

**From:** "Danielle Gray" <danielle@grayplanning.com.au>  
**Sent:** Thu, 28 Apr 2022 12:18:04 +1000  
**To:** "Information Management" <hvc@huonvalley.tas.gov.au>  
**Cc:** "cobbertownend@gmail.com" <cobbertownend@gmail.com>; "ctownend" <ctownend@protonmail.com>  
**Subject:** Representation to draft Huon Valley Council LPS re: 149 Narrows Road Strathblane for Townend  
**Attachments:** HVC draft LPS representation 149 Narrows Road Gray Planning on behalf of Townend 28 April 2022 final.pdf  
**Importance:** High

Dear Sir/Madam,

Please see attached a representation regarding the currently advertised LPS for Huon Valley Council from Gray Planning on behalf of Cheryl and Steve Townend who are the owners of 149 Narrows Road at Strathblane.

The attached representation prepared on behalf of Mr and Mrs Townend objects to the proposed Landscape Conservation zoning application to their property under the draft LPS for the Huon Valley Council municipality.

If you wish to discuss, please contact the undersigned.

Regards  
Danielle  
cc. Cheryl and Steve Townend

**Danielle Gray** B.Env.Des, MTP, MPIA  
Principal Consultant

**Gray Planning**

M: 0439 342 696  
P: 03 6288 8449  
E: [danielle@grayplanning.com.au](mailto:danielle@grayplanning.com.au)  
W: [www.grayplanning.com.au](http://www.grayplanning.com.au)  
A: 224 Warwick St, West Hobart, TAS, 7000



Danielle Gray, Principal Consultant  
Gray Planning  
224 Warwick Street  
West Hobart TAS 7000

28 April 2022

General Manager  
Huon Valley Council  
PO Box 210  
Huonville TAS 7109

Dear Sir,

**Representation for advertised draft Local Provision Schedule (LPS) documents, Huon Valley Council with respect to proposed zoning of 149 Narrows Road, Strathblane.**

Gray Planning has been engaged by Steve and Cheryl Townend who are the owners of 149 Narrows Road at Strathblane to submit a representation that objects to the proposed Landscape Conservation zoning as proposed in the zone mapping provided as part of the draft LPS documentations currently being advertised by Huon Valley Council.

Mr and Mrs Townend also object to the application of the current Biodiversity Protection Area and proposed Priority Vegetation Area overlay on their property.

The proposed zoning of the property to the proposed zoning of Landscape Conservation is objected to on the basis that this zoning is not justified under the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines when considered against the characteristics of the subject site and surrounding area.

Commentary against the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines is provided within this representation as well as commentary on land characteristics and existing land use.

It is further considered that Council has not undertaken sufficient analysis of the subject site as well as other similarly affected properties to justify the proposed zoning to an environmentally focussed zoning that focusses solely on landscape and natural values. As outlined in this representation, Council has not undertaken any assessment of either environmental or natural values to justify zoning to Landscape Conservation of affected properties as part of their preparation of their draft LPS.

In this instance, it is considered that the characteristics of the subject site are not conducive to a Landscape Conservation zoning under the Tasmanian Planning Scheme nor applicable to the current Environmental Living zoning under the Interim Planning Scheme.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244

The LPS assessment by Council has been undertaken against an arbitrary desktop assessment of primarily tree cover of affected land as well as lot size which is considered wholly insufficient to justify application of the Landscape Conservation zone.

The subject site at 149 Narrows Road has no record of any evidence of, or documented threatened species, is not on a prominent skyline or ridgeline and has no identified or documented landscape values.

The subject site is marginally over 6 hectares in area and substantially cleared pasture containing a dwelling and located in a coastal setting at an altitude predominantly between 10 and 20m AHD. It is estimated that the site contains around 80% cleared pasture.

It is considered the application of the Landscape Conservation zone to the subject site in the absence of any identified values is not in accordance with the recommended application of the Landscape Conservation zone as outlined in the TPC's Section 8A Guideline No.1 LPS zone and Code application guidelines.

On that basis, this representation opposes the proposed Landscape Conservation zoning of the subject site as proposed under the advertised draft LPS documentation. Instead, it is considered the subject site is more appropriately zoned as a rural zoning to the Rural zone under the Huon Valley LPS.

In the case of the subject site, the current Environmental living zoning and Biodiversity Code overlay application is not warranted and should not be reapplied under the Huon Valley LPS approved by the Tasmanian Planning Commission. This representation is considered to include sufficient information to justify not zoning the subject site to Landscape Conservation and also removal of the Natural Assets Code triggered overlay to the majority of the subject site.

### **The subject site**

The subject site is 149 Narrows Road at Strathblane (CT-200986/1) and is currently wholly zoned Environmental Living zone under the *Huon Valley Interim Planning Scheme 2015* as shown overleaf in Figure 4.

The subject site measures approximately 6 hectares in total area.

The subject site includes predominantly cleared pasture with vegetation making up less than 20% of the overall site area.

