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Sent: Mon, 28 Mar 2022 20:15:51 +1100
To: hvc@huonvalley.tas.gov.au;stuart80361@gmail.com
Subject: Planning Representation - Stuart Smith - {Application No:7}

Your representation has been submitted.

Please note: This representation may be subject to the provisions of the Right to Information Act 2009 which may result in its disclosure to a third party.

I/We (name)
Stuart Smith
Are you lodging as a Individual, Company or Organisation
Individual/s
Of Address
69 Brooke Street
Town or Suburb
Petcheys Bay
Postcode
7109
Email
stuart80361@gmail.com
Phone Number
0475555060
References
Clause 22.0
Comments
Please refer to the attached document : PB1-27thMarch2022
File
<ul style="list-style-type: none">LPS-Representation-Doc-PB1-27thMarch2022.pdf
Submit Application
<ul style="list-style-type: none">Yes Submit

Document Number :
PB1-27thMarch2022

Introduction

This representation aims to demonstrate that for the specified land area, the draft Tasmanian Planning Commission LPS should rezone this land area from Environmental Living Zone (HVIPS) to Rural Living Zone (SPP), not Environmental Living Zone (HVIPS) to Landscape Conservation Zone (SPP) which is the current proposal contained within the draft Tasmania Planning Commission LPS.

The specified area that is being included in this representation is in Petcheys Bay, and covers a total area of 71 hectares. This area will be referred to as PB1.

Within PB1 there are 22 properties with property ID numbers as follows – 7767263, 7767255, 7767247, 2197695, 5852819, 7579377, 2713186, 7668919, 2713194, 2029659, 2538066, 2029640, 2029667, 2029675, 2029683, 2029691, 2029704, 2197716, 2246354, 2796866, 2246442, 2246434.

The average area per property (once infrastructure such as roads is deducted) is less than 3 hectares per property.

Of these 22 properties, 17 properties have existing residences, 3 properties are in the design / planning phase, and 2 properties are of unknown status.

Every block has access to either a road maintained by Huon Valley Council or via a private access road, and electricity is available at the perimeter of every block.

10 of the 22 blocks were created through a major subdivision permitted / approved by Huon Valley Council for rural living. These 10 blocks are each roughly 3.5 hectares in size. At the time of subdivision Huon Valley Council clearly saw this area as a rural residential community, and people purchased these blocks of land with the intent to build a residence, and undertake associated development.

Within PB1 (71 hectares / 22 properties) there are four distinct areas of native vegetation. NV1 totals 18.15 hectares, NV2 totals 2.45 hectares, NV3 totals 1.0 hectares, and NV4 totals 7.7 hectares. Combined they represent 29.3 hectares, or about 43% of the total area of PB1. These four areas display a non-continuous native vegetation corridor and therefore it is not conducive to native fauna habitat. It falls well short of the 80% minimum native vegetation required for the Landscape Conservation Zone (SPP).

The documents used by Huon Valley Council to determine the extent of Native Vegetation appear to be outdated by recent development and construction, and the native vegetation area will further be reduced by the 3 properties (*) that will be submitting for planning applications sometime this year. (* as advised by the property owners)

It further appears that Huon Valley Council are using larger areas of adjacent land which exhibit near 100% native vegetation cover, to justify including areas such as PB1 (which has less than 45% native vegetation cover), to create an average of 80% native vegetation cover across the entire area. This is clearly manipulation of numbers to suit a preferred outcome.

The following attachments have been provided.

- 1) Layout of PB1 showing the proposed boundaries, and native vegetation areas.
- 2) Current and proposed residential development, also showing the extent of the subdivision that was previously permitted / approved by Council. Private access roads within Crown Land

Reserves and are NOT maintained by an approved road authority. Huon Valley Council refuses to maintain these private access roads.

The table below sets out the pertinent criteria for each zone. Information for this table has been derived from the Huon Valley Council. Supporting Report for the Huon Valley Draft Huon Valley LPS, and handouts provided by Huon Valley Council at their information sessions.

