

**From:** 40ascan@huonvalley.tas.gov.au  
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**To:** hvc@huonvalley.tas.gov.au  
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Ronnie & Leeann Gudden, Owners  
Kingsley Park Thoroughbreds  
PO Box 166, Cygnet TAS 7112

29<sup>th</sup> April 2022

General Manager  
Huon Valley Council  
PO Box 210  
Huonville TAS 7109

HUON VALLEY COUNCIL  
Action  
Officer: .....

29 APR 2022

File No: .....

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HUON VALLEY COUNCIL

27 APR 2022

CUSTOMER SERVICE

27 pages

Dear Mr Jason Browne,

**Representation for the upcoming new zoning application as presented by the Huon Valley Council to the Tasmanian Planning Commission in the Draft Local Provisions Schedule (LPS) and supporting documents as it relates to the whole of my, and family's properties and business. Specifically, the titles under the parcel address 184 Kings Hill Rd, CYGNET.**

Both Leeanne and I, Ronnie Gudden, do not agree with the zoning decisions proposed by the Huon Valley Council (HVC) over our property that is to see our property split zoned from the HVC Interim Planning Scheme 2015 Rural Resource to the TPC's/TPS' zones of Rural, and Landscape Conservation Zones (RZ and LCZ respectively). This objection is based, primarily drawing from the TPC's Section 8A Guideline No.1 zone and code application criteria for application in consideration of the properties' characteristics in conjunction with our well-established historical use. We also object to the current Biodiversity Overlay and the newly proposed Priority Vegetation Area (PVA) overlay that is set to be applied across the area.

Within this representation we will highlight key elements of our property that speak to the TPC's Section 8A Guideline No.1 LPS zone and code application and existing land use and demonstrate why the current proposed zone application and Priority Vegetation Area overlay is untenable.

Site specific and also on a general note it should be accepted that Council have not undertaken sufficient due diligence by way of a satisfactory analysis of this property and others that are to be shifted drastically from a rural foci to that which explicitly accentuates landscape and natural values at the expense of previously intended, and in our case practiced rural and residential use. To support such a move, Council have to the best of our knowledge has not engaged in any real on ground analysis of our property as it pertains to any environmental or natural values that could be used to justify such a change.

Council rather, have relied on an outsourced report by then A and K Consultants that relied heavily on computation modelling to make assumptions based on TASVeg map 'data', and

aerial photos of the site to establish a ratio of tree cover. To deem this methodology as having any level of rigor that would lend itself to justifying such zoning actions as proposed for this site is irresponsible if not, outright negligent.

The land in question, our family home and business base, 184 Kings Hill Rd, to the best of our knowledge does not have any record or evidence of, or documented threatened species, does not have a Scenic Protection Area, Scenic Road Corridor, and whilst has parts that are on a ridgeline, those areas are completely cleared with our home, outbuildings like stables and large farm sheds, storage sheds and paddocks that are used for our registered business since 2013 of breeding thoroughbred horses. Further, most of the vegetation that is present has been cleared and thinned historically and the majority of the vegetation seen from satellite photos is run of the mill re-growth.

Clearly, it should be evident that the rezoning to LCZ in absence of any real identified values that support the zone's expressed intentions is grossly inconsistent with the recommended application of LCZ as outlined in Section 8A Guideline No.1 and zone and code application guidelines and criteria. It further goes against the general intention of a state wide zoning system to streamline and simplify zoning and move away from split zones and unnecessary complicated solutions.

It therefore then follows that rather than a complete departure from historic zoning and indeed use, and currently in use, of the land from a rural application to that of an explicit conservation use, Council should maintain a zone and respective overlays that is more in alignment with what is already in place. That is to say, the whole of these properties be placed under either a Rural Living Zone or Rural Zone. Furthermore, the newly proposed Threatened Priority Vegetation Area be removed in its entirety and to be applied only to verified instances of threatened species. Specifically, to be ground truthed at the expense of Council (NAC 12).

In lieu of appropriate zoning decisions that result in a compelled yielding of rural capabilities over our land, we expect to be appropriately compensated for that loss of function/use. Minimally, if a LCZ and associated Priority Vegetation Overlays are to be instated I will be seeking additional legal counsel to see that equitable exemptions of rates and land tax are established whilst such zones are in place. This is only fair as these are some of the benefits a private landowner receives when they voluntarily place their land under a conservation covenant. Naturally, additional compensation will be sought for loss of land capital etc.

### The Site in Question

The site in question is the whole of the land parcels within 184 Kings Hill Rd. CT 108544/2, 163643/3 (See figure 1) and is wholly zoned as Rural Resource under the *Huon Valley Interim Planning Scheme 2015*.



Figure 1: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 24th April 2022 [Land within the red boarder as approx. boundaries. No nominated scale]

The site measures approximately 31Ha in total area (~4Ha 108544/2, ~27Ha 163643/3, Approx. 8-10Ha is cleared). With two protected waterways identified. See figure 2:

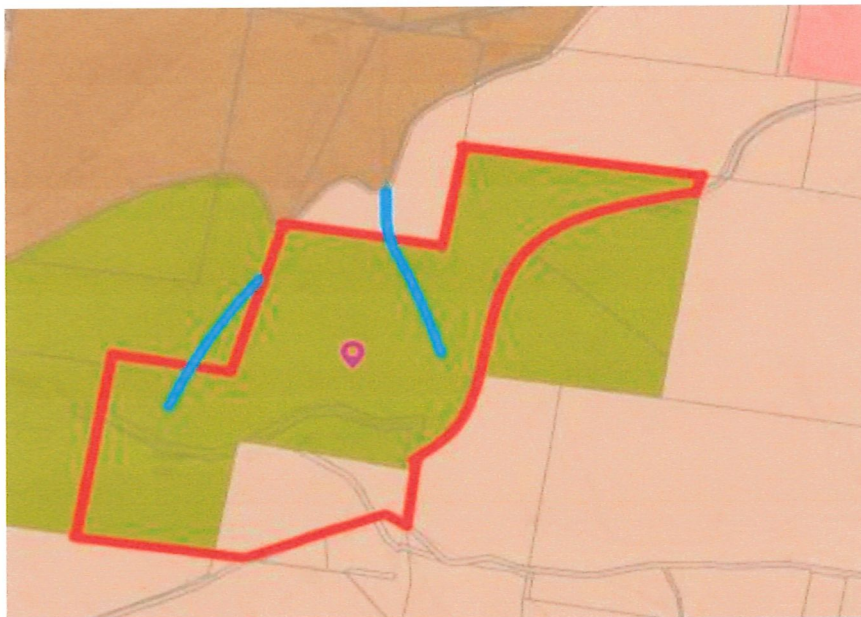


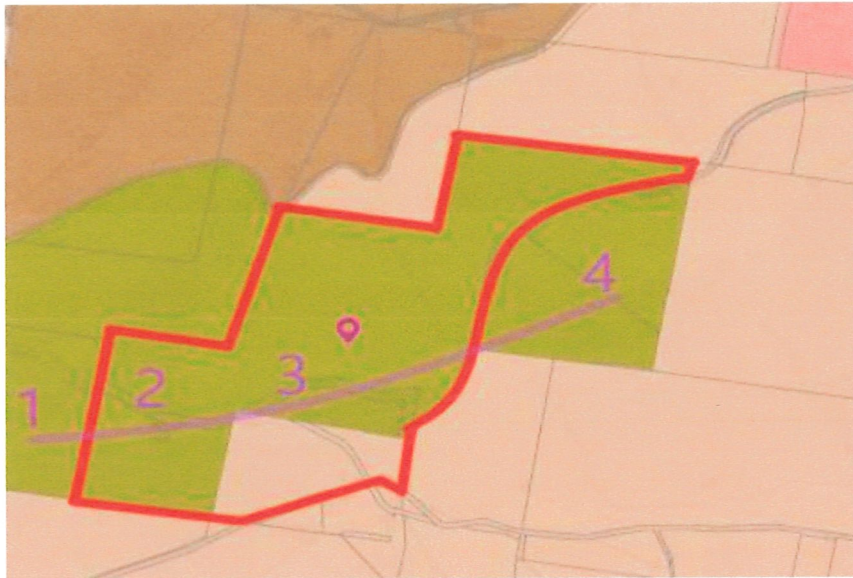
Figure 2: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 24th April 2022 [Land within the red boarder as approx. boundaries. The blue indicates approx. Waterway Protection Overlay. No nominated scale]

The site has vehicular access via Council maintained road, Kings Hill Road and has three of the four magnetic edges North, East, and South neighbouring as a majority, land that is to be moved across to Rural Zone.



## Gudden LPS Representation

The site hosts two of four peaks that make up ridgeline that extends to neighbouring properties. See Figure 3:



*Figure 3: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 24th April 2022 [Land within the red boarder as approx. boundaries. The purple line shows ridgeline the numbers are the peaks. No nominated scale]*

The typography lends itself to be a across undulating hilltops at Ca~260m (that go down to ~130m gulley before the next Eastern neighbour), that are [the hill tops in particular] cleared of vegetation and have a number of outbuildings, dwellings, and paddocks and an access road with the associated use being well established. See figure 4:



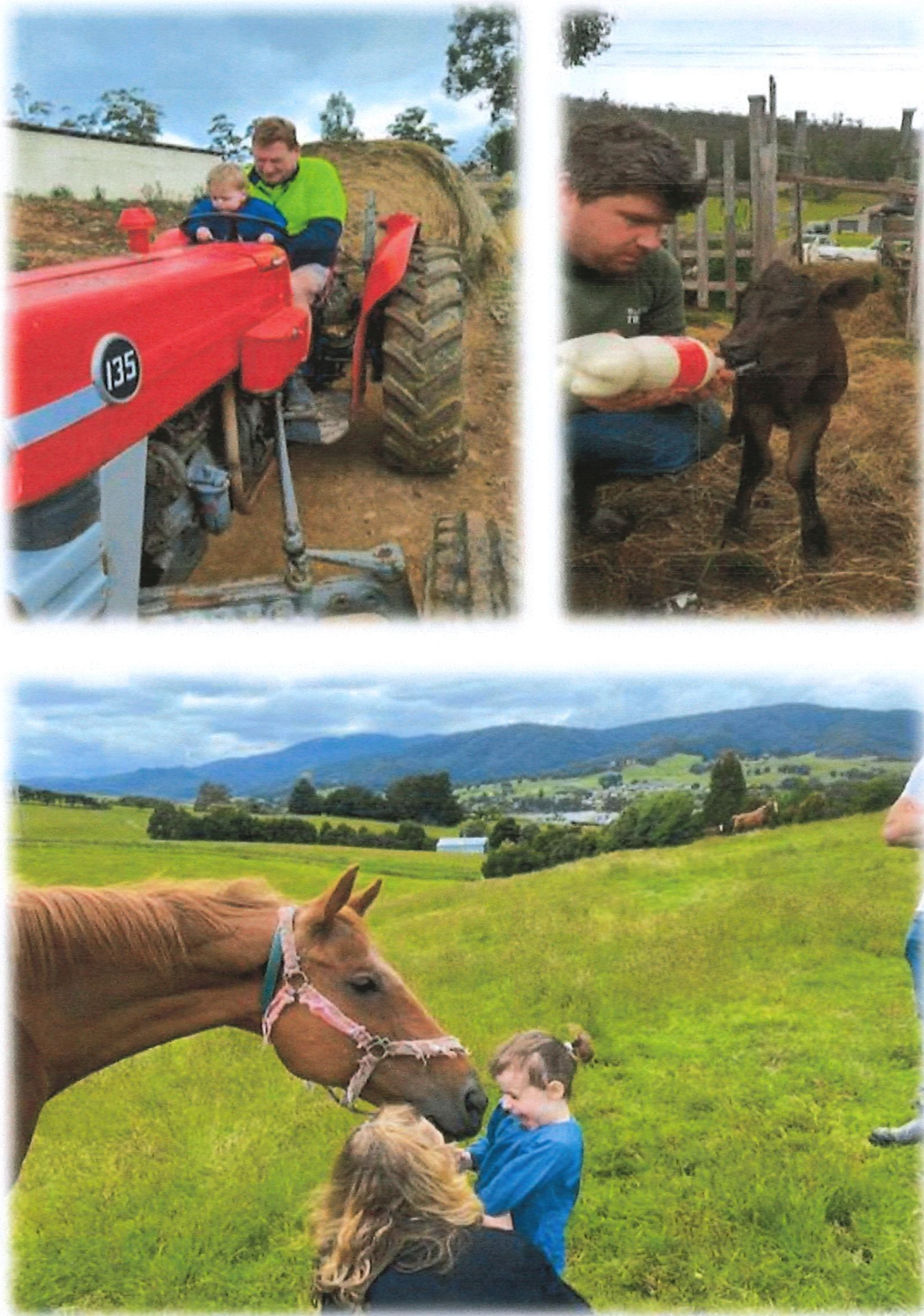
Figure 4: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 24th April 2022 [The purple line shows ridgeline, numbers are the peaks. Note the distinct absence of vegetation along that line. No nominated scale]

