

Appendix D1: Analysis of Data to Support HVZA's focus on specific areas of HVC's Zoning Process

Abstract

The following is a brief discussion of the data collected about the proposed zones and what the responses from the community, say. Whilst it would be wonderful to consider each property on their individual merit, and they should, HVZA was limited to a matter of weeks to consider the essential elements of HVC's Zoning decisions and the affected landowners who put in representations. With around 19,651 unique titles that sit within the municipal area and only about four weeks for HVZA to compile, consider and comment on the proposed Zoning outcomes of HVC, it therefore then followed that the HVZA needed to adjust the analytical periscope to areas or zones of particular mention within the respective community representations post Council's endorsed 35F.

It is important to note that the endorsed 35F, 10.003/23, of 25 Jan. 23 seems to be a living document that has seen a number of modifications, additions, rediscoveries, and discoveries of representations, errors, issues and supporting documentation. It should then therefore be considered that the data that is speaking within the following discussion is confined to the pre-endorsed-35F, 10.010/22, of 28 Sept. 22. It is understood that there has been significant movement on the Council's subsequent adopted methodology since then and what the TPC has received as at 25 Jan 23. However, the vast majority of Council's title by title decision have remained virtually unchanged (10.003/23 had 971 affected titles where 10.010/22 had ~958 affected titles).

It should also be understood that our data is not without error. It should be taken as given the extremely tight timeframes that HVZA had to analyse this data, errors will be present. However, data should be at least 95% accurate. Which should be sufficient to ground observations within a data driven reality.

Terms

PA, Planning Authority, Council, Huon Valley Council, HVC are all used interchangeably and are to identify the Huon Valley Council.

The term “not noted” as it relates to a Representation’s Request means that the Representation Summary and or the response from Council did not identify a requested zone from the representor. *Representations remaining “In dispute”* means Council has disagreed with the representation’s views as summarised in the response document and has maintained the original zoning as proposed in the Draft-LPS.

Representations “Accepted or Countered” means Council has either agreed with the representation’s views either in whole or in part, has adopted the recommended zone or has elected to propose an alternative zone to that of what was proposed in the Draft-LPS. In order to separate the Counter Zoning from the Genuine Acceptance of an individual representation’s zone request the data has been split into Clusters.

Clusters (1.-10.) signify an area of representations on titles of land that are clumped in numbers greater than ten. This is typically done with the “Accepted or Counter Zoned” areas and are identified on the maps provided in the proceeding sections with the Corresponding Green properties numbers within area boxes. These areas are generally formed by Council having to reassess an area based off one or two representations. These areas are examined in greater detail within the Rural Living Zone and Landscape Conservation Zone commentary within the HVZA Report which uses this analysis as an appendix.

One cluster of properties remaining “in dispute” is identified and has been split from the overall disputed properties because the representations made over these properties were unclear, and the summary did not identify what zoning was requested. Cross checking the IPS shows that much of it is Rural Resource Zone or Significant Agricultural Zone. That being said, it along with the other clusters skew the data somewhat.

Affected titles where representation was made over land by another party where the legal private landowner was not informed or gave consent, have been removed from the graphed analysis. The maps will show these titles but HVZA have elected to not draw attention to them.

A few minor adjustments have been made to clean up data in conflict but as a whole it is accurate to the 10.010 LPS report presented.

Table 1D: Zoning Abbreviation Table

Zone Name (LPS)	Zone Abbreviation
General Residential Zone	GRZ
Inner Residential Zone	IRZ
Low Density Residential Zone	LDRZ
Rural Living Zone	RLZ
Village Zone	VZ
Urban Mixed Use Zone	UMUZ
Local Business Zone	LBZ
General Business Zone	GBZ

Central Business Zone	CBZ
Commercial Zone	CZ
Light Industrial Zone	LIZ
General Industrial Zone	GIZ
Rural Zone	RZ
Agriculture Zone	AZ
Landscape Conservation Zone	LCZ
Environmental Management Zone	EMZ
Major Tourism Zone	MTZ
Port and Marine Zone	PMTZ
Utilities Zone	UZ
Community Purpose Zone	CPZ
Recreation Zone	ReZ
Open Space Zone	OSZ
Future Urban Zone	FUZ
Particular Purpose Zone	PPZ
Zone Name (HVIPS 2015)	Zone Abbreviation
10.0 General Residential Zone	GRZ
11.0 Inner Residential Zone	IRZ
12.0 Low Density Residential Zone	LDRZ
13.0 Rural Living Zone	RLZ
14.0 Environmental Living Zone	ELZ
15.0 Urbane Mixed Zone	UMZ
16.0 Village Zone	VZ
17.0 Community Purpose Zone	CPZ
18.0 Recreation Zone	ReZ
19.0 Open Space Zone	OSZ
20.0 Local Business Zone	LBZ
21.0 General Business Zone	GBZ
22.0 Central Business Zone	CBZ
23.0 Commercial Zone	CZ
24.0 Light Industrial Zone	LIZ
25.0 General Industrial Zone	GIZ
26.0 Rural Resource Zone	RRZ
27.0 Significant Agricultural Zone	SAG
28.0 Utilities Zone	UZ
29.0 Environmental Management Zone	EMZ
30.0 Major Tourism Zone	MTZ
31.0 Port and Marine	PMTZ
32.0 - 39.0 Particular Purpose Zone	PPZ

Compiling Zoning and Mapping Data

Using Appendix 61 Version 26 Nov 2021 with the List_Parcels_Huon_Valley.zip (LPHV) extracted from the LIST version 21 Dec 2021, and the endorsed 35F document, the HVZA was able to consider, examine, prepare and present maps and findings for these hearings within approximately 6 weeks of

Council's final endorsement of their 35F document^{1,2}. A number of table joins were used to accurately connect between the observations in Appendix 61 and that of LPHV's attribute table where perfect parity could not be achieved between the datasets.

The first issue encountered was that Appendix 61 did not have a unique field that could be used as a key or lookup for each property. To be clear, Appendix 61 had a PID, Folio number, and a CT (that are not unique) but not a CID (which is unique). Some manipulation was required to append the respective CID from LPHV to that of the Appendix 61 PID, Folio and CT combination. This was successfully completed and meant that Appendix 61 and LPHV could be further interrogated and made into updateable map sets, similar to that of HVC's maps.

The second issue was that Appendix 61 showed 19,962 rows of data whereas LPHV showed 19,651. Each, one would assume, to be a unique parcel of land within the municipal area. This means that whilst there was a 98.44% parity, potentially 311 titles would not be carried through to the aggregated data and associated mapsets. To address this short fall, Address points, and Tenure land data was consulted. However, the data within these datasets showed a greater discrepancy. After, re-evaluating Appendix 61 it was found that much of these 311 rows related mostly to incomplete data, and titles from other municipal areas. Titles that were present in Appendix 61 and not in LPHV due to planning decisions (e.g. boundary adjustments/title amalgamation) were in a minority.

The third issue was that Appendix 61, whilst containing commentary about titles that were used for roads and easements etc, it was not an all-encompassing list. This was manually amended within HVZA's RAW dataset (coded to ignore but not delete to maintain data integrity). By doing this, impacts of zoning outcomes could be more accurately measured against land that was not under an already expected use of easement.

Once these issues were accounted for mapping was achievable.

