

From: "sirpa loevendie" <sirpaloevendie@gmail.com>
Sent: Tue, 31 May 2022 13:37:19 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Representation - Huon Valley Draft Local Provisions Schedule - 162 Lloyd's Road, Franklin
Attachments: 162 Lloyds Road Franklin Representation 31 05 2022.pdf

Addressed to:
Jason Browne
General Manager
Huon Valley Council

Dear Sir,

Please find the representation in regards to the property on 162 Lloyd's Road Franklin attached.

Kindly confirm receipt of the representation documentation by replying to this email.

If you have any queries or require any clarification, do not hesitate to contact me

Kind regards,

Sirpa Loevendie
Nathan Jones

0408 869 689
sirpaloevendie@gmail.com

Nathan Jones & Sirpa Loevendie
162 Lloyd's Road
Franklin TAS 7113

Jason Browne
General Manager
Huon Valley Council
40 Main Street
Huonville TAS 7109

30 May 2022

Dear Sir,

Representation concerning the Draft Huon Valley Council Local Provisions Schedule

Thank you for providing opportunity to comment regarding the draft Huon Valley Local Provisions Schedule.

In response to the letter from the Huon Valley Council (herein HVC) titled 'Zoning changes to your property' received on the 18th of May 2022, we would like to advise that the proposed zoning of Landscape Conservation Zone (herein LCZ) for our property at 162 Lloyd's Road, Franklin is inappropriate.

The property and similar properties on Lloyd's Road affected are significantly less than the minimum 20 hectare, none are more than 6 hectares while some are as small as 2 hectares. In addition to this, none of the properties border Environmental Management or Environmental Living intending to transfer to LCZ.

The priority use of the property is Rural Residential but the Tasmanian Planning Provisions state that the purpose of the LCZ is to provide for the protection, conservation, and management of landscape values primarily and the LCZ Zone Application Guidelines state 'That the Landscape Conservation Zone should not be applied to land where the priority is for residential use and development.'

In addition to this, the selection process used to opt for LCZ over Rural is flawed. The Natural Assets Code Overlay has not been checked on the ground (ground-truthing) resulting in an incorrect assessment of the property. As the property has no Scenic Overlay, no Waterway Overlay and no Coastal Protection Overlay, was not previously zoned Environmental Living and has no Conservation Covenant, it can be concluded that the application of LCZ has been based on a single criterium, the Natural Assets Code which the HVC admits is somewhat data deficient.

We believe that the more appropriate zone of Rural should be applied.

The HVC, in its Draft LPS Supporting Report determined a like-for-like zone changing where Rural Resource would result in 20.0 Rural, or 21.0 Agriculture Zone, or 22.0 Landscape Conservation Zone, or 23.0 Environmental Management Zone.

As per the Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones policy, Rural would be the appropriate zoning considering the limited Natural Assets Overlay factors mentioned above, the zoning of the surrounding properties, historical use, and the fact that the Natural Assets Code already provides protection, conservation, and management of landscape values, regardless of whether the property is zoned Rural or LCZ as the Natural Assets Code applies to both zoning options.

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1. THE PROPERTY

The property is located at 162 Lloyd's Road, Franklin (property ID 2807297).

The property is proposed to be zoned as Landscape Conservation Zone (LCZ) under the Huon Valley Planning Scheme while currently being zoned Rural Resource under the Interim Planning Scheme.

The land is approximately 3.5 hectares, sloped, with tracts predominately classified as Eucalyptus regnans Forest (WRE) and Regenerated Cleared Land (FRG) and a large, cleared area for a dwelling. Under the Tasmanian Land Capability System, the land is regarded as Class 6 (marginally suited to grazing due to severe limitations) but was excluded from the Potential Agricultural Land Initial Analysis. The Land Use is categorised as 5.4.3 Rural Residential without Agriculture.

