

Malcolm and Connie
Thomas, Representors
100 Randalls Bay Rd
RANDALLS BAY TAS 7112

08th March 2024

TPC Chair, Mr John Ramsay
For the Huon Valley Council Hearings
GPO Box 1691
Hobart TAS 7001

CEO, Mr Lachlan Krantz
Huon Valley Council
PO Box 210
Huonville TAS 7109

Dear Mr Ramsay, Hearings Panel, and HVC CEO, Mr Krantz,

Representation for the new zoning application as presented by the Huon Valley Council to the Tasmanian Planning Commission in the Draft Local Provisions Schedule (LPS) and supporting documents as it relates to our and family's property, as referenced overleaf Table 1.

Further, this document is our response to the Tasmanian Planning Commission's Direction 6 and 7, Ref DOC/24/19309, Attachment A.

Regards,

Malcolm Thomas

Table 1: Property Details			Location address: Ref to CT/PID below		
CT	PID	Area Size	HVIPS2015	Port Cygnet Planning Scheme 1988	HVC Proposed LPS Zone
137938/3	9754201	26.56ha	Rural Resource	Rural A	Rural
148436/1	9754201	20.23ha	Significant Agriculture	Rural A	Agriculture
166918/2	9754201	38.59ha	Significant Agricultural	Rural A	Agriculture
215497/1	9754201	16.18ha	Significant Agricultural	Rural A	Agriculture
226262/1	5864588	39.85ha	Rural Resource; Environmental Management	Rural A	Environmental Management; Rural
229352/1	9754201	25.52ha	Rural Resource	Rural A	Landscape Conservation
230291/1	7418418	7.76ha	Rural Resource	Rural A	Landscape Conservation
231571/1	7418418	4.91ha	Rural Resource	Rural A	Landscape Conservation
244204/1	7418418	160.1ha	Rural Resource; Significant Agricultural	Rural A	Agriculture; Landscape Conservation
212013/1	9754202	6.56ha	Significant Agriculture	Rural A	Agriculture
75731/1	3566675	0.61ha	Significant Agriculture	Rural A	Agriculture
166918/1	3264212	23.89ha	Significant Agricultural; Environmental Management	Rural A	Agriculture; Environmental Management

Overview of Desired Outcomes (in order of preference):

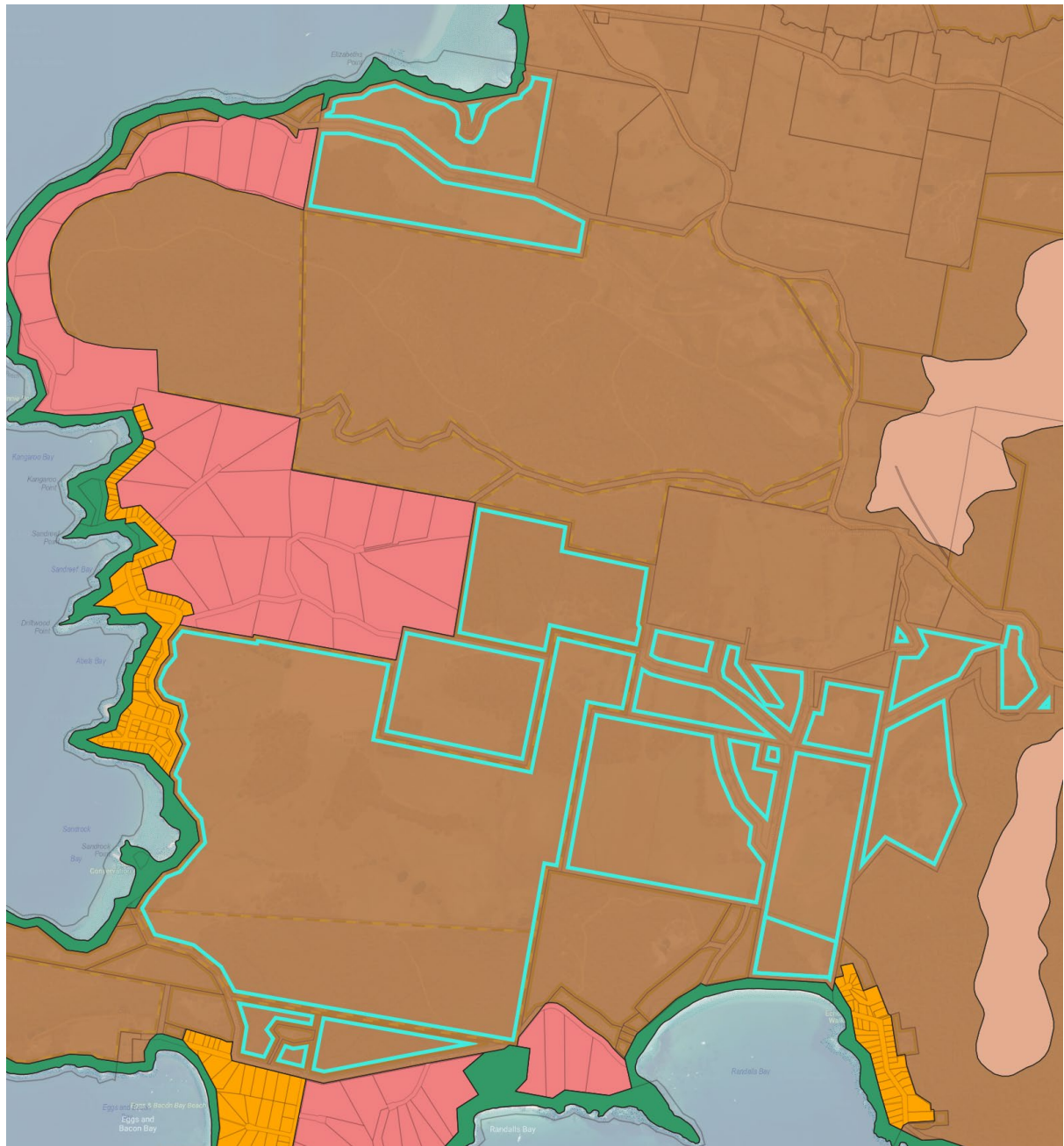
Preference A:

CT#	Zone/Overlay Outcome
230291/1; 231571/1	Rural Living Zone D; PVA to transition as proposed; Other Overlays Transitioned as Proposed.
244204/1	Split Zone Agriculture Zone and Landscape Conservation Zone; PVA to be removed from Agriculture Zoned Area, Modified on Landscape Conservation Zoned Area.
48436/1; 166918/2; 215497/1; 226262/1; 229352/1; 212013/1 (Steven and Rebecca Eiszele); 75731/1 (Beverley Thomas)	Agriculture Zone; PVA to be removed from all Agriculture Zones;
137938/3	Rural Zone; Scenic Road Corridor to be removed; PVA to be removed.
166918/1 (Mary Thomas and Paul Parkyn)	Split Zone Agriculture Zone and Landscape Conservation Zone or Environmental Management Zone; PVA to be removed from Agriculture Zoned Area, Retained on Landscape Conservation/Environmental Management Zoned Area.

Preference B:

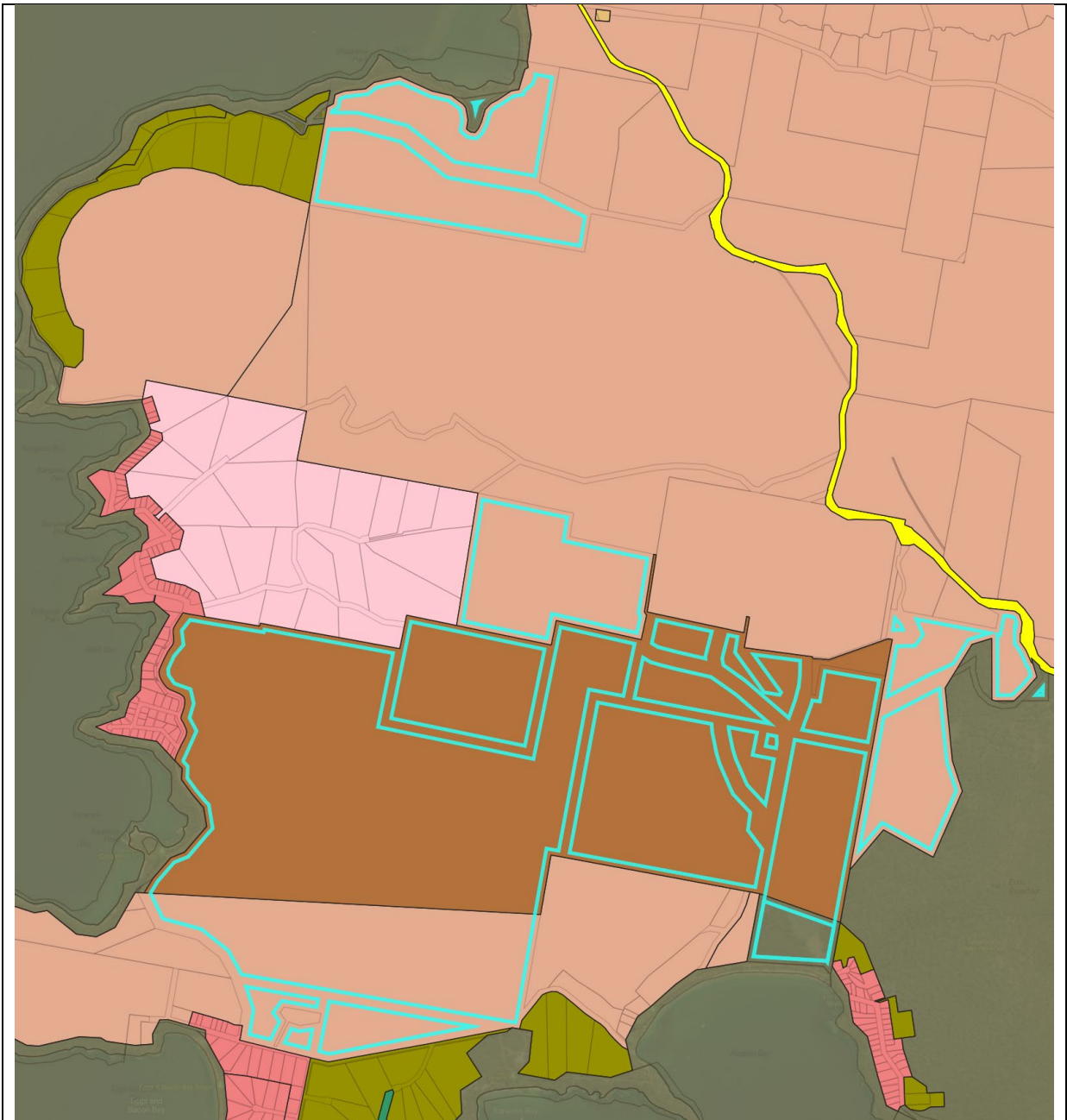
CT#	Zone/Overlay Outcome
230291/1; 231571/1; 137938/3; 148436/1; 166918/2; 215497/1; 226262/1; 229352/1; 244204/1; 212013/1 (Steven and Rebecca Eiszele); 75731/1 (Beverley Thomas)	All Titles to be zoned Agriculture Zone; PVA to be removed from all Agriculture Zones; 137938/3, Scenic Road Corridor to be removed.
166918/1 (Mary Thomas and Paul Parkyn)	Split Zone Agriculture Zone and Landscape Conservation Zone or Environmental Management Zone; PVA to be removed from Agriculture Zoned Area, Retained on Landscape Conservation/Environmental Management Zoned Area.

