

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: Mon, 30 May 2022 20:57:16 +1000
To: hvc@huonvalley.tas.gov.au;laurencabbot@gmail.com
Subject: Planning Representation - Daniel Cupit and Lauren Abbot - {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)
Daniel Cupit and Lauren Abbot
Are you lodging as a Individual, Company or Organisation
Individual/s
Of Address
123 Waggs Gully Road
Town or Suburb
Ranelagh
Postcode
7109
Email
laurencabbot@gmail.com
Phone Number
0403964699
File
<ul style="list-style-type: none">• 123-Waggs-Gully-Road.docx
Submit Application
<ul style="list-style-type: none">• Yes Submit

Dear Huon Council,

Here are a list of reasons as to why our property at 123 Waggs Gully Road, Ranelagh should not be zoned as Landscape Conservation.

1. Because our property does not meet the selection criteria for the LPS supporting report:

According to the LPS supporting report

“Selection criteria and process followed: the first step was determining which properties where predominantly covered by native vegetation ... 80% native vegetation coverage was used as the minimum coverage for selection as potential LCZ properties”. (LPS-HUO-TPS Supporting Report 2.4.5.3 Application of the Landscape Conservation Zone, Table 12).

Our property is less than 80% native vegetation, and therefore does not meet the selection criteria for Landscape Conservation zoning.

2. Because it is not consistent with Section 8A: Guideline Number 1 Local Provisions Schedule

According to Guideline Number 1 of the Local Provisions Schedule, “LCZ 4 The Landscape Conservation Zone should not be applied to: (a) land where the priority is for residential use and development” (p. 19). Our house (built in 2004) is on a residential street in a rural area. Every property on the street, including ours, is primarily used as a place for people to live. Therefore the priority of our property, like our neighbours, is for residential use and development. Landscape Conservation zoning is not appropriate for our property.

The guidelines also state that “The Landscape Conservation Zone is not a large lot residential zone in areas characterized by native vegetation cover and other landscape values” (22.0, page 20). Our property, along with every house on the road can perfectly be described as ‘large lot residential in an area characterized by vegetation cover and other landscape values’. Therefore, Landscape Conservation Zoning is not appropriate for our property.

The guidelines go on to say “Rural zoning should be applied to land in non-urban areas with limited or no potential for agriculture ... which is not more appropriately included within the Landscape Conservation Zone...” (Guidelines, page 14, RZ 1). Our property is in a non-urban area and it has minimal to no potential for agriculture due to the slope/landslip overlay. It is NOT more appropriately included in the Landscape Conservation Zone because it is a large lot residential zone with landscape values, which is specifically excluded from the LCZ as quoted above. Therefore, according to “the guidelines”, it should be zoned as Rural, which is the zoning that has been applied to every other house on our street except one.

3. Because the existing dwelling on our property is not permitted by the State Planning Provisions:

Our double story house is more than 6m high and the TPS states that “the building height must not be more than 6m high” in a LCZ (page 232, 22.4.2 A1). Therefore our existing dwelling is not permitted in Landscape Conservation zoning.

4. Because “like for like” conversion has not been applied, which has resulted in undesirable “spot zoning”

Our property was previously zoned as Rural Resource along with the rest of our street. Now us and one immediate neighbor have been zoned LCZ while every other house on the street has been zoned Rural. Our property is very similar in geographic features and usage as every other property on our street, so it is difficult to understand why two houses on a street should be zoned differently to the rest of the street. If “like for like” conversion is to be applied, we should be zoned Rural. If spot zoning is to be avoided, we should also be zoned rural.

5. Because the conservation benefits of zoning our land Landscape Conservation are minimal:

Our property has no scenic overlays, no site specific area plans, no site specific qualification and no local area objectives. We share two out of three boundaries with a massive private timber reserve which will be logged to the ground when the crops are ready. Our property has been historically used as a dumping ground, with piles of rubbish and machinery poking through the foxglove near the supposedly valuable creek.

As for us being part of a valuable area of native vegetation greater than 20ha, we only share a single boundary with one neighbor who also shares a single boundary with the native vegetation area in question. We and the neighbor (122 Waggs Gully Road) stick out like a tooth from the Landscape Conservation Zoning and into the Rural Zoning, which we are surrounded by on three sides. The logical place for the landscape Conservation Zoning to begin is *after* the last two houses on Waggs Gully Road (123 and 122), rather than zoning two houses differently to every other house on the road.

Furthermore, the bushland on our property is already protected by Priority Vegetation and Waterway overlays, so any further development/clearing is already at the discretion of the council. Therefore, Landscape Conservation zoning has no conservation benefit to the land and only serves to deter prospective buyers from our property, devalue the property and therefore decrease the rates we are obliged to pay to council. A lose-lose situation for all.

6. Because our house and our street are areas where residential development is the priority, NOT discretionary:

This is evidenced by all the houses on our street, including ours. According to Factsheet 6 on the Tasmanian Planning Reform website:

<https://planningreform.tas.gov.au/planning/information/tasmanian-planning-scheme>, “The Landscape Conservation Zone instead provides a clear priority for the protection of landscape values with residential development largely being discretionary.” We live on a rural, residential street with private houses built on every lot including ours. Residential development is therefore the clear priority of our property and therefore Landscape Conservation is not the correct zoning for our property.