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## **HUON VALLEY LPS**

### **REP 166 – DIANA LUBIMOWSKI**

**Re: Application of Landscape Conservation Zone to 48 Flakemores Rd, Eggs and Bacon Bay (CT 8131/18; PID 7511903**

LPS Map reference: MAP 40

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### **THE CONTEXT OF 48 FLAKEMORES RD**

The subject property is part of a 10 lot subdivision with titles ranging from 3500m<sup>2</sup> to 5500m<sup>2</sup>.

The overall subdivision is centred on a 160m long cul-de-sac.

The overall subdivision is surrounded by similar sized properties to the north and smaller lots to the east and south – all currently within the LDR Zone.

Spatially, the overall subdivision is not quite central but is well within the extent of the settlement of Eggs and Bacon Bay.

The subject property is part of a specifically planned subdivision within the LDR Zone – a zoning directed by the TPC to be applied to the overall subdivision under the IPS pursuant to s.30A of the Act in April 2016. 

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### **DEVELOPMENT WITHIN THE OVERALL SUBDIVISION**

Individual titles within the subdivision have been fenced and various degrees of clearing have taken place.

Lot 19 adjoining my client's land to the east has a dwelling, outbuilding, driveways and cleared vegetation. This lot is proposed to be zoned LDR.

Lot 17 adjoining my client's land to the west has been fenced, substantially cleared and was approved in December 2022 for a dwelling and outbuilding. This lot is proposed to be zoned LCZ.

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### **CURRENT DEVELOPMENT POTENTIAL OF 48 FLAKEMORES RD**

My client's lot is currently undeveloped but has been fenced and subject to fire hazard clearing as formally requested by Council.

She has owned the property since 1989 with the clear intention of eventually building a Permitted modest dwelling under the LDR zoning provisions, sensitive to the environmental constraints of the land and the relevant planning controls. The plan was that the house would be her retirement home.

She has engaged North Barker Environmental Consultants to assess the natural values of the site and determine basic parameters for location of the house and bushfire management. That documentation has been submitted to the TPC.

North Barker concluded that:

- No threatened species exist or are anticipated on the property;
  - 7 small Eucalyptus Ovata that may provide foraging habitat for the Swift Parrot are capable of being protected in the event of dwelling construction.
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## COUNCIL'S ZONING SELECTION CRITERIA

On page 39 of Council's Draft LPS Supporting Report (dated 7/1/22) it is stated that:

*The Landscape Conservation Zone has been applied to most land currently zoned Environmental Living Zone in the Interim Planning Scheme and where appropriate some additional land previously zoned Rural Living, Rural Resources and Significant Agricultural under the Interim Planning Scheme, in accordance with the Zone Application Guidelines.*

There is no mention of converting land zoned LDR, not any rationale for why that should be contemplated.

On page 40 of the same report the relevant selection criteria and process for Council are summarised:

**First dot point...***All natural vegetation features were extracted from the TasVeg 4.0 layer and intersected with the parcels layer to determine a percentage cover of native vegetation for each lot. 80% native vegetation cover was used as the minimum coverage for selection as potential LCZ properties.*

The TasVeg 4 and the aerial photos layers on The LIST clearly show >80% vegetation cover of the overall subdivision, at a low-resolution level and without ground-truthing. However, this is not consistent with the current circumstances of development and land management, nor North Barker's on-site assessment of the specific values. It is therefore arguable whether the first relevant selection criterion is met.

**Third dot point...***All shared boundaries in the TasVeg 4.0 natural features layer were dissolved and the area calculated for the resultant polygons to assess which properties were part of native vegetation areas greater than 20 ha. Those located in areas of native vegetation less than 20 ha were removed.*

My client only shares boundaries with 4 properties, of which native vegetation under TasVeg 4 has only been ascribed to 2. The total area of land identified as native vegetation for those 2 properties plus my client's property is approx. 1.07ha. The entire subdivision (that area proposed to be zoned LCZ) totals slightly < 4.3ha. On any basis of calculation the area of native vegetation does not meet the 20ha threshold. We also know that areas have been cleared for fencing, bushfire management and development of dwellings, outbuildings, and a road. The application of the LCZ is therefore excluded by the third selection criterion.

**Fifth dot point...***The resultant layer was then intersected with the Natural Assets Code and Scenic Landscape Code. Any properties falling outside of these were inspected to determine compliance with the LCZ application guidelines.*

The subject property is not affected by the Scenic Landscape overlay.

Notwithstanding that the subject property is identified as being within a Priority Vegetation Area this appears to be based on the application of the TasVeg 4 layer and the Regional Ecosystem Model overlay, rather than ground-truthing. As indicated before, North Barker's assessment indicates that the vegetation on-site does not meet the definition of 'priority vegetation', (ie clause C7.3.1 of the SPPs)

*means native vegetation where any of the following apply:*

- (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;*
  - (b) is a threatened flora species;*
  - (c) it forms a significant habitat for a threatened fauna species; or*
  - (d) it has been identified as native vegetation of local importance.*
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## **SECTION 8A GUIDELINES NO 1**

In terms of the Section 8A Guidelines No 1:

### **In respect of LCZ 1**

- The subject land is not a large area of native vegetation. It is only 4609m<sup>2</sup>. And the entire subdivision is less than 4.3ha.
- North Barker's assessment is that the natural values on the relevant land are not significant for protection and conservation.  
Neither the subject land nor the relevant subdivision area is identified as an area of important scenic values.
- The subject property does not meet the LCZ 1 application guideline.

### **In respect of LCZ 2**

- The subject property does not contain threatened vegetation.
- The subject land is not significantly constrained through the application of the *Natural Assets Code or Scenic Protection Code*
- The land is not within an interim planning scheme *Environmental Living Zone*
- The subject property does not meet the LCZ 2 application guideline.

### **In respect of LCZ 3**

- The subject property does not adjoin two or more properties with the same landscape values. The eastern adjoining property contains a dwelling, outbuildings, driveways and heavily modified landscape, whilst the western adjoining property is currently being developed for the same outcome and has already been heavily modified.
- The subject property does not border existing Environmental Management or Environmental Living properties.
- The total area of immediately adjoining properties, as well as those in the entire overall subdivision is far less than the threshold 20ha.
- The subject property does not meet the LCZ 3 application guideline.

#### **In respect of LCZ 4**

- The subject property as well as the broader subdivision has been designed an approved for residential use and development.
  - The zoning under the IPS is LDR – not RL, EL or EM.
  - The subject property does not meet the LCZ 4 application guideline.
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#### **CONCLUDING SUBMISSION**

- 48 Flakemores Rd should be zoned Low Density Residential to maintain a consistent zoning approach and a regular LDR boundary.
- The adjacency and proximity of 48 Flakemores Rd to other Low Density Residential zoned properties, and the absence or non-contiguity of natural asset values on fenced, and/or cleared adjoining lots, with or without existing dwellings, demonstrates that this property is best suited to a consistent zoning.
- A Low-Density Residential zoning is consistent with adjoining titles and context.
- An amendment that assigns Low Density Residential Zone to 48 Flakemores Rd under the LPS is the appropriate translation of the existing zoning.

*NS:18/4/23*