

**Carolyn Rimmer**

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**From:** Greg Bennett - Rebel Farms <greg@confederates.com.au>  
**Sent:** Sunday, 28 May 2023 3:49 PM  
**To:** Kentish Council  
**Subject:** Greg Bennett - Submission Draft Kentish Planning Scheme.  
**Attachments:** Submission Kentish Draft Planning Scheme.docx; Greg Bennett KDPS submission.pdf

You don't often get email from greg@confederates.com.au. [Learn why this is important](#)

See two attached documents.

Regards,

Greg Bennett Dip FP, Dip Comm.  
Owner Rebel Farms  
Ph. 0434918808  
Email: greg@confederates.com.au

# Submission Kentish Draft Planning Scheme (KDPS)

**Property: 83 Richards Farm Rd, Staverton.**

## **Legal Issues with the Scheme:**

**Consultation:** There has been a six year lag between the Consultation and the display of the draft on public exhibition. This period seems extraordinarily long and the nexus between them questionable. In relation to my property there has been 3 separate owners over that time period. Vast changes have been made to the management and vegetation on the property due to removal of weed species, other vegetation for various reasons including fencing and natural events like the 2022 wind storm. (As a result of that storm a large number of trees still remain blown over by their root balls as I have yet had time to remove them.) This poor nexus in my opinion leaves the scheme open to legal challenge.

**Vegetation mapping:** Due to the large time period and innate inaccuracies in Satellite mapping there are significant errors in the vegetation mapping. On my property the E zone mapping reasoning is 100% inaccurate. Once again, an avenue for legal challenge.

**Tasnetworks Electricity easement:** A new easement has been placed in this plan by Tasnetworks. This easement was not in place when I purchased my property about 3 years ago. There has been no consultation in relation to this easement. This is clear breach of the Act as consultation is a legal requirement. This easement will drastically impact my property and is totally unacceptable. Since the easement is illegal, the illegality will pass to the KDPS which contains it. This is a further avenue for legal challenge and once again demonstrates the lack of a nexus between Consultation and Exhibition.

**Conclusion:** The KDPS is on very shaky legal ground and if instigated will all probability be subject to legal challenge via a class action. I base this opinion on my experience which includes 8 years as a councillor (this council was directly involved in a challenged similar planning instrument, an LEP), and as someone who has a number of formal qualifications in business which include commercial law, and as a qualified investigator and previous plain clothes constable.

## **Property details:**

83 Richards Farm Rd is a 20 ha, small farm. The property has good deep basalt soils. An area of about 8 ha has been used previously for cropping, the remainder is high quality grazing. The property is subject to waterlogging in some limited areas but this is being addressed. It is of note that the worst of the waterlogging is occurring because Council has diverted water from the opposite side of the road via two pipes and directed it into the property. What should have occurred is the extension of the drainage which is on the Southern side along Richards Farm Rd and adjoins Staverton Rd. When purchased the property was in a run down, weed infested state. Since purchase most weeds have been removed though there is still work to be done. A hay shed, machinery shed and new yards have been installed, and internal fencing replaced. The property is run as a beef cattle fattening operation. It has been set up for rotational cell grazing via 6 paddocks, plus a summer grazing paddock and a separate hay paddock. About half the property has now been pasture improved and regular fertilising in these areas has been instigated. Boundary fences on two sides have been replaced with wallaby proof fencing. One further boundary fence requires replacement but I have yet been able to come to an acceptable agreement with my neighbour to do so. Considering the Land Capability definitions from Grose (1999) I believe the property would fit



Class 3 land. The farm is run in a business like, manner, is ABN registered and will excepting significate impacts be profitable from next financial year.

**KDPS inaccuracies:**

**E Zones:**

The vegetation mapping is out of date, clearly not ground truthed and as a result is highly inaccurate. In fact, the reasoning for the E Zones on the property are 100% inaccurate. E Zones must also have, significant ecological, scientific, cultural or scenic value and these areas do not (See annexure E).

