

23 December 2019

To the Tasmanian Planning Commission
Copied to Central Coast Council

Information for the Tasmanian Planning Commission
for hearing at 11:30am – 1pm 22 January 2020 – Ulverstone
REGARDS 'Rezone Highland Conservation Pty Ltd properties'

Please acknowledge receipt of my following additional information for representation 81a/901a. The information here applies to the 16 titles as number in the original representation to the TPC, but now also includes one additional title (numbered 17 i.e. title 237836 /1) purchased since the original submission. Please note we have many other titles also in the Gunns Plains area that we are not seeking zoning amendments upon at this point in time.

Additional information may be tabled at the hearing of a confidential nature, but have bearing on land use and subsequent zoning, including:

- i) UTas- Highland Conservation Memorandum of Understanding (MOU) indicating titles with research and development uses,
- ii) tenant lease clause indicating research and development use and,
- iii) correspondence with TasWater regards request for our water allocations (as evidence of the river already being fully summer allocated and thus impacting on agricultural use) maybe tabled at the meeting.

A separate email will include information relating to Scenic Protection over the Loyetee Peak – Leven Canyon Area (i.e, representation 90a).

Kind regards,
Jason Whitehead

Co-Director Highland Conservation Pty Ltd
Garthfields Farm – Gunns Plains

1) Request changes from proposed Agricultural to Rural

1A) Justification - land use conflict

Applies to the following titles:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
1	139289/2	26. Rural Resource	21. Agricultural	20. Rural
2	126824/1	26. Rural Resource	21. Agricultural	20. Rural
3	198562/1	26. Rural Resource	21. Agricultural	20. Rural
4	205150/1	26. Rural Resource	21. Agricultural	20. Rural

In the *State Planning Provisions* in the 21.0 Agriculture Zone; 21.2 Use Table 'Research and Development' is listed as an un-qualified discretionary use on land zoned as 'Agricultural' and as such could be viewed as a prohibited use. I'm seeking to have our land zoned as 'Rural' on the above titles to preserve current and future 'Research and Development' opportunities. In the Rural Zone 'Research and Development' is listed as a permitted use 'if associated with Resource Development or Resource Processing' and is a more appropriate zone application here.

We are encouraging collaborative research and development with the Tasmanian Institute of Agriculture (TIA) at these site, please see attached MOU. Business leases have been created, and our company receives a significantly less than commercial rate as a result of this encumbrance we place on our tenants to work collaboratively with TIA. This use is not a permitted use in the 21. Agriculture zone and would become a prohibited use under the proposed zone change, we therefore seek application of the 20. Rural Zone on these land titles so as to prevent this land use conflict.

Guideline No 1, LPS code and zone application: AZ6 "Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if" (d) for the identification, provision or protection of strategically important uses that require an alternate zone"

Evidence

- i) MOU with University of Tasmania to be to be tabled at the hearing;
- ii) Allowing for areas for research and development uses is of significant benefit to the region, but noting that R&D activities through the University MOU are in confidence matters. *The State Policy of the Protection of Agricultural Land – Principle 6* states:
Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits.
- iii) We have a legally binding lease clause enabling Research & Development, resulting in us receiving a lower rental return from our tenants.

1B) Further Justification

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
1	139289/2	26. Rural Resource	21. Agricultural	20. Rural

Evidence

i) Title where facility has layout for robotic dairy and potential dairy support research activities (under MOU) Note we also have river fronting titles to the north and south of this title (227369/1 and 237503/1), which we are happy to see zoned as Agricultural.



Figure 1. Title is Research Use.

1C) Further Justification – constrained (Category 2B <20Ha)

Applies to the following title:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
2	126824/1	26. Rural Resource	21. Agricultural	20. Rural

Guideline No 1, LPS code and zone application: AZ6 “Land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if” (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”

Further Evidence

- i) No allocation to irrigation water here. I've conducted the water calculation on our land holdings (pasture Ha) versus ML in our licences & have determined that we have no surplus water for use here. Our current licence allocation services the pasture irrigation requirements (at a rate of <4.3 ML/Ha) on the irrigated areas of our farms, which is needed during low rainfall years.
- ii) This area is not included in the irrigation footprint, and unlikely to receive additional water allocations as indicated through recent discussions. Taswater approached Highland Conservation Pty Ltd to transfer to them a significant portion of our current water allocation due to the Leven River already being heavily allocated. Lack of irrigation inhibits future agricultural use.
- iii) small title 19 Ha in size



Figure 2. Title is Research Use & Title is Constrained Category 2B

1D) Further Justification

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
3	198562/1	26. Rural Resource	21. Agricultural	20. Rural

Evidence

i) Title listed as area for research dairy or dairy support activities (under MOU)
 Note we also have river fronting title to the north (197361/8), which we are happy to see zoned as Agricultural.