Location of titles











Map 1

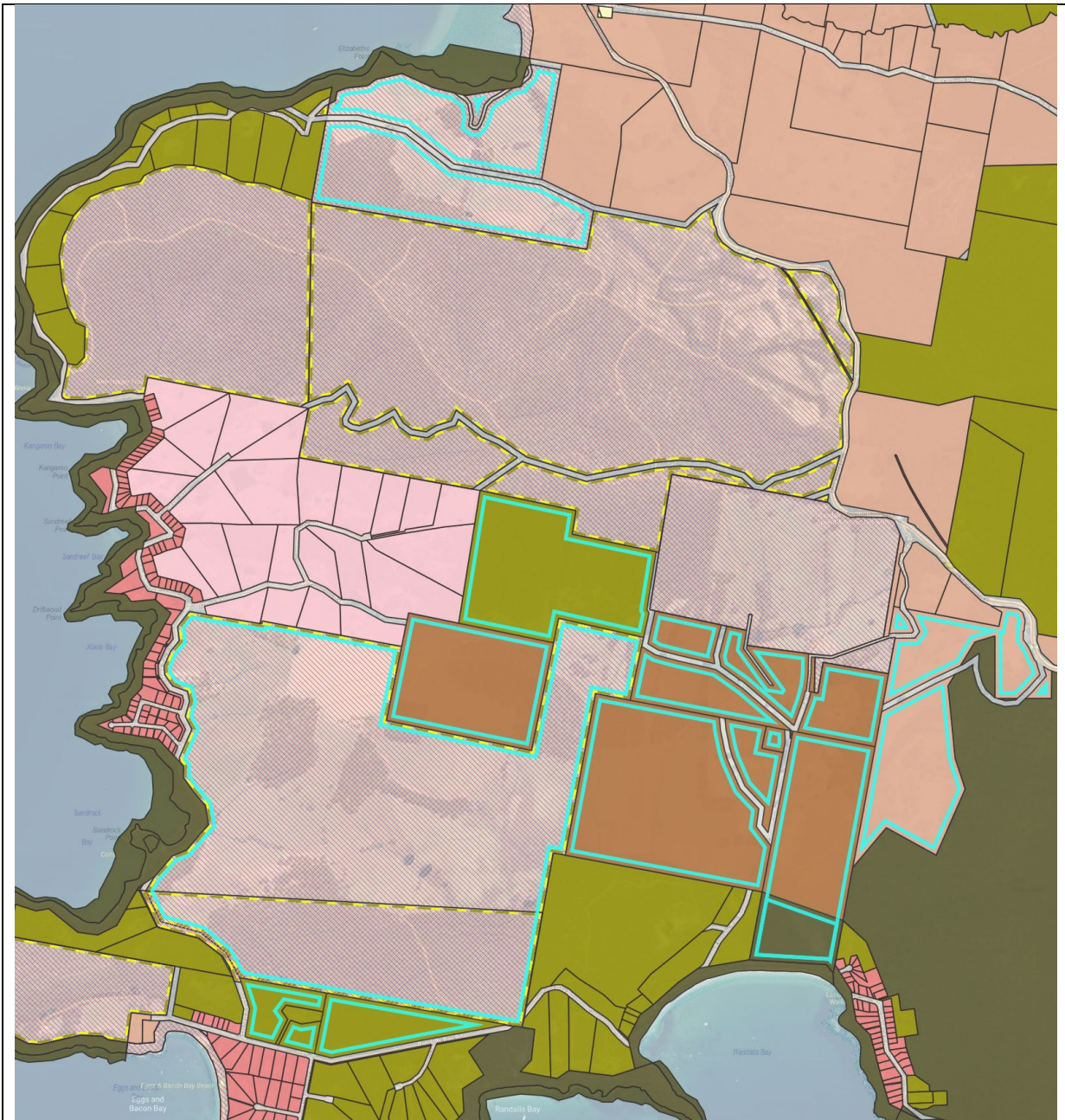
* All Titles in question were zoned as Rural A under the Port Cygnet Planning Scheme 1988



Map 2:

LEGEND (HVIPS2015 Zones):

	12.0 Low Density Residential		27.0 Significant Agriculture
	13.0 Rural Living		28.0 Utilities
	14.0 Environmental Living		29.0 Environmental Management
	19.0 Open Space		
	26.0 Rural Resource		



Map 3:

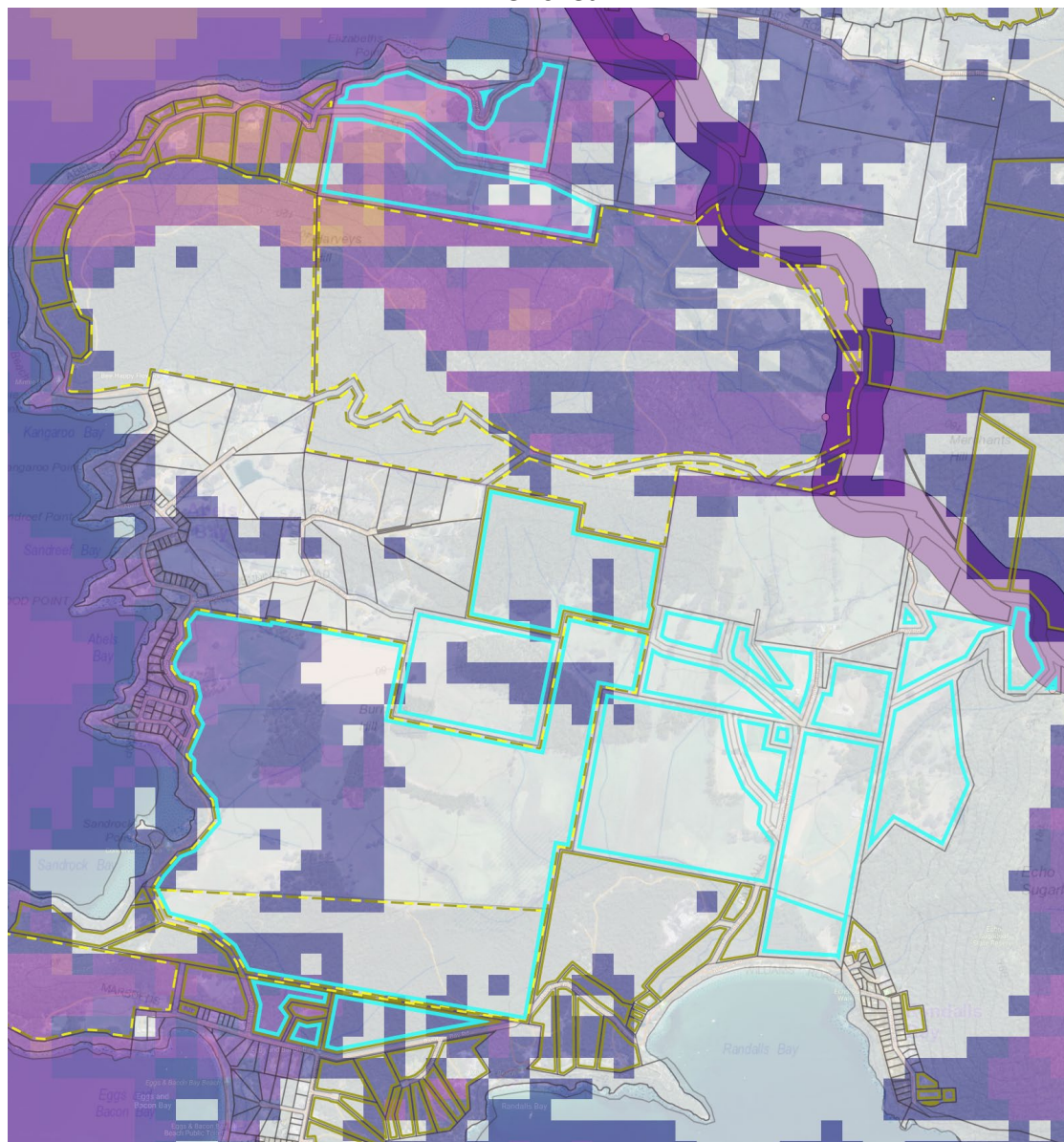
Proposed LPS Zones from HVC's 35F Document:

LEGEND		
■ General Residential	■ Light Industrial	■ Community Purpose
■ Low Density Residential	■ General Industrial	■ Recreation
■ Rural Living	■ Rural	■ Open Space
■ Village	■ Agriculture	■ Future Urban
■ Local Business	■ Landscape Conservation	■ Particular Purpose
■ General Business	■ Environmental Management	■ Split*

*Split Zones please consult Draft-HVC-LPS data Appendix 61 and later 35F documentation.

**Light Blue Border shows owner's land in question.

Viewshed



Huon Valley Zoning Association's Viewshed Map 4:

LEGEND

Suburb Boundary	5 - 8	18 - 20	Landscape Conservation Split Zone
HVZA-ViewShed	8 - 10	20 - 23	
No. of Viewpoints	10 - 13	> 23	
< 3	13 - 15	Landscape Conservation	
3 - 5	15 - 18		

*Light Blue Border shows owner's land in question.

**Landscape Conservation (LCZ) Borders indicate land within the Huon Valley Councils Endorsed 35F and Draft-LPS with LCZ full or split Zoning intent.

*** The HVZA-Viewshed indicates how visible parts of the subject title is from a viewshed based off of verified scenic road corridors. The colour shade represents how many viewpoints can see a portion of land. Further, explanation is to be provided to the TPC by HVZA.

Table 1. Overview Assessment used by the TPC to decide zoning during a representation under the new planning scheme - Tasmanian Planning Scheme 2020 V3 (at as 19th February 2020).

Snapshot

To assist provide an overview of the requirements each representation has been summarised using the table below, and where required, explored in further detail.

Overview assessment	
Is the representation consistent with:	Yes/No/NA
the STRLUS	
State Policies	
the Guidelines	
TPC Drafting Instructions/Practice Notes	
Local Strategy/Policy	
a "like for like" conversion of the CIPS2015	
Natural Justice issues	
Does the representation relate to the drafting/content of the SPP's?	
Does the merit of the representation warrant modification to the exhibited LPS?	

Additional Property Description

Please refer back to your notes and comments made during the hearing days.

I would like to further note that the majority of these properties, except for 230291/1, 229352/1 have functioning dams. 229352/1 has capacity for water.

Current use of title

Please refer back to your notes and comments made during the hearing days.

To recap. The land parcels in question support large scale Resource Development and Resource Processing. This is predominantly by way of several hundred head of livestock of a multifarious genus. Sheep, cattle for example. Depending on market factors we must remain flexible and not be fettered in our ability to transition from different types of Resource Development, e.g. crops, goats etc.

Our Resource Processing is secondary to the primary use of the Resource Development, but there are unrelated Resource Processing activities that occur, such as portable sawmilling and processing of firewood.

Most importantly is that on 137938/3 we operate a quarry.

How does the title not meet Council's proposed Zone and meet requested zones

Historically, all of the titles in question were zoned as Rural A under the Port Cygnet Scheme 1988 See map 1 on page 4 of this report for reference.

6.2 RURAL A ZONE

6.2.2 The intent of this zone is to protect the rural environment and to aid the continuance of farming and other rural related activities.

6.3 RURAL B ZONE

6.3.1 The intent of this zone is to preserve scenic quality, to protect flora and fauna habitats, to maintain the stability of the soils especially on the steep slopes, to protect water quality in water catchment areas and to recognise existing or potential forestry resources.

On page 18 of the Port Cygnet Planning Scheme 1988, Part 6 outlines the objectives of the Rural Zones A and B.

