

From: Mea Quartararo
Sent: Wed, 13 Apr 2022 09:34:07 +1000
To: hvc@huonvalley.tas.gov.au
Cc: Roger Curtis; Josh Downey
Subject: Draft Huon Valley Local Provisions Schedule
Attachments: Letter 22.04.13 AC to HVC (Representation).pdf



Dear Mr Browne,

Please find **attached** representation in respect of the draft Huon Valley LPS.

Regards,

Mea Quartararo

Lawyer

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13 April 2022

Mr Jason Browne
General Manager
Huon Valley Council
PO Box 210
Huonville TAS 7109

By Email only: hvc@huonvalley.tas.gov.au

Dear Mr Browne,

HUON VALLEY LOCAL PROVISIONS SCHEDULE - REPRESENTATION

We act for Sustainable Timber Tasmania ('STT'). We are instructed to make a representation on their behalf, in respect of the Huon Valley draft Local Provisions Schedule ('LPS') currently being exhibited. That representation is as follows.

1. BACKGROUND AND CONTEXT

- 1.1. STT manages Permanent Timber Production Zone Land ('PTPZL') throughout the Huon Valley.
- 1.2. Overall, STT is in favour of the draft LPS as it relates to PTPZL, however our client has concerns about one particular parcel of PTPZL located north of the Southwood Mill, bearing the title reference 137917/1 ('the Property').
- 1.3. The Property is currently located partly within Particular Purpose Zone 3 – Southwood Integrated Timber Processing Site ('PPZ3') under the *Huon Valley Interim Planning Scheme 2015*, and partly within the Environmental Management and Rural Resource Zones.
- 1.4. Under the draft LPS, the area of the property currently located within PPZ3 will be located within P2.0 Particular Purpose Zone – Southwood Integrated Timber Processing Site under the draft LPS ('Southwood PPZ'). The remainder of the Property will be located within the Rural Zone.

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- 1.5. The Southwood Mill operates from a parcel of PTPZL located directly south-east of the Property, title reference 137916/1 ('the Mill Site'). This is also currently located within PPZ3, and is proposed to be located in the Southwood PPZ under the draft LPS. The Mill Site would appear to be the focus of both PPZ3 under the interim scheme and the Southwood PPZ under the LPS.
- 1.6. The relevant properties, and the extent of the existing PPZ3, are depicted in Figure 1 below.

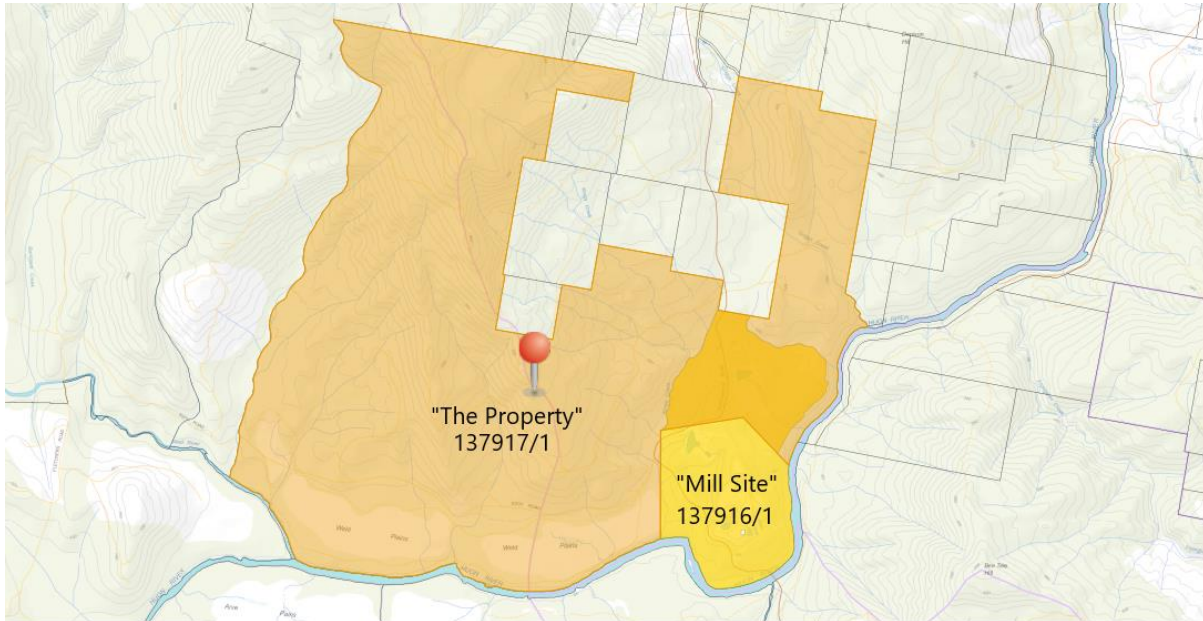


Figure 1: taken from ListMap. The Mill Site, and the darker orange section of the Property, are both located within PPZ3 at present, and are both proposed to be located within the Southwood PPZ in the draft LPS.

