

From: no-reply=huonvalley.tas.gov.au@mailgun.huonvalley.tas.gov.au on behalf of "Huon Valley Council" <no-reply@huonvalley.tas.gov.au>
Sent: Wed, 27 Apr 2022 18:51:03 +1000
To: hvc@huonvalley.tas.gov.au;m8ttwill@gmail.com
Subject: Planning Representation - Mr Matthew David Williams, AM; and Dr Luke Andrew Hearnden - {Application No:7}

Your representation has been submitted.

Please note: This representation may be subject to the provisions of the Right to Information Act 2009 which may result in its disclosure to a third party.

I/We (name)
Mr Matthew David Williams, AM; and Dr Luke Andrew Hearnden
Are you lodging as a Individual, Company or Organisation
Individual/s
Of Address
236 Cloverside Road
Town or Suburb
Lucaston
Postcode
7109
Email
m8ttwill@gmail.com
Phone Number
0458267682
References
Submission attached
Comments
Representation attached - we very much appreciate your consideration and time in dealing fairly with our representation on this matter.
File
<ul style="list-style-type: none">Williams-Hearnden-236-Cloverside-Road-Representation.pdf
Submit Application
<ul style="list-style-type: none">Yes Submit

From: "matthew williams" <m8ttwill@gmail.com>
Sent: Wed, 27 Apr 2022 19:19:52 +1000
To: hvc@huonvalley.tas.gov.au
Cc: "matthew williams" <m8ttwill@gmail.com>; "Luke Hearnden" <hearndenluke@gmail.com>
Subject: Williams Hearnden 236 Cloverside Road Representation.pdf [SEC=UNOFFICIAL]
Attachments: Williams Hearnden 236 Cloverside Road Representation.pdf

Dear Council Members

Please find attached our representation for the Huon Valley Council's advertised zoning of 236 Cloverside Road, Lucaston.

We genuinely appreciate your time and fair consideration of the attached document.

Regards

Matthew Williams and Luke Hearnden
0458-267-682

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27 April 2022
Planning Division
Huron Valley Council
PO Box 210
Huronville TAS 7109

Dear Relevant Members of Council,

RE: Representation for the Huon Valley Council’s advertised zoning of 236 Cloverside Road, Lucaston.

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Executive Summary

We are Matthew Williams and Luke Hearnden – and are the owners of the above property.

The following is our representation in objection to the proposed *Landscape Conservation* zoning assigned by the Huon Valley Council (HVC) as part of the advertised draft Local Provisions Scheme (LPS) submission.

We believe that the more appropriate zone of **Rural** should be applied because the said property does not meet the *Landscape Conservation Zone* criteria but meets the criteria for *Rural Zone* under State Planning Provisions – Tasmanian Planning Scheme 2020 V3 (at as 19th February 2020) (TPS) which supports the Southern Tasmania Regional Land Use Strategy 2010–2035.

Specifically, the Rural Zone criteria corresponds with our land characteristics, surrounding similar zoned folios, historical use and alteration of the land, recognised land improvements and limitations imposed in the proximity to differently zoned neighbouring properties.

We believe the commitment to convert like-for-like is not accounted for.

We further believe that natural justice has not been adhered to in this process – having such significant numbers of properties impacted in the shire, such short time to consider and engage, and the concomitant inaccessibility of the support of a formal (and costly) planning advice. Having tried unsuccessfully to source advice from a planner, and while this submission reflects a significant investment of our personal time, it does not reflect formal advice or draw on such advice. We hope the arguments stand for themselves in common sense but are happy to provide further representations in person or in writing.

We also feel that the application of this zone to large swathes of the Huon Valley (including ours) is contrary to the application of the same TPS to similar shires – where the result of proper and lengthy consultation is a much more targeted application of LCZ and far fewer properties impacted.

Furthermore, our property has no evidence of threatened species existence (other than one record of aquila audax nest several years ago and no sighting since we have lived here), no verified evidence of threatened vegetation communities. I consider the rezoning in the absence of any identified values that are not already protected by legislation under the RMPS and the Scenic and Natural Assets Codes. My property was already subject to this under Rural Resource which is comparable with *Rural Zone* not *Landscape Conservation Zone*.

