



19th September 2021

Central Highlands Planning Authority
Development and Environmental Services
19 Alexander Street
Bothwell TAS 7030

Via email: development@centralhighlands.tas.gov.au

Representation about the Central Highlands Draft LPS – proposal to change the zoning of thirteen (13) reserved properties to Landscape Conservation

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Central Highlands Draft LPS Zone Maps and the Supporting Report and believes that thirteen (13) properties containing Private Reserves with land reserved for the protection of biodiversity should be rezoned to Landscape Conservation based on Guideline LCZ1, when read together with Guideline RZ1, subject to landowner agreement.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Bronte Park #1	Lot 1 LYELL HWY BRONTE PARK TAS 7140	3054354	241850/1
Bronte Park #2	LYELL HWY BRONTE PARK TAS 7140	2304227	243948/1
Cockatoo Hill	LYELL HWY BRADYS LAKE TAS 7140	1860790	127910/12
London Lakes	Lot 8 VICTORIA VALLEY RD LONDON LAKES TAS 7140	3210249	164812/8
Bothwell	DENNISTOUN RD BOTHWELL TAS 7030	1853865	126437/1
Bullock Hills Reserve	1190 MARKED TREE RD HAMILTON TAS 7140	3268942	166563/1

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<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title Reference</i>
Bullock Hills Reserve	Lot 2 MARKED TREE RD HAMILTON TAS 7140	3268950	166563/2
Bullock Hills Reserve	Lot 3 MARKED TREE RD HAMILTON TAS 7140	3268969	166563/3
Bullock Hills Reserve	Lot 1 MARKED TREE RD HAMILTON TAS 7140	3264618	166564/1
Bullock Hills Reserve	Lot 2 MARKED TREE RD HAMILTON TAS 7140	3264597	166564/2
Bullock Hills Reserve	Lot 3 MARKED TREE RD HAMILTON TAS 7140	3264626	166564/3
Gold Hole Gully	NICHOLS RD ELDERSLIE TAS 7030	5467371	119278/1
Pelham Tier	SONNERS RD PELHAM TAS 7030	5467400	212268/1

The natural values within these Reserves have already been identified for protection and conservation by the Minister for Environment and 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.

This representation has not considered the various Private Reserves owned by the Tasmanian Land Conservancy or trawtha makuminya Reserve owned by the Aboriginal Land Council of Tasmania as these properties will be the subject of separate representations.

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 9 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned from 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.

The application of Landscape Conservation Zone in the Central Highlands Draft LPS

Section 5.3 CHIPS2015- SPP Zone Conversions on pp 57-60 of the Supporting Report makes it clear that the Planning Authority has as far as possible adopted a 'like for like' zone conversion and has not considered any zones that do not map directly according to its zone conversion table.

Consequently the new Landscape Conservation zone has not been used in the Central Highlands Draft LPS and does not appear to have been considered even though the AK Consultants publication *Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones* prepared in 2018 for the Southern Tasmanian Councils Authority (Appendix H) indicates that either Environmental Management or Landscape Conservation Zone should be considered for Private Reserves

where deemed appropriate and as per Guideline EMZ 1 or LCZ 1 & LCZ 2.

The lack of consideration of Landscape Conservation zone for titles containing reserved land protected by conservation covenant is even more surprising given the Tasmanian Planning Commission guidance on the Planners Portal dated 22 April 2021 on this matter (included in Appendix A of this representation) that states:

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.

The Home Page of the Planners Portal states:

The Planners Portal acts as a central resource to obtain clarification and information leading up to exhibition of a draft LPS.

The Planning Authority apparently failed to monitor the Planners Portal leading up to exhibition and therefore failed to consider this additional guidance on the application of Landscape Conservation zone to reserved land even though it was available four months prior to the exhibition.

As a result of the 'like for like' conversion three titles containing Private Reserves have been zoned Environmental Management because that was their zoning under CHIPS2015.

