



18th November 2021

Des Jennings
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Via email: lps@nmc.tas.gov.au

Representation about the Northern Midlands Draft LPS – proposal to change the zoning of eleven (11) reserved properties to Landscape Conservation

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Northern Midlands Draft LPS Zone Maps and the Supporting Report and believes that eleven (11) properties containing Private Reserves protected by conservation covenant with land reserved for the protection of biodiversity should be rezoned fully or partly to Landscape Conservation based on Guideline LCZ1, when read together with Guideline AZ6, subject to landowner agreement.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title References</i>
Oura Oura	159 GULF RD LIFFEY TAS 7301	6753804	202805/1
Gulf Resort	GULF RD LIFFEY TAS 7301	6753791	246184/2
Liffey River	111 GULF RD LIFFEY TAS 7301	6753775	204354/1
Noble Liffey Road	1827 LIFFEY RD LIFFEY TAS 7301	6753759	45838/1
Drys Bluff	Lot 1 LIFFEY RD LIFFEY TAS 7301	2776136	150038/1

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Reserve Name	Property Address	Property ID	Title References
Elkington #1, #2 and #3	'ELKINGTON' - 548 LOGAN RD EVANDALE TAS 7212	6398339	175727/1 175727/3 175727/4 175727/5
Marathon	DEDDINGTON RD DEDDINGTON TAS 7212	6397977	103886/4 103886/5 103886/6
Marathon and Marathon #2	1503 DEDDINGTON RD DEDDINGTON TAS 7212	2913938	103886/2 103886/3 155319/1
Lilyburn	1504 DEDDINGTON RD DEDDINGTON TAS 7212	3531915	172586/1 172587/1
Preston #2	'PRESTON' - 1726 AUBURN RD ROSS TAS 7209	7951183	212952/1 212953/1 199138/1 35605/1 35606/1 208425/1 49207/1 49207/2 49207/3
Burburys Tier #1 and #2	Lot 1 HONEYSUCKLE RD ROSS TAS 7209	3360810	169994/1

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 inadvertently not applied when drafting the LPS.

CLT is writing to the 11 landowners at their postal addresses available from The List to alert them to the rezoning of their covenanted titles by the Planning Authority and CLT's proposal to rezone all or part of their titles to Landscape Conservation. As these postal addresses are often out-of-date it would help if the Planning Authority also contacted these landowners during the Exhibition Period so they are aware of the Planning Authority's proposed zoning, the alternative zoning options available and their right to make a representation.

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 some of this reserved land is more appropriately zoned as Landscape Conservation.

The application of Landscape Conservation Zone in the Northern Midlands Draft LPS

In the Draft Zone Maps the Landscape Conservation Zone has only been used for three titles at Conara, one at Perth and one at Poatina (Supporting Report Table 6 pp 94-95). The stated Zone Transition Rationale to Landscape Conservation in Table 4 (p 71) is:

Land that contains areas of high conservation native vegetation, significant landscape, biodiversity or natural values and not located on land to be zoned Agriculture (or other SPP precluded zones) should be considered for the Landscape Conservation zone.

Despite this rationale, which is consistent with Guidelines LCZ1 and AZ6, no other land appears to have been considered for rezoning to Landscape Conservation.

As discussed later, private reserved land protected by conservation covenant has been identified for protection and conservation of natural values and therefore should be considered for Landscape Conservation zone.

Of the other 81 properties containing Private Reserves only the four listed below appear to have been considered for rezoning to protect the private reserved land and these have been rezoned to Environmental Management, a zone more suited to Public Reserves.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title References</i>
Lower Liffey	GULF RD LIFFEY TAS 7301	2003475	38867/1
Liffey River	GULF RD LIFFEY TAS 7301	6753839	229083/1
Coalmine Creek	GULF RD LIFFEY TAS 7301	7588396	119373/1
Little Forester River	HONEYSUCKLE RD TOOMS LAKE TAS 7209	6831964	213493/1

The lack of consideration of Landscape Conservation zone for any of the 81 properties 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's non-consideration of the rest of the private reserves within the municipality for rezoning to Landscape Conservation or Environmental Management is an unfortunate oversight that can be remedied in its Section 35F Report.

Private land in Northern Midlands municipality reserved for the protection and conservation of biodiversity

In the Northern Midlands planning area there are 81 properties containing 21,906 ha of private reserved land protected by conservation covenant distributed across 155 titles. This represents 4.3 % 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 81 properties with Private Reserves mentioned CLT considers that 11 of the 77 properties currently zoned Agriculture in the Draft Zone Maps, should have Landscape Conservation Zone applied to all or part of them. The other 66 properties were not considered because significant areas within the titles are also used for agriculture or would create a small spot zone.