Figure 3. Title is Research Use.

1E) Further Justification

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
4	205150/1	26. Rural Resource	21. Agricultural	20. Rural

Evidence

- i) Title has robotic dairy, data rich facility of research and development interest (under MOU). The site has office blocks and other infrastructure that were once former office for hop farming enterprise. We have potential for upgrading to research facility and other education and farm stay uses. Please note that we also have river fronting titles to the north and south of this title (227369/1 and 237503/1), which we are happy to see zoned as Agricultural.
- ii) *Agricultural Land Mapping Project Background Report May 2017*
 Criteria 2A notes that if Capital value >\$50,000/Ha as an economic constrain preventing amalgamation to adjoin Agricultural Land (if such zoning). This 21Ha title with numerous sheds and office complex has conservative value well in excess of >\$50,000/Ha.



Figure 4. Title is Research Use.

1C) Justification – small title and farmhouse with high capital value –
 (Constrained Criteria 2A)
 Applies to the following title:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
11	165015/1	26. Rural Resource	21. Agricultural	20. Rural

This small 1.275 Ha Title has farmhouse and associated sheds and should be zoned 20. Rural so as to enable continued more diversified use than possible in the 21. Agricultural zone.

Guideline No 1, LPS code and zone application: AZ6 “Land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if” (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”

Evidence

- i) Satellite Image of location. Is occupied by Yennel Long horn, and is an emerging paddock to plate farming business that will need scope to diversify.
- ii) Other home area sin the valley have not been zoned Agricultural.
- iii) *Agricultural Land Mapping Project Background Report May 2017* identified criteria that may constrain titles and this result in their exclusion from within the Agricultural Zone. Note that title size constraints on Agricultural Zone Criteria1 (title size for an agricultural enterprise). This title is too small for a stand alone Agricultural Enterprise (Title = 1.275 Ha), and we require economic flexibility to sell this asset as an unrelated title to the farming enterprise if need be.
- iv) *Agricultural Land Mapping Project Background Report May 2017* Criteria 2A notes that if Capital value >\$50,000/Ha as an economic constrain preventing amalgamation to adjoin Agricultural Land (if such zoning). This title with house has conservative value well in excess of>\$50,000/Ha.
- v) No access to irrigation water for entire title and unlikely to obtain new water allocations.



Figure 5. Small farmhouse title, high capital value, better suited as Rural Zone

1D) Justification – small title and farmhouse with high capital value –
 (Constrained Criteria 2A)
 Applies to the following title:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
12	198565/1	26. Rural Resource	21. Agricultural	20. Rural

This small 1.1 Ha Title has farmhouse and associated sheds and should be zoned 20. Rural so as to enable continued more diversified use than possible in the 21. Agricultural zone.

Guideline No 1, LPS code and zone application: AZ6 “Land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if” (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”

Evidence

- i) Agricultural Land Mapping Project Background Report May 2017 identifies criteria that may constrain titles and this result in their exclusion from within the Agricultural Zone. It is worth noting the title size constraints on Agricultural Zone in Criteria 1 (i.e., title size for an agricultural enterprise). This title is too small for a stand alone Agricultural Enterprise (title = 1.1 Ha), and we require economic flexibility to sell this asset as an unrelated title to the farming enterprise if need be.
- ii) Other home area sin the valley have not been zoned Agricultural.
- iii) *Agricultural Land Mapping Project Background Report May 2017* Criteria 2A notes that if Capital value >\$50,000/Ha as an economic constrain preventing amalgamation to adjoin Agricultural Land (if such zoning). This property with house has conservative value well in excess of>\$50,000/Ha.
- iv) No access to irrigation water for entire title and unlikely to obtain new water allocations.



Figure 6. Small farmhouse title, high capital value, better suited as Rural Zone

1E) Justification – farm land with no potential for irrigation water allocation and physical limitations (slope, gully and cave sink holes)

Applies to the following title:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
13	33196/1	26. Rural Resource	21. Agricultural	20. Rural

Request change to Rural as area small farm, with houses, old dairy and sheds and is now used for paddock to plate farm experience and increased zoning flexibility is needed for this farm business to enable accommodation and food business growth. This property also has no irrigation water allocation and is unlikely to obtain due to Leven River fully subscribed and recent request from TasWater for sales of Agricultural water allocations.

Guideline No 1, LPS code and zone application: AZ6 “Land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if” (e) it can be demonstrated that ”

(iii) the Agriculture Zone is otherwise not appropriate for the land”

Evidence

- i) Much of the title is too steep for cropping (physical limitations – dry range grazing only); and
- ii) has cave sink holes, steep gully and hill slope topography present
- iii) No access to irrigation water for entire title and unlikely to obtain new water allocations.



