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Sent: Fri, 6 May 2022 11:39:30 +1000
To: "Information Management" <hvc@huonvalley.tas.gov.au>
Subject: Huon Valley Draft LPS - Representations
Attachments: Representation - HV LPS - 681 Lymington Rd.pdf, PA Clark HVC 2022 submission.pdf

Please find attached representations

Regards
Jacqui Blowfield
SENIOR PLANNER

ireneinc PLANNING & URBAN DESIGN
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28 April 2022

The General Manager
Huron Valley Council
40 Main Street
HUONVILLE TAS 7109

By email: hvc@huonvalley.tas.gov.au

Dear General Manager

DRAFT HUON VALLEY LOCAL PROVISIONS SCHEDULE REPRESENTATION - 681 LYMINGTON ROAD, LYMINGTON

Ireneinc has been engaged by the owners of land at 681 Lymington Road, PA Clark (Paul & Stephanie), to assist in the review of the Draft Huon Valley Local Provisions Schedule (LPS) as it affects their land, and to make a representation on their behalf in relation to the proposed zoning.

SUBJECT LAND

The land comprising 681 Lymington Road is described in the following figure and is comprised of 11 titles (CT's 106649/5, 158284/3, 158284/4, 158284/5, 158284/7, 158284/8, 158284/9 158284/10, 158284/11, 158284/12 and 199167/1):

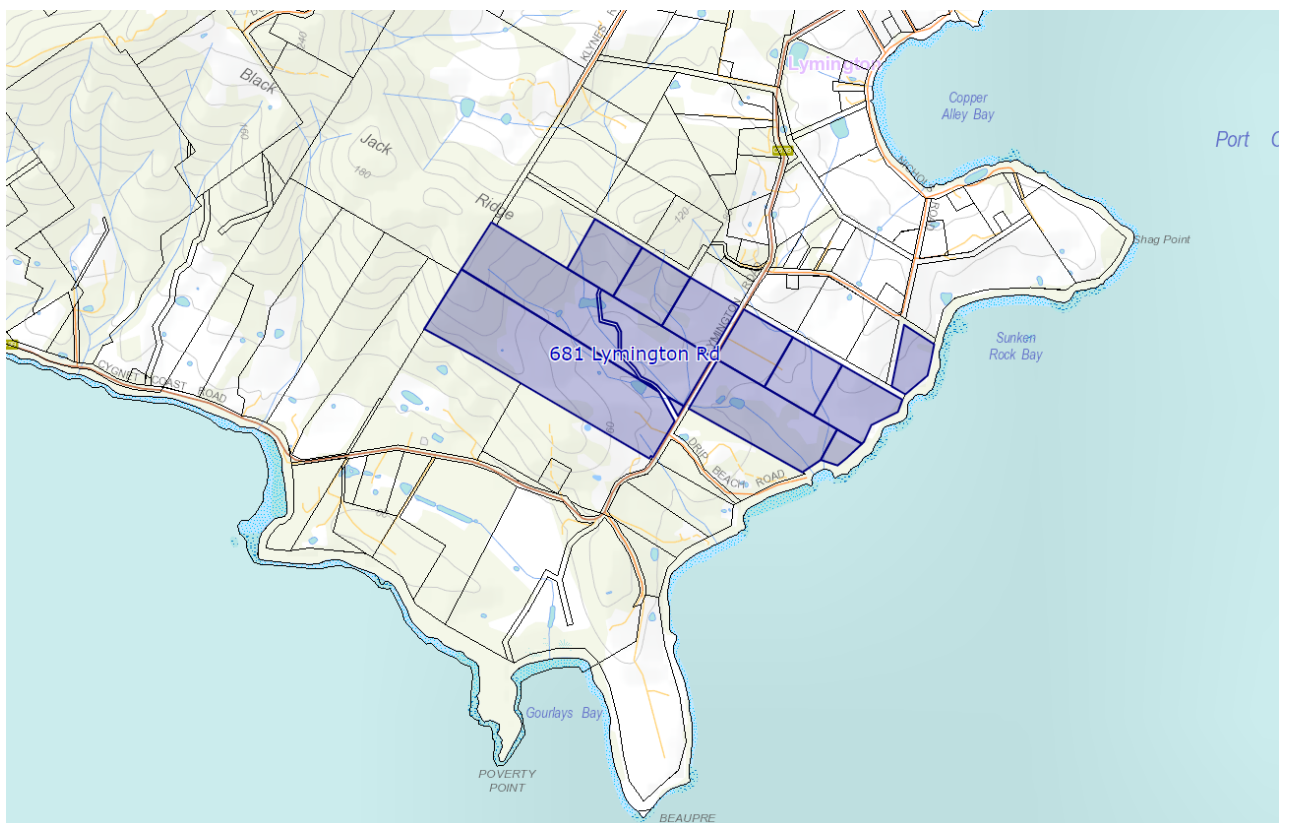


Figure 1: Location with Topographic & cadastral parcels from www.thelist.tas.gov.au © The State of Tasmania

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The following aerial image further describes the subject land:



Figure 2: Aerial with ESRI imagery & cadastral parcels from www.thelist.tas.gov.au © The State of Tasmania

The overall land area is some 76ha and, as described, is partially cleared and partially treed, typical of the area more generally.

