

About me

- Landowner in Lucaston – since 2009
- Business Analyst – business process reviews and documentation, process improvement, system implementations
- Background in Government, financial analysis, accounting, budgeting and policy

Why am I here today?

- Impacted landowner
- Serious concerns for the broader community
- Identified serious issues with process and integrity

What I will present..

1. Matters of concern with LCZ application

- Integrity issues with Huon Valley Draft LPS process
- Issues with the Council's approach to LCZ
- Important issues and considerations for the TPC

2. Specific comments in relation to my property

- Speak to my submission and future zoning for my property

Representation 399

Part 1 – Observations and context

Quick outsider perspective on the Planning System and the Huon Valley draft LPS

- Those in the community most highly impacted by planning reform framework changes have largely been missing from the conversation
- SPPs do not align well with the Huon Valley
- STRLUS is also a highly deficient document which overlooks the Huon Valley experience.
- S8A Guidelines lack clarity and definitions – thereby open to interpretation and potentially an abuse of process (e.g. what is a Landscape Value?)

Quick outsider perspective on the Planning System and the Huon Valley draft LPS

- Planning professionals are lost in the own world
- High-level LUPA objectives are consistently ignored
- “Flexibility” within the system creates a vacuum that is filled by ideology
- The system fails to recognise fundamental private property rights, natural justice considerations and importance of these to a functioning society
- “Self interest groups” are constantly lobbying for certain outcomes – we are now at a point where those targeted outcomes are in direct conflict with the rights and wellbeing of landowners

The Mercury – July 2023 – ideological problems within the planning system are now being recognised by the Government and action is being taken...



“Developers will be able to have their projects assessed by an expert panel, rather than local councils under legislation being planned by the State Government”

Bid for new planning panel in state shake-up

David Killick

Developers will be able to have their projects assessed by an expert panel rather than local councils under legislation being planned by the state government.

In a major shake-up of council planning powers, proponents could elect to send developments, such as housing or subdivision proposals, to independent expert Development Assessment Panels instead of councils.

Premier Jeremy Rockliff says the plan would remove

the politics from planning and improve certainty, transparency and effectiveness.

The proposed new planning pathway would be applied to projects over a certain value – which is yet to be determined – and operate in the same way as existing major projects laws.

Mr Rockliff said the new panels would ensure that decisions were driven by the rules and not “vested interests or personal biases of individual councillors”.

“There are too many examples where critical land, housing or other projects are being

stopped or delayed by ideologically motivated, party-aligned councillors, and this is not good for Tasmania,” he said.

“Let me be clear, this legislation will not change Tasmania’s planning rules. Councils will still undertake assessments and the community will still have their say, as they always have. This is simply about providing a second decision-making option, where the politics is removed from planning.”

Under the plan, proponents would be able to choose whether a council or a panel makes the final decision on their project.

Councils would also have the option of referring the final decision on development proposals to the panels. The makeup of panels would be determined by the independent Tasmanian Planning Commission.

Mr Rockliff said the proposed legislation would help the government to deliver its target of 10,000 homes by 2030 by reducing planning delays.

“In meeting this target, we committed to taking advice from industry, our community housing provider partners, Homes Tasmania and those engaging in our planning system to deliver the housing Tas-

mania needs,” he said. “We heard loud and clear they need certainty in a pathway.”

Mr Rockliff said the draft legislation would be available for public consultation later this year, with plans for it to be before parliament at the start of 2024. “The new legislation will give the community and developers the confidence that they need in our planning system, so they can invest with certainty, and we can continue to meet the needs of our growing population.”

david.killick@news.com.au

Meanwhile, ideological thinking is currently being promoted in UTAS marketing for planning degrees and accreditations...

<https://www.utas.edu.au/study/planning>



Turn your passion for just and sustainable futures into a meaningful career.

In this professionally accredited course, you'll learn theoretical, technical and communication skills required by planning professionals. You'll develop a range of essential planning competencies, from the legal to the strategic. These two sides, legal and big picture, combine in a powerful way to enable planners to envision and action more sustainable futures.

UNIVERSITY of
TASMANIA 

Compensation being paid in other States

A high level of responsibility placed upon the **Commission to get things right**.

There are no legislative compensation arrangements in place for those severely impacted by Planning Reform.

Victorian government ordered to pay property developers \$92m compensation over fight for Western Grassland Reserve

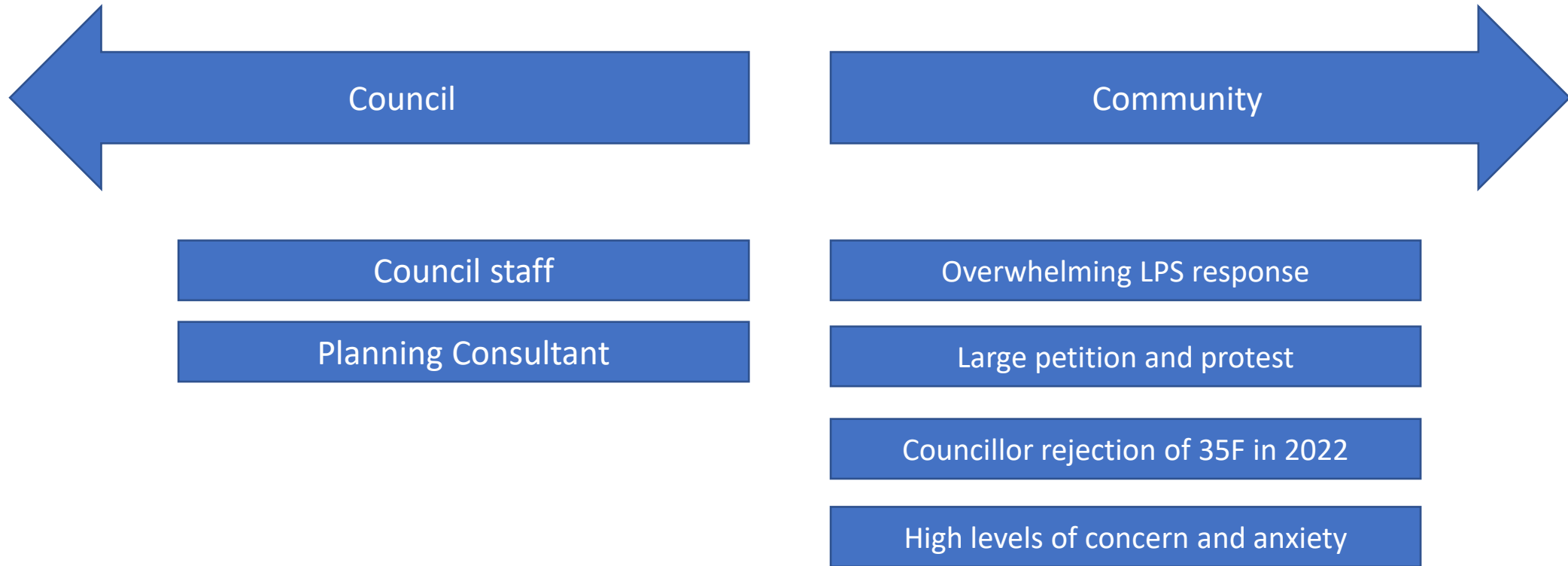
By Elise Kinsella

Posted Mon 17 Jul 2023 at 6:17am, updated Mon 17 Jul 2023 at 8:07am



The Victorian government faces a hefty compensation payout to a family with farmland within the Western Grassland Reserve.

Where we are currently at...



