
From: Julia Butler-Ross <julia.butler.ross@gmail.com>
Sent: Monday, 15 May 2023 8:21 PM
To: TPC Enquiry
Subject: Submission re Amendment AM2022.01 and permit PA2022.0024 Middle Rd Stoney Rise, Miandetta
Attachments: Response to Submisson due May 16th 2023.docx

Dear Janelle, Attention Rob Nolan

Please find attached my reply to Tom Reilly's response to TPC directions in April 27 and his late amendment submitted May 2nd. I look forward to receiving further correspondence on these matters

Best Regards
Julia Butler-Ross

Representor: Julia Butler-Ross

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Tasmanian Planning Commission

Sent by email to: tpc@planning.tas.gov.au

Dear Commissioners, **Re: Response to directions from Tom Reilly GHD - Draft amendment AM2022.01 and permit PA2022.0024 - 133 Middle Road, Miandetta**

GHD submitted a late amendment (Amended 2 May 2023) and requested it replace the proposed Miandetta subdivision plan that was presented at the March hearing. Tom stated that:

- Mr Livingston advised that a 20m offset is appropriate to protect the *E.ovata*
- That greater areas for bushfire hazard management are required
- The plan has been adjusted and marked Amended 2 May 2023

I submit the following:

- If there are to be changes to the Bushfire Hazard Management can GHD provide a statement telling us what those changes are and show a plan from TasWater as to how and where water storage/fire hydrants will be provided for firefighting purposes?
- If the development was approved, the expansion of the BHM zone could result in substantial clearing of the forest and increased exposure of the forest edge to weeds and drying out.
- The exposure of the top of the hills would ruin the area's scenic value, may cause erosion and potentially become weedy.
- The protection offset for the *E. ovata* Lot 7b is best determined by TPC and the Environment Department/Threatened Species Unit in cooperation with DCC

Response to TPC directions from Tom Reilly GHD - Draft amendment AM2022.01 and permit PA2022.0024 - 133 Middle Road, Miandetta April 27 2023

Item 3: GHD submits that *Devonfield's Wonderland* and additional indexes fail relevance and reliability tests, is a selective composition which is inaccurate and unable to inform any decision in relation to the LUPAA. I refute these claims for the following reasons:

- 1) The closing date for submissions on the development proposal following its approval at the 27/6/22 DCC meeting, was for 2/8/22. However, the *Advocate* newspaper published on July 26th that the closing date was July 25th. This discouraged submissions because people thought they had missed the deadline. There were however, around 500 signatures on a petition submitted to DCC. In the time between the DCC Council meeting which approved the application and the TPC hearing in March, Jennifer and Petra spent many hours researching alternatives to the proposed residential development and discussing them with Devonfield management
- 2) Jennifer and Liz used their photographic archive of the forest ie Lots 4, 7a and 7b to create the first draft of their self-funded book, *Devonfield's Wonderland*. Jennifer shared the book with Devonfield's management and it was received with interest. The book and its photos are genuine.
- 3) There was never any question of Devonfield's involvement in the book's publication and it was assumed that taking pictures of Tasmanian wildlife didn't need Devonfield's permission
- 4) GHD has inferred trespass in taking the photos. Devonfield is a community organisation built on charity and goodwill. **The forest was acquired from the Littler family in the 1960s and has been used by the Devonfield's clients and the local community for recreation and exercise for many years.** Many of the pictures were taken from Liz's property
- 5) The book was presented to the Commission in good faith and honesty. The fact that photos were not dated, linked to locations, indexed and recorded correctly is unfortunate, but does not in any way diminish the fact that they were taken over various parts of the forest, including Lot 4, and are representative of its biodiversity. (Jennifer has recently published an amended 2nd edition at her own expense)
- 6) The book does present a selective representation. There are many more species, including nocturnal and camouflaged creatures living in the forest, most of which are continually on the move. It would require a lengthy research project to be able to study them over an extended period of time. The photos clearly deny the Environmental Assessor's declaration that apart from two Threatened Species, the rest of the forest is *'of no significant value'*. **Particularly as his assessment was drawn from only two on site visits over a six month period. Liz has been observing the area for 40 years.** Forests are interdependent communities, made up of little creatures and plants as well as large ones, all necessary to create and maintain the whole. **Everything in the forest is significant**

- 7) Jennifer, as co-photographer/publisher of the book, was present at the Hearing and would have answered any questions

I submit that the book, *'Devonfield's Wonderland'*, be accepted as evidence of a healthy and biodiverse forest, and that the proposed residential development poses a serious threat to the forest's existence, the loss of which could impact on the quality of life, health and cultural values of the neighbourhood.

Item 4: GHD's complaint of representors and TasWater making unsubstantiated submissions in relation to the use of the upper elevations of the site.

The claim of unsubstantiated submissions by representors needs to be clarified. Is it referring to Lots 3/4 and/or the issues around *'Devonfield Wonderland'* photos or something else?

GHD maintains that the upper elevations of the site have no special significance that should be prioritised over residential use.

