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FINAL

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Draft Representation on Tasmanian Planning Scheme's

Draft Meander Valley Local Provisions Schedule

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Preamble

The Environment Association (TEA) Inc. is a not for profit, volunteer based, regional environment community association and a stakeholder in this process. TEA has a long-term interest in environmental and social outcomes in our region, Northern Tasmania, particularly in environment, planning, biodiversity and scenic management and heritage conservation issues. TEA is a stakeholder in the development of any new planning scheme or land use strategy affecting our region or any municipality within it. We regularly comment on state legislation over land use planning, heritage, forestry and other issues.

TEA has long been making representations and submissions to RMPS processes including through the RPDC, the RMPAT, and more recently the TPC and have had involvement in local government planning and forestry issues for many years. We are not represented by any other organisation. We have no political affiliations.

We wish to thank Council for the opportunity to make comment on the Council's Draft Local Provisions Schedule (LPS). With this document TEA provides a brief overview of the shortcomings of the Tasmanian Planning Scheme - Meander Valley Local Provisions Schedule.

This however is not a complete submission due to a range of constraints on our time.

On 20 October 2018, the Draft Meander Valley Local Provisions Schedule (LPS) was advertised for a 60-day period of public comment, ending 21st December 2018. This representation is made within that period.

The comment period is to encourage all in the Municipality to inform MVC of our concerns and issues. Having received them, MVC prepare a report to the TPC, with a copy of all submissions received during the period. MVC may/or may not support any one submission. However, this process provides the opportunity to convince either or both of the two planning authorities that the scheme should be amended.

We make the observation that it would be understandable were residents and ratepayers failed to make submissions, the needless redoing and the endless submission processes which go nowhere or are rorted are sufficient to dampen any sane person's enthusiasm for participation in the RMPS.

We have participated extensively in the planning processes that Meander Valley Council has run since 2001 which aimed to develop a new planning scheme. Currently some 17 years later there remains a Meander Valley Interim Planning Scheme 2013. No finalised scheme. In of itself we consider this situation to be characteristic of a lack of understanding over fair and orderly planning.

TEA considers that this representation to Meander Valley Council (MVC), is an opportunity to deal with our many concerns through Council and subsequently, if needs be, at a hearing of the Tasmanian Planning Commission (TPC).

Introduction

This is the first public comment exposure of any statutory Draft Local Provision Schedule within the Tasmanian Planning Scheme (TPS). Only with the finalisation of a Local Provision Schedule (LPS) is the Tasmanian Planning Scheme enlivened. It seems this precedent is set to occur using the Meander Valley's LPS.

The 60-day comment period for the draft MV LPS comes at a time when a newly elected Meander Valley Council will be undergoing an induction period and at a time, consequently, when there is a lack of experience.

Past Participation in Planning Scheme Deliberations and Rights to Participate under LUPAA and within the RMPS

We have decided that our submission and the MV LPS needs to reflect on the LUPAA Schedule I Objectives of the RMPS.

“SCHEDULE 1 - Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In clause 1(a), "sustainable development" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

PART 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

(a) to require sound strategic planning and co-ordinated action by State and local government; and

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

(i) to provide a planning framework which fully considers land capability. ”

Introduction to the Tasmanian Planning Scheme.

The new, State scheme (The Tasmanian Planning Scheme), (TPS), does not in the main promise any more than a decline in fairness overall and an ongoing failure to meet both the LUPAA and RMPS Objectives as well as the Northern Tasmania Regional Land Use Strategy (NTRLUS). This last issue alone must be addressed. It is not a discretion when it comes to meeting the commitments of the Northern Regional Land Use Strategy. The Meander Valley Council (MVC) report, the Local Provisions Schedule Supporting Report of September 2018 refers to Version 6 of the NTRLUS and thus for this and a number of other reasons this is the one we consider to be legitimate. We discuss the issue of the debasement and malfeasant tampering with the NTRLUS later on.

In the course of creating, or rather attempting to create the Tasmanian Planning Scheme, the legislation which has served Tasmania well has been amended multiple times and has been considerably expanded. Contrary to the Liberal government’s commitment of “simpler, fairer and faster” the legislation has become vastly more complex and indeed the Tasmanian planning scheme itself is considerably more complex and substantially more voluminous than the current interim planning schemes.

We already regard the Tasmanian Planning Scheme as an abject failure.

The Local Provisions Schedule

It has been stated that the Draft MV LPS is comprised of several components.

- The zone maps;
- Local area objectives;
- Particular Purpose Zones;
- Specific Area Plans;
- Site Specific Qualifications;
- Code Overlay Maps (prescribed and local data)
- Code lists;

In preparing its Draft LPS, Meander Valley Council (MVC) imputes it has attempted to determine the best zone to apply to land from the list of available zones in the State Planning Provisions (SPPs). The Zone maps are a part of the MV LPS.

A representor can suggest an alternate zoning for any land within the Municipal area and must do so at this stage if you believe you are not correctly zoned for example but want the zone changed without fee.

Council does have the ability to create planning rules and provisions different to the SPPs, however the legislation requires Council to demonstrate that a unique or tailored approach is warranted and to also provide justification for a variation in the Draft MV LPS. We consider it has not sufficiently performed this task.

So, as far as we can see, if a representor seeks a variation under the current Draft LPS comment period they too would need to provide a justification, if they wish to succeed. Section 32 of the Land Use Planning Approvals Act (LUPAA), called The Act from now on, provides a guide.

Limited but Important Opportunity for Changing the State Planning Provisions

The State Planning Provisions, pertaining solely to the Tasmanian Planning Scheme, provides the basis for the new planning scheme.

It is our understanding that in regards to the State Planning Provisions, if a representor considers there needs to be a change, one can make a representation to MVC and request it to deal with the proposed change and provide reasons for their consideration.

If a representor convinces Council, over a State Planning Provisions related matter our understanding is that Council would then make a representation to the TPC. (Under Section 35G of LUPAA). The Act unfairly prevents a representor from suggesting change to the TPC (Section 35E (4)) directly. If you do, it simply will not be considered. Section 35G states:

“(1) A planning authority, by notice to the Commission, may advise the Commission that, having considered –

*(a) a draft LPS, in relation to the municipal area of the planning authority, that has been made available for viewing by the public under section 35D(1)(b)(i) ;
and*

(b) representations made under section 35E(1) in relation to the draft LPS –

the planning authority is of the opinion that the content of a provision of the SPPs should be altered.”

Notwithstanding our disdain for the arcane and restrictive provision we will do our best to ensure we call upon Council to come to understand the issue/s which we seek it represent.

Precedents will likely be established during the exposure and hearing process of the MV LPS. Fine-tuning, not only to the MV LPS but possibly to the extent to which the State Planning Provisions would apply to the Municipality, we expect might depend upon the compelling strength of the reasons a representor provides.

It is also possible to make the case (to MVC and later the TPC) that an area, which does not have Local Provisions should have an exceptional, non-standard set of conditions applied usually via a Specific Area Plan or Site Specific Qualification or via a Particular Purpose Zone.

We consider that any such proposal will be judged on its merits in accord with Sections 32, 33 and 34 of LUPAA. There are a several clauses within the legislation and a number of different solutions depending on the situation and issue.

TEA has made such proposals and as well suggested some alternate zonings of specific areas of land in this representation.

In some instances TEA will have simply identified the particular problem and have not suggested who might rectify it or indeed how.

Undesirable Increased Range of Permitted Developments and Less Control

The substantial increase in Permitted Developments and the decline in the number of Discretionary developments in the SPP and hence in the Meander Valley Draft LPS is criticised and considered to hold no public interest value.

The consequence would mean developers will likely attempt to place developments in Zones, which currently in the MV 2013 IPS do not accept such developments. This, we forecast, will cause substantial anger in local communities. But by then, it may be too late.

The Tasmanian Planning Scheme's SPPs increases the favoured position of development at any cost. The Tasmanian Planning Scheme and thus the Meander Valley Draft LPS gives a substantial primacy to the developer and the private property owner.

Unless a substantial number of representations are made by ratepayers and residents and unless matters are rectified in the SPPs and the draft MV LPS, the result would be that the public would have far less appeal rights, the individual neighbour would also have substantially diminished rights of objection and appeal.

The TPS including the MV LPS would unsurprisingly also diminish MVC's discretion to modify and improve developments.

Council Informed Ratepayers by Letter

Meander Valley's General Manager, Martin Gill, on 16th October 2018, wrote to all residents of the Municipality. He stated:

“In 2017 the State government finalised the state planning provisions that make up the majority of the Tasmanian Planning Scheme (TPS).” ...

“The part of the TPS that includes rules that specifically relate to a municipal area is known as the Local Provisions Schedule.” ...

“The draft Meander Valley local provisions schedule is comprised of the zoning maps, overlay’s and the written regulations contained in appendix A of the TPS.” ...

“It is important to note that under the TPS, the requirements for use and development will be different to those that have been in place under the current planning scheme. In addition, the legislation limits the matters that can be considered in a representation.”

Mr Gill’s letter of warning, chose to both alert residents and arguably, sought to diffuse the motivation for ratepayers to make a submission. Mr Gill’s letter does not adequately describe the role of the State Planning Provisions, or how you may ask Council to amend them, which absolutely also relates, constrains and indeed defines the context of the Meander Valley Local Provisions Schedule. When Council warns the rate payers in this way – believe it!!!

The Complexities of the Tasmanian Planning Scheme

Only with the exposure and subsequent hearing into this first Local Provisions Schedule, will the inequity of this complicated and rigid TPS system become more widely understood.

Please Note: This submission focuses on the bigger public interest issues. In this document we do not deal with all the spatial anomalies, inconsistencies or faults which may be present in the draft LPS but we do provide some examples.

Nor do we go into the merits of every individual land zonings, nor the standards which have been adopted and which may be subject to change, including the creation of additional Specific Area Plans or the spatial limits of specific zones and so forth. These matters are relevant, potentially for all residents and users of the Scheme, but it simply is not possible to write a full critique of the over 500 pages which the Scheme comprises. We hope however we will have raised sufficient issues

To give Meander Valley Council its due, it has produced two informative Fact Sheets which can be accessed on its website. These Fact Sheets significantly improve the explanation of the Tasmanian Planning Scheme and the Local Provisions Schedule. I encourage you to read these fact sheets. MVC obviously considered that the TPS may be fairer with a better explanation of the process and how to make a representation. However, no amount of explanation can rectify the manifest inequity, embalmed in the TPS, including this first Draft MV LPS.

It is important to understand that the Local Provisions Schedule and the State Planning Provisions are inextricably linked. Yet, they have been presented separately, thus substantially diminishing the ability of the public to understand their collective substance and meaning. This is just one of the many massive failings of the Tasmanian Planning Scheme. This is not Council’s fault but rather the Liberal Tasmanian Government, who would appear to be making things as hard as possible, for those who wish to participate in local government land use planning.

Many of the suggestions of the Tasmanian Planning Commission to the Minister in this TPS process have been ignored.

Meander Valley, is a mid-sized local government which happens to have a well-staffed and professional planning Department. Many of its suggestions in this process have also been ignored.

Meander Valley's Local Provisions Schedule - Some Deficiencies

However not all is satisfactory with Meander Valley's Local Provisions Schedule.

Meander Valley Council has repeatedly failed to honour and abide by the strategic position of the Northern Tasmanian Regional Land Use Strategy (NTRLUS) 2018 Version 6, to which it accords limited respect and indeed over which it (along with other Councils and the Planning Policy Unit) has now malfeasantly sought to debase, degrade and diminish.

The backwardness of Meander Valley, arguably, is due to sectoral interests and the slavish property rights mantra of some Councillors. The failure to honour and abide by the strategic position of the Northern Tasmanian Regional Land Use Strategy (NTRLUS) is a major weakness of the Meander Valley Local Provisions.

To make matters worse, under the Tasmanian Planning Scheme, Meander Valley Council, in constructing a Local Provisions Schedule, has been unable to recover from the dumbed down State Planning Provisions (SPP), (the majority of the scheme), which unashamedly foists intensification and densification on Meander Valley residents without repentance, apology or any suitable underpinning strategy or policy or indeed rationale.

It is fair to say that in some LPS zones, Meander Valley has tried to apply variations from the SPP to certain specific zoned areas, where unique local conditions and requirements have dictated a change to the inflexible SPP standard. These are often shown as Specific Area Plans (SAPs). In reading some of those we find some of the wording to be ambiguous and perhaps not meaning what was intended.

