

**From:** "Jenny Cambers-Smith" <jenny.camberssmith@gmail.com>  
**Sent:** Mon, 30 May 2022 08:39:29 +1000  
**To:** hvc@huonvalley.tas.gov.au  
**Subject:** Submission to the Draft HVC LPS  
**Attachments:** Submission to the LPS J Cambers-Smith PID 9710591.pdf

Please find attached a submission to the draft Huon Valley Local Provisions Schedule, submitted by six residents of Crabtree.

Please can you advise the closing time for additional submissions? Is it COB 31 May?

Many thanks, Jenny Cambers-Smith



Jenny Cambers-Smith  
0419 403467, +61 (0)3 6266 4612

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# Submission to the Huon Valley Draft Local Provisions Schedule

26 May 2022

Reference: PID 9710591, Lot 3 Liddells Road, Crabtree  
Submitted by 6 Crabtree residents (see end)

## 1. INTRODUCTION

Figure 1 shows four titles which each share the same PID and address and are the subject of this submission.



Figure 1: Red polygon outlines the four titles which are the subject of this submission (Listmap)

An adjacent title to the south (also sharing the same PID and address), is not included in this submission.

- The submission argues for the **reinstatement in the Local Provisions Schedule (LPS), of the Waterway and Coastal Protection Area (WCPA) overlay in its entirety on this parcel of land.** In the Interim Planning Scheme, the WCPA included riparian corridors *and* the 'TasWater – Drinking Water Catchment', whereas the draft LPS omits the latter.
- Additionally, this parcel of land was subdivided into four titles *after* the draft Local Planning Provisions Schedule zones were first allocated, but **at least two of the subdivided titles now meet Huon Valley Council's criteria for Landscape Conservation (LCZ) zoning** owing to forest cover, acreage and the existing biodiversity overlay. This submission argues that LCZ should now be applied to those titles, instead of the 'Rural' zone currently applied. **We also submit that all four titles should be zoned Landscape Conservation, rather than Rural, in order to protect their significant natural values.**

## 2. BACKGROUND

A long-term Crabtree resident and farmer was persuaded by Huon Valley Council to sell the land shaded blue in Figure 2 in the early 2,000s, on the understanding the purchase was necessary to protect the Rocky Creek Drinking Water Catchment.

Over the following years, TasWater developed and upgraded the Rocky Creek water scheme and purchased an adjoining block of land to the east of these parcels. Huon Valley Council thereafter determined the purchased land was no longer needed for the protection of the water catchment and put it on the open market in the early part of 2021. The Crabtree community was not notified of the impending sale. At that stage, the small triangular south-east title in Figure 1 was not included in the sale lot, and the other three were sold as one parcel (Figure 2). **The author was assured by the then HVC Project Officer that the land would remain as one parcel and that there could only ever be one residence.**

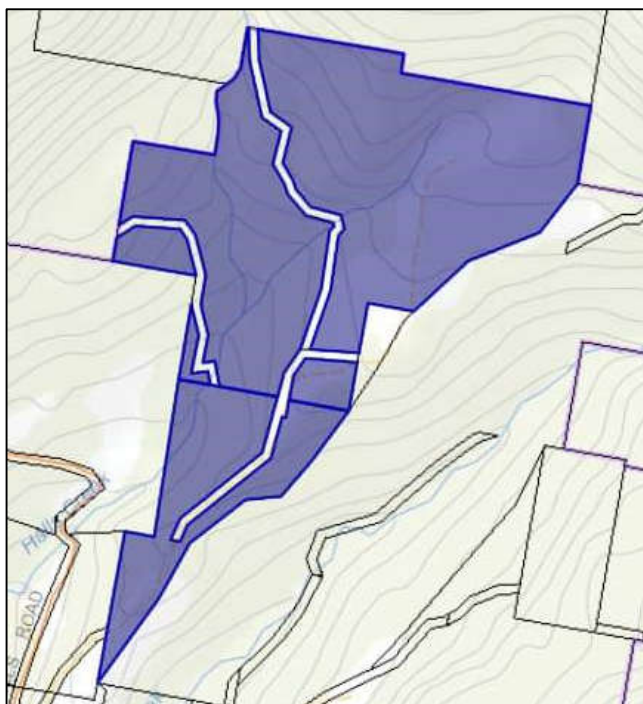


Figure 2: Two parcels sold by Huon Valley Council in 2021 (Listmap)

