

From: [John Thompson](#)
To: [Break O Day Office Admin](#)
Cc: [Gail Dennett](#); [John Dennett](#)
Subject: Representation on Break ODay Draft LPS by Conservation Landholders Tasmania
Date: Monday, 8 November 2021 12:12:51 PM
Attachments: [Representation to Break ODay Council re Draft LPS - CLT - 08Nov21.pdf](#)

Attention: John Brown - General Manager

Please find attached the representation on the Break O'Day Draft LPS by Conservation Landholders Tasmania.

Could you please acknowledge receipt of this representation?

Regards

John

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John Thompson
on behalf of the Board of Trustees - CLT Trust

Phone 0424 055 125



8th November 2021

John Brown
General Manager
Break O'Day Council
32-34 Georges Bay Esplanade
ST HELENS TAS 7216

Via email: admin@bodc.tas.gov.au

Representation about the Break O'Day Draft LPS – proposal to change the zoning of thirty (30) reserved properties to Landscape Conservation

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the Break O'Day Draft LPS Zone Maps and the Supporting Report and believes that thirty (30) properties containing Private Reserves with land reserved for the protection of biodiversity should be rezoned fully or partly to Landscape Conservation based on Guideline LCZ1, when read together with Guidelines RZ1 and AZ6, subject to landowner agreement.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title References</i>
Ansons River	ANSONS BAY RD ANSONS BAY TAS 7264	7184148	101081/1 101080/1
Hodges Spur - Blue Tier	TASMAN HWY WELDBOROUGH TAS 7264	6807294 6807307 6807286	228407/1 236472/1 236471/1
Blue Tier	201 TERRY'S HILL RD GOSHEN TAS 7216	6805379	239331/1 239332/1 239330/1
Forest Lodge	FOREST LODGE RD PYENGANA TAS 7216	6805205	238246/1
West Pyengana	FOREST LODGE RD PYENGANA TAS 7216	6805299	240592/1

ABN 47 746 051 320
website www.clt.asn.au
post 675 Cradle Mountain Road Erriba TAS 7310
email gaidennett@gmail.com

Reserve Name	Property Address	Property ID	Title References
Ben Nevis North	SCHULHOFS RD UPPER BLESSINGTON TAS 7212	6417093	169864/1
Ben Nevis South	SCHULHOFS RD UPPER BLESSINGTON TAS 7212	6417085	169864/2
Catos Creek	'CATOS HOMESTEAD' - 433 CATOS RD UPPER SCAMANDER TAS 7215	3336765	242163/1
Seaview Farm	686 GERMAN TOWN RD ST MARYS TAS 7215	3450015	168012/2 209977/1
Seaview Farm	GERMAN TOWN RD ST MARYS TAS 7215	3314080	179552/1
Denneys Road	22 DENNEYS RD ST MARYS TAS 7215	2593962	121906/1 121906/2
Lower German Town Road St Marys #1	203 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2966706	157275/1
Lower German Town Road St Marys #2	225 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563878	142906/2
Lower German Town Road St Marys #3	Lot 3 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563886	142906/3
Lower German Town Road St Marys #4	224 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563894	142906/4
Lower German Town Road St Marys #5	Lot 5 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563907	142906/5
Newmans Creek	158 GERMAN TOWN RD ST MARYS TAS 7215	7627105	210430/1
Whites Gully	180 GILLIES RD ST MARYS TAS 7215	2623893	120054/1 206762/1 218714/1 120232/1
Mount Elephant	730 IRISH TOWN RD ST MARYS TAS 7215	9566280	112196/1 245582/1
Curtis Road St Marys	130 CURTIS RD ST MARYS TAS 7215	7378807	121098/1
Elephant Farm Elephant Pass	300 MOUNT ELEPHANT RD GRAY TAS 7215	7298794	200851/1
Wardlaws Creek	31 DALMAYNE RD GRAY TAS 7215	7720238	51295/1
Gray #2	822 ELEPHANT PASS RD GRAY TAS 7215	7320912	250636/1
Calders Gully	CALDER'S GULLY RD MANGANA TAS 7214	6416832	146101/1
Tullochgorum	4529 ESK MAIN RD FINGAL TAS 7214	9211677	174308/1 181574/2 121908/1 121908/2

Reserve Name	Property Address	Property ID	Title References
Fingal #1 and #2	ESK MAIN RD FINGAL TAS 7214	6413287 2867767	224858/1 211222/1 211225/1 211226/1 211223/1 102678/2 171558/1 152147/1 121797/1
Fingal #1 and #2	3837 ESK MAIN RD FINGAL TAS 7214	3478595	152324/1 229987/1

The natural values within these Reserves have already been identified for protection and conservation by the Minister for Environment and Landscape Conservation Zone should be applied during the current Draft Local Provisions Schedule assessment process given that Landscape Conservation zone was inadvertently not applied when drafting the LPS.

Background

Conservation Landholders Tasmania (CLT) is an educational trust. Conservation landholders including those with land reserved by conservation covenant are the beneficiaries of the Trust. In Tasmania there are currently about 900 reserves under conservation covenant totaling 111,000 ha, or 4.2% of the private property in the state. The Trustees organise field days and forums on topics of relevance and interest to these conservation landholders. CLT has been supported by the three NRMs and the Tasmanian Land Conservancy for over 9 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned from Rural Resource to Rural or Agriculture by local planning authorities in their Draft LPS. CLT considers that some of this reserved land is more appropriately zoned as Landscape Conservation.

The application of Landscape Conservation Zone in the Break O'Day Draft LPS

In the Draft Zone Maps the Landscape Conservation Zone has only been used to replace the retired Environmental Living Zone despite the following statement on page 8 of the Supporting Report:

The LPS provides adequate protection of natural and physical resources through:

...

- Applying the Landscape Conservation Zone where land was located in the Environmental Living Zone and the natural and landscape values support this and where otherwise justified;

It follows that the Planning Authority did not consider that Landscape Conservation Zone was justified for any other land despite Guideline LCZ1 requiring that:

The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation ...

where landscape values means either natural or scenic values.

As discussed later, private reserved land protected by conservation covenant has been identified for protection and conservation of natural values and therefore should be zoned Landscape Conservation. In the Break O'Day draft Zone Maps only the 17 properties containing Private Reserves that were zoned Environmental Living have been rezoned as Landscape Conservation.

Of the other 54 properties containing Private Reserves only one appears to have been considered for rezoning to protect the private reserved land, namely 'Rainbow Retreat' at 182 Gillies Road, St Marys (PID 1793495, Title Ref 127101/1) that contains the 14.6 ha St Patricks Head Private Nature Reserve.

The lack of consideration of Landscape Conservation zone for the other 53 properties containing reserved land protected by conservation covenant is even more surprising given the Tasmanian Planning Commission guidance on the Planners Portal dated 22 April 2021 on this matter (included in Appendix A of this representation) that states:

Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.

The Home Page of the Planners Portal states:

The Planners Portal acts as a central resource to obtain clarification and information leading up to exhibition of a draft LPS.

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

Private land in Break O'Day municipality reserved for the protection and conservation of biodiversity

In the Break O'Day planning area there are 71 properties containing 6,281 ha of private reserved land protected by conservation covenant distributed across 105 titles. This represents 1.8 % of the land in the municipality.

All of this land is included in the Tasmanian Reserve Estate which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. All of this land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's

obligations under the international *Convention on Biological Diversity 1993*. All of the reserves are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2020) available at <https://www.environment.gov.au/land/nrs/science/capad>.

The landscape values within these Reserves have already been identified for protection and conservation by both the State and Federal Ministers for the Environment. Details of the natural values are contained in the Nature Conservation Plans which are held by the Private Land Conservation Program in DPIPWE. These natural values were 'ground-truthed' by DPIPWE or Tasmanian Land Conservancy ecologists when the Reserves were established.

Case for rezoning many of these properties to Landscape Conservation

Of the 71 properties with Private Reserves mentioned CLT considers that 30 of the 53 properties currently zoned Rural or Agriculture in the Draft Zone Maps, should have Landscape Conservation Zone applied to all or part of them. The other 23 properties were not considered because significant areas within titles on those properties are also used for agriculture.

Guideline LCZ1, when read together with Guideline RZ1, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as they contain natural values 'that are identified for protection and conservation' (see Appendix A for the relevant extracts from Guideline No. 1).

Titles that are fully reserved as well as titles that are partly reserved, where the non-reserved part is unsuitable for agriculture, should therefore be zoned as Landscape Conservation, as indicated by the Commission's 22 April 2021 Q&A on the Planners Portal.