The land shows clear evidence that the majority is regrowth, and that the land has been cleared in previous decades on several occasions. The majority of trees is of the same age, the diversity is low and certain species commonly present in Eucalyptus regnans forest are distinctly missing. For example, the 3.5 hectares have zero presence of any fern trees and a very minimal amount of ground ferns, while other tracts of Eucalyptus regnans forest in the area do have a large presence of both tree ferns and ground ferns. Instead, large amounts of invasive species such as thistle, arum lily, Spanish heath, blackberry, and foxgloves have been found and old fencing, including wood and barbed wire fence. Since purchasing the property in 2019 we spent large amounts of time removing both fencing and weeds. An additional clear sign that the land has been cleared extensively is the presence of piles of rock, indicating previous human activity.



Stacked piles of rocks in several locations on the land



Weeds and remnant fencing on several locations on the land

In addition, historic aerial photography shows clear evidence of clearing in the 1960's



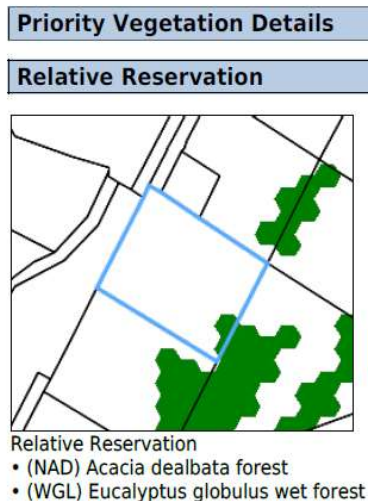
Aerial Photographic Image taken on 04 February 1965 – ListMap website

Under previous planning schemes the land was zoned Rural and/or Rural Resources under which the previous owners were allowed to build a dwelling under statement 26.1.1.4 *To allow for residential and other uses not necessary to support agriculture, aquaculture, and other primary industries* (Huron Planning Scheme 1979).

The property has three overlays, Landslip Hazard Code (categorised low over approximately half the property), Natural Assets Code (over approximately 80% of the property) and Bushfire-prone Areas Code (whole property).

2. NATURAL ASSETS CODE – PRIORITY VEGETATION OVERLAY

The area is included in an overlay map of Priority Vegetation and has an accompanying Priority Vegetation Report for 162 Lloyd's Road.



Vegetation details of the Priority Vegetation Report for 162 Lloyd's Road



Relative Reservation areas of Acacia dealbata forest and Eucalyptus globulus forest highlighted on the ListMap overlay

According to this report, the land includes:

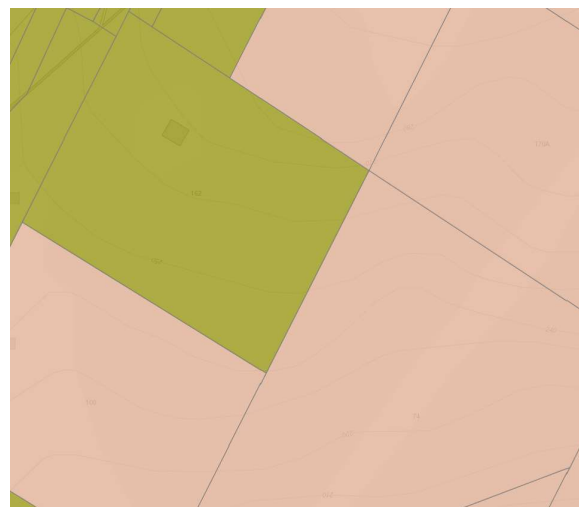
Silver Wattle - Acacia dealbata forest across approximately 900m², covering less than 3% of the land

Blue Gum - Eucalyptus globulus forest across approximately 150m², covering less than 1% of the land

The total Relative Reservation area combined is less than 5% of the total 3.5 hectares.