Reserve Name	Property Address	Property ID	Title Reference
trawtha makuminya	MARLBOROUGH RD BRONTE PARK TAS 7140	5475806	202798/1
trawtha makuminya	MARLBOROUGH RD BRONTE PARK TAS 7140	5475806	202794/1
Skullbone Plains	GOWAN BRAE RD CENTRAL PLATEAU TAS 7304	5476083	224902/1

CLT considers that the failure of the Central Highlands Planning Authority to consider the rest of the private reserves within the municipality for rezoning to Landscape Conservation or Environmental Management is an unfortunate oversight but can be remedied in their Section 35F Report.

Private land in Central Highlands municipality reserved for the protection and conservation of biodiversity

In the Central Highlands planning area there are 61 properties containing 28,412 ha of private reserved land protected by conservation covenant distributed across 127 titles. This represents 3.6 % of the land in the municipality.

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 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 landscape 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 DPIPWE. These natural values were 'ground-truthed' by DPIPWE or Tasmanian Land Conservancy ecologists when the Reserves were established.

Case for rezoning many of these properties to Landscape Conservation

Of the 61 properties with Private Reserves mentioned above 3 are owned by the Aboriginal Land Council of Tasmania and 8 are owned by the Tasmanian Land Conservancy, and the rezoning of these properties will be the subject of separate representations.

Of the remaining 50, CLT considers that 13 of the properties, all zoned Rural in the Draft Zone Maps, should have Landscape Conservation Zone applied to them. The other 37 properties were not considered as significant areas within titles on those properties are also used for agriculture.

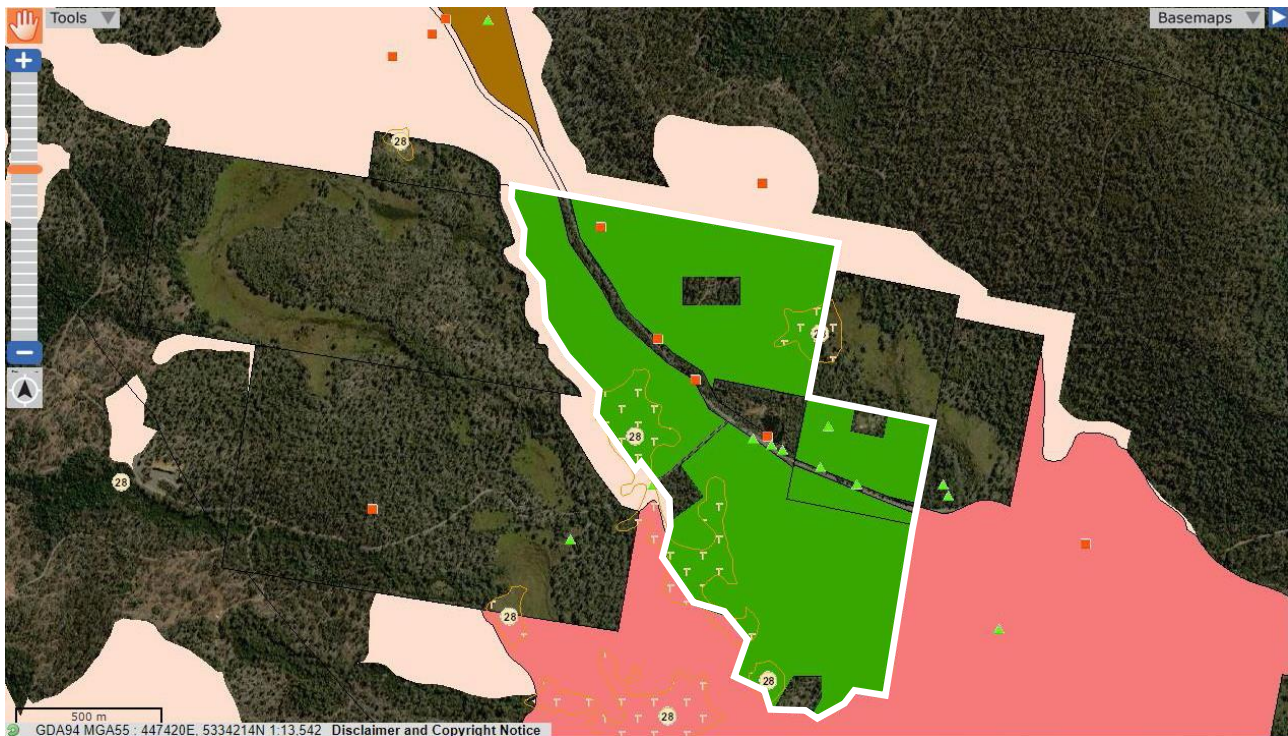
Guideline LCZ1, when read together with Guideline RZ1, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as they contain natural values 'that are identified for protection and conservation' (see Appendix A for the relevant extracts from Guideline No. 1).