The substantial number of SAPs present in the draft MV LPS, indicates the simple, dumbed-down SPPs of the TPS to not be adequate, in the opinion of Meander Valley's planners. We agree with that view and consider that this TPS inspired LPS will be costing our Municipality considerably. Not cheaper at all! We forecast more SAPs will likely need to be created to finalise the MVC LPS satisfactorily. A representor is allowed to suggest new Specific Area Plans as a solution. Indeed TEA has done this within this representation.

Reduced Strategic Consultation, Protection and Appeal Rights under the State Planning Provisions

In order to create a scheme absent a policy base, the Planning Reform Taskforce, led by the Property Council's Ms Massina, infused the Launceston version of the State Planning Template with Policy. This had never been transparently articulated in any proper and public fashion, so that the community could understand and have an opportunity to make comment through a fair process. This template, now much bloated and dumbed-down became the State Planning Provisions (SPP) of the TPS. The Planning Reform Taskforce was an unrepresentative Liberal concoction of Liberal contacts with no environmental representation whatsoever.

The TPS has thus from the outset been covertly designed specifically to disable and diminish community participation and objection in the land use planning process and this fact goes against the stated legislated objectives of the RMPS and of LUPAA.

The Tasmanian Planning Scheme was never about consistency. If it was consistency at stake, then the plethora of land use legislation drafted to be outside of the RMPS would have been incorporated into the RMPS and instead of the sham of the TPS SPP we would have had a single system of land use planning in Tasmania.

The truth is: the Tasmanian Planning Scheme (and hence this Draft LPS) reduces protection both for local communities and their amenity, it reduces the rights of the residents of Tasmania and especially ensures a massively reduced protection for the natural environment and for all aspects of Heritage. Indeed, it could be argued that the Tasmanian Planning Scheme should be characterised as a pro-development, greed-based planning instrument.

The Meander Valley LPS, under the Tasmanian Planning Scheme, was created in an absence of comprehensive State Policies, and unacceptably remains inconsistent with the Northern Tasmanian Regional Land Use Strategy (NTRLUS) 2018 Version 6.

The NTRLUS, which in any case, has (in June 2018) been recently substantially amended, its policy intent changed by the Minister, with the assistance of the 8 northern Council staff and the Planning Policy Unit. We allege this version of the NTRLUS to not be legitimate and to be a malfeasant tampering without regard for the law (process wise) and in an absence of meeting the objectives of the legislation and importantly, as well, its actual legal provisions. It is not a lawful document, we allege.

Additionally the latest version of the NTRLUS (June 2018) was deliberately not put out for public comment and the specific changes, which have been made, have deliberately not been disclosed in an accessible form for public comment.

If governments were confident that they have society's interests at heart the custodians of the NTRLUS would not be avoiding a proper public consultation. There are too many changes to detail them all here but an example is given below:

BNV-P01 in April 2018 stated (and had long done so):

"Implement a consistent regional approach to protecting and enhancing the region's biodiversity, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping."

BNV-P01 in June 2018 (after the tampering) states:

"Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping."

It gets worse, this significant change has been described to TEA as: *"No change"*.

A second example is:

BNV-P02 in April 2018 stated (and had long done so):

"Restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas."

BNV-P02 in June 2018 (after the tampering) states:

“Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.”

The reason given is: *“Edited to recognise exemptions in SPP’s.”*

The illegitimate, latest (June 2018) Northern Tasmania Regional Land Use Strategy (NTRLUS), is simply both undemocratic and unlawful. The latest, June 2018 version, has substantially altered the Version 6 document which is mentioned in Council’s Supporting Report to the LPS and also fails the ‘policy neutral test’ and accordingly will remain a deeply unfair and poorly designed anachronism of best practice, modern land use strategic planning. This is the dark age of the now ageing RMPS. The June 2018 version of the NTRLUS is termed Version 4 and that is obviously a lie, or to be generous, it is simply incorrect. The June 2018 Version 4 of the NTRLUS is unlawful we allege.

For your reference, we enclose a copy of the May 2018, Version 6 of the NTRLUS which we consider to be the last legitimate version of the Strategy.

We have made our disdain known to Meander Valley’s General Manager, who kindly provided to TEA a comparison chart of the changes between the May 2018 and the June 2018 NTRLUS documents. We indicated to him we would not release this chart generally to the public but did say we would bring it to the attention of the TPC. Thus importantly we enclose this chart as a part of this representation. A discussion of the malfeasant watering down of the NTRLUS is obviously an issue for the LPS of Meander Valley.

TEA considers that were the illegitimate aspects to be solved, all the watering down and weasel word provisions will have meant the NTRLUS of June 2018 will fail to deliver a strategic intent which meets the Objectives of the RMPS. It is not sufficient that such behaviour be allowed.

The Tasmanian Planning Scheme has been and will continue to be an expensive project but from the community’s perspective, it will likely continue to be regarded as cheap, nasty and backward.

The Draft Meander Valley Local Provisions Schedule, with the SPPs, being the rest of the Tasmanian Planning Scheme, would bring about a serious reduction in land use planning Discretion across virtually all Zones. Such a lack of discretion means more rigid less flexible less responsive planning control at the local level. The TPS claims to be simpler but this miserable attempt of simplification has created a more rigid and less flexible system which obviously has less interest in meeting the laudable objectives of the RMPS.

Northern Tasmania Regional Land Use Strategy

Since at least 2011, Meander Valley Council was involved in the development of the regional framework and plan and had signed off on the Northern Regional Land Use Strategy (NTRLUS) of October 2011 and again supported and ratified an update to the strategy, which was declared 16th October 2013.

The LUPAA legislation clearly intends the regionalised Local Planning Schemes must be consistent with the Regional Land Use Strategies (RLUS). In particular LUPAA states: Section 30E (6)

“A draft interim planning scheme and an interim planning scheme are to be consistent with, and likely to further the objectives and outcomes of, the regional land use strategy, if any, for the regional area in which the schemes are to apply.”

Therefore, MVC's Councillors are duty bound to accept that its planning scheme MUST meet the terms, clauses and outcomes of the NTRLUS. I trust you will agree this is a reasonable interpretation of "are to be consistent with".

Importantly, Council's professional officers are also duty bound to ensure Council's Interim planning scheme meets the NTRLUS. Councillors must surely consider that such a constraint would provide sufficient guidance to senior staff in such a way that would give you confidence to delegate reliably.

Significantly the Tasmanian Planning Commission (TPC) also has to ensure that MVC's Interim Scheme meets the NTRLUS.

The Northern Regional Land Use Strategy is a legislative requirement, which cannot be undermined, diminished or negotiated away. In its own right, it is the culmination of years of sound planning work, not only by planners but also by the community. It is important that Council recognises such mechanisms of community involvement and direction, which reflects their aspirations.

Finally, in any new statewide planning scheme, the Hodgeman Liberal Government has also committed to adherence, reliance and use of the three RLUS to guide the statewide planning scheme process and its regional implementation across the 29 local government areas in Tasmania.

So it may safely be considered the NTRLUS is here to stay. Indeed at the December 2014 Council meeting, Council again supported and ratified an update to the NRLUS document.

It is obvious however, that MV Council's Interim Scheme does not fully meet the NRLUS.

Zone Primacy of TPS has Weakened Codes and Avoidance of Priority Vegetation in the Agriculture Zone

The Meander Valley Local Provisions Schedule, (with the rest of the Tasmanian Planning Scheme, that is the SPPs), would increase the primacy of the Zone (which is mapped under MV's LPS) and would limit and diminish the role of Codes created under the SPP and their associated Overlays, created variously by the State or MVC under the MV LPS. Is it simpler?

The 28 current Interim Planning Schemes, applied Codes universally across all Zones and therefore provide public interest protections to all the Zones in all Municipalities, all across Tasmania.

This Tasmanian Planning Scheme LPS represents a spatial debasement of the universality of the Codes within the current SPP. Additionally, under the SPP's of the TPC, these Codes have been significantly weakened in the SPP.

Some Codes under the Liberals' new TPS system, do not even apply to certain SPP Zones which have been applied to land within the MV LPS.

For some Land Uses (such as Forestry to use the classic example), there is a litany of forestry exemptions, both in the Codes and elsewhere in the SPPs, that permeates, throughout the whole of the TPS. The massive exemptions in the TPS accorded to forestry have no social license.

In general terms, it is considered a preposterous proposition that a Zone does not have regard for a particular Code (or part of a Code). The public interest is not zone dependent. This proposition represents a failure to meet Schedule 1 of the RMPS.

Meander Valley Council was forced to delete some of the SPP Code Mapped values from their Agriculture Zone from within the MVC's draft LPS mapping, by the TPC we understand. We do not support this removal. So, in any case, we presume the TPC has made up its mind over some of these issues. Sounds like it may have trouble delivering a fair hearing.

In the 2018 Draft MV LPS, there is Natural Assets Code Overlay mapping, which maps both Priority Vegetation and Waterway and Coastal Protection in the one map set.

That Natural Assets Code mapping under the MV LPS is now both incomplete and inconsistent across the Municipality because under the SPP's Agriculture Zone's provisions, do not accept that the reality and constraints of Priority Vegetation should be applied to the land which is now mapped as the Agriculture Zone. This absurd situation has caused the full and complete and unsustainable deletion from the Tasmanian Planning Scheme of Priority Vegetation, wherever it occurs in the Agriculture Zone, in the Draft MV LPS.

It should be noted that the current Meander Valley IPS 2013 (the current scheme) did not have an Agriculture Zone at all. Under the TPS, MVC was forced to create an Agriculture Zone because, to be honest, it did not want one and did not see the need to divide up Rural Resource into Agriculture and Rural.

A State mapping project was completed under the Planning Policy Unit (PPU), which included a reference group with some MVC staff. This was a behind closed doors project, again absent any public comment opportunity. This process reviewed the spatial propositions contained in the mapping and this was done on a State-wide basis.

The residents of the MV and other Northern Councils have not been given an adequate consultation opportunity to understand the implications of this change.

Right now, within the Draft MV LPS, one cannot determine from the Meander Valley Local Provisions Schedule, the complete extent of Priority Vegetation within the Municipal Area, because it has been deleted from all of the land is Zoned, Agriculture.

Indeed when one looks at the Natural Assets mapping, such as a landowner, may not realise the arcane rules and may consider they do not have Priority Vegetation, including vegetation which is Listed as Threatened on the State List or Endangered or Critically Endangered on the EPBC List on their land. In any case regardless, unacceptably, such vegetation does not become a relevant consideration in the Agriculture Zone.

However, in the same map set, of the Natural Assets Code Overlay mapping, the Waterway and Coastal Protection Areas of the Natural Assets Code, have been included regardless of Zone. Thus, in the one set of mapping in the MV LPS there exists a complete waterways and an incomplete Priority Vegetation mapped extent, yet the zones are not disclosed on the Code map-sheets. This is enormously confusing, misleading and obviously grossly deficient.

TEA claims the removal from relevant consideration of Priority Vegetation within the Municipal Areas zoned into the Agriculture Zone does not meet the Schedule 1 objectives of LUPAA, which in part states.

"2. In clause 1(a), "sustainable development" means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.”

The protection of agricultural land policy commits: *“To enable the sustainable development of agriculture...”* Priority Vegetation mapping in the Natural Assets Code is obviously a relevant consideration for the sustainable development of agriculture, which would be primarily occurring in the Agriculture Zone of MV.

The clearance of any native vegetation is regarded as a threatening process under The Commonwealth EPBC law. This includes all Priority Vegetation, regardless of whether it is mapped. But even with such guidance there is a concerted push to remove land clearance controls from Meander Valley including for the most endangered ecologies. That is it can be said that all Priority Vegetation is native vegetation, just to be clear.

The avoidance of Priority Vegetation, as a relevant consideration in Meander Valley’s Agriculture Zones, means the avoidance of the protection of Listed (Threatened) Species habitat and the absence of the protection of Ecological Communities, including those which are Threatened and those which are in the process of being listed as Critically Endangered.

Meander Valley has significant Threatened Vegetation (Listed) present within the Agriculture Zone, which is now not even being shown as Priority Vegetation under the LPS Natural Assets Code mapping. The consequence is that this ridiculous and deliberate Liberal inspired deficiency makes Priority Vegetation virtually impossible to be saved from clearance or excised from a project, which is likely to harm it. Is the removal of a relevant consideration a part of “cutting green...tape”?

