

From: lobobbeau@ozemail.com.au
Sent: Sat, 14 May 2022 16:28:03 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Property Rezoning Submission - 902B Cygnet Coast Road, Wattle Grove TAS 7109
Attachments: My Zoning Presentation.docx, My Zoning Presentation 1.docx

Good afternoon,

Please find attached our submission requesting a review of the proposed rezoning outcome for our above noted property

We look forward to your response in due course

Regards,

Carolyn Demaine & Rob Legge
M: 0412 740 074

13 May, 2022
Planning Division
Huron Valley Council
PO Box 210
Huronville TAS 7109

Dear Relevant Members of Council,

RE: Representation for the Huron Valley Council’s advertised zoning of 902B Cygnet Coast Road, Wattle Grove, TAS 7109.

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Executive Summary

My name is Robin Legge and I am the titled owner of the above property where I live with my wife Carolyn Demaine, who has an acknowledged legal interest in the property. This property is our family home and thus the commentary below is on behalf of both of us.

The following is our representation in objection to the proposed Landscape Conservation zoning assigned by the Huron Valley Council (herein HVC) as part of the advertised draft Local Provisions Scheme (LPS) submission.

We believe that the more appropriate, and available alternative, zone of Rural Living should be applied because the said property does not meet the Landscape Conservation Zone criteria but meets the criteria for Rural Living 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 Living 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?	

Furthermore, the HVC made a commitment in May 2019 to apply the LPS as a “like for like” as per the objectives of the HVC:

The draft LPS largely carries over existing Interim Planning Scheme zoning, as much of the existing zoning correlates with requirements set out in Guideline No. 1. However, some changes have been proposed. The following table shows a comparison of the current Interim Planning Scheme zones and the most comparable zones that will apply under the TPS when the draft HVLPS is implemented. Further information on the zone changes and also in relation to the codes is shown in Appendix 2.

Comparison table

Interim Planning Scheme	TPS
10.0 General Residential Zone	8.0 General Residential Zone
12.0 Low Density Residential Zone	10.0 Low Density Residential Zone
13.0 Rural Living Zone	11.0 Rural Living Zone
16.0 Village Zone	12.0 Village Zone
20.0 Local Business Zone	14.0 Local Business Zone
21.0 General Business Zone	15.0 General Business Zone
23.0 Commercial Zone	17.0 Commercial Zone
24.0 Light Industrial Zone	18.0 Light Industrial Zone
25.0 General Industrial Zone	19.0 General Industrial Zone
26.0 Rural Resource Zone	20.0 Rural OR 21.0 Agriculture Zone
27.0 Significant Agricultural Zone	20.0 Rural OR 21.0 Agriculture Zone
14.0 Environmental Management Zone	23.0 Environmental Management Zone
29.0 Environmental Management Zone	23.0 Environmental Management Zone
28.0 Utilities Zone	26.0 Utilities Zone
17.0 Community Purpose Zone	27.0 Community Purpose Zone
18.0 Recreation Zone	28.0 Recreation Zone
19.0 Open Space Zone	29.0 Open Space Zone
32.0 Particular Purpose Zone 1 - Urban Growth Zone	30.0 Future Urban Zone
33.0 Particular Purpose Zone 2 - Future Road Corridor	HUO-P1.0 Particular Purpose Zone - Future Road Corridor
34.0 Particular Purpose Zone 3 - Southwood Integrated Timber Processing Site	HUO-P2.0 Particular Purpose Zone - Southwood Integrated Timber Processing Site
35.0 Particular Purpose Zone 4 - Franklin Marine and Tourism Precinct	HUO-P3.0 Particular Purpose Zone - Franklin Marine and Tourism Precinct

We note that the above Table (2) was approved by council but was subsequently overturned however, there is no clear evidence this change to the LPS approach has been adequately communicated with public, and we therefore reserve the right to present this evidence to support our case for the comparable Rural Living 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 living Zone and incomparable with the Landscape Conservation Zone. Furthermore, our property has no evidence of threatened species existence, no evidence of threatened vegetation communities but it has been managed successfully by us, in collaboration with the council on a number of occasions over past years, to eradicate noted primary weed infestations. Our attitude is that our management of weed control on our property has exceeded that of council in our area on government land and therefore we should be encouraged in our property management not penalised by the proposed rezoning which will have a number of negative outcomes for us.

