

From: "Peter Bishop" <smokeybishop57@gmail.com>
Sent: Wed, 27 Apr 2022 16:17:06 +1000
To: hvc@huonvalley.tas.gov.au
Subject: New Planning Scheme

Our property is situated at 1371 Nicholls Rivulet Road, Nicholls Rivulet. We have only recently become aware of the proposed new zoning on our property and have not had sufficient time to investigate what this means for our property or whether it is in fact a suitable zoning for our property and whether we agree or disagree with it. Nor have we had the opportunity to discuss it with a planner.

By copy of this email/letter I am requesting Council to accept my representation (submission) to the LPS planning changes and that I now be included in the opportunity to provide more detail and undertake a face to face review with the Tasmanian Planning Commission (TPC) in the near future to review any zone impacts or changes to my property.

.Regards
Peter and Robyn Bishop

From: "Port Cygnet Scouts" <portcynetscouts@gmail.com>
Sent: Tue, 31 May 2022 16:29:58 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Land zoning Submission Peter and Robyn Bishop
Attachments: Submission to HVC Peter and Robyn Bishop 31.5.22.pdf

Please find attached a submission in regard to the proposed zoning changes to our property.

Regards
Peter and Robyn Bishop

Submission: Request to change proposed zone at 1371 Nicholls Rivulet Rd, Nicholls Rivulet.

Peter and Robyn Bishop
1371 Nicolls Rivulet Rd, Nicholls Rivulet
Ph: 0438 950 163. 62950136
Email: smokeybishop57@gmail.com
30 May 2022

Our property at 1371 Nicholls Rivulet Rd, Nicholls Rivulet has 5 separate titles, 4 of which have had Landscape Conservation zoning (LCZ) proposed over them in the Huon Valley Draft Local Provisions Schedule. Our property was originally a 30 acre property which we subdivided in 1991 to form five 1 acre blocks and one 25 acre lot – which we now live on. One of the 1 acre blocks had an existing residence that was sold many years ago, and another of them was not zoned LCZ.

We have a number of concerns about the application of the LCZ on these lots that have been previously subdivided to allow for residential development. **It is our request that the Planning Scheme reflect the nature of the lots by zoning them as Rural, not at Landscape Conservation.**

Our specific concerns relate to:

1. **The land does not need to be LCZ to be protected**
2. **Inconsistency with uses in Nicholls Rivulet and original intent of the land use**
3. **Inconsistency with neighbouring properties**
4. **Threatened species not present**
5. **Bushfire hazard management**
6. **Vegetation management**
7. **Financial inequity**
8. **The process undertaken to carry out the zoning application**

We evidence these points below.

9. **Inconsistency with uses in Nicholls Rivulet and original intent of the land use.**

The SPP specify that:

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;

and;

22.1 The purpose of the **Landscape Conservation Zone** is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values

With an application of the Natural assets code, along with other protections of species that are already in place, both of these zones provide for the protection of natural and landscape values, however one is aligned to the original intent of the subdivision as approved by council

in 1991 and one constricts its use to a point where it will impact our ability to build and value of the land.

The SPP states that: "The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development (see Rural Living Zone)". These blocks of land have been subdivided purely for residential purposes so re-zoning to LCZ is inappropriate. This is also supported by the Questions and answers on the Tasmanian Planning Commission website:

[Questions and Answers – Tasmanian Planning Commission Website](#)

Question: *Is the Landscape Conservation Zone (LCZ) the best zone for applying to large areas of vegetated land in private ownership?*

Answer: *It can be, but not in all cases. Sometimes application of the Environmental Management Zone (EMZ), Rural Zone (or another zone) may be appropriate to satisfy Guideline No. 1 or the regional strategy. For these zones, the natural assets code can be applied to protect areas of priority vegetation.*

The SPP Guideline No. 1 Local Provisions Schedule (June 2018) specifies that: *The Landscape Conservation Zone should not be applied to: (a) land where the priority is for residential use and development (see Rural Living Zone); or (b) State-reserved land (see Environmental Management Zone).*

As the land was originally subdivided for residential living, it is clear that the application of the LCZ to this land is inconsistent with the Local Planning Provisions.