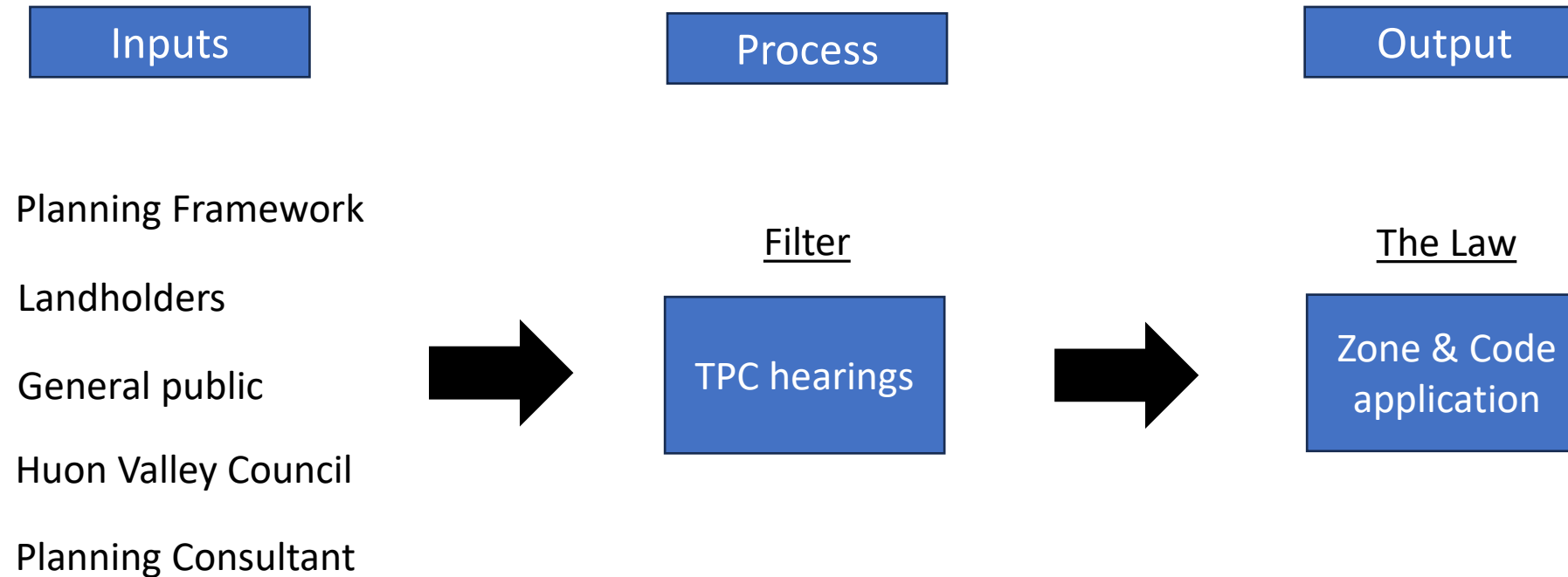
Question for the commission: who should you be listening to?

How did we get here?

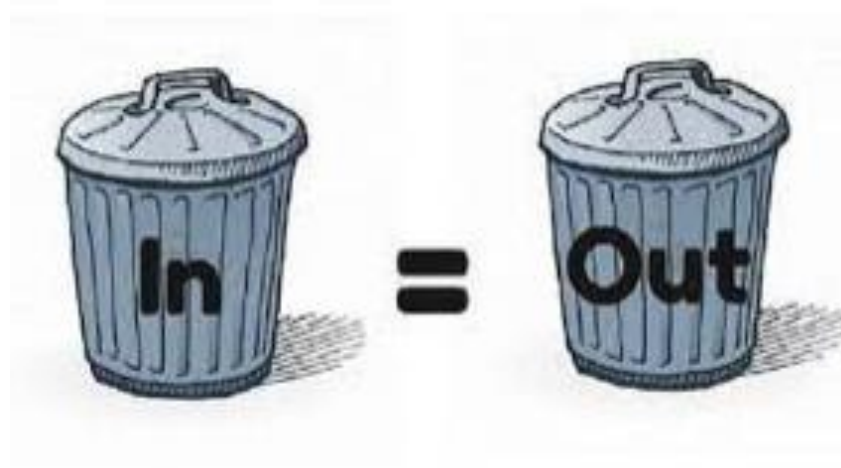
Some factors to consider:

Leadership	Distractions?	<ul style="list-style-type: none">• GM appointment issue
	Community engagement?	<ul style="list-style-type: none">• Key staff not from, or living within the community
Influential staff involved with the process	Non-qualified?	<ul style="list-style-type: none">• One leading staff member was an ecologist
	Potential bias?	<ul style="list-style-type: none">• Another leading staff member is reported to have said words to the effect of “I will protect these hills”
Resourcing	Under resourcing?	<ul style="list-style-type: none">• Council has itself recognised that the process was not appropriately resourced

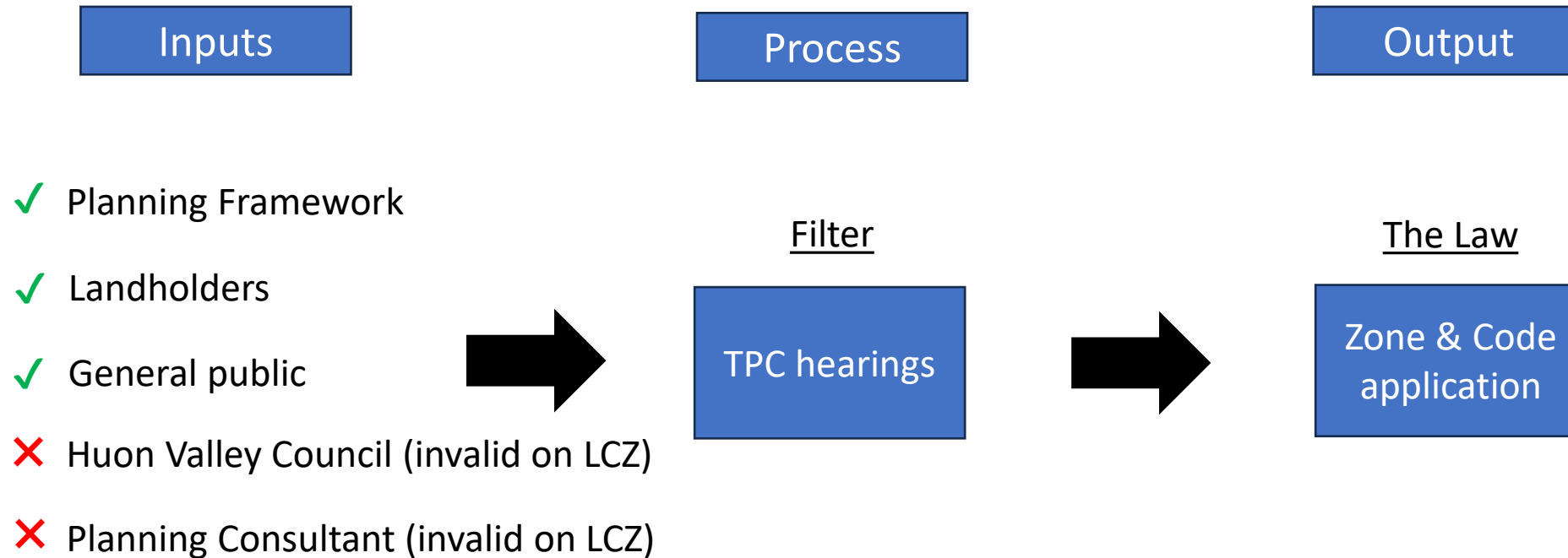
The current process



What you want to avoid is

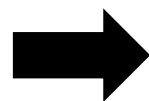


The current process...

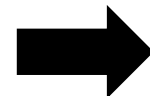


What is at stake?

- The future of the Huon Valley
- The Huon Valley that we see today has been built upon a planning framework that was far less restrictive, more efficient and has promoted entrepreneurial spirit, creativity (and vibrancy)
- This is the allure of the Valley as a special place to live, to work and as a tourist destination
- The Huon Valley is a show-case, demonstrating the value of mixed use zonings in rural settings
- The Landscape Conservation Zoning and the STRLUS threatens all of this



Peoples hopes, dreams, finances, homes and businesses



Their fundamental property rights

What is different about the Landscape Conversation Zone?

The Landscape Conservation Zone is the only zone intended for use on private land where the primary purpose of the land is to not serve the private interest

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So by default – the zone says that public views of the property are more important than

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Someone's right to a home

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Someone's right to a home _____
Someone's right to conduct business _____

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Someone's right to a home	_____
Someone's right to conduct business	_____
Someone's past investments	_____

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Someone's right to a home	_____
Someone's right to conduct business	_____
Someone's past investments	_____
Someone's life savings	_____

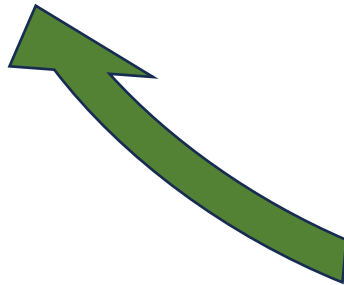
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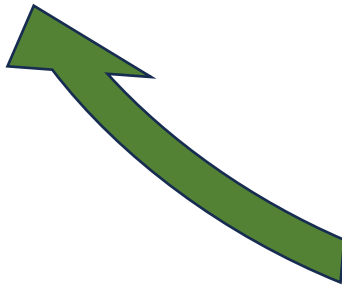
What is different about the Landscape Conversation Zone?



This is what Council's Planning Office is advocating for

So by default – the zone says that public views of the property are more important than

- Someone's right to a home _____
- Someone's right to conduct business _____
- Someone's past investments _____
- Someone's life savings _____



... but is this what Huon Valley Councillors have been advocating for?

Councillor Sue Clark (2022):

- “LCZ should have only been used in Conservation covenanted land”

Councillor O'May (2022):

- “Residents of the Huon Valley have bought blocks of land with good intent... **the planning goes totally against the grain of our people** who have planned their future, not only in their dreams but they finances... **I find that totally unacceptable**”

Councillor Juanne (2022):

- (It was a) “Long road with **minimal resources**”
- “My main concern, probably **my biggest concern** was that in the Huon Valley, **the Landscape Conservation Zone was applied differently to what other Councils were**”

Councillor O’May (2022):

- “**We need to send this back in strong terms** that we are not interested”
- “We won’t accept this thumb in the back of the head stuff”.