There appears to be no consistent methodology over the mapping of the Agriculture Zone and the Rural Zone in the MV LPS mapping. Currently the Rural Zone does have Priority Vegetation mapped and Agriculture Zone does not.

We have been informed that the Rural Zone is code for a defacto forestry zone but we can see other uses are included and can see significant Private Timber Reserves and other forestry in the Agriculture Zone.

We can see from the Priority Vegetation mapping on Council’s website but which is not included in the Natural Assets Code that land supporting Priority Vegetation has been zoned into the Agriculture Zone. This we consider to be a breach of the TPC’s own Guideline No 1 (Local provisions schedule (LPS) zone and code application.)’ which states:

RZ 3 The Rural Zone may be applied to land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer, if:

(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;

(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;

AND

AZ 1 The spatial application of the Agriculture Zone should be based on the land identified in the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST, while also having regard to:

(a) any agricultural land analysis or mapping undertaken at a local or regional level for part of the municipal area which:

(i) incorporates more recent or detailed analysis or mapping;

(ii) better aligns with on-ground features; or

(iii) addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and

where appropriate, may be demonstrated in a report by a suitably qualified person, and is consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) any other relevant data sets; and

(c) any other strategic planning undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

AZ 2 Land within the Significant Agriculture Zone in an interim planning scheme should be included in the Agriculture Zone unless considered for an alternate zoning under AZ 6.

AZ 3 Titles highlighted as Potentially Constrained Criteria 2A, 2B or 3 in the 'Land Potentially Suitable for Agriculture Zone' layer may require further investigation as to their suitability for inclusion within the Agriculture Zone, having regard to:

(a) existing land uses on the title and surrounding land;

(b) whether the title is isolated from other agricultural land;

(c) current ownership and whether the land is utilised in conjunction with other agricultural land;

(d) the agricultural potential of the land; and

(e) any analysis or mapping undertaken at a local or regional level consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.

AZ 4 The 'Potential Agricultural Land Initial Analysis' layer may assist in making judgements on the spatial application of Agriculture Zone, including, but not limited to:

(a) any titles that have or have not been included in the 'Land Potential Suitable for the Agriculture Zone' layer, including titles that are surrounded by land mapped as part of the LIST layer;

(b) any titles highlighted as Potentially Constrained Criteria 2A, 2B or 3;

(c) outlying titles that are either included or excluded within the 'Land Potentially Suitable for the Agriculture Zone' layer; and

(d) larger titles or those with extensive areas of native vegetation cover.

AZ 5 Titles may be split-zoned to align with areas potentially suitable for agriculture, and areas on the same title where agriculture is constrained. This may be appropriate for some larger titles.

AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

(a) local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed

local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;

(c) for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;

(d) for the identification, provision or protection of strategically important uses that require an alternate zone; or

(e) it can be demonstrated that:

(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;

(ii) there are significant constraints to agricultural use occurring on the land; or

(iii) the Agriculture Zone is otherwise not appropriate for the land.

AZ 7 Land not identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for inclusion within the Agriculture Zone if:

(a) local or regional strategic analysis has identified the land as appropriate for the Agriculture Zone consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;

(b) the land has similar characteristics to land mapped as suitable for the Agriculture Zone or forms part of a larger area of land used in conjunction with land mapped as suitable for the Agriculture Zone;

(c) it can be demonstrated that the Agriculture Zone is appropriate for the land based on its significance for agricultural use; or

(d) it addresses any anomalies or inaccuracies in the 'Land Potentially Suitable for Agriculture Zone' layer, and

having regard to the extent of the land identified in the 'Potential Agricultural Land Initial Analysis' layer.

Note: Further details on the Agricultural Land Mapping Project can be found in the Agricultural Land Mapping Project: Background Report, April 2017, including the methodology used in generating the 'Land Potentially Suitable for Agriculture Zone' and the 'Potential Agricultural Land Initial Analysis' layers. The Background Report is available on the Department of Justice, Tasmanian planning reform website (www.justice.tas.gov.au/tasmanian_planning_reform).

Regarding the Agricultural Zone's Priority Vegetation mapping, apparently the State Govt. commissioned and oversaw and the PPU had carriage of the whole project. MVC's GM, Martin Gill, was a member of their so called 'reference' group as northern region rep. We cannot work out why the State bother having reference groups when they don't listen them, as is apparently the case. The State map is available on the LIST under Agriculture - I think it is called 'land suitable for ag zone' or some such.

The mapping project was apparently done well ahead of Guideline No.1, but was always couched as being the basis of the future Agriculture Zone application. This is thus, as it turns out, massively deficient. This was caused by complaint from Northern Councils apparently through the SPP development process over having to split the zoning from the old IPS Rural Resource Zone and on what basis to do that.

MVC apparently did some work to review the State mapping project done by Macquarie Franklin in accordance with the parameters set down in the State Planning Provisions and Guideline No.1 issued by the TPC. Our methodology for doing that is the document that is Appendix B in the supporting report. TEA encloses a copy of the map which has been provided to us.

TEA is aware that MVC's Senior Planner (whom we respect) has a somewhat poor opinion of the provisions and intent of the SPP Rural Zone.

It would appear therefore that areas of the municipality which logically would struggle by any standard, and have lower land capability (a sustainability issue) to be viable farming land, have nonetheless been zoned into the Agriculture zone. To us this is a reflection on the immaturity of the Tasmanian planning scheme, which appears to be some sort of giant experiment.

TEA wishes to discuss in more detail the particulars of the Agricultural Zone spatially in the LPS and will bring a paper map of the extent of the Priority Vegetation across the Municipality, all zones. This map is not enclosed digitally but has been ordered from MVC.

We leave this subject with some damning statistics: Total area of Agricultural Zoning in Meander Valley is 1,023 square kilometres. Total area of Priority Veg Area over the MV Agriculture Zone zoning is 218.2 square kilometres. That is, over 20% of the current Draft Agriculture Zone in MV is comprised of Priority Vegetation. Yet it has been excluded from being shown in the Natural Assets overlay. What has gone wrong? How will it be rectified? Are we really in a Dark Age. Land Clearance is a Listed Threatening Process under EPBC. It is an unsustainable activity.

This critical problem and deficiency is not only a relevant issue for biodiversity and threatened species but also for climate change. Indeed we consider that for Climate Change the absence of adequate provisions to conserve Priority Habitat especially in the Agricultural Zone, but also in the Rural Zone fails the NTRLUS, as well as our national and international obligations.

It is clear and obvious that the absence of priority vegetation mapping in the agriculture zone is an open slather provision designed to allow its removal as a relevant consideration in sustainable development deliberations. This is an appalling deficiency and a manifestation of the Dark Age we are currently experiencing.

The failure of the agricultural zone to adequately consider and provide discretion over the obviously intended ambition to intensify and increase agricultural production is a failure to meet

the schedule one objectives of the LUPAA and RMPS. TEA recommends to Meander Valley Council that it considers the unfathomable adverse consequences of unfettered intensification of agriculture. In climate change terms this is a very unfortunate strategy.

Finally it is immensely obvious too that land capability has not been considered adequately.

Public Conservation Reserves and the Environment Management Zone

The Draft Meander Valley Local Provisions Schedule (MV LPS) deliberately delivers a reduction in the public accountability of the public reserve manager, the Parks and Wildlife Service, who happen to manage a very substantial amount of land within Meander Valley Municipality because in the LPS all the mapped areas under PWS control are zoned into Environmental Management Zone (EMZ) under the SPP. However the EMZ areas are not currently given SAP status in the MV LPS. This SAP option would be one solution in this instance.

It is relevant that The Parks and Wildlife Service have long failed to meet Tasmania's obligations under the Regional Forest Agreement to have Statutory Management Plans for each of those securely reserved public properties under their control which are now mapped in the MV LPS as EMZ. Most of the public conservation reserves in Meander Valley have no Statutory Management Plan – a disgrace. Our point here is that without a Statutory Management Plan that the level of discretion within the SPP framework for EMZ zoning and the lack of Council's ability to have meaningful oversight of PWS on public land, often containing significant ecological values, is very concerning. Our solution to the problem of unfettered EMZ SPP zones applied in the MV LPS is to recommend the alternate zone of open space be applied to those reserves managed by Parks and Wildlife Service which are absent Statutory Management Plans.

Even though it has long been known that there are hundreds of gazetted public conservation Reserves on public land being managed in the absence of proper Statutory Management Plans across the State, the Tasmanian Government has gone ahead and watered down the relevant Environmental Management Zone (EMZ) provisions and expanded the range of both Permitted and Discretionary Uses (with a reduction from the Prohibited category) via the Tasmanian Planning Scheme (in the SPPs), to enable either Parks and Wildlife and/or its developers to have virtually a free reign. The TPC mandates that all secure conservation reserves are mapped as EMZ in the LPS. More "green tape cutting"?

The absence of any refinement in the MV LPS to the SPP Environment Management Zone, under which there are Areas (Reserves) with no Statutory Management Plans, for virtually all public conservation Reserves outside of the World Heritage Area, should alternately be rectified with a Specific Area Plan created for each zoned Reserve or collections of nearby reserves, which have similar tenure and purposes without delay. Such SAPs would reduce the number of permitted uses and developments significantly. Otherwise the PWS could under the TPS do almost anything to a reserve and the public and Council would have very little recourse.

It is hard to understand the reason any sound and reasonable Tasmanian Planning Commission would walk away from proper land use controls for the public land component of the National Reserve System, when the public conservation land manager, the Parks and Wildlife Service, has so obviously failed completely in its duty to the people of Tasmania over public land management.

Not only is the lack of more than 600 Statutory Management Plans for Tasmanian public conservation reserves, an atrocious deficiency but the Tasmanian PWS has been rewarded with an Environment Management Zone, SPP which is tailor made so as to ensure that Zone would allow almost anything could be developed in secure conservation public reserves with an unfair absence of public consultation and appeal rights.

Only an irresponsible Government could commodify, without checks and balances, the State's Reserve System. This is the start of a de facto privatisation of the public conservation reserve system of Tasmania, which is a part of the National Reserve System. This is a local, a state and a national issue.

Because the SPP cannot easily be appealed during the comment process for the Draft MV LPS the government's deficient EMZ will be hard to change but we can rely on Section 35G of LUPAA which states:

“(1) A planning authority, by notice to the Commission, may advise the Commission that, having considered –

(a) a draft LPS, in relation to the municipal area of the planning authority, that has been made available for viewing by the public under section 35D(1)(b)(i) ; and

(b) representations made under section 35E(1) in relation to the draft LPS –

the planning authority is of the opinion that the content of a provision of the SPPs should be altered.”

We alternatively to the above suggestions, strongly suggest Council advocates for an alteration of and tightening of the amount of unfettered discretion in the EMZ SPP.

Tasmanian Planning Scheme – Historic Landscape Precinct in Local Historic Heritage Code including Purpose and Definitions and Objective (as per the draft of 2016)

The following from the draft SPP provisions are the important aspects.

“The purpose of the Local Historic Heritage Code is:

C6.1.1 To recognise and protect the local historic heritage significance of local places, precincts, landscapes and areas of archaeological potential and significant trees by regulating development that may impact on their values, features and characteristics.”

“C6.3 Definition of Terms

historic landscape precinct

means an area that has been identified as having particular local historic heritage significance because of the collective heritage value of individual elements and features, both natural and constructed, as a group for their landscape value and which is:

(a) shown on an overlay map in the relevant Local Provisions Schedule; and

(b) listed and identified in the Historic Landscape Precincts List in the relevant Local Provisions Schedule.”

Meander Valley's Heritage Not Identified and at Risk under the LPS

At the local government level, across Australia, a survey of local councils in 2005 found that their statutory lists collectively cover more than 76,000 individual historic places and 1770 historic heritage areas.

Not all local councils have a statutory list of historic heritage places. The survey found, for example, that more than 90 per cent of responding councils in New South Wales and Victoria had a statutory heritage list. But here in Tasmania with our laudable LUPAA and RMPS objectives urging – nay ostensibly mandating sustainability, but there is no listing of heritage places in the Meander Valley Interim Planning Scheme 2013 nor any proposed in 2018.