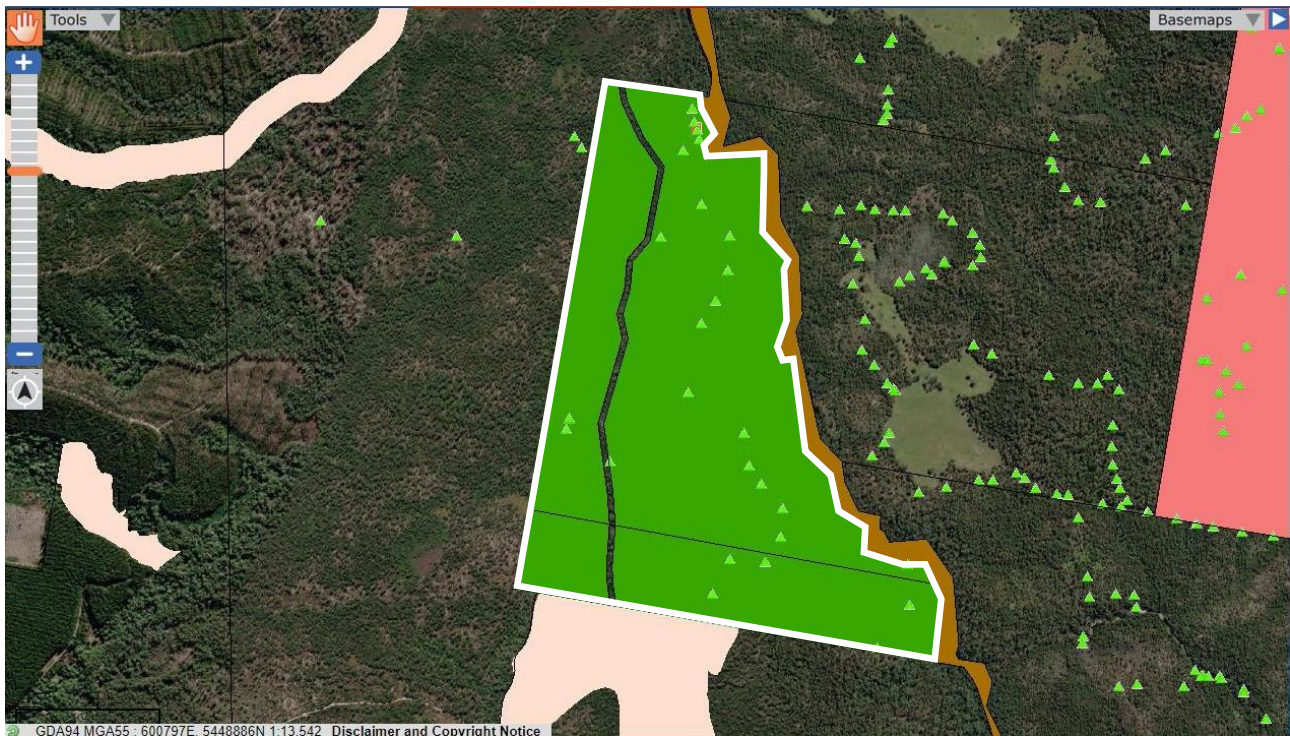
Details of the 26 Reserves across the 30 properties are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green areas), Threatened Flora Points (light green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers. Where there are adjoining Private Reserves these have been discussed together.

Ansons River Reserve (CAPAD 2020 Row Nos 1131-1132)

Address ANSONS BAY ROAD ANSONS BAY TAS 7264

PID 7184148

Title Refs 101081/1, 101080/1



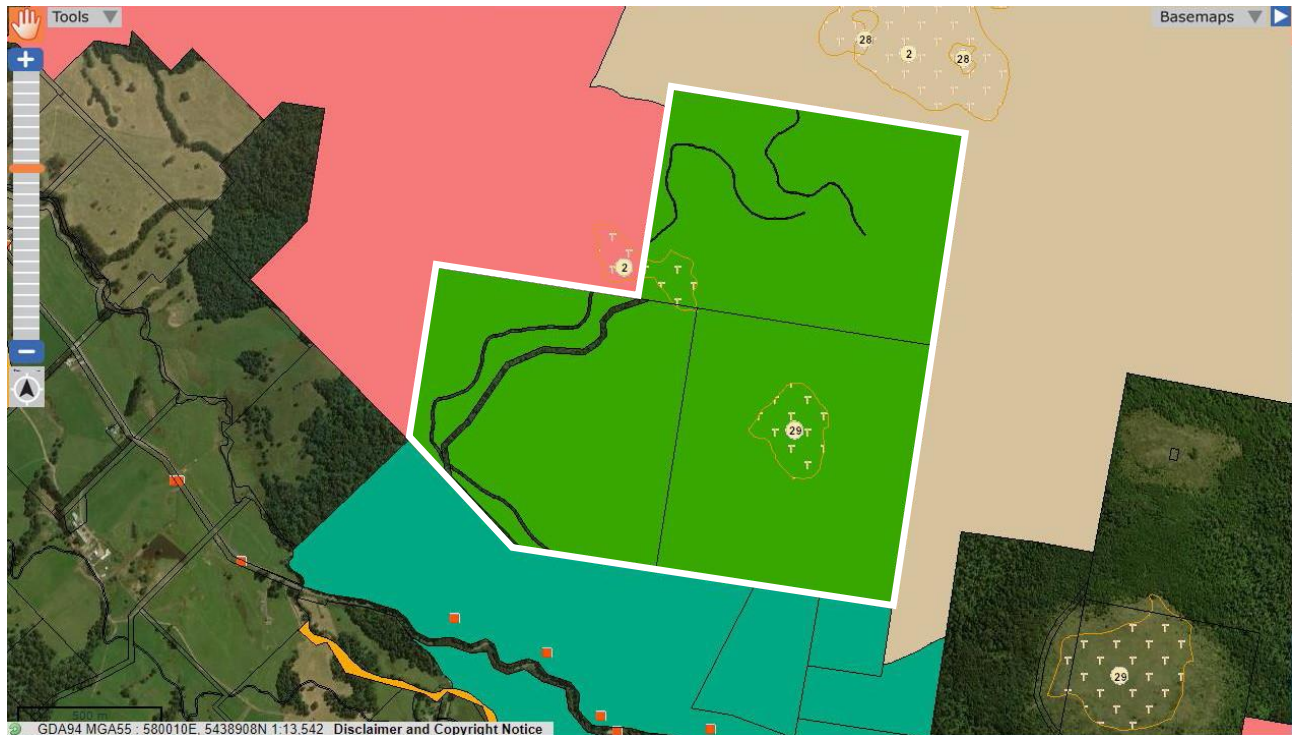
The 163.3 ha Ansons River Reserve covers 100% of Title Refs. 101081/1 and 101080/1. A reserved road runs from north to south through the Reserve. Ansons River Reserve adjoins the Ansons River Conservation Area (brown area) to its east and a Sustainable Timbers Tasmania (STT) Informal Reserve to its south.

It is proposed that all of both titles and the reserved road (solid white border) are rezoned to Landscape Conservation given the significant size of the Reserve and because it adjoins the Ansons River Conservation Area zoned Environmental Management and the STT Informal Reserve.

The Reserve contains the vulnerable *Pomaderris elachophylla* (small-leaf dogwood) and the endangered *Barbarea australis* (Riverbed wintercress) listed in Schedules 4 and 3, respectively, of the *Threatened Species Protection Act 1995*, and also contains and provides habitat for the Endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) listed in Schedule 3 of the same Act. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Hodges Spur Blue Tier Reserve (CAPAD 2020 Row Nos 1720-1722)

Addresses	PIDs	Title Refs	Percent reserved
TASMAN HWY WELDBOROUGH TAS 7264	6807294	228407/1	100%
TASMAN HWY WELDBOROUGH TAS 7264	6807307	236472/1	100%
TASMAN HWY WELDBOROUGH TAS 7264	6807286	236471/1	100%



Hodges Spur Blue Tier Reserve has a combined area of 234 ha and covers 100% of each of the three titles (Title Refs 228407/1, 236472/1 and 236471/1) each with separate PIDs. The Reserve adjoins the Blue Tier Regional Reserve to its north and east and the Weldborough Pass State Reserve to its south.

It is proposed that all of the three adjoining Title Refs. 228407/1, 236472/1 and 236471/1 and the reserved roads within (solid white border) are rezoned to Landscape Conservation.