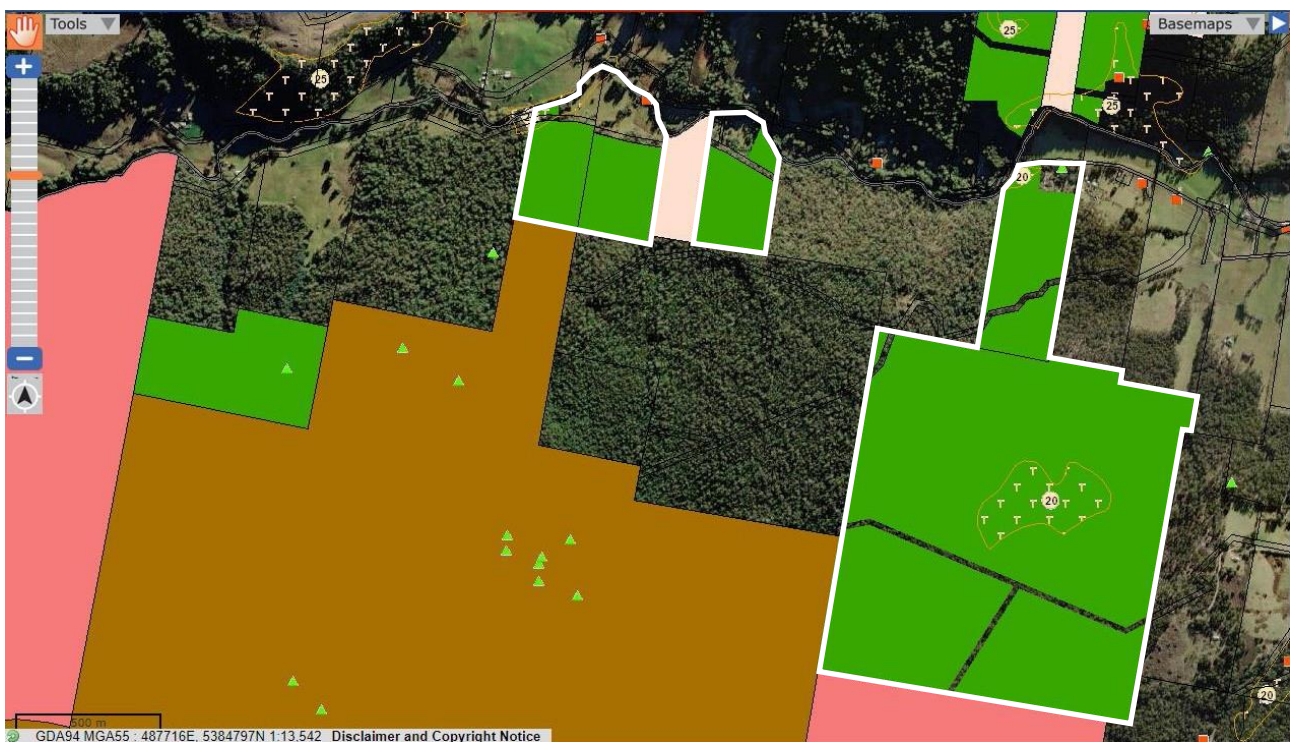
Guideline LCZ1, when read together with Guideline AZ6, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as they contain natural values 'that are identified for protection and conservation' (see Appendix A for the relevant extracts 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, as indicated by the Commission's 22 April 2021 Q&A on the Planners Portal.

Details of the 14 Reserves across the 11 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 or nearby Private Reserves these have been discussed together.

Oura Oura Reserve (CAPAD 2020 Row Nos 2143-2145)
Gulf Resort Reserve (CAPAD 2020 Row No 1684)
Liffey River Reserve (CAPAD 2020 Row Nos 1839-1840)
Noble Liffey Road Reserve (CAPAD 2020 Row Nos 2101-2102)
Drys Bluff Reserve (CAPAD 2020 Row Nos 1423-1429)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
159 GULF RD LIFFEY TAS 7301	6753804	202805/1	10.0	8.0	80%
GULF RD LIFFEY TAS 7301	6753791	246184/2	12.5	8.6	69%
111 GULF RD LIFFEY TAS 7301	6753775	204354/1	10.6	8.7	82%
1827 LIFFEY RD LIFFEY TAS 7301	6753759	45838/1	16.8	15.3	91%
Lot 1 LIFFEY RD LIFFEY TAS 7301	2776136	150038/1	133.8	131.3	98%



