



3rd March 2022

Mr Gerald Monson
 General Manager
 Latrobe Council
 PO Box 63
 LATROBE TAS 7307

Via email: submissions@latrobe.tas.gov.au

Representation about the Latrobe Draft LPS – proposal to change the zoning of two covenanted properties from Rural to Landscape Conservation

Dear Mr Monson

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Latrobe Draft LPS Zone Maps and the Supporting Report and believes that two properties containing Private Reserves should be rezoned from Rural to Landscape Conservation based on Guidelines LCZ2 and RZ1 and Planners Portal advice from the Tasmanian Planning Commission, subject to landowner agreement.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Rubicon Sanctuary	241 PARKERS FORD RD PORT SORELL TAS 7307	2947062	156549/1
Bakers Beach	BAKERS BEACH RD BAKERS BEACH TAS 7307	6529052	180789/3

These two Reserves contain large areas of native vegetation, are highly visible in the landscape and the natural values within these Reserves have been identified for protection and conservation by the Minister for Environment. Landscape Conservation Zone should be applied during the current Draft Local Provisions Schedule assessment process given that Landscape Conservation zone was not applied when drafting the LPS.

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Background

Conservation Landholders Tasmania (CLT) is an educational trust. Conservation landholders including those with land reserved by conservation covenant are the beneficiaries of the Trust. In Tasmania there are currently about 900 reserves under conservation covenant totaling 110,000 ha, or 4.2% of the private property in the state. The Trustees organise field days and forums on topics of relevance and interest to these conservation landholders. CLT has been supported by the three NRMs and the Tasmanian Land Conservancy for over 9 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned Rural Resource to Rural or Agriculture by local planning authorities in their Draft LPS. CLT considers that much of this reserved land is more appropriately zoned as Landscape Conservation based on Guideline LCZ2 and Planners Portal advice on the zoning of covenanted land.

The application of Landscape Conservation Zone in the Latrobe Draft LPS

The Latrobe Planning Authority did not use the Landscape Conservation Zone in the Draft LPS. On page 19 of the Supporting Report it states that this was one of two zones not used in the municipality. All titles currently zoned as Environmental Living under LIPS 2013 have been rezoned to Rural Living with none of them converted to Landscape Conservation. This is presumably due to the lot size and the focus on residential use for most of those titles


Private land in Launceston planning area reserved for the protection and conservation of biodiversity

In the Latrobe planning area there are 6 properties containing 290 ha of reserved land protected by conservation covenant. All of this land is included in the Tasmanian Reserve Estate which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. All of this land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's obligations under the international *Convention on Biological Diversity 1993*. All but the Bakers Beach Reserve are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2020) available at <https://www.environment.gov.au/land/nrs/science/capad>.

The natural values within these Reserves have already been identified for protection and conservation by both the State and Federal Ministers for the Environment. Details of these values are contained in the Nature Conservation Plans which are held by the Private Land Conservation Program in DNRE. These natural values were 'ground-truthed' by DNRE or Tasmanian Land Conservancy ecologists when the Reserves were established.

Rezoning of the Cockers Creek Reserve to Environmental Management

The Planning Authority has rezoned the Cockers Creek Reserve (CT 106132/1), owned by Fonterra Australia, from Rural Resource to Environmental Management by the application of split zone to the title with the non-reserved land being zoned Rural. This zoning is at the Direction of the Tasmanian Planning Commission on page 4 of Attachment A of their 1 October 2021 Section 35(5)(b) notice shown below.

