage to vegetation from the 2019 fires
- Extensive works and dollars spent under existing zoning (to do the road now would be in vicinity of \$200k) which was undertaken with the knowledge of what was permissible to do on the property under that zone, certainly would be unjust to place the property into a new and significantly more restrictive zone after such large amounts of capital have been spent – moving the goalposts
- No objection from neighbours for the property to be zoned Rural
- No local public parks or picnic areas to view the property from
- Property had council approved Campground on it when purchased circa 2000

Conclusion :

- The property fails numerous key eligibility criteria to be considered a match for the Landscape Conservation Zone
- As the various points made in this document show, the most appropriate zone for this property when measured against the Planning Scheme and LPS and assessed against the eligibility criteria is the Rural Zone

Thank You for Your Time