### What we do on our land

The Gudden family are a farming family. We grew up here in Tasmania, our kids grew up on this property and their kids, our grand kids, come here too and help Nanny Lee and Poppy out on the farm. So first and most importantly it's a home for generations of us. See the page over for evidence of that:



Gudden LPS Representation



*Figure 5: Top: Our grandson teaching Poppy a few tricks on the tractor. Right: One of our sons feeding a brand-new addition to the farm. Bottom: Nanny Lee teaching the way of the horse.*

Secondly, it is a working farm. We have number of animals on the farm and have had many in the past. Cows, horses, pigs, various fowl etc. Our focus however has been that of breeding some of the state's best thoroughbreds. These horses are showcased both nationally, and internationally. See below:



*Figure 6: Left: Toorak Affair winning 2020's Hobart Cup. She is the second stakes winner for Kingsley Parks Toorak Toff. Great to see a Tasmanian trifecta in the cup with Shady Hustle and Glass Warrior filling the minor placings. Feb 2020. Right: Some of our cattle.*

We, Kingsley Park Thoroughbreds have been in operation since 2013. We produce quality horses and various equine solutions and services.



Gudden LPS Representation



*Figure 7: A number of horses that we have/host with some of our outbuildings and farming improvements on site.*

As these pictures show, we are a farming family that uses our land for that purpose.

### **Our Concerns about this Rezoning and Priority Vegetation Area Overlay**

We are worried that as an established working farm this rezoning will vastly impact our farming operations now and into the future. It was mentioned in the last public exhibition of this zoning activity that existing use will not be ceased. Well, what happens if we need to move from raising horses to sheep due to environmental/economic/ age related factors? What happens if and when we get older and decide to take a break from our farm for a few years and then get back to it? Will we be allowed to start the farm up again? Or what if we hand the proverbial reins over to our sons? Will existing use traverse through to subsequent generations of Guddens? We have our suspicions.

Secondly, as a people of the land, we have invested heavily into it. We haven't had jobs in big corporations and government that has set us up with generous Super Funds. With a zoning change like this over our land it will no doubt have financial loss by way of development restrictions and capital loss as people/potential buyers of land which is zoned as landscape conservation will be in the minority with a majority of buyers staying well away of such zoned properties. This is not just our opinion; we have witnessed such statements made by various people. How would you like it if, with a stroke of a legislative pen, a governing body take slices of capital gain away from your super accounts? I'm all for environmental pursuits but it should be a financial burden and investment that the community should carry. Meaning that it is for the public to decide and pull out the public cheque book (rates/tax) buy land suitable for conservation and plant the trees. This should not be something for the private land owner to shoulder without any financial skin in the game from the rest of the community.

In regards to applying LCZ over our land with the seeming all encompassing priority vegetation overlay, our land's characteristics and established use clearly does not fit with the application criteria as listed in Section 8A Guidelines for LCZ.

It should be considered then, that based on the arguments made above and further developed in the below sections that Council has widely applied the LCZ and Priority Vegetation Areas over our land and properties like it without performing their due diligence. In our case, no real articulable, demonstrative evidence has been put forward, site specific, to support the Council's position to apply either the LCZ or the PVA.

### **Current Zoning**

At present, the whole of the land titles in question under the address of 184 Kings Hill Rd is zoned as Rural Resource in accordance with the Huon Valley Interim Planning Scheme 2015.

This zoning is the predominant zone that surrounds our property, with Significant Agriculture just to the North of us and various understandable residential and urban zones closer in to the Cygnet town centre. It is important to note that there are small pockets of Rural Living that sits between us and the Cygnet centre. See below Figure 8:



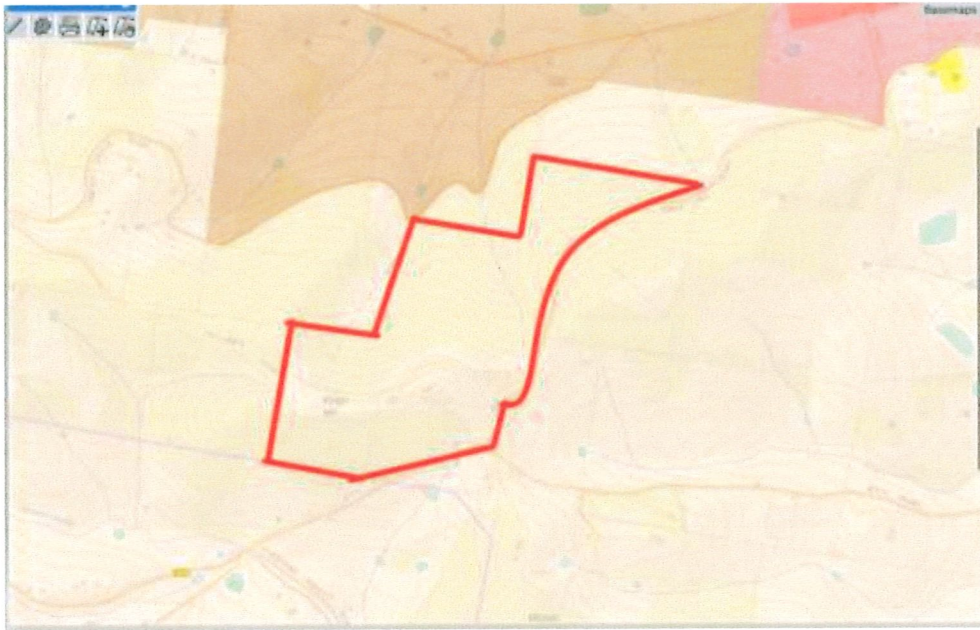


Figure 8: Our Family Farm 184 Kings Hill Rd. Note the wider zones of Rural Resource, (Beige), Significant Agriculture (Brown), and Rural Living (Pink). No Environmental Zoning present: Source LISTMap, Accessed 25th April 2022 No nominated scale]

In fact, there are no conservation covenants anywhere near our farm and the only Scenic Road/Corridor runs along Channel Highway down to where the land (road) meets Huon River and Port Cygnet. The other Scenic Landscape/management areas, are around Langdons Hill, Black Jack, Mt Windsor, and just North of Wattle Grove. The only Environmental Living Zone area is Southwest of Fitzpatricks Hill, South of Wattle Grove. See below figure 9 for a zoomed-out overview of the current zoning:

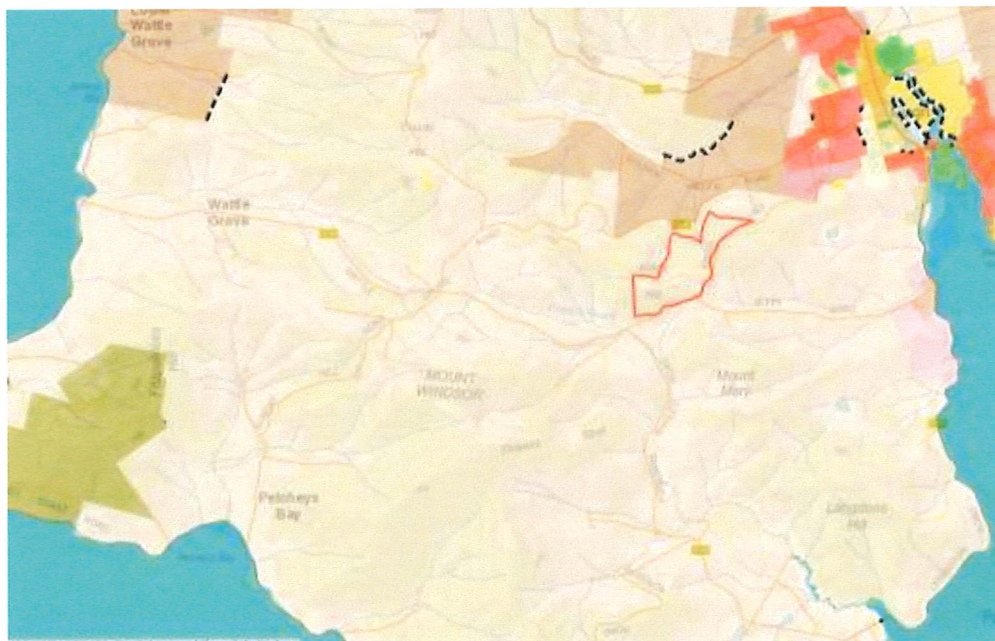


Figure 9: Note the wider zones of Rural Resource, (Beige), Significant Agriculture (Brown), and Rural Living (Pink). Environmental Zoning (Dark Green) SW of Fitzpatricks Hill: Source LISTMap, Accessed 25th April 2022 No nominated scale]



Now contrast the 2015 IPS map (figure 9 above) with the proposed TPS below (figure 10):

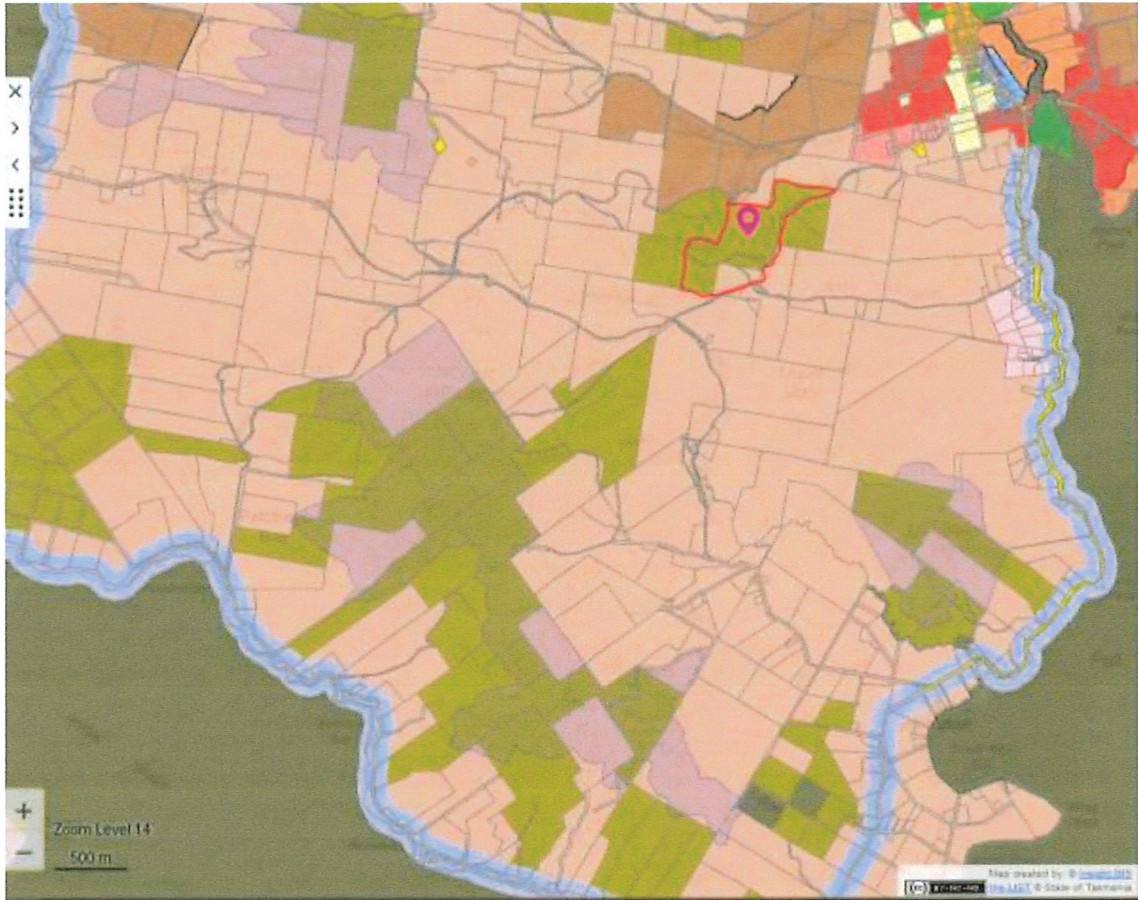


Figure 10: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 25th April 2022 [Land within the red boarder as approx. boundaries. The areas are set to be Scenic Protection Overlays (Purple), the Scenic Road Corridor (Blue). RZ (beige), LCZ (Green). No nominated scale]

On the map above, we can see that the new Rural Zone dominates the majority of the wider area. Oddly a number of properties that have Scenic Protection Areas, carried over from IPS 2015, are not zoned as LCZ with some being zoned as LCZ. There are also a number of properties, like ours, that do not have a Scenic Protection Area or a Scenic Road Corridor that are set to be zoned LCZ. In figure 11, over the page, one can see that there are a number of properties nearby that share similar characteristics by way of land and or topographical makeup that have been set to be zoned as Rural.