**Annexure A:** Threaten Fauna and Significant Habitat. This annexure depicts an area bordering a small creek which flows through the corner of the property. When purchased this area was heavily infested with blackberry and other invasive weeds which have been subsequently removed. Most trees were dead and had fallen down. The Kentish wind storm of 2022 blew over a number of the remaining trees (some of which have yet to be removed, these trees have been blown over via their root balls.) The boundary fence was then subsequently replaced requiring some modest clearing. The result is that there is no habitat for Spotted-tailed Quoll. I have not seen any evidence of spotted-tailed quoll in that area during my time on the property. I questioned my neighbour re this and she has not seen a spotted-tailed quoll in over 20 years. The quoll simply does not exist in this area. This zone is inappropriate and should be removed.

**Annexure B:** Eucalyptus Viminalis wet forest. This annexure depicts an area on the western boundary of the property which is less than 2 ha in size. According to Knight and Cullen 2010 areas under 2 ha are considered to be of little importance to landscape function, see annexure D. This area is wet during winter, I fenced it off and cattle are only permitted there during summer when it dries out. The vegetation in this area is clearly regrowth, the species named for protection does not exist, in fact there is not a single example. What is there are wattle, tea tree, some blackwood and invasive species. The area is also used to collect fallen timber for firewood. The vegetation mapping here is very inaccurate. An internal fence has been inserted along a dry ridge that dissects the area. The mapping is far larger and does not accurately depict where the vegetation exists. The wind storm of 2022 devastated the area, a large number of trees have been blown over by the root balls. I have removed some of the damage but significant areas of fallen trees remain. Furthermore, the boundary fence is in extremely poor condition and requires replacement which will require the removal of a large section of vegetation along the fence line. My intention is to retain as much vegetation as possible but the area is already and will after fencing be even more significantly smaller than what is depicted in the mapping. I wish to retain as much vegetation as possible in this area as it is a good shelter belt and my primary wood supply.

**Zoning:** See annexure C. The KDPS has the property zoned Rural. This zoning does not reflect the use or capacity of the land (see property description page 1). It would be highly inappropriate to zone the property rural as it does fall into the definition for Rural land (see annexure F). I request that the property be zoned Agriculture which better fits the use and potential of the land.

**Tasnetworks new easement:** As discussed above the new easement has had no consultation and therefore must be illegal. The easement would drastically impact my property see annexure G and decimate its value. The proposed new easement will effectively surround my residence, the easement goes directly over my hayshed and my prime cropping land. It will require the removal of vegetation along Richard's farm road which I want retained. The proposed easement will site directly in my views, one of the very reasons I purchased this property. This proposed easement is totally unacceptable. Should it proceed, I will take legal action against all involved including the individuals

who acted to illegally insert it into the KDPS. The only consultation that has occurred with Tasnetworks was in relation to raising the existing towers inside the existing easement. Once I received a written assurance (see annexure H) that the existing easement would not be expanded I gave my permission for full access. That permission is now withdrawn due to the deceitful and unlawful conduct of Tasnetworks.

**I have included photos for the view that the proposed easement towers and lines will destroy.**

**E zones:** E Zones should not be inserted on private land without landowner permission: Whilst E zones are available and may be applied into the KDPS they should not for the following reasons.

1. They destroy property rights which is one of the three cornerstones that underpins our society.
2. They lock up areas of private land for no compensation. Areas zoned environmental are effectively stolen.
3. They force landowners to maintain these areas at their own expense for no consideration. This amounts to slavery.
4. They deprive landowners of resources on their properties which they paid for in good faith.
5. They provide a precedent that Government may take property without compensation. This is Marxist behaviour.
6. Landowners will effectively pay rates on land that can no longer provide them an economic benefit.
7. Landowners will be reduced to existing us rights which the High Court has described as "transitory" and only designed "to cushion the blow" of the move to the new zoning.
8. In bushfire prone land they increase the bushfire risk and add to the intensity of bushfires because these areas inevitably end up not maintained.