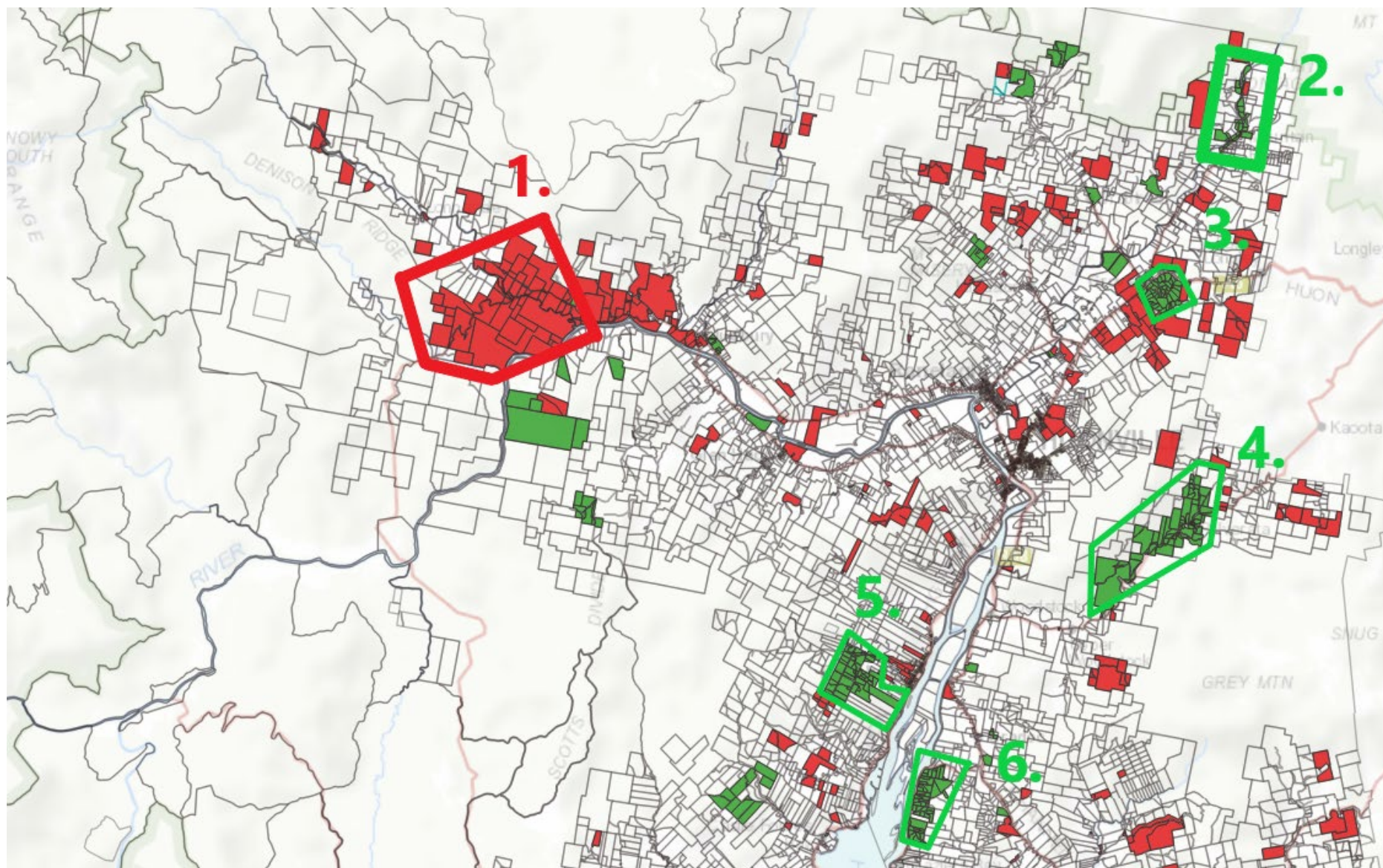
Representation Maps and General Zoning Data