The five Private Reserves on the titles listed above have a combined area of 171.9 ha. The Oura Oura Reserve on Title Ref 202805/1 and the Drys Bluff Reserve on Title Ref 150038/1 both adjoin the 691 ha Drys Bluff Conservation Area (brown area). A Sustainable Timbers Tasmania (STT) Informal Reserve (pale pink) is situated between the Gulf Resort Reserve on Title Ref 246184/2 and the Liffey River Reserve on Title Ref 204354/1.

It is proposed that all of the five titles and the Reserved Roads intersecting the titles (solid white border) are rezoned to Landscape Conservation given that two pairs of the reserves adjoin the Drys Bluff Conservation Area zoned as Environmental Management and Title Ref 204354/1 is

connected via the STT Informal Reserve. None of the non-reserved land on these titles is suitable or used for agriculture.

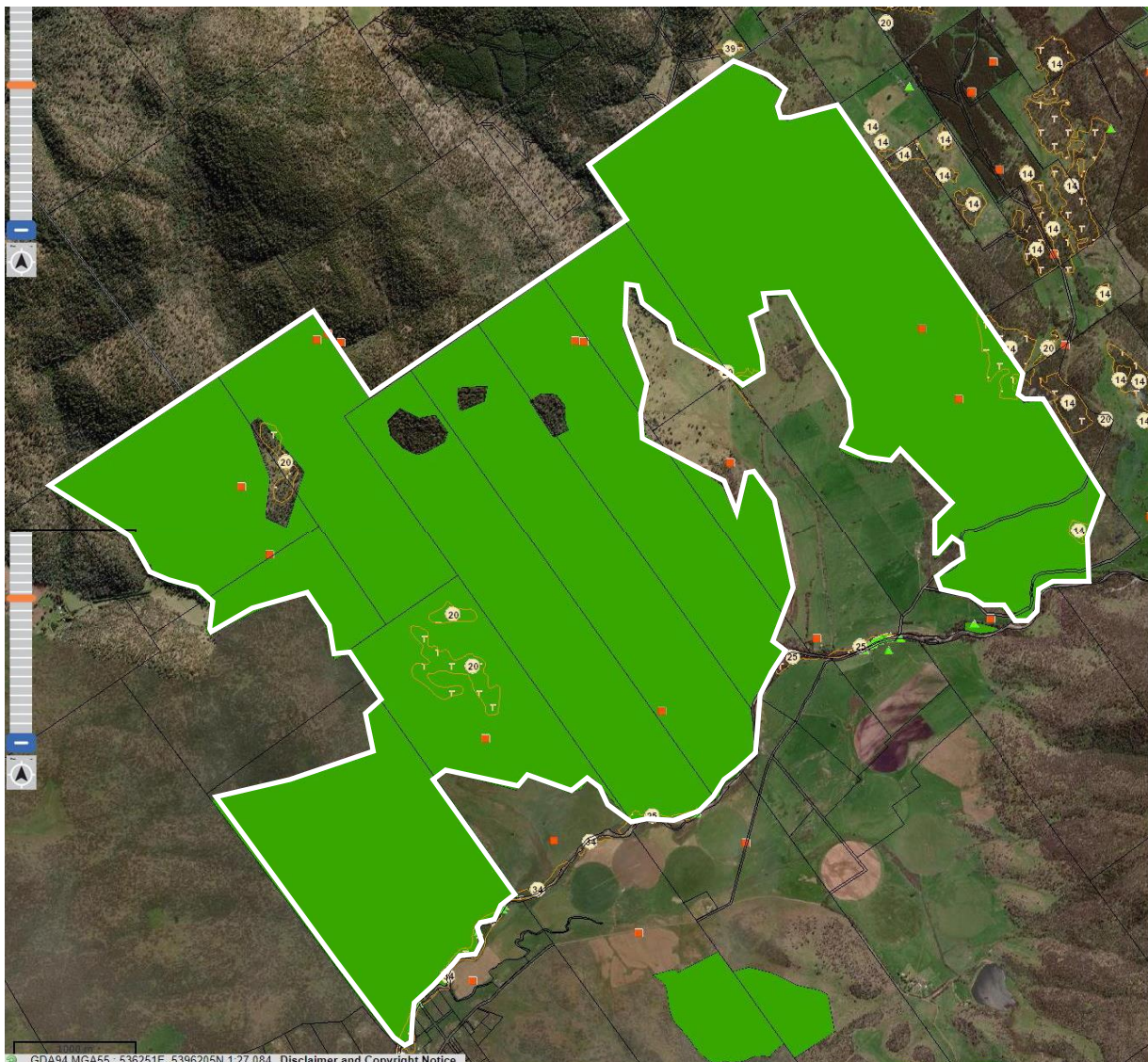
The Oura Oura Reserve contains a small area of the threatened vegetation community No 25 *Eucalyptus viminalis* wet forest and the Noble Liffey Road Reserve and the Drys Bluff Reserve both contain the threatened vegetation community No 20 *Eucalyptus ovata* forest and woodland as listed in Schedule 3A of the *Nature Conservation Act 2002*. Full details of the natural values protected by these Reserves are in the Nature Conservation Plans for each Reserve held by DPIPW.