However, shortly after the rapid sale in mid-2021 to a Western Australian mining conglomerate and property developer (despite a private buyer who is now the owner of the northernmost two titles offering to buy the land in its entirety to protect its natural values), the property was rapidly subdivided. The triangular south-east parcel in the Figure 1 polygon also became a separate freehold title. The subdivision met **NONE** of the criteria for new lots allowed under *Rural Resource* in the IPS. In the IPS, the smallest lot size allowed is 40ha, and all properties must have 'frontage of at least 12m', 'safe vehicular access from a road', and 'not result in a significant increased demand' for publicly funded infrastructure. **Despite the entire top parcel being only 50ha, it somehow became four separate freehold titles, which have since been re-sold.**

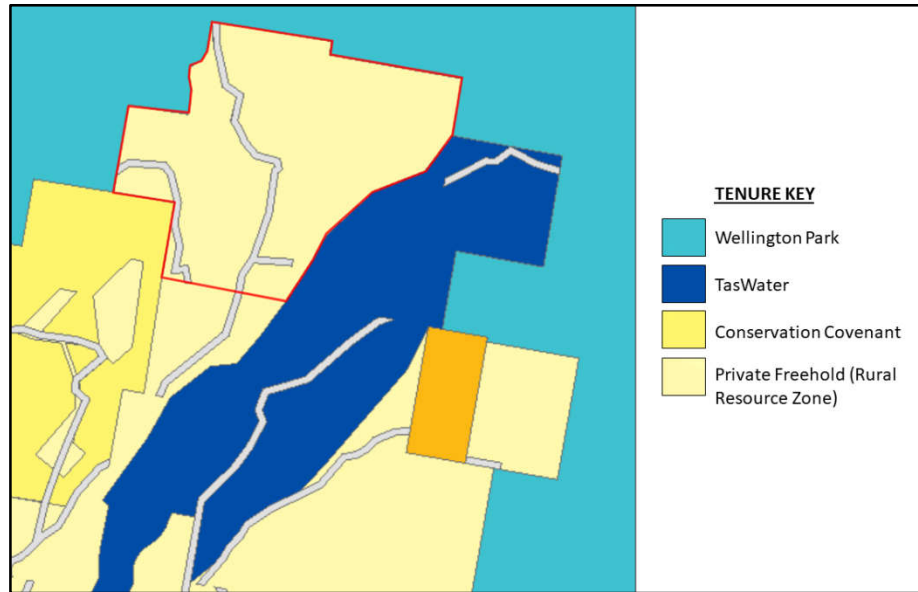
Before the land was sold to Huon Valley Council, it had been in the hands of one Crabtree family for generations. The one high paddock had been sporadically grazed, but there are no buildings except for a rough shed on the southern title in Figure 2. No one in Crabtree ever expected to see this land come up for building. There was an idea floated by HVC during their ownership, of opening a tourism enterprise with access by helicopter, which Crabtree residents were appalled by but did not take seriously. Several locals have used the land (with permission) as access to views and to the incredible Hutchisons Falls. Much of the land is extremely steep, comprises very rough terrain, is heavily forested and peppered with massive rocky outcrops. The unforested grassed section sits very wet throughout much of the year.