<p>6.6</p>	<p>Cockers Creek Road, Spreyton (part FR 106132/1) LPS – Rural Zone</p> 	<p>(a) Revise the zoning of that part of folio of the Register 106132/1, shown left outlined in blue and subject to a Conservation Covenant, to the Environmental Management Zone; and (b) modify the GIS zone boundary layer to include the split zoning of folio of the Register 106132/1.</p> <p><i>Reason:</i> <i>To apply the Environmental Management Zone consistent with the purpose of the zone and Guideline No. 1 (EMZ 1(f)).</i> <i>To meet technical requirements consistent with Practice Note 7.</i></p>
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The Use provisions in the Environmental Management Zone in the State Planning Provisions (SPPs) make it unsuitable for private land except where that land is fully covered by a private reserve with no prospect for future residential use. As the Cockers Creek Reserve is protected by a perpetual conservation covenant under the *Nature Conservation Act 2002* the Environmental Management Zone is appropriate in this case but an equally compelling case could be made for zoning this land as Landscape Conservation.

Case for rezoning two of the remaining five properties to Landscape Conservation

Of the remaining five properties with Private Reserves mentioned above, CLT considers that two of the properties, both owned by the Tasmanian Land Conservancy, should have Landscape Conservation Zone applied. The other three were not considered as they did not meet the Planning Portal criteria.

The Commission’s advice on the Planners Portal Q&A (22 April 2021) when read together with Guidelines LCZ2 and RZ1 indicate that there is strategic planning merit in applying the Landscape Conservation Zone to the titles containing the Rubicon Sanctuary and Bakers Beach Reserves (see Appendix A for the relevant extracts from Guideline No. 1 and the Planners Portal).

The Commission has advised via the Planners Portal Q&A that covenanted land invariably has values that make it suitable for Landscape Conservation Zone or Environmental Management Zone. It also advised that ‘areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying’ the Landscape Conservation Zone. It is

likely that the Planning Authority was unaware of the recent advice from the Commission when preparing its Draft Zone Maps for exhibition.

CT 156549/1 at 241 Parkers Ford Road containing the Rubicon Sanctuary and CT 180789/3 at Bakers Beach Road containing the Bakers Beach Reserve are both connected with other land zoned for similar values and therefore should be considered for the Landscape Conservation Zone. Both titles which contain large areas of native vegetation are also prominent in their local landscapes.

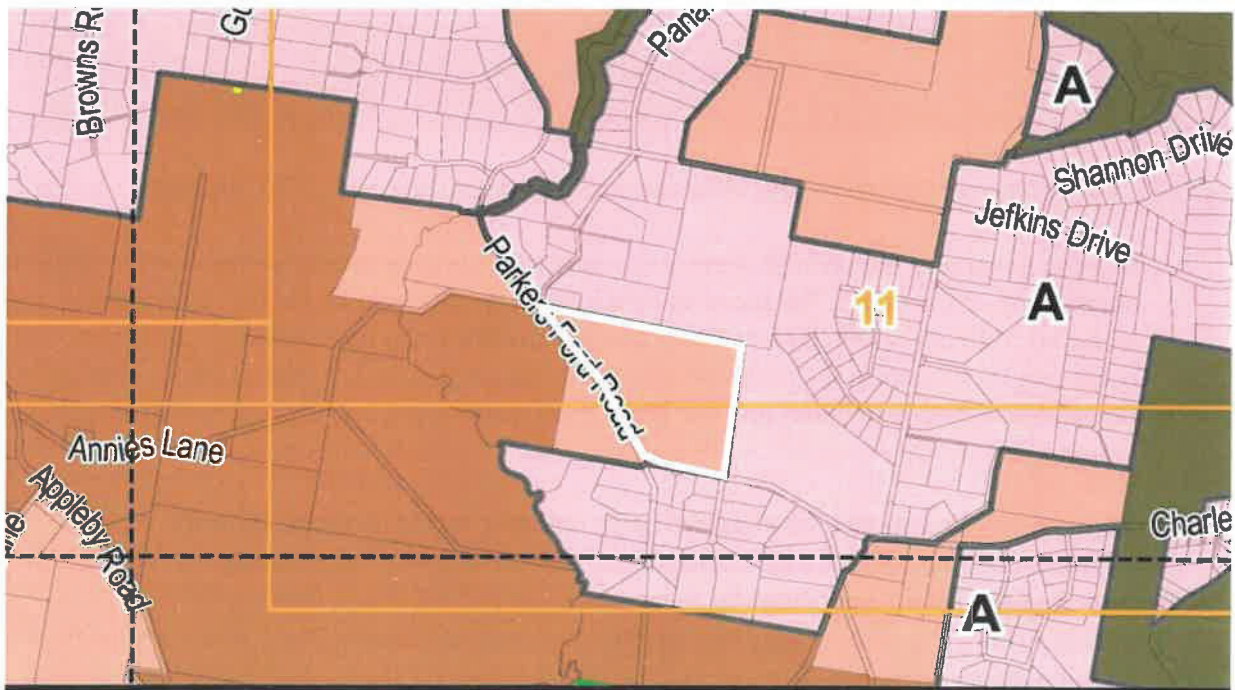
The cases for rezoning the two titles are presented below as well as the natural values on the two Reserves. ListMap screenshots for each title show the Tasmanian Reserve Estate (green area), Threatened Flora Points (green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers.