We also lack the criteria of scenic protection from the valley floor as the only slither visible is our house and tiny portion of already cleared land abutting the house. The vast majority of land – both cleared and wooded – is invisible. The wooded area is completely invisible from the valley as the raised portion is this side of the hill. We are not even on the ridgeline. All properties above us are clearly visible, with larger forested areas that also link to our vegetation and habitat, and on the ridgeline. All of those are proposed to be rural in the new zoning. And the property below us, is also to be rural. We are the odd one out in that line of sight and connected woodlands.

The relation of our proposed zoning compared to our neighbours would make any use of our land for our intended purposes extremely difficult. All our neighbours above us (that envelop our cleared area and residential plot) are to be zoned rural – if we were oddly zoned landscape conservation while all our surrounding properties that touch on our natural flow and use areas are zoned rural, the required offset from rural land would make our current, slightly amended or future uses out of scope. To build or use land 200m away would mean the critical shed we hope to build would be an unusable distance away, down a difficult slope and abutting the vegetated and uncleared wooded portion.

More detail on the misappropriated *Landscape Conservation Zone* will be provided in the following section. It is considered that rezoning isn't in accordance with the TPC's Section 8A of the Guideline No. 1 Local Provisions Schedule (LPS): zone and code application. Based on the arguments in this executive summary and the arguments set out in detail below the representation opposes the proposed Landscape Conservation Zone as indicated in the draft HUO-LPS. The property in question should have the property retained values of Rural Resource zoning by applying the "like for like" transition from Rural Resource under the IPS to the Rural Zone under the Huon Valley LPS.

It is important to recognise that we have a Resource Management and Planning System that protects our natural values. These values are already protected by legislation and regulators such as:

Nature Conservation Act 2002

Forest Practices Authority

Environmental Protection Agency

Tasmanian Threatened Species Protection Act 1995

Environment Protection and Biodiversity Conservation Act 1999

Nature Conservation Amendment (Threatened Native Vegetation Communities) Act 2006

Environmental Management and Pollution Control Act 1994

State Policies and Projects Act 1993

Placing further restrictions on landholders under the LCZ is unnecessary.

An Overview of My Property and Future Development

My property is currently zoned as 26.0 *Rural Resource* under the interim Huon Valley Planning Scheme 2015 as per the data on LISTMap. It has a dwelling as indicated on Huon Valley Council's interactive map. The property has several overlays present including Landslip Hazard Area (about 20%), Scenic Protection Area (about 80%), Bushfire Prone Areas (whole property), biodiversity protected area (about 90%) – it is important to note (as we will draw out further), that neighbouring properties with the same overlays (including scenic protection and related linked vegetation types are to be rural) directly above me and directly below me are planned to be zoned rural and we are proposed to be zoned landscape conservation. The topography of the land could be described as sloped with an altitude of approximately 300m up to 400m and a small flatter area where the residence and a couple of the several paddocks are. The remaining cleared paddocks are sloped. It is approximately 25% covered with cleared pasture (including the residence), (cattle grazing up until the 1990s and sheep up until last year). The *Eucalyptus obliqua* wet forest (WOB) regrowth on pasture is subjected to invasive species such as thistle and there are still substantial areas which are cleared and remnant fencing. The intention is to build a multi-use shed and simply maintain the vegetation around the cleared area for maximum bushfire management and potentially rough pasture. We would need a shed for vehicle storage and use on any small hobby livestock equipment and shelter. In doing this we would plan to utilise already cleared and grazed areas in the already fenced 4ha area - thus minimising my footprint and doing our part for reducing climate change – reduction of climate change and being responsive to it is an objective of the Southern Regional Land Use Strategy 2010-2035 (Strategic Directions, Chapter 4). BNV 2 of the Southern Regional Land Use Strategy 2010-2035 can be achieved in balance with development on forested properties. Many of our near neighbours who are extremely worried about the restrictive nature of the landscape conservation zone intend to live sustainable lives on small parcels of land while preserving the large tracts of natural environment. These communities are at the heart of what the Huon Valley is known for and its character and should be encouraged not made prohibitive under the new Tasmanian Planning Scheme and the HUO-LPS.