Developed and grazed areas of the land have generally flat to moderate eastern slopes.

The subject land contains numerous buildings including 1 remaining dwelling and various outbuildings. The property is further developed with cleared pasture and other grazing land as well as areas of retained treed areas. There are also 4 existing dams on the property.

The land has been owned and farmed by the Clark family since the 1960s and has been predominantly run as an apple orchard with sheep grazing. The farm in the past supported three families and had six houses on the land (with some lost in bushfires including 1967). The farm transitioned into a small beef and sheep enterprise in 2008 when the last of the orchard was removed.

As indicated in the above diagram, there are currently approximately 44ha, or 58% of the land completely cleared, a further percentage of the land is trees over paddock, and the remaining areas with retained tree cover.

CURRENT PLANNING SCHEME

HVIPS ZONE

The current zoning of the land under the *Huon Valley Interim Planning Scheme 2015* (HVIPS) is Rural Resource as described in the following figure:

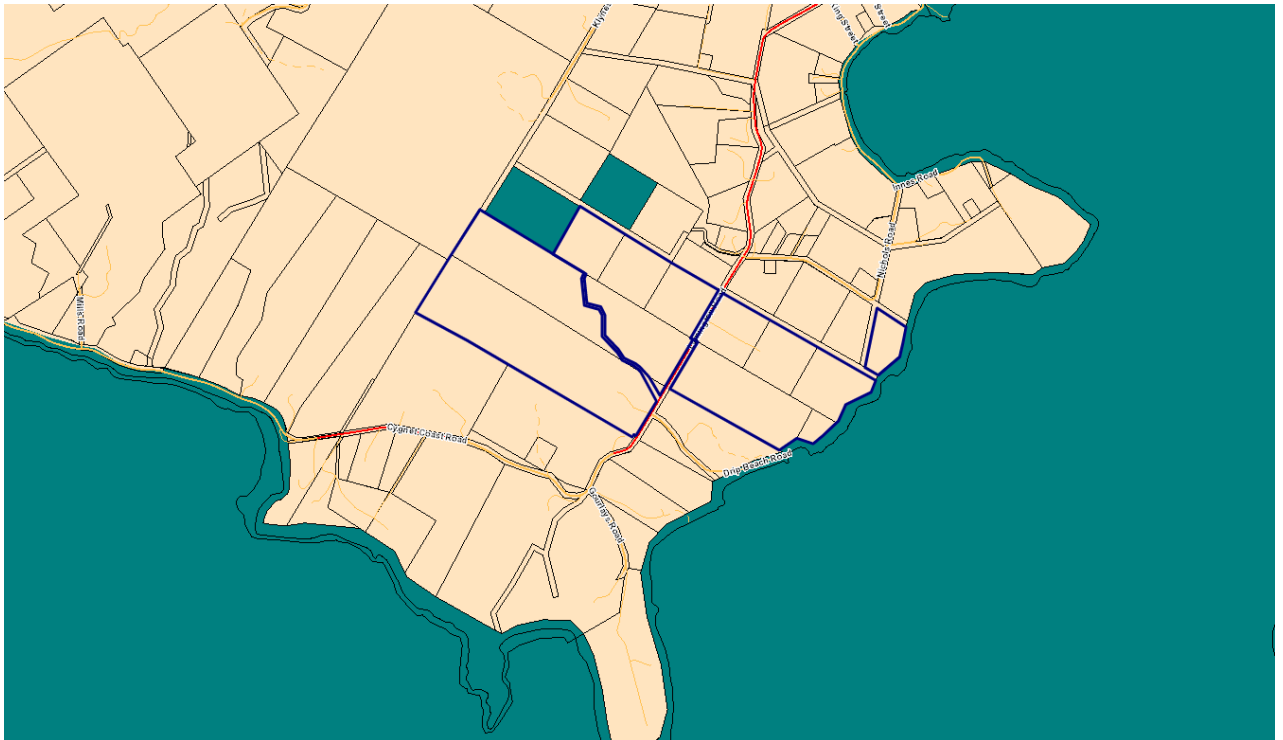


Figure 3: HVIPS Zoning with IPS Zones, Road centrelines & cadastral parcels from www.thelist.tas.gov.au © The State of Tasmania

DRAFT LPS PROVISIONS

DRAFT LPS ZONE

In drafting the LPSs the existing Rural Resource Zoned land has, in Lymington, been placed in either the Rural Zone or the Landscape Conservation Zone as described in the following figure:



Figure 4: Draft LPS Zones from <https://planning.discovercommunities.com.au/connect/analyst/mobile/#/main?mapcfg=huonvalley>

While most of the land comprising 681 Lymington Road is zoned Rural by the Draft LPS, two of the lots (158284/10 & 158284/11) have been proposed to be zoned Landscape Conservation as described in the following figure:

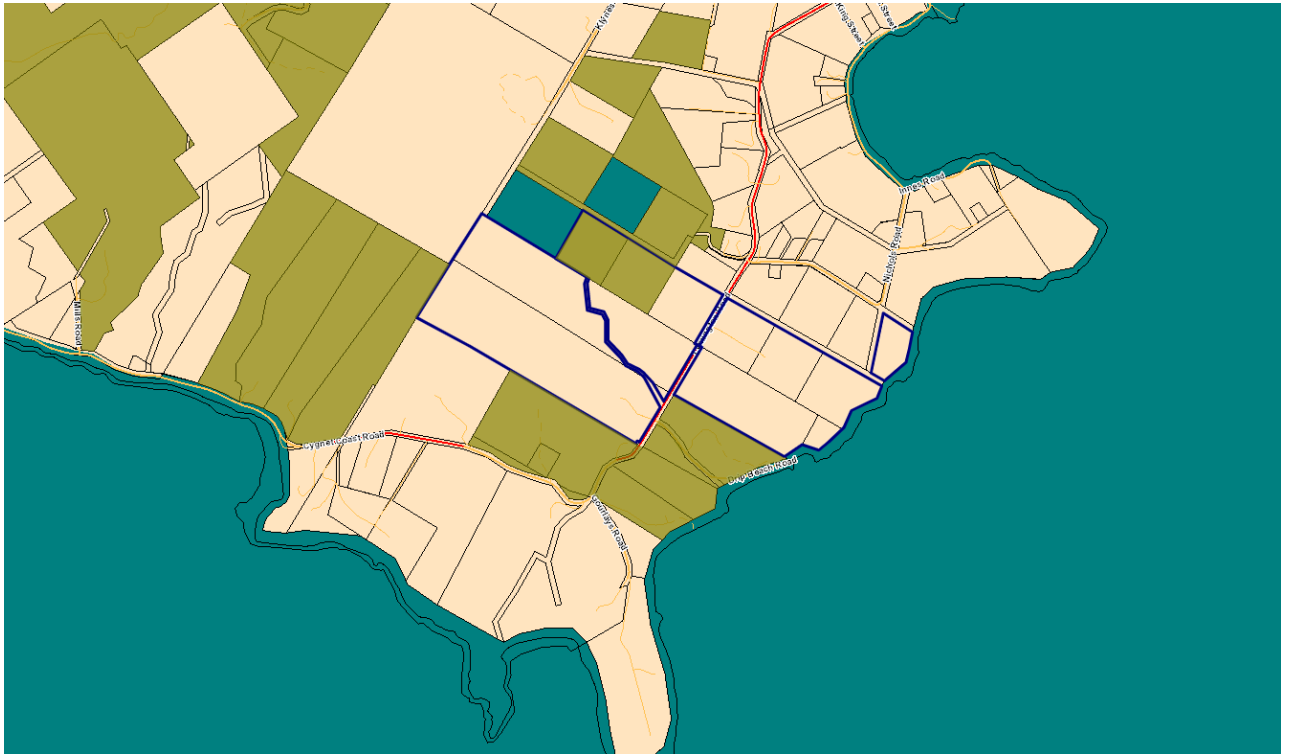


Figure 5: Draft HV LPS Landscape conservation zoned areas with IPS Zones, Road centrelines & cadastral parcels from www.thelist.tas.gov.au © The State of Tasmania

These drafted zones are further described in the following figure which includes aerial imagery and contour information:



Figure 6: Draft HV LPS Landscape conservation zoned areas with IPS Zones, 10m contours, Road centrelines & cadastral parcels from www.thelist.tas.gov.au © The State of Tasmania

ZONE APPLICATION TO SUBJECT & ADJOINING LAND

As described above, the two titles, as well as some of the nearby lots, have been placed in the Landscape Conservation Zone. However, these lots are managed as part of the larger farm and contain areas used for grazing and other resources for the farm. Prior to the 1967 bushfires Lot 10 was part of the cleared grazing land and Lot 11 had a house on it until it was lost in the bushfire.

While they are the more steeply sloping area of the farm they form a small part of the lower slopes of the higher hills to the west, proposed to be Rural Zone, and sit below the ridge protected by 2 titles of Crown land currently, and proposed to remain zoned Environmental Management as detailed in the figures above.

In relation to the criteria understood to have been used for determining the Zone mapping of the Rural v Landscape Conservation Zones, while the extent of regrowth tree coverage on these lots individually is high it is important to consider that they form part of the overall farm holding and are used and managed as part of it.

Rural zoning of the subject land would be, on the basis of the above, a consistent approach of the neighbouring adjoining land to the east and south.

CONSISTENCY WITH GUIDELINE NO. 1 - LOCAL PROVISIONS SCHEDULE

Application Guidelines for the Landscape Conservation Zone include as follows:

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.

Neither of the 2 lots have been identified for scenic protection through the relevant Code. As detailed previously, while there is tree cover across the majority of the lots they include areas which are currently utilised for sheltered grazing and useful resource as part of the wider farm operation.

Consistent with the current planning scheme Codes, controls provided through the Natural Assets Code, the overlays for Priority Vegetation and Waterway & Coastal Protection areas, will provide consideration of natural values through application of that Code if or when future development were to be proposed on either lot. However, the mapped TASVEG community is (DOB) *Eucalyptus obliqua* dry forest, **which is not a threatened or vulnerable community.**

The LC zone is therefore not necessary to provide protection to the limited identified values in the site.

