

30<sup>th</sup> May 2022

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**HUON VALLEY COUNCIL**

Action  
Officer: .....

**378**

**- 1 JUN 2022**

**HUON VALLEY COUNCIL**

**31 MAY 2022**

File No: .....

**CUSTOMER SERVICE**

Set ID: .....

Dear Sir

**Re: LPS Submission – 200 Kermandie River Road, Geeveston Tas 7116**

I write to you in relation to the proposed Local Provisions Schedule, currently under the advertisement period with the Huon Valley Council. I understand that I have the opportunity as part of the hearing process to speak directly to the Tasmanian Planning Commission panel, this submission is prepared succinctly and focuses on the application of the zone in reference to Section 8A Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application.

**The Site**

The subject site, 200 Kermandie River Road, Geeveston, is located about 10 minutes' drive from the town center of Geeveston. Currently the site is zoned Rural Resource and it is proposed under the current LPS to be zoned as Landscape conservation.

The site measures 20.23ha and contains a residential dwelling, storage sheds and some very small scale hobby farming areas, namely a pig pen and a chicken coop. This site is completely surrounded by productive forestry operations, over half of which is plantation and has been cleared in the last couple of years following the Geeveston Bushfires in January 2019 which burnt through the area.

I am unsure why this title has been proposed to be zoned as Landscape conservation because it does not meet many of the section 8A guidelines for this zone.



**Image 1: Current zoning**



**Image 2: Proposed LPS zoning**

## Section 8A Guideline – No 1 – Local Provisions Schedule: zone and code application

It is my intent to highlight the inconsistencies with the implementation of these guidelines as applied to this site.

### 22.0 Landscape Conservation Zone

Going through the zone application guidelines LCZ 1 to LCZ 4, it is apparent that this title does not meet many of the requirements for these guidelines and is an outlier in the surrounding area. Here is my assessment of the title against these guidelines.

*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.*

LCZ 1 seems to largely reiterate LCZ 2 (a) which has been considered in more detail below. To avoid repetition, please consider those arguments below as additional evidence to this guideline where appropriate.

Where LCZ 1 does differ from LCZ 2 (a) is that it also recognizes the importance of scenic values. While I believe I have maintained a scenic landscape on my title, I would argue that there are no important scenic values for this title to the public.

Due to the topography in the area, my title can not be seen by the public along any of the main tourist highways. In fact, due to the hill at Brittcliffes Road, it can't be seen until you are reaching the end of Kermantie River Road. Because this land is located at the end of Kermantie River Road, the only traffic to travel past far enough to regularly see the site are my family, a couple of other locals nearby and the logging contractors working on surrounding titles.

Finally, this title is completely surrounded by forestry land and has almost completely been cleared following the bushfires in 2019. While the bush around me will inevitably return, the land remains as active logging operations and will be repeatedly cleared when commercially ready. So this activity will continue to destroy any scenic values.

*LCZ 2: The Landscape Conservation Zone may be applied to:*

*(a) Large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contain Threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*

While this site does contain native regrowth bushland, I don't believe it can reasonably be considered to be a large area of bushland. This argument is made more relevant by the fact that the surrounding plantations have been removed in the last couple of years, largely cutting the bushland off from surrounding areas. Any bushland that is still remaining will inevitably also be logged and cleared when commercially ready.

While there is a reasonably large canopy from the trees on site, much of the southern half of the block has been maintained as undergrowth. In particular, there is a larger area around the house, sheds and animal pens that has been maintained as lawn/low pasture, this has significantly reduced the native vegetation values other than the large trees overhead.

Since the bushfires in 2019 I have been actively working to expand the area cleared of undergrowth as a safety precaution. The bushfire swept right through our title and we had to evacuate. Upon return it was very apparent how close our home came to being destroyed, while the main material of our home is natural stone, the few external pieces of woodwork such as window sills and door frames were singed black!

It is noted that while there are quite a few large trees that are onsite which would likely have the values this zone intends to protect, these trees are already protected by other mechanisms within related legislation and other sections of the planning scheme. Therefore I feel it does not meet the requirements of this section and is redundant to zone the land as Landscape conservation.

To determine if there are any threatened native vegetation on site, I refer you to the below map taken from the LIST. The layer shown is the "Threatened Native Vegetation Communities 2020 (TNVC 2020)". The nearest mapped community from this layer is a tiny pocket located near the Huon Highway over 2km away. It is noted there are no substantial areas of mapped vegetation for quite a substantial distance from my title.