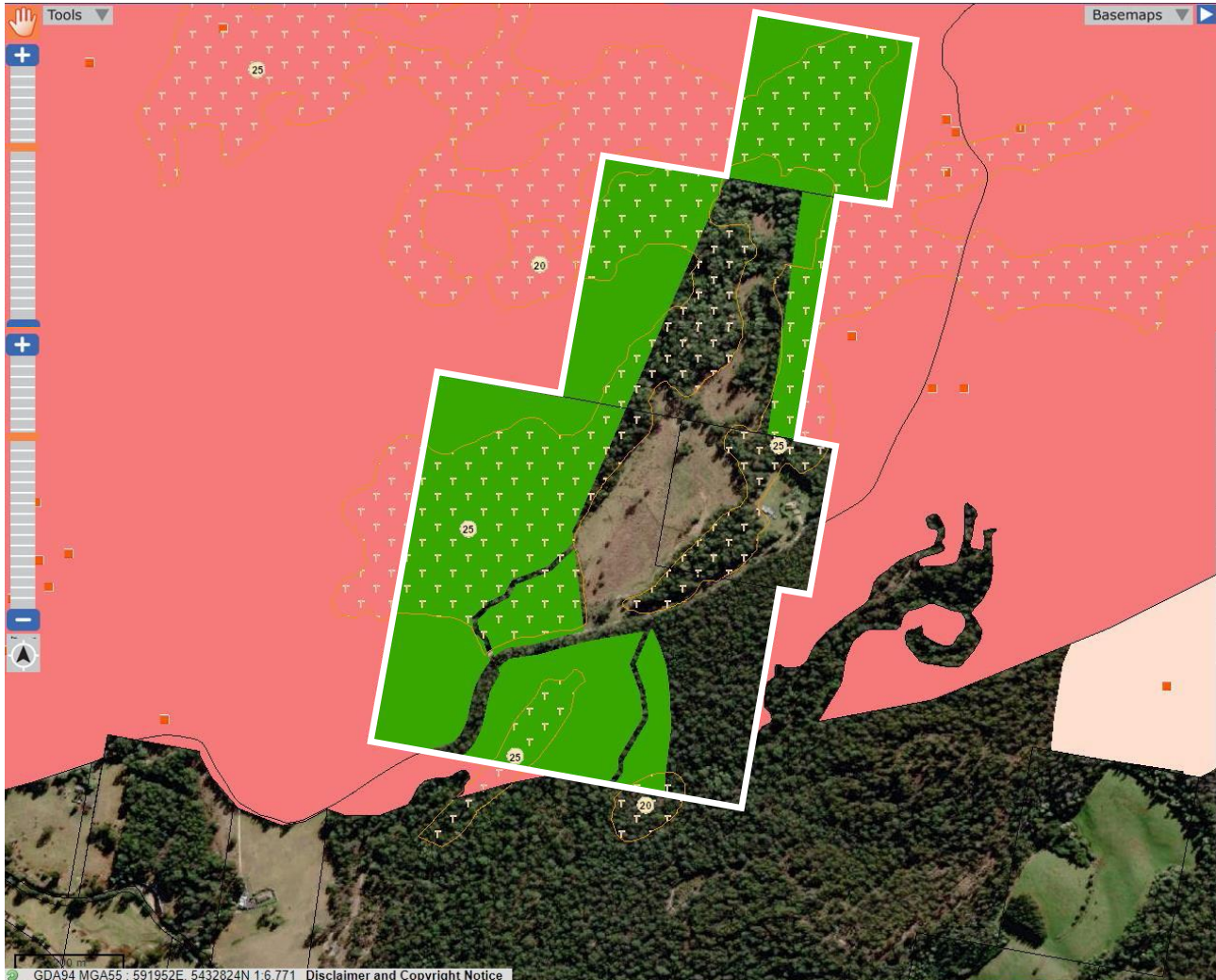
The combined Hodges Spur Blue Tier Reserve contains areas of the threatened vegetation communities No 2 *Allocasuarina littoralis* forest and No 29 Highland *Poa* grassland as listed in Schedule 3A of the *Nature Conservation Act 2002*. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPW.

Blue Tier Reserve (CAPAD 2020 Row Nos 1216-1220)

Address 201 TERRYS HILL RD GOSHEN TAS 7216

PID 6805379

Title Refs 239330/1, 239331/1, 239332/1



The 47.9 ha Blue Tier Reserve is contained within three of the four titles on this property. It covers 100% of the 12.3 ha Title Ref 239331/1, 11.0 ha (54%) of the 20.5 ha Title Ref 239332/1 and 27.6 ha (64%) of the 43.0 ha Title Ref 239330/1. A residential dwelling is located within the 8.2 ha Title Ref 239329/1. The Reserve is surrounded on three sides by Future Potential Production Forest.

It is proposed that all four titles within the property (solid white border) are rezoned to Landscape Conservation as the non-reserved land appears unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation communities No 20 *Eucalyptus ovata* forest and woodland and No 25 *Eucalyptus viminalis* wet forest as listed in Schedule 3A of the *Nature Conservation Act 2002*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Forest Lodge Reserve (CAPAD 2020 Row No 1577)
West Pyengana Reserve (CAPAD 2020 Row No 2635)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
FOREST LODGE RD PYENGANA TAS 7216	6805205	238246/1	80.7	80.7	100%
FOREST LODGE RD PYENGANA TAS 7216	6805299	240592/1	99.7	93.5	94%



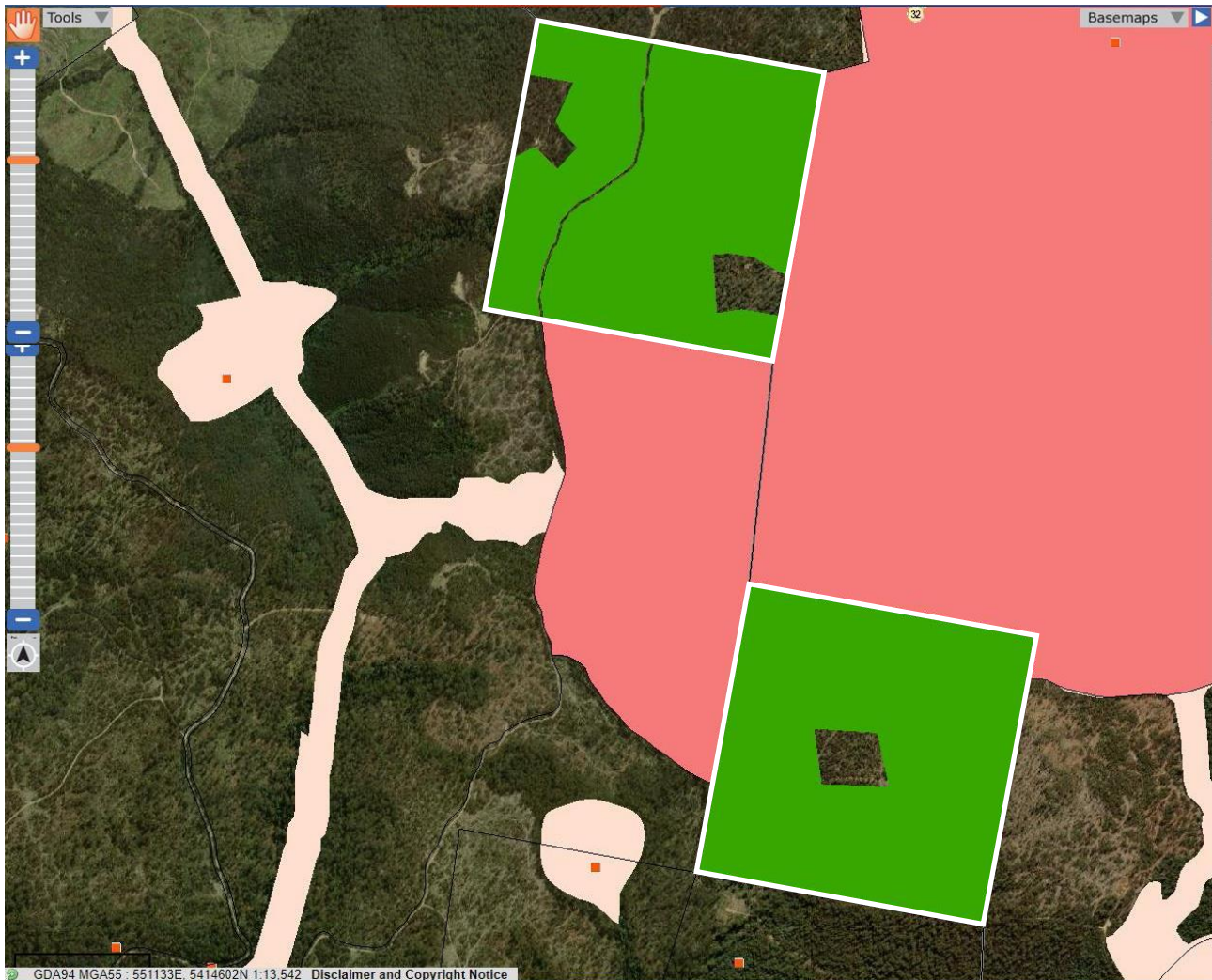
The Forest Lodge Reserve to the north covers 100% of the 80.7 ha Title Ref 238246/1 and the West Pyengana Reserve to the south covers 93.5 ha (94%) of the 99.7 ha Title Ref 240592/1. The Forest Lodge Reserve adjoins the Mount Victoria Regional Reserve (beige area) on three sides and the West Pyengana Reserve is surrounded by the same Regional Reserve.

It is proposed that all of both titles (solid white borders) are rezoned to Landscape Conservation zone as Title Ref 238246/1 is fully reserved and the small non-reserved part of 240592/1 is unsuitable and not used for agriculture.

The details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPW.

Ben Nevis North Reserve (CAPAD 2020 Row Nos 1189-1190)
Ben Nevis South Reserve (CAPAD 2020 Row No 1191)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
SCHULHOFS RD UPPER BLESSINGTON TAS 7212	6417093	169864/1	120.0	108.8	91%
SCHULHOFS RD UPPER BLESSINGTON TAS 7212	6417085	169864/2	120.0	115.1	96%



The Ben Nevis North Reserve covers 108.8 ha (91%) of the 120.0 ha Title Ref 169864/1 and the Ben Nevis South Reserve covers 115.1 ha (96%) of the 99.7 ha Title Ref 169864/2. Both titles adjoin a large area of Future Potential Production Forest and contain a small area of non-reserved land for current or future residential use.