- 1.7. However, the Southwood Mill does not operate from the Property, does not require the Property for its operations, and STT submits that there is therefore no reason for the Southwood PPZ to be applied to any portion of the Property.
- 1.8. Before the Commission can approve a draft LPS, it must be satisfied that that LPS satisfies the LPS criteria set out in s. 34 of the LUPA Act. The LPS criteria include, among other things, that the draft LPS furthers the objectives set out in Schedule 1 of the LUPA Act, and that it is consistent, as far as practicable, with the regional land use strategy relevant to the area. STT submits that these objectives and policies would be better served by zoning the entire Property Rural, in line with surrounding PTPZL.

2. SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

- 2.1. Pursuant to s. 34(2)(e) of the LUPA Act, an LPS must, as far as practicable, be consistent with the Southern Tasmania Regional Land Use Strategy ('STRLUS').
- 2.2. Regional Policy SEO 1.3 of STRLUS relates specifically to the Southwood area, and seeks to:



Recognise the regional economic importance of Southwood through specific planning provisions within the planning scheme that allow for its expansion and use by timber, mineral or other primary industries benefitting from its strategic location.

- 2.3. The Southwood Mill operates under a lease of the Mill Site from STT. However, under both the *Huon Valley Interim Scheme 2015* and the proposed draft LPS, the Southwood PPZ extends further north than the leased Mill Site and encompasses a portion of the Property, which is not subject to any lease.
- 2.4. It is noted that the relevant section of the Property may originally have been included in the Southwood PPZ to allow for expansion of the Mill in line with Regional Policy SEO 1.3 of STRLUS. However, to our client's knowledge, there are no plans to expand the Southwood Mill in the direction of the Property.
- 2.5. There is a small contingency dam within the relevant area of the Property which is connected to the Southwood Mill, but it is not expected that the proposed rezoning would have any impact on this dam. Beyond this, STT is not aware of any part of the Property being put to any use in connection with the Southwood Mill. Nor is STT aware of any plans for any part of the property to be put to such a use in future. It is noted that no such expansion could occur into PTPZL without STT's involvement as forest manager.
- 2.6. For the above reasons, STRLUS does not require the Southwood PPZ to extend to the Property. There is at present little prospect that the Southwood Mill will expand to utilise the property, and so SEO 1.3 is not served by the current and proposed zoning of the Property. Similarly, changing the zoning of the Property would not impact upon the operations of the Southwood Mill in any way, given that it is not currently used for any purpose relevant to the Mill's operations. Therefore, our client is of the view that the Southwood PPZ ought to be limited to the leased Mill Site only.

3. SCHEDULE 1 OBJECTIVES

- 3.1. It is noted that, pursuant to s. 34(2)(c) of the *Land Use Planning and Approvals Act 1993* ('LUPA Act'), an LPS must further the objectives set out in Schedule 1 of the same Act.
- 3.2. Among the objectives in Schedule 1 of the LUPA Act are the following:

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*



(c) [...]

(d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); [...]*

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

(a) *to require sound strategic planning and co-ordinated action by State and local government; and [...]*

(i) *to provide a planning framework which fully considers land capability.*

3.3. STT submits that the above objectives would be better served by zoning the entire Property in such a way that it can be used for forestry operations, which is a prohibited use within the Southwood PPZ.

3.4. This is because the Property is not being used in relation to the Southwood Mill, is not proposed to be used in relation to the Southwood Mill, and thus does not currently do anything to provide for the sustainable development of natural and physical resources or land, or facilitate economic development.

3.5. By contrast, the land is PTPZL, and as such STT has already undertaken strategic work in relation to the forest resources available on the Property, including the relevant section in PPZ3, and developed plans for the sustainable harvesting of timber on that land which it cannot currently put into practice due to the zoning of this land.

4. RECOMMENDED ZONING UNDER THE LPS

4.1. Given that the Southwood Mill is unlikely to expand towards the Property, it is our client's view that this area should be rezoned from Southwood PPZ to Rural Zone. This would be consistent with the remainder of the Property, the zoning of other land surrounding the Property, and also the zoning of PTPZL in the Huon Valley municipality generally.

4.2. Under the Southwood PPZ, Resource Processing is permitted if the primary input is timber, but Resource Development, which includes forestry, is prohibited.

4.3. By zoning the entire Property as Rural Zone, no permit would be required for Resource Development. This would provide consistency with our client's forest operations within other PTPZL in the Huon Valley municipality and allow the land to be sustainably utilised in accordance with the Schedule 1 objectives set out above. It would also have no impact on the operations of the Southwood Mill on the neighbouring Mill Site, and so would not be inconsistent with the relevant policy in STRLUS.



4.4. For the above reasons, our client can see no strategic value in any part of the Property falling within the Southwood PPZ. They consider that it would better serve the Huon Valley municipality for the Property to be zoned Rural in its entirety. This would achieve the purposes set out in Schedule 1 of the LUPA Act by:

- a) promoting the sustainable development of natural and physical resources;
- b) facilitating economic development;
- c) allowing for sound strategic planning; and
- d) fully and strategically putting the land capability in the Huon Valley municipality to valuable use.

Please do contact me if you have any queries regarding this representation.

Yours faithfully

ABETZ CURTIS

Per:

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file ref: 220092