Environmental Living Zone (HVIPS)	Rural Living Zone (SPP)	Landscape Conservation Zone (SPP)
<p>Intent</p> <p>To provide for residential use and development in areas where existing native vegetation are to be mostly retained.</p>	<p>Intent</p> <p>To provide for residential use and development in a rural settings where services are limited, and where existing natural and landscape values are to be retained. As well as providing for higher density rural living areas subject to land constraints.</p> <p>The Rural Living Zone (SPP) meets with Huon Valley Councils previously permitted / approved subdivision to block sizes of approximately 3.5 hectares</p>	<p>Intent</p> <p>To provide for the protection, conservation and management of landscape values, and only allow for development where these values are not adversely impacted.</p> <p>Minimum of 80% native vegetation. Provides for a minimum lot area of 50 hectares, and 20 hectares with certain performance criteria</p> <p>PB1 does not meet the criteria set out for LCZ 1, LCZ 2, or LCZ 3</p>
	<p>Implementation</p> <p>Rural Living Zone (SPP) allows for RLZ A (1 hectare), RLZ B (2 hectare), RLZ C (5 hectare), and RLZ D (10 hectare)</p> <p>PB1 meets the criteria for Rural Living Zones C or D</p>	<p>Implementation</p> <p>LCZ 4 states that Landscape Conservation Zone (SPP) should NOT be applied to land where the priority is for residential use and development</p> <p>The Landscape Conservation Zone (SPP) has been applied to 100% of land previously designated as the Environmental Living Zone (HVIPS). This re-zoning does not appear to have been researched and applied appropriately.</p>
<p>Residential Use and Development (Visitor Accommodation)</p> <p>Permitted Use</p>	<p>Residential Use and Development (Visitor Accommodation)</p> <p>Permitted Use</p>	<p>Residential Use and Development (Visitor Accommodation)</p> <p>Discretionary Use</p> <p>Huon valley Council is</p>

		<p>attempting to change their previous permits and approvals for small block subdivisions to make residential development a discretionary use (clause 22.2 - for applications not within a building area or shown on a sealed plan)</p> <p>This significantly impacts on persons who have purchased land with the intent of building a residence, or as an investment property. In both cases there will be significant impact on the property value should the rezoning to Landscape Conservation Zone (SPP) proceed.</p>
<p>Road Access</p> <p>Allows for private access roads to be built and maintained by the property owners (including private access roads within crown land road reserves)</p>	<p>Road Access</p> <p>Allows for private access roads to be built and maintained by the property owners (including private access roads within crown land road reserves)</p>	<p>Road Access</p> <p>Does not allow for private access roads</p> <p>To further restrict development the Landscape Conservation Zone (SPP) states that a new dwelling must be located on lots that have frontage with access to a road maintained by a road authority (clause 22.4.3)</p> <p>PB1 has 8 separate Crown Land Road Reserves (as per Huon Valley Councils previous subdivision permit / approval) and a number of these Crown Land Road Reserves have been upgraded into private access roads to existing dwellings. Huon Valley Council refuses to accept responsibility for the up-keep or maintenance of these private access roads.</p> <p>Therefore any development application for blocks with frontage to Crown Land Road Reserve will not meet the road access criteria, as these private access roads are NOT being maintained by a road authority.</p>