Elkington #1, #2 and #3 Reserves (CAPAD 2020 Row Nos 1447-1449)

Marathon and Marathon #2 Reserves (CAPAD 2020 Row Nos 1937-1938)

Lilyburn Reserve (CAPAD 2020 Row Nos 1850-1851)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
'ELKINGTON' - 548 LOGAN RD EVANDALE TAS 7212	6398339	175727/1	198.8	190.6	96%
		175727/3	254.6	67.9	27%
		175727/4	382.9	331.3	87%
		175727/5	253.1	202.0	80%
DEDDINGTON RD DEDDINGTON TAS 7212	6397977	103886/4	291.5	278.7	96%
		103886/5	290.0	285.3	98%
		103886/6	282.9	194.2	69%
1503 DEDDINGTON RD DEDDINGTON TAS 7212	2913938	103886/2	126.4	78.7	62%
		103886/3	257.7	245.3	95%
		155319/1	199.6	45.0	23%
1504 DEDDINGTON RD DEDDINGTON TAS 7212	3531915	172586/1	1020.7	772.8	76%
		172587/1	30.0	8.2	27%



The Elkington, Marathon and Lilyburn Reserves have a combined area of 2,697 ha, similar in dimension to a mid-range public reserve in the municipality.

It is proposed that all of the reserved land within these Private Reserves as well as four non-reserved enclaves within the Reserves (solid white border) are rezoned to Landscape Conservation. This would require split zoning of some of the titles on these properties but this is justified given the very substantial size of the combined Reserves and that the land is covered by perpetual covenants making it unavailable for agriculture. The zone boundaries would align with the covenant boundaries.

The Elkington Reserves contain areas of the threatened vegetation community No 20 *Eucalyptus ovata* forest and woodland as listed in Schedule 3A of the *Nature Conservation Act 2002* and 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*.