Question for the Commission:

Does the Council position through these hearings appropriately reflect the feedback and direction from Councillors past and present?

People impacted – example (theoretical)

Kevin Hodge Excavations
(Derwent Valley)

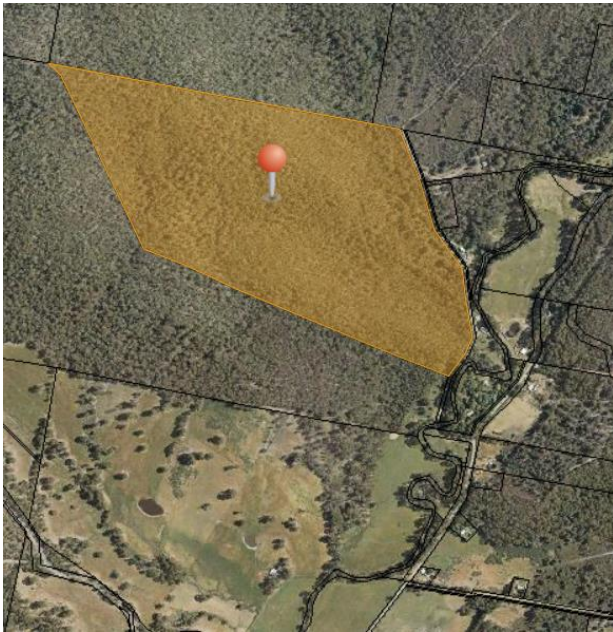


- **If in the Huon - would be LCZ in draft LPS**
- Cost \$400 000 est. to buy a depot in an industrial precinct
- Annual depot expenses \$4 000 est plus interest expense \$28 000
- Wasted time travelling to/from depot
- Inability to service equipment at home
- Charge-out rate to increase by \$20/hr to cover costs of the zoning

People impacted – example

Misc representor

Garden Island Creek



- Individual in 30s
- Life savings invested in property
- Purchased to build a home and to live sustainably with minimal footprint
- Completed due diligence prior to purchase
- **LCZ = dreams and finances shattered**

Some supporters of LCZ – not impacted



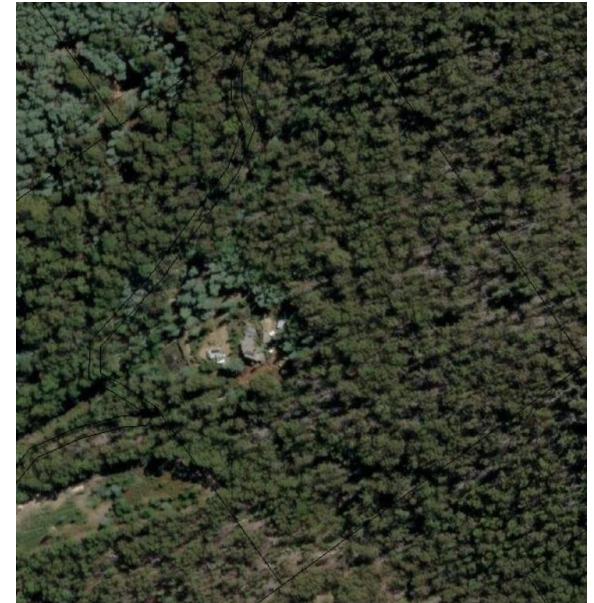
Huon Valley Councillor

(house + cleared land)



Kingborough Planner

(house + cleared land)



Environmental activist

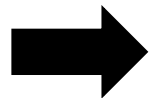
(house + CC land)

What LCZ supporters may not realise:

- When LCZ land is devalued relative to the rest of the economy:
 - ✓ forestry operations will become viable
 - ✓ developers will be able to buy significant parcels and use Major Project mechanisms to pursue their objectives



Higher prices protect ecological land



The best custodians are frequently ordinary people that appreciate their surroundings for their homes and as places to conduct their businesses

What is different about the Landscape Conversation Zone?

- Zone purpose serves the public interest first
- The private interest is severed second (or not at all)
- There are effectively no land rights
- Available uses are highly limited

What this means in practical terms...

- Owners unable to get finance
- Properties are devalued
- More treacherous and costly planning approval pathways
- Owners unable to participate in productive economy
- Housing is more costly or simply not allowed
- No certainty of future use

The Zone purpose (does not serve the private interest)

22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

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.

Other Zone purposes (serve the private interest)

8.0 General Residential Zone

8.1 Zone Purpose

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

14.0 Local Business Zone

14.1 Zone Purpose

The purpose of the Local Business Zone is:

- 14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.

25.0 Port and Marine Zone

25.1 Zone Purpose

The purpose of the Port and Marine Zone is:

- 25.1.1 To provide for major port and marine activity related to shipping and other associated transport facilities and supply and storage.

17.0 Commercial Zone

17.1 Zone Purpose

The purpose of the Commercial Zone is:

- 17.1.1 To provide for retailing, service industries, storage and warehousing that require:
- (a) large floor or outdoor areas for the sale of goods or operational requirements; and
 - (b) high levels of vehicle access and parking for customers.

11.0 Rural Living Zone

11.1 Zone Purpose

The purpose of the Rural Living Zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
- (a) services are limited; or
 - (b) existing natural and landscape values are to be retained.

What zone is similar to LCZ?

Two zones serving the **Public Interest**

Private land

Public land

22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

- 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.

23.0 Environmental Management Zone

23.1 Zone Purpose

The purpose of the Environmental Management Zone is:

- 23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.
- 23.1.2 To allow for compatible use or development **where it is consistent with:**
 - (a) the protection, conservation and management of the values of the land; and
 - (b) applicable reserved land management objectives and objectives of reserve management plans.

Wording and available uses provides EMZ (National Parks and Reserves) with more use and development potential than LCZ?

Ultimate power to Council

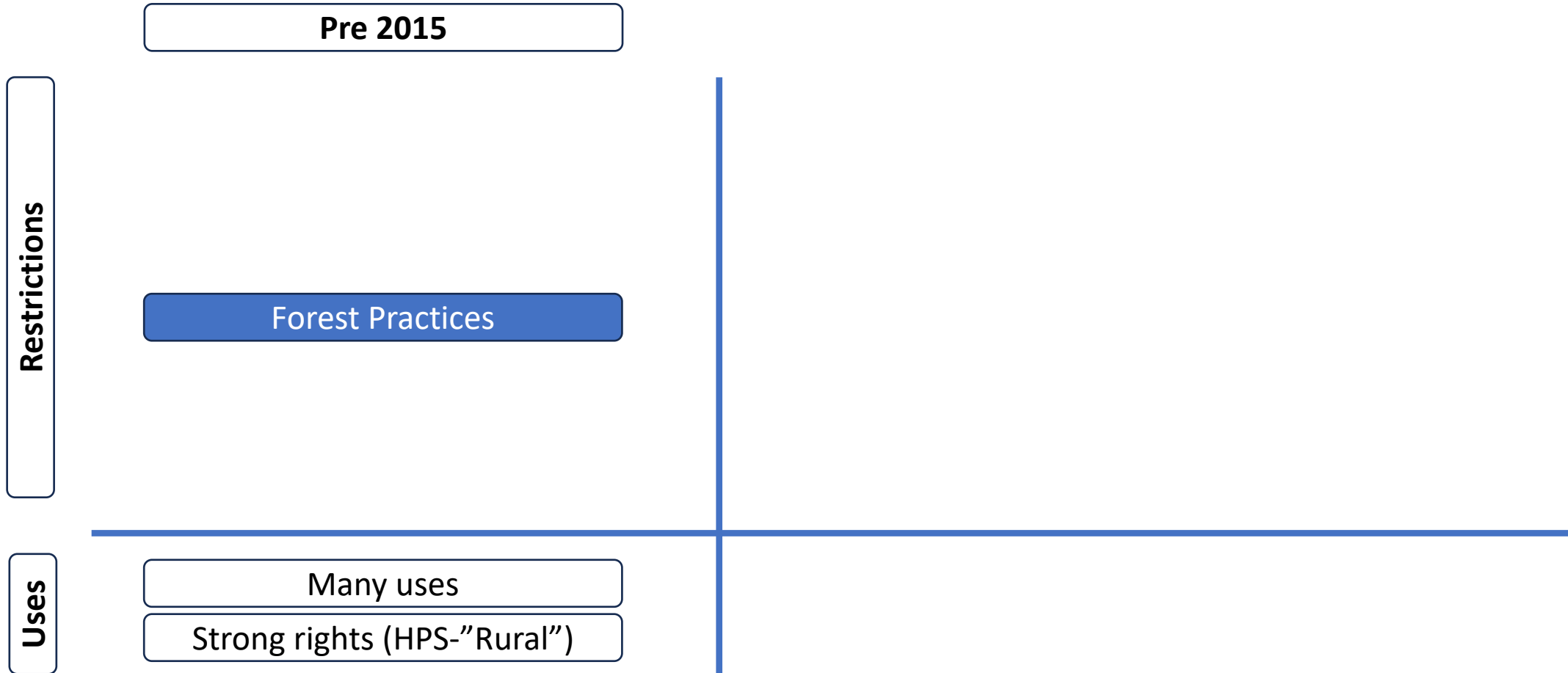
22.3.3 Discretionary use

Objective:	That the location, scale and extent of a use listed as Discretionary is compatible with landscape values.	
Acceptable Solutions		Performance Criteria
A1 No Acceptable Solution.		P1 Use listed as Discretionary must be compatible with landscape values, having regard to: <ul style="list-style-type: none">(a) the nature, scale and extent of the use;(b) the characteristics and type of the use;(c) the landscape values of the site;(d) the landscape value of the surrounding area; and(e) measures to minimise or mitigate impacts.