For a long time Meander Valley has known it is not protecting heritage places in its planning scheme. In its 2004 brief for a Heritage Study it stated: Insert quote

(to be provided later)

For a very long time Meander Valley has known it is not protecting heritage and therefore remains in breach of RMPS Schedule 1 Objective (g).

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

Within the draft Meander Valley Local Provisions Schedule, you will find absolutely no Heritage list. That means for a place of Local Significance (and not on the State Heritage Register) no meaningful protection would apply. It is as if local heritage simply does not exist in the Meander Valley municipality.

The truth of the matter is that the independent expert Heritage architect, Paul Davies identified approximately 600 Heritage properties in the Meander Valley Heritage Study Report of February 2006. These have been divided by Davies into State and Local Significance. These Heritage reports are enclosed.

The Davies' report identifies the heritage properties worthy of conservation and certainly worthy recognition and respect, and yet Heritage (i.e. the Local Heritage Place list) in Meander Valley remains completely un-populated in the Draft Meander Valley Local Provisions Schedule.

Likewise, there is no identification or list of Heritage Precincts in Council's Draft LPS, again despite Council having the Davies' Report, which identified a number of precincts in a number of Heritage towns within the Municipality. In Schedule One Part 2 of LUPAA it states:

“(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and”

Meander Valley in its draft LPS has obviously deliberately continued to fail to conserve heritage within the municipal area, which clearly should be listed in the LPS.

Within the draft Meander Valley Local Provisions Schedule, you will find no listing of cultural heritage landscapes which have been termed in the TPS, Historic Landscape Precincts. Yet, there is obviously an abundance of cultural heritage landscapes, which are deserving of recognition across the Meander Valley municipality. Davies identified a few but he acknowledged more work needed to be done. Council has not devoted more funds to this work and has effectively avoided heritage altogether, despite a commitment in the NTRLUS. See:

The NTRLUS of May 2018 (Version 6) states:

“CH-P01: Recognise, retain and protect cultural heritage values in the region for their character, culture, sense of place, contribution to our understanding of history.”

“CH-P02: Recognise and manage archaeological values throughout the region to preserve their key values.”

“CH-P03: Standardise statutory heritage management at the local level as much as possible.”

The MV LPS (the scheme) must be consistent with the NTRLUS Version 6 which is mentioned in the MVC Supporting Report of September 2018.

TEA encloses the various components of the Davies Report and urges the TPC to deal with this LPS issue so that the Local Heritage Places list is populated by way or reference to the Davies Report. The large quantity of heritage present in Meander Valley demands something be done to ensure sustainability and protection for our heritage.

The Commonwealth states:

“In 1997 the Council of Australian Governments agreed that heritage listing and protection should be the responsibility of the level of government best placed to deliver agreed outcomes. It was agreed that the Commonwealth's involvement in environmental matters should focus on matters of national environmental significance, including World Heritage properties and places of national significance. Each state, territory and local government has a similar responsibility for its own heritage.”

It is obvious from the Davies Report that it is considered that Meander Valley Council should be involved in protecting some of the Municipality's Heritage. This is born out in the NTRLUS.

There would seem to be strong evidence of the importance in heritage terms and a correlation between the visual landscape, the setting and the heritage aspects.

Indeed in the section Progress of Study on page 3, near the start of the Meander Valley Heritage Study Report, Mr Davies states:

“Having completed the fieldwork and write up of fieldwork our overall impression is that Meander contains a very high number of significant buildings, places, features and landscapes that is not apparent when first looking at the area. The setting of the villages, the extraordinary rural landscapes and the siting of both major and minor farms is unique and sets the council area apart from most other places in Tasmania.”

We consider Meander Valley Council continues to work against the public interest and the RMPS objectives over heritage protection. Of course it knew from 2007 at least:

“Should an owner submit a development application for a property identified in the Heritage study as being of “local significance”, involving demolition, substantial vegetation removal or substantial alteration, such an application could not be rejected or conditioned on heritage grounds.”

Indeed it can be shown Council even demolished one of their own places identified by the heritage study listed places in Deloraine. They didn't even move it. And out of the ashes rose a fake mountain cattleman hut and a brand new bronze horse statue.

The Paul Davis' expert MVC Heritage study 2006 (enclosed) provides both information and justification for local listing, as well as listings of state significance.

TEA remains adamant that MVC will adopt a Local Heritage List based on Davies work. TEA considers there to be economic benefits from so doing as well.

Tasmanian Planning Scheme – Scenic Protection Purpose and Definitions and Objective in the Scenic Protection Code (as per the draft of 2016)

The following from the draft SPP provisions are the important aspects.

“C8.1 Code Purpose

The purpose of the Scenic Protection Code is:

C8.1.1 To recognise and protect landscapes that are identified as important for their scenic values.”

C8.3 Definition of Terms

“scenic protection area

means an area shown on an overlay map in the relevant Local Provisions Schedule, as within a scenic protection area, and is listed and described in the Scenic Protection Area List in the relevant Local Provisions Schedule.

scenic value

means the specific characteristics or features of the landscape that collectively contribute to a scenic protection area or a scenic road corridor, as described in the Scenic Protection Area List in the relevant Local Provisions Schedule.”

“C8.6.1 Development within a Scenic Protection Area

Objective:

To ensure that:

(a) destruction of native vegetation does not cause an unreasonable reduction of the scenic value of a scenic protection area; and

(b) buildings and works do not cause an unreasonable reduction of the scenic value of a scenic protection area.”

Scenic Protection Shunned in MV LPS

The Meander Valley 1995 Planning Scheme, allowed for designation of land as Scenic Protection Areas but only one such area was ever designated, Travellers Rest. A 1999 amendment to the Scheme increased control over developments with the potential for landscape scarring.

As of 2018, within the draft Meander Valley Local Provisions Schedule, (MV LPS) apart from a single solitary hill at Traveller Rest (“The prominent topography of the Blackstone Hills and Strahan’s Hill”) near Hadspen, one will find absolutely no other Scenic Protection Area within Meander Valley Municipality.

In October 2014 Meander Valley Council's Section 30J Report to representations to its 2013 Interim Planning Scheme, on the subject of scenic landscape management stated:

"As yet, a process or methodology for developing the broader regional approach to scenic management has not been undertaken, with the Councils of the Northern Region generally translating scenic management areas from prior planning schemes."

AND

"Council commits to implementing an approach to scenic management consistent with an approach developed for the northern region when this work is undertaken."

AND

"A Local Scenic Management Area is proposed to be included over the area zoned Rural Living to the north of Chudleigh." AND "There is no need for modification at this stage."

Launceston City Council has embraced Scenic Management wholeheartedly and now has a useful methodology which could be deployed and of which MVC is aware. It of course is an adjoining Municipality.

I may be biased but this Municipality is a very attractive place, especially the hillier western parts of the Municipality. It has many prominent features.

Everyone knows that Meander Valley municipality is a highly scenic part of Tasmania and yet, even though Council commissioned a scenic management report, from the competent consultant planning specialists, Inspiring Place, MVC has steadfastly refused to put in place any proper responsible listing of the municipality's highly scenic landscape features, nor has it adopted the consultant's reasonable recommendations. Scarring has degraded our scenery and amenity since that report was commissioned and that diminishing of our landscape has caused angst and disappointment.

The single hill at Travellers Rest is regarded as "Prominent Topography" and is relatively scenic and worthy of listing. So are a vast number of other landscape features, which fall within any definition of "Prominent Topography" but outside of the Scenic Road corridors. Other scenic areas should be subject to the Code and thus the Draft MV LPS should be amended. This Draft LPS represents an uneven application of the Scenic Protection Code and Overlay in its worst and most egregious form.

The Legitimate NTRLUS of May 2018 (Version 6) states:

"ED-P11: Ensure planning schemes provide opportunity to identify, protect and enhance distinctive local characteristics and landscapes."

The MV LPS (the scheme) must be consistent with the NTRLUS.

However after tampering the illegitimate, watered down, June 2018 NTRLUS has been gazetted without community consultation.

"ED-P11: Provide for the opportunity in planning schemes to identify, protect and enhance distinctive local characteristics and landscapes."

Watered down with the removal of the term 'ensure', of course results in an entirely different meaning and far less compunction of course.

Within the 2013 NTRLUS document there were sections of text, which describe the numerous benefits of the retention of scenic amenity. These sections make an unambiguous statement over the regional position regarding scenic landscape amenity and the desirability and importance of its retention. A Council which has signed off on this NTRLUS could be in no doubt about the intent of what they had had a hand in creating.

It is clear this is not a minor issue. Certainly it has gained more space in the NTRLUS than deliberations over climate change for example. So one may deduce therefore it is considered across the region to be very important indeed.

Meander Valley Council spent (and wasted) a considerable amount of rate payers' funds to study scenic landscape management and protection and were it to be responsible in meeting the May NTRLUS Version 6, it would have to implement a comprehensive listing of areas where landscape values were considered in land use planning decisions. This has largely been done systematically via the Meander Valley Scenic Management Strategy of January 2002 in fact.

Scenic landscape values are an important social aspect of our amenity and our lifestyle. The landscape is one of the most important reasons people come to live in Meander Valley. Council does obviously need to be reminded of scenic places which we consider special.

The RMPS Objectives also provide guidance over protection of scenic amenity. In Schedule One PART 2 - Objectives of the Planning Process Established by this Act (LUPAA) states:

“(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;”

It is easy to argue the economic importance of scenic landscape protection for our tourism industry and the importance of tourism now far outweighs that of extractive industries such as forestry.

This has been an issue of concern and dissatisfaction over a long period.

The 2002 Meander Valley Scenic Management Strategy by Inspiring Place has long not been adopted by Meander Valley because of sectoral interests. This report will be sent on a USB by post as an enclosure to our representation. Tourism has a critical reliance on the scenic qualities of the municipality and recognition of those qualities has unfortunately and inexplicably not been achieved by Council.

SCENIC MANAGEMENT CODE E7-1 in IPS

We noted in the Notice for Amendment 4 of 2015 that an area of land at Chudleigh had miraculously gained scenic protection and TEA strongly supports that welcome proposal. However, we advise it is not sufficient and that our proposal below to the 2013 MVIPS has not been adequately considered.

Thus TEA reiterates: We recommend that the Appendix 1 of The Meander Valley Scenic Management Strategy be used as Local Scenic Areas to expand the 2013 IPS Table E7.1 with character statements and scenic objectives.

Scenic and Cultural Heritage Landscapes

Forestry often degrades the visual amenity of an area. Whilst this means different things, to different people the fact is that in almost all 29 Municipalities of Tasmania, regardless of what amenity, visual or heritage issue concerns you over forestry developments, one can do nothing about it through any formal LUPAA process. Citizens may lobby the industry or the landowner if one finds out in time but are given no power at all, no rights whatsoever. It is completely unacceptable and backward.

No Statewide study into community opinion regarding scenic landscapes has occurred in Tasmania as far as we are aware. The FPA has control of landscape assessment regarding forestry but their long serving, beleaguered expert on landscape, Bruce Chetwynd retired in 2012 and has not been replaced (FPA News 2012).

Scenic assessment and planning for forestry is now left to the FPOs writing the FPP and in our view those people are completely inadequately trained to deal successfully with landscape matters. A most unfortunate situation, given the immense value of the landscape to the Tasmanian economy. Forestry scars landscapes and such damage results in conflict and anger. It means that forestry is most unlikely to get a social license any time soon.

Those scars are long lasting and in many instances virtually irretrievable. Such scars leave an almost indelible impression upon visitors to Tasmania the backbone of our tourism industry, as well as on local residents. Almost everyone holds disdain for a scarred landscape. A large amount of change and scarring has been wrought on the precious landscapes of Tasmania under the RFA.

Landscape protection policy, laws and strategies are completely inadequate in Tasmania. TEA is not highly expert in Cultural Heritage Landscape assessment but the writer is trained as a professional photographer and thus has a well-tuned eye for Aesthetic Naturalness and a scarred and degraded view.

