

From: "Robert" <hobartsound1@internode.on.net>
Sent: Tue, 31 May 2022 18:57:17 +1000
To: hvc@huonvalley.tas.gov.au
Subject: LCZ Representation ZONE CREEP
Attachments: 220425 Brackenbury Representation HUO LPS.odt

I purchased this land specifically as Rural ...
then it changed to Rural Resource
and now you want to change it to Landscape Conservation !!

NOT HAPPY JAN

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31 May 2022
 Planning Division
 Huon Valley Council
 PO Box 210
 Huonville TAS 7109

Dear Relevant Members of Council,

RE: Representation for the Huon Valley Council's advertised zoning of 754 Mountain River Road, Mountain River.

<p>20.0 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) that 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 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>
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My name is Robert Brackenbury and I am the owner of the above property. The following is my representation in objection to the proposed Landscape Conservation zoning assigned by the Huon Valley Council (herein HVC) as part of the advertised draft Local Provisions Scheme (LPS)

submission. I 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 my land characteristics, surrounding similar zoned folios, historical use and alteration of the land, and recognised land improvements. Further to this the “Overview Assessment” in Table 1. which the TPC applies to decide zoning based on the information contained in a representation as follows indicated that “like for like” is a part of the assessment:

Table 1. Overview Assessment used by the TPC to decide zoning during a representation under the new planning scheme - Tasmanian Planning Scheme 2020 V3 (at as 19th February 2020).

Snapshot
 To assist provide an overview of the requirements each representation has been summarised using the table below, and where required, explored in further detail.

Overview assessment	
Is the representation consistent with:	Yes/No/NA
the STRLUS	
State Policies	
the Guidelines	
TPC Drafting Instructions/Practice Notes	
Local Strategy/Policy	
a “like for like” conversion of the CIPS2015	
Natural Justice issues	
Does the representation relate to the drafting/content of the SPP's?	
Does the merit of the representation warrant modification to the exhibited LPS?	

Given that I was not formally notified by the Huon Valley Council regarding the changes to zoning of my property and the anomalies with the zoning I refute the zoning of Landscape Conservation Zone and prove that Rural Zone is appropriate for the property as its primary use is not for conservation of landscape and natural values as a precedence over residential and rural living. In addition to this there are already mechanisms in place that protect the natural values of my property and therefore the LCZ not only inappropriate but unnecessary.

I also wish to note that there has been no Natural Justice in the TPC process of implementing the planning scheme – many people in the valley including myself have either only recently found out about the rezoning or still do not know due to the lack of council initiative to send out letters to all ratepayers. Many people cannot afford a planner at short notice, cannot get a planner in this limited time or do not have the time now to undertake self-written representation. The way the TPC applies the implementation process is poorly consultative and many who live in our municipality may not use social media to access information or the world wide web.

I reserve the right to present this evidence to support my case for the comparable Rural Zone based on the assessment criteria in Table 1 and the “like for like” argument among all the other criteria you will find that is comparable with Rural Zone and incomparable with the Landscape Conservation Zone.

Furthermore, my property has no evidence of threatened species existence and none within a 500m buffer of the property and no 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 (See Table 3). My property was already subject to this under Rural Resource which is comparable with *Rural Zone* not *Landscape Conservation Zone*.

More detail on the misappropriated Landscape Conservation Zone will be provided in the following sections. 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 and associated sheds/storage as indicated on Huon Valley Council's interactive map. The property has several overlays present including Landslip Hazard Area, Waterway and Coastal Protection, Bushfire Prone Areas (whole property) and Priority Vegetation Area (whole property). The typography of the land could be described as semi flat. It is approximately 20% covered with rough pasture and the remaining 80% is 1967 stringy bark regeneration as indicated by TasVeg 4.0 – WOB: *Eucalyptus obliqua* wet forest (Figure 1). Not shown on any overlays are two powerline easements that must be cleared to ground level that run 2/3 the length of the property.



Figure 1. From left to right: example of the WOB and on the right one my home and the rough pasture that surrounds.



Figure 2. Historical photos of the land use history where the property was denuded of all vegetation during the 1967 fires (LHS) and was excavated for two building sites in the 1980s (RHS). The *Eucalyptus obliqua* wet forest (WOB) regrowth on pasture is solid throughout the property

although there is mention of *E. viminalis* on a small section this is inaccurate. The intention is to continue to maintain the vegetation around the cleared area for maximum bushfire management and convert some of the WOB regrowth back to rough pasture for gardens and livestock.