I submit the following points:

- **a)** Lots 4, 7a and 7b contain an established 50+ year old regenerated native forest that has a biodiverse community of native species of flora and fauna including supporting **three** Threatened Species (The Threatened Grey Goshawk hunts over the forest)
- **b)** All Threatened Species started off being common once, but in time succumb due to human activities such as forestry, mining, dams, farming, hunting, introduction of diseases/feral species and residential development. Coup by coup, these activities are all 'local' areas that add up to thousands of hectares of native habitat destroyed or seriously diminished
- **c)** It is not clear as to whether it is actually possible to develop Lot 4 and maintain the integrity of Lot 7b given the amount of disturbance that could be expected from the development process. (The recent subdivisions in the area around Devonfield are clear examples of how subdivisions are managed. Clear felling of habitat and covenant breaches have been reported to authorities without any apparent action being taken).
- If the development of Lot 4 went ahead, Lot 7b and its Threatened species would be mostly cut off from Lot 7a and probably would not be viable over the long term.
- **d)** Lot 7a (Open Space Zone) which is proposed to be gifted to DCC, is insufficient to support displaced animals if Lot 4 were to be approved and cleared. The presence of transmission lines (cleared ground) and the orientation (south under a northerly rise) differentiates it ecologically from Lots 4 and 7b

The science around human induced climate change calls for the conservation of all remaining native forest reserves. From the United Nations down to local authors, the call for conservation of native species is very loud and clear.

We need to look at residential developments in a different way from the current culture of the suburban sprawl of single residences. (Especially those that might involve clear felling forest communities that contain threatened species)

4(b) GHD understands that DCC will supply a revised permit with conditions that specify the parts of the applicant's documents that are to apply to the development.

- The revised plan supplied by DCC is responding to details supplied by GHD. Prior to the May 2 amended version, these changes appear to fall in with those proposed by GHD.
Are these permits applicable to the amendments submitted on May 2nd?

4 (d)(i) When transferred to DCC, Lot 7b will become an Environmental Management Zone e) class ie 'any other public land where the primary purpose is for the protection and conservation of such values'.

- **I submit** that the best way to manage Threatened Species and their habitats is through the TPC and Environment Department/Threatened Species working in cooperation with DCC and other interested community groups etc
- Ideally Lot 7b should be left undisturbed except for management purposes and the flow of springs must be protected to support the *Engaeus* and *E.ovata*
- Proposed provision of a footpath must be incorporated into the original subdivision plan and not added later. The location of a footpath should be determined by TPC, Environment Department/Threatened Species in cooperation with DCC

4(d) (ii) Concept Servicing for Potential Future Development of Lots 4 and 5

- At the March hearing there seemed to be an ambiguity about water/sewerage/stormwater lines by both GHD and TasWater. According to TPC correspondence (April 3), TasWater is not required to respond

until May 26th but GHD was asked to submit a water and sewer plan by May 12th. This does not appear to have occurred

- Cul-de-sacs such as those on Lot 4 can be potentially dangerous in bush areas, because in the case of fire, it may be difficult for residents and fire trucks to turn around or evacuate. There should be provision in the plan for an escape exit at the end of the cul-de-sacs.
- The *Engaeus* seem to have been doing well up to now. Awareness raising amongst the residents may be effective in further protection of the species and stop the dumping of garden refuse

4(d) (iii) Management of the Environmental Management Zone over Lot 7b

- Covenants and easements are very problematic because residents or developers often ignore them. There are many examples of illegal clearing in protected areas with no apparent action being taken by authorities
- In regards to Lot 7b: resident inclusion and education in a local protection plan could be most effective. Encouraging an interest and understanding has a positive impact on behaviour

I submit that Devonfield clients and citizens of Devonport, particularly residents in the new housing around the Home Care Centre and Stoney Rise Road, would receive great benefit from a healthy and accessible native woodland. Its current popularity is evidenced by the numbers of people already using it.

- Climate change management is going to be a growth area in the future as Australia struggles to meet its international targets. If left intact and owned by Devonfield, the forest could provide a mix of training opportunities for Devonfield's clients including horticulture/nursery skills, bush and weed management, hospitality, handcrafts, tourism and design.
- Properly developed, it could provide an outdoor classroom for nearby schools and open up opportunities for indigenous First Nations training activities such as bush tucker and cultural practices ie fire management techniques. Other activities may include volunteering and photographic opportunities, dog walking and bike and footways.
- If developed in a similar way as the successful mainland projects researched by Jennifer, the enterprise would be functioning on many levels of enriching experiences, whilst maintaining its integrity as a biodiverse native forest right on Devonport's '*Living City*' doorstep

The subdivision adds little to the city as a whole, but an **intact, mature and healthy forest** presents an enriching and imaginative possibility that would benefit the whole city on many levels and make Devonport a leader in integrated natural environmental management. There aren't many community supported organisations such as Devonfield that have this rich opportunity right on their doorstep.

Once Devonfield's Wonderland is gone, it will be gone forever and we will not be able to bring it back.