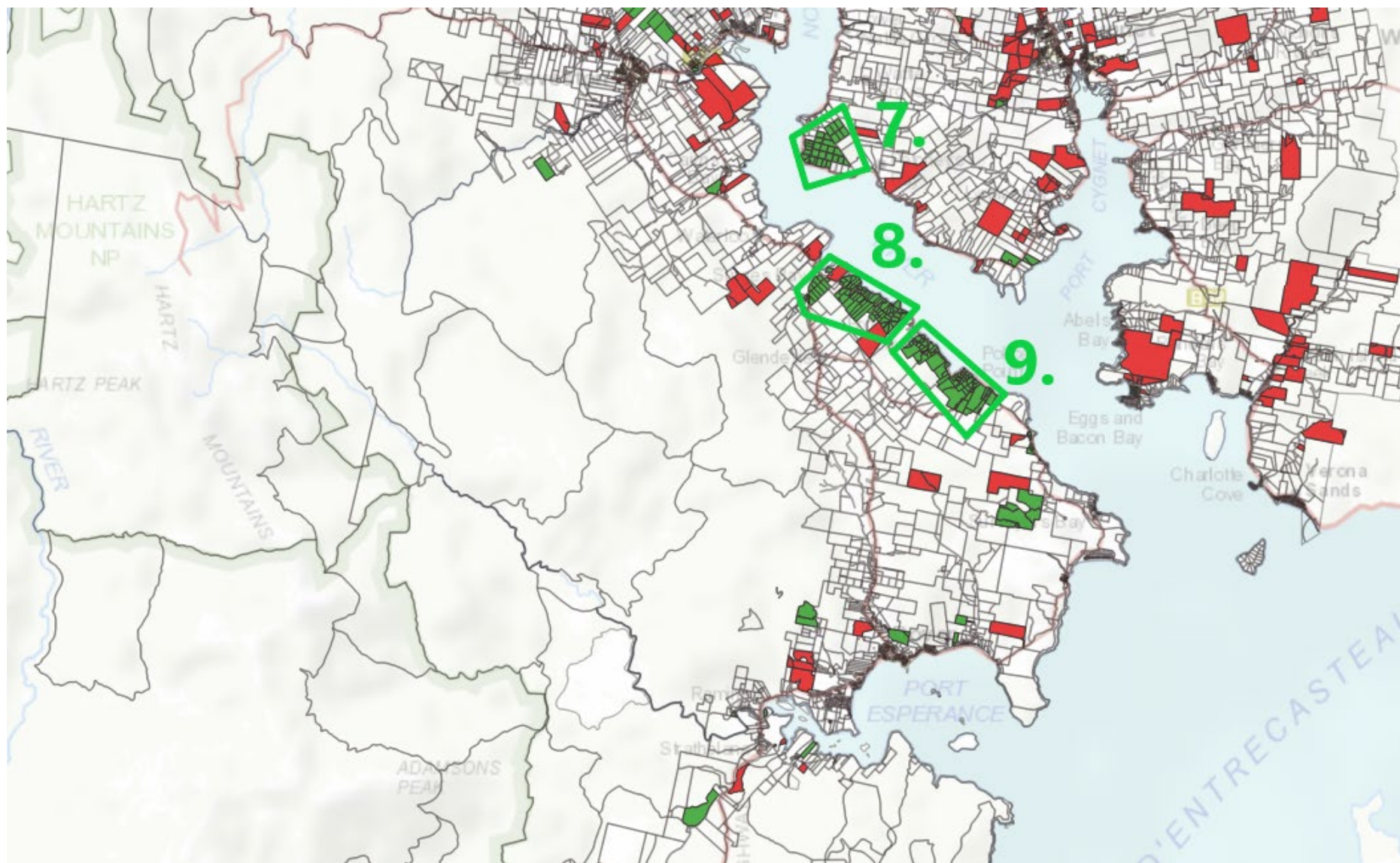
Table 2D: Map Legend

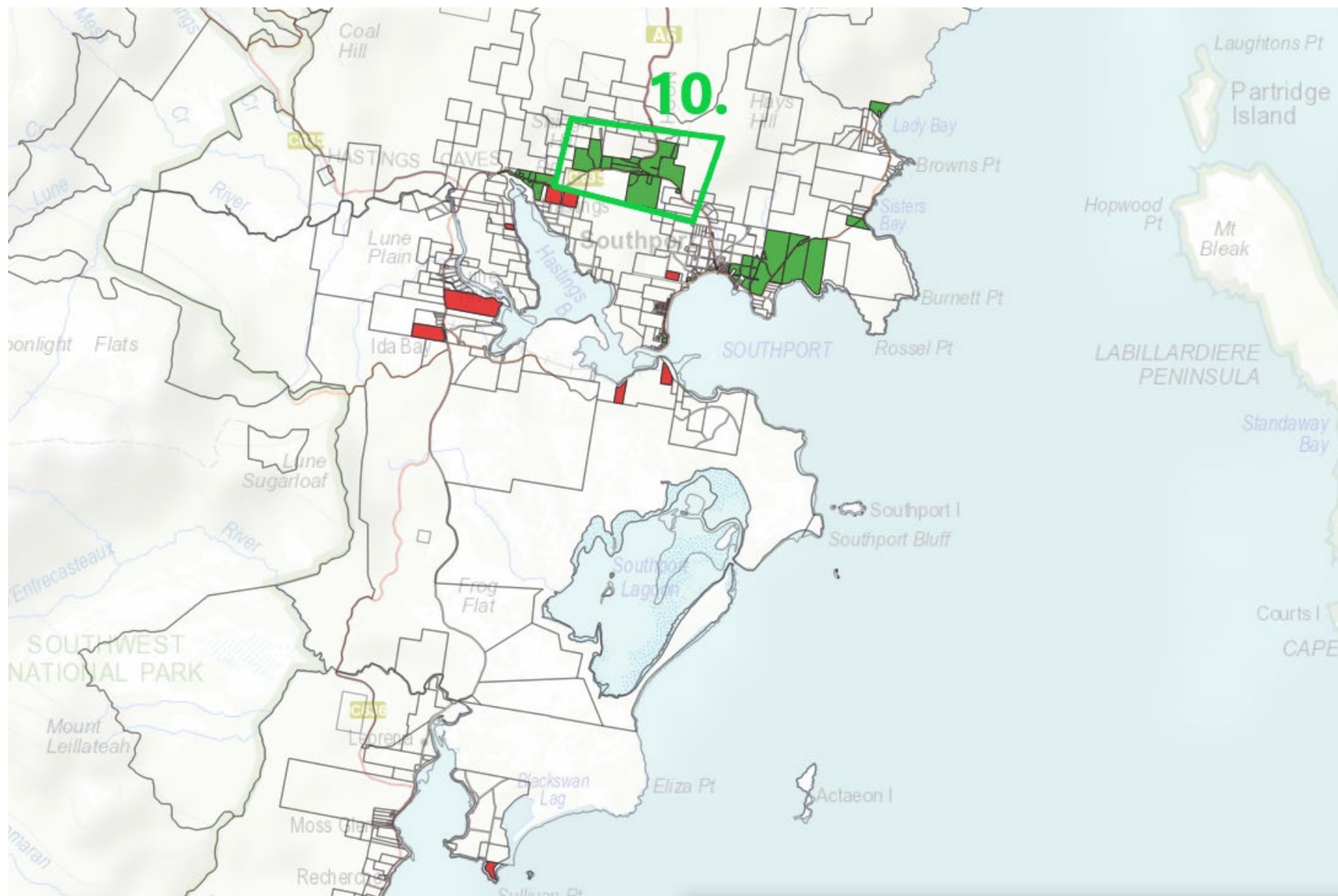
Legend For Maps Over the Page: Data as per 10.003/23	
	Accepted or Counter Zoned by Council
	Remaining in Dispute or Contested

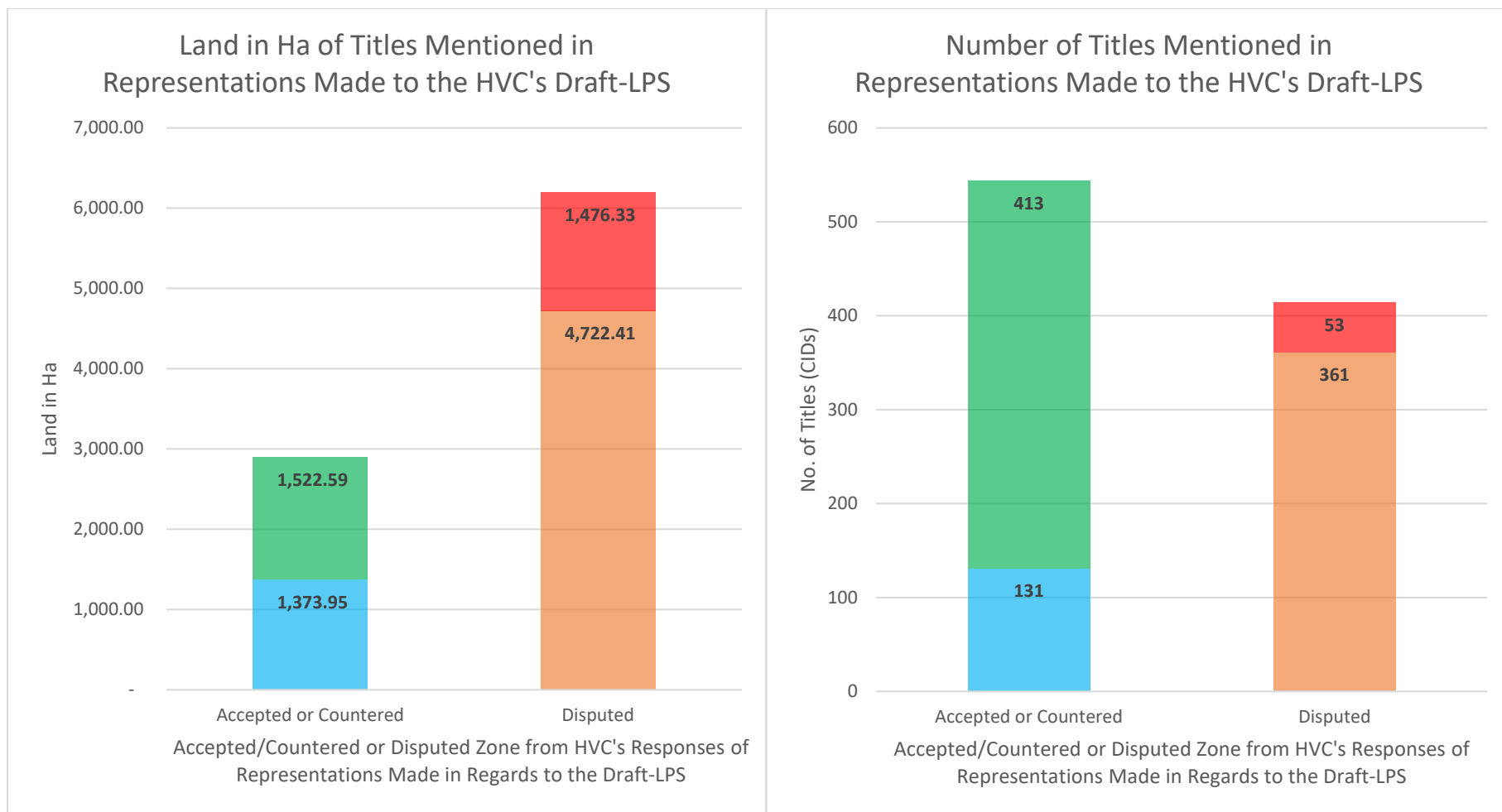
¹ See Huon Valley Council's Appendix 61, V. 26 Nov 2021, and 10.010 Combined Attachment LPS Report 28 Sept. 22

² See the LIST <https://listdata.thelist.tas.gov.au/opendata/>. Cadastral Parcels, Huon Valley Municipality. 21 Dec. 2021.