It is proposed that all of both titles (solid white borders) are rezoned to Landscape Conservation zone as the non-reserved land is unsuitable and not used for agriculture. The details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

Catos Creek Reserve (CAPAD 2020 Row Nos 1316-1317)

Address 'CATOS HOMESTEAD' - 433 CATOS RD UPPER SCAMANDER TAS 7215

PID 3336765

Title Ref 242163/1



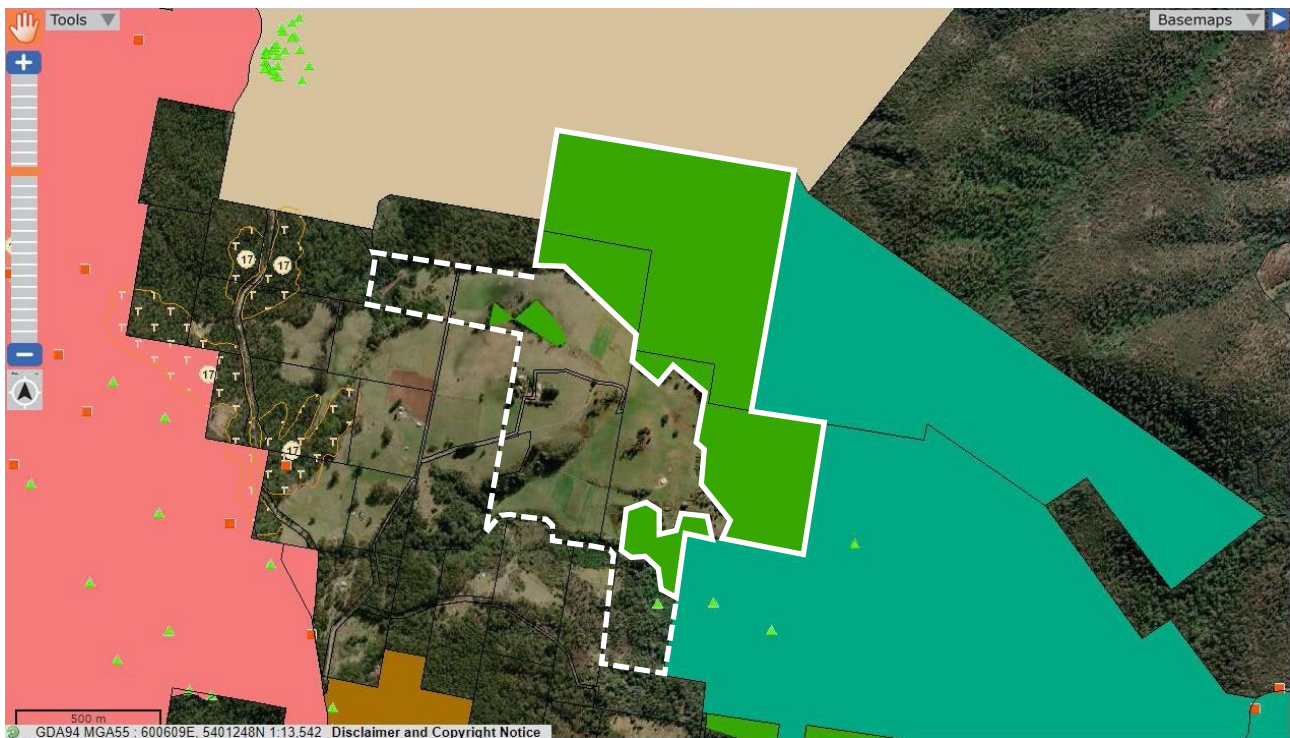
The 77.2 ha Catos Creek Reserve covers 96% of the 80.7 ha Title Ref 242163/1. There is a small area of non-reserved land in the north east set aside for a future residential dwelling and a Reserved Road runs from north to south through the title. Catos Creek Reserve adjoins the Avenue River Regional Reserve (beige area) to its southwest and an STT Informal Reserve to its east.

It is proposed that all of Title Ref 242163/1 and the Reserved Road (solid white border) is rezoned to Landscape Conservation given that the non-reserved land is unsuitable and not used for agriculture, the significant size of the Reserve and because it adjoins the Avenue River Regional Reserve zoned Environmental Management and the STT Informal Reserve.

The Reserve contains the rare *Tasmanipatus barretti* (Giant velvet worm) listed in Schedule 5 of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Seaview Farm Reserve (CAPAD 2020 Row Nos 2301-2304)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
686 GERMAN TOWN RD ST MARYS TAS 7215	3450015	168012/2 209977/1	49.7 48.3	8.5 48.3	17% 100%
GERMAN TOWN RD ST MARYS TAS 7215	3314080	179552/1	49.0	24.3	50%



The 81.1 ha Seaview Farm Reserve covers parts of two properties and links the 935 ha German Town Regional Reserve to its north and the 361 ha St Marys Pass State Reserve to its east and south. Seaview Farm Reserve covers all of Title Ref 209977/1 and part of Title Refs 168012/2 and 179552/1. The balance of the partly reserved titles is used for agriculture.

It is proposed that all of Title Ref 209977/1, the reserved part of Title Ref 168012/2 adjoining Title Ref 209977/1 and both reserved parts of Title Ref 179552/1 (solid white borders) are rezoned to Landscape Conservation zone with the balance of Title Refs 168012/2 and 179552/1 remaining in the Rural Zone (dashed white line). 79.7 ha of the 81.1 ha Seaview Farm Reserve would be included in the Landscape Conservation Zone. The remaining 1.4 ha would not be included to avoid small spot zones.

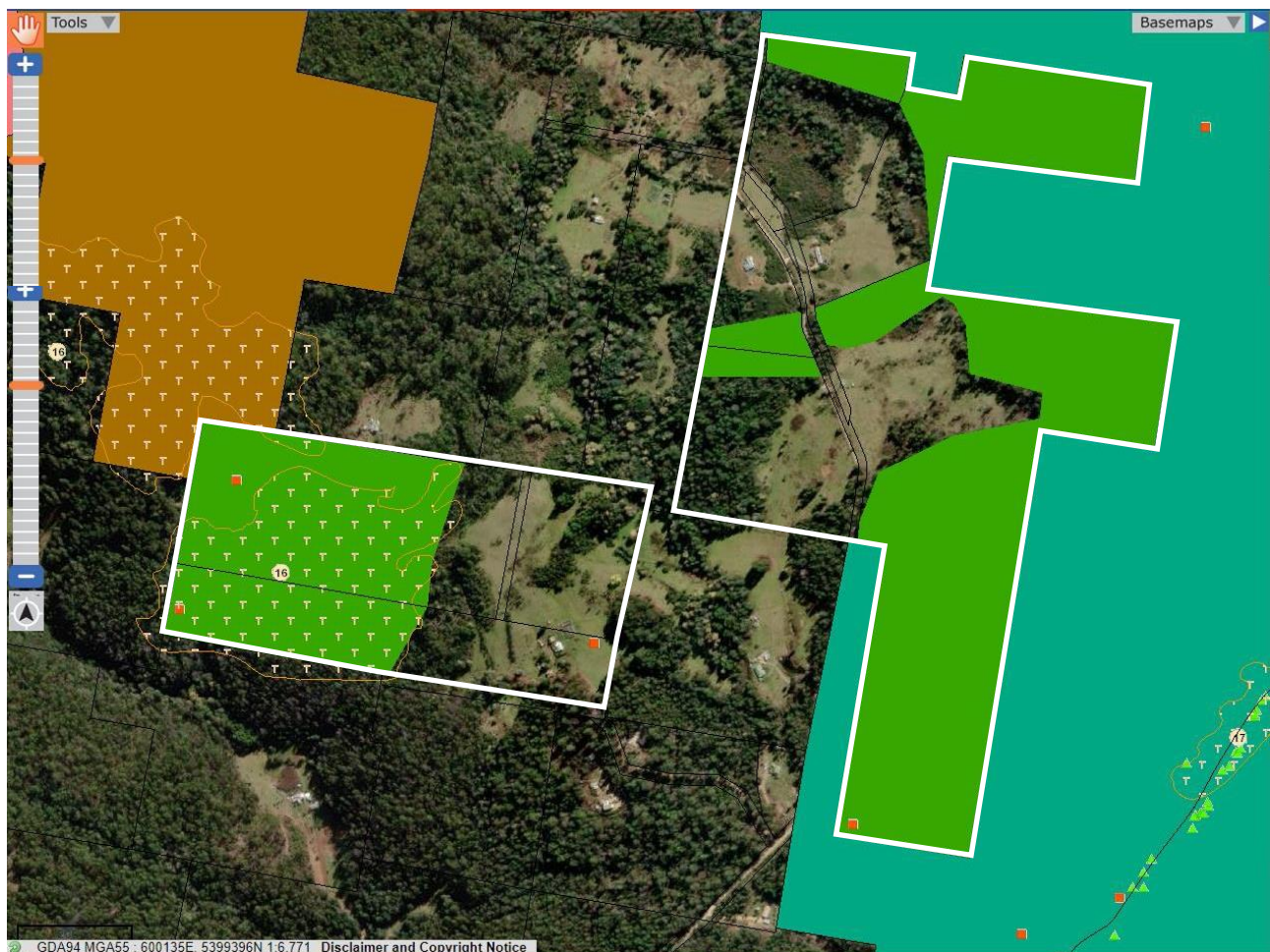
Split zoning of the two titles is justified given the significant size of the Seaview Farm Reserve and its connectivity with the two Public Reserves zoned Environmental Management.

The details of the natural values protected by this Reserve on the two adjoining properties are in the Nature Conservation Plans held by DPIPWE.