Titles that are fully reserved as well as titles that are partly reserved, where the non-reserved part is unsuitable for agriculture, should therefore be zoned as Landscape Conservation.

Details of the 8 Reserves across the 13 properties are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green areas), Threatened Flora Points (light green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers. Where there are adjoining Private Reserves these have been discussed together.

Bronte Park #1 Reserve (CAPAD 2020 Row Nos 1271-1273)
Bronte Park #2 Reserve (CAPAD 2020 Row Nos 1274-1275)

Addresses	PIDs	Title Refs	Percent reserved
Lot 1 LYELL HWY BRONTE PARK TAS 7140	3054354	241850/1	93%
LYELL HWY BRONTE PARK TAS 7140	2304227	243948/1	92%



Bronte Park #1 Reserve covers 116.1 ha (93%) of the 124.9 ha Title Ref 241850/1 and Bronte Park #2 Reserve covers 10.6 ha (92%) of the 11.6 ha Title Ref 243948/1. An existing residence is located in the non-reserved area of Title Ref 243948/1. Bronte Park #1 Reserve adjoins a Sustainable Timbers Tasmania Informal Reserve on its north and part of its south west boundary (pale pink) and is 200 m from the 96,404 ha Central Plateau Conservation Area (brown area).

It is proposed that all of the adjoining Title Refs 241850/1 and 243948/1 (white border) are rezoned to Landscape Conservation as the non-reserved parts of the titles are unsuitable and not used for agriculture.