In addition to this, protection of both the Eucalyptus globulus forest and Acacia dealbata forest under the LCZ only applies to a very small percentage of the tract as the majority of these forest tracts lays on neighbouring land scheduled to be zoned Rural:

The area of Eucalyptus globulus forest:



ListMap (left) shows that the majority of Eucalyptus globulus forest is present on the land of 74 Lloyd's Road while the new Tasmanian Planning Scheme (right) shows that 74 Lloyd's Road is to be zoned Rural. Only a small strip is located on 162 Lloyd's Road, totalling less than 1% of the land.

And the areas of *Acacia dealbata* forest:



*ListMap (left) shows that the majority of *Acacia dealbata* forest is present on the land of 44 Lloyd's Road, 74 Lloyd's Road and 100 Lloyd's Road while the new Tasmanian Planning Scheme (right) shows that all three properties are to be zoned Rural. Only a small strip is located on 162 Lloyd's Road, totalling less than 5% of the land.*

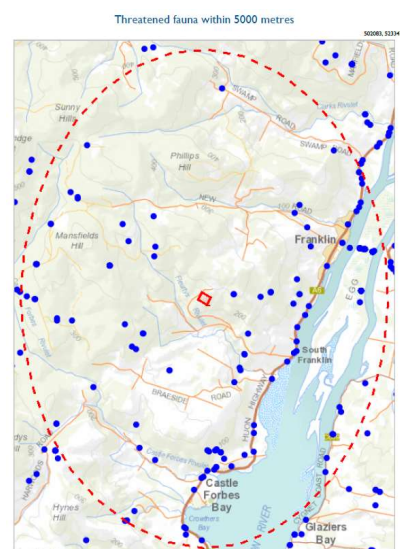
Note – the presence of Silver Wattle in itself can be a clear indicator that regrowth has occurred, being one of the first species to settle in disturbed land. Additionally, although *Acacia dealbata* forest and *Eucalyptus globulus* forest have been marked for Relative Reserve, Silver Wattle and Blue Gum as a species are not threatened in Tasmania. Neither appear in the Tasmanian Threatened Species Database.

The report also shows Threatened Fauna and Significant Habitat

- Swift Parrot (approximately 30% of the land)
- Eastern Barred Bandicoot (approximately 70% of the land)
- Tasmanian Devil (approximately 70% of the land)



Natural Values Atlas Report showing observations of any threatened fauna within 500 meters.



Natural Values Atlas Report showing observations of any threatened fauna within 5000 meters.

As keen wildlife observers, neither the swift parrot, the eastern barred bandicoot nor the Tasmanian devil has been seen (or heard) on the land and a Natural Values Atlas Report of the area shows that none have been observed in a 500 meter radius.



There is a large population of pademelons – picture taken on site in 2021

All of the above shows that although the land has native bushland, none of the species are under significant threat or are of significant size to warrant the LCZ nor is there any evidence of the presence of any of the threatened fauna species.

However, the observation that LCZ should not apply is not an indication that we as landowners do not want to retain and protect the native bushland. On the contrary. We have purchased the land specifically because of its character and for our desire to reside on a rural residential block. That still does not make the purpose of the land primarily for the protection of vegetation. The purpose is for residential. Additionally, the Natural Assets Code already provides protection, regardless of whether the property is zoned Rural or LCZ. For these reasons the application of LCZ is not necessary.

3. LANDSCAPE CONSERVATION ZONE

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

22.0 Landscape Conservation Zone

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.

Comments

The land has an occupied dwelling and therefore the primary purpose is residential.

Additionally, the protection, conservation and management of landscape values is already covered under the Natural Assets Code.

Zone Application 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.

Comments regarding LCZ 1

The property does not have a Scenic Protection Overlay, No Waterway and Coastal Protection, it does not include a Conservation Covenant, was not zoned as Environmental Living or Environmental Management. The land is part (FRG) Regenerating Cleared Land and Part (WRE) Euclayptus regnans forest, neither considered identified for protection and conservation and minimal patches of Relative Reservation, occupying less than 5% of the land.