Denneys Road Reserve (CAPAD 2020 Row No 1403)

Lower German Town Road St Marys Reserve #1, #2, #3, #4, #5 (CAPAD 2020 Row Nos 1898-1902)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
22 DENNEYS RD ST MARYS TAS 7215	2593962	121906/1 121906/2	21.1 10.3	12.1 5.6	57% 54%
203 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2966706	157275/1	8.9	0.9	10%
225 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563878	142906/2	3.2	1.0	31%
Lot 3 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563886	142906/3	7.2	1.8	25%
224 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563894	142906/4	11.8	7.4	63%
Lot 5 LOWER GERMAN TOWN RD ST MARYS TAS 7215	2563907	142906/5	34.4	27.8	81%



The 17.7 ha Denneys Road Reserve covers 12.1 ha (57%) of Title Ref 121906/1 and 5.6 ha (54%) of Title Ref 121906/2. It adjoins the 46.5 ha Cheeseberry Hill Conservation Area (brown area) to its northwest. The non-reserved land contains a residential dwelling.

The combined Lower German Town Road St Marys Reserves have an area of 38.9 ha and cover 59% of the combined 65.5 ha of the five titles. Reserve #3, #4 and #5 adjoin the 361 ha St Marys Pass State Reserve. Some of the titles have residential dwellings in the non-reserved areas.

It is proposed that all of the two titles containing the Denneys Road Reserve and all of the five titles containing the Lower German Town Road St Marys Reserves are rezoned to Landscape Conservation given their connectivity with the Public Reserves zoned Environmental Management, their combined sizes and their similarity to the non-reserved titles zoned Landscape Conservation to the east and southeast of St Marys. The non-reserved land on the five titles containing Lower German Town Road St Marys Reserves appears unsuitable and not used for agriculture, and the non-reserved land on the two titles containing the Denneys Road Reserve does not appear to be a commercial farm.

The Denneys Road Reserve contains the threatened vegetation communities No 16 *Eucalyptus brookeriana* wet forest listed in Schedule 3A of the *Nature Conservation Act 2002* and also contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) and the endangered *Sarcophilus harrisii* (Tasmanian devil) both listed in Schedule 3 of the *Threatened Species Protection Act 1995*.

The Lower German Town Road St Marys Reserve #5 contains and provides habitat for the rare *Tasmanipatus barretti* (Giant velvet worm) listed in Schedule 5 of the *Threatened Species Protection Act 1995*.

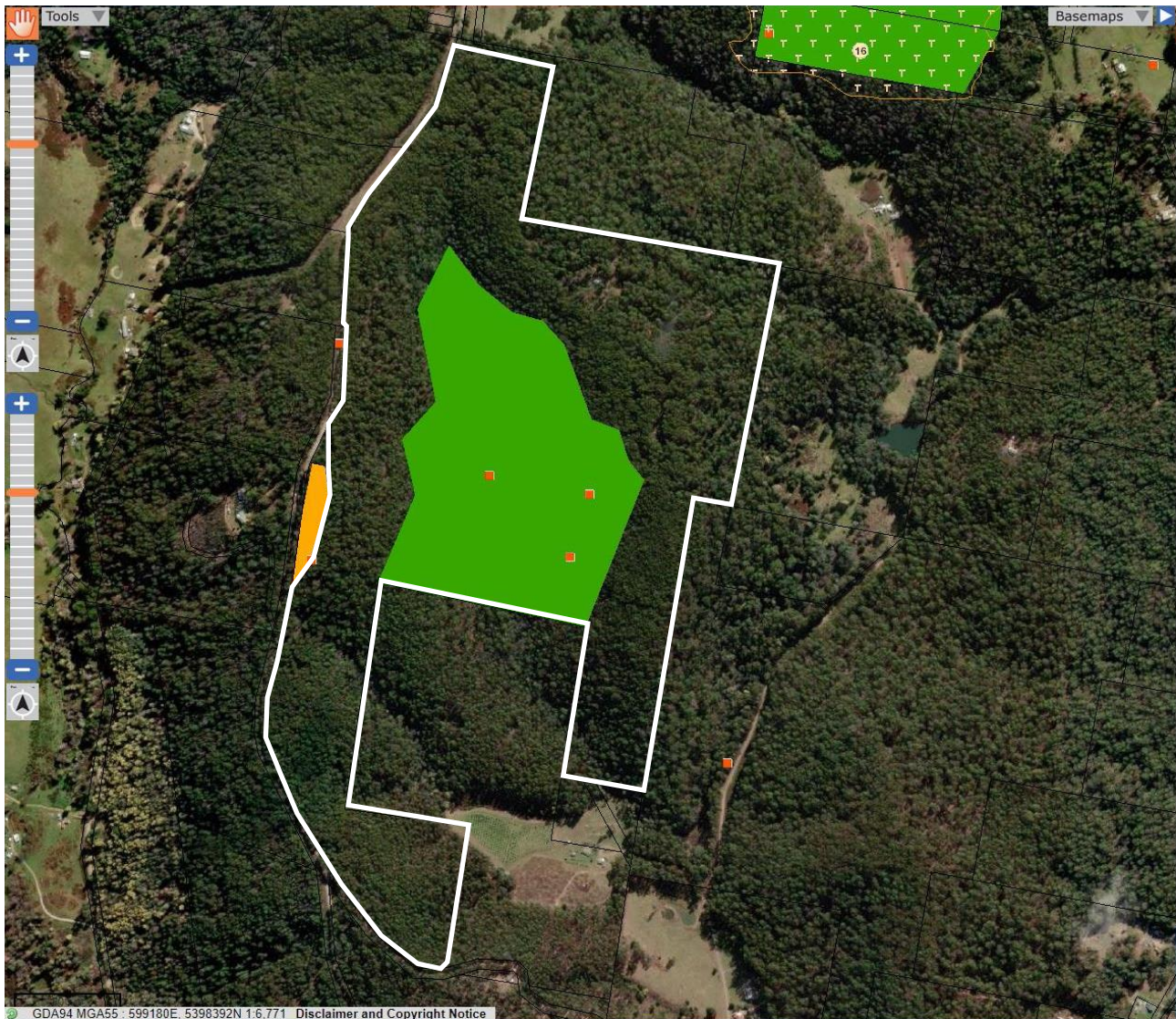
Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

Newmans Creek Reserve (CAPAD 2020 Row No 2099)

Address 158 GERMAN TOWN RD ST MARYS TAS 7215

PID 7627105

Title Ref 210430/1



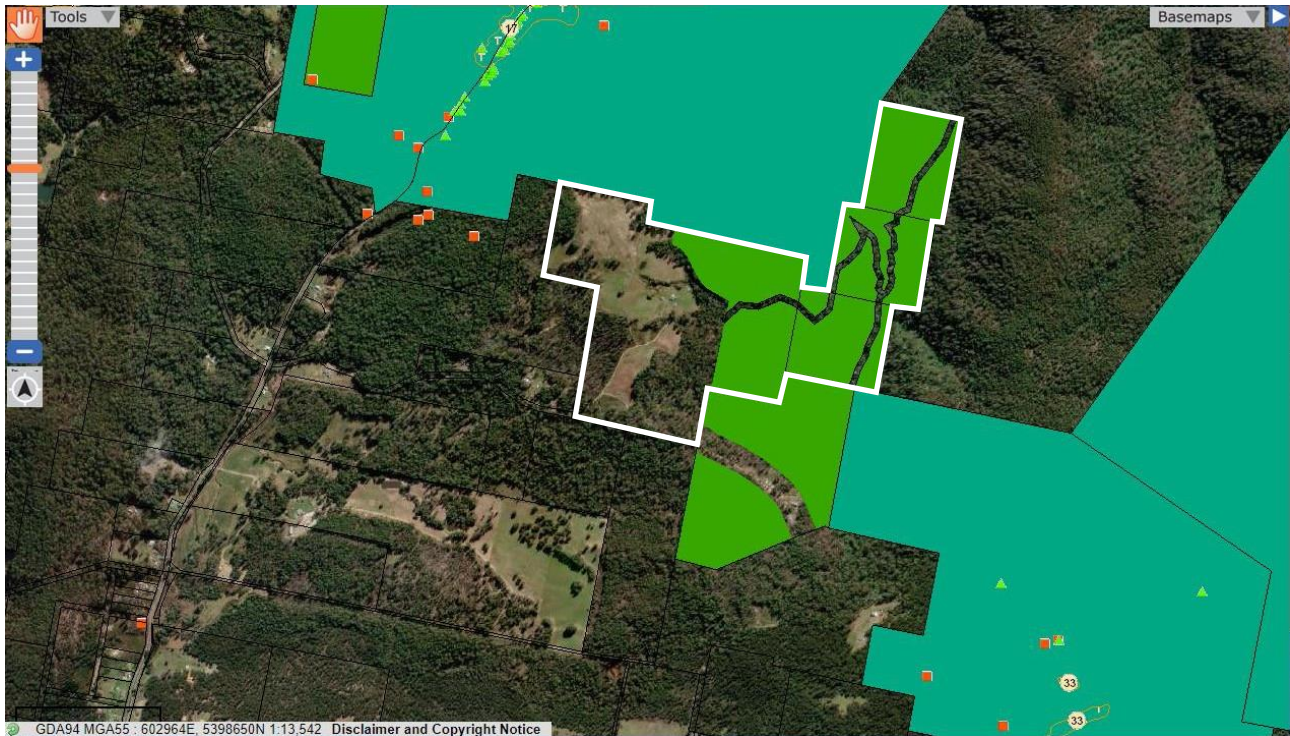
The 22.0 ha Newmans Creek Reserve covers 27% of the 82.2 ha Title Ref 210430/1. The majority of the land is not reserved but is covered by native vegetation and contains a small residential dwelling in the north of the title. A 0.8 ha Public Reserve (gold area) is located to the west.