**Riparian Zones:** I object using the reasoning above. I have looked but cannot find the definition of a Riparian zone or whether I am even permitted under the limited terms provided to include this in a submission.

Yours Sincerely,

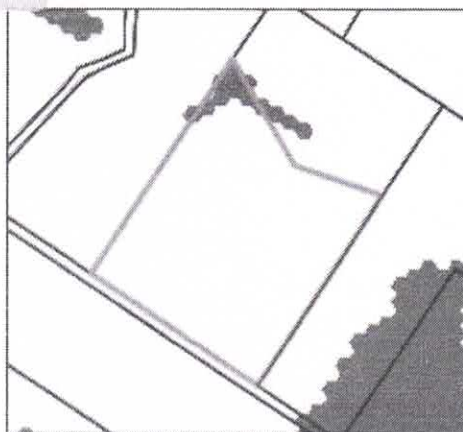


Greg Bennett Dip Com, Dip FP  
Owner Rebel Farms – 83 Richards Farm Rd, Staverton.  
18 Brookvale Rd, Ulverstone.  
Ph. 0434918808  
Email. greg@confederates.com.au



## Threatened Fauna and Significant Habitat

4 of 4



Threatened Fauna Habitat

- spotted-tailed quoll

These are species listed as threatened fauna under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999). Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened fauna habitat characteristics are extremely varied and are modelled as significant based on Natural Values Atlas records with a limited number of habitat variables or more detailed customised models for about 100 fauna species. Some species habitat occurs across the landscape but not all sites may be essential for species survival and not all suitable habitat may be occupied. Species that rely on this type of habitat are classified as landscape-dependent and are regarded as being of local importance, however the relative importance of the site to the survival of the species can only be known in response to field verification, the context and the nature of a proposal.

Why is it included?

- Statutory recognition that species extinction is likely, however not all sites are important or occupied

Data Source:

- NVA records combined with REM point-based modelling rules
- Habitat-based models

Reliability:

- Variable

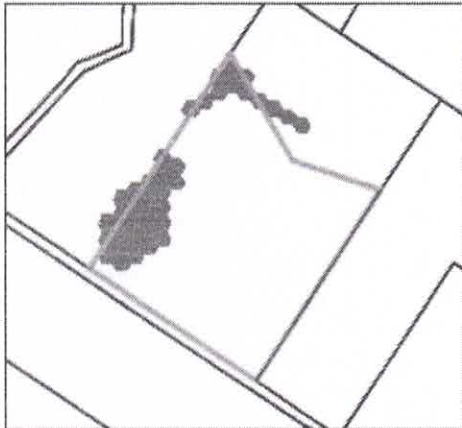
Management:

- Check species observation source
- Check data on habitat and local context
- Potentially require on-ground field verification

## Contacts

Telephone: 03 6491 0200

Email: [council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)

**Priority Vegetation Details****Threatened Vegetation Communities**

- (WVI) *Eucalyptus viminalis* wet forest

Threatened Native Vegetation Communities (TNVC) are vegetation communities with legislative recognition of being threatened. The attribute comprises vegetation communities listed as threatened under the Tasmanian Nature Conservation Act 2002 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Listing under these acts is based on historical vegetation loss since European settlement, natural limited extent or vulnerability to particular factors.

Why is it included?

- Heavily cleared - generally greater than 70% of pre-1750 extent has been cleared;
- Rarity - generally less than 1,000 hectares remaining

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Extremely variable - aerial identification and/or on-ground field verification

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management option



Annexure C

## Appendix 2: Land Capability definitions from Grose (1999)

### Prime agricultural land as described in the Protection of Agricultural Land Policy 2009:

**CLASS 1:** Land well suited to a wide range of intensive cropping and grazing activities. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. While there are virtually no limitations to agricultural usage, reasonable management inputs need to be maintained to prevent degradation of the resource. Such inputs might include very minor soil conservation treatments, fertiliser inputs or occasional pasture phases. Class 1 land is highly productive and capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent without risk of damage to the soil resource or loss of production, during periods of average climatic conditions.

