

From: John Thompson
Sent: Thu, 3 Mar 2022 11:23:48 +1100
To: hvc@huonvalley.tas.gov.au
Cc: Gail Dennett;John Dennett;Scott Bell;bctglenfern@gmail.com
Subject: Representation on Huon Valley Draft LPS - Conservation Landholders Tasmania
Attachments: Representation to Huon Valley Council re Draft LPS - CLT - 03Mar22.pdf

Attention: Huon Valley Planning Authority

Please find attached an 8 page representation from Conservation Landholders Tasmania on the Huon Valley Draft LPS currently under exhibition.

Could you please acknowledge receipt of this email?

Regards

John

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

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3rd March 2022

Jason Browne
General Manager
Huon Valley Council
40 Main Street
HUONVILLE TAS 7109

Via email: hvc@huonvalley.tas.gov.au

Draft Huon Valley Local Provisions Schedule – support for rezoning of 47 properties with conservation covenants to Landscape Conservation and for 8 properties with conservation covenants to be zoned Environmental Management

Dear Jason

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Huon Valley Draft LPS Zone Maps and the Supporting Report and endorses the Planning Authority's proposal to rezone 47 of the 58 properties with conservation covenants in the municipality to Landscape Conservation Zone, with a further 8 properties with conservation covenants to be zoned Environmental Management.

CLT agrees that the 47 titles should be rezoned to Landscape Conservation based on Planners Portal advice when read together with Guidelines LCZ2, RZ1 and AZ6, as these titles invariably contain values that make them suitable for Landscape Conservation and the natural values within these Reserves have already been identified for protection and conservation by the Minister for Environment.

Huon Valley Council is to be commended for the time and resources invested and the approach it used in applying the Landscape Conservation Zone in its municipality, and that it has been prepared to do this work during the current Draft LPS Assessment process.

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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 111,000 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 8 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 most of this reserved land is more appropriately zoned as Landscape Conservation.

The application of Landscape Conservation Zone in the Huon Valley Draft LPS

Section 2.4.5.3 of the Supporting Report explains the approach taken by the Planning Authority in applying the Landscape Conservation Zone. The result is that this new TPS zone has been used extensively in the municipality to protect scenic and natural values as required by Guideline No 1.

The Planning Authority has gone beyond just converting the Environmental Living Zone to Landscape Conservation Zone. The translation of the Guidelines to a set of criteria has allowed the Planning Authority to systematically apply this zone to land in other HVIPS 2015 zones that meet the criteria.

CLT commends the decision by the Planning Authority to apply Landscape Conservation Zone to titles with conservation covenants in the first instance then exclude them upon further analysis. This is the same approach taken by CLT and not surprisingly we identified the same titles that should be zoned as Landscape Conservation or Environmental Management.

Private reserves protected by conservation covenant in the Huon Valley municipality

In Huon Valley municipality there are 58 properties containing 1,838 ha of reserved land protected by conservation covenant distributed across 71 titles. These are listed in Appendix A.

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. 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 of the reserves 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 the natural 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.

The three covenanted properties fully zoned Rural or Agriculture

CLT agrees with the Planning Authority's decision to apply the Rural Zone to CT 178072/1 at Lot 1 Browns Road, Ranelagh, and CT 105543/1 and 229145/1 at Huon Highway, Dover, and to apply the Agriculture Zone to CT 166918/2 at 100 Randalls Bay Road, Randalls Bay, on the basis of mixed use.

Planners Portal advice on the zoning of covenanted properties

The Planning Authority's decision to apply Landscape Conservation Zone to titles with conservation covenants in the first instance during its analysis is supported by the Commission's advice of 22 April 2021 on the Planners Portal Q&A (see Appendix B).

The Commission has advised 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.

