

From: Emma Hamilton
Sent: 11 Oct 2020 23:57:03 +1100
To: Meander Valley Council Email;Planning @ Meander Valley Council;John Jordan
Subject: Submission re Draft Amendment Rezone for Westbury
Attachments: Emma Hamilton Objection to Council Rezone Amendment.pdf

To whom it may concern,
Please see attached submission
Emma Hamilton

Emma Hamilton
PO Box 285
Deloraine TAS 7304

11 October 2020

Att: The General Manager

To whom it may concern,

I am placing my opposition to the rezone amendment to the 2013 Interim Planning Scheme on the record for the following reasons below. I hope that there is enough information to unequivocally overturn this amendment and not allow it. If the amendment is accepted, I hope that there may be enough issues with the report to appeal your decision. I bring to your attention the following issues with the information contained in the report.

Page 4 of Amendment 1 – September 2020 Meander Valley Interim Planning Scheme 2013 states “In regard to the most recent release of 10 of the subdivided lots on William Street, 9 lots have been sold since early 2020.”

Page 12 of Amendment 1 – September 2020 Meander Valley Interim Planning Scheme 2013 states “ The most recent subdivision in the General Residential Zone on William St (Refer Figure 8 below) made 10 lots available to the open market and was the only remaining larger parcel with road frontage that could be subdivided to a reasonable degree. Nine of the ten lots have been sold in the first half of 2020.”

While the amendment report backs up it’s other claims by providing academic referencing to reliable sources like the Australian Bureau of Statistics, these claims are not backed by any substantial evidence. In the September MVC Ordinary meeting I asked the following question without notice, and my question was “taken on notice”. This is simply not acceptable.

“3. PUBLIC QUESTIONS WITHOUT NOTICE – SEPTEMBER 2020 3.1

Emma Hamilton, Westbury

1. a) I see on page 260 of the September 2020 Ordinary Meeting agenda (page 4 of Amendment 1- September 2020 Meander Valley Interim Planning Scheme 2013) and page 268 of the September 2020 Ordinary Meeting agenda (page 12 of Amendment 1- September 2020 Meander Valley Interim Planning Scheme 2013) there is talk about how quickly the land at the William Street subdivision sold as justification for the proposed amendment yet there doesn't seem to be any academic referencing to quantify how quickly the lots sold. Will Council detail what research it undertook to be able to make these claims ie did it have correspondence with the landowner/ realtors or land title searches? If so surely this evidence should be included as part of the decision making process. I would hope that if this is something councillors are being asked to vote on that the research was rigorous and more than just anecdotal evidence like a sold sticker on a development billboard or hearsay?

1. b) Also how many building/planning applications have been lodged with council for any of those blocks on the William Street Subdivision since they have sold? What is the projected timelines between the lots being sold and being built on?

2. Will Council explain how much rate payer money was spent to produce this Amendment report that includes things like a Traffic Impact Assessment since some of the land involved in this report was already being considered for rezone under the statutory process to transition from the Meander Valley Interim Planning Scheme 2013 to the Local Provisions Schedule. This report seems like a waste of ratepayers money in an attempt to fast track a process that was already in place and likely to take affect soon anyway when the Local Provision Schedule was approved. Why is this amendment so urgent to implement? And what has it cost rate payers?

Questions taken on Notice"

Given submissions for the rezone amendment close on Tuesday 13th October, which is when the answers would most likely become available to my questions, that is simply not enough time to receive the answers and make an informed submission to oppose the rezone.

We know from the attendance roll of the September meeting that Jo Oliver - Council's Senior Town Planner, and other MVC Town Planners were in attendance, and it would have been very easy to say that they had either correspondence or land title documentation and that the information could be included in the minutes following the meeting, however what has happened is a technique to deflect my questions and reply when it is too late, and this is inexcusable.