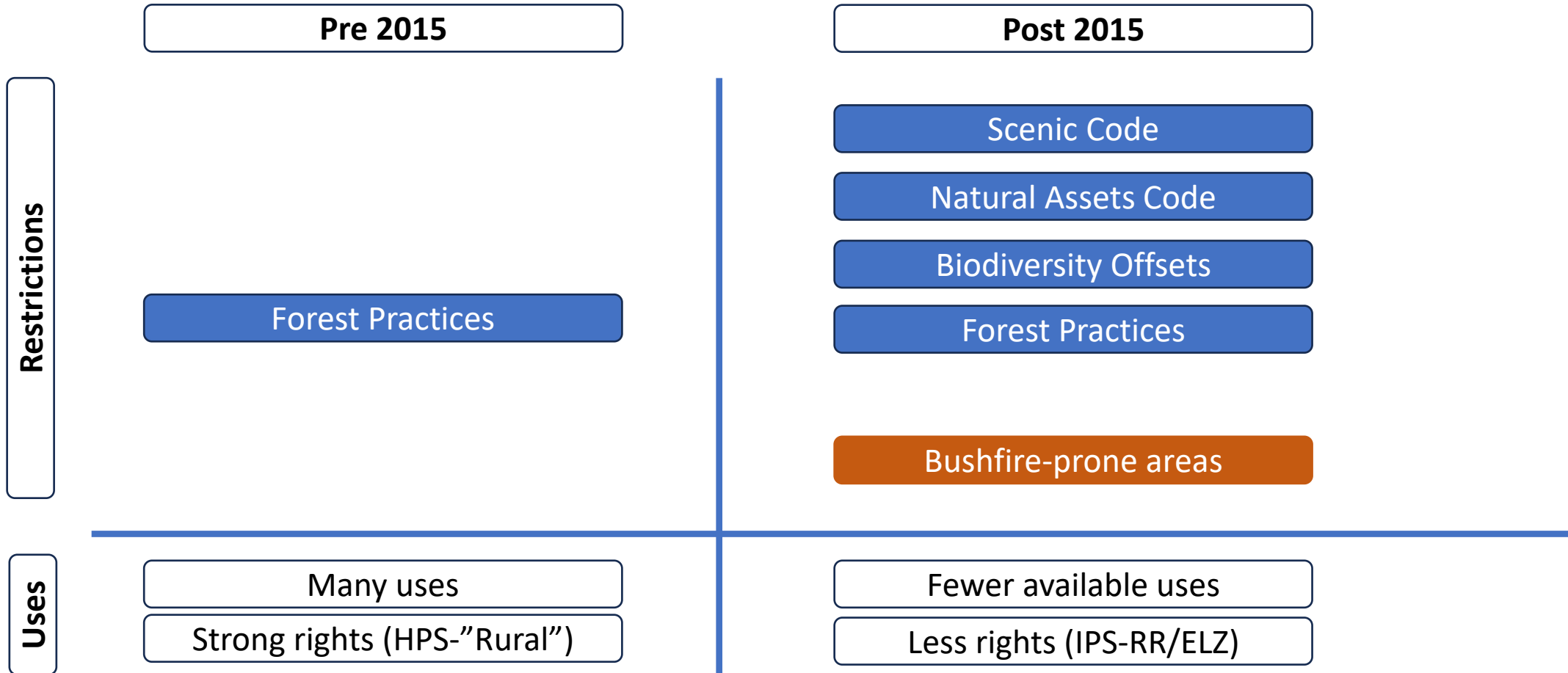
Practically all Planning Applications are discretionary and must pass Council's (subjective) assessment of 22.3.3 (P1).

There are no Acceptable Solutions.