Yours sincerely



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

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Appendix A – Covenanted properties in Huon Valley municipality

Covenanted properties zoned Landscape Conservation (incl. split zoned)

No	Property Address	PID	CT	HVIPS 2015 Zone	Draft LPS Zone	Percent covenanted
1	200 LIDDELLS RD CRABTREE TAS 7109	5696844	220965/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
2	170 LIDDELLS RD CRABTREE TAS 7109	2186048	138988/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	80%
3	125 LIDDELLS RD CRABTREE TAS 7109	2186021	138988/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
4	BAKERS CREEK RD LUCASTON TAS 7109	5694427	239293/1 130656/2 130656/3	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100% 95% 90%
5	Lot 1 BAKERS CREEK RD LUCASTON TAS 7109	2897878	204258/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
6	358 CLOVERSIDE RD LUCASTON TAS 7109	2196350	139274/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	80%
7	361 CLOVERSIDE RD LUCASTON TAS 7109	2196342	139274/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	60%
8	90 LUCAS RD LUCASTON TAS 7109	2029122	135308/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	100%
9	69 LUCAS RD LUCASTON TAS 7109	7589313	209620/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	100%
10	108 LUCAS RD LUCASTON TAS 7109	1863043	129037/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	95%
11	124 LUCAS RD LUCASTON TAS 7109	5694267	129036/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	100%
12	126 LUCAS RD LUCASTON TAS 7109	7134861	129035/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	95%
13	128 LUCAS RD LUCASTON TAS 7109	7887601	52859/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
14	AYRES RD RANELAGH TAS 7109	5693942	210972/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
15	BROWNS RD RANELAGH TAS 7109	5698823	107758/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
16	300 BROWNS RD RANELAGH TAS 7109	2567131	142721/1 142721/3	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100% 100%
17	Lot 2 BROWNS RD RANELAGH TAS 7109	9408451	142721/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
18	Lot 4 BROWNS RD RANELAGH TAS 7109	9391980	142721/4	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
19	Lot 2 AYRES RD RANELAGH TAS 7109	3140594	162230/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
20	Lot 1 AYRES RD RANELAGH TAS 7109	3140586	162230/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%

No	Property Address	PID	CT	HVIPS 2015 Zone	Draft LPS Zone	Percent covenanted
21	64 BOUNDARY CREEK RD JUDBURY TAS 7109	7373854	246889/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	65%
22	WAGGS GULLY RD RANELAGH TAS 7109	2263832	211118/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
23	WAGGS GULLY RD RANELAGH TAS 7109	1871844	118958/18	<i>Rural Resource</i>	<i>Landscape Conservation</i>	70%
24	BROWNS RD RANELAGH TAS 7109	1871940	118748/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
25	153 VICTORIA RD RANELAGH TAS 7109	5694603	197994/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	75%
26	293 REEVES RD PELVERATA TAS 7150	3463748	171657/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
27	Lot 1 LORDS RD PELVERATA TAS 7150	3463721	171657/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
28	Lot 2 CHANNEL HWY HUONVILLE TAS 7109	3528433	172810/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	85%
29	3492 HUON HWY FRANKLIN TAS 7113	3366446	168664/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	88%
30	357 DONNELLYS RD GEEVESTON TAS 7116	1590487	107437/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	85%
31	SLAB RD CYGNET TAS 7112	3401969	155025/1 155025/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100% 100%
32	WYLIES RD CYGNET TAS 7112	5857628	238315/1 238316/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100% 100%
33	5141 HUON HWY GEEVESTON TAS 7116	7167065	227188/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
34	86 KUBES RD PETCHEYS BAY TAS 7109	7118431	11137/2	<i>Rural Resource</i>	<i>Landscape Conservation</i>	85%
35	88 SWIFTS RD SURGES BAY TAS 7116	5260055	228580/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	95%
36	6203 CHANNEL HWY RANDALLS BAY TAS 7112	3143269	137938/2	<i>Environmental Living</i>	<i>Landscape Conservation</i>	100%
37	ABELS BAY RD ABELS BAY TAS 7112	7418418	244204/1	<i>Rural Resource</i>	<i>Landscape Conservation / Agriculture</i>	10%
38	6002 CHANNEL HWY GARDEN ISLAND CREEK TAS 7112	5859527	123855/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	60%
39	NORRIS RD SURVEYORS BAY TAS 7116	2043194	235553/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%
40	NORRIS RD SURVEYORS BAY TAS 7116	5259695	208378/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	50%
41	46 NORRIS RD SURVEYORS BAY TAS 7116	2163807	208395/1 208375/1 138477/3 242586/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	75% 75% 25% 90%
42	46 NORRIS RD SURVEYORS BAY TAS 7116	2043207	208398/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	100%