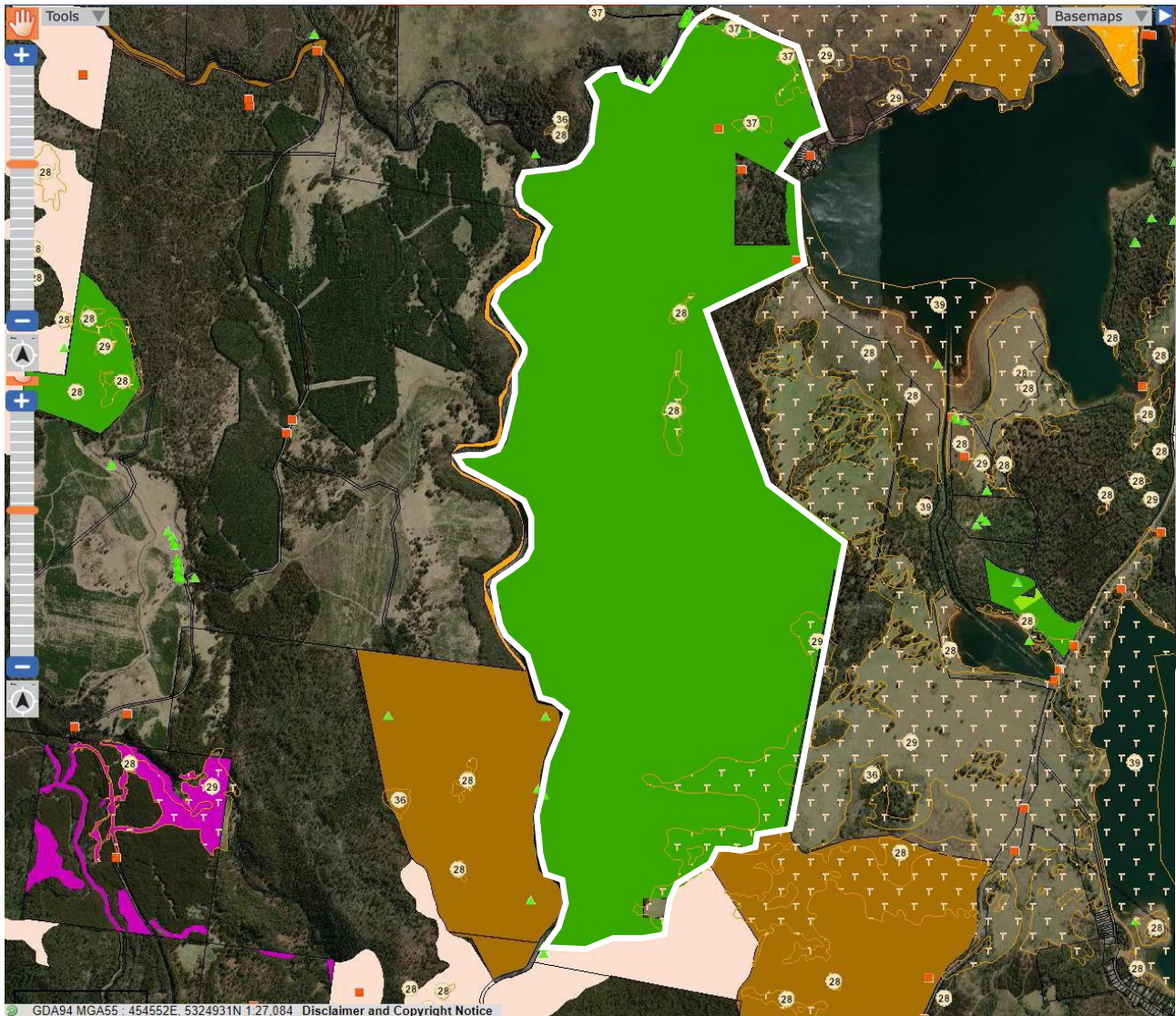
The combined Bronte Park Reserves contain the threatened vegetation community No 28 Highland grassy sedgeland listed in Schedule 3A of the *Nature Conservation Act 2002*. They also contain the vulnerable *Hovea tasmanica* (Hill hovea) and the rare *Hovea montana* (Mountain purplepea) as listed in Schedules 4 and 5, respectively, of the *Threatened Species Protection Act 1995*. They also contain and provide habitat for the endangered *Aquila audax fleayi* (Tasmanian wedge-tailed eagle), *Sarcophilus harrisii* (Tasmanian devil) and *Dasyurus viverrinus* (Eastern quoll) all listed in Schedule 3 of the same Act. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

Cockatoo Hill Reserve (CAPAD 2020 Row Nos 1333-1334)

Address LYELL HWY BRADYS LAKE TAS 7140

PID 1860790

Title Ref 127910/12



The 1240.0 ha Cockatoo Hill Reserve covers 98% of the 1268.4 ha Title Ref 127910/12. There are small non-reserved areas in the north and south of the title. A Reserved Road is located inside the south east boundary of the title. Cockatoo Hill Reserve adjoins the 461 ha Lake Binney Conservation Area (brown area) to its south east and the 250 ha Wentworth Creek Conservation Area (brown area) to its south west.

It is proposed that all of Title Ref 127910/12 (white border) is rezoned to Landscape Conservation as the small non-reserved parts of the title are unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation communities No 28 Highland grassy sedgeland, No 29 Highland *Poa* grassland and No 37 Subalpine *Diplarrena latifolia* rushland listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the endangered *Barbarea australis*