It is proposed that all of Title Ref 210430/1 (white border) is rezoned to Landscape Conservation as the non-reserved land is unsuitable and not used for agriculture.

The Reserve contains and provides habitat for the endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) and the endangered *Leucopatus anophthalmus* (Blind velvet worm) both listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Whites Gully Reserve (CAPAD 2020 Row Nos 2646-2648)

Address 180 GILLIES RD ST MARYS TAS 7215
PID 2623893
Title Refs 120054/1, 206762/1, 120232/1, 218714/1



The 43.0 ha Whites Gully Reserve covers 100% of the Title Refs 120054/1 (10.0 ha), 206762/1 (8.5 ha) and 120232/1 (9.2 ha) and 29% (15.3 ha) of the 42.9 ha Title Ref 218714/1. There is a residential dwelling and some small paddocks in the non-reserved part of Title Ref 218714/1.

The Whites Gully Reserve connects two arms of the 1169 ha St Patricks Head State Reserve (blue-green area) and also adjoins the St Patrick Head Private Nature Reserve to its south, both of which are zoned Environmental Management in the Draft Zone Map.

It is proposed that all of the four titles containing the Whites Gully Reserve (white border) are rezoned to Landscape Conservation but the landowner may prefer to have the title containing the residence and small paddocks split zoned with the zone boundary aligning with the covenant boundary.

Details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Mount Elephant Reserve (CAPAD 2020 Row No 2059)

Address 730 IRISH TOWN RD ST MARYS TAS 7215

PID 9566280

Title Refs 112196/1, 245582/1



The 22.1 ha Mount Elephant Reserve covers 10.1 ha (52%) of the 19.4 ha Title Ref 112196/1 and 12.0 ha (69%) of the 17.5 ha Title Ref 245582/1. The non-reserved part of Title Ref 112196/1 is covered by native vegetation and the non-reserved part of Title Ref 245582/1 includes an open area containing a residential dwelling. The Reserve adjoins an area of Future Potential Production Forest.

It is proposed that all of both titles (solid white border) with a combined area of 36.9 ha are rezoned to Landscape Conservation as the non-reserved land on both titles is unsuitable and not used for agriculture.

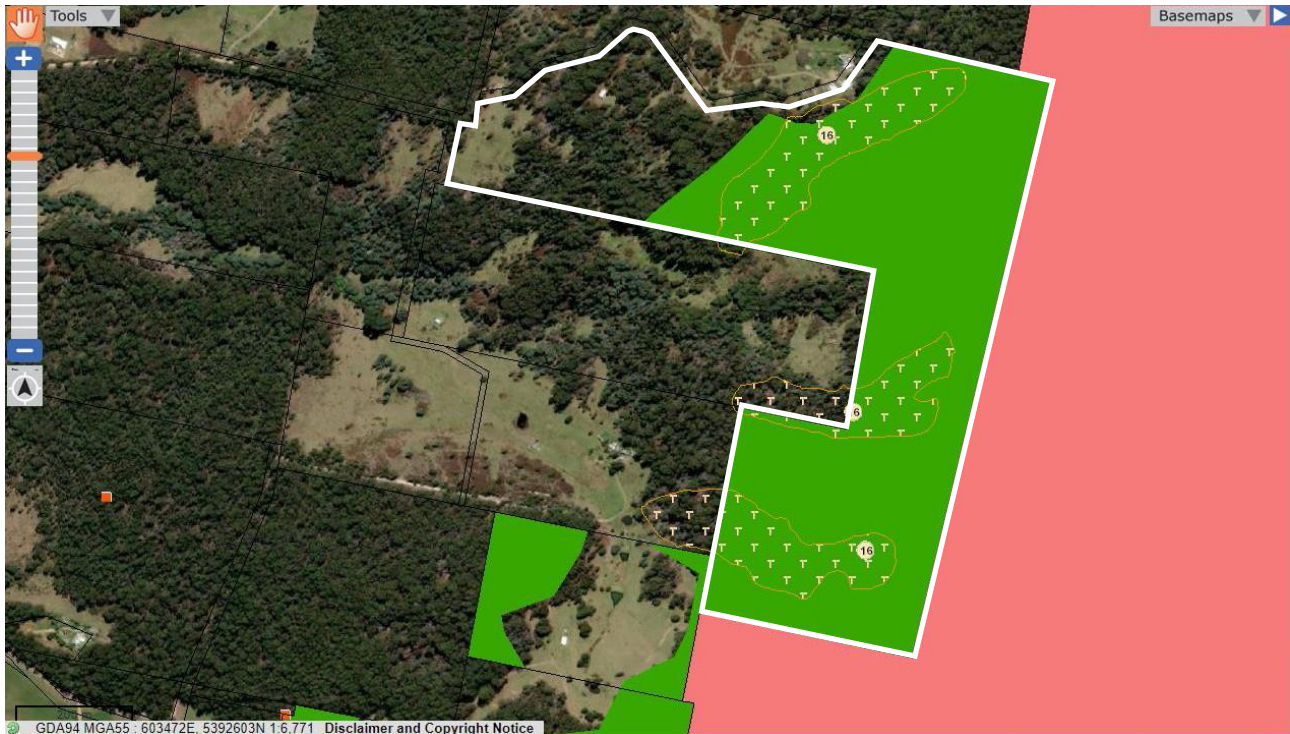
The Mount Elephant Reserve contains the threatened vegetation community No 33 Rainforest fernland listed in Schedule 3A of the *Nature Conservation Act 2002*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Curtis Road St Marys Reserve (CAPAD 2020 Row No 1387)

Address 130 CURTIS RD ST MARYS TAS 7215

PID 7378807

Title Ref 121098/1



The 38.6 ha Curtis Road St Marys Reserve covers 77% of the 50.0 ha Title Ref 121098/1. The non-reserved area of this title is mostly covered with native vegetation. The Reserve adjoins a large area of Future Potential Production Forest to its east.

It is proposed that all of Title Ref 121098/1 (solid white border) is rezoned to Landscape Conservation given that the non-reserved land appears unsuitable and not used for agriculture. The property has a residential dwelling and other structures located on Title Ref 53239/1 which should remain as Rural Zone.

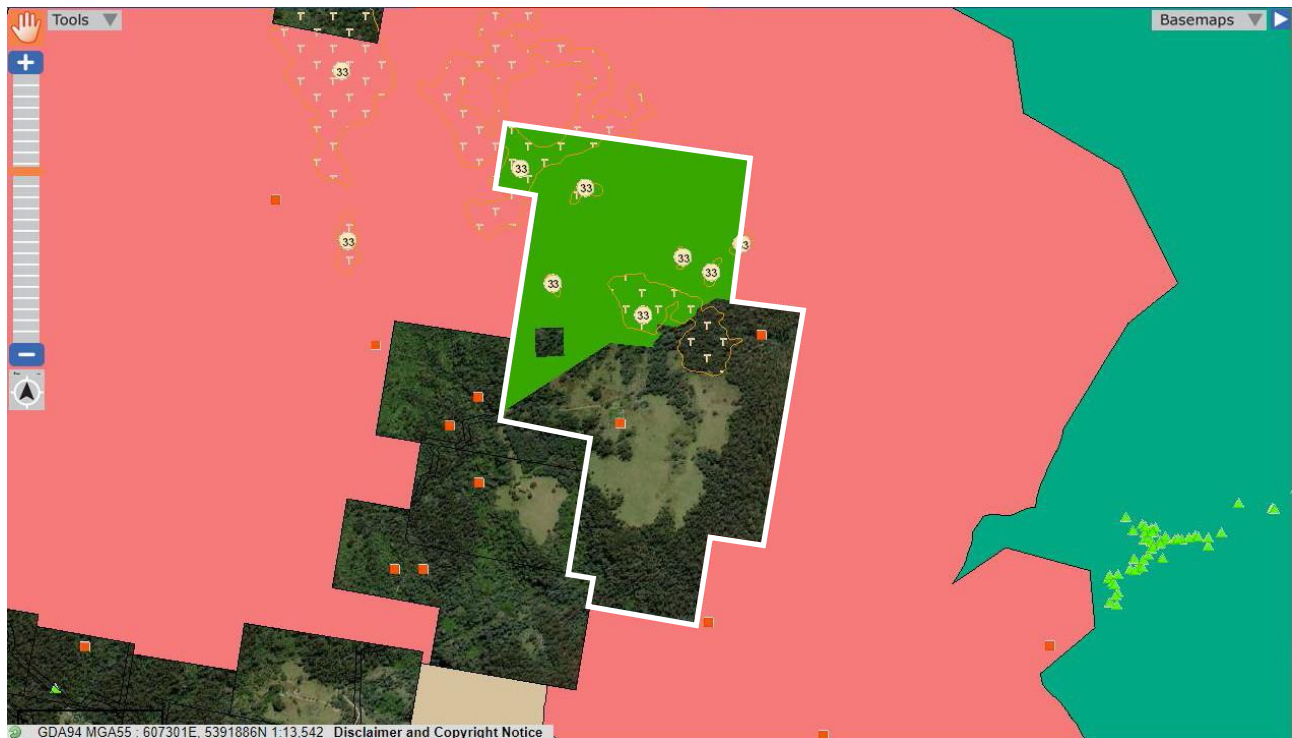
The Reserve contains the threatened vegetation community *Eucalyptus brookeriana* wet forest listed in Schedule 3A of the *Nature Conservation Act 2002*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPW.