10. Inconsistency with uses in Nicholls Rivulet and original intent of the land use.

Subdivision of the three small lots was approved by Huon Valley Council for the purpose of residential development in 1991. They are situated in the most developed area of Nicholls Rivulet where new housing has continued to be established, within walking distance of other homes and the local bus stop. The size of the lots are not suitable for other purposes than Rural and if zoned otherwise they will be devalued greatly, potentially rendered unusable and possibly unsaleable. They were designed to be residential blocks within a natural setting but if zoned LCZ where residential use is discretionary and can be denied, the blocks become totally worthless.

In support of this statement, we submit the following.

The SPPs provide that:

22.1 The purpose of the **Landscape Conservation Zone** is:

22.1.1 To provide for the protection, conservation and management of landscape values.

22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values

The SPPs further state:

Subdivision standards that provide for lot design where "each lot has an area and dimensions appropriate for use and development in the zone"

An "acceptable solution" is identified as a minimum lot size of 50ha with a discretionary minimum size of 20ha

And requires the discretionary approval for the construction of a single dwelling.

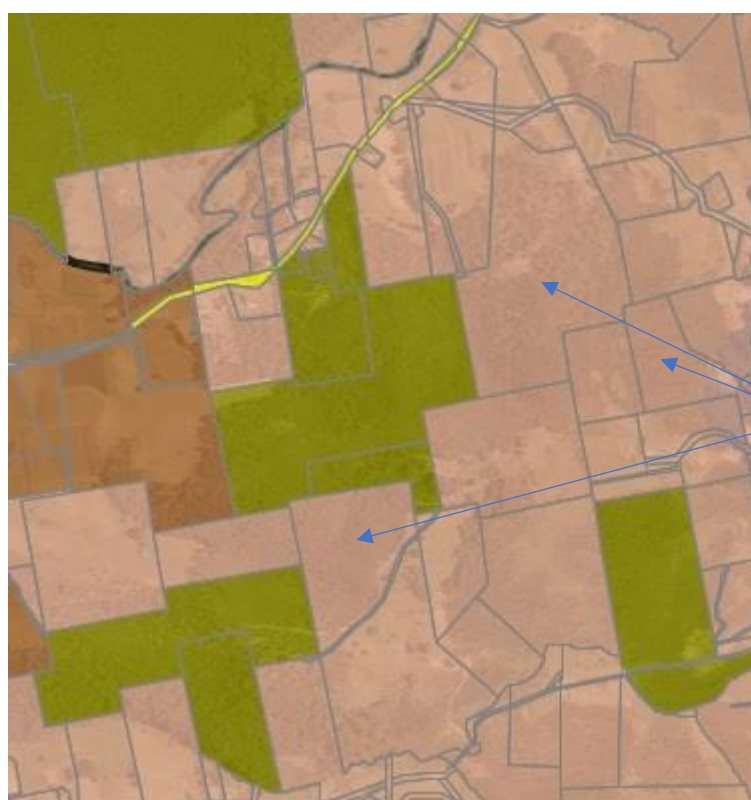
The above SPPs illustrate that the priority of the LCZ relates to the conservation and protection of landscape values and that this will be achieved by allowing subdivisions in the zone that have a minimum lot size of 20ha and by requiring discretionary approval for the construction of a single dwelling on large properties. Put simply, the primary means by which a LCZ will achieve its purpose, is by permitting only a single dwelling on a very large piece of land.

Therefore, building on these one-acre blocks is at the discretion of Council under Landscape Conservation zoning, and the intention of the zone indicates that building is likely to be denied. It is evident therefore, that the primary means by which a LCZ achieves its purpose should not be applied.

11. Inconsistency with neighbouring properties

As the Rural zone applies to most properties surrounding us, having a rural zoning on these blocks is much more appropriate.

In 2019 HVC determined they would zone on a like for like basis and created a comparison table for each zone. As our property was zoned Rural Resource - the most likely comparison was for Rural. While we understand that this decision by council was overturned, it was in fact the most fair comparison especially considering their prior approved subdivision. The neighbouring blocks alongside of two of these are also zoned rural, making Rural zoning the most practical Zone for these.



Map showing rural surrounds and properties that are dense bush that have remained in the rural zone.