Legend: Data as per 10.010/22	
	Total Cluster Area or Clustered Titles that were Accepted or Counter Zoned
	Total Non-Cluster Area or Non-Clustered Titles that were Accepted or Counter Zoned
	Total Cluster Area or Clustered Titles that Remain Disputed
	Total Non-Cluster Area or Non-Clustered Titles that Remain Disputed

Map and General Representation Data Discussion

From the above maps and charts it can be seen that at per title value, Council has agreed to amend-more titles in total upon review of representation/area, with 544 titles changing their proposed Draft-LPS zone. Titles that fall outside of the identified clustered areas are in a minority, 131 (24%) of the changed titles. If this is juxtaposed with titles that remain in dispute which fall outside of an identified cluster, (361 titles), it becomes exceptionally apparent that the slight majority, 57% Accepted or Countered to 43% Disputed count, is due to Council's own reassessments of ~76% of Accepted or Countered titles.

If the titles within the identified clustered areas are excluded, then it becomes evident that Council have actually disagreed with quite a lot more individual representations than they have agreed with, ~73% or 361 titles remaining in a state of dispute. This observation is of further impact when the number of titles affected are looked at from a per hectare lens, where 77% or 4,722.41 ha of land outside of clustered areas remain in a state of dispute.

This demonstrates that Council:

1. has reassessed their own proposal in around 76% of the Accepted or Countered Titles without landowner notification;
And
2. Maintains a position of disagreement in around 73% of individual representations.

It is noted that whilst this is not necessarily 'bad' (if individual representations judged on their merits were found to be wanting, then a high rate of rejection would be appropriate) but a high percentage of Council's own reassessment does indicate that there is likely something more happening than just unacceptable positions taken by individual representors. In short, further analysis was required to see if there were any trends across the representations.

HVIPS 2015, LPS, Post 35F Zoning Data of Titles from Representations

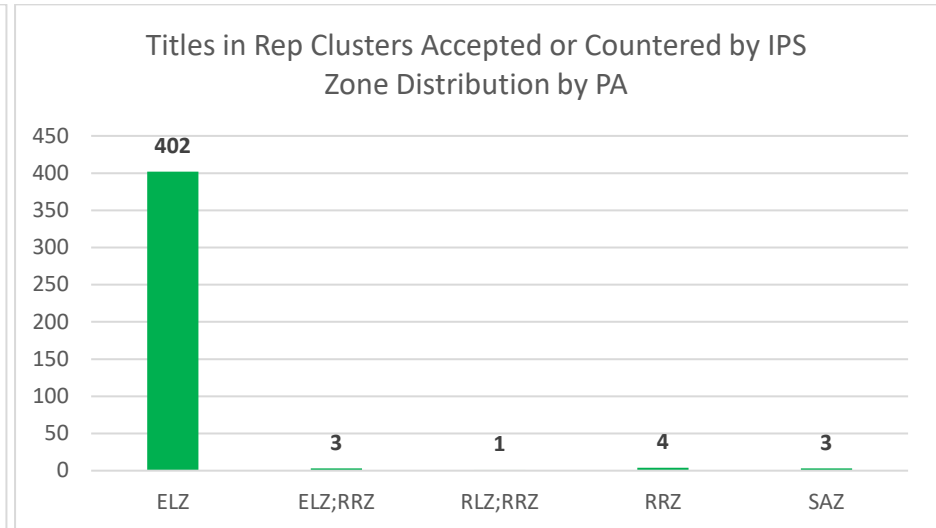
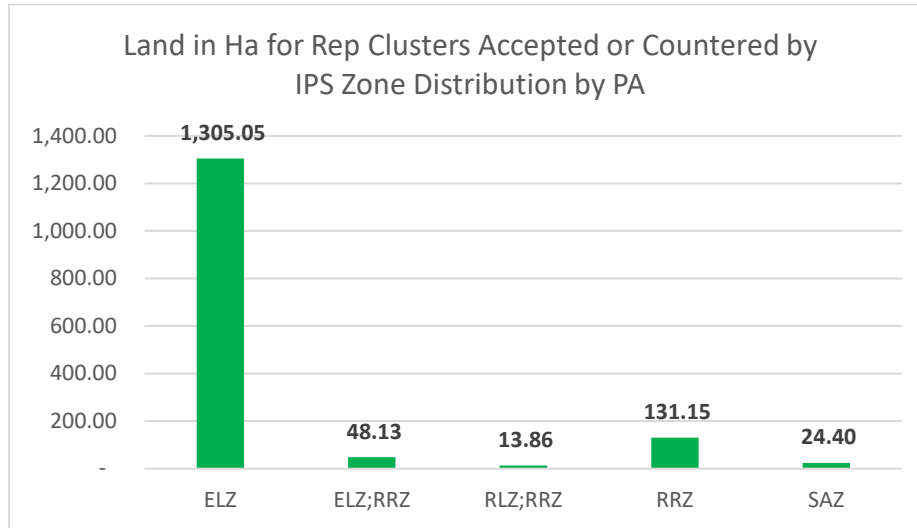
The following set of charts pulls out the zoning data behind the titles that have been commented on and examined by the HVC through exhibition and their subsequent 35F report.