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.*

The subject land is not consistent with LCZ 2 given:

- a) The subject land is not mapped as containing Threatened Vegetation Communities or Threatened species.
- b) While parts of the land are mapped within these Codes, this is not inconsistent with similar properties in the adjoining area.
- c) The land is not currently mapped Environmental Living.

The Zone Application Guidelines for the Rural Zone include as follows:

- 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.*
- 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.*
- 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.*

The Lymington and Petcheys Bay areas have not been identified as suitable for inclusion in the Agriculture Zone, which appears reasonable given there is still some constraint on agricultural activity through combinations of limitations from topography and vegetation which while inconsistent with the Agriculture Zone, is not so limiting that the LC Zone is necessary. **Zoning the subject land Rural would therefore be considered consistent with RZ 1, 2 & 3.**

Based on the above it is therefore submitted that the appropriate zone for CTs 158284/10 and 158284/11 is Rural consistent with the other part of the property.

If there are any queries in relation to the above or you wish to discuss any of the detail, please contact our office on 03 6234 9281 or email me at jacqui@ireneinc.com.au.

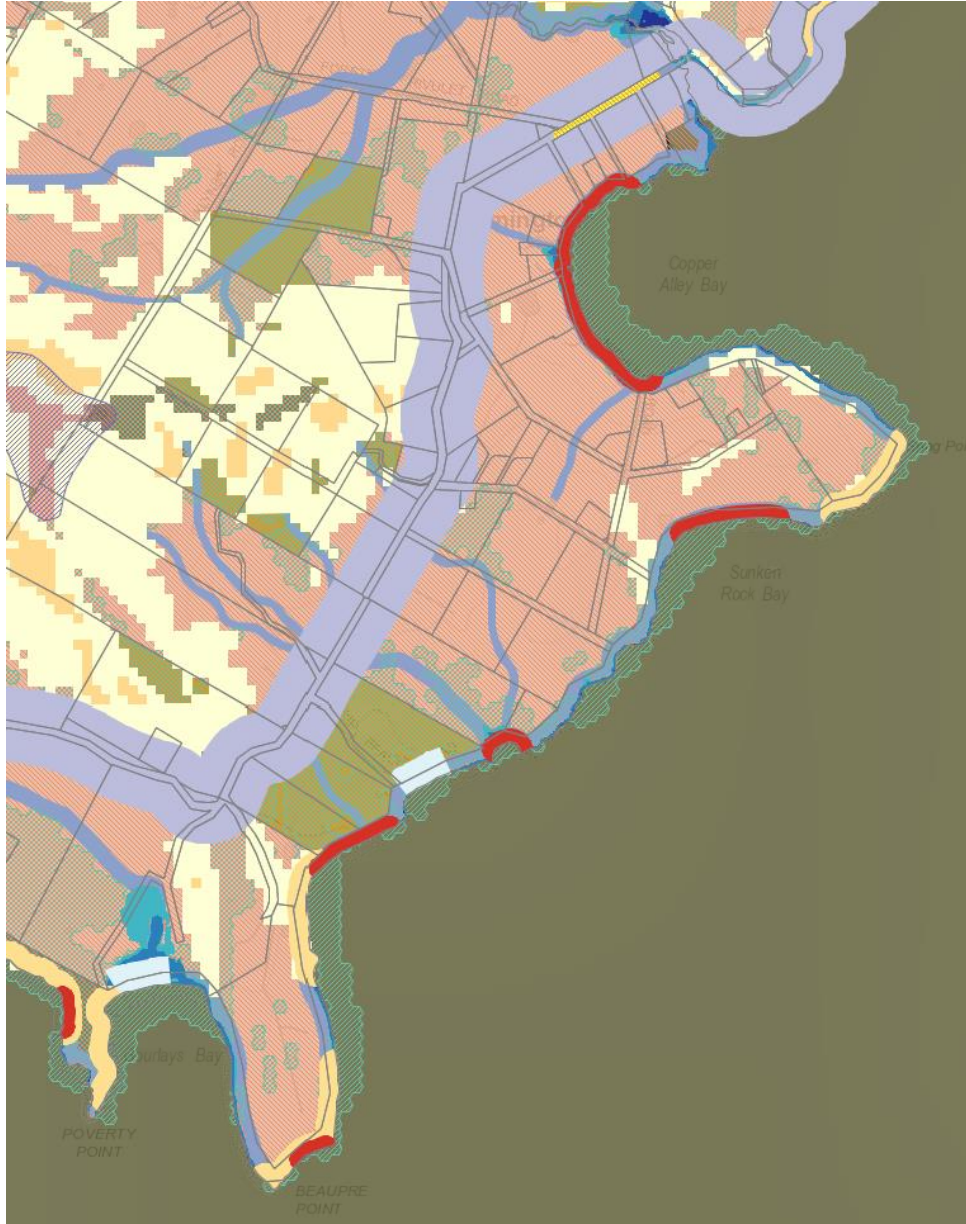
Yours faithfully



Jacqui Blowfield
SENIOR PLANNER
IRENEINC PLANNING & URBAN DESIGN

Tasmanian Planning Scheme

A brief history of Lymington to support submission to the Huon Valley Council regarding errors of zoning within the Lymington area of the Huon Valley Draft Local Provisions Schedule