The subject site has vehicular access only from Narrows Road via an access strip.





**Figure 1.** The subject site 149 Narrows Road is outlined in blue. Source: TheLIST, sourced 26 April 2022, no nominated scale.



**Figure 2.** 149 Narrows Road outlined. The subject site has generally level gradient and very low elevation close to high water mark where more than 60% of the subject site area sits between the 10m and 20m contours in terms of its elevation. Source: TheList, sourced 26 April 2022.



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The above Figure 2 shows elevation and contour data sourced from The List. The elevation contours confirm the subject site is not elevated, not on a hillside and nowhere near any ridgeline or skyline area. In fact, the subject site is directly adjacent to the coast and predominantly sits at an AHD of between 10m and 20m elevation.

### **Owner concerns with respect to the proposed application of the Landscape Conservation zone and Priority Vegetation Area overlay**

The owners of the property has concern about the proposed zoning to Landscape Conservation and strongly opposes the proposed zoning.

The property owners have concerns about the extremely restricted number of uses that are permissible under the upcoming Landscape Conservation zone as well as the zoning focus from being a rural lot that can accommodate a wide range of rural resource and rural development uses to a property where natural and landscape conservation is the overriding objective.

The owners also hold the view that the characteristics of the subject site do not justify it being zoned from Rural Resource to Landscape Conservation. The characteristics of the subject site are outlined in further detail in this representation against applicable Section 8A guidelines.

The owner further raises the concern about the proposed Priority Vegetation Area overlay being applied to the much of the subject site including cleared pasture areas with concerns that this overlay is not applicable across the site given the vegetation communities present. This overlay has even been applied to large areas of cleared pasture.

This matter regarding overlays is also discussed in this representation.

It is assumed that Council have proceeded on the basis that the Priority Vegetation Area overlay will replace the current Biodiversity Protection Area overlay that covers a significant portion of the subject site.

However, it is considered that there is no justification for either being applied as proposed to the subject site as outlined in this representation.



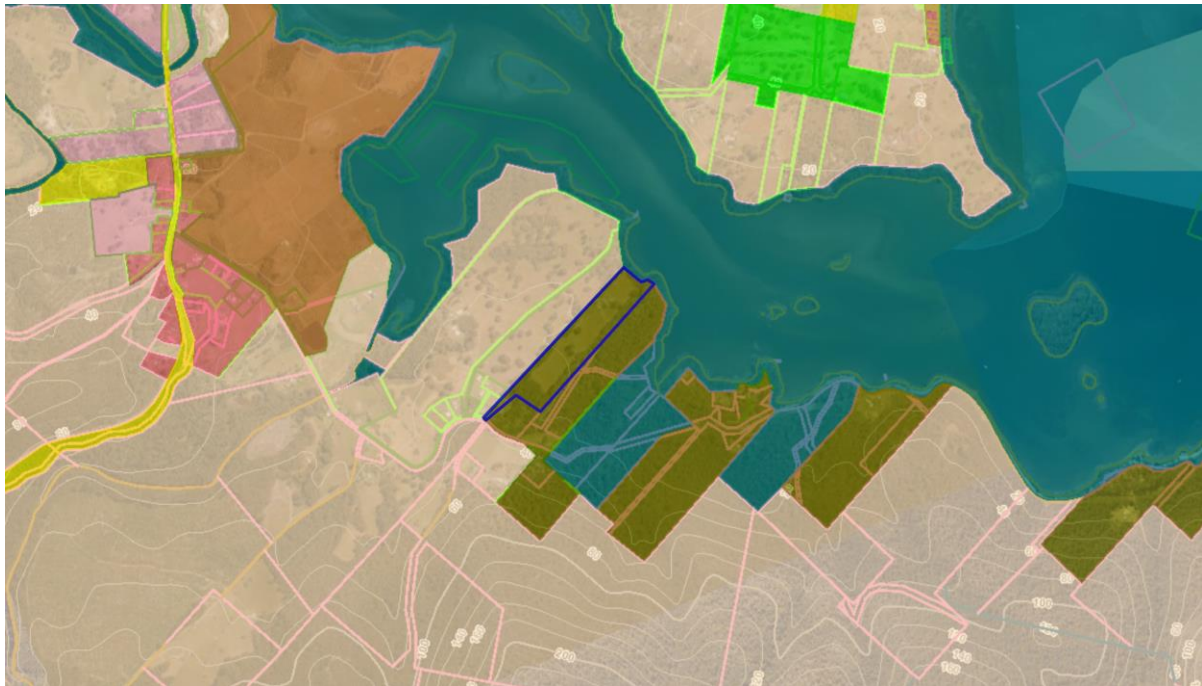
### Current zoning

The subject site at 149 Narrows Road is currently zoned Environmental Living under the *Huon Valley Interim Planning Scheme 2015*.

This zoning is sporadically applied to several properties to the east of the subject site. There are very large areas of land that are zoned Rural Resource in the surrounding area.