Figure 7. Western areas are steep & of restricted use. Image on right shows geoconservation area with caves (known surface sink holes (are circled) and visible. These restrict the land use, there may be others below the surface not yet opened). The Agricultural Zone is not suitable due to physical limitations.

1F) Justification – existing timber plantation & infrastructure not compatible with the Agriculture Zone. Request split zone into Agriculture & Rural.
 Applies to the following title:

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
9	139052/2	26. Rural Resource	21. Agricultural	20. Rural & 21. Agricultural

A portion of the property has a former hop shed and this infrastructure may be suitable for other future development as is not suitable for the current dairy support farming enterprise. At present the infrastructure is unutilised and a financial burden on our company due to rates, insurance and maintenance. The area also contains a timber plantation incompatible with the Agricultural zone. The hop shed and timber plantation area should be zoned as 20. Rural with balance becoming 21 Agricultural.

Evidence

i) Satellite Image of sheds and plantations



Figure 8. Note trees in rows = forestry timber plantation & former Hop Shed needing repurposing for potential tenancy. Request areas be placed in Rural Classification

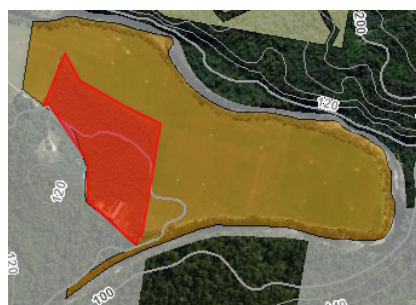


Figure 9. RED = Requested RURAL ZONE = forestry timber plantation & former Hop Shed needing repurposing for potential tenancy. Request areas be placed in Rural Classification

2) Request changes from proposed Rural Zone to a split of Rural & Landscape Conservation

2A) Justification

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
5	249257/1	26. Rural Resource	20. Rural	20. Rural and 22. Landscape Conservation
6	139289/1	26. Rural Resource	20. Rural	20. Rural and 22. Landscape Conservation

The area covered by native vegetation consist of the forested area ONLY on these titles should be 22. Landscape Conservation. The balance of the titles should remain as 20. Rural

Guideline No 1, LPS code and zone application: LZ1 “The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation...”

Evidence

- i) Threatened vegetation community (TasVeg 3.0 (WVI) *E. viminalis* wet forest) in the forested areas



Figure 10. Forested areas clearly separated from the cleared farming areas. Red outlines are title boundaries.

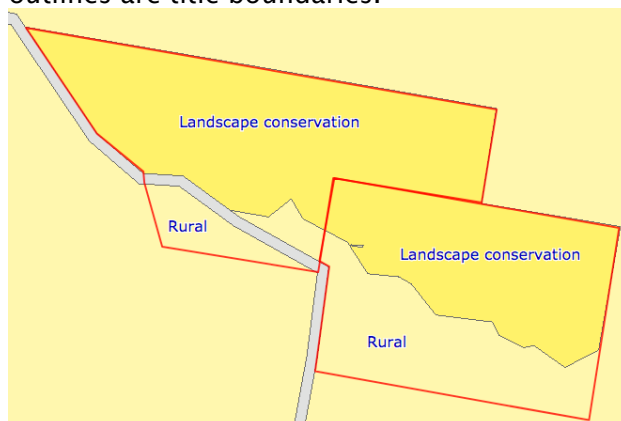


Figure 11. The LISTMap, bright yellow = Conservation Covenant under Nature Conservation Act request be ‘Nature Conservation Zone’, the balance be ‘Rural Zone’.

3) Request changes from proposed Environmental Management Zone to Rural Zone

3A) Justification - is used for rural purposes

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
7	213496/1	29. Environmental Management	23. Environmental Management	20. Rural
8	143262/1	26. Rural Resource & 29. Environmental Management	20. Rural & 23. Environmental Management	20. Rural
NEW 17	237836/1	26. Environmental Management	20. Environmental Management	20. Rural

The area that was encompassed as zone 23. Environmental Management has pine plantation covering the majority of the area ,I request change to 20. Rural Zone on both titles

DOES NOTE MEET Guideline No 1, LPS code and zone application: EMZ1 (f) “any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.

Evidence

- i) Satellite Image from LIST of pine plantations
- ii) IS NOT LAND containing significant ecological, scientific, cultural or scenic values as identified under the Environmental Management Zone Guideline EMZ1.



Figure 12. Pine plantations dark green forested areas (titles: 213496/1 top left, 143262/1 bottom left, and 237836/1 right). Remaining vegetation not threatened communities (Tas Vege 3.0 (WOR) Wet *E. obliqua* over rainforest).