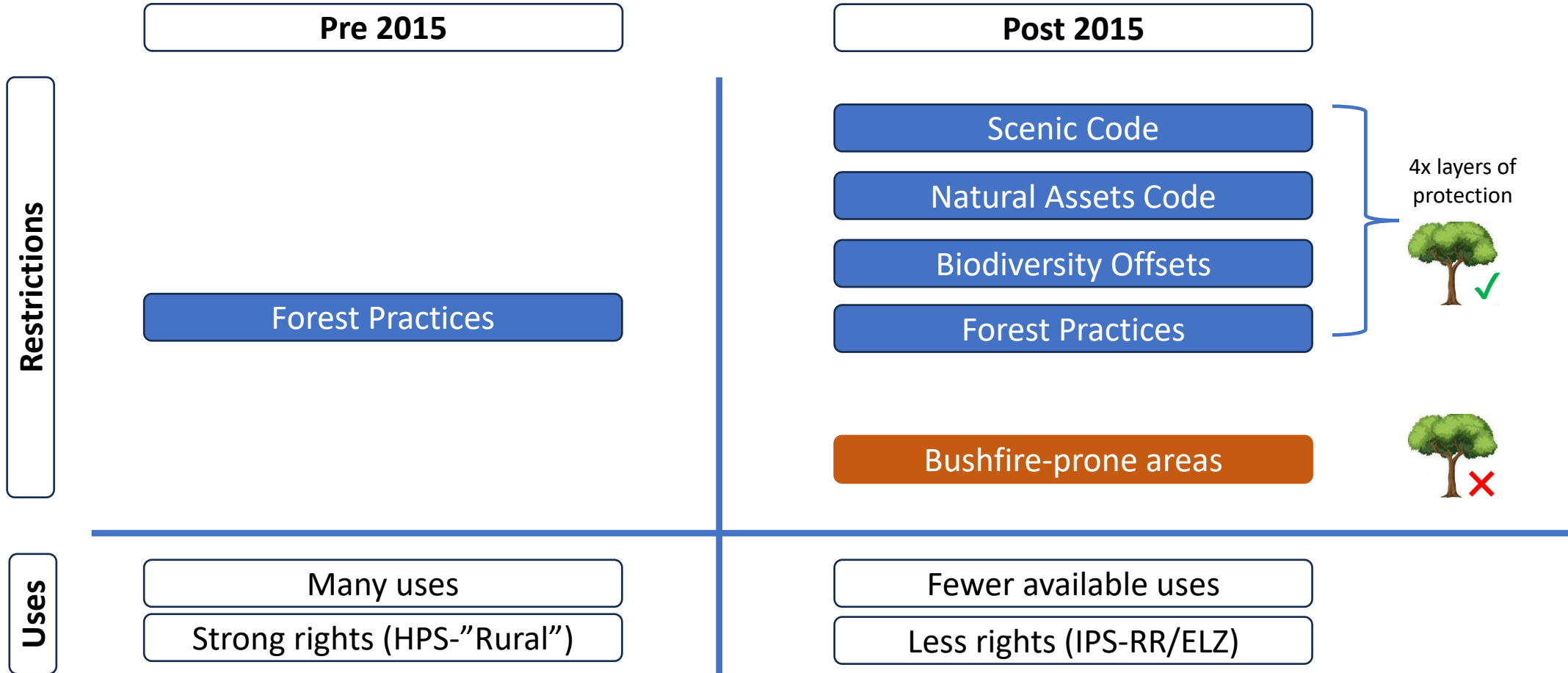
The zoning system – then and now



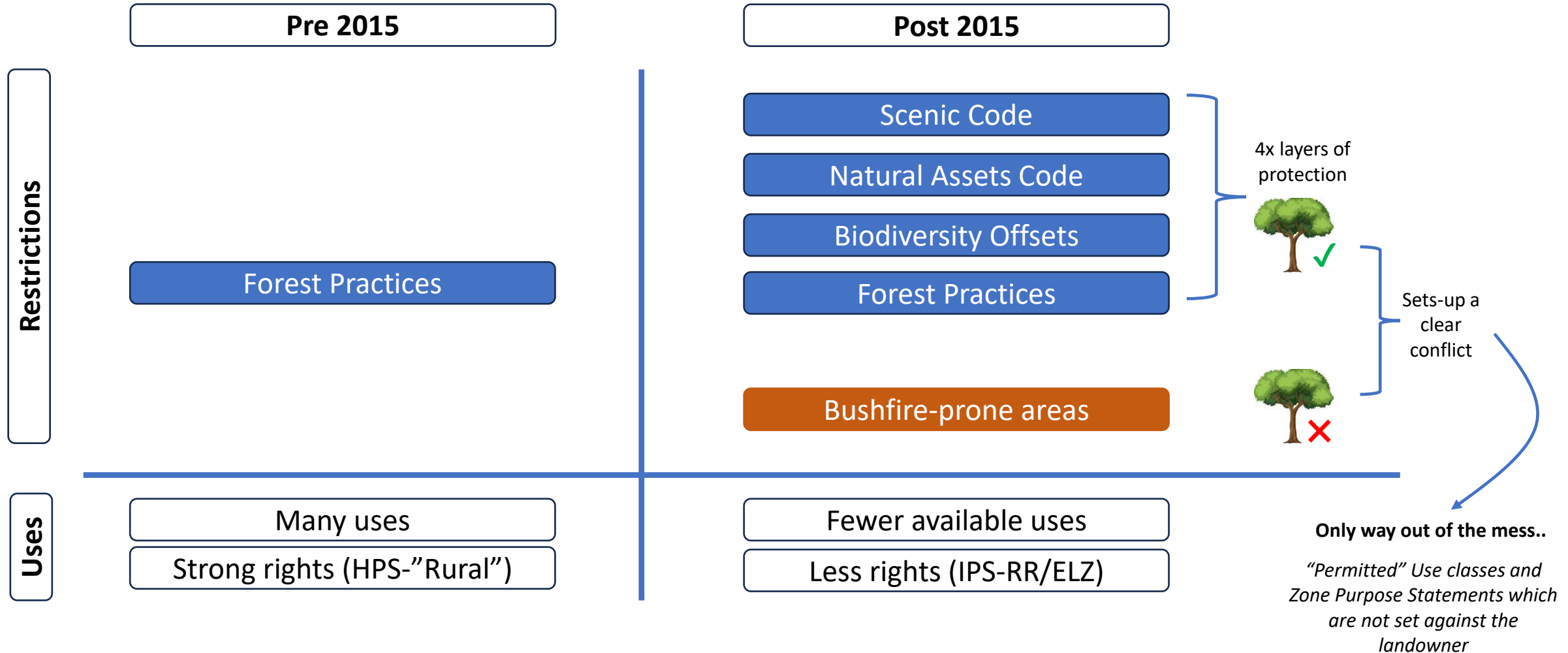
The zoning system – then and now



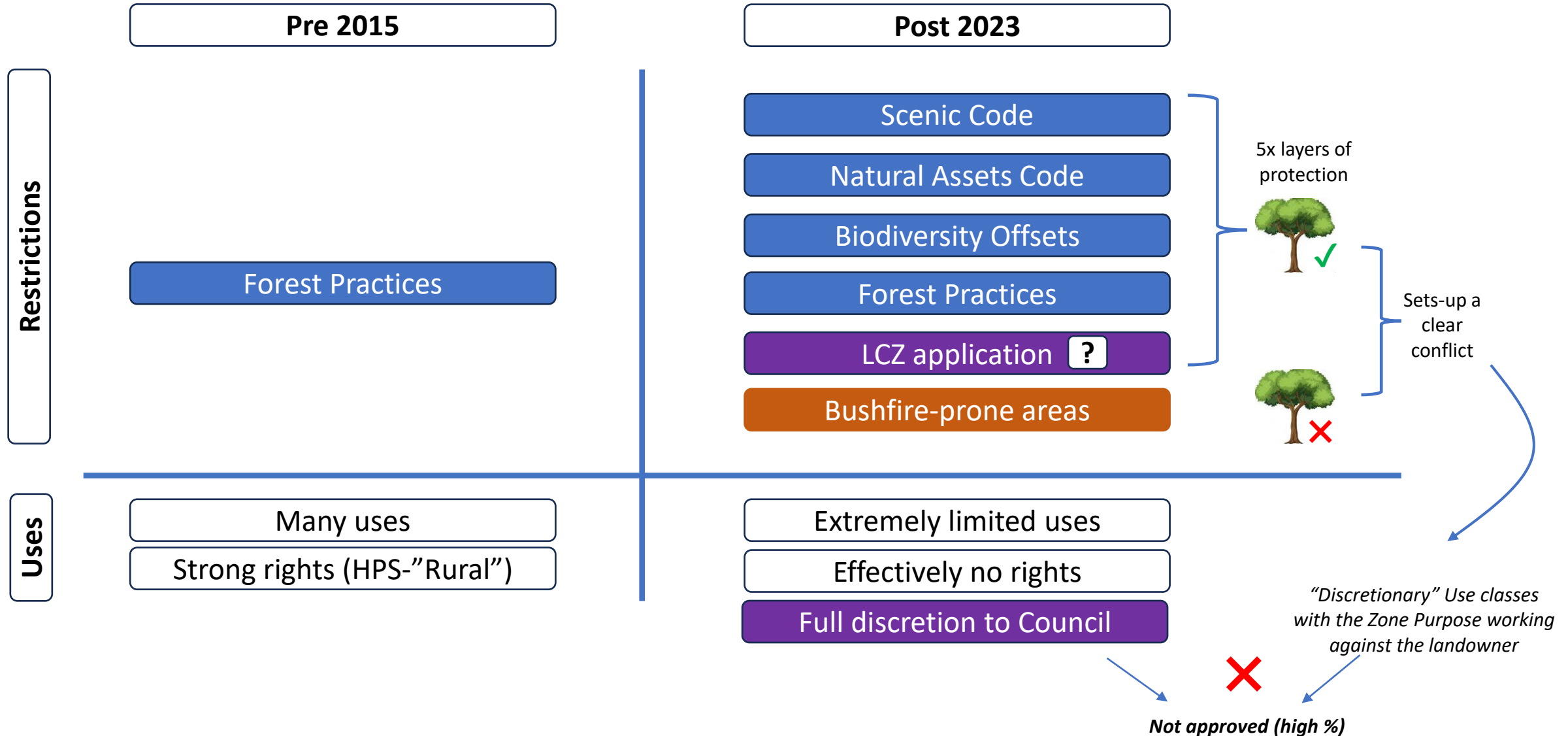
The zoning system – then and now



The zoning system – then and now (almost impossible)



The zoning system – future (with LCZ)



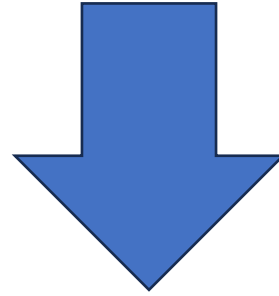
Question for the Commission:

Does it make any sense to add yet another level of compliance related to native vegetation using LCZ?

Question for the Commission:

If LCZ is “split zoned” – how is this different to applying a Scenic or Natural Assets overlay?

It is clear that the Landscape Conservation Zone has serious and detrimental impacts for landowners...



But what did the Huon Valley Council tell the Community?

Representation 399

Part 2 – Process and integrity issues

Huon Valley Council integrity

<https://www.youtube.com/watch?v=Jv6R9W78qDk&t=253s>

Key sections

- 0.00 – 0.30 (context)
- 2.35 – 3.10 (context)
- 3.53 – 4.10 (misinformation)



Huon Valley Council integrity

<https://www.youtube.com/watch?v=Jv6R9W78qDk&t=253s>

Key sections

- 0.00 – 0.30 (context)
- 2.35 – 3.10 (context)
- 3.53 – 4.10 (misinformation)

Advice to the public: the Landscape Conservation Zone is “a name basically, and the same uses are generally permitted or discretionary”



Huon Valley Council integrity

The Youtube example was **not an isolated incident**.

I understand that it reflected a pattern of behavior. Some examples are below. Each is verifiable.

- Legitimate questions about zone implications were not answered with an intent to honestly inform
- A visitor to Council reception during the draft LPS period was told “there is no rezoning”
- Legitimate criticism was described as “misinformation”
- Reception staff provided inaccurate planning information to the public

“You will still be able to build your house”

“Your rights are not being taken away”

“There is a lot of misinformation”

“It will not devalue your land”

“Don’t worry”

Question for the Commission:

At what point does the misleading of the Public by Council invalidate the process?

Question for the Commission:

How much larger would the LCZ response to the Draft LPS have been if people were more fully informed?

Question for the Commission:

What are the implications for those who were mislead and therefore did not participate in the process?

Not an isolated situation...

“Practically speaking, things won’t really change” – Kingborough Council Planner advice to Councillors

Not an isolated situation...