The historical landscape consultant, Gwenda Sheridan has, at our request, made some suggestions and comments to TEA that may assist:

“The U.K. response by its government agencies has been to divide the entirety of England and Scotland into 159 ‘Character areas’ (at the national scale) and Scotland into 21 units - based on natural heritage features. The methodology employed is called Landscape Character Assessment, (LCA). It is underpinned by a number of government agencies such as Scottish Natural Heritage, The Countryside Agency, Historic Scotland and English Heritage. Similar programmes are being put into place for Wales and Ireland. The Assessment takes place at broad, regional and local levels. This grew out of earlier work by the Countryside Commission’s earlier work in the 1990s. The method can be applied at local, regional or at the national level. This is a methodology that takes an holistic direction. LCA aims to identify what makes a place distinctive, it provides a framework for assessing, then better managing the landscape, land use and place - from a very local neighbourhood perspective to a much broader area. The Forestry Commission of both England and Scotland is assessed under this methodology. Forests such as those in Tasmania would be called Ancient forests. The community is involved; there are overlays called Historic Landscape Characterisation and Quality of Life Assessment. Meanwhile other Australian states, the United States and Europe have all developed policy on cultural landscapes. Tasmania’s non-compliance in this respect of its heritage after ten years of reviews, reports and analyses, stands in stark contrast to what is happening elsewhere.

Tasmania has some of the most extant examples of cultural nineteenth century evolved landscape in Australia; Their patterns are quite unique and will not be found exactly as they appear here, elsewhere in Australia. They are quintessentially Tasmanian and yet

they reflect as well a time and a place that was landscape patterning in England; the combination of landed rural estates with pastoral and agricultural land marked by enclosure. A repetitive pattern to Tasmanian evolved landscape lies in early grant patterns and in the juxtaposition of the ordered, structured, more formal type landscape and its juxtaposed "wild" forested counterpart which forms the framework to what is seen and experienced, one a foil to the other. This has been pointed out in published material, delivered consistently at public addresses across time.

Very relevant to this submission is the Historic Landscape Characterisation overlay to LCA carried out in partnership with local government. English Heritage describes this 'as a powerful tool that provides a framework for broadening our understanding of the whole landscape and contributes to decisions affecting tomorrow's landscape,' [Sheridan's emphasis]. English Heritage further noted that England's rural landscape was 'one of the jewels of our national heritage.' It is therefore not too much of a quantum leap to suggest that Tasmania's rural landscape is also one of the jewels in Australia's national heritage. One however not yet recognised as such or adequately protected in legislation. Additional comments from English Heritage were that,

'it is too easily overlooked when we concentrate on individual buildings or archaeological monuments and its historic dimension can be too easily missed if landscape is admired as beautiful scenery.'

The English Historic Landscape Characterisation is in line with the European Landscape Convention, which came into force in 11 ratifying countries on 4 March 2004. It was signed by the U.K. in February 2006 and ratified on 21 November 2006. It came into force on 1 March 2007. It seems most curious on the basis of these international directives and their implementation that Sheridan was informed in November 2006, that 'cultural landscape' was not a 'useful' term.

Time and place has moved well beyond the 'warm and fuzzy' and the 'too hard basket' as being excuses for not assessing landscape values. Elsewhere they are recognised, are incorporated into policy, into practical working planning documents, and into legislation."

The writer can remember in 1971 visiting a designated scenic area in southern England. It was only small area along a country roadside. It was a special experience. So in more civilised places on the planet scenic cultural heritage landscapes have been a focus of recognition and conservation for over 40 years and yet still Tasmania seemingly cannot deal with this issue, and all the while, year after year, another scenically important landscape, or indeed many, are lost scarred or degraded. It does not have to be that way of course.

In 2004 the PTR 1698 Appeal, landscape scarring and conservation were raised and the FPA's Mr Chetwynd gave evidence that the current FPS Visual Management system was out of date and needed revision.

TEA argues we need much, much more than simply revising the FPA's processes in regards to this matter of State importance and that MVC should have fully populated its Local List in the LPS. We propose that this now occur.

Tasmania's 29 LG Councils should all recognise that the cultural heritage landscape values and scenic amenity of Tasmania are important assets that contribute greatly to the community's economic life and general wellbeing, and form the cornerstone of the State's important tourism industry, which employs several times more people than forestry.

It is totally unacceptable that new planning schemes are developed without important world-class scenic landscapes being protected. The current measures being put in place will in most cases be

insufficient and in MVC's case, the Scheme's mechanisms have not been applied evenly across the Municipality to scenically significant areas.

In January 2002 The Meander Valley Scenic Management Strategy was created by Inspiring Place. It was never adopted by Council. Its purpose was:

"To sustainably manage the rate and scale of landscape change in the Meander Valley to protect the integrity of the visual character that is important to the economy, community and sense of place within the Municipality."

Meander Valley Council, had contracted the company Inspiring Place to create The Meander Valley Scenic Management Strategy. It is worth considering the potential of such work in the broader context including the very substantial financial investment.

TEA does not claim this Strategy to be perfect but what we do know is that the work which cost several tens of thousands of dollars was effectively scrapped by conservative pro forestry elements on Council who of course could not see that this recognition of our landscape may be more important than forestry, well perhaps they could see it but in any case they took the strategic step of burying this important matter thus irrationally (in land use planning terms) placing forestry first. The conflict continues. Since that time The Municipality has been further scarred; the economic opportunity accruing from the retention of landscape quality was not understood or maximised.

2003 State of the Environment Reporting Tasmania Indicators, section on landscape Management Provisions in Planning Schemes. By Department of Justice. It stated:

"Maintaining the condition of scenic landscape values is important for Tasmania because: "

- *"There are strong cultural ties to landscape and feelings for the visual beauty of the mountains, lakes, coasts and forests of Tasmania are a common bond among people.*
- *The landscape values of the State remain a major drawcard for the State's tourism industry and these landscapes should be managed as a key component of tourism infrastructure.*
- *Landscape values have an association with environmental and natural resource quality: the values that people typically appreciate in a landscape are often also important ecologically. In other words, protecting landscape values can also help to protect a range of other environmental services."*

April 2004: Meander Valley Council's Strategic Plan which stated: "Where we're going: Majestic landscape & rural splendour."

In 2005 the Meander Valley Council's Land Use and Development Strategy states:

"Council does not consider that promoting cultural heritage, scenic amenity and the tourism industry conflicts with its ongoing support for agriculture and forestry."

The Tasmanian landscape is of great economic value both to Tasmania and our Municipality. It is an intrinsic part of the Tasmanian brand. TEA has some suggestions over this important matter:

TEA has identified a list of prominent landscape features to be conserved under the Draft LPS.

Please acknowledge now that current protection of high quality landscapes in MVC is completely inadequate and is resulting in their deterioration.

We urge MVC to identify and protect the outstanding Tasmanian landscapes within the MVC's area as an urgent regional priority. It needs to comprehensively assess Tasmania's landscapes and determine the values held by the community and quantify the economic value of the outstanding landscapes in our area. We will take this issue to hearing again, hopefully to a proper hearing this time.

Encourage and fund more highly trained human resources to manage and protect the landscape of Tasmania.

With regard to forestry, end the farce where in many instances the company doing the logging is writing the forest practices plan and conducting scenic landscape assessment.

Institute a requirement for independent professional scenic assessment and some reasonable form of protection for all scenic areas that are subject to logging operations.

Our strong preference is to completely remove the assessment and control of the protection of landscapes proposed to be logged from control of the Forest Practices Authority by simply relying on LG planning schemes such as MVC's new LPS.

We consider there is a need to introduce Cultural Heritage Landscape legislation without delay, using UK legislation as the basis. Establish a Government regulatory and assessment authority to oversee the protection and management of scenic landscape in Tasmania.

Achieve secure scenic protection for landscapes. This would include comprehensive protection of important landscapes, places on the National Estate for their scenic significance, scenic viewpoints and other views of relevance to tourism, local communities and those of heritage interest and significance.

Any State Policy on forestry / land clearing should include landscape protection objectives in line with the European Landscape Convention commitment to "protect, manage and plan for landscape values across all landscapes, rural and urban, large and small, coastal and inland, protected or degraded."

A RMPS Planning Directive could include clear guidance in a Landscape Protection schedule regarding the values to be protected, appropriate assessment criteria and methodologies etc.

Introduce legislated protection of cultural heritage landscapes. Ensure every local government planning scheme is protecting the outstanding regional and local landscapes from insensitive development.

Why is there no Local Scenic Protection Area outside of the Meander Valley Part A Area?

Disturbingly there is no Local Scenic Management Area outside of the Meander Valley Part A area at Travellers Rest, despite the high to very high scenic quality of the Part B area and despite the substantial importance of the high quality of the scenery to the future economic and social well-being of the municipality.

A massive shortcoming is the indisputable fact that the MVC IPS doesn't deal adequately with scenic protection and management. This remains a major problem for people who recognise and want to protect the intrinsic value of the scenic amenity of the area generally.

Living in the beautiful Tasmanian countryside is a valid choice many people make. Indeed since 2001 the local community obviously and clearly identified the loss of scenic values as a major concern yet virtually nothing has been done to protect scenic amenity in the new Draft LPS scheme. It is unacceptable and must be rectified.

Retention of scenic landscapes is not just for tourism. There are clauses in the scheme ordinance but only one identified Local Scenic area in the Overlay mapping, even though our Municipality has many very scenic places and our wellbeing is indisputably enhanced by the retention of such places.

Council is unwisely ignoring its own Meander Valley Scenic Management Strategy of 2002, (enclosed) which was professionally and competently done by Inspiring Place. Effective controls are urgently needed to protect areas of significant visual values now.

It may be necessary to identify the geographic feature or roadside one considers should be protected with local scenic protection. So far, only a couple of tourist routes have roadside protection but no local ones at all outside of MVC area A.

Various uses have the strong potential to degrade scenic amenity. Once the landscape has been scarred or the scenic element or quality removed, it is virtually impossible to get it back. It represents an irretrievable loss.

The beautiful scenic Tasmanian countryside remains a key economic advantage for industries such as tourism but remains largely unassessed and certainly unprotected whilst in the meantime our visual amenity gets the death of a thousand cuts and our quality of life is diminished and future opportunities curtailed. Culturally and economically of course, this is an asinine absurdity.

Scenic Corridors and Local Places

The scenic corridors in the draft LPS are limited to main roads and are only 100 metres wide; so do little more than protect the roadside verge. TEA proposes all scenic roads and all roads to tourist destinations, all roads to secure conservation reserves, all Targa routes, should become scenic corridors and be afforded reasonable protection, greater than the proposed 100 metres. Or such areas need to be identified as Local Scenic Areas.

In the early part of the last decade, the Municipality spent over \$80,000 on the Meander Valley Scenic Management Strategy but has since hidden it in a closet in the basement. This study by Inspiring Place was very important as a step towards saving the Municipality from scarring and unacceptable landscape change but Council instead failed the community.

There is thus the ability right now in the draft LPS to identify many local Scenic Management Areas in the new planning scheme but only one has so far been identified – Travellers Rest/Blackstone Heights. We support the area concerned remaining protected for its scenic values. This area is no more scenically important than many other areas within the Municipality. It is an atrocious situation and deficit.

The LPS makes no consideration of special landscape places that must be sensitively managed in the rest of the municipality. Special landscape places should be identified through consultation with the community and these also included as Local Scenic Protection Areas.

This lack of proper landscape protection in the MV Draft LPS is inexplicably short sighted and unacceptable.

If one looks at the Code section on signage one can see that Council and the SPP generally is far more concerned about signage than protecting the landscape.

The Planning Scheme needs to responsibly manage the changing landscape to ensure that current and future residents and visitors do not suffer the loss of the existing visual amenity provided by the interplaying mix of clear and uncleared land that is a result of the complex of landform and geology.

Whilst the varying usefulness of the land itself was once a protection for certain elements of the landscape, pressures on the countryside by greed, by changing population distribution and work patterns is now leading to changing land use and the increased density and intensity of use.

Some changes can be absorbed by the scale and mass of the landscape. However, substantial changes in the near view cannot be masked in the landscape because of their proximity to the viewer.

Identifying scenic routes and guarding against degradation of the current character of the landscape along them would not only benefit residents in that it enhances property values as well as making living in the area enjoyable but is an investment in protecting the amenity resources for the tourism businesses located in or using the Meander Valley. Tourism continues as an important and growing part of the economy and offers a diversification of income. The Regional Forest Agreement supported Tourism in the region. This is covered later.

We recommend a second class of route landscape protection for smaller roads where scenic amenity and quality is also important. Indeed all roads where scenically significant should through the Scheme have the ability for those cultural values to be considered and where necessary to enable the scheme to modify the proposed development.