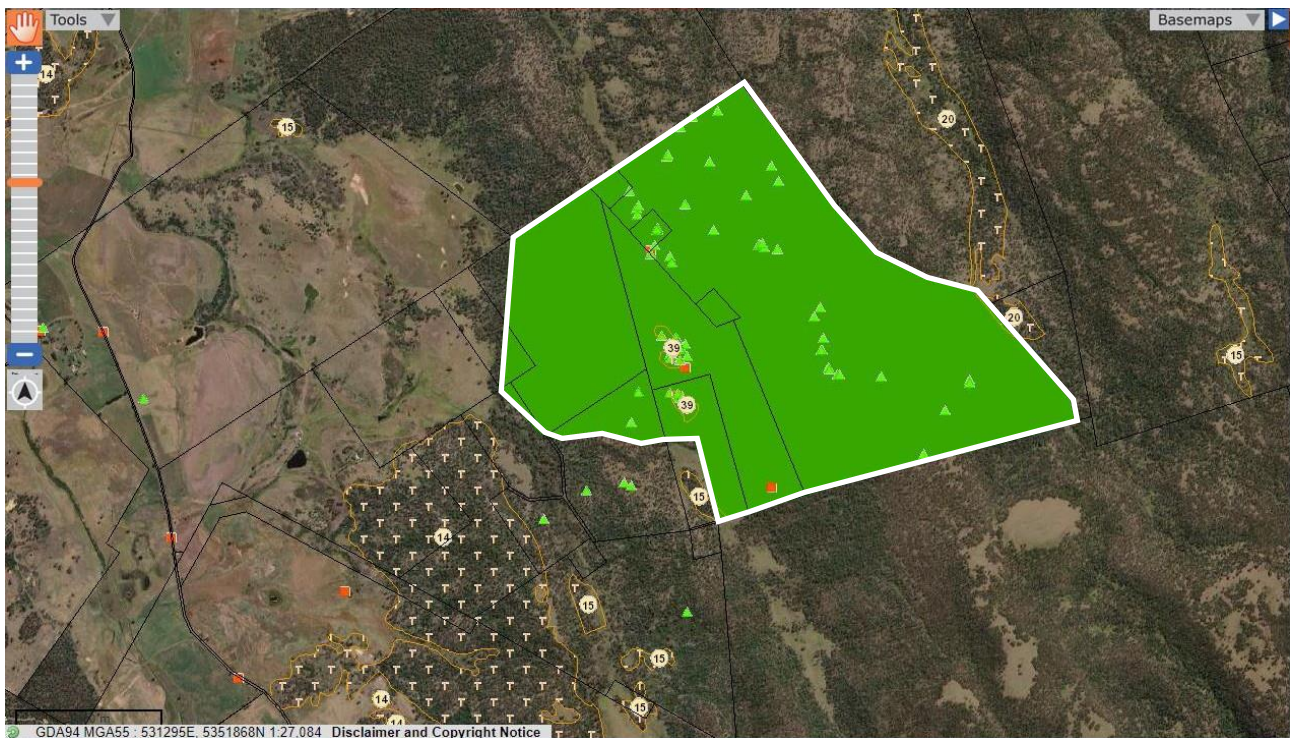
The Marathon Reserves contains areas of the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 25 *Eucalyptus viminalis* wet forest, as listed in Schedule 3A of the *Nature Conservation Act 2002*. These Reserves also contain and provide habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle), *Lathamus discolor* (Swift parrot), *Sarcophilus harrisii* (Tasmanian devil) and *Dasyurus viverrinus* (Eastern quoll), as well as the rare *Dasyurus maculatus subsp. Maculatus* (Spotted tail quoll) listed in Schedules 3 and 5, respectively, of the *Threatened Species Protection Act 1995*.

The Lilyburn Reserve contain areas of the threatened vegetation community No 14 *Eucalyptus amygdalina* forest and woodland on sandstone as listed in Schedule 3A of the *Nature Conservation Act 2002*. The Reserve also contain and provide habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle), *Sarcophilus harrisii* (Tasmanian devil) and *Dasyurus viverrinus* (Eastern quoll), as well as the rare *Dasyurus maculatus subsp. Maculatus* (Spotted tail quoll) listed in Schedules 3 and 5, respectively, 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.

Preston #2 Reserve (CAPAD 2020 Row No 2174)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
'PRESTON' - 1726 AUBURN RD ROSS TAS 7209	7951183	212952/1	118.4	109.6	93%
		212953/1	24.4	5.3	22%
		199138/1	126.0	22.7	18%
		35605/1	42.2	29.7	70%
		35606/1	406.5	406.5	100%
		208425/1	86.3	86.3	100%
		49207/1	4.4	4.4	100%
		49207/2	4.5	4.5	100%
		49207/3	4.1	4.1	100%



The Preston #2 Reserve covers 673.1 ha across the nine titles listed above with the latter five titles fully covered by the Reserve.

It is proposed that all of the reserved land (solid white border) is rezoned to Landscape Conservation. This would require split zoning four of the titles but this is justified given the very substantial size of the Preston #2 Reserve and that the land is covered by perpetual covenants making it unavailable for agriculture. The proposed zone boundaries would align with the covenant boundaries.