The majority of properties in the surrounding area currently zoned Rural Resource under the Interim Planning Scheme have varied characteristics. Many have grazing use evident as well as varied and historically cleared areas of native vegetation cover. It is understood the area has historical orchard use. Many others also have significant tree cover in the form of eucalyptus forest. Lot sizes vary dramatically.

Assessment of land currently zoned Environmental Living versus Rural Resource provides no clues or pattern of characteristics for the varied application of land zones.

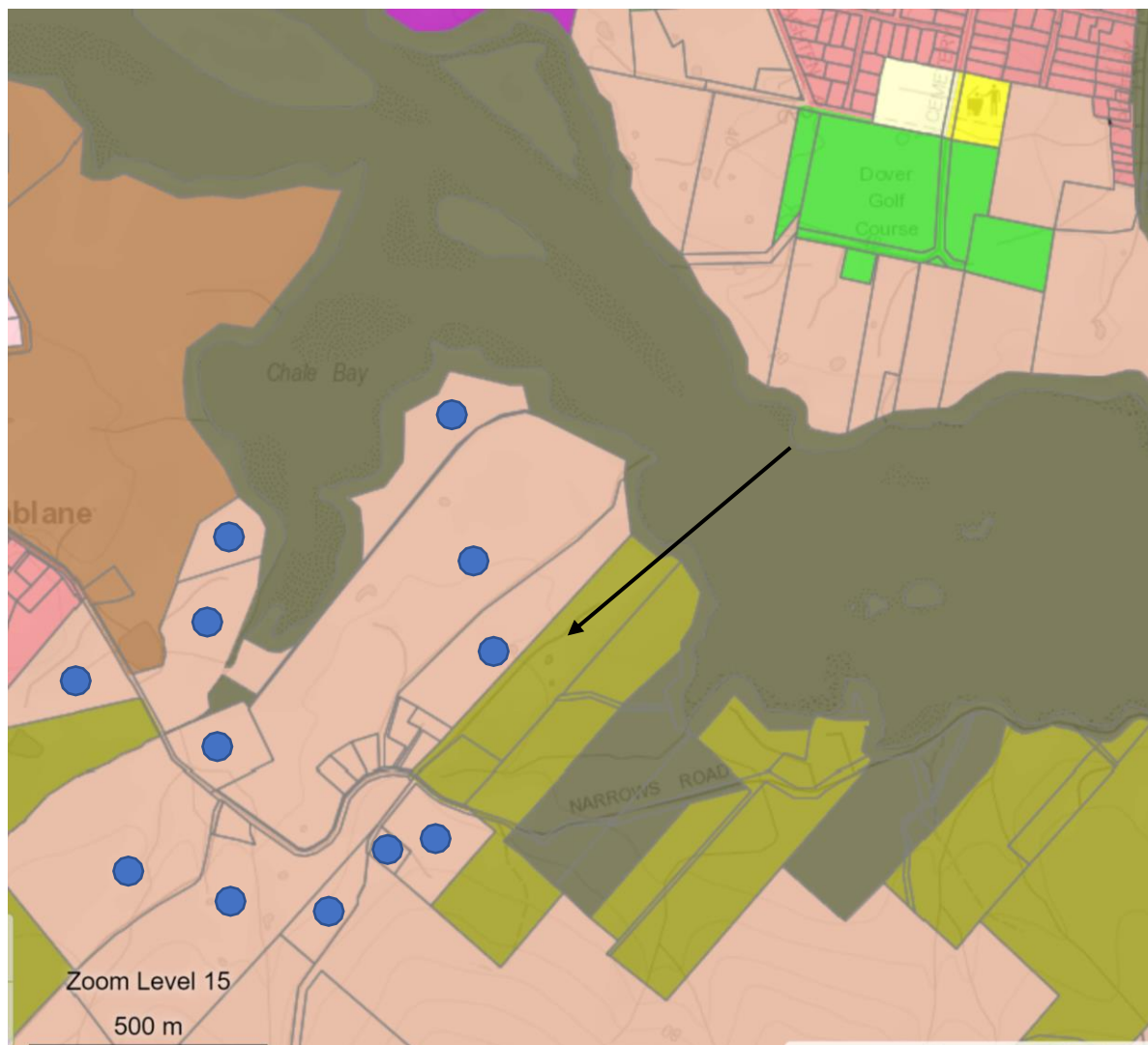


**Figure 4.** The subject site 149 Narrows Road shown outlined. The subject is site is currently zoned Environmental Living. The above mapping shows the extent of Rural Resource zoned land (beige) that is widely applied across the surrounding area. Source: TheLIST, sourced 26 April 2022, no nominated scale.



### Proposed zoning under the draft Huon Valley LPS

The advertised draft LPS for Huon Valley Council shows the subject site to be zoned from Environmental Living to Landscape Conservation.