## Gudden LPS Representation



*Figure 11: Our Family Farm 184 Kings Hill Rd: Source HVC's interactive map from Discover Communities, Accessed 25th April 2022 [Land within the red boarder as approx. boundaries. The red stars indicate land to be zoned Rural that share commonalities with us].*

Eleven properties can be seen here (red stars) set to be zoned as Rural that share similarities in land characteristics/topographic makeup etc to ours. However, their existing use is not necessarily known. Some of these properties, especially in the West and SouthSouthEast have near 100 % vegetation cover.

**HVC’s considerations for rezoning to Landscape Conservation as per their Draft LPS Document LPS-HUO-TPS November 2021**

The following HVC’s Draft LPS will be addressed section by section as it relates to our land and the respective zone that is set to be applied. Our responses will be underneath. Please accept that we are farming folk and not planners so try and see it from our standpoint.

**Table 12**

<b>Zone Application Guidelines</b>	<b>Comments</b>
<p><b>LCZ 1</b>  <i>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.</i></p>	<p>The application of 80% native vegetation coverage coupled with the presence of either the Natural Assets or Scenic Landscape Code overlay as the first level of selection meets the intent of this guideline in that most of the property is constrained but there may be some potential for small scale use or development.</p> <p>A significant portion of the properties selected are located on the vegetated scenic hill slopes that characterise the Huon Valley. These areas have been spared from historical clearing due to being considered suboptimal for agriculture.</p> <p>The analysis of 'large areas of native vegetation' was attributed to a minimum native vegetation patch size of 20 ha. This links directly with the LCZ use standard 22.5.1 P1 minimum lot size of 20 ha.</p>

**Our response:**

As discussed in the above sections our land is ~31Ha in total and has about 8-10Ha cleared already for farm use/access etc. That means the remaining vegetation is ~67.8-74.2%. There also needs to be a “coupl[ing] of Natural Assets or Scenic Landscape Code”.

The property, whilst featuring two hilltops, has seen them cleared for rural use/outbuildings/farm improvements etc. So this does not fit the Natural Assets criteria as there are no natural assets there. As LCZ1 puts it “large areas of native vegetation”. Furthermore, our development/use isn’t really “small-scale” and there is existing, actualised, development and rural use.

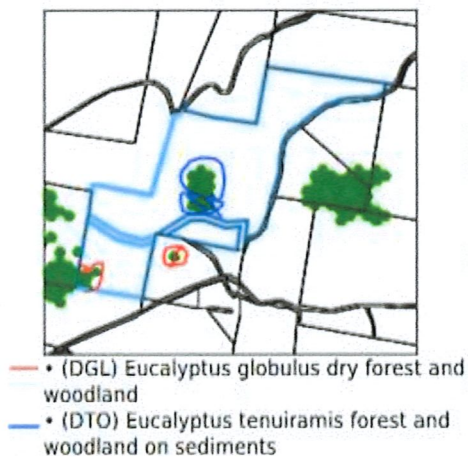
There is also a distinct lack of any formalised scenic/landscape overlay or analysis done by the council that speaks to our land. So, I’m not sure what identifiers and accepted measures were used to come to our land fulfilling this criterion. We have tried to find it, but found ourselves wanting.

<p><b>LCZ 2</b>  <i>The Landscape Conservation Zone may be applied to:</i></p> <p><i>(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;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p>	<p>Addressed by ensuring properties contain the Natural Assets Code overlay. The Huon Valley Natural Assets code is based on the 'Regional Ecosystem Model' which selected priority vegetation patches based on a range of criteria including, threat status, threatened species habitat, relative reservation, local scale fragmentation, and relative rarity.</p> <p>It is important to note that modelling is based on best available data. Portions of the Huon Valley, especially those with limited road access or in remote areas, have had limited sampling and are somewhat data deficient.</p> <p>The Huon Valley is privileged to have a high diversity and abundance of threatened species, placing additional importance on protecting not only core habitat areas but natural ecological corridors between them that allow for species dispersion.</p>
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**Our response:**

In your own words you admit to there not being enough data due to “limited sampling and [modelling is] somewhat deficient”.

Now consider one of the many claims made in the Priority Vegetation Report available for download through your interactive map that makes the following claim:



Threatened Native Vegetation Communities (TNVC) are vegetation communities with legislative recognition of being threatened. The attribute comprises vegetation communities listed as threatened under the Tasmanian Nature Conservation Act 2002 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Listing under these acts is based on historical vegetation loss since European settlement, natural limited extent or vulnerability to particular factors.

**Why is it included?**

- Heavily cleared - generally greater than 70% of pre-1750 extent has been cleared;
- Rarity - generally less than 1,000 hectares remaining

**Data Source:**

- TasVeg 3.0 (minor exceptions)

**Reliability:**

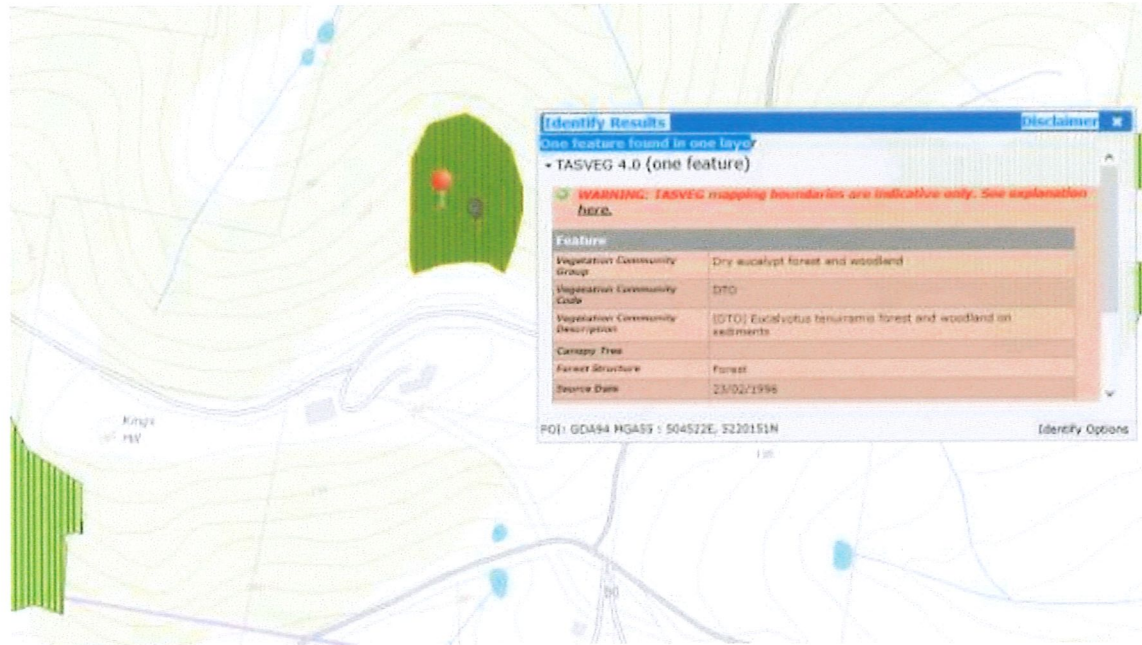
- Extremely variable - aerial identification and/or on-ground field verification