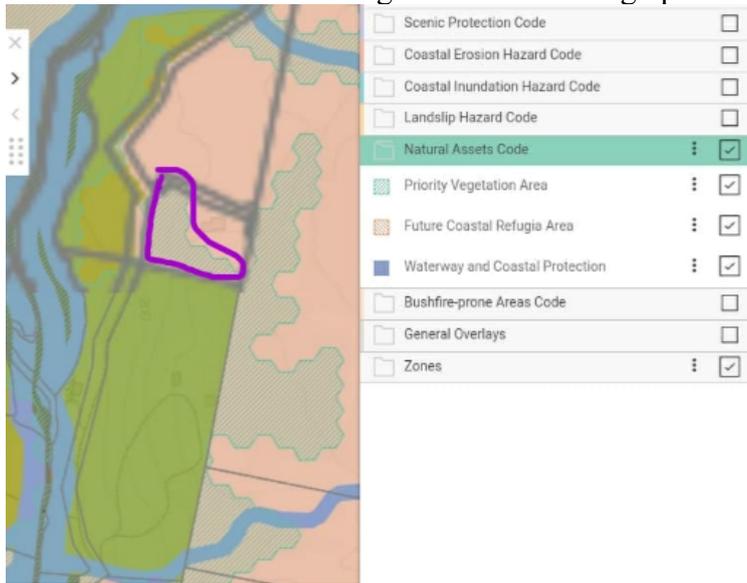


Figure 3. Indicates the overlays and Landscape Conservation zoning the HUU-LPS has allocated my property. Note the inaccuracy of the priority vegetation area overlay – purple line is indicating the area above my property which has been allocated Rural Zone but has an extended overlay across what is bare dirt.

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

Ultimately three key areas of evidence are presented here to show that the LCZ is in contradiction with how I manage my land:

- Inaccuracy of the Priority Vegetation Area (PVA) overlay applied by the HUU LPS with no verification of my property's natural values
- Contradiction with the LCZ on past and current land use
- No natural justice has been undertaken in the process with TPC or the HVC
- The PVA is based on extent in bioregion that is not reserved but should then be applied to the landholder to carry this conservation liability. The statement regarding the amount of priority vegetation that is not under reserve is also not valid due to the inaccuracy of the data and the modelling.

I 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 on March 18th 2022. Given the lack of specific criteria of the LCZ Zone applicable to my property that I am aware of, I will address the council's comments that are found in Table 12 of LPS-HUU-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

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 in reserves < 30% 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 properties natural values. There is no scenic overlay. The land has a history of being disturbed as per Figure 2. Also my property is under the 20 ha size, it is approximately 15 acres.

<p>LCZ 2 <i>The Landscape Conservation Zone may be applied to:</i></p> <ul style="list-style-type: none"> <i>(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;</i> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i> <i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i> 	<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. TasVeg 4.0 indicates my property is WOB. I have never seen a Tasmanian Devil on the property although it is always possible that my property is thoroughfare for the devils but there are certainly no signs of this species inhabiting the property e.g. dens.

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.

<p>LCZ 3 <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>LCZ 4 <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>

LCZ3

There are five titles that share the border my property that are Rural Zoned (Figure 4.). In the interest of preventing spot-zoning and the arguments around my property also being more representative of Rural Zone under the new planning scheme the LCZ should be changed. 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 like my neighbours which is zoned Rural (Figure 4).



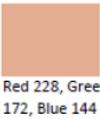
Figure

4. Map taken from the Huon Valley Planning Scheme Consultation Interactive Map

LCZ4

As per LCZ4 the property was not formally a 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 and Rural prior to that when purchased, 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 can be described as Rural which is why titles on this road have been zoned Rural. There is a wide range of uses on my property from selective timber harvesting for manufacture of rustic furniture to animal breeding that meet the Rural Zone criteria. The property has limited agricultural use due to shallow poor soil and rocks. It is suitable for running light numbers of livestock and hardy crops such as some varieties of grapes and berries. 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 shallow poor soil and rocks. Rough/good pasture is possible

RZ3

My property has limited agricultural use and is not integral to the management of a larger farm holding within an Agricultural Zone. The pasture is barely sufficient to sustain the wildlife during the year.

Summary

Moving from the Landscape Conservation Zone to the Rural Zone is the most appropriate outcome

because it meets the criteria for the Rural Zone and not the criteria for the Landscape Conservation Zone. The property is rural and being used for rural purposes, with plans to continue farming trees. The property at 754 Mountain River Road has no records of threatened species, is under 20 ha and is not priority vegetation according to TasVeg 4.0 (it is WOB). Given the inaccuracy of the Priority Vegetation Area overlay and the way this model takes an expansive view of only “possible” issues, it proposes an overlay constraint on my land which is unnecessary.

The rezoning of my property to LCZ is fundamentally not in accordance with the TPC’s Section 8A Guidelines No.1 LPS Zone and Code application Guidelines. For this reason, this representation is in opposition of the proposed LCZ under the draft Huon Local Provisions Scheme. Applying like for like for the assessment, this property is more appropriately zoned as Rural (Huon LPS) having changed from Rural Resource under the Interim Planning Scheme 2015.