As it turned out, the answers to my questions were made available on the Meander Valley Council website on Wednesday afternoon the 7th October. I then followed up, trying to contact Ms Oliver on Friday the 9th October, and she was "on leave". Why the Senior Town Planner would be on leave, when such a massive amendment is open for public viewing and submission and not available to answer questions from community members, is astounding! Surely this taints the process? If the Council and Town Planners do not, will not and can not provide answers to the questions that members of the community have during the public exhibition phase, is there not some legal remedy that can be taken against them for deliberately withholding information from the public during the public consultation phase?

Given Council's unwillingness to actually back up their claims that all but one of the lots of the William Street subdivision have sold, I have included the only publicly available information - being photographic evidence at the site. Without any other information regarding dates when these lots were sold, it's hard to know how things like HomeBuilder grants have impacted the success rates of sales. Without the HomeBuilder grant, it's possible that the sales rates would be very unimpressive. If this fast sale of land is due to HomeBuilder grants, they are currently only available between 4 June to 31 December 2020 and their impact would be nullified after that date, which would be before people are able to purchase a new lot created by this rezone amendment - and we are now officially in a recession. In "The Examiner" on the 11th October 2020 in an article titled "HomeBuilder Grant Scheme in Spotlight" it is reported that, "Only eight Tasmanians have been paid the \$25,000 HomeBuilder grant, raising concerns it is too small and restrictive."

It's also vitally important to note that the Council initiated the rezone amendment process in April 2019, and allocated up to \$13,000 of rate payers money for the rezone amendment in June 2019. The William street subdivision was voted on in the July 2019 MVC meeting. This means that council were willing to attempt the rezone process without having any indication of land sales rates for a development that hadn't even been voted on yet. It is therefore comical that it is being used to justify the rezone process.

What I will also add, as a fascinate point that is illustrated in the timeline included below, is that while council might have moved a motion for the rezone amendment in April 2019 and agreed to a \$13,000 budget in June 2019 for the rezone amendment, all of the reports needed from contractors are all dated January 2020 and beyond. Did every single contractor have a 6 month or more waiting list for site assessments? Or was council waiting for to the prison announcement to be made publicly, to give them added confidence to spend ratepayers' money on the necessary reports?

It is therefore my hope that you will refuse the rezone on the grounds of the success of the William Street development, as it seems it may not be the "substantial evidence" the town planners have made it out to be.

The rezone amendment report is a flawed document.

On page 51 The amendment document says the following: "Together, the two areas make available 17.5 hectares of serviceable land through three landowners, which could yield approximately 200 lots if lots are created at the market preferred size in the order of 700m² ." There is no mention that when the new Local Provision Schedule comes in, the minimum lot size will be 450m². My personal calculations are that the new lot size of 450m² would generate around 311 lots.

In the 2016 Census, Westbury had a population of 2006 people and 964 houses. If the rezone amendment was to go through, and then the landowners waited for the LPS to come into effect and they took advantage of the 450m² ruling, the housing stock in Westbury and population would increase by a third at a minimum. Asking a small rural town to increase by a third in the space of a 10 year time frame is not sensible or sustainable.

Appendix C the Traffic Impact Assessment for 46 Lyttleton Street is for a 150 lot subdivision, not the 170 lots anticipated in the motion that was moved in the September MVC meeting. Note that Planning Authority 2 Reference No. 169/2020 states the planning outcome of the rezone of land bound by Lyttleton, William, Taylor and Waterloo streets is the approximate creation of 170 lots of land. When you combine this with the predicted lot creation of 33 lots on the land that is bound by Dexter, Jones, Taylor and Shadforth Streets, you get the convenient estimate of 200 new lots of land that the amendment report predicts on page 51. The only way you could get 200 lots on those two blocks with a traffic impact assessment for 150 lots is to put 50 lots on the “Southern block”. This is clearly not what was intended when the report estimates 200 lots of land being created!