Access is poor via one steep road, which is closely paralleled by bush, making for a perilous escape route in the event of a bushfire. Access to the upper titles will pass through the lower ones. There are no services on the property (eg phone line, electric, mains water or sewer). The road has recently been upgraded leading to stormwater being diverted (without permission) onto a neighbouring property. **There is considerable community disaffection about how this land changed hands and has been subdivided against zone rules, without appearing to encounter the lengthy and time-consuming planning hurdles normally encountered.**

### 3. TENURE, ZONING AND OVERLAYS

Figure 3 (right):  
Tenure of Liddells Road  
property and surrounding  
land (Listmap)

Figure 3 shows that the Liddells Road land purchased and later sold by Huon Valley Council is surrounded almost entirely by land **preserved for conservation**: Wellington Park to the north, covenanted land to the west, and property purchased



by TasWater to protect the Rocky Creek water scheme, to the east. **In the Interim Planning Scheme**, the property is entirely zoned 'Rural Resource', and is subject to restrictive code overlays.

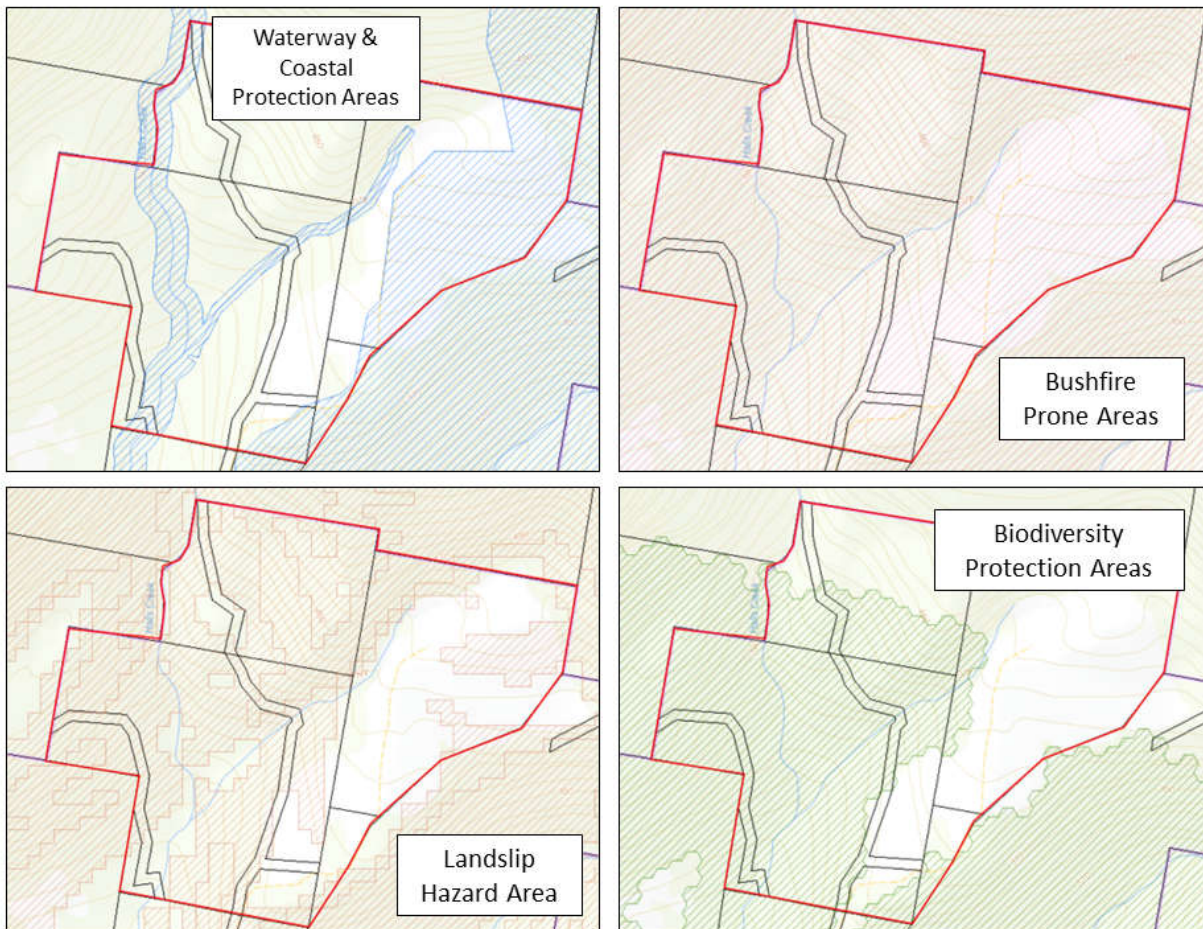


Figure 4: Code overlays on the Liddells Road land in the Interim Planning Scheme (Listmap). Coloured cross-hatching indicates the extent of each existing overlay.