**CLASS 2:** Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However, the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land. This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during 'normal' years, if reasonable management inputs are maintained.

**CLASS 3:** Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use. Land is moderately productive, requiring a higher level of inputs than Classes 1 and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.

### Non-prime agricultural land as described in the Protection of Agricultural Land Policy 2009:

**CLASS 4:** Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

**CLASS 5:** This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

**CLASS 6:** Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

**CLASS 7:** Land with very severe to extreme limitations which make it unsuitable for agricultural use.



Where possible, classes in each Issue were chosen to reflect thresholds which have been applied elsewhere or identified in the scientific literature. An example of classes within an Issue, and their associated Level of Concern, is shown below.

**Example classification: Remnant vegetation (patch size)**

Native vegetation patch size (ha)	Concern – Immediate	Concern – Potential
<2ha	M	L
2-20ha	VH	VH
20-200ha	H	VH
>200ha	L	M

The ranges of patch size classes within the indicator reflect first the range of 2-200ha for remnants nominated by Kirkpatrick *et al.* (2007), with patches >2ha generally retaining much higher conservation values than smaller patches. Remnant <2ha are considered to be of little importance to landscape function, while those >200ha are subject to the processes which affect remnants at a significantly diminished intensity and effect. The split in the middle size class in the indicator is based on the RFA assessment of remnant vegetation, which considered patches <20ha, though potentially locally important, as below the threshold for importance in maintaining existing processes or natural systems at the regional scale (Tasmanian Public Land Use Commission 1997).

Source: Knight and Cullen (2010), p14.

Not all Issues have Level of Concern which diverges according to whether they are Immediate or Potential. Threatened species, for example, have statutory recognition that they are likely to become extinct. Thus both Immediate and Potential Level of Concern are considered identical, as the species status applies to the entire taxon. However, for any given species the management response at a given site may be different to that elsewhere.

Each Issue in the REM has Level of Concern classes assigned in a classification matrix (see remnant vegetation example above). Each matrix is designed to transparently illustrate how the Issue is treated in the REM, to assist interpretation, and to provide a simple method by which the REM parameters can be altered if required (e.g. where new research indicates thresholds in a matrix may need alteration).

The REM separately assesses each Issue within the Biodiversity Asset Class, but also places them in a hierarchically structured matrix that integrates related issues. This provides an overall indicator of Biodiversity Management Priority, but also means that the important issues for managing biodiversity at any one location can be readily identified. Attachment 1 summarises the terms used in the REM. Attachment 2 provides a full illustration of the prioritisation process and relationships in the REM.



## 23.0 Environmental Management Zone

### 23.1 Zone Purpose

The purpose of the Environmental Management Zone is:

23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.

23.1.2 To allow for compatible use or development where it is consistent with:

- (a) the protection, conservation and management of the values of the land; and
- (b) applicable reserved land management objectives and objectives of reserve management plans.

### 23.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
<b>Permitted</b>	
Community Meeting and Entertainment	If an authority under the <i>National Parks and Reserve Management Regulations 2019</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Educational and Occasional Care	If an authority under the <i>National Parks and Reserve Management Regulations 2019</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Emergency Services	If an authority under the <i>National Parks and Reserve Management Regulations 2019</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
Food Services	If an authority under the <i>National Parks and Reserve Management Regulations 2019</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .
General Retail and Hire	If an authority under the <i>National Parks and Reserve Management Regulations 2019</i> is granted by the Managing Authority, or approved by the Director-General of Lands under the <i>Crown Lands Act 1976</i> .