		<p>This provides Huon Valley Council with ultimate authority to reject all residential planning applications on any property that does not have frontage with access to a road maintained by a road authority.</p> <p>This road access criteria directly impacts 10 of the 22 properties within PB1. These 10 properties are included in the permitted / approved Huon Valley Council subdivision. As such Crown Land & Huon Valley Council have previously granted approval for access via non-authority maintained roads.</p>
<p>Conclusion</p> <p>Under the Tasmanian Planning Commission guidelines Environmental Living Zone (HVIPS) is being rezoned to either :</p> <p>Rural Living Zone (SPP) - acceptable outcome</p> <p>or</p> <p>Landscape Conservation Zone (SPP) – unacceptable outcome</p>	<p>Conclusion</p> <p>The Rural Living Zone (SPP) can still meet the environmental protection for existing native vegetation areas, however at the same time this zone will not devalue the land and property assets.</p> <p>Land and houses are peoples greatest monetary assets and Huon Valley Council should not have the right to implement rezoning that will prohibit development, and consequently substantially reduce their value.</p> <p>If Environmental Living Zone (HVIPS) must be abolished, then Rural Living Zone (SPP) is the best like for like re-zoning option for PB1.</p> <p>With 22 blocks and 17+ residences It is substantially a rural residential community as was previously envisioned by Huon Valley Council when they permitted / approved the subdivision of land into small 3.5 hectare lots.</p> <p>The Rural Living Zone (SPP) also allows for the inclusion of</p>	<p>Conclusion</p> <p>Re-zoning to Landscape Conservation Zone (SPP) allows Huon Valley Council to reject development approval, and this will result in a fall in the value of properties within PB1, particularly for the 10 properties that do not have access from a road that is maintained by an approved road authority.</p> <p>It is clear that all Environmental Living Zone (HVIPS) blocks were purchased with intent on creating a rural lifestyle, however with 100% re-zoning of the Environmental Living Zone (HVIPS) to Landscape Conservation Zone (SPP), the land will substantially reduce in value, and compensation for this devaluation will need to be addressed.</p> <p>Clearly PB1 does not meet the primary 80% native vegetation criteria for the Landscape Conservation Zone (SPP)</p>

	private access roads, and is clearly the only alternative zone where there is no adverse devaluation of the blocks within PB1.	
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Final Summary

Huon Valley Council has implemented the Tasmanian Planning Commission LGS planning scheme, by rezoning 100% of all Environmental Living Zone (HVIPS) to Landscape Conservation Zone (SPP). This appears to have been done as a deliberate strategy without any consideration to the people who own the land currently zoned as Environmental Living Zone (HVIS). Huon Valley Council prepared some 6 detailed comparison sheets which highlighted the pertinent changes when rezoning from one zone to another zone. Although the Tasmanian Planning Commission has decreed that Environmental Living Zone (HVIPS) could be rezoned as Landscape Conservation Zone (SPP) or Rural Living Zone (SPP), Huon Valley Council purposely excluded a comparison sheet which detailed the changes from Environmental Living Zone (HVIPS) to Rural Living Zone (SPP) because they clearly have an agenda to prevent this particular rezoning from being implemented.

My personal situation is as follows. I am a retiree and invested some of my retirement funds into purchasing 65 Brooke Street in 2016. My wife and I believed this land would increase in value, and it certainly has. Purchased for \$130,000, the value prior to the announcement of the proposed rezoning was at least \$300,000 (my next door neighbour sold their property in June 2021 for \$290,000) This valuation and sales value can be substantiated.

Under the proposed rezoning to Landscape Conservation Zone (SPP) the property value will be decimated. As per clause 22.2 the approval for a dwelling will now be discretionary, and under clause 22.4.3 a development application will be rejected as the 65 Brooke Street does NOT have a frontage to a road that is maintained by a road authority.

If rezoning to Landscape Conservation Zone (SPP) proceeds we will definitely be seeking compensation from either Huon Valley Council or Tasmania Government, as we cannot envisage that anyone will be willing to buy a small 3.5 hectare lot of land which will fail to meet the very strict development criteria.

Surely some serious questions must be asked which allows Huon Valley Council to approve a rural living land subdivision into 3.5 hectare lots, fail to ensure the land developer constructs all-weather roads which the Council could then maintain, then allows the same developer to sell the subdivided lots, then under the new owners approve residential dwellings with private access roads constructed at the owners cost, then rezone the same land to prevent any future development. Some unfortunate people loose their retirement funds in quite elaborate scams, however it is hard to believe that Huon Valley Council could purposely be implementing a planning scheme where peoples hard earned retirement funds will be equally lost.

This representation clearly demonstrates that PB1 does not meet any of the criteria for rezoning to Landscape Conservation Zone (SPP).

Whereas PB1 meets all the criteria for rezoning to Rural Living Zone (SPP), as was envisaged by Huon Valley Council when they originally approved the land subdivision into small rural living lots.



Google Earth

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