The image below shows planned zoning – ours is identified with the pink marker and I have drawn the boundaries darker for clarity, encircled in red the area that is already cleared and fenced recently used pasture, marked a dark line where the residence is and encircled in green the area that is tree-covered and not cleared. You will also see the scenic overlay in stripes – the properties above us that are also scenic overlay are far more visible and are all to be zoned rural, even though they too are significantly vegetated and forested too (in fact our forest areas intertwine). Our uncleared area is not visible from the valley, only the tip of the cleared part where our paddocks and house are (see below image of the scenic visible line). We have no intention of clearing any more land and only using the existing cleared and paddocked land. You will also see that to build a shed accessible to the house for garaging, and on flat land usable for paddocks, would not be 200m offset from the rural zoned property that sits immediately behind and above our house. You will also see that the

properties above us on the hill (we aren't even half way up) are all to be zoned rural and they represent the ridgeline and are covered in trees. We are a small cleared dot half way up.

HUON VALLEY COUNCIL Tasmanian Planning Scheme Consultation **discover COMMUNITIES**

Search by address

Ion: 147.054005 lat: -42.960464

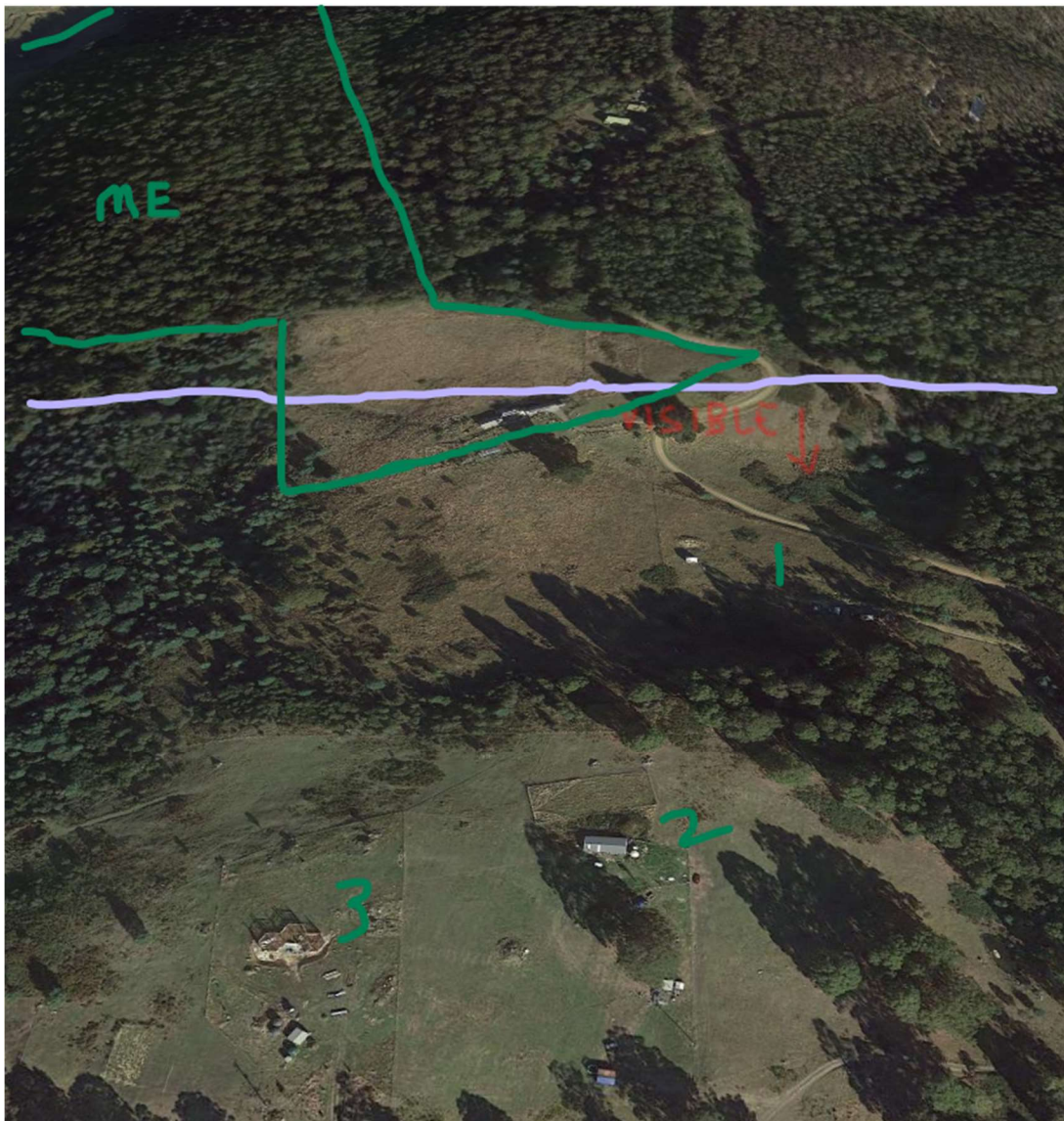
Titles 1

PID	2811990
Parcel Address	236 CLOVERSIDE RD
CT	152022/3
Tenure Type	Freehold Title
Locality	LUCASTON
Improvements	DWELLING
Area	259645.106