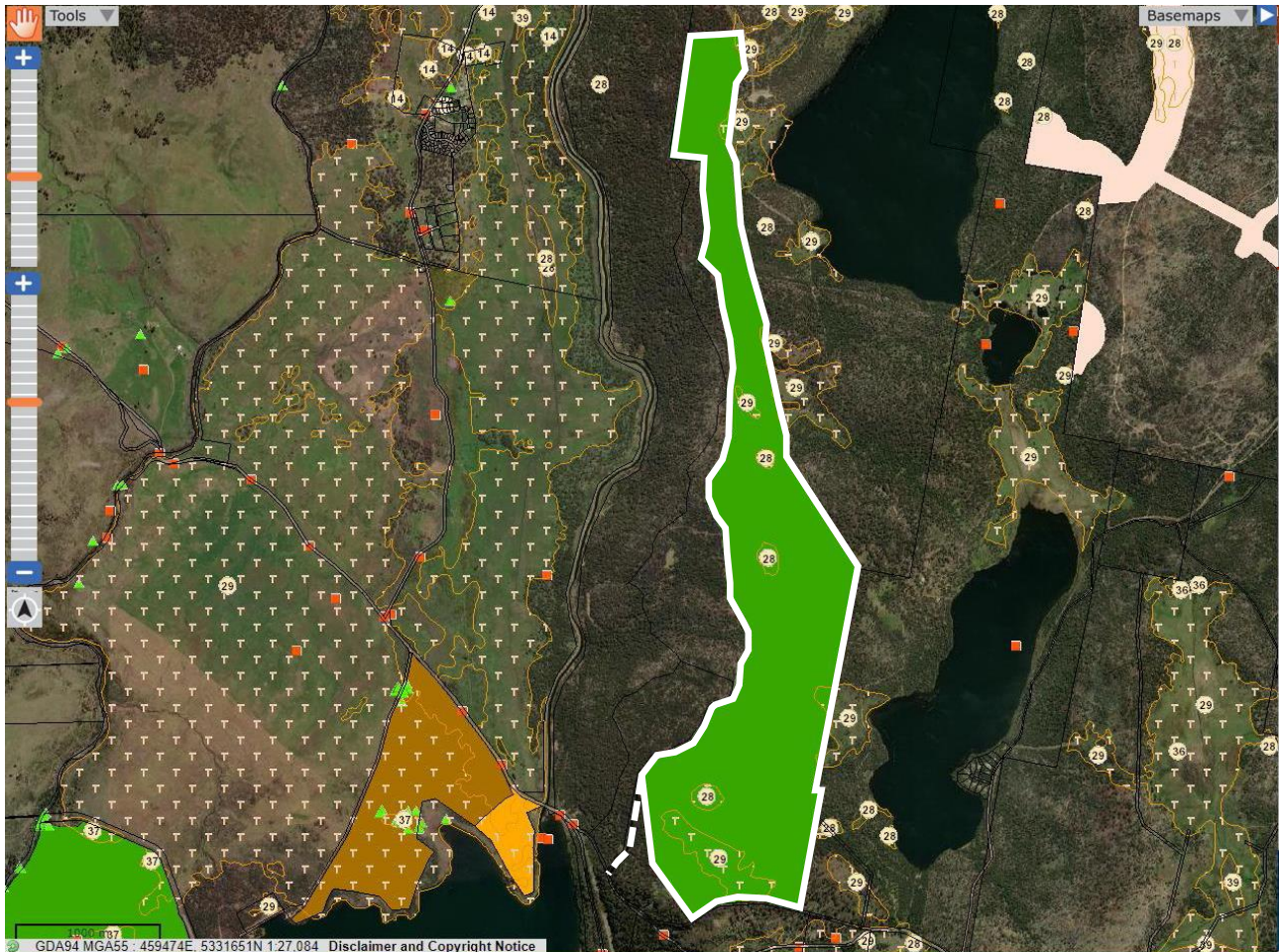
(Riverbed wintercress) listed in Schedule 3 of the *Threatened Species Protection Act 1995*, and also contains and provides habitat for the endangered *Tyto novaehollandiae* (Masked owl) and *Accipiter novaehollandiae* (Grey goshawk) also listed in Schedule 3 of the same Act. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

London Lakes Reserve (CAPAD 2020 Row No 1881)

Address Lot 8 VICTORIA VALLEY RD LONDON LAKES TAS 7140

PID 3210249

Title Ref 164812/8



The 379.9 ha London Lakes Reserve covers 99.9%% of the 380.3 ha Title Ref 164812/8. The 0.4 ha of access track in the south west linking the Reserve to Victoria Valley Road is not reserved.