Table 3D: Representations by Type and Cluster

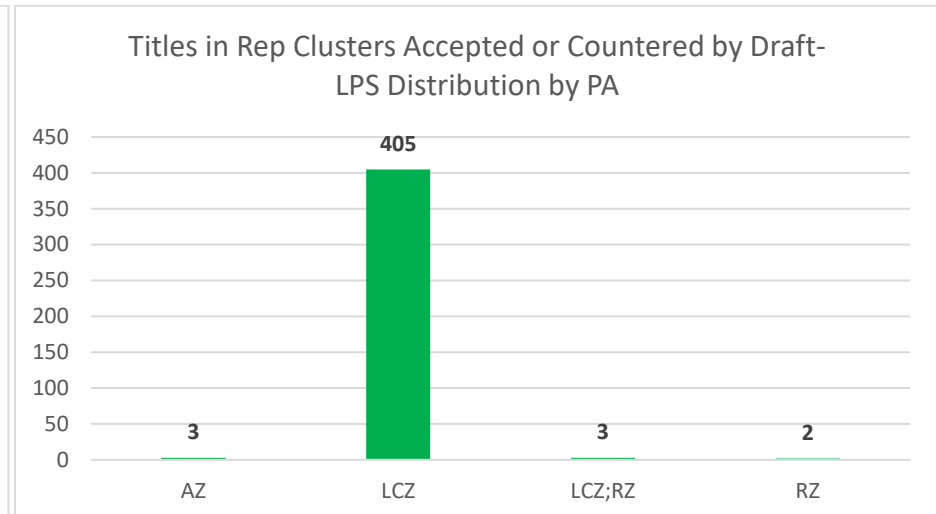
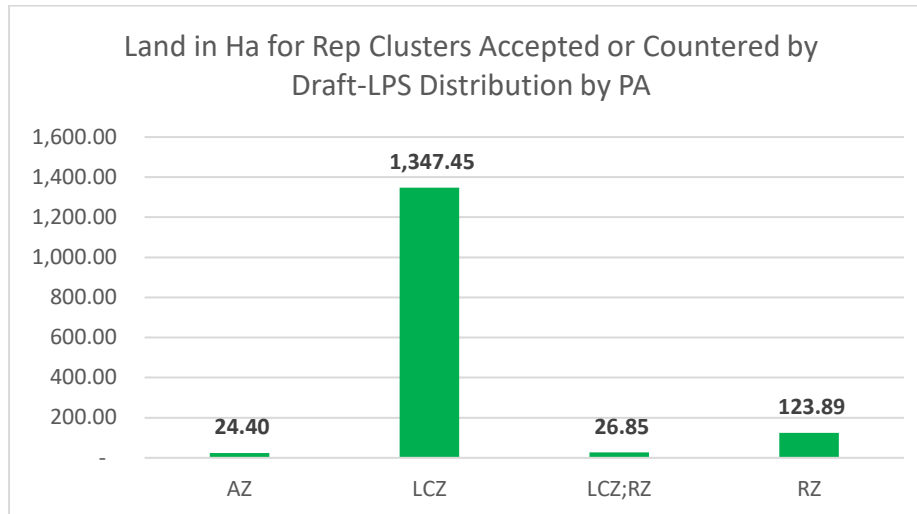
Legend: Data as per 10.010/22	
	Total Cluster Area or Clustered Titles that were Accepted or Counter Zoned
	Total Non-Cluster Area or Non-Clustered Titles that were Accepted or Counter Zoned
	Total Cluster Area or Clustered Titles that Remain Disputed
	Total Non-Cluster Area or Non-Clustered Titles that Remain Disputed

****Note: Total Cluster Area or Clustered Titles that Remain Disputed are not charted due to the only cluster (1.) in dispute is not from Council re-evaluating the area, and insufficient proposed Zone information from representor exist.***

Accepted or Countered from HVIPS 2015 Zoning Distribution. Clusters



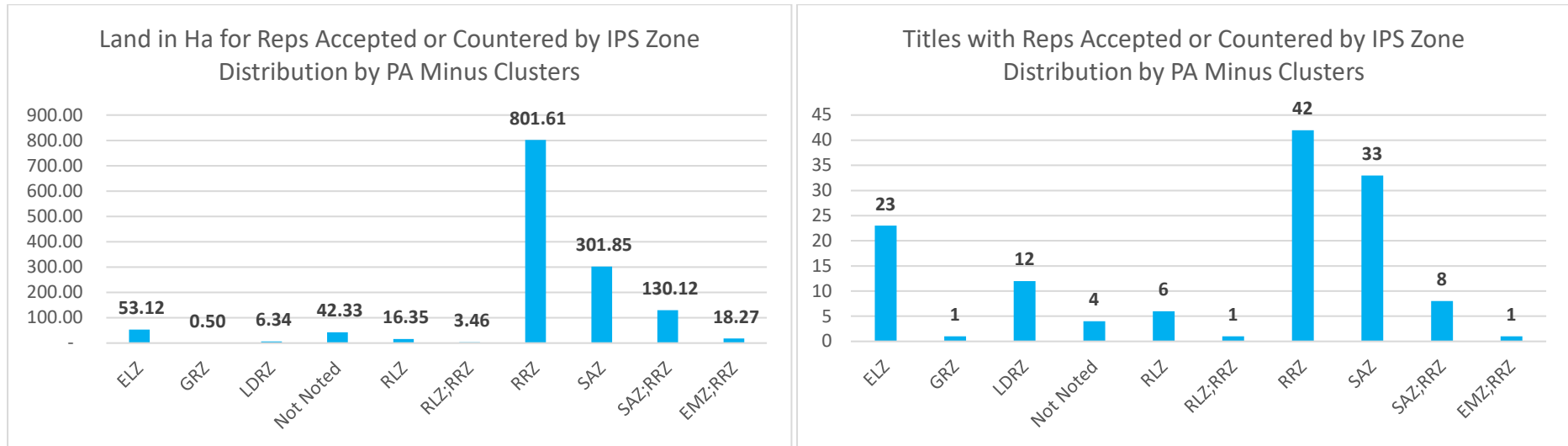
Accepted or Countered from HVC's Draft-LPS Distribution. Clusters



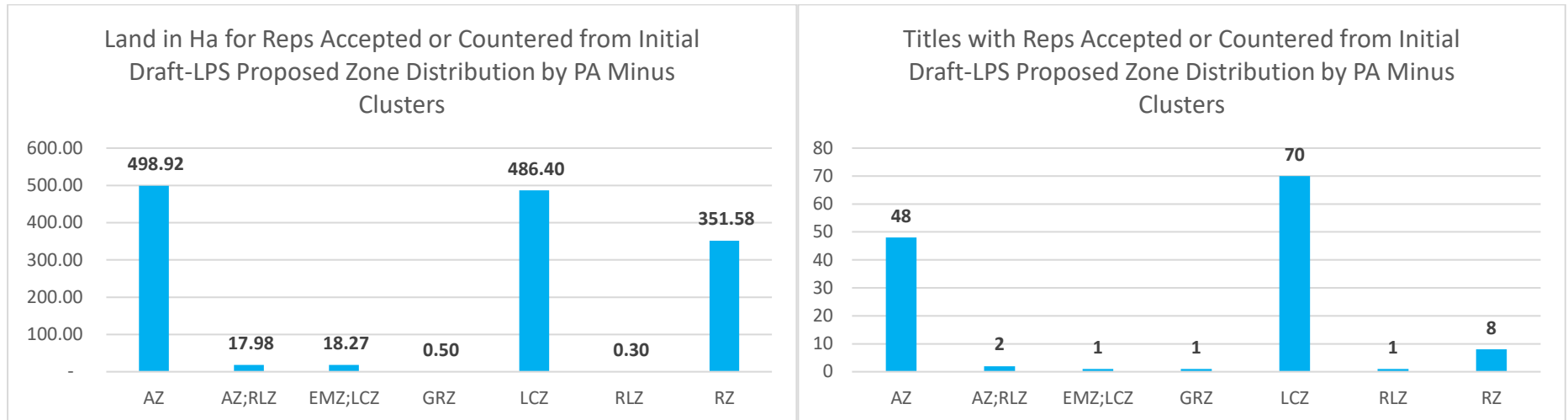
Accepted or Countered from Representation's Request Distribution. Clusters