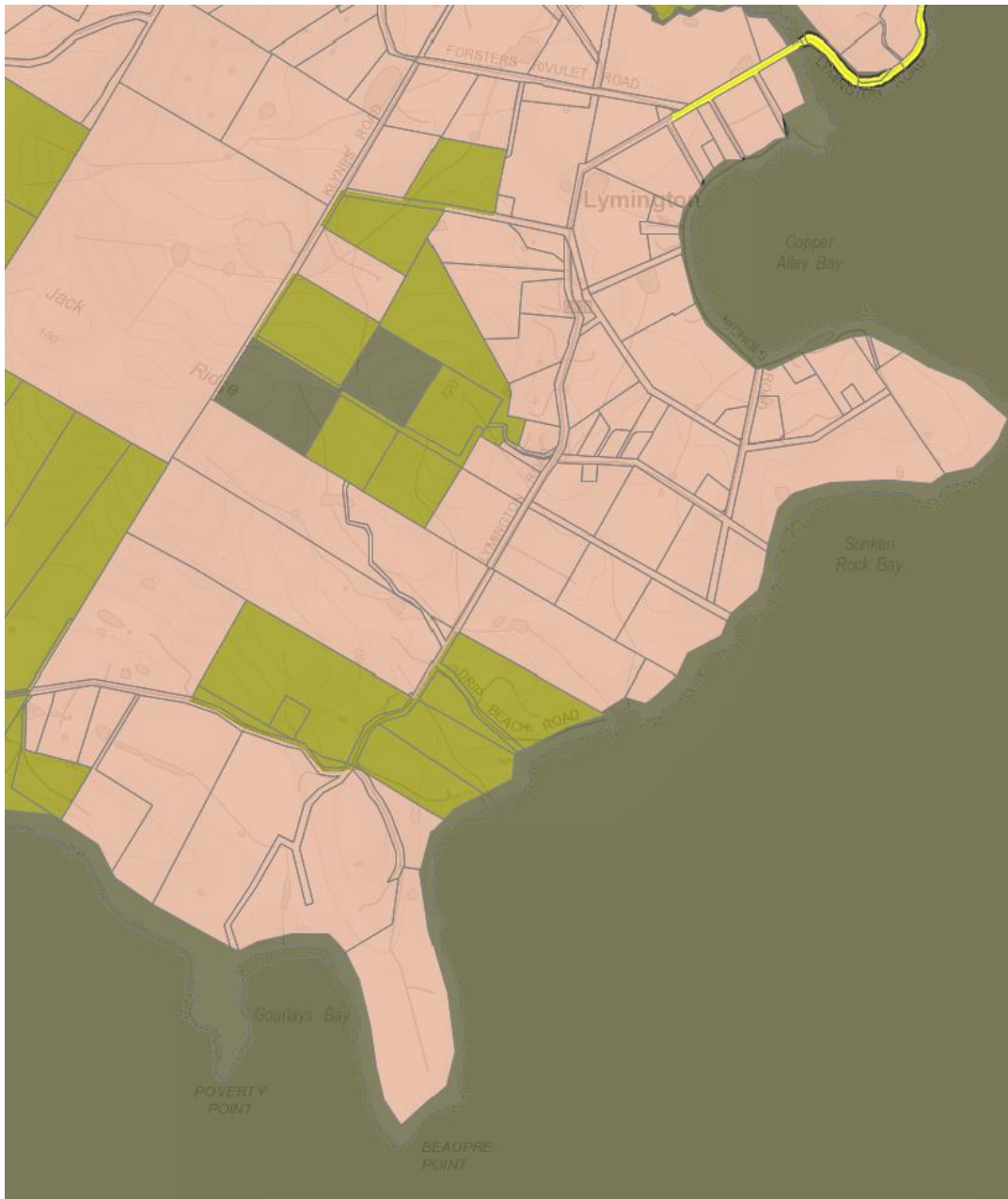


Zoning and complete overlay maps of Draft LPS of Lymington from bridge to Kays Beach

Given the whole of Lymington is covered by the Natural Asset Code – Bushfire Prone Area, this overlay has not been singularly addressed.

CONTENTS – A preamble about Lymington, put together by two land holders whose full submissions to the Huon Valley Council’s Draft Local Provisions Schedule for the Tasmanian Planning Scheme have been sent separately via Ireneinc Planning & Urban Design.

LYMINGTON a brief history of the area from the bridge to Kays Beach



Map showing Landscape Conservation Zoning

PREAMBLE

Lymington has undergone several zone changes since the 1970s which affect how landowners can develop and manage their properties – restricting subdivisions and boundary adjustments; how many dwellings can be built and their sighting/setbacks; the introduction of a bushfire zone (and other overlay zones) which add to building restrictions and costs; and even restricting the cladding and colour of a house or if a verandah can be built. It seems now that a person driving down the road “admiring the view” has as much say as the land owner on how they may or may not develop their property!