It is proposed that the 379.9 ha London Lakes Reserve on Title Ref 164812/8 (solid white border) is rezoned to Landscape Conservation with the access track (dashed white line) remaining in the Rural zone.

The Reserve contains the threatened vegetation communities No 28 Highland grassy sedgeland and No 29 Highland *Poa* grassland as listed in Schedule 3A of the *Nature Conservation Act 2002*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Bothwell Reserve (CAPAD 2020 Row No 1247)

Address DENNISTOUN RD BOTHWELL TAS 7030
PID 1853865
Title Ref 126437/1



The 35.3 ha Bothwell Reserve covers 100% of Title Ref 126437/1. A 0.78 ha Domestic Zone is located in the south west corner of the title. The Bothwell Reserve adjoins the 134 ha Tiger Rise Conservation Area (brown area) to its north.

It is proposed that all of Title Ref Title Ref 126437/1 (white border) is rezoned to Landscape Conservation.

The Bothwell Reserve contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by the Reserve are in the Nature Conservation Plan held by DPIPWE.

Bullock Hills Reserve (CAPAD 2020 Row Nos 1288-1294)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
1190 MARKED TREE RD HAMILTON TAS 7140	3268942	166563/1	20.5	16.6	81%
Lot 2 MARKED TREE RD HAMILTON TAS 7140	3268950	166563/2	20.7	18.1	87%
Lot 3 MARKED TREE RD HAMILTON TAS 7140	3268969	166563/3	40.1	27.3	68%
Lot 1 MARKED TREE RD HAMILTON TAS 7140	3264618	166564/1	41.9	39.3	94%
Lot 2 MARKED TREE RD HAMILTON TAS 7140	3264597	166564/2	41.8	38.2	91%
Lot 3 MARKED TREE RD HAMILTON TAS 7140	3264626	166564/3	138.9	132.2	95%



The total area of the Bullock Hills Reserve on the six titles listed above is 271.7 ha. The first three titles in the above list adjoin the 294 ha Pelham West Nature Reserve (dark green area) to their north east. There is an existing residence within the non-reserved part of Title Ref 166563/1.

It is proposed that all of the six adjoining titles containing this Reserve, as well as Lot 1 Marked Tree Road (PID 2820117, Title Ref 152912/1) between the two groups of titles and the short length of Reserved Road in the north west are all rezoned to Landscape Conservation as the non-reserved areas are unsuitable and not used for agriculture.

The Bullock Hills Reserve contains the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 22 *Eucalyptus tenuiramis* forest and woodland on sediments listed in Schedule 3A of the *Nature Conservation Act 2002*. The Reserve also contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) 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 Plans held by DPIPWE.

Gold Hole Gully Reserve (CAPAD 2020 Row No 1657)
Pelham Tier Reserve (CAPAD 2020 Row No 2155)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
NICHOLS RD ELDERSLIE TAS 7030	5467371	119278/1	11.6	11.6	100%
SONNERS RD PELHAM TAS 7030	5467400	212268/1	123.7	114.7	93%



Including the part of Gold Hole Gully Reserve on Title Ref 209091/1 in the Southern Midlands municipality (dashed white border), the combined Reserves have an area of 138.8 ha. Both Reserves adjoin the 67 ha Pelham North Nature Reserve (dark green area) and the Pelham Tier Reserve also adjoins the 49 ha Pelham Nature Reserve (dark green area). There is a residential dwelling on the non-reserved part of Title Ref 212268/1.

It is proposed that all of Title Refs 209091/1 and 212268/1 (solid white border) are rezoned to Landscape Conservation zone as the non-reserved part of Title Ref 212268/1 is unsuitable and not used for agriculture and existing Residential Use is Permitted under the General Provisions. Title Ref 209091/1 has also been proposed for rezoning to Landscape Conservation in our representation on the Southern Midlands Draft LPS that was exhibited recently.

Both Reserves contain the threatened vegetation community No 22 *Eucalyptus tenuiramis* forest and woodland on sediments listed in Schedule 3A of the *Nature Conservation Act 2002*. Both Reserves also contain and provide habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

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 and 20.0 Rural Zone with key words and phrases underlined.

- 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.*
- 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.