**Figure.5.** Proposed draft LPS zoning of the subject site (shown marked) to be zoned to Landscape Conservation. Other flagged properties surrounding the subject site have similar characteristics but are proposed to retain their rural zoning and are proposed to be zoned Rural zone under the draft LPS for the Huon municipality. Source: TheList, sourced 26 April 2022, no nominated scale.

The above mapping shows that all properties in the surrounding area that surround the subject site are proposed to retain their current zoning in a 'like for like' transition across to the Huon Valley Local provisions Schedule. None are proposed to be rezoned from the current rural zoning (Rural Resource) to Landscape Conservation (green).



However, there are also a large number of properties that appear to have tree cover close to 100% that are proposed to retain their rural zoning and have a zoning of Rural applied under the draft LPS.

Other properties of a comparable size, elevation, topography and extent of vegetation cover as well as containing significant areas of cleared pasture are proposed to retain a rural zoning and be zoned Rural under the draft LPS. These properties are considered to have common characteristics to the subject site and are marked in the above map (Figure 5).



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0439 342 696



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224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244



### Council’s rationale for zoning to Landscape Conservation as per their supporting LPS document dated November 2021.

The LPS documentation and supporting document was reviewed by Gray Planning as part of the background review undertaken to prepare this representation.

Comments are made against of the Landscape Conservation zone application guideline comments from Council as follows

**Table 12**

<b>Zone Application Guidelines</b>	<b>Comments</b>
<p><b>LCZ 1</b>  <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>

### Response to Council comments:

In the absence of any landscape values assessment undertaken by Council as part of their background assessment, it is considered that there is no information that supports the subject site as having any particular or identified landscape value.

As already noted in this representation against Figure 2 and 3, the subject site is located directly adjacent to the coast and predominantly sits at an AHD of between 10m and 20m above high water mark.

The subject site is nowhere near any skyline area and nowhere near any ridgeline area.

The subject site is also significantly less than 20 hectares in area (it measures marginally over 6 hectares in total site area), contains close to 85-80% cleared pasture and does not, in any capacity, meet the Council criteria of being a large lot comprising a 20 hectare area of at least 80% native vegetation cover.



<p><b>LCZ 2</b>  <i>The <b>Landscape</b> 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 <b>landscape</b> 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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**Response to Council comments:**

The Council comment admits to data being deficient in areas with limited access or that are remote with respect to threatened species. It is considered that where Council admits to there being insufficient data, properties should not be zoned Landscape Conservation where there is no data, analysis or studies that identify environmental or landscape values to support this zoning.

The subject site was reviewed under Tas veg 4.0 mapping available and the subject site is confirmed as having most of the vegetation cover as *Eucalyptus obliqua* dry forest with the majority of the subject site also being mapped as being pasture.

The subject site is considered to have a minimal likelihood of providing any habitat for any threatened species and around 90% of the subject site does not contain any threatened vegetation communities as noted in Schedule 3A of the *Nature Conservation Act 2002*.

An aerial photo reveals most of the site is covered in cleared pasture – see Figure 2.



<p>LCZ 3  <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"> <li>• Three or more adjoining properties</li> <li>• Borders existing Environmental</li> </ul>
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	<p>Management or Environmental Living properties intended to transfer to LCZ.</p> <ul style="list-style-type: none"> <li>• If less than three adjoining properties, the total area of these properties is at least 20 ha.</li> </ul>
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**Response to Council comments:**

There has been no landscape analysis undertaken by Council as part of their LPS preparation.

In the absence of any landscape analysis undertaken by Council, it cannot be confirmed by Council that the subject site has any particular landscape values. Likewise, the absence of any landscape analysis means that the subject site as well as others to be zoned to Landscape Conservation have no known or documented scenic values.

The subject site was assessed by Gray Planning as part of research undertaken to assist in writing this representation.

When considering the contours and elevation data from TheList, the subject site is located directly to the coast and sits predominantly at an elevation of 10 to 20m above sea level. The subject site is not elevated nor located on any hillside. The subject site is not located in any proximity to any skyline area or any prominent ridgeline.

There are no planning scheme definitions for either ‘skyline’ or ‘ridgeline’.

The Minister's Urban Skylines and Hillfaces Committee (2000) defined the skyline as "the silhouettes of hills and ridge lines against the sky" and hillfaces as "the sides of hills and include those ridgelines below the skyline".

The subject site is located directly adjacent to the coast and has no known, obvious or detected landscape values.

When considering the coastal location of the subject site, it is considered unreasonable and inappropriate for the subject site to be rezoned to a zone that prioritises “*protection, conservation and management of landscape values*”.

The subject site clearly has minimal to no landscape values and it is considered there is no justification for the application of the Landscape Conservation zone.

<p><b>LCZ 4</b>  <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>
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#### **Response to Council comments:**

The subject site is not prioritised for residential use and is not state reserved land.

#### *Endorsed Council documents*

The following endorsed Council documents have been taken into account in relation to preparation of the draft LPS.