Additionally,

The HVC Draft LPS Supporting Report states in its comments regarding LCZ 3

The first step was determining which properties were predominantly covered by native vegetation and formed part of a large area of native vegetation (LCZ 1). All natural vegetation features were extracted from the TasVeg 4.0 layer and intersected with the parcels layer to determine a percentage cover of native vegetation for each lot. 80% native vegetation cover was used as the minimum coverage for selection as potential LCZ properties.

The HVC Draft LPS Supporting Report states in its comments

Addressed by ensuring properties contain the Natural Assets Code overlay... 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.

Comments regarding LCZ 3

The HVC advised as per above, that the suitability of LCZ is determined by its first step to use, possibly somewhat deficient data, to determine the minimum 80% native vegetation cover threshold. In this case however, the cleared area for the dwelling come to at least 30% if not more as per images below.



A more accurate reflection of the cleared area is seen above. This does not include the area of Regenerating Cleared Land.

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 contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.

In the state Planning Provisions, 22.5 LCZ Subdivision Standards state:

A1 Each lot, or a proposed lot in a plan of subdivision,

Must:

- (a) Have an area of not less than 50ha ..

P1 Each lot, or a proposed lot in a plan of subdivision,

Must:

have an area not less than 20ha.

Comments regarding LCZ 2 (a)

The Planning Provisions state that an LCZ must have a minimum area of 50ha, but no less than 20ha. From this is to be concluded that the large areas of bushland discussed in LCZ 2 must have a substantial size considering the 20ha and 50ha mentioned.

162 Lloyd's Road is 3.5 hectares and as such not 'a large area of bushland'

In addition to this, as per the earlier mentioned information under 2. *Natural Assets Code*, the threatened native vegetation communities are mostly located on neighbouring land proposed to be zoned Rural. Less than 5 percent of the land on 162 Lloyd's Road falls under this category.

Comments regarding LCZ 2 (b) (c)

(b) The Natural Assets Code already provides protection from overdevelopment.

(c) Under the Interim Planning Scheme the land is zoned Rural Resources, not Environmental Living

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.

The HVC Draft LPS Supporting Report states in its comments regarding LCZ 3:

This was addressed by using the following selection criteria to select LCZ suitability:

- Three or more adjoining properties
- Borders existing Environmental Management or Environmental Living properties intended to transfer to LCZ.

Comments regarding LCZ 3

The three or more adjoining properties used to reach this threshold consist of 9 properties on this end of Lloyd's Road, each under the 20 hectares threshold, the majority of which have already one dwelling plus auxiliary buildings, and more importantly, do not border on existing Environmental Living or Environmental Management.



9 properties on Lloyd's Road are proposed to be zoned LCZ, none are bordering existing Environmental Management or Environmental Living.

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);
or
- (b) State-reserved land (see Environmental Management Zone).

Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.

Comments regarding LCZ 4

Although Rural Living Zone would be a more adequate zoning under the guidelines, both the State Government and the HVC have made it clear that the application of Rural Living is to be limited where possible. That withstanding, the priority question still stands. As landowners, residing in a dwelling on the land, the priority of the property is for residential use and that, although landscape value conservation is not in conflict with that, it is not the priority of the land.

4. RURAL ZONE

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

20.0 Rural

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;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land;
- (d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

Zone Application Guidelines:

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.

Comments regarding RZ 1

The property borders 170 Lloyd's Road in the north, proposed zone Rural. The property borders 74 Lloyd's Road on the East, proposed zone Rural. The property borders 100 Lloyd's Road in the south, proposed zone Rural. In a similar fashion to 162 Lloyd's Road, all three bordering properties have clear signs of having been cleared in the past and have regenerating cleared land features. All have limited potential for agriculture and are not zoned LCZ. 162 Lloyd's Road should be zoned identically, to keep the zoning consistent.

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.

Comments regarding RZ 2

Under the Tasmanian Land Capability system, the land is regarded as Class 6 (marginally suited to grazing due to severe limitations) and was excluded from the Potential Agricultural Land Initial Analysis and is therefore not considered suitable for the Agriculture Zone.