We 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), to be arbitrary and not in line with other properties in our area and in fact on the same private road as our property. Our property was already subject to oversight management under either a Rural Zone or Landscape Conservation and does not require further legislative restrictive micro management, at the whim and whimsy of council officers by way of *Landscape Conservation Zone*.

More detail on the negative outcomes of Landscape Conservation Zoning 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 there is already in place Resource Management and Planning Systems that protect our natural values. These values are 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 and extremely detrimental to us in numerous ways outlined in greater detail further in this submission.

An Overview of My Property and Future Development

Our property is currently zoned as 14.0 Environmental Living 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 and also a further small dam that we have put in since living here. The property has several overlays present including Landslip Hazard Area, Waterway and Coastal Protection, Bushfire Prone Areas and some Priority Vegetation Area.

The topography of the land could be described as moderately sloped with an altitude rise of approximately 70m. It is approximately 20% covered wild native vegetation, purposely left that way for the encouragement of natural regrowth and native animal habitat. Approximately 70% of our land is fenced and the land within the fencing is utilised for residential living, the cultivation and growth of various fruit trees and vegetables sufficient to facilitate our own wellbeing but also that, through various involvements of the local community, while doing it all in a climate change friendly and supportive manner. We own two purebred german shepherds and they also enjoy free roam on our fenced land. Breeding german shepherds into the future is also an activity we are keen to pursue.

We have made substantial efforts to ensure an obvious intention to continue to maintain the vegetation within and around the cleared area for maximum bushfire management for the benefit of both us, the local community and the encouraged flora and fauna.

Our overall long-term aim is to become as self-sustaining as possible while helping sustain my community, both through food production but as job production, thus minimising my footprint and doing my part for reducing climate change – reduction of climate change and being responsive to it is an objective of the Southern Regional Land Use Strategy 2010-2035 (Strategic Directions, Chapter 4). BNV 2 of the Southern Regional Land Use Strategy 2010-2035 can be achieved in balance with development on forested properties. The resilience of the community depends on this type of lifestyle and should be encouraged not made prohibitive under the new Tasmanian Planning Scheme and the HUO-LPS.

This property is not only our present home but is also part of our self-funded superannuated future in that it has always been our intention to develop our block, in a manner that was council approved at the time of our purchase, by way of developing an eco-pod development that would be environmentally friendly and sustainable while at the same time offering us an income source, and an opportunity for rural lifestyle living for others in the community who are not in a position, as evidenced on a regular basis in all forms of media, to achieve their own home ownership. The council approval in place at time of purchase was for up to 6 eco pods and the development of same is still our long-term dream.

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

While we note that the council has not provided any directed communications to us individually as landowners, even though they have stated that personal communication would be forwarded by hard mail to every affected household, we have tried searching and investigating for documentary outlines on what criteria the council believed our land met when applying the LC Zone and overlays. We have heard that there was a decision process made in a general sense during one of the sessions held by the HVC in March 18th 2022. Given the lack of specific criteria of the LCZ Zone applicable to my property that we are aware of, we can only address the council’s comments that are found in the below found in LPS-HUO-TPS Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule Nov 2021.

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

Firstly, 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. Based on the amount of development and change to properties in our area in the recent past, and continuing on a daily basis, now and going forward, the data utilised must be considered old and inaccurate and stating that vegetation is present at a given percentage in a given region, which is why it is listed, will also be inaccurate.