**Image 3: Threatened Native Vegetation Communities 2020 (TNVC 2020)**

When searching for available mapping of threatened species, I searched through the following layers on the LIST:

- Threatened Flora Point
- Threatened Flora polygon
- Threatened Flora Line
- Threatened Fauna Point
- Threatened Fauna polygon
- Threatened Fauna Line
- Conservation Significance Flora Point
- Conservation Significance Flora Polygon
- Conservation Significance Flora Line
- Conservation Significance Fauna Point
- Conservation Significance Fauna Polygon
- Conservation Significance Fauna Line

From all of these layers, there were no recorded points, polygons or lines on my title.

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

Due to time constraints I have not been able to formulate an assessment of this section.

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

Under the interim planning scheme 2015, the title is zoned as Rural Resource, therefore this section simply does not apply.

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

It is unclear to me if this section is allowing the application of the landscape conservation zone to lots of any size, no matter how small they are. Alternatively, it may be specifying that the individual lots may be smaller than the minimum lot size but the group of titles must still make up the minimum lot size.

Under the Statewide planning scheme, Section 22.5.1 (A1) (a) states that the minimum lot size for the Landscape Conservation Zone is 50ha. Given that this title is not part of a group, and instead has seemingly been singled out in the amongst a large area of forestry land, it does not meet the 50ha minimum.

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

*(a) Land where the priority is for residential use and development (see Rural Living Zone);*

This section is my largest concern against the proposed zoning of Landscape conservation. I want to repeat this, Landscape Conservation Zone should NOT be applied on land where the priority is for residential use.

This is my home, I have taken great care to build a safe and secluded home and intend to live out my days amongst the beautiful trees. Following the recent bushfire I am extremely aware that the home may come under risk during such an event.

Under the Landscape Conservation Zone, Residential use is discretionary. I am sure you have heard this concern from many other submissions against the Landscape Conservation Zone. I have spoken to many professionals about this and it seems unclear at best whether I would be able to re-build my home should something happen to it. It certainly seems unlikely that I could build a new home in a different place if I chose to.

*(b) State-reserved land (see Environmental Management Zone)*

The title is clearly not state-reserved land, therefore this section is not relevant.

## **20.0 Rural Zone**

Given the large surrounding area of Rural Land around my title, it only seems logical to compare my title against the guidelines for this zone.

*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.*

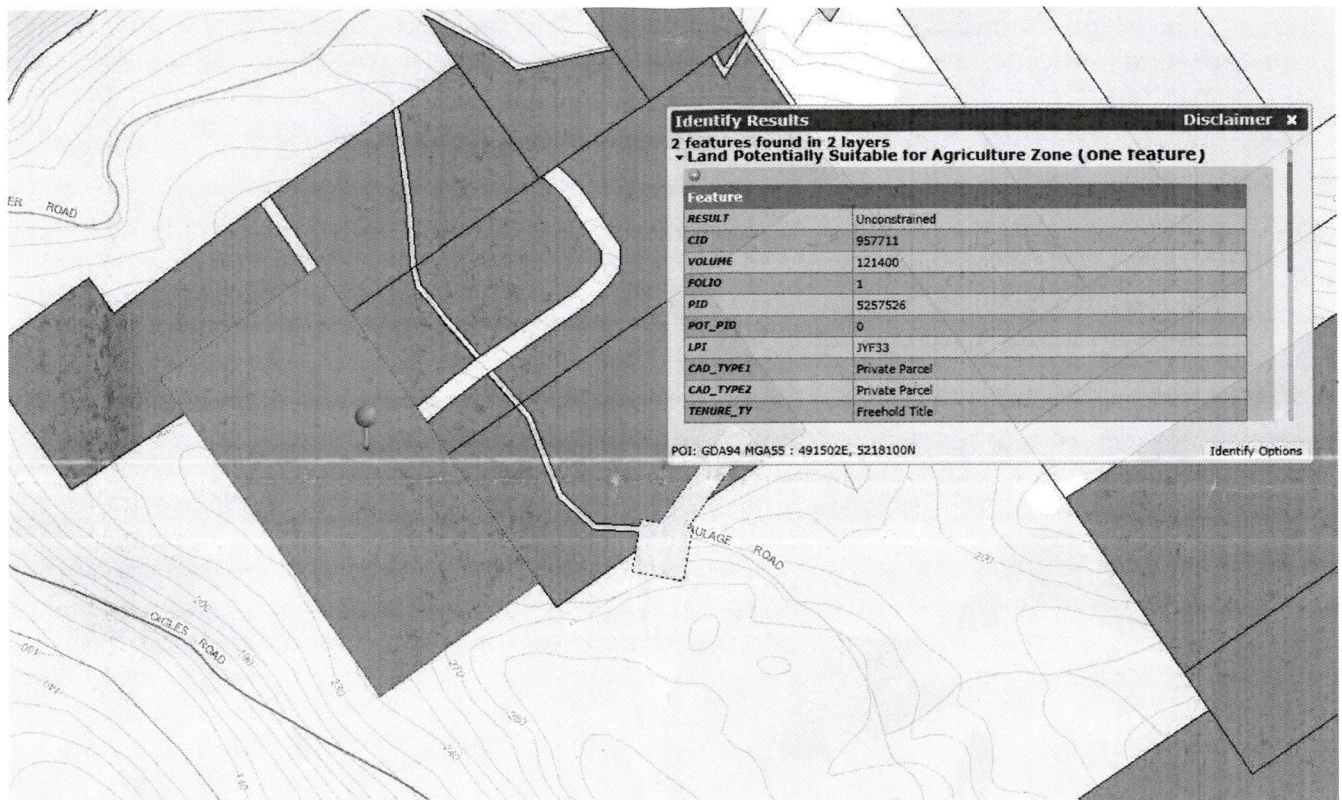
Going through that paragraph one point at a time, my title is definitely in a non-urban area. I feel that this is obvious enough that I don't need to argue this point. The easiest argument I can make quickly is that the LPS has determined that all the titles around this one is Rural and therefore must meet this guideline. I note that the area of titles around mine that are proposed to be zoned as Rural is quite wide.