Rubicon Sanctuary Reserve (CAPAD 2020 Row No 2278)

Address 241 PARKERS FORD RD PORT SORELL TAS 7307
PID 2947062
CT 156549/1



The 18.8 ha Rubicon Sanctuary Reserve protected by conservation covenant covers 100% of CT 156549/1 (solid white border). An existing residence is located in a 0.3 ha 'Domestic Zone' within the covenanted land which allows for residential use under the Terms of Covenant.



The title is currently zoned Rural in the Draft Zone Map but is surrounded on three sides by land proposed for Rural Living Zone. Together with CT 20974/1 across the road it forms a small spot zone. The Rural Living Zone Purpose 11.1.1 states

To provide for residential use or development in a rural setting where:

(a) services are limited; or

(b) existing natural and landscape values are to be retained.

It is clear that the land on three sides of CT 156549/1 is zoned for similar values and therefore the condition of connectivity in the Planners Portal advice is met. It is notable that the titles to the north of CT 156549/1 are currently zoned Environmental Living under LIPS 2013.

CT 156549/1 has an 880 m road frontage along Parkers Ford Road and contributes significantly to the aesthetics of the area as can be seen in the Google Earth street view below.



Below is the description of the natural values and context published on the TLC web site.

Rubicon Sanctuary is a rare 20-hectare remnant of natural coastal vegetation in the central north coast of Tasmania. The property consists of several habitats, including ephemeral wetlands, that are home to remarkable biodiversity featuring approximately 12 threatened plant species (including seven threatened orchid species), one threatened plant community (Eucalyptus ovata woodland) and the threatened north-coast burrowing crayfish (Engaeus granulatus).