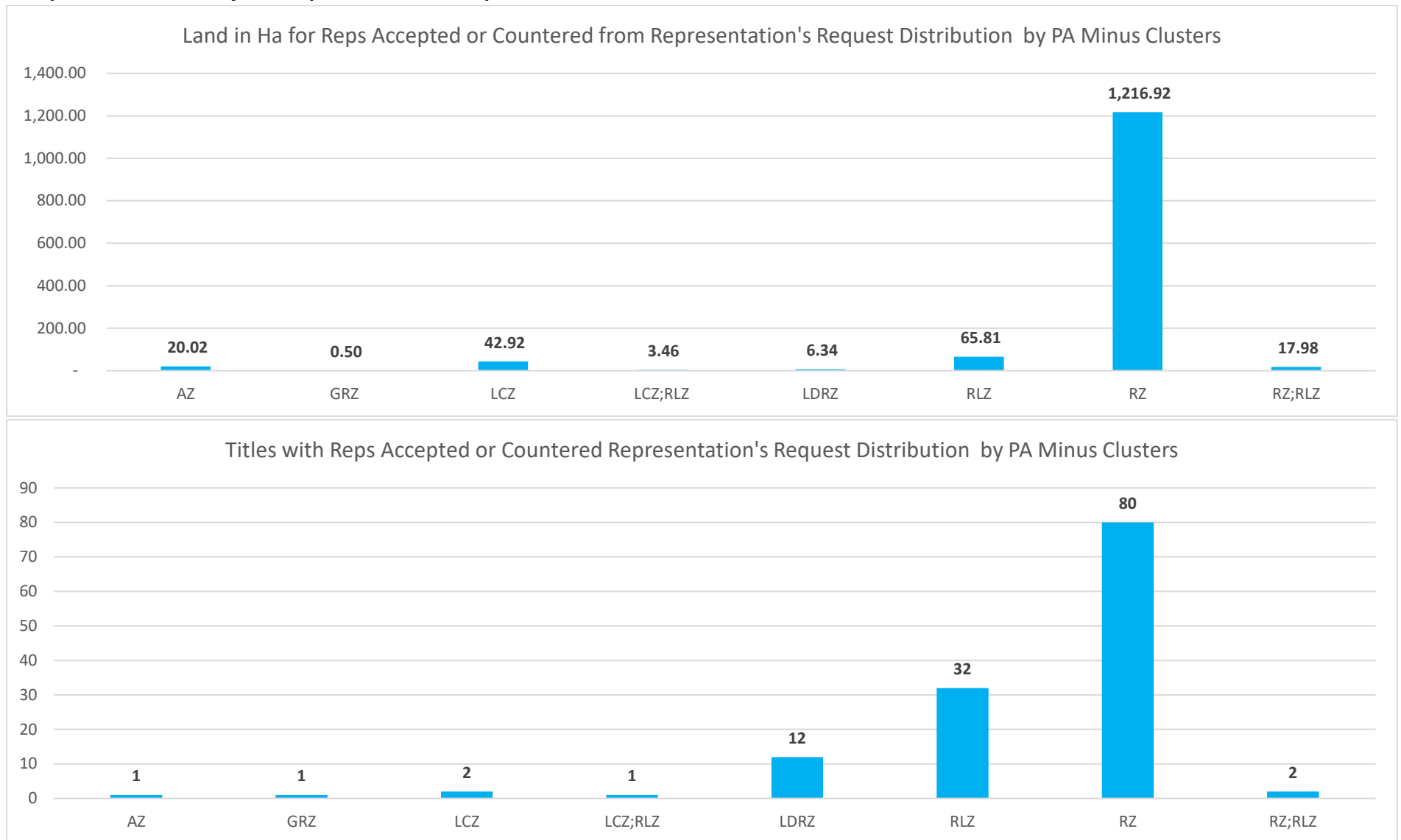
Accepted or Countered from HVIPS 2015 Zoning Distribution. Clusters Removed



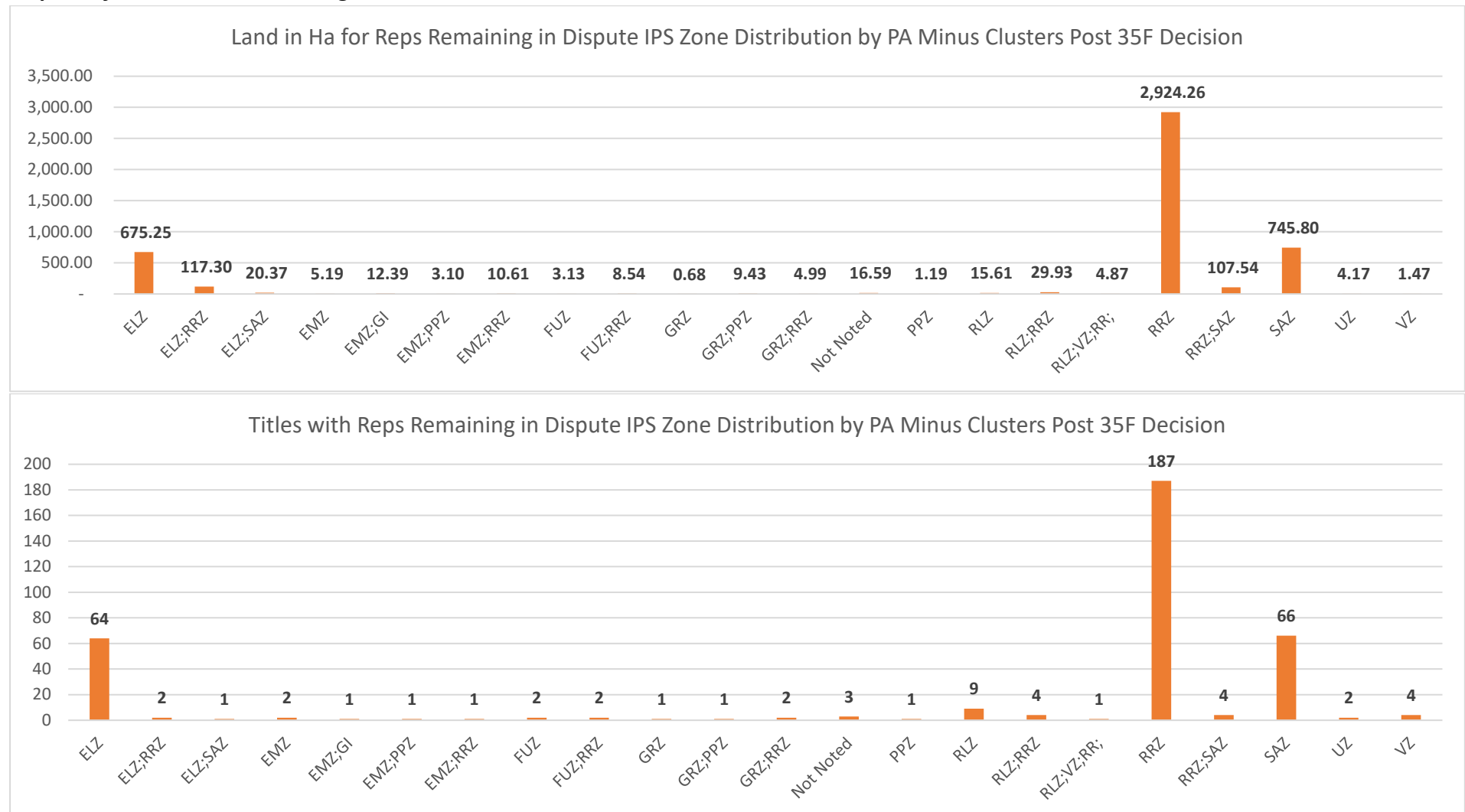
Accepted or Countered from HVC's Draft-LPS Distribution. Clusters Removed