We do not have 80% percent coverage of native vegetation due to clearance of a large portion of the block for residential living and then the structured regrowth mentioned in the opening address.

Our property is situated on a private road, running off Cygnet Coast Road, Wattle Grove and cannot be seen from Cygnet Coast Road, Wattle Grove and therefore does not fit the Scenic Code Overlay from that perspective. We acknowledge that our property can be seen from the middle of the Huon River and from, for instance, Shipwrights Point, Port Huon but we do not agree that such viewings would consider the sight of our property, to the extent it can be see, as of “important scenic value”

especially taking into account surrounding properties which can be seen from the same viewing points and are zoned “rural / rural living”. It is also noted that our property does not have a “Scenic Road Corridor” overlay on it.

With this said we acknowledge that the blocks behind us and further up the hill and running along the ridge line of Fitzpatrick's Hill, back towards Cygnet, are vacant with no buildings constructed on them, although the one immediately behind us has had a clearing made for the potential use as a construction pad for a dwelling. This positioning leads to us suggesting that the proposed Zone be applied to the uncleared properties behind us where no development has been started or completed and where no approvals to date have been requested but not to ours due to our current levels of development and further planned development.

We also note that 860 Cygnet Coast Road, Wattle Grove, was originally accessed via our private road and was in fact notated as being a “902” property until several years ago when the newest owner put a new drive into his property exiting further around Cygnet Coast Road.

We suggest that with the lack of regular natural values assessment for this area, it would appear that minimal accurate data exists to be able to understand the current position of our property in regard to this particular point.

Our property has a Priority Vegetation Overlay (which is inaccurate). Our property has not been spared from historical clearing due to being considered suboptimal for agriculture, and apparently up until the 1970s the area was selectively logged and quarried for local purposes

The lower slopes around our house and neighbouring properties were cleared for rough pasture and domestic dwelling construction.

<p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <p><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></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><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>	<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 our land and during a number of documented visits by Council staff over the past years, with walking reviews of our property by them, there was never a mention of endangered species being present on our property.

We have been involved in UTAS based review of this area regarding what birdlife is present and to what extent it is endangered and the UTAS team employed qualified bird identifiers in this process and it was never advised or suggested to us that the Swift Parrot has been heard or seen on our property in the period we have been here.

It is also noted that our property has an overlay relevant to Threatened Fauna Habitat being applicable to Eastern Quolls but it is noted that in this area generally there are significant populations of these quolls with regular commentary available as to attacks on domestic animals by these animals. Sightings are also regular but more so especially on bush walks in the uncleared property areas mentioned previously. They are unlikely to make our cleared areas a desired home turf especially with the number of surrounding properties which have domestic doors as part of their living community

Speaking to all LCZ 2 comments, we feel that there is a lack of sufficient specific and thoroughly documented and authenticated 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. The relevant overlay should be adjusted to meet the observed data and in consultation with the property owner.

<p><i>LCZ 3</i> <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
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	<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><i>LCZ 4</i> <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>