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 are significant constraints to agricultural use occurring on the land;
- (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;
- (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
- (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.

Comments regarding RZ 3

Not applicable, land is not 'Potentially Suitable for Agriculture'

5. SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY 2010 – 2035

BNV 1 Maintain and manage the region’s biodiversity and ecosystems and their resilience to the impacts of climate change.

Comments regarding BNV 1

All the policies under BNV 1 are already protected under the Natural Assets Code. And again, just because we reject the zoning LCZ does not mean we do not wish to protect the landscape on our land. Both Rural Zoning and LCZ are protected under the Natural Assets Code so the zoning of LCZ is not essential.

PR 1 Support agricultural production on land identified as regionally significant by affording it the highest level of protection from fettering or conversion to non-agricultural uses.

PR 1.2 Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Significant Agriculture Zone, within which planning schemes are to manage potential for land use conflict.

PR 2.6 Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings on small non-farming titles, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.

Comments regarding PR 1.2 and PR 2.6

The closest boundary to any land zoned Agricultural is at least 900 meters away and separated by several other properties. All land surrounding the property is proposed to be zoned either Rural or LCZ.

PR 1.4 Prevent further land fragmentation by restricting subdivision unless necessary to facilitate the use of the land for agriculture.

Comments regarding PR 1.4

The same subdividing restrictions apply to both Rural Zoning and LCZ. The size of the property, 3.5 hectares, does not come close to the minimum 20, 40 and 50 hectares set for subdivision of either zone.

6. THE HUON VALLEY COUNCIL LAND USE & DEVELOPMENT STRATEGY

Huon Valley Council Land Use & Development Strategy

Residential uses not associated with agricultural activities should occur within town boundaries.

However, at the same HVC acknowledges that:

Demand for residential sites in rural areas with water or mountain views has grown...

And

...the demand for rural living is likely to continue due to the desire of new residents to seek an alternative lifestyle in attractive environmental settings. The best approach is therefore to manage the demand to ensure that there are minimal impacts.

Comments

162 Lloyd's Road and its neighbouring lots are mostly 5 hectares or under and are to be zoned either Rural or LCZ. Either zoning, will severely restrict the possibilities to subdivide. At the same time, the land is considered to be of very little agricultural value, nor is it close to any land zoned Agricultural, but as the council states, there are many non-traditional and/or alternative agricultural activities that can occur on lots that are too small for more traditional agricultural activities. The HVC should therefore not disregard the interest of those landowners but actively engage and consult with landowners to what extent zoning should or would change.

7. ZONING CONSISTENCY

Draft LPS HUO Supporting report

2.5.2 Schedule 1 Objectives Part 2

Table 25: Schedule 1 Objectives Part 2

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and Consistent with this Objective, the TPS establishes a new system of planning instruments that will deliver consistency in the objectives, policies and controls for use and development and protection of land by setting out consistent State-wide planning provisions that incorporate local *overriding provisions* through the draft LPS which are to be justified against the criterion of Section 32(4) of the LUPAA.

Position Paper Legislation for a Tasmanian Planning Scheme

The Tasmanian Planning Scheme will deliver a high level of consistency in the planning controls that apply across the State, providing greater certainty to investors and the community about what use and development can occur.

The draft Schedules will be subject to statutory consultation even if the local provisions, including the zone map boundaries have not changed during the translation. This is an important step to provide for natural justice as the detailed planning controls that apply to individual properties in each local area will undergo some changes to achieve the consistent state-wide standards in the new State Planning Provisions

The Decision Tree & Guidelines

Consistency of Land Use Patterns - Titles that have characteristics that are suitable for either the Rural or Ag Zone (based on State – Zone Application Framework Criteria) should be zoned based on surrounding titles with the chief aim of providing a consistent land use pattern.