No	Property Address	PID	CT	HVIPS 2015 Zone	Draft LPS Zone	Percent covenanted
43	'BLUBBER HEAD' - 32 BLUBBER HEAD RD DOVER TAS 7117	5266641	230854/1	<i>Rural Resource</i>	<i>Landscape Conservation</i>	85%
44	171 NARROWS RD STRATHBLANE TAS 7109	3068684	159497/2	<i>Environmental Living</i>	<i>Landscape Conservation</i>	90%
45	170 NARROWS RD STRATHBLANE TAS 7109	3068676	159497/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	80%
46	'FAR SOUTH WILDERNESS LODGE' - 247 NARROWS RD STRATHBLANE TAS 7109	2840804	206598/1 152963/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	80% 80%
47	LUNE RIVER RD IDA BAY TAS 7109	5268030	108645/1	<i>Environmental Living</i>	<i>Landscape Conservation</i>	80%

Covenanted properties zoned Environmental Management (incl. split zoned)

No	Property Address	PID	CT	HVIPS 2015 Zone	Draft LPS Zone	Percent covenanted
1	'EGG ISLAND' - EGG ISLANDS TAS 7113	5700807	142761/2 142761/1	<i>Environmental Management</i>	<i>Environmental Management</i>	100% 100%
2	'EGG ISLAND' - EGG ISLANDS TAS 7113	5700815	53227/1	<i>Environmental Management</i>	<i>Environmental Management</i>	100%
3	'SOUTH EGG ISLAND' - EGG ISLANDS TAS 7113	5708999	122492/1 206317/1	<i>Environmental Management</i>	<i>Environmental Management</i>	100% 100%
4	EGG ISLANDS TAS 7113	5709019	206319/1	<i>Environmental Management</i>	<i>Environmental Management</i>	100%
5	161 RANDALLS BAY RD RANDALLS BAY TAS 7112	3264212	166918/1	<i>Environmental Management / Significant Agricultural</i>	<i>Environmental Management / Agriculture</i>	15%
6	Lot 2 NARROWS RD STRATHBLANE TAS 7109	2832150	152963/2	<i>Environmental Living</i>	<i>Environmental Management</i>	100%
7	LEPRENA TRK SOUTHPORT LAGOON TAS 7109	7842219	137404/1 120138/1	<i>Environmental Management</i>	<i>Environmental Management</i>	85% 100%
8	LEPRENA TRK SOUTHPORT LAGOON TAS 7109	5268145	203411/1	<i>Environmental Management</i>	<i>Environmental Management</i>	100%

Covenanted properties fully zoned Rural or Agriculture

No	Property Address	PID	CT	HVIPS 2015 Zone	Draft LPS Zone	Percent covenanted
1	Lot 1 BROWNS RD RANELAGH TAS 7109	2567182	178072/1	<i>Rural Resource</i>	<i>Rural</i>	100%
2	100 RANDALLS BAY RD RANDALLS BAY TAS 7112	9754201	166918/2	<i>Significant Agricultural</i>	<i>Agriculture</i>	5%
3	HUON HWY DOVER TAS 7117	5263539	105543/1 229145/1	<i>Rural Resource</i>	<i>Rural</i>	50% 20%

Appendix B - 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.