**Management:**

- Check TasVeg for field verification
- Consider local extent, condition & management option



This is using TASVEG 3.0 and when compared with TASVEG 4.0 on LISTMap DGL and DTO communities have either reduced in size or are gone completely see below:



It's also important to note that the both TASVEG 4.0 and 3.0 carry with them caveats/warnings stating that "TASVEG mapping boundaries are indicative only. See explanation here". When looking at the more detailed explanation we see the following statement hosted on a state government planning-conservation site:

### TASVEG community types and their accuracy

Correctly identifying TASVEG community types and their location is a complex undertaking. TASVEG mapping is provided as a planning tool that allow users to investigate what community types are likely to exist on the property or location of interest. **As TASVEG mapping is indicative only, it should not be used as a legal basis for vegetation assessments.**

(Source: [https://nre.tas.gov.au/conservation/development-planning-conservation-assessment/planning-tools/monitoring-and-mapping-tasmanias-vegetation-\(tasveg\)/tasveg-the-digital-vegetation-map-of-tasmania](https://nre.tas.gov.au/conservation/development-planning-conservation-assessment/planning-tools/monitoring-and-mapping-tasmanias-vegetation-(tasveg)/tasveg-the-digital-vegetation-map-of-tasmania) Accessed, 25 April 2022):

It therefore should be understood that even if we are to accept the somewhat improved data of TASVEG 4.0, and we don't, the State Government echoes the unreliability sentiments of Council, further establishing that these datasets should not be used as a legal basis for vegetation assessments. It then follows that using TASVEG data to inform planning matters, a legal assessment of vegetation, is invalid. At best it can only be indicative of potential flora and fauna communities. So we object to the use of the TASVEG report's findings and it's legal standing to have any legitimate authority to speak definitively over our property by way of zone or overlay.



These communities must therefore be ground truthed. In absence of this we call for the removal of all priority vegetation overlays under the Natural Assets Code, to be reinstated only when ground-truthed and only over those verified areas. This is an activity that should be funded by the council with an impartial and qualified assessor.

<p><b>LCZ 3</b>  <i>The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</i></p>	<p>This was addressed by using the following selection criteria to select LCZ suitability:</p> <ul style="list-style-type: none"> <li>• Three or more adjoining properties</li> <li>• Borders existing Environmental</li> </ul>
	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> <li>• If less than three adjoining properties, the total area of these properties is at least 20 ha.</li> </ul>

**Our response:**

We couldn't find any landscape analysis that Council have done that specifically addresses our land. There aren't any documented measures that speak to this matter of scenic values in relation to LCZ by Council. We tried our best to find the information and as pointed out above, the hilltops that are present on our land are cleared. So, we don't know what landscape values you refer to. Also as discussed in the above sections, there aren't any Environmental Management or Environmental Living properties that boarder us.

<p><b>LCZ 4</b>  <i>The Landscape Conservation Zone should not be applied to:</i>  <i>(a) land where the priority is for residential use and development (see Rural Living Zone); or</i>  <i>(b) State-reserved land (see Environmental Management Zone).</i></p>	<p>Formally reserved state land was removed from the property selection.</p>
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**Our response:**

Our land is not prioritised residential use we think. Although, it could be as it's quite near to the Cygnet town. We would consider a Rural Living Zone. We do have a dwelling on our land.

**Endorsed Council documents**

The following endorsed Council documents have been taken into account in relation to preparation of the draft LPS.

<p><u>Appendix 33</u></p>	<p>2016</p>	<p><i>Huon Valley NRM Strategy (17.058.16)</i></p>
<p><u>Appendix 48</u></p>	<p>2018</p>	<p><i>Huon Valley Weed Management Strategy (2018-2023)</i></p>

**Our response:**

Read them both. They don't seem to really relate to the LCZ criteria. No terms or measurables were defined. No analysis of things like scenic values were evident, defined, measurables, specific KPIs to those criteria. Checked if our land featured in either of these documents, it doesn't. Our land doesn't feature in the Draft-LPS submitted to the TPC, either.

**Application of the Section 8A Guidelines No.1 LPS as it relates to our land and the proposed LCZ zoning by Council.**

When the guidelines are examined against our land, its use, and characteristics, the choice of LCZ zoning is quite contrary to what the TPC has set out. This section will examine and comment against each of these criteria.

**22.0 Landscape Conservation Zone:**

<p>The purpose of the Landscape Conservation Zone is:</p>	<p>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.</p>
<p>22.1.1 To provide for the protection, conservation and management of landscape values.</p>	<p>LCZ 2 The Landscape Conservation Zone may be applied to:</p>
<p>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.</p>	<p>(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;                  (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or                  (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</p>

<p><b>Zone Application Guidelines</b></p>	
<p>LCZ 3</p>	<p>The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</p>
<p>LCZ 4</p>	<p>The Landscape Conservation Zone should not be applied to:</p> <p>(a) land where the priority is for residential use and development (see Rural Living Zone);                  or                  (b) State-reserved land (see Environmental Management Zone).</p>
<p><i>Note:</i></p>	<p><i>The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.</i></p> <p><i>Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.</i></p>

***Firstly, the overarching explicated purposes of the LCZ.***

*22.1.1: To provide for the protection, conservation and management of landscape values*

**Our Response:**

Our land doesn't have any known landscape values. Whilst our land does contain two hilltops that form a ridge-line these hilltops are cleared of all native vegetation and have a dwelling and various farm out buildings and improvements on it. There is no vegetation there to conserve or protect.

We are not aware of any landscape analysis as it pertains to our land, or other land parcels for that matter. It is particularly absent from the ~4,800 pages of supporting documents with the submitted LPS Draft. With those two points in mind, it should be accepted that our land, and land in general should not be moved or rezoned from a rural resource rural/agriculture purposed area to the new LCZ.

*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.*

**Our Response:**

Again, as above. There are also no mapped landscape values present when examined from LISTMap data, Planning Zones or Overlays as set in the IPS 2015.