## 20.0 Rural Zone

### 20.1 Zone Purpose

The purpose of the Rural Zone is:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
- (b) that requires a rural location for operational reasons;
- (c) is compatible with agricultural use if occurring on agricultural land;
- (d) minimises adverse impacts on surrounding uses.

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

### 20.2 Use Table

Use Class	Qualification
<b>No Permit Required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	
Utilities	If for minor utilities.
<b>Permitted</b>	
Business and Professional Services	If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If associated with Resource Development or Resource Processing.
Emergency Services	



Annexure C.

7:34 am Sat 20 May

100%

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COMMUNITIES

83 RICHARDS FARM RD STAVERTON



Map information in [83 RICHARDS FARM RD STAVERTON]

Titles

1

PID 1712376

Parcel Address 83 RICHARDS FARM RD

CT 121347/2

Tenure Type Freehold Title

Locality STAVERTON

Improvements DWELLING

Area 200400

Overlays

Landslip Hazard

Inner Protection Area

Priority Vegetation Area

Waterway and Coastal Protection

Bushfire Prone Areas

Electricity Transmission Corridor

NOTE: Additional codes are not mapped and may be triggered based on description

Links

Priority Veg Report

Zones

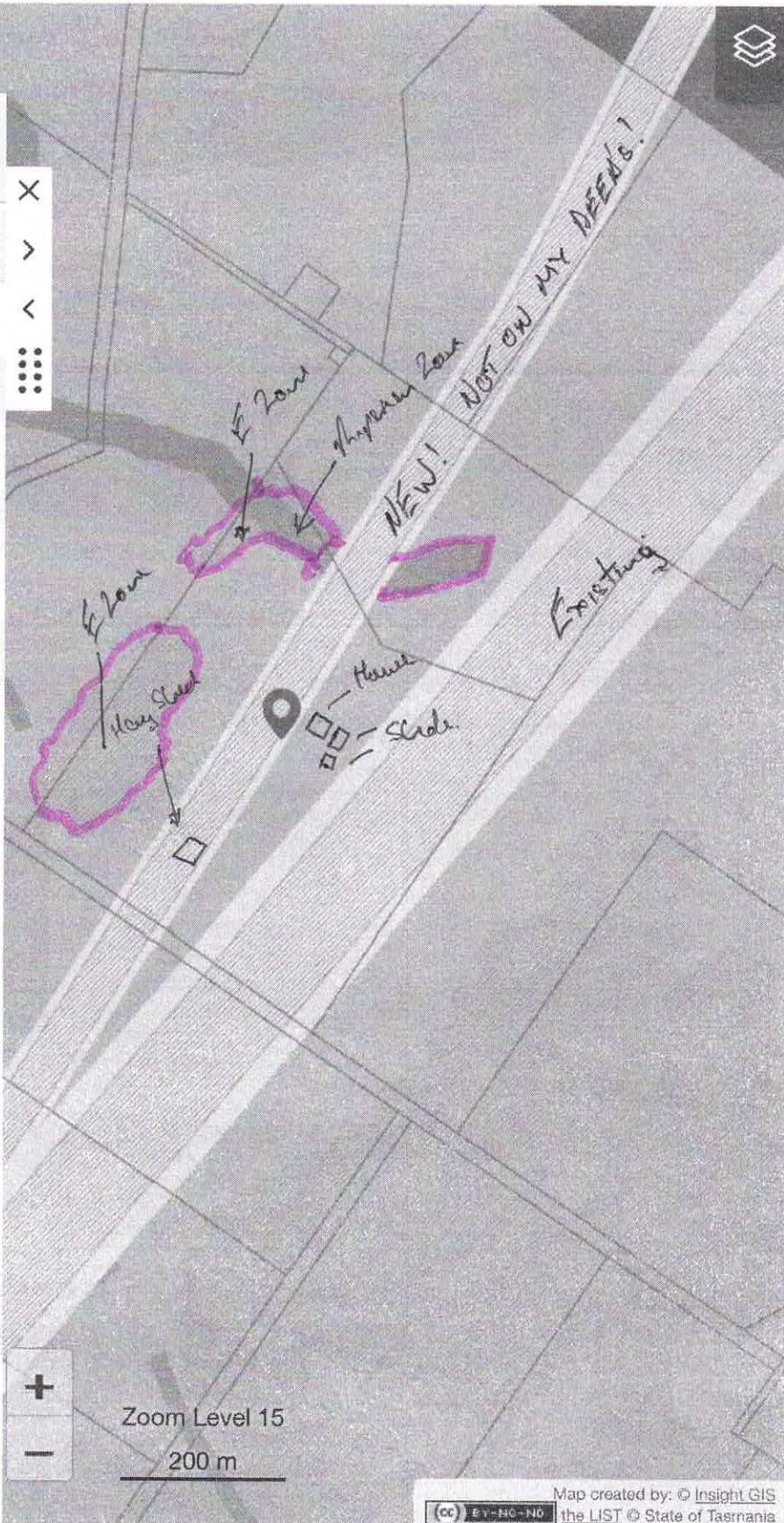
1



Zoom Level 15

200 m

Map created by: © Insight GIS  
the LIST © State of Tasmania





Annexure M.

From: Mcconnachie, Gordon Gordon.Mcconnachie@ap.jll.com

Subject: TN Easement

tasnetw@k.com.au

Date: 10 Sep 2021 at 2:09:39 pm

To: greg@confederates.com.au

---

Hi Greg,

I confirm that under this project there are no plans to widen the existing easement on you property near Staverton.

Thanks & regards.

Gordon

**Gordon McConnachie**  
Landholder Relations Advisor  
Infrastructure Advisory  
Tasmania  
JLL

M +61 477 342 512

Infrastructure Advisory | JLL

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**From:** Greg <greg@confederates.com.au>  
**Sent:** Friday, 19 May 2023 6:43 PM  
**To:** Kentish Council  
**Subject:** Kentish Council Planning Scheme

You don't often get email from greg@confederates.com.au. [Learn why this is important](#)

## Kentish Council Planning Scheme - submission

Incorrect mapping, inappropriate E zones and proposed zoning that does represent the current use and capacity of the land for 83 Richards Farm Rd, Staverton. Furthermore a proposed electrical corridor which drastically and unacceptably impacts the property.

Dear planning staff and councillors,

I wish to bring to your attention significant errors in the draft planning scheme applicable to my property.