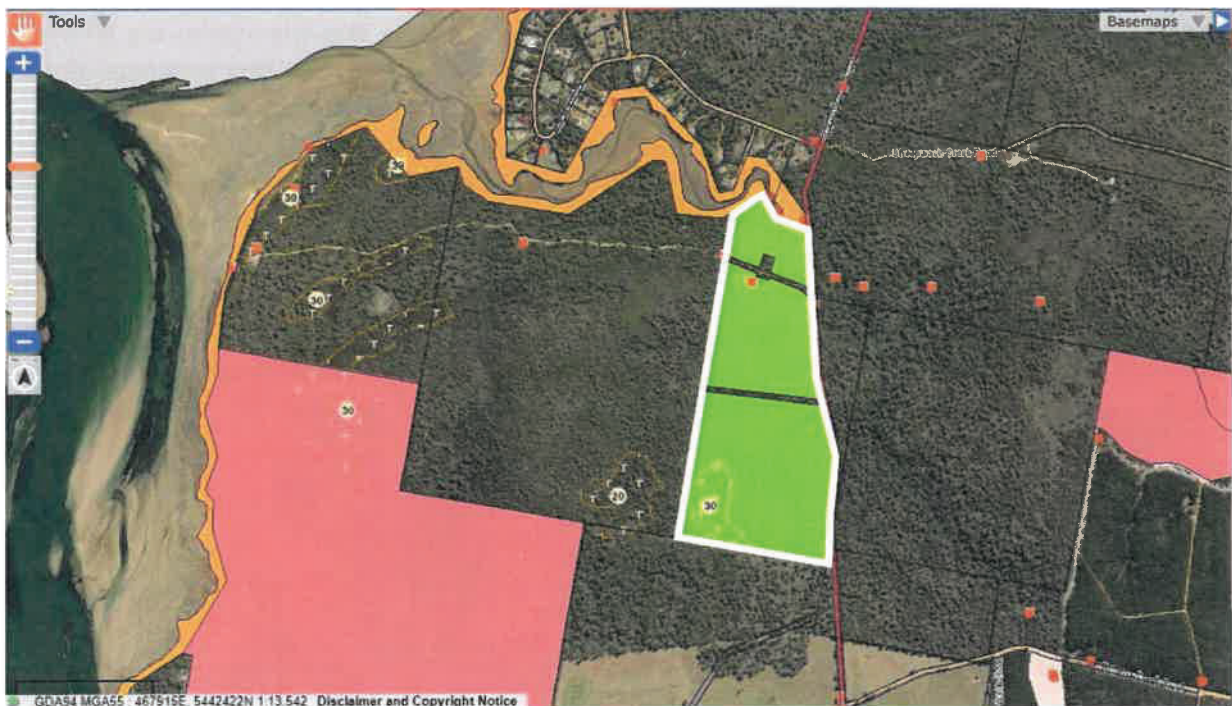
The uniqueness of Rubicon is captured by its amazing orchid diversity, hosting approximately 60 species, many being found only here or in a small number of locations. Rubicon Sanctuary is important for the conservation of the marsh leek-orchid (Prasophyllum limnetes), pretty leek orchid (Prasophyllum pulchellum), black tongue finger orchid (Caladenia congesta), plum sun orchid (Thelymitra mucida) and Holmes sun orchid

(Thelymitra holmesii), all listed on state and federal threatened species legislation, some as critically endangered. These orchids thrive due to Rubicon's long-standing management regime, which includes targeted slashing, ecological burning and caging for protection against browsing species. Other threatened plants - such as the wrinkled dollybush (Cassinia rugata), swamp wallaby grass (Amphibromus neesii) and star clubsedge (Isolepis stellate) - also benefit from this intensive management and continue to flourish on the property.

The locations of the threatened vegetation community ('T' pattern labelled No 20) and threatened flora (green triangles) and fauna (red squares) are shown on the ListMap image on p 5.

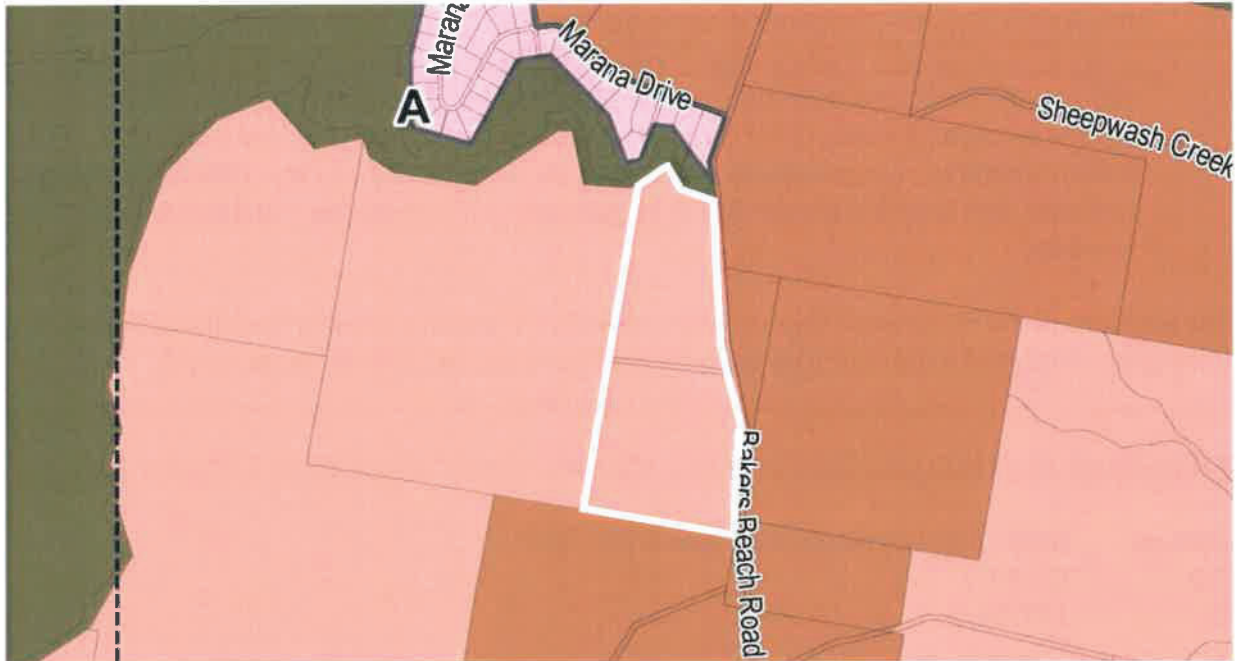
Bakers Beach Sanctuary (Not listed in CAPAD 2020 as covenant registered on 6 October 2021)