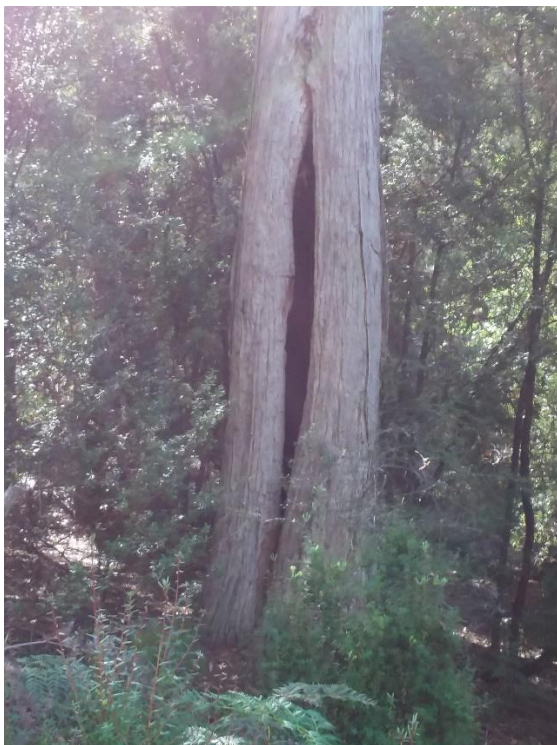
Originally gazetted a township in 1857 but never fully developed, there are many irregular and varied lot sizes along Lymington Rd and around Copper Alley Bay from the bridge to Kays Beach and also up Forsters Rivulet Rd. As these lots were drawn up in England, not taking topography in to account, boundary adjustments would make these lots more suitable for dwellings and fencing but the planning scheme no longer permits this.

The planning scheme also no longer permits subdivisions, so existing dwelling clusters in areas such as Nichols Rd and Lymington Rd are tightly held. Those that are advertised are sold within a week.

Lymington has a convict past; a history of light agriculture from farming small fruits, stone fruits, poultry, pigs, sheep, dairy and beef to quarrying, mining, sawmilling and boat building; and the former jetty at Copper Alley Bay was a hive of activity with produce sent to market and case timber brought in from Garden Island Creek.

In the 1900s most farms had at least three dwellings per farm and there were pickers huts and mining camps scattered across the hills. The forested hills were all selectively logged of their stringy bark and tall hardwoods; gold was mined and is still prospected for; and two devastating bushfires – the most recent being the 1967 bushfires – have raged through the area burning to the ground two in every three houses and scarring the landscape.

Whilst the dry sclerophyll forest has regrown, nearly all remaining big trees have burnt hollows (pics below) and there are large areas of dead and fallen trees throughout the entire treed hillside. Die-back is also a growing problem, although from an aerial or road view the forested hills appear healthy (refer Scenic Protection Code map – Scenic Road Corridor). Walking through them gives a different picture.



It is evident from the Draft Local Provisions Schedule (LPS) mapping of bushland areas that the aerial map was taken some years ago as Black Jack Ridge has now been logged and other areas partially cleared.

Also, the Landslip Hazard Code appears to have been taken from an aerial view of the slope not from any on-ground geological survey as there is no evidence in the “medium band” of any existing slip to the properties mentioned.

The Natural Asset Code showing Waterway Protection also does not accurately show the winter flow, with these “waterways” (natural dips and depressions) only flowing after major rainfall events that enable run-off from the bush. There is no flow most of the year (pic right showing a main waterway marked on an LPS overlay map).



Lymington has a low rainfall (much lower than Cygnet) and marginal farmland but a good biodiversity of fauna and wildlife with no endangered species as populations of quoll, pademelon and small marsupials thrive. There is an ever increasing mix of marsupials moving to the area with rufous and now bennetts wallaby in high numbers; rising possum populations; and even devils (previously not sighted until four years ago) have moved in. Unfortunately, some devils have the facial tumour with the worst case ever reported to DPIPWWE coming from this area.

But this moving population and the peninsula nature of Lymington means high roadkill numbers as the migrating wallaby in particular become land-locked. Land owners are continually under pressure to wallaby fence to maintain feed for livestock, keep their produce growing and vegetable gardens have to be double fenced to avoid being eaten overnight.

Despite increased wallaby fencing, DPIPWWE permitted shooters are out twice weekly to cull wallaby (Clark and Innes in particular) and their annual returns continue to show an increase in numbers during good years. This persistent wallaby cull actually works in favour of the smaller marsupials and the biodiversity of the landscape as the competition for food by the larger graders is reduced and those residents who feed the pademelon/marsupials nightly report a healthy stable population.

Landholders also protect the area's biodiversity by collecting seed from the young healthy stringy bark trees that have regrown (pic below left showing branches trimmed for seed collection) as the older trees that did survive the 1967 fire now fall down of their own accord (pic below right).



With its scenic outlook and rural lifestyle, Lymington has become a sought after area for early retirees and young families looking to move back to the area they were raised.

Blocks are being sold at high prices and large houses are being built to accommodate the needs of the modern family. And, as the squeeze for housing tightens and young adults look to move out, long-time resident families are now expanding their land holdings to offer their extended family a place to build next door and maintain this rural lifestyle.

Handwritten signature of Paul & Stephanie Clark.

Paul & Stephanie Clark
681 Lymington Rd,
Lymington 7109

Ph 0480 312 187

Handwritten signature of Justin & Melissa Innes.