I don't have the expertise to quantify the ability of my land for agricultural uses. While I do maintain pigs and chickens I stress that this is on a very small scale and done so as a hobby. I can however point out that for the land to be made suitable for agriculture beyond that of a hobby, the bushland and trees would need to be cleared. This would obviously be well against the currently proposed landscape conservation code.

I believe I have outlined many of the problems with zoning my title as Landscape Conservation above. While I have insufficient time to prepare an in-depth analysis of the suitability of the Environmental Management Zone, my general take on that zone is that it is designed to protect the most significant environmental values, so I don't believe this is relevant. Should you require a more in-depth analysis of this I would be happy to have one prepared.

*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.*

I have checked the "land potentially suitable for agriculture zone" layer on the LIST, the result is "Potentially Unconstrained". I have not determined exactly what this means but highlight my point above again, the land would need to be cleared in order for it to be used for agricultural uses beyond that of a very small scale hobby farm.



**Image 4: Land Potentially Suitable for Agriculture Zone and results**

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

- (a) *It can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*
- (b) *It can be demonstrated that there is significant constraints to agricultural use occurring on the land;*
- (c) *The land is defined 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;*

The land on this site would require significant clearing to be able to be used for agricultural purposes and there are no other agricultural uses on this or the surrounding titles so is not integral to the management of any larger farm holding.

Whether the result of the suitability layer is favorable or not for Agricultural use, I believe that the intent of this section is to provide lots very much like this one to be assigned the Rural Zone. It allows for the retention of the natural values by not requiring the bushland to be converted to agricultural uses to fit under the Agriculture Zone. It also allows for the existing Residential use to continue which would be discretionary under the Landscape Conservation Zone.

### **Conclusion and closing thoughts**

While my analysis is by no means complete or exhaustive, I do believe I have touched on many of the main points that demonstrate that the proposed zoning of my title should be reconsidered. I have prepared this report in the hope that the panel assessing my application can use their expertise to take my main points but also fill the gaps in my arguments and determine a different outcome to the one proposed. Failing that, I would like to have the opportunity as part of the hearing process to speak directly to the Tasmanian Planning Commission panel.

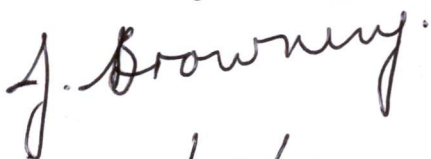
It does perplex me as to why this title has been proposed to be Landscape conservation. The title is the only one in a large area of other titles which will be zoned as Rural (other than a utilities lot). The main difference I can see to my title is that it is used for residential purposes, so it then seems even stranger to propose for this one to become a zone where residential use is discretionary. The way I use my title fits well within the Rural zone, which in turn fits well with the surrounding titles.

Continuing to comparing my title to those surrounding it, given that the surrounding lots have recently been cleared following the bushfires in 2019 and they are proposed to be zoned Rural, there is no reason why these titles cant be sold and homes built on them in a similar fashion to mine. There is no strategic purpose in singling out this lot for conservation.

I am currently managing the land in an effective way that allows for the retention of the rural values while allowing for sensitive residential use as well as some hobby agricultural use. I believe these good management practices may have contributed to the proposed restrictive zoning and I have been punished for my good practices. Being required to take so much time and mental energy to prepare a report such as this makes me think of Darryl Kerrigan from the Castle. "its not a house, it's a home and a mans home is his castle"

I thank you for your time to read my report and to consider my proposed zone more carefully.

Yours kindly,  
Jason Browning.



Date: 31/5/2022