Overlays
Waterway and Coastal Protection

Zoom Level 14
500 m

Map created by © Insight GIS
The LIST © State of Tasmania

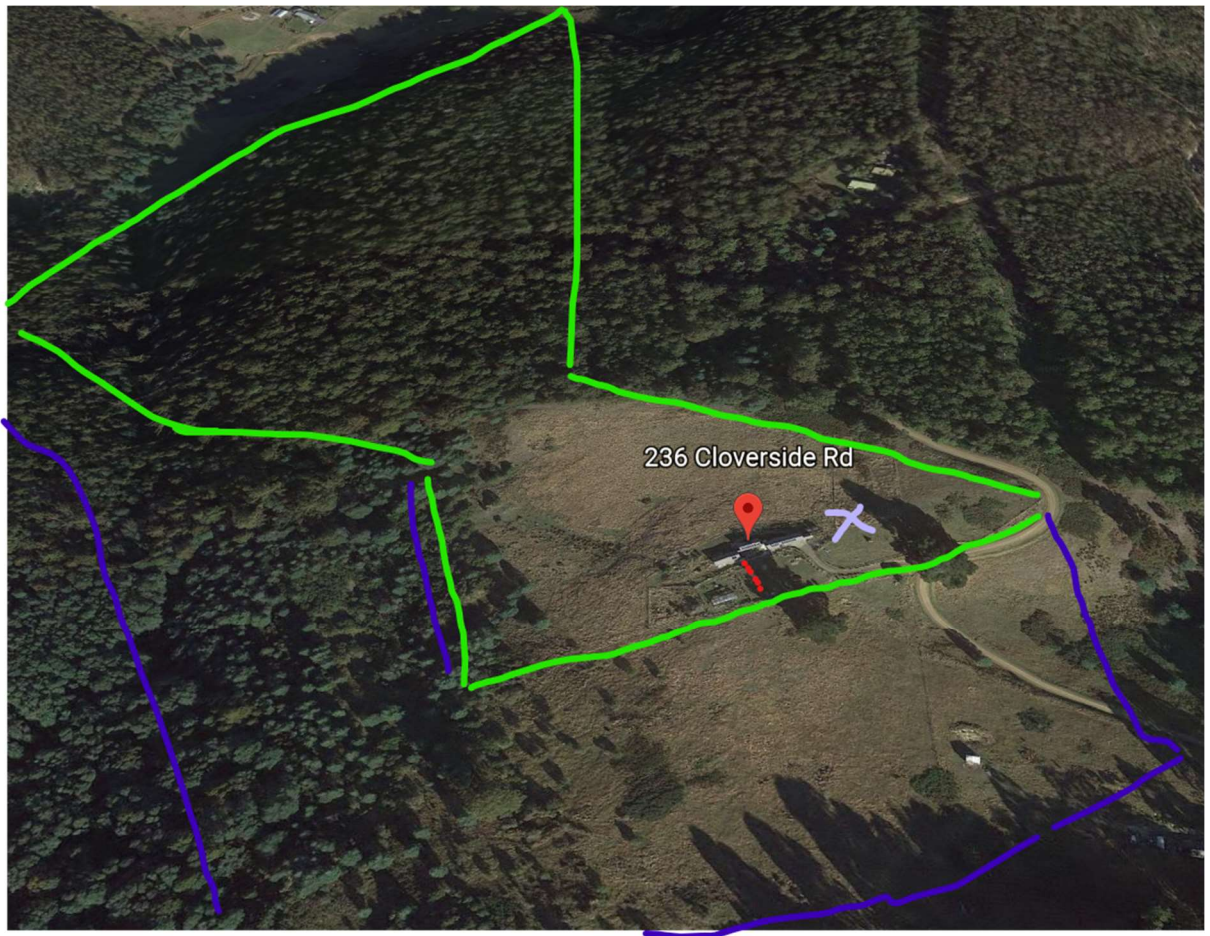


The below images indicate, from top to bottom:

- The cleared land with recent agricultural use



- The house and proximity to neighbours (to be rural zoned land) and intended location for shed



- Vegetable compound and adjacent duck compound for sustainable harvests



Responding to the proposed Landscape Conservation Zoning under the new Tasmanian Planning Scheme (effective 2019)

Myself and many in my community have spent a lot of time searching for a document that outlines what criteria the council believed my land met when applying the LC Zone and overlays. I was told that there was a decision process made in a general sense during one of the sessions held by the HVC in March 18th 2022. Given the lack of specific criteria of the LCZ Zone applicable to my property that I'm aware of, I will address the council's comments that are found in Table 12 of LPS-HUO-TPS Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule Nov 2021, p41-42.

Table 12

Zone Application Guidelines	Comments
<p>LCZ 1 <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>

LCZ1

Background:

The Priority Vegetation Area mapping used by the HVC covers a whole swathe of vegetation that is not a priority and certainly not a threatened vegetation community. The data is old and inaccurate and stating that vegetation is present at in the bioregion which is why it is listed will also be inaccurate. Coupled with the lack of natural values assessment for the property, it must be agreed that no such accurate data exists to be able to understand if my property's natural values. I have subsequently undertaken a survey and with a second opinion of a skilled local resident. Therefore, it must be agreed that there is no such information on this matter for this property. My property has a Scenic Overlay and a Priority Vegetation Overlay (which is inaccurate). My property has been cleared in many areas – including historic clearing in the now wooded area. Walking through there are historic fences with trees growing in them, sheds, foundations and agricultural equipment residue. It may have been sub optimal for agriculture given the slopes and rocks, but has clearly in the past been used for agriculture in its entirety. Like the whole road, up until the 1970s the area was selectively logged and there are logging landings and tracks to drag logs out , throughout the entire property and much of the way up and down either side of the slopes. Up until the 1980s the lower