Justin & Melissa Innes
598 Lymington Rd
Lymington 7109

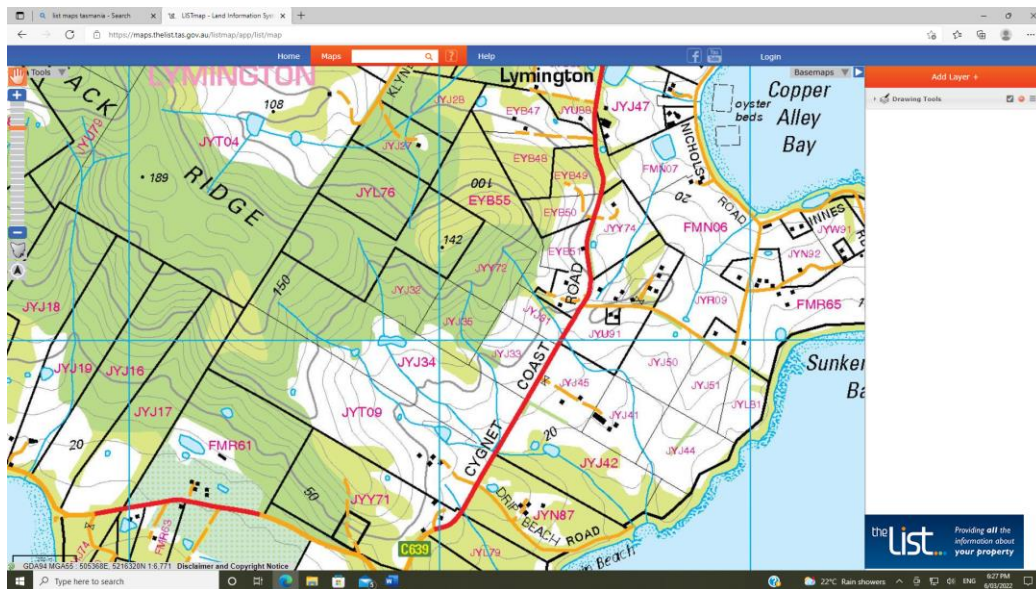
Ph 0400 257 967

Tasmanian Planning Scheme

Submissions to the Huon Valley Council regarding a change in zoning in the Huon Valley Draft Local Provisions Schedule at:

681 Lymington Rd – owner PA Clark (Paul & Stephanie)

PID 9060997 [List map](#) [Tasmap reference JYJ32 & JYJ35](#)



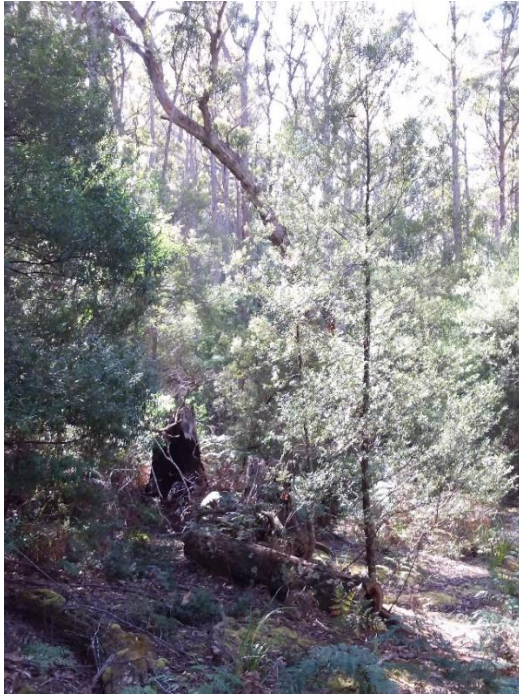
List map with Tasmap overlay showing identifying block numbers (listed in red in the overviews) has been included for reference information.

Known as *Waterlea Park*, this 79ha property currently encompasses 11 titles from the waterfront to the top of the hill and is split by Lymington Rd. It originally had 17 titles from the Gazetted Lymington Town map of 1857 together with land purchased after the 1967 bushfires. Two subdivisions were developed under previous planning schemes with six 0.5ha lots for residential living on Nichols Rd and six lots ranging in size from 1.8ha to 6.4ha developed from a fire-ravaged orchard sited between 598 & 640 Lymington Rd.

The 6.4ha lot together with a 3.8ha lot were sold in 2021 to Justin & Melissa Innes (property ID 9060996) to extend their hobby farm and form another submission.

Waterlea Park has been predominantly run as an apple orchard with sheep grazing. In its hey-day it supported three families and had five houses on the land with four lost in the 1967 fires. With high inputs/low returns on the marginal land and export problems the operation transitioned into a small beef and sheep enterprise in 2008 when the last of the orchard was pulled.

The land includes six dams, winter watercourses and bush shelter. Two blocks on the topside of the road, Lots 10 & 11, have been changed from Rural Resource to Landscape Conservation Zone. Both have been subject to fire, logging and mining and most of the remaining large trees have their hearts burnt out.



Lot 10 was predominantly cleared and sown to pasture but since the 1967 fires, most of the bush/scrub has grown back (pic on left).

The land is steep in some areas with patches of shale rock but also areas of pasture which are suitable for repasturing if selectively cleared again.