Elephant Farm Elephant Pass Reserve (CAPAD 2020 Row No 1443)

Address 300 MOUNT ELEPHANT RD GRAY TAS 7215

PID 7298794

Title Ref 200851/1



The 56.1 ha Elephant Farm Elephant Pass Reserve covers 44% of the 126.5 ha Title Ref 200851/1. The non-reserved area of this title is partly covered with native vegetation but also contains a residential dwelling and an open area that does not appear to be farmed. The Reserve is mostly surrounded by Future Potential Production Forest but is also within 1 km of the 937 ha Little Beach State Reserve (blue-green area) and the 1092 ha Lower Marsh Creek Regional Reserve (beige area).

It is proposed that all of Title Ref 200851/1 (solid white border) is rezoned to Landscape Conservation given that the non-reserved land appears unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation community No 33 Rainforest fernland listed in Schedule 3A of the *Nature Conservation Act 2002*. The same threatened vegetation community extends into the surrounding Future Potential Production Forest. The Reserve also contains and provides habitat for the vulnerable *Dasyurus maculatus subsp. Maculatus* (Spotted tail quoll) and the endangered *Leucopatus anophthalmus* (Blind velvet worm) listed in Schedules 4 and 3, respectively, of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Wardlaws Creek Reserve (CAPAD 2020 Row Nos 2611-2612)
Gray #2 Reserve (CAPAD 2020 Row No 1673)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
31 DALMAYNE RD GRAY TAS 7215	7720238	51295/1	19.7	11.9	60%
822 ELEPHANT PASS RD GRAY TAS 7215	7320912	250636/1	15.1	12.3	81%



The 11.9 ha Wardlaws Creek Reserve covers 60% of the 19.7 ha Title Ref 51295/1. The 12.3 ha Gray #2 Reserve covers 81% of the 15.1 ha Title Ref 250636/1. Both titles contain residential dwellings on the non-reserved land and Title Ref 51295/1 also includes some small paddocks around the dwelling. Both titles are close to the 1092 ha Lower Marsh Creek Regional Reserve (beige area).

It is proposed that all of both titles (solid white borders) are rezoned to Landscape Conservation zone as the non-reserved parts appear unsuitable and not used for commercial agriculture and the existing Residential Use is Permitted under the General Provisions.

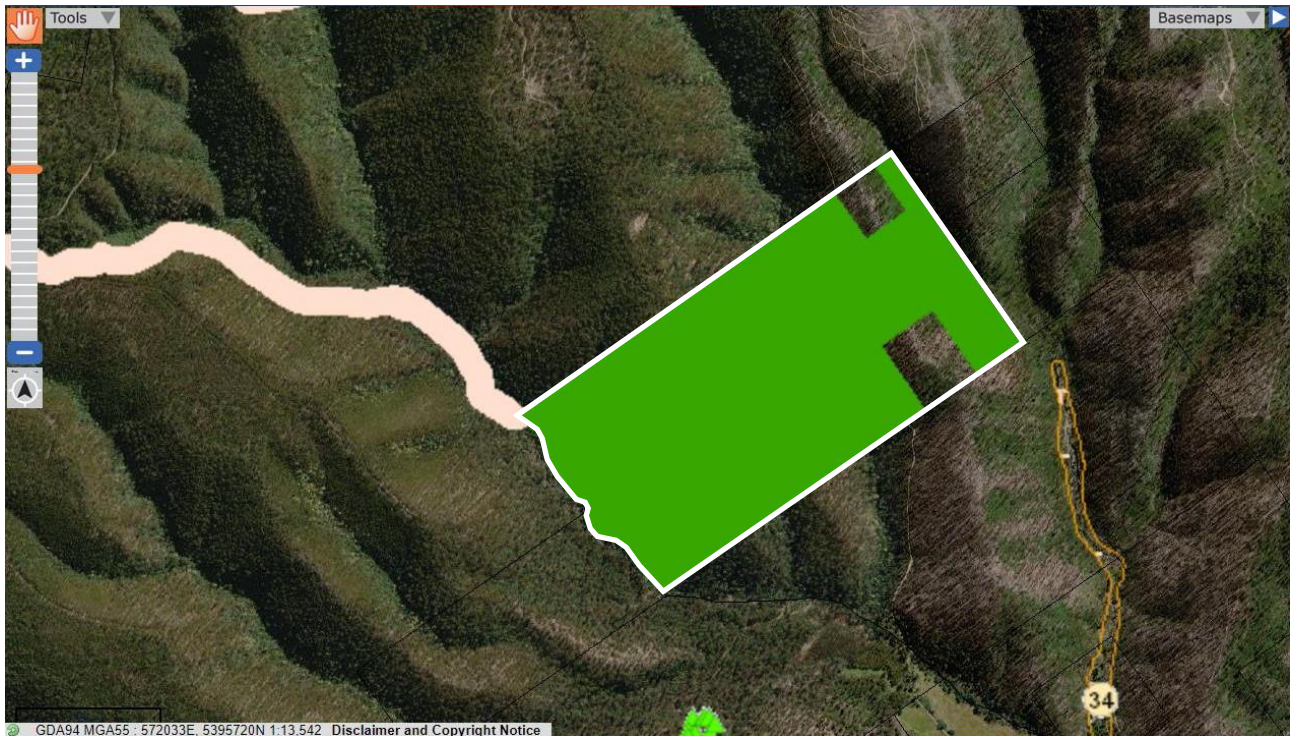
Gray #2 Reserve contains and provides habitat for the endangered *Dasyurus viverrinus* (Eastern quoll) and the Endangered *Leucopatus anophthalmus* (Blind velvet worm) both listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by these two Reserves are in the Nature Conservation Plans held by DPIPW.

Calders Gully Reserve (CAPAD 2020 Row No 1301)

Address CALDERS GULLY RD MANGANA TAS 7214

PID 6416832

Title Ref 146101/1



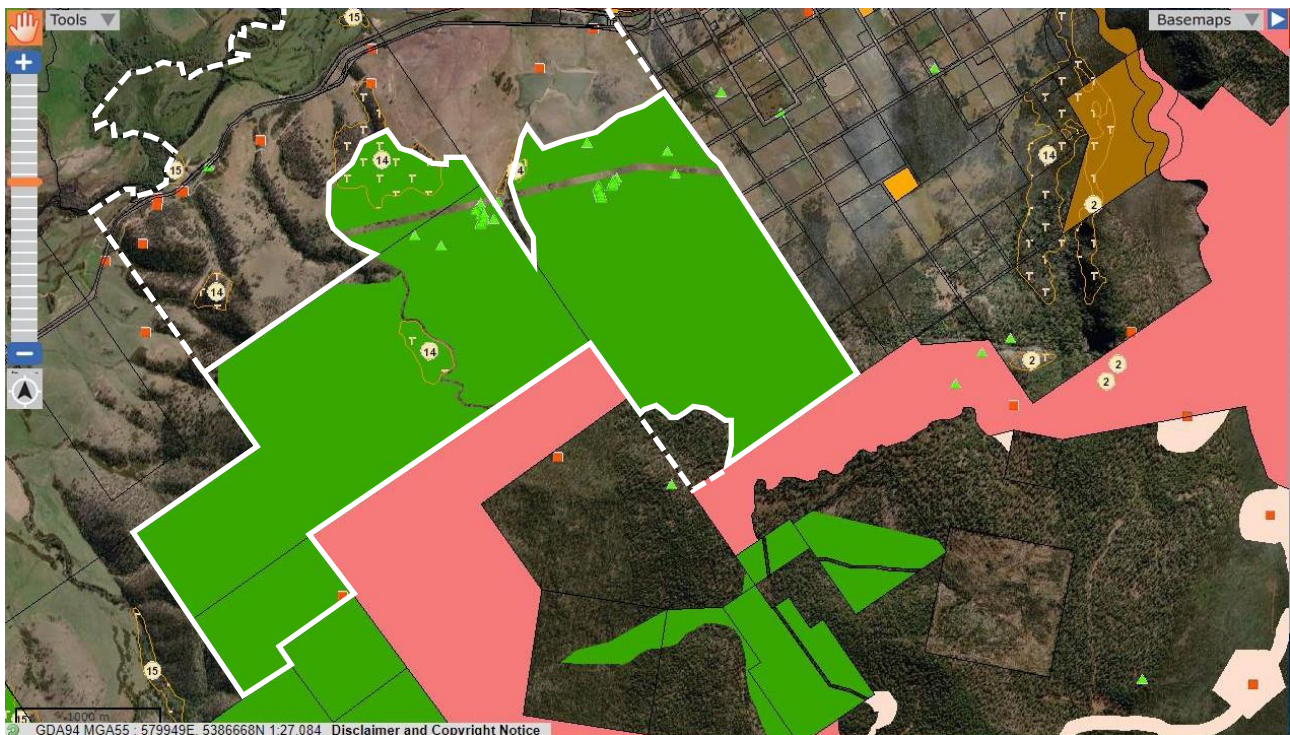
The 119.1 ha Calders Gully Reserve covers 93% of the 128.6 ha Title Ref 146101/1. The non-reserved areas of this title are covered with native vegetation. The eastern corner of the Reserve adjoins a Sustainable Timbers Tasmania Informal Reserve along Richardsons Creek.