slopes behind my house were cleared for rough pasture. I will need to at a minimum keep the currently cleared area such for fire abatements reasons.

The Scenic Overlay needs to be revisited as the only area visible is my cleared property envelope by a slither - not my entire property - yet there is a Scenic overlay over my entire property. We aren't even on a ridge line. We are half way up the slope and the properties behind us represent a much more clearly visible area, some cleared, but mostly wooded – and they are all to be zoned rural.

<p>LCZ 2 <i>The Landscape Conservation Zone may be applied to:</i></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;</p> <p>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</p> <p>(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>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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LCZ2

Both Council and LISTMap admits to TASVeg mapping being indicative in most cases at best. This is true of my land and all priority/threatened flora, listed in the Huon Valley Council's report are not present on my property. The inaccuracies include the Priority Vegetation Report listed (DTO) Eucalyptus tenuiramis forest and woodland on sediments (as indicated in below image just skirting my property but not actually present) and; (DPU) Eucalyptus pulchella forest and woodland; (NAD) Acacia dealbata forest; (WGL) Eucalyptus globulus wet forest (as indicated below bisecting my property but not actually present – and also indicated far more abundant in the surrounding more elevated properties which as I have noted before, are to be zoned rural). Combined I would estimate the images represent only 10-15% of my property, but again, is inaccurate. The council also has no validation to claim that there is 30% or less of these vegetation types represented in the bioregion. The data used is inconsistent with TasVeg4.0. I am not extremely well versed in these things, but my near neighbour is an ecologist and specialist in these things – they were kind enough to provide a natural values report which she agreed provided completely inconsistent data to that offered in the planning process. No significant vegetation habitats were on my land and a walk around confirmed. I would need a formal evaluation/visit to validate data.