These lots hold no significant or endangered conservation values other than being regrowth native vegetation cover on a hillside of varying slope and ground cover, so they could equally be assessed as Rural Zone as is the adjoining 18ha farmed Lot 9.

The Draft LPS has this land as Landscape Conservation Zone when it also meets Rural Zone.

Overlay maps relevant to Lots 10 & 11 include:

Landslip Hazard Code – Low and Medium Landslip Hazard Bands

Natural Asset Code – Waterway & Coastal Protection; Priority Vegetation Area; Bushfire Prone Area

Natural Asset Code – Priority Vegetation Area:

These lots are regrowth timber on a hill and we accept that it is “easy” to lump them in a parcel of land with adjoining Crown Land lots. However, they also hold rural value to us – offering shelter and small pockets of pasture for stock; one has a dam; and water run-off from both feed in to our dams during high rainfall events.



Lot 10 has previously been cleared and Lot 11 had a house on it until it was burnt in a major bushfire.

When viewed in alignment with their neighbouring land they enhance both the farming ability of Lot 9 and the rural lifestyle of Lot 1 D106649 **JYY72** (purchased by the Innes family).

Fairy St road reserve runs alongside them, with Hill St road reserve between Lot 10 “separating” them from the Crown Land blocks that are recommended in the LCZ parcel (P158284 plan of title left).

These reserve roads could be developed to meet up with Klynes Rd as blocks continue to have houses built on them along Klynes Rd as the pressure on housing escalates.

Making a conservation “parcel” of several blocks would prohibit such future development.

Landslip Hazard Code – Low and Medium Landslip Hazard Bands:

Lot 11 is above the hay paddock (Lot 12 **JYJ33**), and provides cattle shelter and has a deep reserve dam used for irrigation (pic right top).

There was a shack on this block until a bushfire and there are several suitable home sites.

Part of the block is steep and shale rock but there are areas of arable soil. The land recently underwent survey to enable new fencing and clearing of the fenceline has commenced.

We have found no landslip areas but agree the shale area is not suitable for development or future clearing. It is not our intention to develop any of these blocks.

Lot 10 above adjoins the two Crown Land lots (split by the road reserves). It is partially fenced with the farm and a favourite spot for cows at calving time for shelter and seclusion (pic right below).

This lot has no access for development without creating a right-of-way across another title (as the road reserve to it crosses a winter waterway several times on Lots 8 & 9 – the titles and road reserves having been drawn up in England not taking topography in to account).

Development to the next two blocks on Klynes Rd and then down the Fairey St road reserve by future owners would create an access.

We are downsizing and retiring, but under the former Rural Resource Zone this was an option for purchasers and still would be under the Rural Zone – they could buy with confidence knowing a dwelling could be built. With the Natural Asset Code – Bushfire Prone Area across the entirety of Lymington, significant site clearing must be an option but under LCZ it is not.



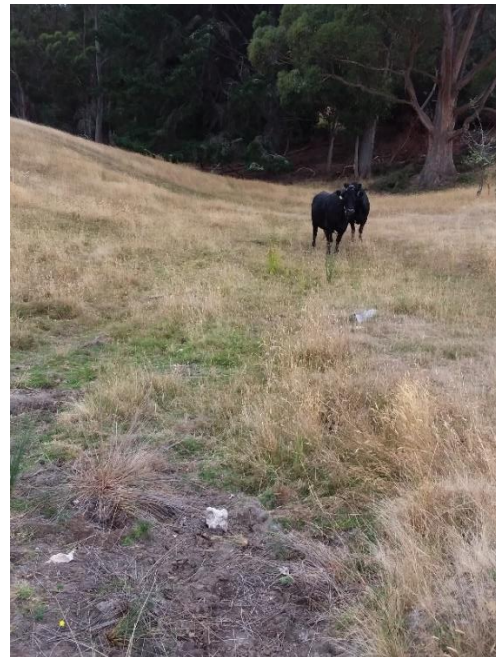
Natural Asset Code – Waterway & Coastal Protection:

Waterways identified in the overlay are all winter flows triggered by high rainfall events that allow water run-off from the bush.

Those affecting runoff from Lots 10 & 11 are dips between hillsides which, during most months of any given year, are pasture for cattle (refer pic right which identifies the main waterway from these lots).

It is areas such as this that title boundaries cross but landowners are unable to adjust boundaries, even given environmental reasons, under LCZ or RZ in the Draft LPS.

Water run-off from Lot 10 helps fill the main irrigation dam on the 18ha Lot 9 block so we have no plans to change management of this block.



These two lots would offer (together, or with an adjoining block) suitable small areas of pasture with selective clearing and still maintain the biodiversity of the land. This bush has already been logged and burnt in the 1967 fires. It has been prospected and is still providing firewood from falling trees.

Given its value to/impact on the neighbouring land, Lots 10 & 11 (JYJ32 & JYJ35) are suited to Rural Zone classification, rather than being lumped in to a conservation zone to make a “parcel” of bush with two Crown Land blocks above it.

Stamping LCZ on these lots may provide “a parcel” for conservation with the two Crown Land blocks but Paul Clark would be restricted in his current use of the land. We have already had a full survey of boundaries undertaken and started clearing bush and fencing as we move to downsize and retire.

Paul & Stephanie Clark

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