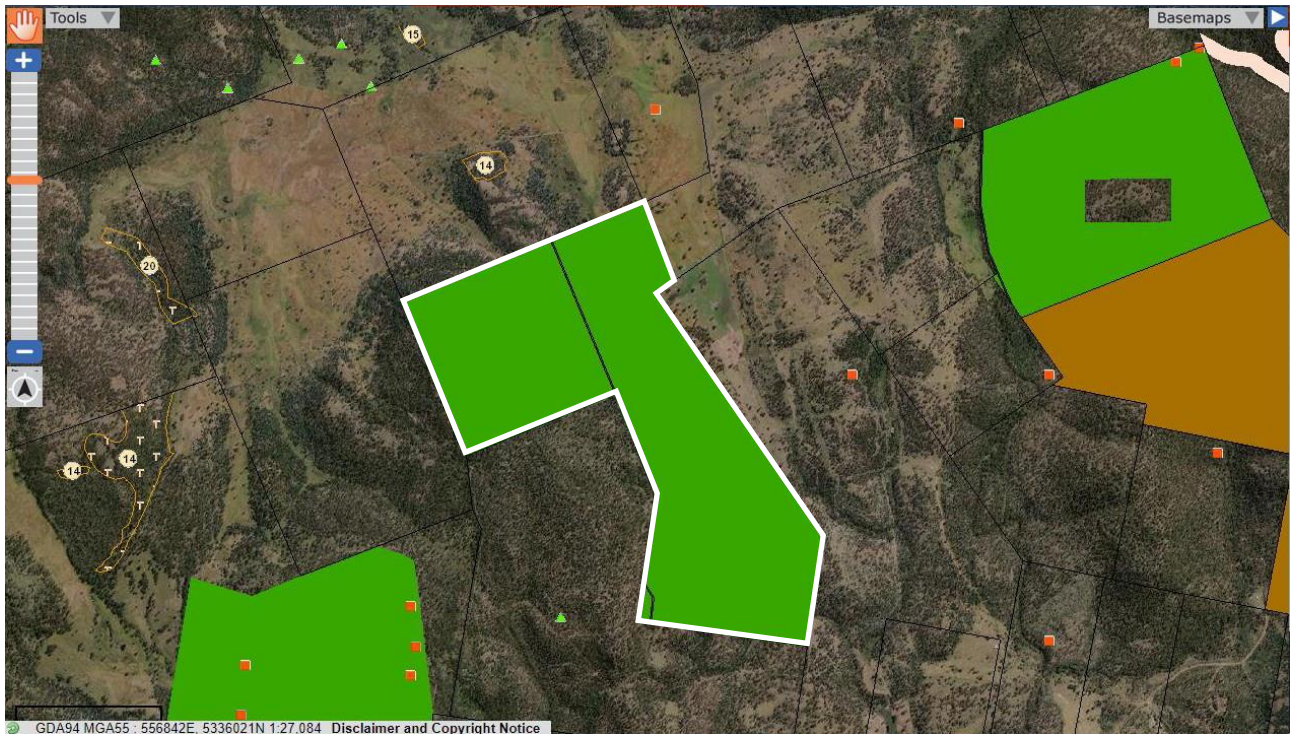
The Preston #2 Reserve contains areas of the threatened vegetation communities No 15 *Eucalyptus amygdalina* inland forest and woodland on cainozoic deposits and No 39 Wetlands as listed in Schedule 3A of the *Nature Conservation Act 2002*.

The Reserve also contains the endangered *Hyalosperma demissum* (Moss sunray) and *Amphibromus macrorhinus* (Longnose swampgrass), the vulnerable *Myriophyllum integrifolium* (Tiny milfoil), and the rare *Haloragis heterophylla* (Variable raspwort), *Stylidium despectum* (Small triggerplant), *Aphelia gracilis* (Slender fanwort), *Isoetes drummondii* subsp. *drummondii* (Plain quillwort), *Trithuria submersa* (Submerged watertuft), *Asperula subsimplex* (Water woodruff), *Brachyscome perpusilla* (Tiny daisy), and *Aphelia pumilio* (dwarf fanwort) listed in Schedules 3, 4 and 5, respectively, of the *Threatened Species Protection Act 1995*.

The full details of the natural values protected by the Preston #2 Reserve are in the Nature Conservation Plans held by DPIPWE.

Burburys Tier #1 and #2 Reserves (CAPAD 2020 Row Nos 1295-1299)

Address Lot 1 HONEYSUCKLE RD ROSS TAS 7209
PID 3360810
Title Ref 169994/1



The Burburys Tier #1 and #2 Reserves have a combined area of 387.5 ha and cover 100% of Title Ref 169994/1. A Reserved Road intersects the title in two places. The Reserve is 2 km to the west of the 1272 ha Snaky Creek Conservation Area and 224 ha Little Forester River Reserve (brown area) which are both zoned Environmental Management.

It is proposed that all of Title Ref 169994/1 and the sections of Reserved Road (solid white border) are rezoned to Landscape Conservation given the significant size of the Reserve.

Details of the natural values protected by these Reserves are in the Nature Conservation Plan 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.*
- AZ 6 *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
- (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
 - (e) it can be demonstrated that:*
 - (i) 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;*
 - (ii) there are significant constraints to agricultural use occurring on the land; or*
 - (iii) the Agriculture Zone is otherwise not appropriate for the land.*

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.