<u>Appendix 33</u>	2016	<i>Huon Valley NRM Strategy (17.058.16)</i>
<u>Appendix 48</u>	2018	<i>Huon Valley Weed Management Strategy (2018-2023)</i>

#### **Response:**

The above confirms that the background research from Council involves consideration of the Huon Valley NRM Strategy and a Weed Management Strategy.

The NRM Strategy was reviewed and there is no consideration of the identification of landscape or scenic values in the municipal area.

As already noted, there has been no landscape analysis undertaken by Council, no scenic values analysis and no analysis on identifying prominent ridgelines or skyline areas including those of particular scenic value.


In the absence of Council identifying any known particular environmental values, no known or identified landscape or scenic values and confirmation of any no identified threatened species being present, it is considered there is no justification for the application of the Landscape Conservation zone, particularly to coastal settings with predominantly cleared pasture.



**Application of the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site and proposed zoning under the LPS**

The proposed zoning of the subject site to be rezoned to Landscape Conservation is considered to be contrary to many guidelines contained in the Tasmanian Planning Commission’s Section 8A Guideline No.1 LPS zone and Code application guidelines.

These guidelines outline the following recommendations for land to be zoned Landscape Conservation:

<p><b>22.0</b> <b>Landscape Conservation Zone</b></p>  <p>Red 150, Green 146, Blue 0</p>	<p>The purpose of the Landscape Conservation Zone is:</p> <p>22.1.1 To provide for the protection, conservation and management of landscape values.</p> <p>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.</p>	<p>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.</p> <p>LCZ 2 The Landscape Conservation Zone may be applied to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</li> <li>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</li> </ul>
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Zone	Zone Purpose	Zone Application Guidelines
		<p>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.</p> <p>LCZ 4 The Landscape Conservation Zone should not be applied to:</p> <ul style="list-style-type: none"> <li>(a) land where the priority is for residential use and development (see Rural Living Zone); or</li> <li>(b) State-reserved land (see Environmental Management Zone).</li> </ul> <p><i>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.</i></p> <p><i>Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.</i></p>

Comments firstly have been made against each of the following purpose statements for the 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*

**Comment:**

The subject site has no known, apparent or obvious landscape values. The subject site sits at a very low elevation, is located directly adjacent to the coast and is not located anywhere near a prominent ridgeline or skyline area.

*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.*

Comment:

The subject site has no known, obvious or mapped landscape values and when considered in its setting against topographical data from TheList is considered to have no noted or obvious landscape values that would justify the application of a zone that prioritises the protection of land with landscape values.

In fact, the only justification for the proposed zoning to Landscape Conservation from Council's point of view appears to be the current Environmental Living zoning under the Interim Planning Scheme. However, the guidelines clearly state that the Landscape Conservation zone is not a replacement for the Environmental Living zone.

The subject site is not considered to have any characteristics that justify the application of the Landscape Conservation zone or the current Environmental Living zone.



Comments have been made against each of the following zone application guidelines for the Landscape Conservation zone:

*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.*

Comment:

The subject site has not been identified as having any landscape values. In fact, there has been no municipal analysis or study that identifies any areas with landscape or particular scenic values for protection and conservation within the Huon Valley municipal area.

Furthermore, as part of assessments undertaken for this representation, it is considered that the subject has minimal to no landscape values owing to its low altitude setting on the coast with most of the site sitting below a 20m AHD elevation.

Furthermore, the subject site currently has more 80% cleared pasture coverage as opposed to the 80% native vegetation coverage which is a threshold identified by Council in their supporting report and used as justifying application of the Landscape Conservation zone.

Additionally, the subject site is not considered to have any particular scenic values owing to its setting and low elevation and lack of any extensive vegetation cover or natural features.

On this basis, it is considered inappropriate and unreasonable to zone the subject site to Landscape Conservation, even as a 'like for like' translation across from the current Interim Planning Scheme.

*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;*

Comment:

The subject site has less than 10% of its area mapped as apparently having threatened native vegetation communities as confirmed by current Tas Veg 4.0 mapping. This mapping should be confirmed as being correct by ground truthing as Tas Veg mapping is frequently incorrect.



*(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*

Comment:

The subject site is not considered to have any significant constraints on development. The subject site currently contains the Priority Vegetation overlay that is widely applied throughout the entire municipal area but as discussed later in this representation, it is considered that this overlay should be removed from the majority of the subject site due to a failure to meet any of the criteria under the Section 8A guidelines for the application of zones and Codes.

*(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

Comment:

The subject site is currently zoned Environmental Living but has no obvious characteristics that qualify it for this environmentally focussed zoning.

*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.*

Comment:

The subject has no known or identified landscape values in the absence of any such study undertaken by Council.

It is the view of this representation author that the characteristics of the subject site do not qualify it as having any particular landscape values per se.

*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).*

Comment:

This guideline is not applicable to the subject site as the property is neither prioritised for residential use and development and is not state reserve land.