Of note it could be argued, and we do, that the Rural A Zone's Objective and Intent as above is more in alignment with the re-calibrated Agriculture Zone from within the framework as set out in the Tasmanian Planning Scheme's State Planning Provisions. This is clearly articulated from Fact Sheet 4 – Tasmanian Planning Scheme – Rural and Agriculture, page 1, "The Agriculture Zone provides a much broader scope for the identification and protection of agricultural land in Tasmania. Priority is given to agricultural uses in this zone".

It is also argued that through the Interim Planning Scheme Process in 2015, the Planning Authority had implemented a zoning pattern of Rural Resource Zone and Significant Agriculture Zone that fractured the continuity and expected land use operations across our titles. In their defence this could have been due to the conflicts created outlined within Fact Sheet 4. To remedy this, an adoption of Agriculture Zone across the titles identified Preference A on Page 3 of this report should be implemented. It is also consistent with PR1, PR 1.1, PR 1.2, PR 1.4 and to a lesser extent PR 1.3 and PR 1.5 of the Southern Tasmania Regional Land Use Strategy (STRLUS) 17 May 2023, p A-18, A-19.

The split zoning of 244204/1 is particularly cumbersome. However, this is likely due to the fact that a Conservation Covenant was established by Mr Thomas Senior in the bottom South Eastern corner. The split is problematic as it is not transposed over the extent of the Conservation Covenant, but follows an almost East West continuum. The Western half is cleared and livestock graze through this area. Whilst this does not pose a risk of continued business operation under the Rural Resource Zone, there is a risk of this use being fettered from complaints should this be Split zoned Landscape Conservation across this part of the title that is currently Rural Resource Zoned.

However, a Landscape Conservation Zone Split across this extend may have merit should it please the Planning Authority and Commission that 230291/1; 231571/1 be zoned as Rural Living Zone D. A LCZ split on that portion of 244204/1 would provide the greater than 200m of setback from building potentiality for a sensitive use on titles, 230291/1; 231571/1. Further, the LCZ portion would meet the min ha lot size of 50ha (22.5.1 A1 of the SPPs).

It is requested that the split be modified as per map 5 and 6 as the conservation covenant is up for re-negotiation this year and part of this will be for the covenant boundary to be adjusted so that the waterhole/dam be outside of this covenant so appropriate fencing and vegetation management around the area be allowed. This is to support the ongoing animal husbandry use. This dam area is indicated within an **Orange box** in the maps mentioned.

This is a summary of the key numerical standards in the Rural and Agriculture Zones:

Standard	Rural Zone	Agriculture Zone
Building Height	12m	12m
Setback (all	5m	5m

boundaries)		
Buffers for Residential Use	200m from Agriculture Zone	200m from lot boundary
Min. Lot Size	40ha	nil

(Fact Sheet 4 Page 4, cf SPPs Setbacks 21.4.2 A2)

A Rural Living Zone D of 230291/1; 231571/1 is consistent with the criteria outlined in SRD 1.3 of the STRLUS. Although it has been noted that throughout the LPS Hearings, neither the Planning Authority or its experts have established the minimum base number of titles with dwellings that would constitute a “rural living community” see SRD 1.3.1, we argue that 230291/1; 231571/1 are positioned within immediate surrounds to more than 10 titles with dwellings that exhibit a rural living community. We believe that this may have actually been a potential Rural Living Cluster that was identified by the TPC for further investigation. We support this conclusion. Map 5 in Appendix A shows this outcome.

A Rural Zone for 137938/3 is consistent with the criteria outlined in PR3, PR3.1 given that this title has an operational quarry. Agriculture Zone could also be applied here to further the contiguous zone block of Agriculture, but Extractive Industries is Discretionary in Agriculture Zone rather than a Permitted Use as it is under the Rural Zone.

Are you challenging a Natural Assets Code?	Yes	No
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In Table 12 of the Planning Authority's support LPS Report they admit to there not being enough data due to "limited sampling and [modelling is] somewhat deficient" as it relates to being able to provide a robust database of vegetation communities that can be relied on.

REM modelling and the reports made available by the Planning Authority were constructed using TasVeg 3.0 data, and feature statements specific to the reliability of a number of the stated observations to fluctuate between "variable" to, in most cases either "highly variable" or "extremely variable".

TasVeg 4.0 may provide more up to date information and indeed this can be seen with the variances between the TasVeg 3.0 indications, but again even this dataset comes with warnings that areas of interest are "indicative" only:



Figure 1: List Map Overlay Warning Displayed. (source: Listmap. Accessed 26th May 2022).

When investigated further the NRE site has this to say about TasVeg mapping data:

TASVEG community types and their accuracy

Correctly identifying TASVEG community types and their location is a complex undertaking. TASVEG mapping is provided as a planning tool that allow users to investigate what community types are likely to exist on the property or location of interest. **As TASVEG mapping is indicative only, it should not be used as a legal basis for vegetation assessments.**

Figure 2: Source: [https://nre.tas.gov.au/conservation/development-planning-conservation-assessment/planning-tools/monitoring-and-mapping-tasmanias-vegetation-\(tasveg\)/tasveg-the-digital-vegetation-map-of-tasmania](https://nre.tas.gov.au/conservation/development-planning-conservation-assessment/planning-tools/monitoring-and-mapping-tasmanias-vegetation-(tasveg)/tasveg-the-digital-vegetation-map-of-tasmania) Accessed, 26 May 2022):

It therefore should be understood that even if we are to accept the somewhat improved data of TASVEG 4.0, and we don't, the State Government echoes the unreliability sentiments of Council, further establishing that these datasets should not be used as a legal basis for vegetation assessments. It then follows that using TASVEG data to inform planning matters, a legal assessment of vegetation, is invalid. At best it can only be indicative of potential flora and fauna communities. So, we object to the use of the TASVEG report's findings and it's legal standing to have any legitimate authority to speak definitively over our property by way of zone or overlay.