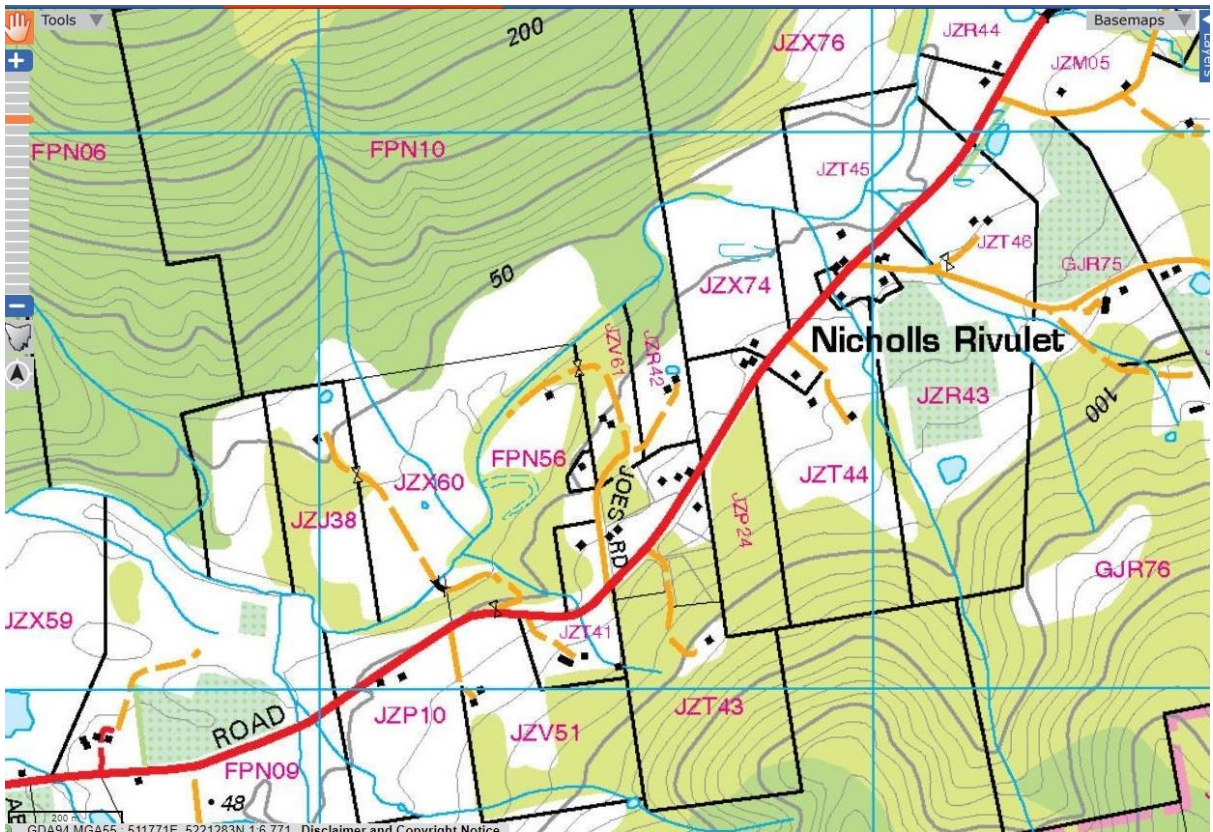
We are asking that our lots be allocated as Rural zone as these neighbouring lots are.



Map showing that the application of Rural zone is consistent with neighbouring properties.

We are asking that these be given the same zoning as the neighbouring lots as they are and too small to meet the LCZ purpose.

The properties surrounding ours and our neighbouring properties who has also had a LCZ zoning proposed for their property are mostly coming under the Rural Zone in the new scheme. It is hard to understand how these blocks were chosen for LCZ when comparing them to other surrounding properties which are equal in their priority vegetation reports with at least one having more threatened species than those listed for our property.



Map showing property no. JZT43 with one-acre blocks situated in the main township of Nicholls Rivulet.

12. Threatened species not present

The natural flora and fauna living on our property are already protected by legislations such as the Nature Conservation Act, the Environmental Protection Agency, Tasmanian Threatened Species Protection the Nature Conservation Amendment and other state policies.