*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.*

Comment:

This note under the Section No 1, 8A Guidelines notes that the Landscape Conservation zone provides a clear priority for the management of landscape values.

In the absence of Council having undertaken any assessment or study identifying landscape, natural or scenic values within the municipality, it is questioned how this zoning can be applied.

As previously discussed in this representation, there are no landscape values identified for the Huon Valley Council municipal area by Council at all. There have been no studies undertaken such as a landscape analysis by a suitably qualified and experienced person such as a landscape architect or similar.

The only strategies relied upon are Council reports comprising a Weed Management Strategy and an NRM Strategy, neither of which make any particular reference to, or identification of landscape or scenic values in the municipal area.

It would appear that most properties have been identified as being candidates for the Landscape Conservation zone as a result of having 'large areas' of vegetation cover of a figure of at least 80% coverage and also currently being zoned Environmental Living.

The subject site may be currently zoned Environmental Living but it is considered this current zoning is erroneous and without merit.

Noted within this representation is that there have been identified many properties with similar characteristics in very close proximity to the subject site that are proposed to retain their rural zoning as they move across to the Huon Valley LPS. This lack of consistency in the application of zones under the draft LPS is unreasonable and demonstrates a lack of consistency.


Taking into account the proposed zoning of the subject site and surrounding properties, there are no clear parameters or documented values that Council has relied upon to justify the application of the Landscape Conservation zone as opposed to other similar properties in close proximity to the subject site retaining their Rural zoning.

It is further considered that such a narrow set of criteria that primarily appears to relate to vegetation cover (in some but not all cases) does not justify the rezoning of properties in the municipal area when the objective of the proposed Landscape Conservation zone is "To provide for the protection, conservation and management of landscape values."



The subject site does not exhibit any obvious or apparent landscape values and does not contain any significant vegetation cover and is of a relatively small size at 6 hectares. As a result, the Landscape Conservation zone should not be applied.

The following Section 8A guidelines outline the following recommendations for land to be zoned Rural:

<p><b>20.0</b> <b>Rural Zone</b></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>
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Zone	Zone Purpose	Zone Application Guidelines
	does not compromise the function of surrounding settlements.	<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>

Comments firstly have been made against each of the following purpose statements for the Rural zone with respect to the ongoing use of the subject site:

*The purpose of the Rural Zone is:*

*20.1.1 To provide for a range of use or development in a rural location:*

Comment:

The subject site is currently used for the cutting of pasture and livestock alongside the primary use of the site for residential purposes.

*(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*

Comment:

The subject site has limited potential for general agricultural use owing to its size, areas of vegetation cover and residential use.



*(b) that requires a rural location for operational reasons;*

Comment:

The subject site is proposed to continue to be used for pasture and livestock use that compliments its primary residential use.

*(c) is compatible with agricultural use if occurring on agricultural land;*

Comment:

The subject site is not considered to be ‘agricultural land’.

*(d) minimises adverse impacts on surrounding uses.*

Comment:

The limited capability of the subject site for agricultural use means that uses are limited to low level resource development uses compatible with nearby residential use and development.

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

Comment:

The subject is not considered to be ‘agricultural land’.

*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.*

Comment:

The use of the subject site for ongoing pasture and livestock is considered appropriate for the location, rural characteristics of the surrounding area and will have no impact on the function of the nearby Strathblane settlement to the west.



Comments have also been made against each of the following zone application guidelines for the Rural zone:

*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.*

Comment:

The subject site is in a rural area with limited agricultural potential due to size (6 hectares) and residential use and development as well as some native vegetation cover in the south, far north and eastern perimeters of the subject site.

*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.*

Comment:

The subject site was checked against this layer and is confirmed as not being part of the study area. Given the size, tree cover and residential use of the subject site, it is not an obvious candidate for being ‘land potentially suitable for agriculture zone’ application.

*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;*

Comment:

The subject site has minimal potential for agricultural use and is not integral to any larger farm holding. No Agricultural zoned land is proposed to be located in the surrounding area within around 900m under the draft LPS mapping.



*(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;*

Comment:

The subject site has significant constraints to agricultural use including native vegetation cover in the south, far north and far eastern perimeter of the size, adjacent residential use and development, residential use and development within the subject site and a relatively small area overall (around 4.5 hectares total of cleared pasture which includes the area occupied by the existing dwelling).

*(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;*

Comment:

The land in question is not identified for the protection of any strategically important naturally occurring resource.

*(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*

Comment:

The land in question is not identified for a strategically important use or development.

*(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

Comment:

This representation has been prepared against a strategic planning assessment that considers the most appropriate zone for the subject site is the Rural zone as opposed to the proposed Landscape Conservation zone.

As referenced throughout this representation, the subject site has no known, obvious or documented landscape values and has a coastal setting directly adjacent to the coast and is at a very low elevation of predominantly 10m-20m AHD.