It was also heard through these hearings that one of the Planning Authority's consultants had estimated the reliability/accuracy of the REM modelling to be no greater than 50%.

These communities must therefore be ground truthed.

Additionally, the presence of Priority Vegetation Overlay across the titles mentioned in preference A has the very real impact of fettering what has and is, agriculturally used land. This fettering is by way of over zealous Planning Authority's Compliance investigations that halt operations until such investigations/remedies are reached. I have a number of landowners inform me of such occurrences when clearing weeds and previously cleared pastures. Appendix C has an instance where compliance controls were, as I understand it, excessively applied.

Such fettering due to compliance issues arising from inappropriately applied overlays is costly to the land owner, us, and is direct conflict of our established land use and that of the State's Policy of Agricultural Land 2009 sections 2, 3, 6.a) and b) with Agricultural land and Agricultural use being defined under section 7. As:

Agricultural land

"Agricultural land" means all land that is in agricultural use or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses.

Agricultural use

"Agricultural use" means use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling, packing or storing of produce for dispatch to processors. It includes controlled environment agriculture and plantation forestry.

The PVA and its implementation and potential enforcement by the Planning Authority over our land also conflicts with the Forest Practices Regulations 2007 Section 3. Interpretations:

previously cleared and converted land means land –

- (a) whose owner can demonstrate a history of agricultural or other non-forest land use over a consecutive period of at least 5 years, since 1985, during which the land did not contain trees or threatened native vegetation communities; or
- (b) that has been cleared and converted in the immediately preceding 5-year period in accordance with a certified forest practices plan;

That is to say that we have met 3. a) in that we have a long-established history of agricultural use. Much more than the minimum of 5 years. This extends to the cleared pastures and the tree/vegetation regrowth areas, particularly the areas that I had indicated that we use and manage for shelter belts.

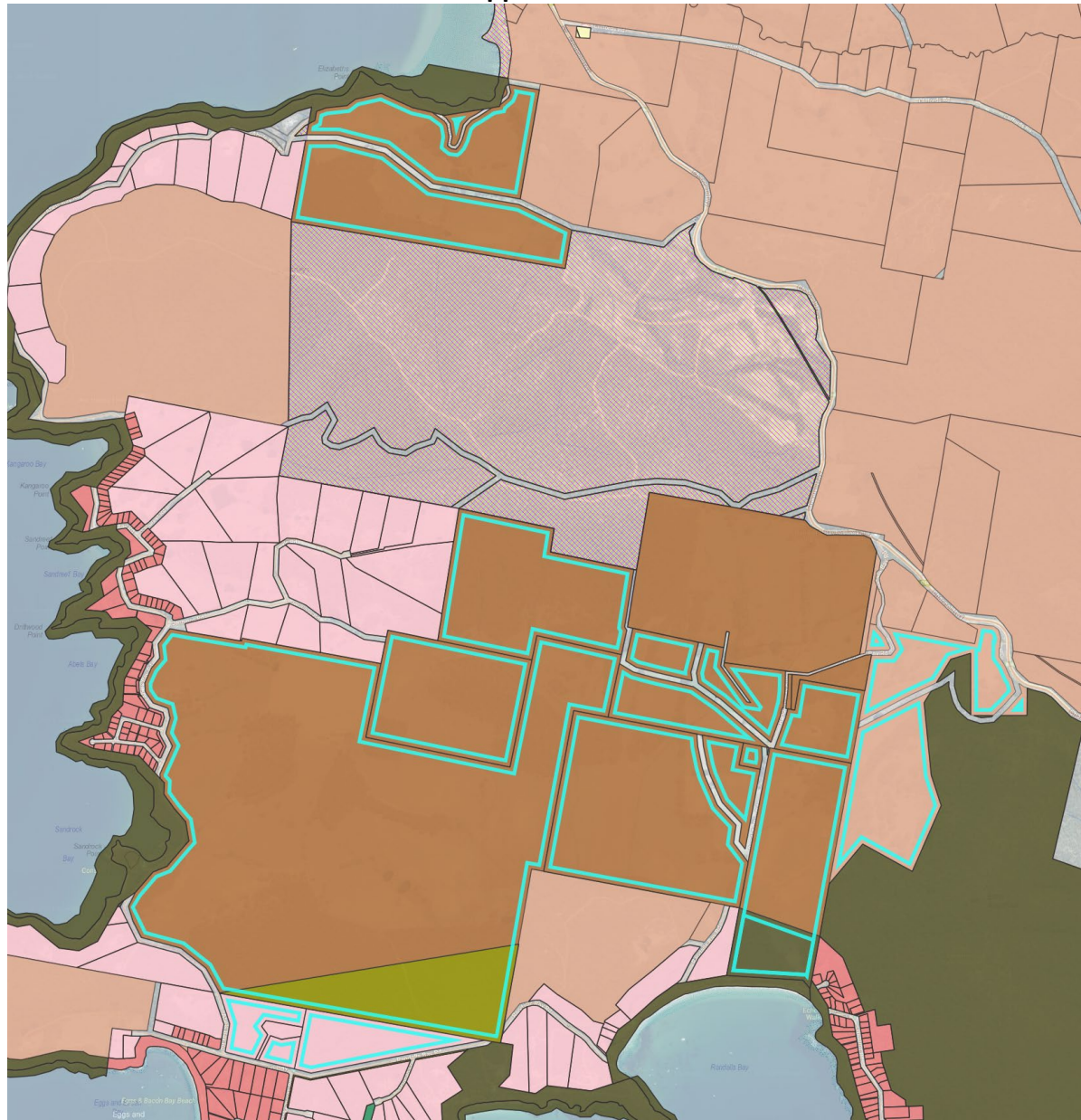
It then should be concluded that owing to actualised enforcement actions by the Planning Authority from other landowners' experiences, and our demonstrated agricultural uses that the proposed PVA be removed entirely, except for where the proposed LCZ split is

indicated on 244204/1. This will naturally occur should the more appropriate Agriculture Zone be applied in accordance with Preference A or B as indicated on page 3 of this report.

