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**From:** Mike Stainer <mikestainer@mac.com>  
**Sent:** Sunday, 14 May 2023 2:30 PM  
**To:** McCrossen, Samuel  
**Cc:** Cathy Poon  
**Subject:** Re: Representation on Huonville LPS Not Captured

Hi Sam, I've tidied up my original couple of emails and include my submission below.

Submission regarding proposed re-zoning of 42 Huon View Road from Rural Living to Landscape Protection Zone.

**Background:**

I bought 42 Huon View Road in 2019 and part of the decision to buy and subsequently invest in this property was based on a clear understanding of our rights to use the property to meet our medium and long term goals. This includes the development of small scale agriculture to support ourselves as we move into retirement. The zoning as Rural Living was fundamental to this.

Since then, through 2021 and 2022 we have invested circa \$1m into the property including establishing a new driveway and extending and renovating the house (all with necessary council permissions) and have now moved onto landscape development activities. This investment has also included purchasing a tractor and associated implements to support our long planned next phase of activity.

When assessing how to move to the standardised Tasmania-wide zoning I believe it was the intent and should be incumbent on the council to move to the most similar new zone rather than just determining what they would like a zone to be irrespective of the impact on those who already live and have invested in the impacted zones.

Table 6 in LPS-HUO-TPS makes clear that the appropriate mapping for Rural Living Zone is to Rural Living Zone.

A change from IPS Rural Living to Tasmanian Planning Scheme Landscape Conservation Zone involves a sudden and significant removal of rights with clear impacts including a reduction in land and property value through a loss of amenity. That this should (must) be reflected in reduced land and property taxes is small compensation for this loss of amenity.

Huon Valley Council have been disingenuous in their response to views from others affected, illustrating that this is a political exercise with them where they are seeking the opportunity to make significant changes rather than align to the Tasmania wide zoning descriptions and rules.

For example in their letter "Landscape Conservation Zone Facts" rather than respond to the clear intent of feedback that those who are being rezoned from Rural Living to LCZ are unhappy they correctly state that everyone is being rezoned, but deliberately ignore the real issue, that a relatively small number of land owners are being deliberately and significantly impacted.

With regard to loss of value, the Huon Valley Council response which is similarly misleading. To suggest that the change to LCZ does not impede development is clearly false (otherwise why bother re-zoning from Rural Living to this LCZ). Whilst it may be technically true that similar activities could take place, I would

suggest that the hurdles to be able to clear some land to create a paddock (for example) are likely to be immense - after all, protecting the landscape values is the main objective of this zone.

From the governments own specification:

“

The Landscape Conservation Zone instead provides a clear priority for the protection of landscape values with residential development largely being discretionary.

The Rural Living Zone provides for areas where residential development is the priority and the variety of minimum lot sizes is appropriate to provide for the range of existing situations.

”

Of the properties adjacent to mine which are currently zoned Rural Living, all have **existing residential development**, and in the case of my recent investment in my property would probably not have been permitted under the proposed LCZ. Imagine whether I would have invested a substantial amount in my property knowing my usage rights would be removed as proposed.

### **The Data**

Analysis of the mapping of existing Rural Living zoned properties to the proposed new zones illustrates the arbitrariness of Councils opportunistic mapping.

Of the 1188 properties (with a street address) currently zoned as Rural Living, 1115 are targeted to be re-zoned to Rural Living and only 35 are targeted to be re-zoned to Landscape Conservation Zone.

There is no material difference in currently applicable or target overlays between those remaining as Rural Living and those proposed to move to LCZ, for example, the only new code applied of “Priority Vegetation Area” applies to 699 of these records, but not all of the proposed LCZ re-zoning properties even have this overlay. Without this it’s hard to see the case for zoning from Rural Living to LCZ, and even with this it’s hard to see why only the 35 properties are impacted.

Nor is there any significant difference in the Tasveg 4 assessment on a number of properties I looked at for comparison.

In summary, it seems clear the only idea the council has applied here is to seek to find a number of properties that it can lump together to meet the 20Ha requirement, irrespective of the current usage and occupancy status of the properties in question.

What is also clear is that this zoning can only be applied to 39, 41 and 42 Huon View Road through the inclusion of the large vacant site to the east of 42 Huon View Road. Whilst the scheme allows for the aggregation of a number of sites to meet the 20ha minimum size, I cannot see that this is appropriate when the sites include a number with existing residential ownership and development, essentially this grouping is being used to enable an inappropriate zoning to be applied to properties where this would otherwise be clearly not applicable.

Council has also stated that the assessment is not based on:

- on the ground survey to establish actual facts, e.g. bush coverage where I believe the coverage of the linked properties would be somewhat less than 80%
- any consideration of current use.

In other words, they've examined some aerial photos and decided to declare some area as effectively untouchable to protect 'landscape values'.

Council should be able to explain clearly why only a very few sites have been singled out as candidates for this poor treatment whilst the vast majority of Rural Living properties are mapped to Rural Living in the new scheme.

## **Our Rights**

There are a number of significant changes between IPS Rural Living and TPS LCZ, most importantly relating house classes of Residential and Resource Development.