- Kingborough Council organised public “information sessions” to allay concerns earlier this year. At these sessions, Landowners were told:
 - the Landscape Conservation Zone is “pro development”
 - that Development can happen “as it is now”
 - not to worry about the Zone Purpose
- Planners skipped over important information - such as Table 22.3.3 – Discretionary Use
- A Councillor tells a Council Meeting earlier this year that concerned residents “felt much better” about the Zone once they had spoken to a Planner (No wonder!)
- The General-Manager describes LCZ as a “misnomer” and suggests a name change might be appropriate during a Council Meeting in late 2022 (presumably upon Planner advice)

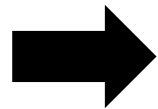
Why are we seeing this across Municipalities? What does this say about systemic integrity and ideology problems within the planning profession?

Question for the Commission:

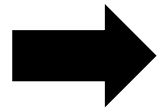
What action will the TPC take to ensure that those members of the Kingborough community who have been misled to-date will be provided with honest, complete and accurate information into the future?

Huon Valley Council integrity

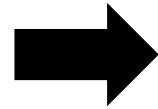
The Huon Valley Council also made it very clear in its responses to Public Questions at Council Meetings (held during 2022), that it had not fully considered the implications of applying the zoning to landowners:



It did not consider social impacts



It did not consider economic impacts



It did not consider borrowing implications

Question for the Commission:

How does Council's failure to consider the social and economic impacts of applying the zoning not contravene LUPA requirements (notably section 5)

Representation 399

Part 3 – Problems with methodology

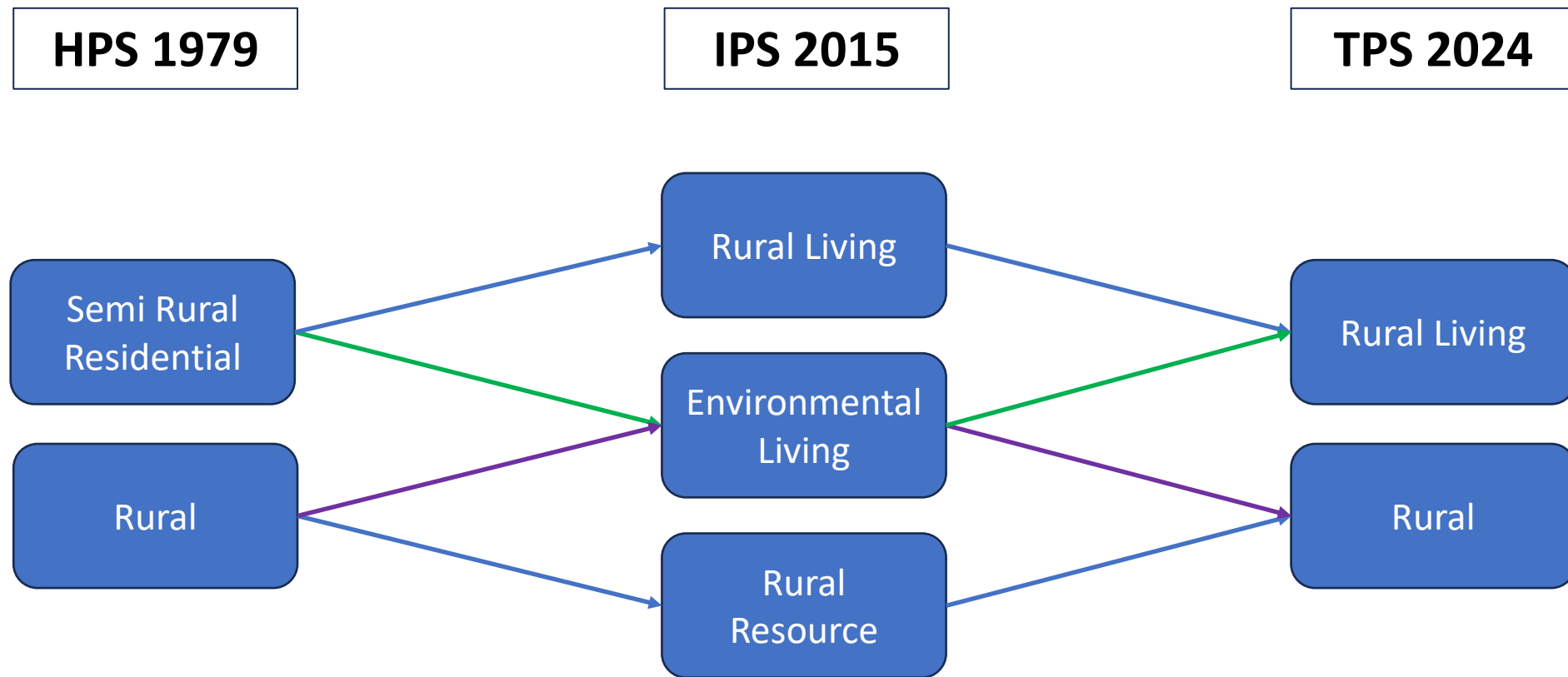
Should it have been this difficult?

Ministerial Advisory Statement – 23 June 2017

The current process of preparing draft LPSs to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.

Notwithstanding this, the Government is aware that a number of planning authorities have a backlog of local strategic planning that was not implemented through the interim planning scheme program and represents important strategic planning for their municipal area. Where this local strategic planning has been completed, fully documented, endorsed by the relevant planning authority, and is clearly consistent with the existing RLUS, the LPS may be prepared in accordance with that. If an amendment to a RLUS is required, there needs to be agreement by the regional council group, and relevant State Agencies, before the Government will consider amendments to the relevant RLUS.

Respecting the Ministerial Advisory



A statement which is not logically sound

Extract from 35F report

“In terms of landscape values, the vegetated hills, and valleys which frame cleared agricultural land, interspersed with remnant areas of bushland, together with the river and the tributary waterways is a key characteristic and landscape value of the Huon Valley... This landscape is considered an important scenic backdrop to the Huon Valley. Accordingly this landscape value on a municipal value, should be protected from inappropriate development”

There are several logical flaws with this statement:

1. (Blue) – this statement describes the whole Valley, it is not a key characteristic.
2. (Red) – this is suggesting that the whole of Huon Valley (excluding business district and urban developments) is a backdrop to itself.
3. (Green) – this is the author’s view (only). I would respond by saying that the fundamental character of the Valley is a cultural landscape patchwork of cleared/non-cleared areas including on both hills and valleys, with rural development and living. It is this that makes the Huon Valley landscape interesting and appealing. Any such continuation of this pattern can hardly be considered “inappropriate”

Question for the Commission:

Does the Commission agree that the preceding Landscape definition used to justify LCZ application and used repeatedly through the 35F is not logically sound?

The approach does not respect LUPA

Extract from 35F report

“The application of the Landscape Conservation Zone are the first level of selection identified lots that had 80% native vegetation coverage and the presence of either the Natural Assets or Scenic Landscape overlay (i.e. areas identified for protection and conservation). Given these constraints of each lot, it was considered there is potential for small scale use or development only, not the scale of development that is permitted in the Rural Zone”

I content that this methodology:

1. directly contravenes section 5 of LUPA, as it does not fully consider land capability and the other Objectives of the Resource Management and Planning System of Tasmania. For example - on large lots 20 % of the title is a lot of space which can be utilised. The approach is not “fair” and does not support sustainable development.
2. further, it does not meet the commonly understood objectives and standards of the Planning Profession – these being to appropriate balance competing priorities

Question for the Commission:

Does the Commission agree that the preceding LCZ application statement does not respect LUPA?

Land Use Planning and Approvals Act 1993

5. Objectives to be furthered

It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in [Schedule 1](#) .

LUPAA – Schedule 1 Objectives (Part 1)

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) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1 (a), *sustainable development* means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

LUPAA – Schedule 1 Objectives (Part 2)

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

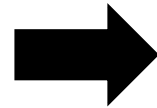
The objectives of the planning process established by this Act are, in support of the objectives set out in [Part 1](#) of this Schedule –

- (a) to require sound strategic planning and co-ordinated action by State and local government; and
- (b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- (c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- (d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- (e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- (f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- (h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- (i) to provide a planning framework which fully considers land capability.

Planning Institute of Australia



Planners are professionals who specialise in developing strategies and designing the communities in which we live, work and play. **Balancing the built and natural environment, community needs,** cultural significance, and economic sustainability, planners aim to improve our quality of life and **create vibrant communities.**



Not even attempted

Further errors with the Landscape Value application...

Further errors with the Landscape Value application...

“It is my opinion that the guidelines for the application of the Landscape Conservation Zone provide examples of what is meant by landscape values, including bushland areas, large areas of native vegetation, or areas of important scenic values”

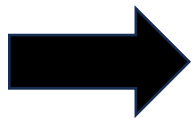
This statement is used to justify the application of LCZ based upon Natural Values

However there are two problems with this

#1. The development history of the SPPs

The **first issue** is that this statement ignores the development history of the SPPs.

- The draft zone purpose statement for LCZ made reference to Natural Values protection when released by the Minister for consultation in March 2016.
- However, following public consultation and finalisation of the SPPs, the references were removed.