I’m not a town planner or a lawyer with town planning expertise, but I do question the legality of approving an amendment that is trying to put 170 lots of land on a block of land that only has a traffic impact assessment for 150 lots. Given we have seen with the recent subdivision of 150-152 Dexter Street that a subdivision of 20 houses can see a predicted increase of around 1,000 or more traffic movements per day, this is a significant discrepancy that must be challenged.

If such a big discrepancy is found, it thus necessitates further questioning of the integrity of other claims and evidence contained within the report

For instance, how can you feel confident that there will be no negative impacts to rezoning agricultural land with regards to the State Policy to Protect Agricultural Land 2009, and the claims in the report and soil assessment?

Surely this part requires far more scrutiny - and even a second soil assessment - to ensure that rezoning agricultural land has been “properly balanced” against the need to grow the housing stock and population of Westbury.

I also note that the amendment report makes reference to version 3 of the Tas Vegetation codes, and that this should now be superseded by version 4. Whilst I’m not sure of the exact date that version 4 was to take effect, I do know from Right to Information requests that it was supposed to be released and was then “paused” so that it would not cause embarrassment around the announcement of

the new prison site on Birralelee Road at Brushy Rivulet. If version 4 has been released, then any information with regards to version 3 should be checked and cross referenced against the newest possible version.

I would also ask that you refuse the rezone on the following grounds:

- 1) You can't have your cake and eat it too. Either Westbury is a booming town growing on its own steam and thus does not need saving with a new prison, or it is a dying town and thus doesn't need such extensive and aggressive subdivision. You can not accept the way the data has been manipulated in this report to say that Westbury is booming and needs expansions, and then also accept the evidence in the Government's SGS Social Economic Impact Assessment that Westbury is stagnant, to vote on rezoning and building a prison. They are completely contradictory and not compatible. I include for your consideration information from the SGS report. Page 2 of the Northern Regional Prison EIA and CBA states "Population growth has been marginal over the last 10 years, with an average annual growth rate of +0.1%. This is low compared to the rate of population growth in the Northern Region and Tasmania with +0.6% and 0.7% respectively."
- 2) The amendment report also relies heavily on the Community and Strategic Plan 2014-2024 document. The 2014-2024 Community Strategic plan has been the topic of numerous questions to council from myself. For your future reference and to jog your memory, I asked about the proposed community consultation to "refresh" this document at the December 2019 AGM meeting. I was told that there was legislation that meant that this document needed to be revised at least every 4 year. I enclose that information:

"3. Emma Hamilton, Westbury

Given we know that some members of council attended a meeting on the 28 August with State Government representatives about the Northern Prison being built at the Birralelee Road site will you tell us who it was on Council that initiated the idea to rewrite the 2014-2024 community plan 5 years early and what social or economic factors were cited as evidence of the new community plan due to the

answer from Mr Harmey in the December Agenda regarding the 2019-2020 Annual Plan?

Response by Acting General Manager, Jonathan Harmey

The two are unrelated. The commitment from Council officers to undertake a review of the Community Strategic Plan, which is our overarching document required by the Local Government Act, that was discussed with our elected members in April/May they felt that it was time for us to go back out to the community and see what the current values in our community are and to keep it up to date.

It was put into our Annual Plan process which was voted on the 2nd week of June 2019, so there was a commitment that states “we will undertake that project throughout the course of this current financial year”.

You refer to a meeting held on 28 August about the northern prison. The consideration of rewriting the Council’s Community Strategic Plan was already on the books and already in progress by then.

The meeting that you refer to in August from the State Government around their northern prison project has absolutely no bearing on our Community Strategic Plan, albeit that community members when they provide feedback, when we go to the community for them to provide us with their feedback, may refer to some of those conversations that have gone on within the community since then and it may affect how they feel about what is important to them in their communities.

What is in the 2019-2020 Annual Plan required the plan to be reviewed?