1. Incorrect proposed zoning: The proposed zoning is rural but should be farmland. My property is a beef cattle operation. I have an ABN and it is run in a business like manner. There are new yards, hay and machinery sheds. The property when purchased was also run as a beef cattle enterprise. The soil is deep dark basalt and whilst neglected in the past it is quickly regaining its productivity with regular fertilising, pasture improvement and weed control. I have replaced the internal fencing dividing it into six grazing paddocks, a hay paddock and a wetland area for summer grazing. Previously potatoes have been grown on the bottom paddocks, these areas are relatively rock free with excellent soils which are suitable for cultivation. This year I cut 28 large bales of hay, I'm currently running 21 Greenhams approved Angus steers and 10 breeding goats. With further wallaby fencing and pasture improvement the potential should be in excess of 25 head turned off yearly to make it a profitable small farm. This farm clearly meets the criteria of farmland and it would be highly inappropriate to zone it rural.
2. Incorrect mapping/inappropriate E zones: The proposed environmental zone mapping is incorrect. The area around the creek which is shown as native vegetation is blackberry(now removed), grass trees, some paddock trees and grassland. The reason for this E zone, Spotted quoll, simply does not exist in this area. The larger area of native vegetation is regrowth (Less than 2ha). The stated species for protecting this vegetation, Eucalyptus Viminalis, does not exist. What is there is Wattle and Tea Tree with some Blackwood and exotic weed species. There are large areas which is predominantly blackberry and invasive weeds which have/are being removed. Note; that significant areas were extensively damaged in the wind storm, very large Wattle trees have been blown completely over, some damage has been removed but large areas of fallen trees remain. Furthermore the boundary fence needs replacement and I have been attempting for some time to come to agreement with my neighbour to do so. This will require the permanent removal of at least three metres of vegetation along my side of the fence line.
3. The other significant issue is the proposed electrical transmission corridor: This corridor is completely unacceptable. It would place my residence directly between two sets of high voltage transmission lines. My views will be severely compromised, land use restricted, they would go over the top of my hay shed, will require the removal of vegetation along Richards Farm Rd which I want retained as well as paddock trees. This proposal will drastically affect my property value which is effectively my superannuation. The proposal is disgusting and must not be permitted to proceed. Please remove this corridor from the Planning Scheme.