3B) Justification - is used for rural purposes

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
10	53698/1	29. Environmental Management	29. Environmental Management	20. Rural

The area that was encompassed as zone 23. environmental management has pasture covering more than half request change to 20. Rural

DOES NOTE MEET Guideline No 1, LPS code and zone application: EMZ1 (f) “any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.

Evidence

- i) Satellite Image from LIST land is used for rural purposes – see paddocks
- ii) The Environmental Management Zone should not apply as it provides planning decisions on use through irrelevant Regulations and Acts and are inappropriate non-statutory processes. Theses include: community meeting and entertainment; educational and occasional care; food services; research and development; sports and recreation; visitor accommodation; tourist operation, etc. Are only permitted: If an authority under the *National Parks and Reserved Land Regulations 2009* is granted by the Managing Authority, or approved by the Director- General of Lands under the *Crown Lands Act 1976*. I question the legality of these non-statutory determinations on private land use (not Crown land).



Figure 13. Title with paddocks should be zoned rural.

3C) Justification - query the authority (non-statutory) of the process that determines permitted use on private land in a proposed Environmental Management Zone, through the *National Parks and Reserved Land Regulations 2009* and *Crown Lands Act 1976*.

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
14	216223/1	29. Environmental Management	23. Environmental Management	20. Rural
15	207177/1	29. Environmental Management	23. Environmental Management	20. Rural

Request change to Rural as area includes farmhouse and bushland buffers associated with rural holdings.

DOES NOTE MEET Guideline No 1, LPS code and zone application: EMZ1 (f) “any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.

Evidence

- i) The Environmental Management Zone **should not apply** as it provides planning decisions on use through irrelevant Regulations and Acts and are inappropriate non-statutory processes. Theses include: community meeting and entertainment; **educational** and occasional care; food services; **research and development**; sports and **recreation**; visitor accommodation; tourist operation, etc. Are only permitted: If an authority under the *National Parks and Reserved Land Regulations 2009* is granted by the Managing Authority, or approved by the Director- General of Lands under the *Crown Lands Act 1976*. I question the legality of these non-statutory determinations on private land use (not Crown land).
- ii) An alternate Conservation Management Zone **should not apply** as **research and development** is not a permitted use.
- iii) See MOU with UTas, research and development use has been agreed as a use for these title.



Figure 14. House, a clearing and forested vegetation consisting of not threatened communities (Tas Vege 3.0 (WOR) Wet *E. obliqua* over rainforest, and (NAR) Blackwoods).

3D) Justification - query the authority (non-statutory) of the process that determines permitted use on private land in a proposed Environmental Management Zone, through the *National Parks and Reserved Land Regulations 2009* and *Crown Lands Act 1976*.

Change	Title reference	Interim Planning Scheme ZONE	Proposed State Zone advertised	REQUESTED ZONE CHANGE
16	139052/1	29. Environmental Management	29. Environmental Management	20. Rural

Request change to Rural as area includes farmhouse and bushland buffers associated with rural holdings.

Evidence

- iv) The Environmental Management Zone **should not apply** as it provides planning decisions on use through irrelevant Regulations and Acts and are inappropriate non-statutory processes. These include: community meeting and entertainment; **educational** and occasional care; food services; **research and development**; sports and **recreation**; visitor accommodation; tourist operation, etc. Are only permitted: If an authority under the *National Parks and Reserved Land Regulations 2009* is granted by the Managing Authority, or approved by the Director- General of Lands under the *Crown Lands Act 1976*. I question this non-statutory determination of private land use.
- v) An alternate Conservation Management Zone **should not apply** as **research and development** is not a permitted use. The land adjoins the Leven Canyon Regional Reserve (Zoned Environmental Management) and as such any 'sensitive development' with the Reserve may be within 20m of the property boundary. Given the Rural use of the property (motor bikes etc), it would be appropriate to have a greater setback distance of 200m, which would be afforded by application of the Rural Zone.
- vi) See MOU with UTas, research and development use has been agreed as a use for this title.

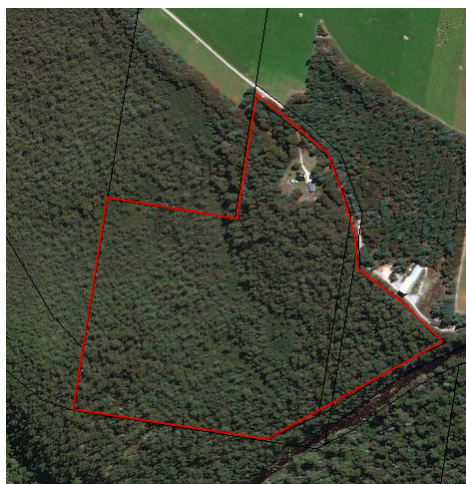


Figure 15. House block with Rural zone uses