### **Use Class Interim Scheme (Rural Living)**

#### **LCZ**

Residential No permit required

Permitted - note, elements such as maximum building height, setback and other constraints are more limited with LCZ.

Resource Development Permitted Discretionary

I conclude from this that the existing residential developments on mine and my neighbours plots would likely all fail to be permitted under the new zoning proposed, and that any attempts to extend or otherwise alter these properties in line with their existing character would also likely be problematic (due to changes such as the lower height constraint).

Also a significant change relates to outbuildings where under Rural Living zoning we can have up to 108m<sup>2</sup> of gross outbuilding floor area exempt, whilst under LCZ this shrinks to 10m<sup>2</sup>.

The TPC must surely appreciate that a significant reduction to a land owners rights to use their land must have an impact on our home and property values and is an inappropriate proposal from the Council.

## **Fire**

Speaking only to my land and property, this is situated on a very steep north facing slope and has a high BAL rating. Whilst we have a defined Hazard Management Area from our recent extension an inability to manage trees and undergrowth beyond this zone will cause a material and significant increase in the risk to our homes and lives. In Councils view this is an acceptable risk to protect 'landscape values'.

## **Summary**

In many respects this feels like a land grab by the Council. By deciding to define my land and that of my immediate neighbours as LCZ this results in the key use class right that makes our land useful to us (primarily small scale Resource Development) changing to Discretionary from Permitted. This enables the Council to simply say no to requests - we are left as land owners with land that we can do nothing with and that has reduced/no value.

I purchased my land and made significant investments on the basis of a personal plan for the property which is now significantly undermined by Council proposal.

The significant removal of use rights after purchase and investment cannot be right and cannot be appropriate. This would be like buying some land with planning permission in place and then the Council saying 'sorry we've changed our mind' after you buy, wiping out significant value.

It must be possible for someone making a land or property buying decision to do so with confidence on what they can and cannot do on that property. If the Council can remove key rights and value at the stroke of a pen this undermines that fundamental basis for making significant financial decisions.

Councils answers to challenges and questions raised about this specific re-zoning (Rural Living to LCZ) in their document "Landscape Conservation Zone Facts" have been deliberately unhelpful and misleading (see above). I can only assume this is because they cannot make a reasoned case for this unreasonable and extreme change.

Councils responses to individual submissions are similarly problematic. Reviewing a number of submissions relating to a move from Rural Living to LCZ, the Councils response is typically identical (over use of cut and paste) and fails to address any of the issues and concerns raised. This is surely not acceptable.

Regards

Mike

On 10 May 2023, at 10:03 am, Mike Stainer <mike@mikestainer.com> wrote:

Thanks Sam, I'll do that, but I'll also update. I'll get this done at the weekend.

Mike

On 8 May 2023, at 1:35 pm, McCrossen, Samuel  
<Samuel.McCrossen@planning.tas.gov.au> wrote:

Dear Mike,

The best thing to do is to send me the original emails so that I can schedule you for a hearing and ask the Council for a response. Then you could make a submission at the hearing and add any additional details to your original.

Regards,

Sam  
03 6165 6833

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**From:** mikestainer.com <mike@mikestainer.com>  
**Sent:** Monday, 8 May 2023 1:26 PM  
**To:** McCrossen, Samuel <Samuel.McCrossen@planning.tas.gov.au>  
**Subject:** Re: Representation on Huonville LPS Not Captured

I do still have my original emails I sent. At the time I sent feedback via email, probably not the correct mechanism, however, I received no response suggesting a different format was required, or any response at all apart from stating my communication would be forwarded to the correct team.

I'm happy to send a re-structured submission more in line with the format I've seen whilst reviewing the state of play in the last week.

Please advise.

Mike

Sent from my iPhone

On 8 May 2023, at 12:06 pm, McCrossen, Samuel  
<[Samuel.McCrossen@planning.tas.gov.au](mailto:Samuel.McCrossen@planning.tas.gov.au)> wrote:

Dear Mr Stainer,

Thank you for your email. I will follow this up with the Council and see if it has a copy in its records that it can send to us. It doesn't appear to be included in the Council's report on the representations or in the documents it sent us. Do you have a copy of the original representation that you can send to me?

Regards,

Sam

Samuel McCrossen  
**Senior Planning Adviser**

<image001.jpg>

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-----Original Message-----

From: mikestainer.com <[mike@mikestainer.com](mailto:mike@mikestainer.com)>

Sent: Friday, 5 May 2023 8:03 AM

To: TPC Enquiry <[tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)>

Subject: Representation on Huonville LPS Not Captured

Hi, as one of the people outraged by Huon Valley Council plan to rezone my property from Rural Living to Landscape Conservation Zone I duly submitted my feedback in March 2022.

I note now that my feedback has not been included or responded to, and understand from others that I'm not alone in having my feedback lost.

This is a fundamental failing in consultation and so I'd like to understand how I can now ensure that my feedback is properly included in the assessment the TPC is making.

For information my name is Mike Stainer and address is 42 Huon View Road.

I look forward to your response.

Regards

Mike

Sent from my iPhone

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