4. I request that councillors attend my property in my company, to have a first hand view of these significant errors and concern, so they may be rectified prior to adoption (should that occur) of the planning scheme.

Yours sincerely,

Greg Bennett Dip FP, Dip Com  
Owner Rebel Farms  
Email: greg@confederates.com.au  
Ph: 0434918808



## Carolyn Rimmer

---

**From:** Debra Bellchambers  
**Sent:** Thursday, 13 July 2023 8:07 AM  
**To:** LPS submissions  
**Subject:** FW: Greg Bennett re Tasnetworks easement / addition to submissions to KDPS.

**Debra Bellchambers**  
DEVELOPMENT AND REGULATORY SERVICES SUPPORT OFFICER



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[www.facebook.com/kentishcouncil](https://www.facebook.com/kentishcouncil)

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**From:** Greg <greg@confederates.com.au>  
**Sent:** Friday, July 7, 2023 9:24 AM  
**To:** Jan Febey <jan.febey@latrobe.tas.gov.au>  
**Cc:** Kentish Council <council@kentish.tas.gov.au>; jeremy.rockliff@dpac.tas.gov.au  
**Subject:** Re: Greg Bennett re Tasnetworks easement / addition to submissions to KDPS.

Dear Jan,

Thank you for your response, it is pleasing to hear that Council is taking this matter seriously.

The problem with the course of action proposed is that it will occur after the fact with no guarantee of success. The recalcitrant behaviour of Tasnetworks to date and the lack of interest by MPs who appear to have adopted a strategy of ignoring the issue leaves me with no option but to pursue a legal remedy. This could have been avoided by simply removing the KDPS from display and addressing the issues. As this time has passed not adopting the scheme and reexhibiting is the only option remaining to avoid legal action. Since it was mandatory to include these easements in the KDPS this makes it even more pressing to fix this matter prior to adoption. This undisclosed easement will be recognised once the plan is adopted and will adversely impact landowners. This is unacceptable.

I'm currently engaged with a legal firm that has the capacity to pursue a class action of this magnitude. They are currently reviewing whether they will take the matter on as, no win no pay, as I have requested this so all affected landowners may participate.

I have done all I could to avoid the matter reaching this point, Council must realise that their position is precarious.

Once again please add this email to my submission.

Regards,

Greg Bennett Dip FP, Dip Com  
Owner Rebel Farms  
Email: [greg@confederates.com.au](mailto:greg@confederates.com.au)  
Ph: 0434918808

On 6 Jul 2023, at 2:03 pm, Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)> wrote:

Hello Greg,

I confirm that your emails will be included as part of your submission. Council will be raising the matter of the unregistered wayleave easement where no powerline exists with TasNetworks through the statutory hearing process as to its purpose and effect given there are houses and sheds within it. Including it was a mandatory instruction in the TPS, but we can seek its removal where no powerline exists (or is intended to be installed) through submission to the TPC. Where a TasNetworks powerline does exist, there is no scope to remove the overlay.