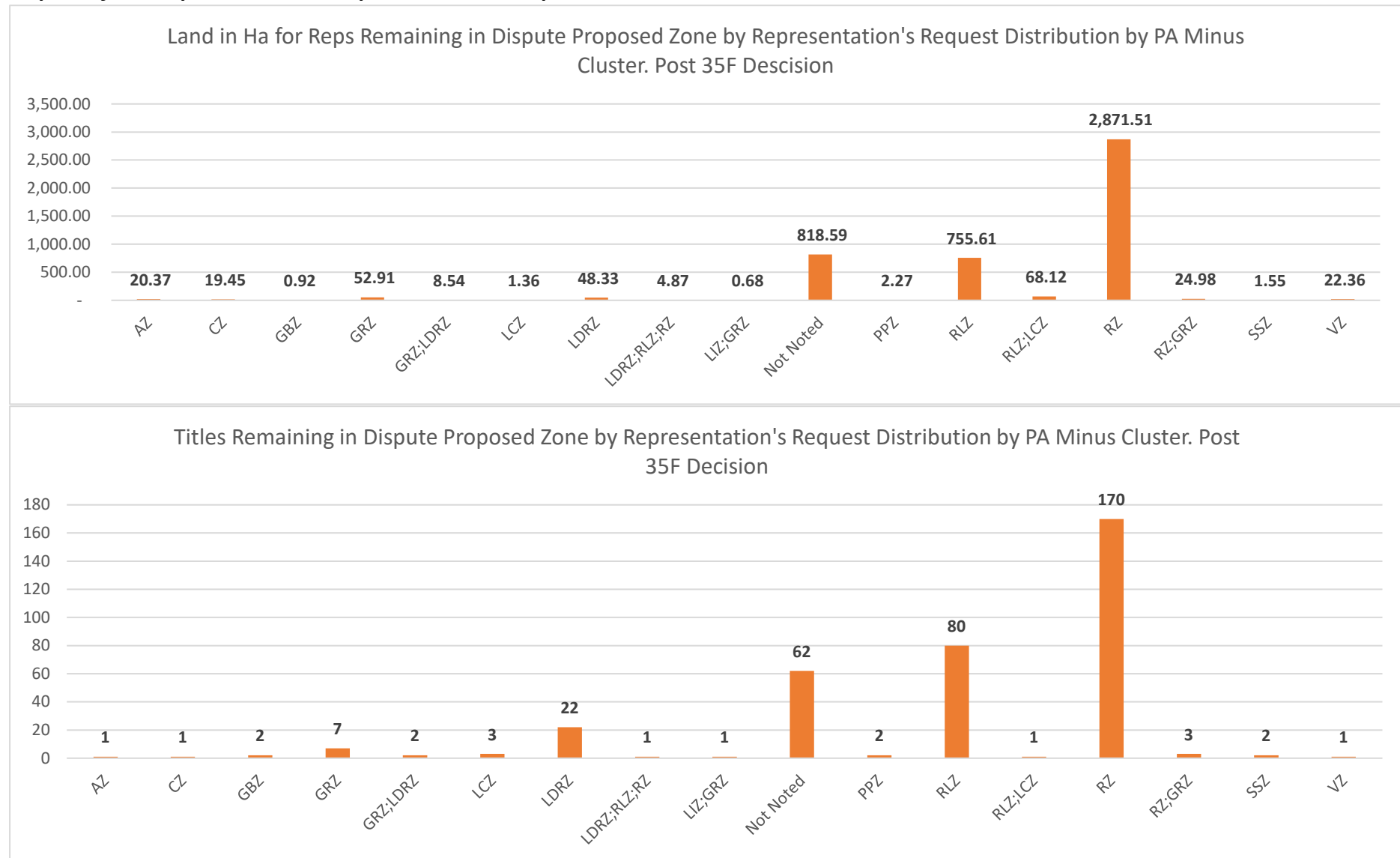
Accepted or Countered from Representation's Request Distribution. Clusters Removed



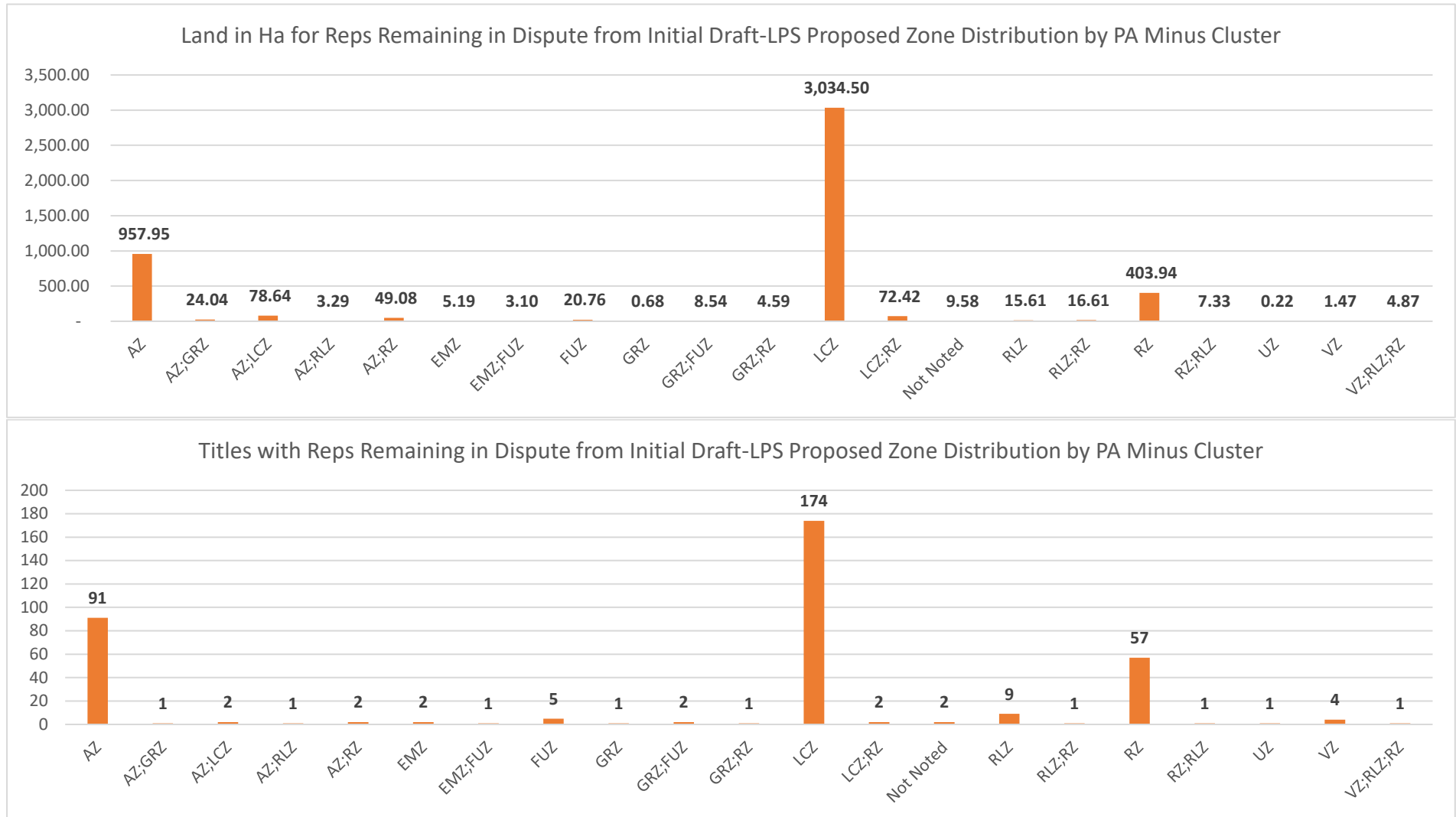
Disputed from HVIPS 2015 Zoning Distribution. Minus Cluster