We recommend a narrower buffer category for scenic routes other than main roads. This buffer could be 50 metres instead of 100 metres.

Meander Valley Scenic Management Strategy and MVC 2005 Land Use and Development Strategy – Some History

The 2007 Draft Scheme removed obligations (weak as they may have been) from the original 1995 Meander Valley Planning Scheme (prior to the PAL amendment) to protect the landscape from scarring. The 2007 draft also failed to incorporate the vast amount of significant landscape scenic management work by “Inspiring Place” using public funds. The Council’s Meander Valley Scenic Management Strategy should be revived. The ignore of this important work and also of the goals set on the 2005 Land Use and Development Strategy in designing a new planning scheme remains unacceptable. We quote from the 2005 Strategy:

“The natural heritage of the Meander Valley is outstanding in terms of the scenic amenity and wilderness values of its natural environment. The area is rich in cultural history, characterised in particular by the effects of the extensive Aboriginal presence and the European settlement of the area....

Council recognises that the cultural heritage values and scenic amenity of the valley are important assets that contribute greatly to the community’s economic life and general wellbeing, and form the cornerstone of the growing tourism industry.

Council’s strategy recognises the importance of maintaining and enhancing this cultural heritage and amenity and outlines policies and strategic directions to ensure that these important assets are recognised and taken into account in land use planning.”

The new Interim Scheme was diminished by the avoidance of this seminal landscape management study. It had many recommendations that should be incorporated if the strategic

direction of the 2005 Land Use and Development Strategy is to be implemented. As well, the mapping of landscape management study should be completed. Landscape protection, especially for foreground views, roadsides and areas of great natural beauty should be incorporated into the new scheme now. As Council knows, such landscape attributes are of significant economic benefit and add substantially to our amenity and quality of life. We have one of the most beautiful places on the planet and yet the Council continues to allow its desecration.

The 2005 MVC Land Use and Development Strategy makes one statement with which we, representing the community, and Inspiring Place do not agree:

“Council recognises that large areas of the Meander Valley are working landscapes that sustain the agricultural basis of the Meander Valley economy. Agricultural and forestry practices have significantly contributed to creating the current landscapes. Council does not consider that promoting cultural heritage, scenic amenity and the tourism industry conflicts with its ongoing support for agriculture and forestry.”

If that was truly the case then Council would have adopted and identified prominent areas in accord with commitments in the NTRLUS.

The fact is both agriculture and especially forestry can and do scar the landscape. That does not always occur and forestry is far guiltier of scarring than agriculture but the fact is that such impacts are significant degraders of the landscape and must be regulated and constrained in places of high amenity and in important views.

Interstate and overseas visitors to our Municipality often comment on the unsympathetic way in which forestry is harming the beauty of the area. They are right and further people will stop coming if the place continues to become an ugly hole of charred stumps and boring plantations. High aesthetic naturalness is a natural advantage of the area that has been eroded over the last 10 years and which continues to be eroded. The potential loss to Tourism is significant. That is unsustainability at work.

The 2005 Land Use and Development Strategy makes several commitments over landscape:

Under Cultural Heritage The 2005 Land Use and Development Strategy states:

<i>Strategic directions</i>	<i>Statutory implications</i>
<p><i>Council recognises the economic and social benefits of appropriately managing the cultural heritage of Meander Valley. This heritage includes Aboriginal heritage, European heritage and the complex cultural landscapes of the valley.</i></p> <p><i>Council will recognise and identify the important cultural heritage of Meander Valley and will develop provisions to ensure it is enhanced and appropriately managed into the future.</i></p> <p><i>Council will ensure that the planning scheme integrates and complements state government systems for the protection of Tasmania’s cultural heritage.</i></p>	<p><i>Council will:</i></p> <ul style="list-style-type: none"> <i>• Identify and document landscapes, areas, places and objects of cultural heritage significance</i> <i>• create inventories of such for inclusion in the planning scheme</i> <i>• incorporate decision-making criteria to determine the acceptability of use and development affecting landscapes, areas, places and items of identified heritage significance</i> <i>• align its decisions with the Tasmanian heritage council works permit process and Aboriginal sites legislation.</i>

In the Landscape Heritage section of The MVC 2005 Land Use and Development Strategy it states:

“The landscape is fundamental to the Meander Valley community’s self image and sense of place. The hills, forests and forestry, farms, wilderness areas, towns and villages together represent the history of the Meander Valley and its heritage. The landscape is made up of many layers representing the actions of differing communities over time. The landscape is dynamic and changes in response to new ways of farming, new influences on development, and the changing practices and scale of forestry operations.

Council recognises that the landscape is comprised of many agricultural and forestry enterprises from which the community derives wealth and employment. These enterprises have shaped the current landscape and will alter it into the future.

Managing the landscape and respecting its heritage and the value placed on it by the community is important to Council. Council will seek to identify the landscape elements that are valued by the community and will encourage that landscape values are respected in land use decision-making.

Respecting the landscape in the Meander Valley is important because:

- *The community has strong cultural ties to the landscape. Appreciation of the rural scenery*

and splendour of the mountains, lakes, coasts and forests creates a common bond within and between our communities and contributes to our quality of life.

- *The natural and cultural values of the landscape are a major component of our tourism*

industry, generating economic benefits across the area. As such, landscapes should be recognised and managed as a key component of tourism infrastructure.

- *Landscape values are closely related to ecological values. Protecting landscape values can also help to protect a range of other environmental values.*

Decisions taken in the past have frequently detracted from the visual value of many Tasmanian landscapes. This is evidenced in poorly designed residential subdivisions or forestry operations; insensitively located service infrastructure such as reservoirs and telecommunications towers; and the cumulative impact of poor management practices that have allowed rural land degradation, weed invasion, and the inappropriate location of buildings and associated roads and infrastructure.

Council is working in partnership with the state government to devise a system for landscape management that represents all interests. Through this process, Council wishes to promote the scenic and landscape values of the Meander Valley and encourage landowners and developers to consider scenic values in all development. Council wishes to base management of landscape quality on encouragement of, and education about, best practice. With respect to forestry operations Council supports the implementation of the scenic value guidelines of the Forest Practices Code.”

We do not support this last statement in the Strategy and refer Council to the ancient Forestry Commission Landscape Manual, now totally out of date. The FPC is incredibly deficient on landscape issues. There is no independent advice that the code is sufficient. The strategy has not responded to the community concerns put before it during the comment period.

Worse, FPP's are not lodged with the FPA at all. So, no state or local authority gets to review the plans and to ensure that landscape issues are properly considered. No plans lodged means the public does not even get to see a plan. It is unacceptable.

Landscape Heritage

<i>Strategic directions</i>	<i>Statutory implications</i>
<p><i>Council recognises the importance and value of the landscape of the Meander Valley to the community.</i></p> <p><i>Council recognises that the landscape has value for its heritage and cultural associations, its contribution to the tourism industry and the sense of place it gives residents.</i></p> <p><i>Through the planning scheme Council will encourage land use and development that respects these values.</i></p>	<p><i>In conjunction with the identified stakeholders and the Tasmanian Government, Council will:</i></p> <ul style="list-style-type: none"> <i>• identify elements of the landscape that are, for scenic amenity or cultural reasons, important to the Meander Valley community</i> <i>• develop for inclusion in the planning scheme, decision-making criteria that encourage and promote best practice in landscape management.</i>

The above commitments have not occurred and need to as an urgent priority. The Environment Association is clearly a stakeholder in any process regarding landscape management and protection in the Municipality.

The Partnership Agreement

There are several commitments to landscape protection and management including the Partnership Agreement. Such as:

2.11 SCENIC MANAGEMENT

Issues

The parties agree the key issues to be addressed are:

- The parties acknowledge the importance of visual amenity to the Meander Valley community and the importance of developing and implementing provisions to ensure that the visual amenity of the Meander Valley is managed in a sustainable way, taking into account all competing interests.*
- The parties recognise that stakeholders in this process include landowners, Meander Valley Council, the Forest Practices Board, the Department of Tourism, Parks, Heritage and the Arts, the Resource Planning and Development Commission and tourism interests.*

• *The parties recognise the benefit of developing mechanisms to manage visual amenity in a consistent and objective way and that these benefits include:*

o Certainty for developers stemming from having objective upfront standards.

o Consistency of assessment provision for the Forest Practices System and Local Government Planning Schemes.

o Reduction of conflict between State Government, Council and communities.

• *The parties recognise the need to work together to develop mutually acceptable provisions, taking into account all interests to encourage landowners to take account of the visual amenity in planning land-use and development.*

Action and timeframe

The parties agree the following action and timeframe will be used:

Action	Timeframe
<i>The Meander Valley Council in conjunction with relevant State agencies and the Forest Practices Board will work to finalise appropriate provisions for inclusion into the ongoing Meander Valley Planning Scheme review.</i>	<i>Involvement to be determined in consultation with the stakeholders. Council to convene a meeting of stakeholder representatives within two months of signing the Agreement, with the stakeholder group to work towards developing provisions within twelve months.</i>

Meander Valley Heritage Study, Study Report 2006, by Paul Davies

In the Meander Valley Heritage Study, Study Report, Prepared by Paul Davies Pty Ltd, Architects Heritage Consultants February 2006 it recommended:

13 Consider general heritage listings of key landscape features across the council area including (with base recommendations for management):

- Hawthorn (and other) hedgerows

• *Retain all extant hedgerows, require council consent to remove hedgerow plantings, allow for openings to provide access and for limited field amalgamation but not general removal of hedges. Observation of changes seen in aerial photographs over time demonstrates the reduction in hedgerow plantings*

• *Retain hedge plantings along road alignments along with grassed verges as a distinctive feature of the landscape character of the council area.*

- Windbreaks particularly row plantings of conifers

• *Retain mature windbreak plantings, remove only where dangerous and provide for replanting.*

- Dry stone walls

- Retain all elements identified in the schedules and those not identified (remote locations).

- Stands of mature exotic trees

- Tree stands relate to garden areas, to established properties or in some location mark former house sites. All groups of exotic trees are significant within the landscape and should be retained. Generally removal of mature trees should require an application to council. Consideration should be given to the broader heritage value of trees within the landscape when considering applications for tree removal. If trees are approved for removal, suitable new plantings of similar or matching species should be required.

- Patterns of field sub-division particularly in the Hagley area

- The field patterns between Hagley and Deloraine but particularly around Hagley and Westbury are an outstanding example of early rural practice. The early field patterns should be retained and amalgamation of fields controlled.

- The pattern of small-scale country roads with grass verges, hedgerows and enclosed plantings

- The character of rural roads and lanes is a key element of the landscape and should be conserved and preserved as part of the essential character of the council area. This character changes from area to area, but nearly all minor roads make a very important contribution to the overall aesthetic and visual character of meander Valley.
- With the construction of major roads, much of the pressure for upgrade of minor roads has been alleviated. The policy should be to retain country roads and lanes in their current form with minor upgrade to retain their heritage value.
- Where upgrade is required and is unavoidable careful consideration should be given to options to minimise the impact on the cultural values of the area.

14 Establish a requirement for consent for rural buildings including sheds within significant viewscape or precincts.

Comment

Often the erection of rural structures in sensitive landscape areas can have a dramatic and detrimental visual impact on the broader heritage and landscape values of the area. It is recognised that new buildings and farming practices are required to enable the economic and viable use of land. It is not the intent of the policy to impede the use of land. Requiring consent for rural buildings will allow an assessment of visual impact to be made and where such an impact is found to look at ways to mitigate that impact. This may be achieved by moving the location of a structure to a less sensitive area, changing the colour or material of the building or by introducing new planting to screen the structure.

The requirement to mitigate impact would only apply where the building is determined to have an adverse impact on the landscape setting.

Reference to studies such as the Tasmanian Rural Cultural landscape Study and the Meander Valley Scenic Management Strategy will assist in such assessments.

15a Adopt the policies set out in the Meander Valley Scenic Management Strategy for each landscape unit and include these policies within the planning scheme.

Comment

The Meander Valley Scenic Management Strategy analyses in detail the character of the landscape across the Council area and provides very specific management recommendations along with mapping of those values. There is a close correlation between scenic character and cultural heritage values in landscape as much of the landscape is a culturally created landscape that is now valued as a scenic asset because of its history and cultural values.