Notably the **Waterway and Coastal Protection** overlay in Figure 4 includes both the riparian corridors and the 'Taswater - Drinking Water Catchment'. Figure 5 shows the extent of the Rocky Creek catchment. Two of the newly created titles (those on the east of the parcel of land), lie almost entirely within this catchment. Locals know this area is extremely wet for much of the year. Plus, the north-eastern title contains a major active spring (location marked approximately), which feeds directly into Rocky Creek from the extensive forested slopes above. (The adjacent southern lot is also 50% within this catchment.)

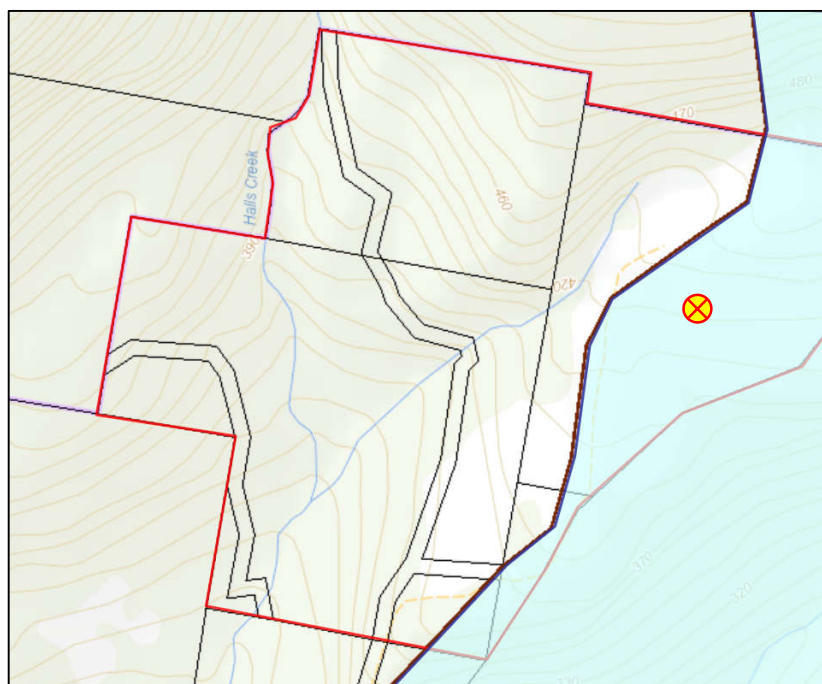


Figure 5: 'TasWater - Drinking Water Catchments' Layer overlaid onto Liddells Road land (from Listmap) with approximate position of major spring

Figure 6 (below) shows the **intended** zoning and code overlays (excluding bushfire and landslip hazard areas) contained within the draft Huon Valley Local Planning Provisions Schedule. It's immediately clear that the blue **Waterway and Coastal Protection Area (WCPA)** overlay **omits** the **TasWater – Drinking Water Catchment** layer shown in Figure 5. This seems an extraordinary oversight and there appears to be no explanation or rationale for not carrying the WCPA code across from the Interim Planning Scheme **in its entirety**, given that all other codes for the Liddells Road land (biodiversity, landslip, bushfire hazard etc) are unchanged.