We are confused as to what and how Council has come to 'know' what constitutes a landscape value. Where have the measurables been defined with specificity? It seems to us that Council has not undertaken and then presented any supporting analysis of this nature to support such a position in applying the LCZ. Therefore, in the absence of such an analysis and without us being allowed to make formal comment and representation on such a document should clearly demonstrate the case, to not be rezoned to LCZ.

***Secondly, the LCZ Criteria:***

*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.*

**Our Response:**

As above no identified landscape values have been established. There is distinct lack of municipal analysis or study that shores up the discursive bounds of such elements. This extends to that of particular scenic values, peculiar or otherwise that are deemed to be protected or conserved. This is speaking to the general Huon Valley area of HVC's planning authority jurisdiction and very much to our land. As noted in the above maps there is only a scenic road corridor that exists a long way away from us.

Also, we run an active farm on our land and other rural activities. We don't know what you mean by small scale development but we have less than 80% of the natural vegetation remaining as discussed in earlier sections, with almost 100% of the vegetation on the hilltops cleared for a dwelling, our farm improvements etc.

Therefore, with those points raised and with the absence of any known or identified landscape or scenic values across our land, it should be understood that it is inappropriate and unreasonable to rezone our land to LCZ.

*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;*

**Our Response:**

As established in the above section on the Threatened Vegetation Report generated by the HVC interactive map, datasets used are, in your words, deficient, and in the words of the State Government are not to be used in any legal capacity to inform vegetation assessments. We submit it to you that the methods used to establish threatened vegetation and fauna communities, is at best indicative only. We must reject any such claims of specific vegetation types until formally confirmed via an official Natural Values Assessment paid for by Council by either an ecologist of our choice or an accredited, impartial third party.

- b) Land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*

**Our Response:**

Our land already has development on it. Areas that have natural vegetation occurring do have a current biodiversity overlay on it, which is considered to be placed on it in error. See the preceding sections that talk about that. This biodiversity overlay isn't uncommon and is applied heavily across the municipal Huon Valley area. We believe, and reiterate here that this overlay and the upcoming Priority Vegetation overlay be removed due to Council's lack of demonstrative efforts/data to have/ground truth the claimed presence of the various flora and fauna communities on our land. The application of such an overlay is in direct contradiction of the Section 8A guidelines that present the specific criteria for the PV Overlay in question.



- c) Land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

**Our Response:**

We are currently zoned as Rural Resource. We have been operating as a farm for many years, 13 of which have been as a thoroughbred horse breeder, under Kingsley Park Thoroughbreds. The intention is and is actioned as an active, working farm.

Where is Council's study identifying landscape values or features in the municipality? Without this it once again must be argued that the LCZ be ejected from zoning use within the HVC's area of planning authority jurisdiction over land that is not zoned as Environmental Living and or is with no known or identified values to the matter.

*LCZ 3: The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*

**Our Response:**

Again, we don't have any known or identified landscape values. Furthermore, neither do the neighbours that join our boarders that are also set to go to LCZ. They are also less than impressed with this zoning pursuit. Don't use us and our land to drag other small parcels of land into an inappropriate LCZ application. Everybody should be responsible for their own block of land.

*LCZ 4 The Landscape Conservation Zone should not be applied to:*

- a) Land where the priority is for residential use and development (see Rural Living Zone);  
or  
b) State-reserved land (see Environmental Management Zone).*

**Our Response:**

This does not apply to us. Although we do have a dwelling on our land.

*Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.*

**Our Response and in Summation:**

This note in the Section No 1. 8A Guidelines clearly drives home the Landscape Conservation Zone's priority. That is for the management of landscape values. Our land, like many others around us, was not purchased for conservation purposes and has not been developed as such. We are a working farm. A family farm. We were born here, our kids were born here, our grandkids, too. We work the land for a living, by the sweat of our brow and our sunburnt skin have we toiled, invested and turned this land into the farm it is today. Yes, of course there is a need to look after our environment, but without farms we all will have no food. Conservation is a community goal not to be forced onto individual land owners to be solely burdened with. There are other ways to achieve conservation goals without the need to land grab and devalue land like ours.

Council doesn't seem to have undertaken any assessment or identifying landscape, natural or scenic values across our land, let alone the rest of the municipality. We then question the moral, legal, in essence the method by which Council has used to attain any level of robust justification to apply LCZ and the associated Priority Vegetation Area Overlay.

This is of particular questionability given that we are a well-established farm that represents our state in both national and international equine communities.

Our concerns are further heightened when you make reference to the Weed Management Strategy and a NRM Strategy. Both of which are quite vague as to how they relate to LCZ and to be frank are rather void of any identification of landscape or scenic values on either our land or the greater Huon Valley Area.

As mentioned in Council's comments in the Draft LPS land set to be moved across to the LCZ had to have an 80% coverage of native vegetation and a minimum land size. Whilst we are above the 20Ha threshold by your interpretation we have less than 80% native vegetation cover, with an almost 100% clearing over the hilltops where much of our developments are.

When compared with other surrounding properties as highlighted in the maps above we are deeply troubled at the seemingly arbitrary nature of how this LCZ has been applied. Several properties with similar characteristics as ours are set to go to a Rural Zone with some even featuring close on 100% native vegetation cover. This is not to say that they should be LCZ, no. Rather to highlight the serious inconsistency of its application. It leads us to think that such a fine shoring up of zoning parameters has been acted on almost purely on perceived native vegetation cover or specifically targeting farming families to put a stop to farming

activities in preference for a forced conservation burden to attain an inequitable, let alone unrealistic conservation utopia.

This proposed rezoning from our active rural functions to LCZ strays far from the well-established rural use. Putting things simply, with all things laid bare, Council has failed in its due diligence to action the required analysis or assessment needed to justly, impartially, with concern to matters of natural justice and equity to apply LCZ across a number of land parcels within the municipality, in particular, our land.

**Application of the Section 8A Guidelines No.1 LPS as it relates to our land and the most appropriate zoning, Rural Zone**

**20.0 Rural Zone:**

<p>The purpose of the Rural Zone is:</p> <p>20.1.1 To provide for a range of use or development in a rural location:</p> <p>(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;</p> <p>(b) that requires a rural location for operational reasons;</p> <p>(c) is compatible with agricultural use if occurring on agricultural land;</p> <p>(d) minimises adverse impacts on surrounding uses.</p> <p>20.1.2 To minimise conversion of agricultural land for non-agricultural use.</p> <p>20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and</p>	<p>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.</p> <p>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.</p> <p>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</p> <p>(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;</p> <p>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</p> <p>(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;</p>
<p><b>Zone Purpose</b></p> <p>does not compromise the function of surrounding settlements.</p>	<p><b>Zone Application Guidelines</b></p> <p>(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</p> <p>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</p>

Like in the preceding section we will make our comments against the purpose statements of Rural Zone as it relates to our land and our family farming activities.