It is proposed that all of Title Ref 146101/1 (white border) is rezoned to Landscape Conservation given the significant size of the title and that the non-reserved land appears unsuitable and not used for agriculture.

Details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPW.

Tullochgorum Reserve (CAPAD 2020 Row Nos 2539-2553)

Address	PID	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
4529 ESK MAIN RD FINGAL TAS 7214	9211677	174308/1	614	325.9	53%
		181574/2	418	49.0	12%
		121908/1	400	386.4	97%
		121908/2	58.6	58.6	100%



The 1539 ha Tullochgorum Reserve covers 13 titles on two properties and the various parts of the Reserve are not contiguous. Many of the titles are mixed use with areas used for farming or forestry.

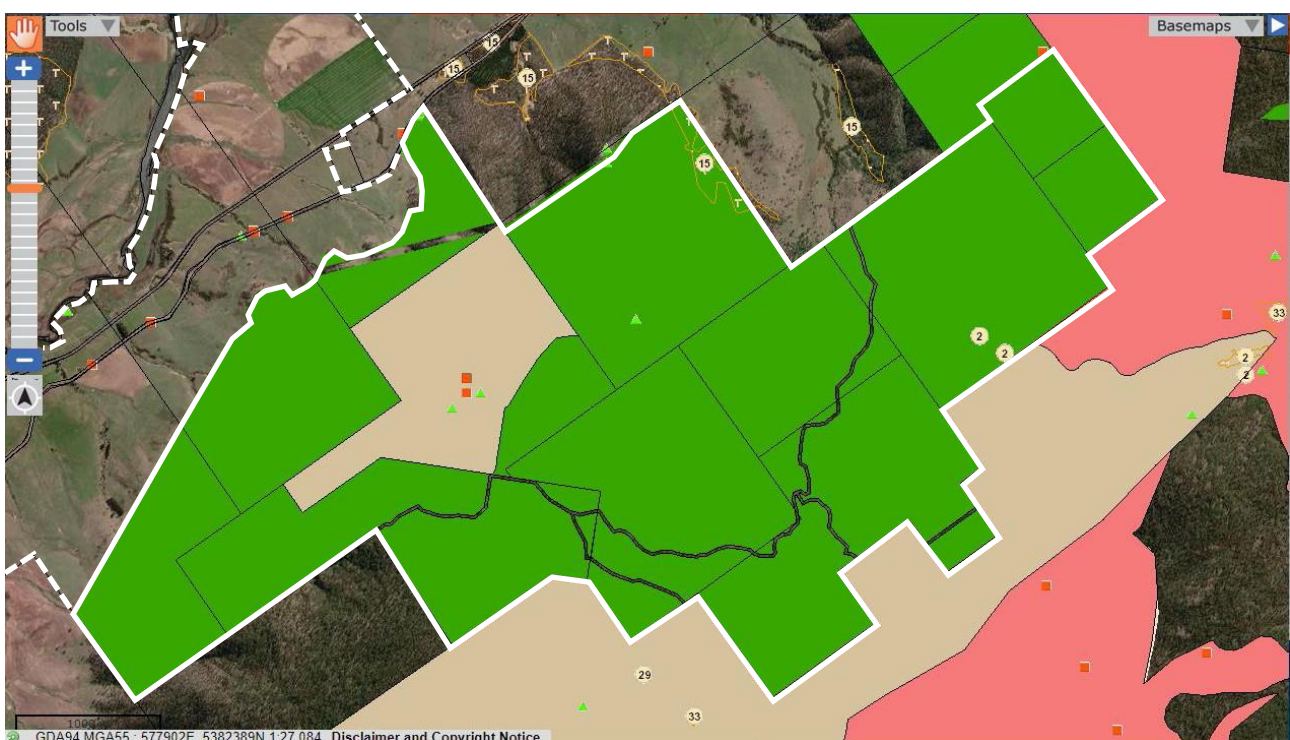
It is proposed that the 820 ha of reserved land on the four titles listed above, which are contiguous, should be considered for rezoning to Landscape Conservation as it represents 53% of the Tullochgorum Reserve and adjoins the 1589 ha Fingal #1 and #2 Reserves to its southwest which are also proposed for rezoning to Landscape Conservation. It is proposed that all of Title Refs 121908/1 and 121908/2 are rezoned but only the reserved land on the mixed use Title Refs 174308/1 and 181574/2 is rezoned (solid white border). The balance of the latter two titles would remain as Agriculture Zone (dashed white lines).

The parts of the Tullochgorum Reserve proposed for rezoning contain the threatened vegetation community No 14 *Eucalyptus amygdalina* forest and woodland on sandstone listed in Schedule 3A of the *Nature Conservation Act 2002*. They also contain the endangered *Desmodium varians*

(Slender ticktrefoil), the vulnerable *Scleranthus fasciculatus* (Spreading Knawel), and the rare *Haloragis heterophylla* (Variable raspwort) as listed in Schedules 3, 4 and 5, respectively, of the *Threatened Species Protection Act 1995*. Full details of the natural values protected by this Reserve are in the Nature Conservation Plans held by DPIPW.

Fingal #1 and #2 Reserves (CAPAD 2020 Row Nos 1499-1516)

Addresses	PIDs	Title Refs	Title Area (ha)	Reserve Area (ha)	Percent reserved
ESK MAIN RD FINGAL TAS 7214	6413287	224858/1	216.6	216.6	100%
	2867767	211222/1	41.6	41.6	100%
		211225/1	42.0	42.0	100%
		211226/1	210.8	210.8	100%
		211223/1	118.3	118.3	100%
		102678/2	215.1	210.6	98%
		171558/1	277.2	61.3	22%
		152147/1	291.2	137.3	47%
		121797/1	197.0	197.0	100%
3837 ESK MAIN RD FINGAL TAS 7214	3478595	152324/1	435.1	108.9	25%
		229987/1	244.7	244.7	100%



The combined Fingal #1 and Fingal #2 Reserves have an area of 1589 ha across three properties and 11 titles as listed above. The Reserves enclose the 171 ha Barway Spur Regional Reserve and adjoin the 4402 ha St Pauls Regional Reserve to their south. They also adjoin 820 ha of the Tullochgorum Reserve protected by conservation covenant.

It is proposed that all of the reserved land on the 11 titles listed above, which are contiguous, should be considered for rezoning to Landscape Conservation with those titles with mixed use split zoned to align with the covenant boundaries. The balance of the land on the split zoned titles would remain as either Rural or Agriculture Zone (dashed white line) as per the exhibited zoning for those titles.

The Fingal #1 and #2 Reserves contain areas of the threatened vegetation communities No 2 *Allocasuarina littoralis* forest and No 15 *Eucalyptus amygdalina* inland forest and woodland on cainozoic deposits as listed in Schedule 3A of the *Nature Conservation Act 2002*. They contain the vulnerable *Scleranthus fasciculatus* (Spreading knawel) and the rare *Bossiaea tasmanica* (Spiny bossia) as listed in Schedules 4 and 5, respectively, of the *Threatened Species Protection Act 1995*. They also contain and provide habitat for the endangered *Sarcophilus harrisii* (Tasmanian devil) and endangered *Aquila audax subsp. Fleayi* (Tasmanian wedge-tailed eagle) as listed in Schedule 3 of the same *Act*. Full details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPWE.

Yours sincerely



John Thompson
On behalf of the Board of Trustees, CLT Trust

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Email thompsonjohng@gmail.com

Appendix A

The relevant Guidelines

The following are extracts from *Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0)*, June 2018 for 22.0 Landscape Conservation Zone and 20.0 Rural Zone with key words and phrases underlined.

- LCZ 1 *The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.*
- RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*
- AZ 6 *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
- (c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;*
 - (e) it can be demonstrated that:*
 - (i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
 - (ii) there are significant constraints to agricultural use occurring on the land; or*
 - (iii) the Agriculture Zone is otherwise not appropriate for the land.*

The relevant Q & A from the Planners Portal

Extract from the 'Questions and Answers Zones – Other' with key phrases underlined.

22/4/2021

Question *What is the most appropriate zone for land with a conservation covenant?*

Answer *Guideline No.1 for both the Landscape Conservation Zone (LCZ) and Environmental Management Zone (EMZ) indicate that land which contains a conservation covenant will invariably have values that can result in the land being suitable for zoning in either the EMZ or LCZ.*

But that land may also be suitable for inclusion in the Rural or Agriculture Zone (and potentially others such as Rural Living). The values that are identified in the conservation covenant are managed or protected by the terms of the covenant and that management or protection is not dependent on the zoning of the land for land use

planning purposes. Determining the zone to apply to land with a conservation covenant needs to be balanced with application of zones based on sound planning principles, such as, minimising spot zoning and applying the zoning that satisfies the Guideline No. 1 and the regional strategy.

The application of zoning, as the primary method of the control of use and development, should firstly be undertaken irrespective of whether a covenant applies, with weight given to the existence and content of a covenant when multiple zoning options may be available.

Therefore, the LCZ should not simply be applied on the basis that a conservation covenant is in place. However, areas that have extensive conservation covenants (such as, a cluster of many, a large area, or both, or connectivity with other land zoned for similar values) may demonstrate good strategic planning merit for applying this zone.

Where a conservation covenant applies to a small portion of a large landholding that is appropriately zoned Rural or Agriculture or another relevant zone, it may not be appropriate or necessary to apply the LCZ to the area covered by the covenant as the values will be protected by the terms of the covenant, and at the same time be compatible with the wider use of that land.