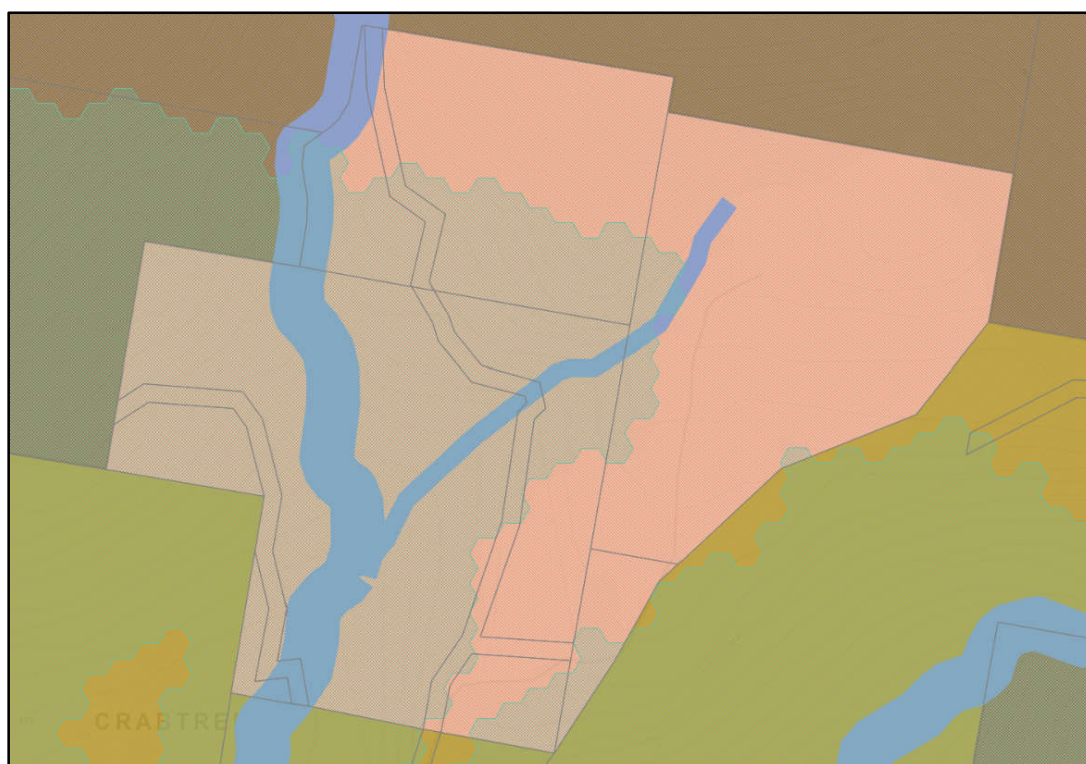


Figure 6: Extract from Draft Huon Valley Local Planning Provisions Schedule showing Waterway and Coastal Protection and Biodiversity Code overlays. Note that the TasWater – Drinking Water Catchment Listmap layer is omitted from the WCPA Code Overlay. Bushfire Prone Areas and Landslip Hazard Areas code overlays are not shown on this map for clarity, although these seem unchanged from the Interim Planning Scheme.

According to Huon Valley Council’s report accompanying the draft LPS, the WCPA code overlay was derived from the ‘WCPA Guidance Map’ available in Listmap (shown in Figure 7), prepared for councils. Councils are directed to use this guidance map by ‘Section 8A – Guideline No. 1 – Local Provisions Schedule (LPS): Zone and Code Application’.

However, **Section C7.0 NAC 3** notes that councils may deviate from the Listmap guidance map, under the following circumstances:



Figure 7: WCPA Guidance Map (bright green), from Listmap

*The waterway and coastal protection area overlay may include modifications to the areas depicted on the guidance map to:*

- (a) address any anomalies or inaccuracies in the guidance map;*
- (b) identify a larger area if demonstrated as necessary to protect identified natural assets associated with the waterway and coastal protection area;*
- (c) make any adjustments to align with the definition of ‘waterway and coastal protection area’ in the Natural Assets Code, such as removing piped watercourses or piped drainage lines;*
- (d) remove areas of existing development, particularly within urban areas; or*
- (e) to include Ramsar wetlands within the overlay area.*

**This submission contends that the WCPA code area currently defined in the Huon Valley LPS should be amended, since the omission of the TasWater – Drinking Water Catchment area is an ‘anomaly’ in the guidance map, and is necessary to ‘protect identified natural assets associated with the WCPA’ (eg the important spring and surrounding wetland).**

Figure 8 (below), compares two maps of the Liddells Road land and the Crabtree portion of the Rocky Creek Drinking Water Catchment. The map on the left is from Listmap (orange line delineates the catchment area), on a state aerial photo basemap. The map on the right shows the proposed zoning and natural assets code overlays for the same area, taken from the HVC draft LPS.