The subject site very small pockets of threatened communities according to Tas Veg 4.0 mapping that are localised in the far northern portion of the subject site around the dwelling and along the a section of the eastern side boundary. Its landscape and natural



values are therefore considered to be very minimal and therefore not to any extent or widespread distribution that justifies the application of the Landscape Conservation zone.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000

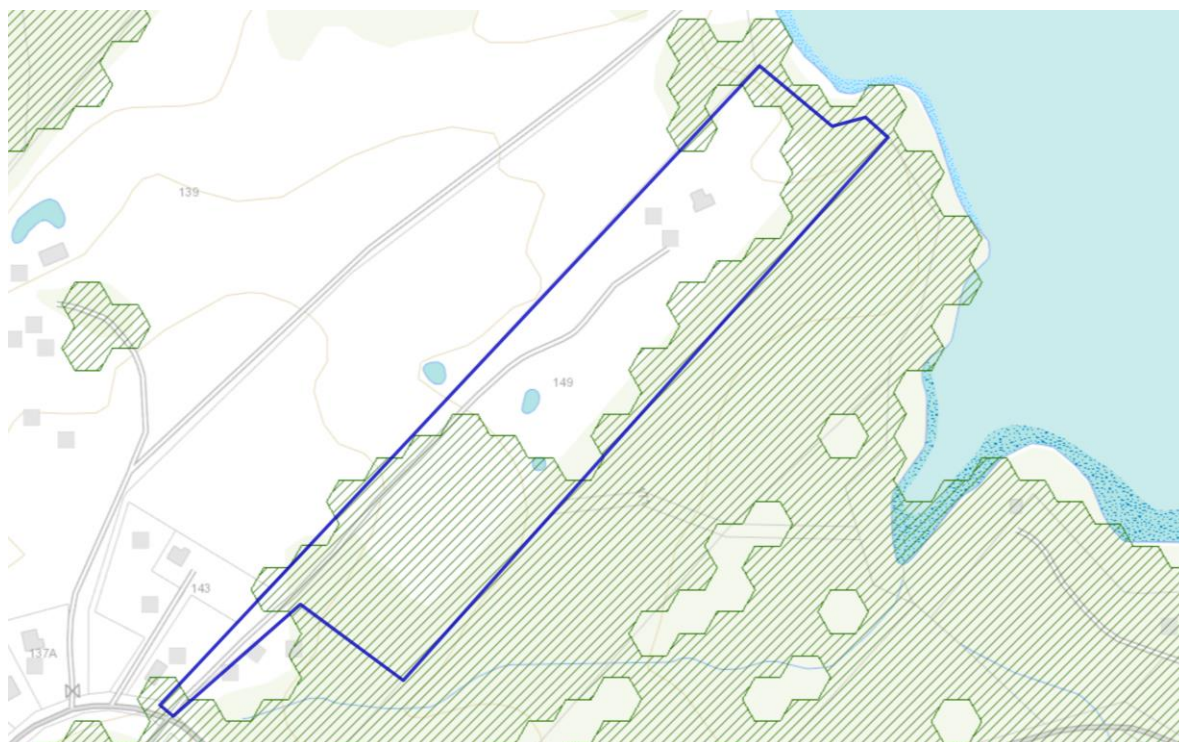


grayplanning.com.au  
ABN 99148920244

### Assessment of the application of the current Biodiversity Protection Area overlay and associated Natural Values Code triggered by this Code

The subject site currently contains a Biodiversity Protection Area overlay over approximately half the site area under the *Huon Valley Interim Planning Scheme 2015*.

Under the Tas veg 4.0 mapping on The List, the subject site has various areas of mapped communities as shown in Figure 8.



**Figure.6.** The application of the Biodiversity Protection Area overlay on the subject site (shown outlined).  
Source: TheList, sourced 27 April 2022, no nominated scale.





**Figure.7.** The application of the Biodiversity Protection Area overlay on the subject site (shown outlined) against present vegetation within the site. Source: TheList, sourced 27 April 2022, no nominated scale.



03 6288 8449  
0439 342 696



danielle@grayplanning.com.au  
224 Warwick St, West Hobart, Tas, 7000



grayplanning.com.au  
ABN 99148920244





**Figure.8.** Tas Veg 4.0 Mapping of the subject site (shown outlined). Source: TheList, sourced 27 April 2022, no nominated scale.

Of the Tas Veg 4.0 mapping that states the subject site is mapped as:

- Approx 45% DOB: Eucalyptus obliqua dry forest forest;
- Approx 35% FAG: agricultural land;
- Approx 8% DOV: Eucalyptus ovata forest and woodland;
- Approx 4% DAM: Eucalyptus amygdalina forest on mudstone;

(with approximately 10% of the subject site not mapped) as shown in Figure 8.



The subject site has been assessed under the guidelines for application of the Priority Vegetation Code under Section 8A Guideline Number 1:

*The priority vegetation area overlay is intended for native vegetation that:*

- *forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;*

Comment:

Schedule 3A of the Nature Conservation Act 2002 was checked to see if any of the Tas Veg 4.0 or ECOTas confirmed communities were present.