15b Adopt the recommendations in chapter 5 of the Meander Valley Scenic Management Strategy to complete the visual mapping of the council area to adopt the draft schedule set out in Appendix 3 of the study along with other recommendations on implementation.

Comment

These recommendations and policies overlay with the heritage provisions and complement the approach set out in this study.

It is totally unacceptable that a new MVC planning scheme is developed without the commitments and the professional advice paid for with public monies being used and honoured and without our critically important scenic landscape being protected.

The Environment Association is a stakeholder in landscape matters. We championed amendments to the MVC 1995 scheme in regards to landscape provisions.

Remember this in the last MVC Strategic Plan?

“Where we’re going.” Majestic landscape & rural splendour The backdrop of the Great Western Tiers, the unique rural countryside of fields, hedges and villages, give Meander Valley its unique look and feel.”

Note the 2002 Birkett and Associates Report, commissioned by GHD for Meander Valley.

“The best features about Meander Valley are quiet, peaceful, scenic beauty (45%) followed by close to services (24%) and close to Launceston (18%).”

So if quiet, peaceful, scenic beauty is one of the best features of Meander Valley why is Council not protecting it? Why has nothing been done since 2002? Why does protection of the best features continue to be shunned? Is that because the LUPAA objectives are being met in some other way? No, of course not.

There is clearly a lack of will to implement landscape controls and protection. The avoidance of the strategic directions agreed upon and given out to the public is a malfeasance.

High aesthetic naturalness is a natural advantage of the area that has been eroded over the last 20 years and which continues to be eroded. The potential loss to Tourism is significant. That is unsustainability at work.

The Partnership Agreement

There are several other commitments to landscape protection and management including the Partnership Agreement¹. Such as:

2.11 SCENIC MANAGEMENT

Issues

The parties agree the key issues to be addressed are:

- The parties acknowledge the importance of visual amenity to the Meander Valley community and the importance of developing and implementing provisions to ensure that the visual amenity of the Meander Valley is managed in a sustainable way, taking into account all competing interests.*
- The parties recognise that stakeholders in this process include landowners, Meander Valley Council, the Forest Practices Board, the Department of Tourism, Parks, Heritage and the Arts, the Resource Planning and Development Commission and tourism interests.*
- The parties recognise the benefit of developing mechanisms to manage visual amenity in a consistent and objective way and that these benefits include:*
 - Certainty for developers stemming from having objective upfront standards.*
 - Consistency of assessment provision for the Forest Practices System and Local Government Planning Schemes.*
 - Reduction of conflict between State Government, Council and communities.*
- The parties recognise the need to work together to develop mutually acceptable provisions, taking into account all interests to encourage landowners to take account of the visual amenity in planning land-use and development.*

Relevant LUPAA Objectives

Of course all residents are stakeholders in scenic amenity issues. Indeed LUPAA commits to the broader notion of the public interest over this issue.

LUPAA in Schedule 1² has objectives, which support the retention of scenic amenity:

- (f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*
- (g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

¹ PARTNERSHIP AGREEMENT GOVERNMENT OF TASMANIA AND THE MEANDER VALLEY COUNCIL AN AGREEMENT made the 24th day of July two thousand and three. BETWEEN THE CROWN IN RIGHT OF THE STATE OF TASMANIA, and MEANDER VALLEY COUNCIL, a body corporate created pursuant to the Local Government Act 1993;

² PART 1 - Objectives of the Resource Management and Planning System of Tasmania

So, why doesn't Meander Valley Council address this? When will MVC take this matter seriously?

Regional Land Use Strategy of Northern Tasmania and Landscape Relevance

The Regional Land Use Strategy of Northern Tasmania³ states:

“Aligning regional planning land use policy and investment decisions to enhanced liveability should be a key objective of the regional strategy. It will improve both the strength of our communities and our longer-term economic performance. While the drivers of liveability are being progressively understood, there are good indications that the following are strong contributing factors:

Aesthetics: It is increasingly recognised that places of high functionality and aesthetic beauty perform better and have greater economic and social success. The quality of the urban environment correlates with the attractiveness of public spaces, the presence of parks, quality landscaping, accessible outdoor recreation opportunities, care of heritage, and the retention of public views. Attractive places simply ‘do better’.”

And The Regional Land Use Strategy of Northern Tasmania⁴ states:

“2.3.3 Goal 3 and Strategic Directions

Goal 3: Adopt and maximise sustainability measures for new development and develop stronger community resilience to social and environmental change, such as threats of climate change, changing socio-economic demographics and prevailing economic development conditions.

To be achieved by:

- *Provide planning and development outcomes which collectively reflect the particular considerations for the settlement and land use dimensions of social advancement, economic prosperity, healthy environmental systems and provision of infrastructure and services.*
- *Ensure protection for the Region's high value natural assets, cultural heritage, agricultural land, landscapes, natural resources, open space and recreation areas.*

Northern Tasmania has a unique natural environment. It is recognised nationally and internationally for its beauty, biodiversity, and natural resources. It is also the source of much of our wealth. Caring for our natural environment and using our resources in the most sustainable way is critical to our future wellbeing.”

And

“Northern Tasmania is one of Australia's unique and pristine biodiversity areas and is renowned for the quality and diversity of its natural environment, which includes some distinctive features:

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- *rich and diverse native flora and fauna;*
- *a dynamic coastline and marine waters — open coastline including rocky foreshores, reefs, headlands and pristine beaches;*
- *spectacular forested mountain ranges and peaks, including Ben Lomond National Park;*
- *freshwater wetlands, waterways and floodplains, and*
- *good air and water quality.*

People value the combination of diverse and culturally significant landscapes that shape the region's economy, culture, liveability and lifestyles. This quality and diversity of the region's landscapes are major reasons for migration into and within the region. To remain attractive and functional, the regional landscape must continue to support values such as biodiversity, rural production, scenic amenity, landscape heritage and outdoor recreation.

Regional landscape values occur in urban, semi-urban and rural areas. Communities across the region recognise that these values influence the character and quality of the places where they choose to live, work and play. Regional sustainability and prosperity require understanding and careful management of the interdependencies between people, urban, semi-urban and rural land uses, and regional landscape values. For example, the regional landscape is being increasingly used to locate major infrastructure that services growing urban communities.

Regional planning must help to ensure regional landscape values are resilient to pressures population growth, infrastructure development, known climate variability and future climate change. Planning for resilience requires a better understanding of the current state of landscape values, as well as how to maintain and enhance the capacity of the regional landscape to deliver ecosystem services to all communities in the region. This requires programs that prioritise where, when and how investment can be most effectively targeted to restore and maintain landscape values.

The intent of this broad land use category is to support environmental significant conservation areas, regional significant landscape and open space areas that include outdoor recreation areas, forests and reserves. It supports the regional significant biodiversity areas including ecosystems that are endangered, threatened or vulnerable (of concern). It includes land with one or more of the following natural values:

- *World heritage areas, national parks, conservation areas, parks and forest, game, nature and state reserves - including significant fauna habitat;*
- *Cultural and landscape heritage values (Indigenous and non-Indigenous);*
- *Native Forests;*
- *Coastal wetlands including RAMSAR wetlands; and*
- *Land that forms strategic and regionally significant inter-urban breaks and corridors, particularly for critical habitat for fauna movements and intra-regional open space connections and outdoor recreation areas."*

We enclose with this representation the Partnership Agreement and the Meander Valley Scenic Management Strategy document produced by Inspiring Place.

Prominent Landscape Places and Features within Meander Valley Municipality Nominated for LPS Inclusion as Scenic Protection Areas

Prominent Areas Proposed to be Adopted for Local Scenic Protection Area status. We consider and indeed know that the following list of places and prominent features is important to the community.

We propose the following areas be adopted for Local Scenic Protection Area status and conservation of their high scenic character and as irreparable features of the landscape be better achieved.

1. The hill of naturally vegetated forest facing the Bass Hwy on the property Woodville at Exton/Reedy Marsh. The other hills on that property and adjoining properties which form a skyline of forested hills to the north east of Deloraine and which are viewable from several parts of the town. Woodville: The intact forested hill facing the Bass Hwy on the private property Woodville at Exton/Reedy Marsh. Very prominent in the landscape. The forested area to the west of the Woodville Hill at Exton, also very visible from the Bass Hwy expressway and Meander Valley main road. The hill on Woodville has an informal scenic landscape agreement in place between the landowner and MV Council. TEA considers it should be formalised into a Local Scenic Management Area, in the public interest. The other hills on that property also form a skyline of forested hills to the north east of Deloraine and which are viewable from several parts of the town. Some of that land is zoned Rural Living.
2. The south and east face of the hill on Grassy Hut Tier facing the Bass Hwy at Hadspen. Very prominent in the landscape and appearing as a backdrop to the historic Entally House when viewed from Rutherglen Road and from the Meander Valley Road.
3. The west face of Grassy Hut Tier facing the Bass Hwy when viewed from and around Carrick. This low range of hills is prominent in the landscape when viewed from the Meander Valley main road and from the road out to Rosevale and over to Westwood. Several roads hold a view of these woodland type dry forest hills in fact.
4. The east face of Cluan Tier facing the Bass Hwy at several locations along the Meander Valley Road including from the town of Westbury.
5. Black Sugar Loaf Ridge, a forested hill, prominent in the landscape which is highly visible from parts of the town of Westbury and along the Birralee Rd.
6. Black Hills, an important backdrop to parts of the town of Westbury.
7. Strahan's Hill, a hill of lower woodland dry forest at Traveller Rest, a part or the backdrop to the town of Hadspen and visible from the Meander Valley Road and from the Bass Highway.
8. The forested northern foot slopes of Mt Arnon, the mount itself being in Northern Midlands. This low woodland hill is also highly visible from the expressway coming in or leaving Launceston and parts of Hadspen as well as one of the elements from Saunders Rd. Forested backdrop which is a part of the entrance to Launceston.
9. Cubits Sugarloaf, all aspects. This is both scenically and culturally significant as well as being a biodiversity habitat corridor. Highly visible in the foreground to the Meander Road

10. The Needles ridge top and south side and west end when viewed coming from Chudleigh.
11. Archers Sugarloaf. This pretty little forested hill forms the backdrop to the town of Meander.
12. Warners Sugarloaf. From all directions. This forested hill at the foot of the Great Western Tiers is a classic Tasmanian sugarloaf. It is prominent from many viewpoints in Jackeys Marsh.
13. The Beefeater Hill, north face highly visible from Deloraine. A distinctive shaped hill with forested slopes. This is crucial midground landscape feature when looking to the Gt Western Tiers. It has rocky outcrops. North face highly visible from several parts of the town, including the Visitor Centre and the main street of Deloraine, the western entrance to the town.
14. Pumicestone Ridge, north face highly visible from many parts of Deloraine including the Visitor Centre and the main street of Deloraine, the western entrance to the town.. This includes a Rural Living area. This is crucial midground landscape feature when looking to the Gt Western Tiers. It has rocky outcrops.
15. Long Ridge, north face highly visible from Deloraine (It was a crime this was logged about a decade ago). This is crucial midground landscape feature when looking to the Gt Western Tiers.
16. North face of Christmas Hills both from Bass Hwy around Gannons Hill and Ashgrove Farm. And from public locations in Parkham.
17. Black Jack Hill and Bogan Road. This lowland hill is largely reserved but the surrounds and the hill deserve recognition for their contribution to the landscape
18. Gum Top on Cluan a forested landscape feature especially from Golden Valley but also from Bogan Rd
19. Long Hill backdrop to Kimberley. When viewed from the Railton Road this outstanding long hill is in excellent condition except where the off plantation has scarred it in the East.
20. Gardner's Ridge/Gardners Hill. A forested hill prominent in the landscape. When viewed from the Mole Creek Road when travelling from Chudleigh. People would walk through a part of this forest on their way to Lobster Falls.
21. Magog, visible from both the north and the south. Adjoins Gardeners Hill but this striking forested landscape feature is more visible when driving the Mole Creek Road to Chudleigh from Deloraine.
22. Gog Range, both sides. The foothills to the north have been scarred but it remains a great scenic asset. Readily prominent in the landscape from Elizabeth Town and from the Bass Hwy and Railton Road. On the Southern side it forms a backdrop to both towns of Chudleigh and Mole Creek.
23. Upper Liffey Valley. This is an important tourism route.
24. The Great Western Tiers. Was Nationally listed on the Register of the National Estate. Its landscape values are extensive and of National Significance.