Response by Acting General Manager, Jonathan Harmey

Council officers undertook a review, that is a 4 year scheduled review of the Plan it may have been March or April in 2019 and at that time there was a feeling that the document was prepared so long ago that it should be brought up to what the community thinks as of today.

Why write a plan until 2030 if that’s too long and needs to be reviewed early, ie every 4 or 5 years?

Response by Acting General Manager, Jonathan Harmey

The requirement in the Act is that it would be for a 10 year period and it would be reviewed at least every 4 years.

Where in legislation does it say it needs to be reviewed every 4 or 5 years?

Response by Acting General Manager, Jonathan Harney

Section 66(3) of the Local Government Act (Act) requires Council to prepare a strategic plan to be at least a ten (10) year period. Section 70E(1)(a) requires the strategic plan to be reviewed at least every four (4) years.”

I also asked in the July 2020 meeting about when the consultation for this document would take place. This is the question and reply:

“b) In late 2019 council started discussing in meetings the need for community consultation during 2020 to review the "Community Strategic Plan 2014 to 2024". Will Council advise if this consultation process has started? If it has not, will council advise when and how this consultation will begin, and how council plans to consult with the community?

Response by John Jordan, General Manager: Consultation to refresh the Community Strategic Plan 2014-2024 has not yet started and has been deferred until later in the calendar year. The final timing and consultation approach will be determined closer to the time considering any COVID19 restrictions.”

It would be unwise for council to change this document without proper community consultation, and at this point in time council have given no indication as to when it will consult with the community. One might question, when looking at a close timeline of events, if the consultation and rewriting of this document has been deliberately sidelined until such time as it could be used to get the amendment rezone “over the line”. It would also be unwise to amend the Interim Planning Scheme on the merit of a document that, by legislative standards, is old and outdated and should have be reviewed by now.

As a side note I’ll include my observation that council appears to be cherry picking the issues it will consult the community on. If it was decided the document was outdated around March and April 2019, then it is most definitely outdated 18- 19 months after that! To date the Council have not consulted with the community about the proposed prison, and neither has it consulted on the community strategy plan, however it was able to consult landowners - despite

COVID-19 - about subdivision of the “5 acre blocks” which included a question about “battle-axe” blocks, which seems to be a direct attack at Councillor Nott’s comments in the March 2020 Council meeting where he is reported in the Meander Valley Gazette as having said that Battle-axe blocks should not be allowed on the “5 acre blocks”.

- 3) It would be premature to approve the rezone for extensive subdivision on the assumption that the prison will be built here, and thus need extra housing for demand that may create for many reasons, including but not limited to the fact that:
 - a) Community opposition to the first site was so strong, and research on the site selection process was so thorough, the Government was left with no choice but to walk away.
 - b) This new site was not part of the EOI Process, and was chosen “on the run” and as such seems to be an even bigger misstep than the first site, given it’s natural values and proximity to the eagles nest and the issues that will cause (particularly during breeding season) for both building the prison and the daily running of a prison of the size the Government has proposed
 - c) Opposition to this new site is even stronger, given a second citizen group has now also formed, and the Government will need to contend with WRAP (Westbury Region Against the Prison), CROWPS (The Concerned Residents Opposed to the Westbury Prison Site), Sarah Lloyd OAM, Greg Barnes Chair of the Prisoners Legal Services Tasmania, and various other environmental lobby groups
 - d) All throughout this process we have had other landowners with far more appropriate parcels of land come forward at various times, offering their land to the government as a more viable option. The majority of elected Councillors were present at the public meeting with Minister Elise Archer in December 2019 when one man came forward and offered his brother’s land as a viable option. At the time Minister Archer rejected that land, as it was not part of the EOI. On that basis alone, this new parcel of land on Birralee Rd should also thus be exempt because it was not part of the EOI process! As this process of “due diligence” continues, it seems that the only logical conclusion will be that the Government will need to walk away from this new site also. For those that may say this rezone has nothing to do with the Proposed Norther Regional Prison, I would draw your attention to the timeline of events that I have enclosed below.