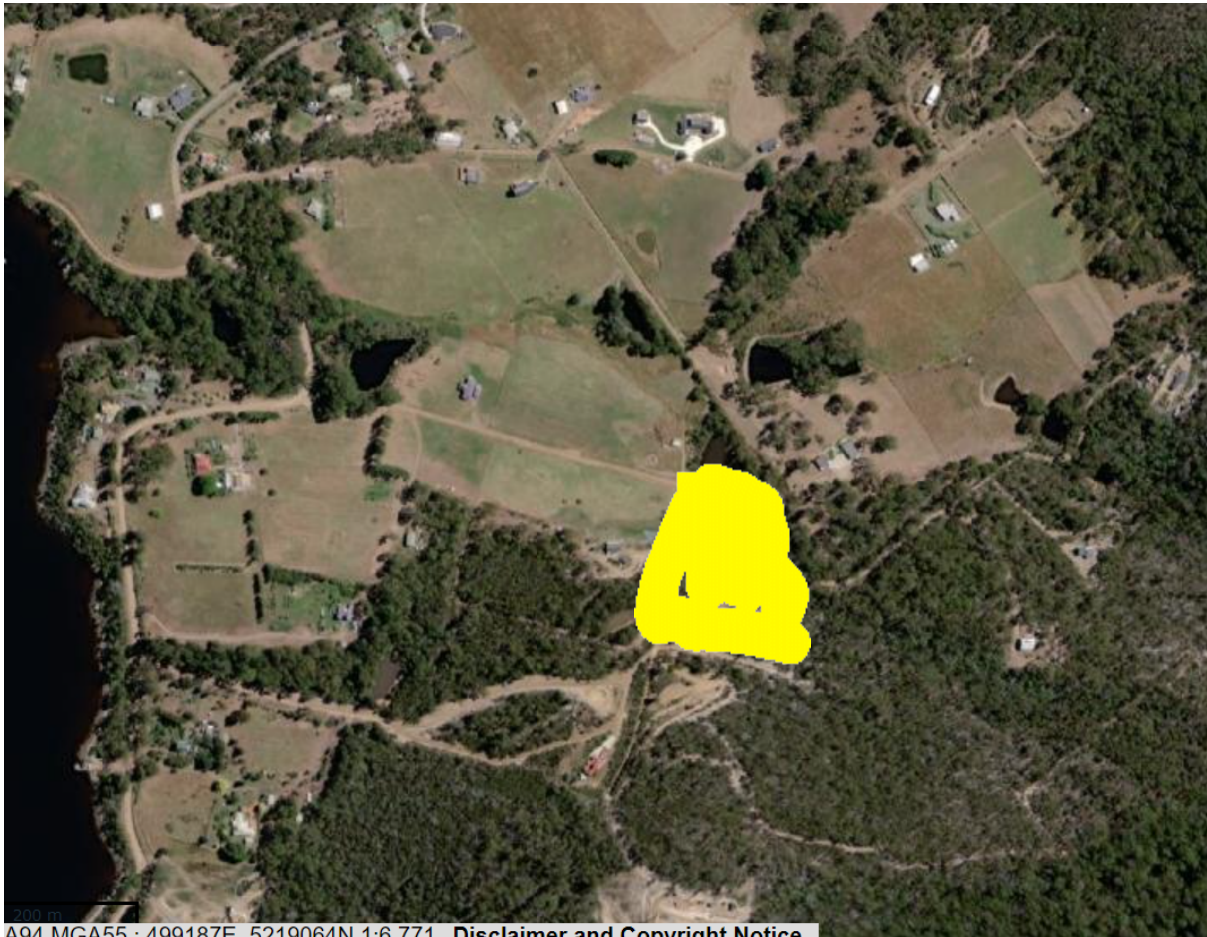
LCZ3

There are three titles (902C, 902D & 902E on attached page) that are accessed past our property via a right of way across our property which are shown as being more than 80% vegetated and are in fact “off grid” properties and we feel that the LCZ3 descriptor above was utilised against our property taking into account these other properties whereas due to our previously stated much larger portion of clearance of natural vegetation and current development and intended future, previously council approved, development we do not consider that our property should have this classification.

Also, on our private road there are a number of properties both smaller and bigger in size than ours that have a Rural Zoning (904 & 902A on attached page) and are yet small land parcels with a residential dwelling and some paddock space, much the same as ours, but with a different zoning. These properties are within hundreds of metres of our property and house and in one instance actually shares dam access on a boundary with us yet has a different zoning (902A). This property on

our road is also in the middle of a residential construction approved by the council outside of these new regulations.