Where 137938/3 is zoned as Rural, the PVA and Scenic Road Corridor overlays should be removed as it is used as a quarry. Priority Vegetation is not expected to have any real presence within the quarry site, and an overlay is inappropriate. The presence of these overlays could lead to vexatious and frivolous complaints being brought against the quarry's operation.

In summation, we believe that either of the outcomes on page 3 of this report and Preference A being demonstrated in Appendix A and B maps should be the logical adoption of zoning and overlays.

Appendix A



Map 5: Proposed LPS Zones from M. Thomas:

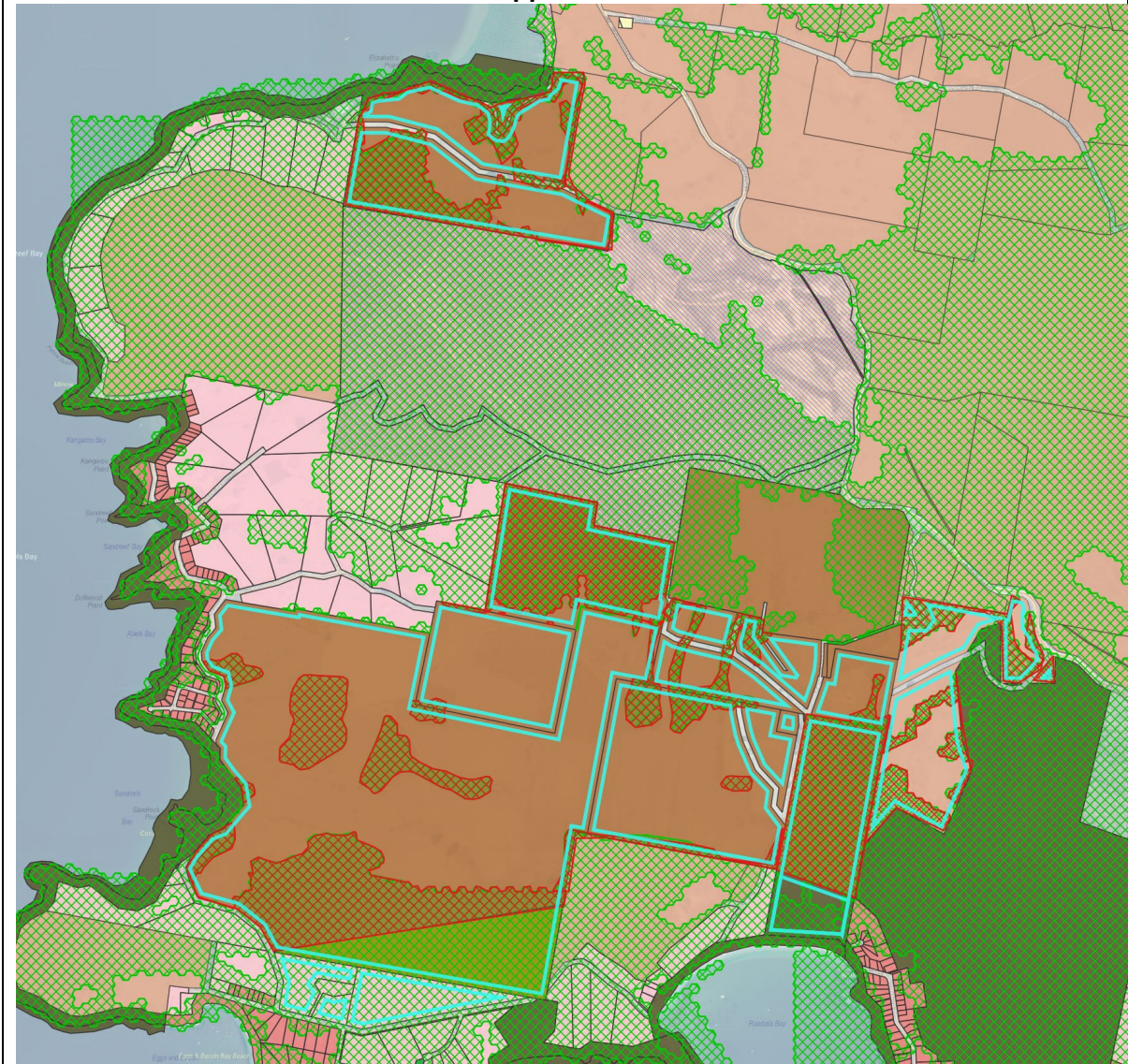
LEGEND		
■ General Residential	■ Light Industrial	■ Community Purpose
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■ Rural Living	■ Rural	■ Open Space
■ Village	■ Agriculture	■ Future Urban
■ Local Business	■ Landscape Conservation	■ Particular Purpose
■ General Business	■ Environmental Management	■ Split*

*Split Zones please consult Draft-HVC-LPS data Appendix 61 and later 35F documentation.