Address BAKERS BEACH RD BAKERS BEACH TAS 7307
PID 6529052
CT 180789/3



The 52.6 ha Bakers Beach Reserve covers 98% of the 53.6 ha CT 180789/3. The Reserve adjoins an Informal Reserve on other Public Land (gold colour) that extends for several kilometres along the estuarine coastline until it joins the Narawntapu National Park (grey colour). A road (type unknown) bisects the title west to east.

It is proposed that all of CT 180789/3 and the road that divides it are rezoned to Landscape Conservation as the 1 ha non-covenanted part of the title which has been excluded from the covenanted land for future residential use is unsuitable and not used for agriculture.



CT 180789/3 is zoned Rural in the exhibited Draft Zone Map (above). The title adjoins the informal public reserve to the north which is zoned Environmental Management. The circumstances of the Bakers Beach Reserve are very similar to the Cockers Creek Reserve which has been zoned Environmental Management. In this case the area of reserved land is 45% greater and no split zoning is required. As the 1 ha of non-covenanted land has been set aside for future residential use for the purposes of managing the natural values the more appropriate zoning in this case is Landscape Conservation.

CT 180789/3 has 1.25 km road frontage along Bakers Beach Road and contributes significantly to the aesthetics of the area approaching the Narawntapu National Park tourist destination.



The Reserve contains the threatened vegetation community No 30 *Melaleuca ericifolia* swamp forest listed in Schedule 3A of the *Nature Conservation Act 2002*. The Reserve also contains and provides habitat for the endangered *Sarcophilus harrisii* (Tasmanian devil) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by the Private Land Conservation Program in DNRE

Yours sincerely

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

John Thompson
On behalf of the Board of Trustees, CLT Trust

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Appendix A

The relevant Guidelines

The following are extracts from *Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0)*, June 2018 for 22.0 Landscape Conservation Zone, 20.0 Rural Zone, and 21.0 Agriculture Zone, with key words and phrases underlined.

LCZ 2 *The Landscape Conservation Zone may be applied to:*

(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; ...

RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*

The relevant Q & A from the Planners Portal

Extract from the 'Questions and Answers Zones – Other' with key phrases underlined.

22/4/2021

Question What is the most appropriate zone for land with a conservation covenant?

Answer Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.

But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.

The application of zoning, as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options may be available.

Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such

as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

Where a conservation covenant applies to a small portion of a large landholding that is appropriately zoned Rural or Agriculture or another relevant zone, it may not be appropriate or necessary to apply the LCZ to the area covered by the covenant as the values will be protected by the terms of the covenant, and at the same time be compatible with the wider use of that land.