On the basis of the above we feel strongly that the Rural Living Zone is the correct one to be applied to our property and request same




Map taken from the Huon Valley Planning Scheme Consultation Interactive Map-List

LCZ4

As per LCZ4 our 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 our property is amongst others zoned Rural Resource under the Interim Planning Scheme 2015 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. It is also noted that on 20 out of a total 119 properties within Wattle Grove are changing to this very restrictive zoning while operating very similar to other property not getting the same rezoning

Response to Section 8A Guidelines for Rural Zone - Guideline No. 1 Local Provisions
Schedule (LPS): zone and code application

<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) 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 that you travel through on Cygnet Coast Road, Wattle Grove, Lower Wattle Grove and Glaziers Bay can be described as Rural which is why many titles on this road have been zoned Rural. There is a wide range of uses on these properties from growing grapes to produce wine, establishment of a market garden, farming sheep/pigs/goats for meat, residential living, eco living etc that meet the Rural Zone criteria. These properties have limited agricultural use due to the topography of the land and alpine soils which are not known for their fertility. The natural values of our 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 the topography and soil type and limited by size.

RZ3

The property in question has zero full agricultural use and is not integral to the management of a larger farm holding within an Agricultural Zone.

Responding to proposed Priority Vegetation Area overlay under Natural Assets Code and the Natural Values Atlas – Threatened Fauna Point

We have addressed this in previous points with commentary

Summary

We feel moving from the Landscape Conservation Zone to the Rural Zone is the most appropriate outcome because we consider we meet the criteria for the Rural Zone and not the criteria for the Landscape Conservation Zone. Our property is rurally located and being used for rural domestic living purposes with opportunities for future restricted development in line with current local practises

The LCZ should not be applied because the Priority vegetation report is inaccurate regarding the vegetation types and/or extent of them.

The only prominent skyline is the very wooded Fitzpatrick's Hill and that is behind our property.

We think it is also important to note other negative outcomes that would apply if the proposed zoning is implemented which include:

Land Devaluation:

This would be due to the very restrictive conditions placed on our land going forward which did not apply when we bought this property. This is highlighted by the fact that this property was to provide us with long term retirement income by means of eco pod development which was council approved at the time we purchased.

Land devaluation would also occur due to the effect the zoning would have on our ability to borrow against this land and the ability of any future purchasers to borrow. At a time when home ownership is stated as being at its worst changing zoning, making this achievement even harder for all concerned, appears to be very short sighted by council

It also devalues the property based on future possible use and the fact that any usage and / or proposed development of the property would be subject to the whim and whimsy of council staff at the time of application with no pre-set options and everything at council discretion

Property Conservation:

While it is acknowledged that we all need to fight climate change then one of the major ways of doing this is to develop properties sustainably with a balance between development and conservation which also ensures the safety of land ownership for us and the community. Locking parcels of land away and the new zoning at a time when council is not in a position, either financially or through asset participation, to successfully manage fire threat in our current situation would increase the full community risk. At present properties are successfully managed by owners with fire risk growth cleared and managed under structured planning initiatives but under the proposed zoning owners would see no benefit in continuing these costly exercises.

Decreased housing availability:

Increased "lockups" of land under these proposed zonings will create additional costs, building restrictions, time delays and uncertainty for hundreds of families in the Huon Valley area. The proposed changes, with "discretionary approval" being the overriding factor will negatively affect not only new builds but existing expected renovations and modifications. The additional costs in getting a proposal to approval through necessitated increased use of lawyers and planning developers and consultants will put housing further out of reach for many people but also sink the

plans of many who already own property but are now faced with restrictive rezoning guidelines which will stop them progressing any further.