**20.1.1 To provide for a range of use or development in a rural location:**

**Our Response:**

Our land is currently in use as a working farm that produces, primarily but not limited to, thoroughbred horses. This activity has been established for at least 13 years and should be considered to be entirely appropriate rural use.



- a) Where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*

**Our Response:**

Our land does have some agriculture potential but due to a number of steep slopes and undulating topography, means that what is currently cleared and developed are suitable for any intense agricultural use. Currently various forms of animal husbandry is primarily engaged. Other parts of the land could indeed be used for rural purposes.

- b) That requires a rural location for operation reasons;*

**Our Response:**

Yes, we run all sorts of machinery, in the workshop, animal noises and smells that would be considered inappropriate for an urbanised residential location. It would be suitable for a Rural Living situation, however. Noise could be a problem, however as animals giving birth happen all around the clock. It is not uncommon for us to be up in the early hours of the day or late at night to assist our animals in that crucial and highly risky/complex process of giving new life.

- c) Is compatible with agricultural use if occurring on agricultural land;*

**Our Response:**

Yes, what we do could be scaled up but doesn't have to be. We often help out people in the farming community etc. Our livestock eat from feed from local sources at times, too and our stables are supplied with sawdust and such from local sources.

- d) Minimises adverse impacts on surrounding uses.*

**Our Responses:**

Our property has fenced pastures for our livestock and unless one has figured out and decided to unlatch a gate and take itself for a walk, neighbouring uses aren't impacted. We usually ride and train them on-site.

*20.1.2 To minimise conversion of agricultural land for non-agricultural use.*

**Our Response:**

Our land is being used currently for rural purposes.

*20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the surrounding settlements.*

**Our Response:**

We currently have a working family farm. Officially breeding horses and such for over 13 years. Been here for a lot longer. Haven't been confronted about the 'appropriateness' of our horses etc here yet in all that time. Surrounding settlements are a fair distance away.

We will now respond to the RZ guidelines as it relates to us:

*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.*

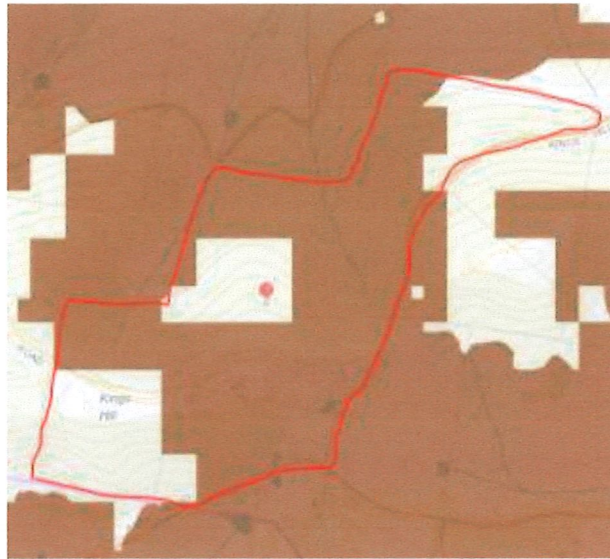
**Our Response:**

Our land does have limited agricultural potential due to various slopes and is already developed in many areas to have rural activities occurring. Whilst there are environmental, native vegetation, considerations across our land the existing use that goes across all of our respective titles must inform it's overall intended and actioned use.

*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.*

**Our Response:**

We believe that our land is not really suitable for intensive agriculture use as prescribed by 22.0 Agriculture Zone. It has been earmarked almost in its entirety with a Potential Agricultural Land use Analysis as seen by ListMap below in figure 12:



*Figure 12: Note the brown overlay being Potential Agriculture Land – Initial Analysis. Land within the red boarder is our approximate boundaries: Source LISTMap, Accessed 26th April 2022 No nominated scale]*

We believe a Rural zoning is more appropriate but haven't been able to consult a planner to discuss the implications of an Agriculture Zone, though. Given that we breed animals this is a use that is more aligned to a Rural Zone.

*Rz 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:*

- 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;*

**Our Response:**

Our land does have some potential for agriculture use as evidenced by the above but our activity is best sitting within a Rural Zone. Our land is not integral to any larger farm holding.

- b) It can be demonstrated that there are significant constraints to agricultural use occurring on the land.*

**Our Response:**

Our land does have areas that make it difficult for agricultural use. Significant slopes and some unsuitable low areas that are boggy most of the time. There are also various rocky outcrop areas.



- c) The land is identified for the protection of a strategically important naturally occurring resources which is more appropriately located in the Rural Zone and is supported by strategic analysis;*

**Our Response:**

To the best of our knowledge our land isn't known to have these features.

- 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*

**Our Response:**

To the best of our knowledge our land isn't known to have these features.

- e) It can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

**Our Response and Summation:**

We don't know but to the best of our knowledge we have addressed the relevant points here and it clearly shows that our existing use should demonstrate that our land is best suited to be zoned as Rural Zone. Our land has no known landscape values of any natural persuasion as our hilltops are cleared with farming activities, associated buildings, a dwelling on top.

With the lack of verified threatened flora and fauna on our land, especially where there is pre-existing cleared land, it should be noted that any priority vegetation report be indicative only. If that. It should not be used in a legal capacity to inform planning matters that restrict and bind us to a reduced use capacity over our land.

**Our proposed alternative solution and way forward:**

1. Given the lengthy analysis above it should be considered that Council wholly abandon the LCZ that is to applied access our family farm. Both Leeann and I are justifiably concerned that such a zone would have devastating and lasting impact on our farm's operation and its overall value that we one day (but not in the near future) be using for our retirement and our children and our children's children's future. We believe that we have made if exceptionally clear that the most appropriate zoning be set as Rural Zone for the entirety of our properties as identified in this representation.
2. It is further requested that, and in light of all that has been said in the preceding sections on this matter, that the Priority Vegetation Overlay be removed and only reinstated on positive, ground truthed sightings of threatened flora and fauna in question.
3. We welcome any further engagement with you on this matter especially if an alternative zone like Rural Living or Agriculture Zone is considered by Council. We

Gudden LPS Representation

would however, need to be given enough time to discuss alternatives with a planner if this is to be the case.

Should you wish to discuss the particulars of this representation, we can be contacted on 0418 532 160.

Regards,

Handwritten signatures in blue ink. The first signature is 'R. Gudden' and the second is 'L. Gudden'.

Ronnie and Leeann Gudden  
Owners and Operators of  
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