This schedule outlines the following Eucalyptus communities as being threatened native vegetation communities (14 to 25):

8. *Athrotaxis selaginoides* subalpine scrub
9. *Banksia marginata* wet scrub
10. *Banksia serrata* woodland
11. *Callitris rhomboidea* forest
12. . . . . .
13. Cushion moorland
14. *Eucalyptus amygdalina* forest and woodland on sandstone
15. *Eucalyptus amygdalina* inland forest and woodland on cainozoic deposits
16. *Eucalyptus brookeriana* wet forest
17. *Eucalyptus globulus* dry forest and woodland
18. *Eucalyptus globulus* King Island forest
19. *Eucalyptus morrisbyi* forest and woodland
20. *Eucalyptus ovata* forest and woodland
21. *Eucalyptus risdonii* forest and woodland
22. *Eucalyptus tenuiramis* forest and woodland on sediments
23. *Eucalyptus viminalis* - *Eucalyptus globulus* coastal forest and woodland
24. *Eucalyptus viminalis* Furneaux forest and woodland
25. *Eucalyptus viminalis* wet forest
26. Heathland on calcareous substrates
27. Heathland scrub complex at Wingaroo
28. Highland grassy sedgeland
29. Highland *Poa* grassland

Of the above communities, approximately 8% DOV: *Eucalyptus ovata* forest and woodland and 4% DAM: *Eucalyptus amygdalina* forest on mudstone are present as mapped in the far northern and eastern side boundary by Tas Veg 4.0 mapping.



More than 90% of the subject site does not contain any threatened vegetation community. Therefore, portions of the site mapped as either DOV or DAM and interpedently confirmed by a suitably qualified person as such should be covered with the overlay, leaving the remaining 90% clear of any overlay.

- *is a threatened flora species;*

Comment:

There is no evidence that the subject site contains any threatened flora species.

- *forms a significant habitat for a threatened fauna species; or*

Comment:

The subject site contains approximately 10% of mapped threatened vegetation communities and due to the very small areas mapped, could not be argued to contain any significant habitat for any threatened fauna species.

- *has been identified as native vegetation of local importance.*

Comment:

Council have not undertaken any natural or landscape values assessment of the subject site or surrounding area or in any part of the municipality as part of their background work for the draft LPS.

Due to time constraints, there was no ability to engage an ecologist to confirm the mapped TAS Veg communities. It is requested that as part of the hearing process at the Tasmanian Planning Commission that the owners of the subject site are afforded sufficient time to obtain this advice from a suitably qualified person.

### Overlays Summary

Most of the guidelines for the application of the Biodiversity Protection Area (referred to as a Priority Vegetation Area under the State Planning Provisions) overlay do not apply to around 90% of the subject site.

The majority of the subject site does not meet any of the guidelines for having a Biodiversity Protection Area under the current Interim Planning Scheme or a Priority Vegetation Area



under the upcoming Tasmanian Planning Scheme and Huon Valley Council LPS overlay applied.

The proposed Priority Vegetation Area overlay must be removed from the majority of the subject site where mapped vegetation communities are confirmed as not being DOV or DAM communities.



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0439 342 696



danielle@grayplanning.com.au  
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ABN 99148920244

**Request for the proposed Landscape Conservation zoning to be reconsidered by Council and the TPC**

The owner is requesting that the proposed zoning of the subject site to Landscape Conservation be reconsidered in context of the issues outlined in this representation.

The current and proposed application of the Landscape Conservation zone is considered inappropriate when assessed against the Section 8A Guideline No.1 LPS zone and Code application guidelines with respect to the subject site characteristics, absence of any landscape values and the absence of any assessment by Council that identifies values or particular environmental attributes as outlined in this representation.

The vast majority (90% approximately) of the subject site contains none of the noted Eucalyptus communities are included in schedule 3A of the *Nature Conservation Act 2002*.

It is considered that the Tasmanian Planning Commission instead consider a more appropriate zoning of Rural for the subject site at 149 Narrows Road which is compatible with its lack of any identified values, its coastal setting comprising significant areas of cleared pasture, and being immediately adjacent to Rural zoned land which has been widely applied in the surrounding area to properties with similar characteristics including use, tree over, application of overlays, topography, size and gradient.

It is further requested that the proposed Priority Vegetation Area overlay must not be applied to the subject site except where DOV and DAM communities are confirmed as being correctly applied by Tas Veg 4.0 mapping as the application of this overlay across around 50% of the site area it does not meet the guidelines for the application of this overlay.

Should you wish to discuss this representation, I may be contacted on 0439 342 696.

Yours faithfully



Danielle Gray B.Env.Des. MTP. MPIA

Principal Consultant, Gray Planning

On behalf of Steve and Cheryl Townend, owners and occupiers of 149 Narrows Road, Strathblane