This would indicate that the Government made an explicit decision to not define Landscape Values based upon the presence of Natural Values

<http://www.taspin.net/DraftSPPExplanatoryDoc7March2016.pdf>

Draft Zone Purpose:

*“The purpose of the Zone is **to provide for the protection of significant natural and landscape values** as well as to provide for complementary use or development which does not adversely impact on the protection, conservation and management of the significant natural and landscape values of the area.”*

Current Zone Purpose:

22.0 Landscape Conservation Zone

22.1 Zone Purpose

The purpose of the Landscape Conservation Zone is:

22.1.1 **To provide for the protection, conservation and management of landscape values.**

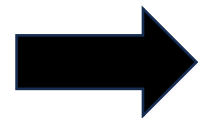
22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.

Question for the Commission:

Should important rezoning decisions be made based upon draft Zone explanatory material that is 7 years out of date?

#2. Draft Tasmanian Planning Policies

The **second issue** is that this statement is inconsistent with recently released draft Tasmanian Planning Policies



Tasmanian Planning Policies

Draft provided to the Tasmanian Planning Commission
in accordance with section 12C(3)(a) of the *Land Use
Planning and Approvals Act 1993*

#2. Draft Tasmanian Planning Policies

2.4 Landscape Values

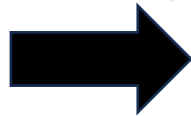
2.4.1 Application

Statewide.

2.4.2 Objective

To protect and enhance significant landscapes that contribute to the scenic value, character and identity of a place.

2.4.3 Strategies



1. Identify and map the extent of significant cultural, ecological, geological and aesthetic landscapes, scenic areas and scenic corridors and determine their specific features and values.
2. Promote the protection of significant landscapes, scenic areas and scenic corridors by recognising their individual scenic values and develop measures to encourage use and development that respects, and is sensitive to, the character and quality of those scenic values.
3. Avoid land use and development that causes the fragmentation of significant landscapes, scenic areas and scenic corridors, unless the use and development:

Huon LPS methodology is inconsistent with Consultant's own advice

The **final issue** worthy of note is that the Consultant's approach to the application of LCZ in the Huon (primarily a rural area), is entirely inconsistent with advice provided by ERA Consulting and Environment to the Tasmanian Planning Commission in a Central Highlands LPS Submission

*The submission is dated
13 October 2022*



o: L1, 125A Elizabeth Street, Hobart, 7000
p: (03) 6165 0443
e: enquiries@eraplanning.com.au
abn: 67 141 991 004

13 October 2022

Ms Claire Hynes
Delegate (Chair)
Tasmanian Planning Commission

By email: tpc@planning.tas.gov.au

Dear Ms Hynes,

**SUBMISSION TO THE CENTRAL HIGHLANDS LPS
ZONING APPLICATION FOR ST PATRICKS PLAINS**

Thank you for the opportunity to provide further submissions regarding the most appropriate zone application for the St Patricks Plains property. ERA Planning and Environment (ERA) represent Epuron Pty Ltd who are currently preparing documentation for the lodgement of a wind farm at the broader St Patricks Plains development site. In addition, ERA represents the land owners in the area, including:

Huon LPS methodology is inconsistent with Consultant's own advice

In effect, zoning small areas Landscape Conservation, with no basis, in a region that is otherwise dominated by rural activities, could result in conflicts between uses that are entirely avoidable. Certain uses could be approved on the site without consideration of surrounding agricultural operations, while the existing agricultural operations could be fettered.



include the construction of an agricultural shed for example, to support their current farming operations. To be approved through a discretionary pathway, consideration must be given to the landscape values of the site, which have not been identified, nor has any evidence been provided regarding their apparent “unique-ness”. Building heights



This is suggesting that Landscape Values should be based on “unique-ness” – such an approach has not been used by the Consultant in the Huon Valley

Representation 399

Part 4 – Other Considerations

Universal Declaration of Human Rights – Article 17



Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Article 17

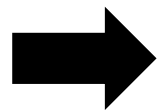
1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Universal Declaration of Human Rights – Article 17

What does “arbitrary” mean?

Definitions from the Merriam-Webster dictionary:

1. existing or coming about seemingly at random or by chance or as a capricious and unreasonable act of will
2. based on or determined by individual preference or convenience rather than by necessity or the intrinsic nature of something
3. not restrained or limited in the exercise of power : ruling by absolute authority
4. marked by or resulting from the unrestrained and often tyrannical exercise of power
5. depending on individual discretion (as of a judge) and not fixed by law



It is my view that a multitude of these definitions can be satisfied

Question for the Commission:

Will the destruction of fundamental land rights for private landowners under LCZ be a contravention of Article 17?



Question for the Commission:

How is it not a serious conflict of interest that:

- a consulting firm which as I understand specialises in providing planning advice, navigating environmental controls and providing solutions to clients in the private sector;

Is at the same time:

- proposing a highly-questionable increase in environmental controls at Government level which it and other similar firms will ultimately stand to profit from?

Representation 399

Part 5 – A solution



Representation 399

Part 2 – Speaking to my property

My property

- Purchased in 2009 for:
 - Rural lifestyle
 - Dream home build
 - Business opportunities
 - Multiple dwelling options (for extended family)
- The above endeavors were fully supported by the prior scheme
- I have invested significant sums in pursuit of the above objectives

Historical use

- Public Reserve Road through the property
- Historical utilisation of surrounding area for living, agriculture and forestry

Past, current and future intended use

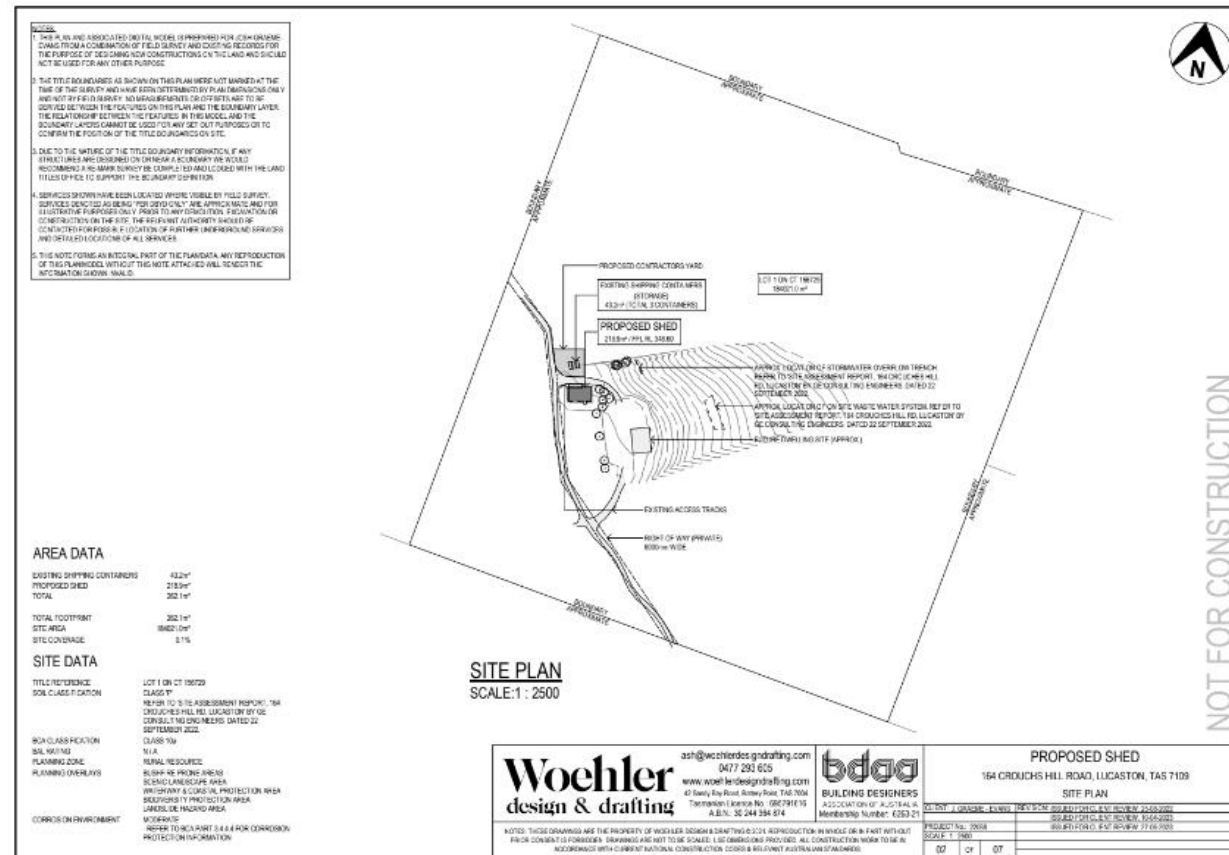
Use	LCZ compatibility	RZ compatibility	RLZ compatibility
Home	● Conflict ¹	✓	✓
Contractors Yard and storage	✗ Conflict ²	✓	✗
Small scale timber harvesting and processing ³	✗ Conflict ⁴	✓	● ⁵
Home business - joinery	✓	✓	✓
Visitor accommodation	✗ Conflict ⁶	✓	✗