The Swift Parrot *Lathamus discolor* is also mentioned in the Priority Vegetation Report, but this critically endangered species has not been heard or seen on my property in the years we have been living here and I am familiar with identifying the bird and its calls – and none of my current community or previous owners noted their presence. There was an abandoned old *Aquila audax* (wedge tail eagle) nest at the far unreachable part of my property according to a knowledgeable neighbour - but has not been utilised for many years and on recent inspection with binoculars following last year's hectic winds and recent hail storms, we cannot visually locate it. I understand even were the nest occupied and there, it would be protected under existing legislation and I would

need a forest plan to do any alternations near the site – I have zero intention of making any alterations to the wooded area.

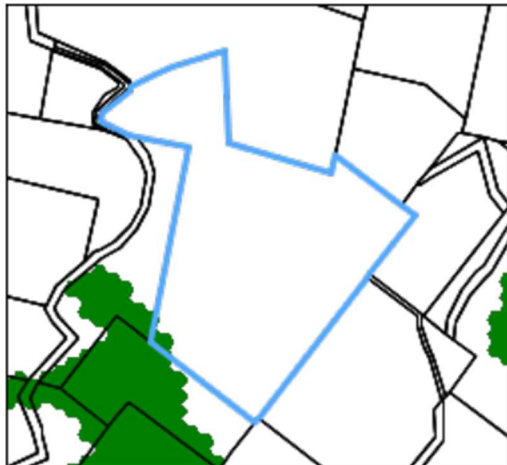
And again, the properties above and below which bare the same coverage in the inaccurate HVC veg report are being zoned as rural despite their same determination.

Speaking to all LCZ 2 comments, HVC have not provided sufficient data to support their additional claims within the Priority Veg Report and LCZ zoning and associated overlays should not be applied in the absence of such data. The relevant overlay should be adjusted to meet the observed data and in consultation with the property owner.

Relative Reservation

Priority Vegetation Details

Relative Rarity



- (DTO) Eucalyptus tenuiramis forest and woodland on sediments



- Relative Reservation
- (DPU) Eucalyptus pulchella forest and woodland
 - (DTO) Eucalyptus tenuiramis forest and woodland on sediments
 - (NAD) Acacia dealbata forest
 - (WGL) Eucalyptus globulus wet forest

Threatened Vegetation Communities



- (DTO) Eucalyptus tenuiramis forest and woodland on sediments

Threatened vegetation communities
 being considered
 under the National
 Environmental
 Assessment
 Act
 historical
 natural
 factors