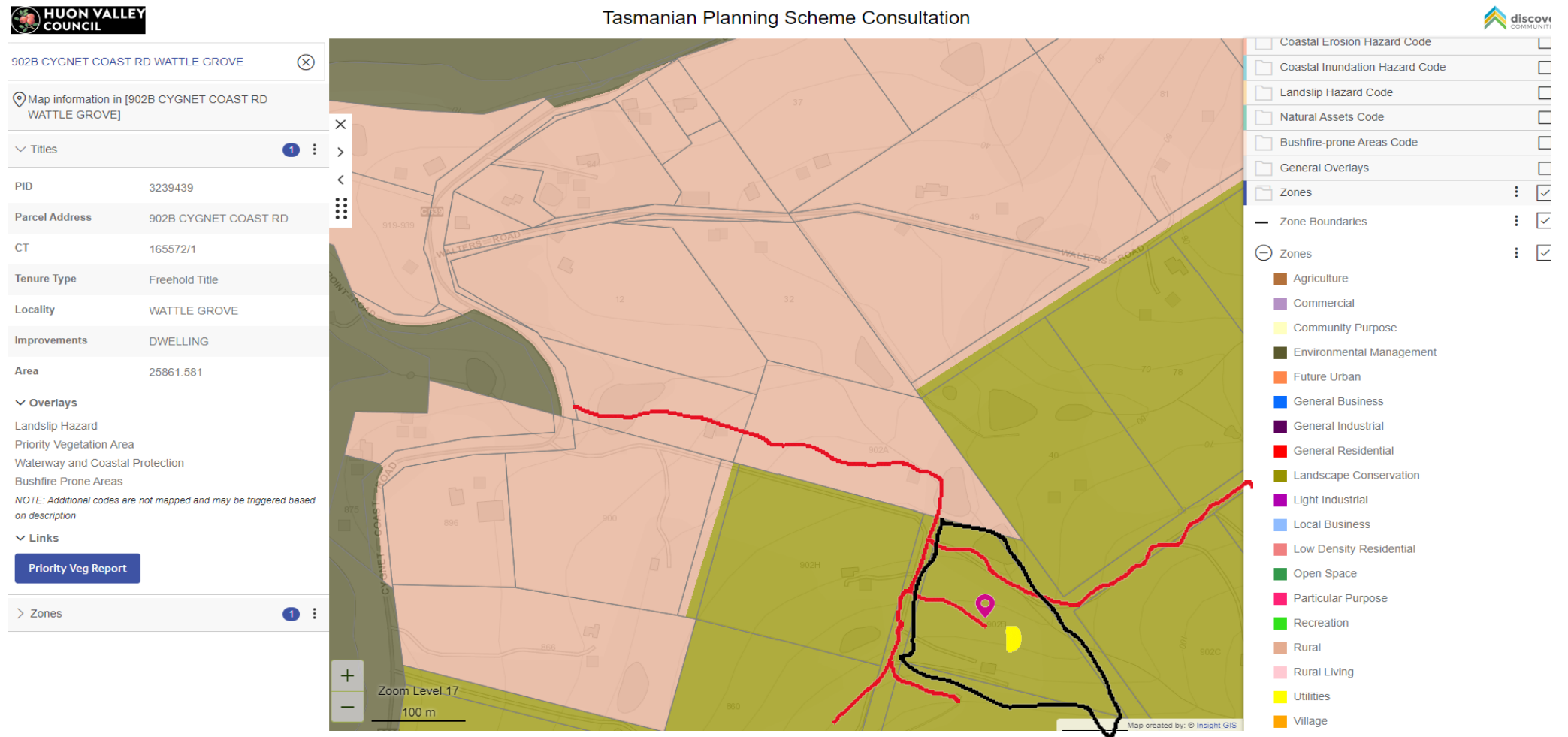
These are just some of the negative aspects of the propose rezoning that will affect many people and we are asking that in our situation our proposed zoning be changed to Rural Living like many of our neighbours

Robin Legge & Carolyn Demaine

Property – 902B Cygnet Coast Road, Wattle Grove. TAS

C/T – 1655721

PID - 3239439



Red line is the Private Road running from Cygnet Coast Road, up to all of the properties Including 900, 904, 902A, 902H, 902B, 902C, 902D & 902E

Black line outlines our property