**Light Blue Border shows owner's land in question.

*** Additional Rural Living Zones in the South have been allocated from what was recalled from the hearings.

Appendix B





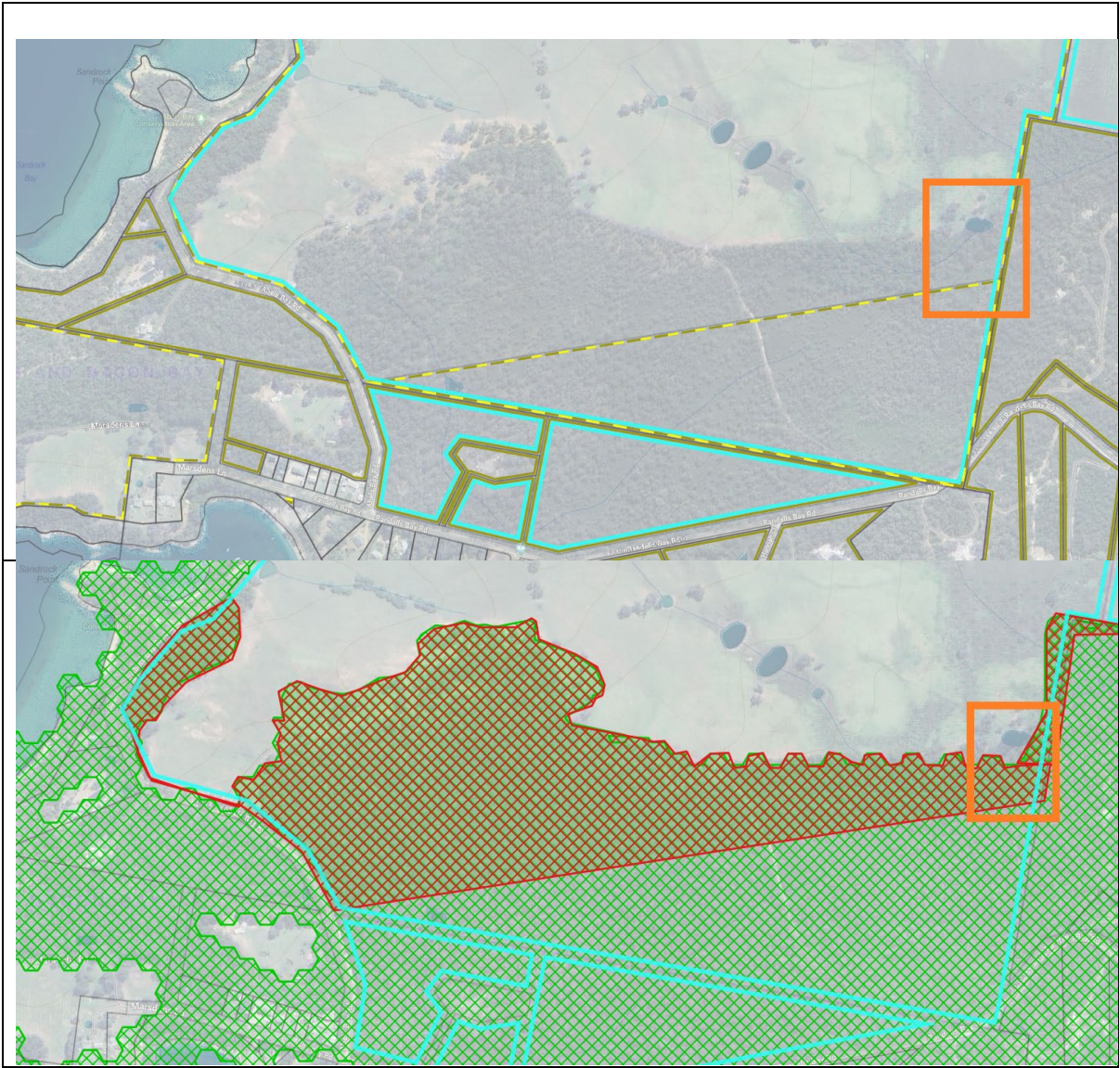
LEGEND (M. Thomas PVA Overlay Map 6):



Priority Vegetation Overlay
Removed



Priority Vegetation Overlay
Kept





Residents in Huonville who received a compliance notice from Huon Valley Council to remove mulch and plantings on their verges have raised questions about the fairness of the order. (75)

Ratepayers' beautification efforts hit a snag

A recent move by Huon Valley Council (HVC) targeting homeowners for their self-funded verge landscaping efforts has sparked a heated debate within the community.

With notices issued to a select group of residents demanding the restoration of council verges to their original, often weedy and unmaintained state, questions are being raised about the fairness and rationale behind such actions.

The controversy centres around the council's utilisation of the 'Section 20 Roads (Local Highways) By-law 2014', which prohibits the depositing of materials on roads and regulates the treatment of roadside vegetation.

This has led to demands for the removal of mulch, crushed rock, and other landscaping enhancements that homeowners have introduced at their own expense.

Critics argue that the council's approach is inconsistent, pointing out that in Huonville's immediate town centre alone, more than 75 properties deviate from the council's stipulations without repercussion.

Comparisons have been drawn with neighbouring Kingborough Council, where many residents employ water-wise landscaping techniques extending to the curb without facing similar scrutiny.

Councillor Jenny Cambers-Smith offered insight into the council's stance and future direction, while acknowledging the distress residents experience upon receiving such notices.

She stated, "I was contacted recently by two residents of Huonville, who'd received a compliance notice from council, asking them to remove mulch and plantings on their verges. "In response, councillors and staff have discussed the issue and council has started a process of developing a verge policy and guidelines, in line with those developed by other councils including the City of Hobart."

This statement underlines the council's recognition of the matter's complexity, with past activities on verges presenting ongoing challenges.

"I understand the anxiety residents feel when they receive such notices, and also that there are many legacy issues for council associated with activities on verges that date back many years," Councillor Cambers-Smith further explained.

"I'm looking forward to promoting new guidelines that will give residents certainty and a chance to personalise and improve their local streetscapes."

Meanwhile, residents are advised to exercise patience and refrain from making alterations to council land.

"I hope we can find workable solutions for those who have already received notices and would urge people to not undertake any work on nature strips or road reserves in the meantime, until they have consulted council."

The Huon Valley Council's move to update its policies to align with successful frameworks like those of Hobart City Council offers a glimmer of hope for those seeking to enhance their local environment sustainably.

The issue has ignited a broader conversation about the role of council policies in supporting or stifling community efforts to beautify public spaces.

As residents await the council's next move, there is a growing call for policies that recognise and reward rather than penalise ratepayers' contributions to the local environment.

With the deadline for compliance looming, the community's response and the council's subsequent actions will set a precedent for the management of public spaces and the value placed on ratepayer engagement in the Huon Valley.