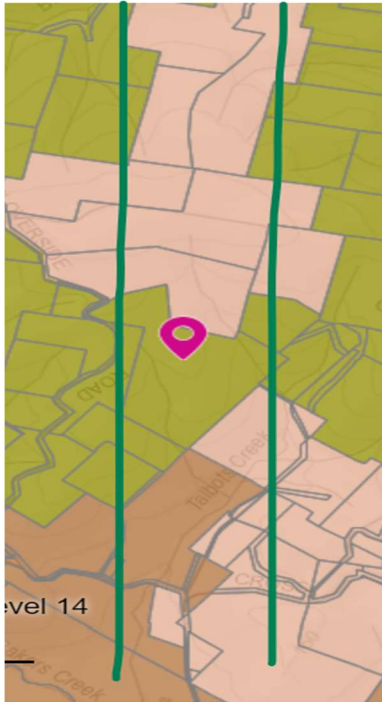
Why
 • Historical
 • Present
 • Risk

LCZ3

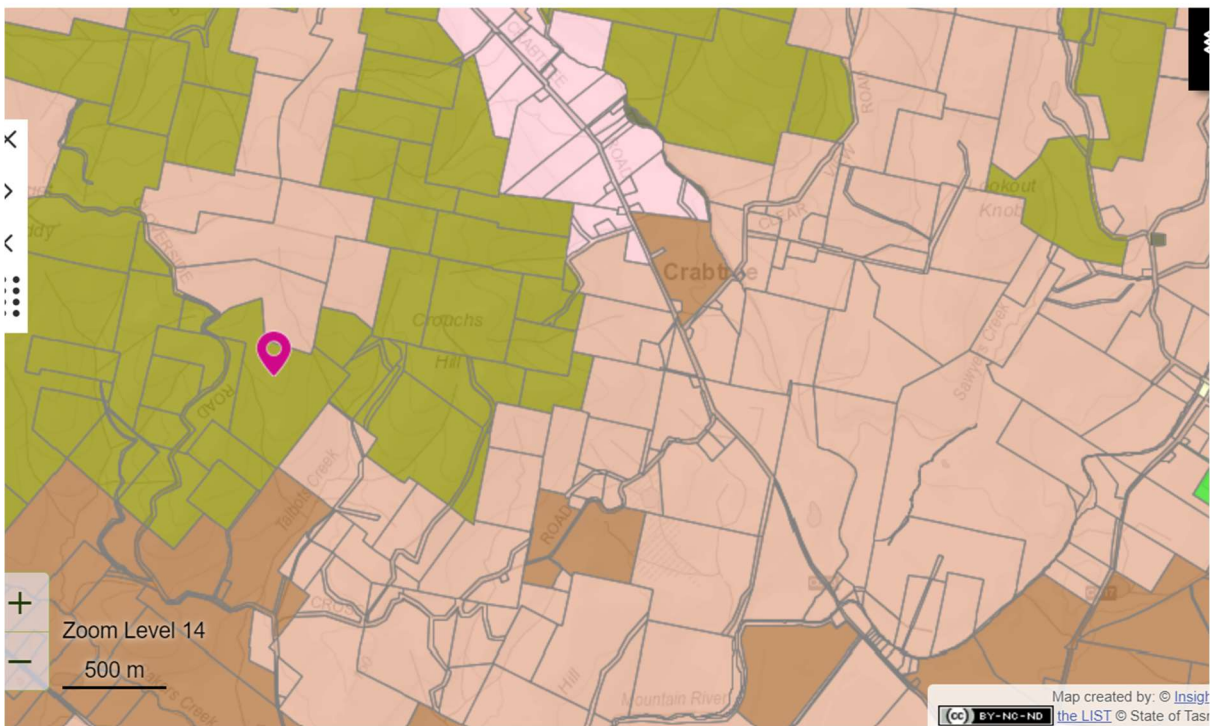
<p><i>LCZ 3</i> <i>The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</i></p>	<p>This was addressed by using the following selection criteria to select LCZ suitability:</p> <ul style="list-style-type: none"> • Three or more adjoining properties • Borders existing Environmental
	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> • If less than three adjoining properties, the total area of these properties is at least 20 ha.
<p><i>LCZ 4</i> <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>

There are two titles that border my property and are Rural Zoned. In fact if you look at the map of future zoning there is a band of rural zoning that stretches dozens of properties below and above – with ours the only break in that and singled out for landscape conservation. Nearby neighbours that are listed as landscape conservation are also intending on making a submission to be rural. In the interest of preventing spot-zoning properties we should be zoned Rural. My property does not border any existing or Environmental Management or Environmental Living properties intended to transfer to LCZ – we all have similar lifestyles and property development and use that is most suited to Rural Zone. Given the statements above against the LCZ3 criteria the property is not suited to LCZ and is most similar to my neighbours which is to be zoned Rural.

The images below show the uneasy zoning of our property in the midst of the swathe of rural – the integrity of scenic or natural values being preserved by that configuration is impossible to justify. Our wooded area is of no more beauty or value to the others around labelled as future rural zone; Our natural values are not an island for us to be restricted significantly while others surrounding us are not restricted similarly. No values would be guaranteed – scenic or natural – in the current configuration.