1. LCZ building requirements will put me into conflict with Council. I purchased this particular property for the house site aspect and established access. I have invested significant sums relating to house being sited on this location. Conflicting LCZ requirements are 10m to ridgeline and roof area restrictions. The house site cannot be seen from any nearby location or roadway.
2. Planning Application has been submitted and there may be a need to increase scale or intensity into the future.
3. A Private Timber Reserve has been applied for. Allowable annual utilisation is 100 tonnes. Intended yield approximately 5 to 8 tonnes per annum.
4. Milling / processing on-site would not be supported
5. Milling not supporting / firewood processing should be

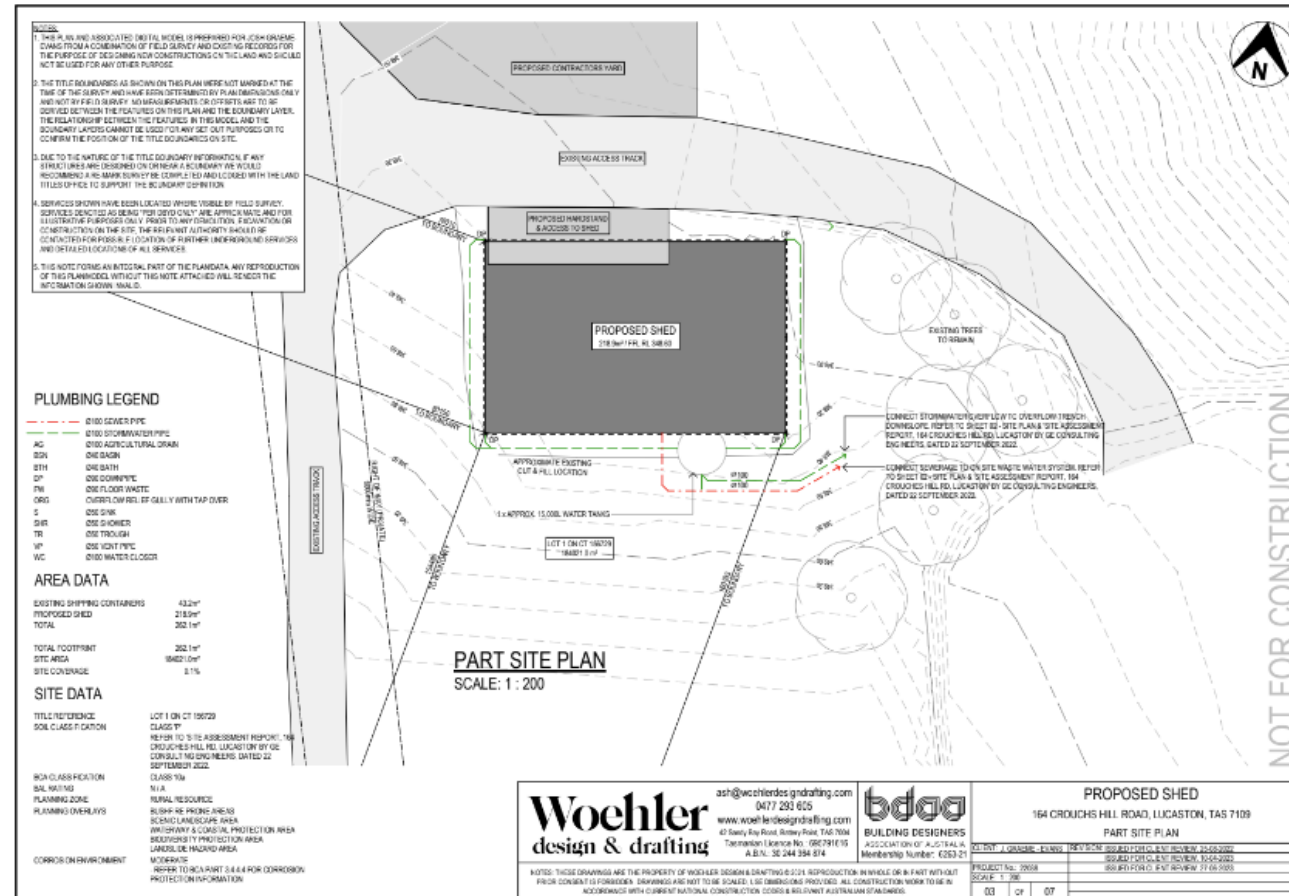
Equipment storage requirements



Proposed shed and contractor yard



Proposed shed and contractor yard

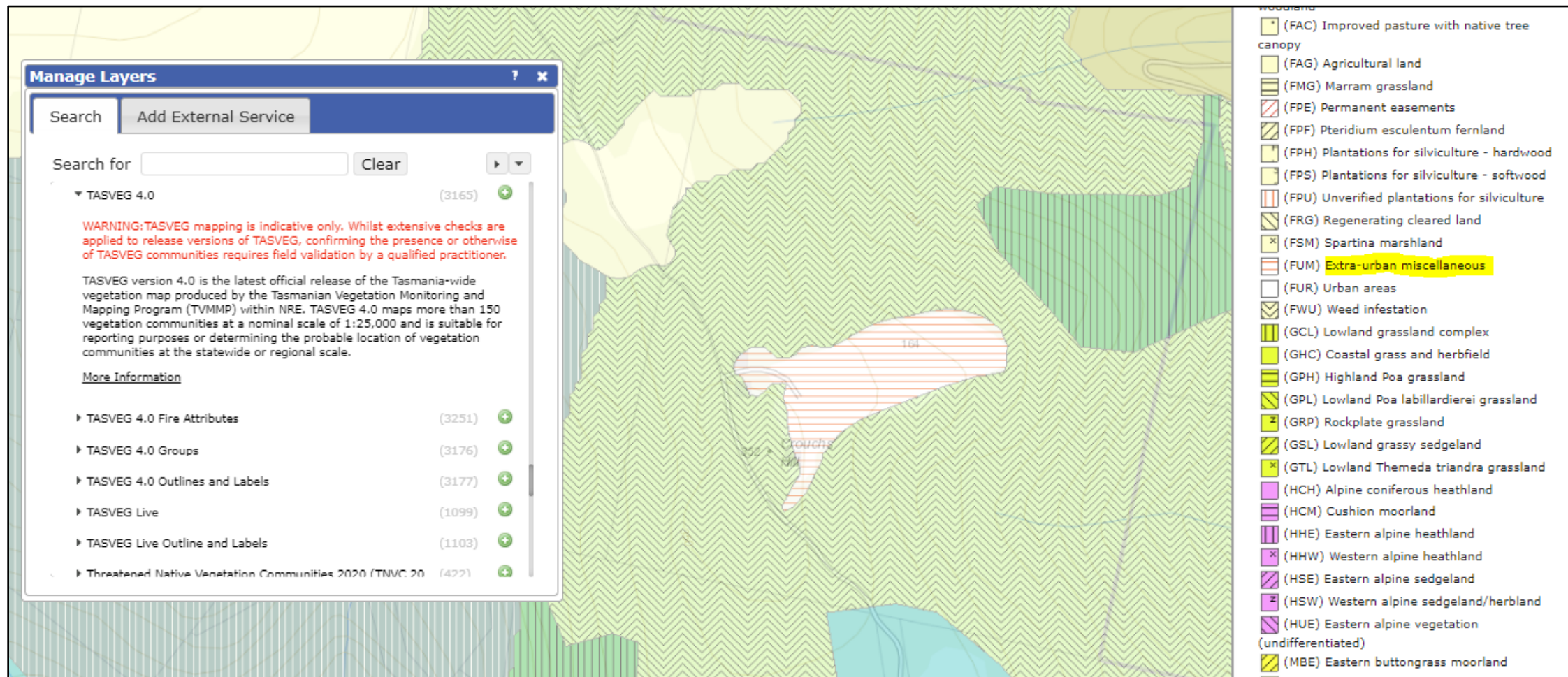


Split zoning

Key points:

- I do not support split zoning, as any application of LCZ is unethical unless supported by the landowner
- If the Commission is to take the unethical approach, then split zoning is preferred – however I will reserve my right to join a class action to overturn any such zoning decision and to seek compensation

Split zoning



Natural Assets – Priority Vegetation Area



Cleared area – Photo 1



Cleared area – Photo 2 (house site)



Natural Assets Code application

Key points:

- 164 Crouchs Hill Road has historically cleared areas
- These pre-date my acquisition in 2009 and the introduction of the IPS and the Natural Assets Code in August 2015

Request:

- That the Priority Vegetation Area mapping be removed from these historically cleared areas
- TasVeg 4 or Satellite imagery can be used for this – should include house site, shed site and contractors yard area

Natural Assets