These 3 blocks are not home to any threatened fauna species as indicated on the Priority vegetation reports.

In the 32 years we have owned this property we have never sighted the Mount Mangana Stag beetle and its listed habitat is wet forest and woodland where our property is listed on TasVeg 3.0 as dry forest and woodland. As a keen bird watcher, I have become familiar with the birds that live on our property and have never heard or sighted a swift parrot and we have never seen the Eastern Barred bandicoot on our land. The List Map overlays do not show any of these species present.

Tasmanian devils do pass through the 25 acres but we have never sighted them on the 3 one acre blocks. The List map overlay does show 2 sightings however, they are both on neighbouring properties.

13. Bushfire hazard management

As with the entire Huon Valley Council area, our properties are in an identified Bushfire-prone area. The ability to keep these lower blocks cleared of undergrowth is important to our Bush Fire safety Plan and future residential development on them would also help maintain a level of safety for our home. We have on a semi regular basis cleared the undergrowth to ensure the safety of our home on the 25 acres and need to continue to be able to do that. The 1 acre blocks are sloping uphill towards our home which left to themselves would pose an extreme fire danger.

14. Vegetation management

While native flora exists on these properties, they are also home to many invasive species such as hollyhock, heath, stinging nettles, blackberries, scotch thistles and a variety of other thistles.

While much of the property has never been totally cleared, it has been milled quite heavily as seen in a 1965 aerial photo on the NRE website. [History of Aerial Photography in Tasmania | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](#)

In the 32 years we have owned this property, we have taken our own firewood from it. We are selective in what we take, ensuring the stability of the natural bushland and enjoying the privacy it provides. We would also note that the current state aerial photo of our property contains a large amount of shadow that makes the trees appear far more dense than they actually are [LISTmap - Land Information System Tasmania \(thelist.tas.gov.au\)](#). A large amount of the trees on our property are regrowth.



What our land actually looks like, compared with how the LISTmap shows it.

15. Financial inequity

Finally, I would like to mention the financial hardship that the proposed Landscape Conservation will cause. I have been self-employed doing manual work for most of my working life, and as a result my superannuation is practically worthless. I have also given much of my life and time to serving in the municipality of the Huon Valley. I have kept these blocks for sale at my retirement which is just two years away. The loss of income from these will have a huge financial impact on our future and leave us in a very vulnerable position.

16. Maintaining our existing land uses

Our home is on the existing 25-acre lot. Other than keeping our home area safe from bushfires, it is our intention to keep the remaining land in its natural state. The land above our home is quite steep and unsuitable for development.

We have a reasonable size vegetable garden with intentions of expanding that in the future. we have domestic pets – along with the occasional goats, and a need to continue to collect our own firewood. It has been our home for a long time and keeping it a bushland setting is important to us.

We would be happy to have split zoning (CLZ) on the hill behind us which is land unsuitable for development as long as it allows for a clearance for our Bushfire Safety Plan. Having Rural Zoning around our home will allow us to continue with our current and intended use of the property.

17. The process undertaken to carry out the rezoning exercise

In rolling out the planning reforms, the Tasmanian Government has stated that it is committed to providing opportunities for community involvement in the development and ongoing review of Government policy and legislation.

At the minimum, we would have expected a direct mail and/or email notifying us of the proposed changes to our zoning with a clear explanation of what that means for us. As it is, we heard about this indirectly and have relied on the support of other residents, friends and family to provide advice on the implications of this change and only receiving a letter from the council

within the last 2 weeks. When we spoke with the council, we were advised to hire our own planning consultant at a cost of many thousands of dollars, which we simply do not have.

This process, aside from posing a clear threat to our retirement savings after a lifetime of hard work, has completely disempowered and sidelined us as residents of the Huon Municipality. We have not at any time been advised of any Zone changes or had any contact or consultation by the by the Huon Valley Council since this subdivision was approved and have only recently become aware of the proposed changes.

This process has by design been inequitable through the provision of information and assistance and we respectfully request that a review of the process with all residents in mind take place before the Local Provisions Schedule is passed.

Thank you for your consideration of our concerns

Peter Bishop
Peter Bishop

Christina Bishop
Christina Bishop

31/5/2022