Disputed from Representation's Request Distribution, per title. Minus Cluster



Disputed from HVC's Draft-LPS Distribution. Minus Cluster



HVIPS 2015, LPS, Post 35F Zoning Data of Titles from Representations Discussion

Accepted or Countered Cluster Areas

Of the 413 properties identified within the Accepted or Countered Cluster Areas, 402, 97% of them were zoned as Environmental Living Zone under the HVIPS 2015. Of the 413 properties identified within the Accepted or Countered Cluster Areas 405, 98% were proposed to be zoned as Landscape Conservation as indicated within Council's exhibited draft LPS. After, further analysis of these properties, it was determined by Council that 402, 97% of these properties within the identified clusters are to be zoned as Rural Living Zone as indicated within their endorsed 35F report.

When considered across all previously zoned Environmental Living Zoned titles, 1,108 (Excluding Roads etc), proposed to go to Landscape Conservation Zone in Councils exhibited Draft LPS, it can be seen that Council have reassessed and determined that Rural Living Zone is the more appropriate zone in over 39% or 436 of these titles.

This is indicative of a substantial change in methodology and or advice within this area of assessment. It is cause for further explanation and given that there is over a 39% rate of self-accepted correction or change by Council, it is strongly recommended that all properties that were zoned as, in whole or in part, Environmental Living Zone under the HVIPS 2015 be reassessed. Further, as this already equates to substantial change, it may also be incumbent on the Planning Authority to adhere to additional planning requirements as governed by the legislation e.g. these areas may require re-exhibition. Regardless of the legislative requirements, it is additionally strongly suggested that each individual landowner be made aware of these changes and an invitation to make comment be issued.

Accepted or Countered Non-Cluster Area

Of the Accepted or Countered Non-Cluster Area, the top three count of titles within the HVIPS 2015 that required Council to re-examine its position on were, Rural Resource Zone, Significant Agricultural Zone, and Environmental Living Zone (80; 61.1%, 32; 24.4%, 12; 9.2% respectively). Of the queried zones that were within the Accepted or Countered Non-Cluster Area, Council had initially proposed, Landscape Conservation Zone, Agriculture Zone, and Rural Zone (70; 53.4%, 48; 36.6%, 8; 6.1%, respectively). After further analysis Council adopted the following spread of zoning across the queried titles of Rural Zone, Rural Living Zone, and Low Density Residential Zone (80; 61.1%, 32; 24.4%, 12; 9.2% correspondingly).

These titles are reflective of mostly unique representations and presumably not part of a specific focus of a reconsidered Council strategy or advice. These figures indicate that representors were mostly concerned about, in their view, inappropriate zoning of Landscape Conservation Zone, and Agriculture/Rural type zones. Interestingly, only two titles from representations that requested Landscape Conservation were accepted (there were five in total) and only one title from a representation (there were two in total) that requested Agriculture Zone. When compared with the number of titles contesting these same zones, it is clear that these two zones Landscape Conservation Zone and Agriculture Zone draw the most disagreement with titles from representations.

Given that the majority of accepted conflicts fall within the areas of Landscape Conservation Zone and Agriculture Zone, it is considered that particular focus be given to other titles that were set to be zoned

within either of these zones. This consideration is further strengthened by what is observed from the titles that remain in a state of dispute.

Disputed Non-Cluster Area

As noted in Table 3D, in the above section, Total Cluster Area or Clustered Titles that Remain Disputed are not considered due to the only cluster (1.) in dispute is not from Council re-evaluating the area, and insufficient proposed Zone information from representor exist.

Looking at the Disputed Non-Cluster Area, the top three tile count by HVIP 2015 zoned land was Rural Resource Zone, Significant Agricultural Zone, and Environmental Living Zone (187; 51.8%, 66; 18.3%, 64; 17.7% respectively) Of the 361 titles remaining in dispute in the Non-Cluster Area the representations were requesting, in the top four zone petitioned for, Rural Zone, Rural Living Zone, Not Noted, and Low Density Residential Zone (170; 47.1%, 80; 22.2%, 62; 17.2%, 22; 6.1% accordingly). Council maintained its position with the zoning of the 361 titles as Landscape Conservation Zone, Agriculture Zone, and Rural Zone (174; 48.2%, 91; 25.2%, 57; 15.8%). This demonstrates that the representors over these land parcels have general issue with Landscape Conservation Zone and Agriculture or Rural Zoning. This is a consistent trend with the preceding section. It is also important to note that 17.2% of these titles did not present a desired zone in place of Council's suggestion. They either did not have enough time, information or access to professional counsel to assess their options. Some indicated that despite not knowing what zone they wished to have, they were adamant to not have what Council was proposing.

Whilst Landscape Conservation Zone (3) and Agriculture Zone (1) scored exceptionally low on a represented titles requested zone, that was rejected by Council, both Landscape Conservation Zone and Agriculture Zone remained as both the highest contested Zones by representations on titles within this the area of focus. This is consistent within the other areas of non-clustered land identified in the preceding discussion.

Conclusion and Recommendation

From this analysis a number of observations were made that give evidence to support further investigation, review and substantial reworking in several areas of the Draft LPS and subsequent 35F response.

Firstly, the accuracy of information and zoning data presented by Council through the Exhibition period, and the 35F is cause for concern. Greater care is advised to be taken when providing comment, direction and proposed zones and overlays (I will not go into it in great length here, but I could should the TPC require).

Secondly, it was apparent that the most contested zoning proposal of Council was that of, and in this order, Landscape Conservation Zone and Agriculture Zone.

Thirdly, there were a moderate number of representations over land titles that did not or were unable to put forward an alternative zoning solution to Council. This was much higher within Cluster 1.

Fourthly, it was seen that Council reassessed large portions of Landscape Conservation Zone proposed titles that came from Environmental Living Zoned titles under HVIPS 2015. It is understood that the majority of landowners within these areas have not been advised by Council of these changes.

Recommendation

It is therefore recommended that:

1. Particular focus be given to the data, methodology and advice that Council relied on in making their zoning decisions.
2. A. Whilst reluctant of being comfortable with the zoning proposals in all aspects of the municipal area, a consultant or re-examination of Council's zoning proposal be specifically focused on Landscape Conservation Zoned and Agriculture/Rural Zoned properties.
B. Advice, data and methodologies relied on to support the application of these zones needs to be reviewed.
3. There is enough data that supports an observation of a fundamental lack of information transfer, and indeed consultation from Council to that of their constituents. This could also be a result of failures of legislation to require consultation from Planning Authorities. Council resourcing may also be an issue here. It is understood that legislation change falls outside of a consultant's purview, however Council working with State should adopt a better communication and consultation strategy.
4. Council had demonstrated a change of approach for zoning Environmental Living Zones under HVIP 2015 to Landscape Conservation Zone in the initial Draft LPS to Rural Living Zone. This should be seen as enough justification to have all Landscape Conservation Zoned land, reassessed. The majority of focus should be within this periscope, and then secondly with regard to Agriculture/Rural Zoned titles.