Date	Events
December 2017	MVC moved a motion to express interest in the Northern Prison being sited at “Ashley” and endorsed a draft for the Local Provision Schedule
February 2018	The Mayor writes to the Government re the Ashley site
September 2018	The State Government write to council looking to target sites for the prison
October 2018	MVC instructed to exhibit the LPS for public comment
November 2018	MVC submit joint EOIs with landholders at the industrial site, that have been written with help from the Dept of Justice team, to help ensure Westbury is chosen
December 2018	Landholders in Westbury make submissions to rezone land to residential
January and February 2019	Emails between council and Government Department re environmental reports for the Industrial site for the prison
April 2019	Council decides it needs to consult on the 2014-2024 Community Strategic Plan to fulfill its legislative responsibility
April 2019	Council organises for meetings at the industrial site for due diligence in May
April 2019	Council decides to pull one of the lots of land that was applying for residential rezone through the transition to the LPS out of that process, and instead amend its zone in the 2013 Interim Planning Scheme
May and June	Due Diligence on the proposed prison site
June 2019	Council commits up to \$13,000 of ratepayers’ money to produce the amendment report

July 2019	MVC vote on the subdivision of the “William Franklin” application for 10 lots on William Street
August 2019	Confidential meetings held with council and Government about the prison site
September 2019	State Government publicly announce the Industrial site as the proposed site for the prison
November/December 2019	MVC Council decide to consult with the community about the 2014-2024 Community Strategic plan in 2020
December 2019	Public meeting with Minister Archer, where another site was offered up for the prison and rejected as it wasn’t part of the EOI
January 2020	Land capacity assessment for rezone amendment
February 2020	Bushfire Impact Assessment for rezone amendment
February 2020	Premier Gutwein and Minister Archer meet with MVC Councillors
February 2020	Government’s phone survey about the prison
March 2020	Traffic Counter for Traffic impact assessment for rezone amendment
March 2020	The Government had people on the new site to assess its suitability
March/April 2020	Government mail out survey about the prison
June 2020	Government announce its decision to move the prison to the Bushy Rivulet site
July 2020	Council admit it has sidelined community consultation re the 2014-2024 Community Strategic plan “because of COVID-19”
August 2020	Traffic Impact Report Finalised

September 2020	MVC moves a motion to accept 1/2020 draft amendment to the 2013 Interim Scheme
October 2020	Government Geotechnical drilling on Brushy Rivulet site

Signage at the William Franklin Development referenced in the Draft Amendment Report







References

2016 Census

[https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC60736?opendocument#:~:text=People%20%E2%80%94%20demographics%20%26%20education&text=Westbury%20\(Tas.\),-%25&text=In%20the%202016%20Census%2C%20there,male%20and%2051.3%25%20were%20female.](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC60736?opendocument#:~:text=People%20%E2%80%94%20demographics%20%26%20education&text=Westbury%20(Tas.),-%25&text=In%20the%202016%20Census%2C%20there,male%20and%2051.3%25%20were%20female.)

Department of Justice Right to Information Requests

Department of Primary Industries, Parks, Water and Environment Right to Information Requests

Draft Amendment 1/2020 - Westbury Urban Residential Growth Report

Examiner, 11 October 2020,

<https://www.examiner.com.au/story/6962787/homebuilder-grant-scheme-figures-unveiled/>

Meander Valley Council Annual General Meeting Minutes 2019

Meander Valley Council Ordinary Meeting Minutes

Meander Valley Gazette - <https://www.meandervalleygazette.org/meander-valley-gazette-tasmania/2020/3/17/councillors-say-unique-westbury-is-being-whittled-away-by-subdivision>

SGS Economics and Planning, Northern Region Prison EIA and CBA

Traffic Impact Assessment, 150-152 Dexter Street Westbury, MVC Reference No. 199/2020