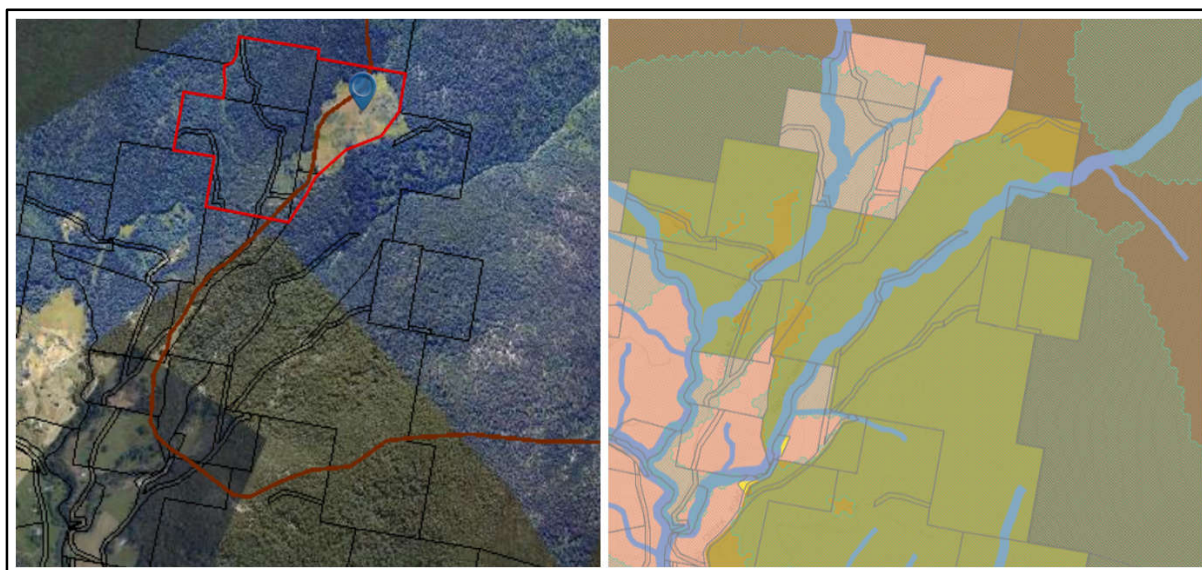


Figure 8: Comparison between Crabtree portion of the TasWater - Rocky Creek Catchment (from Listmap) with the proposed zoning and code overlays in the Huon Valley LPS for the same area

It is notable that there is currently only one residence within the catchment area (71 Rocky Creek Road), which has been there for at least 20 years and is located at low altitude alongside the current new water treatment plant. The draft LPS proposes that the Liddells Road land be zoned 'Rural', as per the meaning within the new State Planning Provisions. All other land in the Crabtree portion of the Rocky Creek Catchment (barring the existing residence at 71 Rocky Creek Road) has been zoned 'Landscape Conservation'. This is presumably because the land meets HVC's criteria (as described in its accompanying report to the draft LPS) for Landscape Conservation, of having 80% or more natural bushland cover and contiguous bushland areas of over 20Ha. The properties thus zoned are also largely within the TasVeg 4.0 'Priority Vegetation' code overlay, which already restricts development.

The two eastern properties within the Liddells Road parcel are not heavily forested, partly due to historical clearing and partly due to the extreme wetness of these areas. Not only does the whole parcel experience high rainfall (close to double that experienced at the Grove BOM reference site – as measured by residents of Mitchells Road and Stony Point Trail), but as already noted, is the site of springs including the major spring marked in Figure 5.