Regards

Jan

**Jan Febey**  
MANAGER DEVELOPMENT AND REGULATORY SERVICES

PH: 03 6426 4456|M: 0418 365 855



Latrobe Council

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**From:** Greg <[greg@confederates.com.au](mailto:greg@confederates.com.au)>

**Sent:** Thursday, 6 July 2023 1:29 PM

**To:** Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)>

**Cc:** Kentish Council <[council@kentish.tas.gov.au](mailto:council@kentish.tas.gov.au)>

**Subject:** Greg Bennett re Tasnetworks easement / addition to submissions to KDPS.

Dear Jan,

I have now had meetings with Tasnetworks staff, Minister Ellis of the Tasmanian Government and have contacted the premier's office regarding the Tasnetworks previously undisclosed easement. At of this time there is no commitment to remove this easement.

I note that council has not removed the Draft Planning Scheme from exhibition. Since council has approved infrastructure in this easement I find this lack of action bewildering as it surely must open Council to legal liability.

I'm currently in the process of engaging legal representation to redress this matter as all other avenues appear to have failed. So we have the ridiculous situation where this easement does not appear in Folio searches, is not registered at the Lands Title office and infrastructure has been approved by Council. Yet no one in authority will do anything about it.

Please include this and my previous email as part of my submissions in relation to the Draft Kentish Planning Scheme.

Regards,

Greg Bennett Dip FP, Dip Com

Owner Rebel Farms

Email: [greg@confederates.com.au](mailto:greg@confederates.com.au)

Ph: 0434918808

Begin forwarded message:

**From:** Greg <[greg@confederates.com.au](mailto:greg@confederates.com.au)>

**Date:** 2 June 2023 at 9:04:02 am AEST

**To:** Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)>

**Subject:** Greg Bennett re Tasnetworks easement

Thank you Jan,

I have further information for you regarding the 'new' Tasnetworks easement.

This is not a new easement but one dated from 1963. The problem for authorities is that this easement appears not to be registered with the land titles office and does not appear on Folio Plan searches. The problem for Council being buildings including houses have been approved within the easement as no doubt Council was unaware as well.

Having this easement in your DKPS is going to cause problems as it effectively resurrects it. Once again I request that you pull the Draft from display and investigate this matter. I also request that you consult with landowner's regarding this and other matters of concern in the draft.

I have been conversing with Tasnetworks. Tasnetworks has no plans to use the easement and see it as a strategic asset. I have requested that they remove the easement as it will leave them vulnerable to a class action, they are considering my request.

Regards,

Greg Bennett Dip FP, Dip Com

Owner Rebel Farms

Email: [greg@confederates.com.au](mailto:greg@confederates.com.au)

On 1 Jun 2023, at 9:05 am, Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)> wrote:

Good morning Greg,  
I confirm they have been received.  
Kind regards  
Jan

**Jan Febey**  
MANAGER DEVELOPMENT AND REGULATORY SERVICES

PH: 03 6426 4456|M: 0418 365 855



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**From:** Greg <[greg@confederates.com.au](mailto:greg@confederates.com.au)>

**Sent:** Monday, 29 May 2023 8:03 AM

**To:** Jan Febey <[jan.febey@latrobe.tas.gov.au](mailto:jan.febey@latrobe.tas.gov.au)>

**Subject:** Greg Bennett re submission acknowledgment.

You don't often get email from [greg@confederates.com.au](mailto:greg@confederates.com.au). [Learn why this is important](#)

Hi Jan,  
I have submitted two submissions in relation to the KDPS, could you please formally acknowledge that you have received them.  
Regards,

Greg Bennett Dip FP, Dip Com  
Owner Rebel Farms  
Email: [greg@confederates.com.au](mailto:greg@confederates.com.au)  
Ph: 0434918808