Comments

162 Lloyd's Road is surrounded on three sides by land proposed to be zoned Rural, ie 74, Lloyd's Road, 100 Lloyd's Road and 170 Lloyd's Road and 170A Lloyd's Road, concluding that the zoning Rural is more appropriate under the above guidelines. All properties are used in a similar manner, and all are zoned Rural with the exception of 162 Lloyd's Road. (see image below)

162 Lloyd's Road should be zoned identically, to keep the zoning consistent.



- A - 170 Lloyd's Road
- B - 162 Lloyd's Road
- C - 100 Lloyd's Road
- D - 170A Lloyd's Road
- E - 74 Lloyd's Road

Map of 162 Lloyd's Road and surrounding properties

Another note is the interpretation of LCZ across the state. Different councils have made clear that the application of LCZ is not as straight forward as the guidelines suggest:

Glamorgan-Spring Bay Council section 35F report on representations 31 August 2020

The Glamorgan-Spring Bay Council states:

The landscape conservation zone cannot regulate biodiversity, which is done through the Priority Vegetation overlay and Natural Assets Code. The council states Guideline LCZ 4 And continues: While it is not a planning issue, there is a risk to the property owners that the requested change to the Landscape Conservation zone may affect financing for properties. Guideline No. 1 very clearly states that residential purposes should be directed to the Rural Living zone. As an initial response, it is suggested that Council supports these representations but does not recommend any changes at this point in time.

Workshops on this issue identified Councils response as follows:

- Ensure that the priority vegetation overlay covers the areas protected by Conservation Covenants under the Nature Conservation Act;
- Seek confirmation from Planning Policy Unit of State that the exclusion areas under conservation covenants under the Nature Conservation Act comply with the defined term of building area at Table 3.1 and therefore enable residential use to comply with the permitted use qualification (b) at clause 22.2 of the SPP's; and
- Determine the requested change of zoning following the previous as follows:
 - Support the change for where the subject property owners confirm their wish; and
 - Do not support for property owners who do not request the change or withdraw their support through the process.

Comments

The Glamorgan-Spring Bay Council recognises that LCZ poses a risk to property owners as it may affect financing for properties. The council therefore does not support changes to LCZ for property owners who do not request the change or withdraw their support through the process.

The Tasman Council had a similar request from landowners:

Tasman Council section 35F report on representations on draft LPS 23 June 2021

Background:

(1) The representation requests that, subject to landowner agreement, 43 properties be included in the Landscape Conservation Zone on the basis that:

- the properties are subject to conservation covenants, and
- in each instance the qualities of the site are more closely aligned with the criteria for a Landscape Conservation Zone under the Guidelines.

(2) Each property is listed and described in the representation. Some of these are grouped, such as the Heathy Hills subdivision, the Mt Communication subdivision by the Tasmanian Land Conservancy and in White Beach. Others are individual sites

The Tasmanian Planning Commission (TCP) responds:

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

Comments

The Tasmanian Planning Commission confirms that the Natural Assets code is seen as sufficient to protect areas of priority vegetation in a Rural Zone and that LCZ is therefore not necessarily the best zone for large areas of vegetated land in private ownership.

Circular Head – Decision under section 35K1a to modify draft LPS 23 March 2021
Circular Head / Supporting Report 12 November 2019

Landscape Conservation Zone 22.0 - Conversion from Rural Resource Zone

This type of zone has not been used previously in Circular Head. There have been no mechanisms to protect landscape values other than by default through the skyline development standards within the Rural Resource zone. Its proposed use aims to reflect existing land uses, and to identify and protect the natural and scenic values of a number of parcels of land. The Guidelines have provided the following criteria..

The Council states the LCZ 2 criteria and continues:

These (properties deemed suitable for conversion to LCZ) largely involve rural properties that due to changing farming practices are no longer required for any intensive forms of agriculture, properties which have deliberately preserved large areas of remnant vegetation, or in some cases properties which are now private nature reserves. Greater detail of their natural values are provided in Appendix C.