**This submission proposes that not only should the WCPA overlay be extended to align with the Rocky Creek Drinking Water Catchment, but that the two easterly titles of the Liddells Road parcel be zoned Landscape Conservation since the range of permitted uses in the new Rural zone are incompatible with the sites which are steep, wet and at high altitude. The small south-eastern title also has significant forest cover. Rare flora including *Allocasuarina Duncanii* (conical sheoak) has been found in the vicinity. Lack of flora and flora monitoring in the area mean the Natural Values Atlas is a poor guide for assessing the natural values of the property.**

As mentioned earlier, the LPS zones were allocated prior to the subdivision of the Liddells Road parcel. At that stage, the parcel which is now four separate titles, did not meet HVC's criteria for *Landscape Conservation zoning* (LCZ). According to the *Section 8A Guideline No. 1* and the *State Planning Provisions*, the purpose of LCZ is as per Figure 9.

- |        |   |
|--------|---|
| 22.1.1 | To provide for the protection, conservation and management of landscape values.   |
| 22.1.2 | To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values. |

Figure 9: Purpose of Landscape Conservation Zone

In order to meet this purpose, HVC set its own criteria as described above, ie 80% native forest cover and an area of contiguous bushland over 20Ha. In addition, land which is already covered by restrictive overlays such as *Priority Vegetation* or *Scenic Landscape*, was also considered for LCZ. Following subdivision of the Liddells Road parcel, the two westerly titles now meet the criteria of 80% forest cover. Additionally, a *Priority Vegetation* overlay covers almost the entirety of the south-western title and almost half of the north-western one. The titles also have significant natural value, hosting many species of endangered fauna and providing a scenic backdrop (owing to the high altitude) to numerous locations at the head of the Crabtree valley. See [www.youtube.com/c/taswildlife](http://www.youtube.com/c/taswildlife) for examples of the endangered wildlife living on properties adjoining Liddells Road.

**This submission therefore requests that the two western titles of the Liddells Road parcel also be rezoned to Landscape Conservation within the LPS.**

#### 4. CONCLUSION

To recap, this submission requests the following:

- That the WCPA overlay as it pertains to the Liddells Road properties sold by Huon Valley Council in 2021, be transferred in its entirety from the Interim Planning Scheme to the Huon Valley Local Provisions Schedule.

- That the two westerly lots be re-zoned as *Landscape Conservation* instead of *Rural*, as they now meet HVC's own criteria for LCZ.
- That the two easterly lots also be re-zoned as *Landscape Conservation* instead of *Rural*, as they possess significant natural values (scenic, flora, fauna and post-colonial heritage) that ought to be protected under the purposes set out for LCZ in the State Planning Provisions. Additionally, the reinstatement of the original WCPA would restrict the range of permitted development activities on these lots and create further commonality with HVC's LCZ criteria.

The author and local residents are open to landholders building low impact residences on the Liddells Road lots (with the caveat that we believe the subdivision was against the rules of the Interim Planning Scheme) but are strongly opposed to the wide range of uses permitted under *Rural* zoning in the new State Planning Provisions. We understand that the current owners of the lots are largely unaware of the history of this land and deserve not to be unduly disadvantaged. However, since the building of a residence is 'discretionary' under *both* the LCZ and *Rural* zones, we believe this change would have little affect on the landholders, while being very much in the interest of the community and the environment.

Submitted by:

- Jenny Cambers-Smith of 56 Mitchells Road, Crabtree 7109.  
Mobile: 0419 403467, e-mail: [jenny.camberssmith@gmail.com](mailto:jenny.camberssmith@gmail.com)

Supported by:

- Freya Komzak, 175 Liddells Road, Crabtree 7109
- Lilian Komzak, 125 Liddells Road, Crabtree 7109
- Andrew Wilson, 200 Liddells Road, Crabtree 7109
- Annette Cauchi, Stony Point Trail, Crabtree 7109
- Lon Cauchi, Stony Point Trail, Crabtree 7109