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LCZ4

As per LCZ4 the property was not formally reserved State land and the Rural Living Zone is not sought in this representation; however, the LCZ should not be applied to Rural Zones either and given that my property was Rural Resource under the Interim Planning Scheme 2015 the most

appropriate zone to this is Rural as many of my other friends and neighbours seem to be zoned who have very similar properties and lead a similar lifestyle with a similar amount of development and future development.

Response to Section 8A Guidelines for Rural Zone - Guideline No. 1 Local Provisions Schedule (LPS): zone and code application

<p>20.0</p> <p>Rural Zone</p>  <p>Red 228, Green 172, Blue 144</p>	<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>Zone</p>	<p>Zone Purpose</p> <p>does not compromise the function of surrounding settlements.</p>	<p>Zone Application Guidelines</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>

RZ1

Much of the area that you wind your way up through Cloverside Road can be described as Rural which is why titles on this road have been zoned Rural. There is a wide range of uses on almost all the properties on this road that meet the Rural Zone criteria – and this property has had a small scale rural uses in the past including sheep, cattle and ducks. We currently run ducks for meat and eggs and have four existing cleared and properly fenced paddocks we had always intended to use for maybe a few sheep or goats in the future. The property has limited agricultural use due to the topography of the land and alpine soils which are not known for their fertility. It is suitable for running light numbers of livestock and hardy crops such as some varieties of grapes and berries. Due to the steep ridges on either side of the property and the dense woodland across most of the property it is not suited for intense agriculture. The natural values of the property have been discussed in the case against LCZ and due to the inaccuracy of the data it is known that the land is not more appropriate to LCZ, it is with respect to its topography, existing development and utilities defined as a Rural Zone.

RZ2

The land is not suitable to agriculture due to the topography and soil type. Rough pasture is possible in small areas at best of upwards 10 acres in the owner's expert opinion. The rest of the property is forested with rocky slopes.

RZ3

The property in question has limited agricultural use and is not integral to the management of a larger farm holding within an Agricultural Zone. Demonstrated significant constraints can be evidenced by the mapping of the property where you will see it has shallow alpine soil and either side of the flats are heavily forested rocky slopes. Rough pasture provides food for sheep and goats but at small numbers. The market garden soil is from external sources or local soil is composted with chicken manure from the property. Spring water as a naturally occurring resource is present on the property and is appropriately located in the Rural Zone. The owner intends to get a Forest Practices Plan in the coming weeks.

Summary

The Rural Zone is better suited to the property, intended uses and reflects a more appropriate like-for-like conversion of our current rural resource zone, when the new system comes into place. The property is rural and being used for rural purposes – there are ducks, recently sheep as a market garden – with the likelihood of running small numbers of sheep or goats in the future in the well maintained and fully fenced paddocks. There is no plan or intent to clear wooded areas or impact the lower areas of the land – any natural values are protected by existing regulations and legislation. The LCZ should not be applied because the Priority vegetation report is inaccurate regarding the vegetation types and/or extent of them.

The odd application of landscape conservation to this land when surrounding and most relative properties that visually and ecologically interact with this one are to be rural. We are literally engulfed by neighbouring land that will be converted to rural. Were we to be made LCZ, having a rurally zoned property within metres of our residential placement and cleared paddocks would put us at significant disadvantage given the restrictions from LCZ on future works - and distances we would need to adhere to. The scenic value of the land is dubious, given the only visible sliver/portion of our land from the scenic valley roads is already cleared portion with our residence and very small part of our several paddocks. There is no intention to further clear any land on this property and we will be looking to conservation and land care options for our large forested area below the residential plot.

If we are to fight climate change then properties such as mine will be vital to minimise carbon footprint and help us to tread lighter on this earth by closing the food miles and securing forested land as carbon sink. A balance between development and conservation is required when managing for climate change and LCZ does not achieve this goal with my property.

We very much appreciate you considering this submission and would welcome an opportunity to provide more information or discuss the unique elements of this property.

Regards 

Mr Matthew Williams (AM) and Dr Luke Hearnden – 236 Cloverside Road, Lucaston. (consider this an electronic signature)

Contact: m8ttwill@gmail.com; 0458-267-682