Appendix B outlines that when a property contains a significant proportion of high conservation value vegetation it may be more suited to a Rural or Landscape Conservation zone where these factors can be given much greater consideration. A number of properties were identified using the priority vegetation mapping and land use analysis which exhibited these features, and the landowners were consulted to determine what their existing and possible future uses might be. Where priority to the landowner was retaining agricultural development rights, or reorienting the land toward agriculture, or where the impact of potential development on the site would not be significant when

viewed from public areas, the Rural zone has been applied. The remaining particularly sensitive or prominent locations were then considered suitable for the Landscape Conservation zone.

Circular Head Council recognises the impact of conversion to LCZ and opted to consult with landowners prior to allocating the LCZ.

Dorset Council Supporting Report – Draft Local Provisions Schedule 2021

Landscape Conservation Rationale

In reviewing SPP zones for application to this area, the Landscape Conservation Zone purpose most closely describes the priority for the management of landscape values and the limited number of allowable uses supports the planning outcome of reducing development pressure on the landscape. Guideline No. 1 states that the zone is “not a large lot residential zone”, and cites the Rural Living Zone as an alternative. However, this disregards the other zone purpose statements of the Rural Living Zone relating to agricultural use and a large range of other uses that can be considered. The guideline refers to ‘lower order rural activities’.

These characteristics do not reflect the circumstances of the cluster areas, which are purely residential areas within highly prominent landscape and conservation settings. Each require a refined level of management to protect their values, not only for the broader viewing public, but also for the residents that value the particular environments. The LPS proposes to support the appropriate recognition of the residential land use context through an SAP that substitutes the discretionary status for single dwellings with permitted status.

Dorset Council recognises this area as purely residential within highly prominent landscape and recognises the restrictive character of the LCZ. As a result, Dorset Council supports the appropriate recognition of the residential land use through the application of an SAP to substitute the discretionary status for a single dwelling with a permitted status.

8. CONCLUSION

The land at 162 Lloyd's Road:

- Has no Scenic Protection overlay
- Has no Waterway and Coastal Protection overlay
- Has no Conservation Covenant
- Does not reach the minimum 20 hectares required to be considered a large area of bushland
- Does not adjoin Environmental Living or Rural Living which as per the HVC own guidelines is a prerequisite for the allocation of LCZ in case of properties under 20 hectares
- Does not interfere, or border land proposed to change to Agricultural and as such does not pose a threat to high yield agricultural land
- Does not pose a risk for further subdivision, as subdivision would be based on a minimum size of 20 or 50 hectares whether it is Rural or LCZ
- Already has the Natural Assets Code in place to provide protection regardless of whether it is Rural or LCZ
- Consists almost entirely of either Regenerating Cleared Land or the not threatened and not rare Eucalyptus regnans forest while the Relative Reservation area takes up less than 5% of the property
- Has no threatened fauna as none has been observed on the land or within 500 meters of the land.
- Does not qualify for the minimum 80% bushland/native land cover criterium required to be considered for LCZ
- Is surround on three sides by land with a proposed conversion to Rural

At the same time, the long-term effects of LCZ are unknown. Other Tasmanian councils have indicated they are hesitant to apply LCZ as it could have adverse effects on landowners, including financing consequences and relating to future development. These councils are taking active steps to mitigate these risks by making consultation with landowners a first requirement before considering and/or applying LCZ, converting only at landowner's specific request or by adding Special Area Plans to substitute the discretionary dwelling with permitted dwelling.

For the above reasons, we oppose the conversion to LCZ and propose the more fitting like-for-like Rural Zone.

Conversion to Rural Zoning will result in the following:

- The Natural Assets Code and resulting landscape value protection still apply
- Subdivision restrictions still apply
- A single dwelling would remain discretionary

However, there are provisions in place for the Rural Zone that would be more suited for a property that is considered having Residential as its priority as opposed to LCZ.