25. Quamby Bluff. All aspects of this substantial landscape feature, visible in the landscape from many viewpoints including as far away as Selbourne and Hadspen as well as many closer viewpoints. Very prominent, indeed iconic in the landscape, especially around Deloraine and Westbury as well as from places like Quamby Brook, Golden Valley, and Meander. Can be viewed from many places. It is especially striking with snow and often attracts its own weather. It is an iconic feature of the Municipality.
26. Vegetation on top of the Hill South of Hadspen. This area will be subject to expansion of Hadspen and the retention of the remnant vegetation is both a scenic and biodiversity issue. Full retention of the current forest encouraged.
27. The East side of Blackstone Ridge. Travellers Rest has scenic protection but the east side of Blackstone Ridge does not have adequate protection, yet despite some recognition, is an important but unprotected scenic woodland backdrop to the Municipalities most populated area of Prospect Vale. It is private land. This is an urgent matter and an area under pressure for development. We note that there are aspirations for development in this area that have the potential to scar and diminish the woodland/forested backdrop to Prospect Vale and we urge Council and the TPC to review the boundaries of the existing scenic area and increase it. It is a highly important landscape for the image of the Country Club.
28. Cluan Tier: The east face of Cluan Tier facing the Bass Hwy at several locations including Westbury. Also visible from several other more minor roads including the road to Westbury Tip. Very prominent in the landscape when viewed from the Meander Valley main road. a. Private land runs a long way up the Cluan Tier and has scarred the landscape with forestry practices in breach of the old Forestry Commission Landscape Manual. When one goes up to inspect why the unnatural scarring occurred you find a massive clear-felled area with a straight line presumably according with the boundary.
29. East face of Christmas Hills, Very prominent in the landscape when viewed from Parkham and East Parkham Road and Campbell's Rd. Compared with what happened to Stephens Hill, which is a scarred landscape which can be viewed from the Bass Hwy across the other side of the Avenue Plain.
30. West face of Hill at Elizabeth Town. Drive from roadhouse along Bass highway with stop outside the Petrol station roadhouse (noting its zone) and then at the west section of Bonney Street and second stop at Elizabeth Town Cafe (ETC). Bass Hwy at Elizabeth Town has no scenic protection and hill is very visible. Some contention of the status of the west section of Bonney Street and whether it is a Council Road.
31. Scenic Landscape Protection of the broader Chudleigh Valley area. A proposal for scenic landscape protection of the valley has in the past been based on the Inspiring Place report of January 2002 to MVC. Both Hawkins repeated proposals to the MVIPS and the original report have not been accepted by Council but adequate reasons have never been forthcoming for either position. The TPC has relatively recently (late 2016) recognised the landscape of Chudleigh is important, yet poorly they did not deliberate on it. The scenic landscape protection area proposed by Council over the former Chudleigh North Rural Living Zone was welcome but considered inadequate in spatial area terms and disappeared when the zone was quashed. In the Chudleigh area, as one comes across the high ground and before dropping into the valley from Deloraine, just past the start of the walk to the Lobster Falls on the Mole Creek Road is a sign, which states Scenic Point. Before one is a magnificent vista, an unsurpassed view of the matrix of the evolved landscape and the backdrops of natural Tasmania, the World Heritage Great Western Tiers and the Gog Range. A more stunning view is rarely found. The signage is completely appropriate.

The lack of planning controls to protect the landscape values of the scintillating visual experience one can find in Meander Valley is nothing more than land use planning vandalism.

We also recommend that scenic panoramas be identified as per the Inspiring Place proposal.

Aboriginal Indigenous Heritage Avoided

Within the draft Meander Valley Local Provisions Schedule, the TPC will find no listing of Aboriginal heritage places, termed in the TPS, “A Place of Identified Archaeological Significance”, yet again there are obviously many important indigenous sites present across the Meander Valley municipality and these richly deserve protection. The avoidance of their listing is a breach of the NTRLUS. There are literally hundreds of important sites which have not been listed and which do not have adequate protection.

Omissions Deliberate

These substantial Code omissions under MVC’s Draft LPS are deliberate, have long been unacceptable, have long been criticised, do not meet the objectives of The Act and are inconsistent with the Northern Tasmanian Regional Land Use Strategy, Version 6 of May 2018. The omissions are also inconsistent with the approach of adjoining municipalities in many cases which is a relevant test.

Thus it can be said that Meander Valley Council, under this draft LPS, is not an adequate performer in terms of any heritage and scenic landscape protection or management. These cultural, public interest matters, are relevant considerations in any sane notion of ecologically sustainable development, a concept which has underpinned the RMPS from its inception and which had its genesis almost 40 years ago. The avoidance of dealing with such matters is source of great dissatisfaction.

Desired Future Character Shunned

The SPP of the TPS has deliberately removed from its template the ability for local governments, including Meander Valley to make and incorporate into its scheme, Desired Future Character Statements within its LPS. These statements are present in the current 2013 Meander Valley Interim Planning Scheme, yet the SPP has obliterated the ability of MVC to populate its LPS with Desired Future Character Statements. This is not mere simplification but rather the bald abrogation by the State, hampering the ability of Meander Valley to meet the sustainable needs and expectations of current local residents and of future generations in accord with the Objectives of the RMPS. This is a pitiful diminution of sustainable land use planning. Again, this is the fault of the current Government’s planning buddies, including the Property Council of Tasmania and the Planning Reform Taskforce.

Mole Creek Karst IPS Code Protection Diminished

The Mole Creek Karst under The Meander Valley 2013 IPS is handled and to some (inadequate) extent, protected by a Karst Code within the State Planning Template. Under the Tasmanian Planning Scheme, it was decided by someone (not us) to not have a Karst Code, yet there are

several Karstic areas across the State of Tasmania. The TPC has ignored there are several Karst landscape geologies across the State in avoiding the creating of a Karst Code for the SPP. Thus this absence of a Code for the MV LPS is something which we seek Council again represent to the TPC over.

Meander Valley was, in the TPS process when creating its Local Provisions Schedule, in essence forced to construct a Specific Area Plan (SAP) for the area subject to the Mole Creek Karst. This SAP has limited protections for the sensitive karst (cave) system. Cave systems are fragile and vulnerable. Unfettered forestry and the absence of any clearance controls is an outrage.

The Mole Creek Karst is of National Significance, indeed some parts are World Heritage Listed, yet that listing does not overtly protect either. If the threatening problems which exist in the MV LPS SAP for the Mole Creek Karst continue we wish to indicate we will have no option but to refer the matter of the MV LPS to the Minister who has oversight of the EPBC Act as a Controlled Action.

MEA-S5.0 Karst Management Area Specific Area Plan: We have multiple concerns over the drafting of this section and the standards adopted. Indeed we remain opposed to native forest logging and land clearance in the Karst area as well as activities which have high potential pollute the Karst. The definition: "Karst Feature, means any of the above defined features." Is not acceptable, very ambiguous. For example a more complete summary of Karst features can be found in the Mole Creek Karst National Park, Management Plan 2004. See below from Appendix 3:

Landform type Location of examples within Mole Creek Karst National Park

Folded and faulted karst	NR*
Superimposed karst ridge	Marakoopa, Wet
Superimposed karst valley	NR
Breached surface divide	King Solomons, Kubla Khan, Croesus, Hum NR
Karst margin polje	NR
Karst uvala	NR
Subjacent karst uvala	Marakoopa (Devils Ear)
Solution dolines	Marakoopa, Baldocks, Sassafras, Wet
Subsidence dolines	Wet
Subsidence/collapse dolines	Wet, Marakoopa
Actively forming dolines	Wet
Collapse doline Wet,	Marakoopa
Subjacent collapse doline	Marakoopa
Polygonal karst	NR
Semiblind gorge	Sensation Gorge

Semiblind valley	Westmorland, Baldocks
Blind valley	King Solomons, Kubla Khan, Marakooopa
Semi-dry valley	King Solomons, Sassafras
Dry valley	Cyclops, Marakooopa
Peripheral dry valley	Wet
Streamsink	King Solomons, Kubla Khan, Marakooopa, Baldocks Caves, Resurgence Croesus, King Solomons, Marakooopa, Cyclops, Sassafras, Wet Steephead Sassafras, King Solomons, Croesus, Marakooopa
Karst well	NR
Sinkhole Ponds	NR
Karst window Wet,	Marakooopa Karren Wet, Cow, Sassafras, Kubla Khan, King Solomons

*NR - indicates that this feature is not recorded within the park, but is found elsewhere at Mole Creek.

We also refer Council to: <https://www.uky.edu/KGS/water/general/karst/KarstGlossary.htm>

Forestry Permits Now Unacceptably Exempted

Since 1998 when the 1995 Meander Valley Planning Scheme commenced over 20 years ago forestry in Meander Valley has been 'Permitted with a Permit' in the Rural Zone and later including in the current 2013 Interim Scheme, the Rural Resource Zone.

TEA has already spoken of the many, many exemptions which forestry has garnered but the removal via of the SPP's of a Permit Required status for forestry in Meander Valley is a travesty of justice.

Not only does forestry incur a strong lack of social license, it scars the landscape and wreaks harm over natural values including catchment values and is one of the primary methods used for land clearance.

However the Tasmanian Planning Scheme provides to remove the current MV IPS 2013 'Permitted with a Permit' status for forestry operations in Meander Valley thus diminishing Council's role in reviewing such applications. TEA considers it valid to ask Meander Valley Council to address this massive reduction in protections for its residents and the environment. Meander Valley should decide to retain its current role of assessing permit applications over forestry plans at the very least. There are a number of solutions within the Tasmanian planning scheme to achieve this aspect.

We would strongly prefer to have forestry as Discretionary and to see the vast plethora of exemptions and weasel words over forestry removed from the SPP of the Tasmanian Planning

Scheme. The Liquidation of native forests is against any sane strategy to mitigate climate change.

Forested Public Land

Finally, there is the matter of how those areas of public forested land, currently managed by the Crown Land Services, as a consequence of the Tasmanian Forest Agreement, to be managed for conservation, yet under the MV LPS those areas are, we argue, incorrectly Zoned Rural. We can identify the various parcels of land. However the enclosed map by MVC titled: 'Meander Valley Agriculture Zone Analysis' should also achieve this end.

Sustainable Timbers Tasmania (formerly Forestry Tasmania) considers these areas to be a part of the secure reserve system and has mapped them accordingly.

Such lands contain threatened species and often adjoin existing reserves and often such land is mapped under the natural assets code as being Priority vegetation.

TEA is seeking that this land, which in essence is currently in limbo, be zoned into a different zone than the one chosen by Meander Valley, which is the Rural Zone. Whichever zone is chosen, that zone should allow for natural values management and have a very limited range of other uses. Therefore the Environment Management zone is not ideally suited.

This land should be rezoned out of the Rural Zone into something such as the Open Space Zone, the Landscape Conservation Zone or even Environmental Management Zone.

Other Issues in Brief

Early in this representation we stated: ... we do not deal with any spatial anomalies, inconsistencies or faults which may be present in the draft LPS. Nor do we go into the merits of individual land zonings, nor the standards which have been adopted and which may be subject to change, including the creation of additional Specific Area Plans or the spatial limits of specific zones and so forth. It simply is not possible to write a full critique of the over 500 pages which the Scheme comprises.

Comment on the Reedy Marsh Rural Living Zone

This section is to provide information about the Draft Reedy Marsh Rural Living Zone (D) of the Meander Valley Local Provisions Schedule (LPS) and to seek a Specific Area Plan for the Zoned Area.

In the Draft Meander Valley LPS quite a lot of Reedy Marsh is covered by the Rural Living Zone (RLZ). Within that Zone there are arguably opportunities for higher land values, because of the residential development opportunity, in concert with the special natural environment amenity.

In Reedy Marsh there is a legacy of other more extractive uses but they will likely be discarded when these opportunities are properly recognised. Agriculture is a very minor aspect of the RLZ and the forestry plantations, which were never highly productive in Reedy Marsh, will likely disappear in time, as will many of the Private Timber Reserves. In Reedy Marsh there is other land outside of the RLZ but again it will inevitably have a lower value and indeed a more

restricted opportunity in value terms. Some of that land may be appropriate to include in the Zone.

The Draft Reedy Marsh Rural Living Zone (D) is a standard 10 Ha minimum lot, Rural Living Zone (RLZ), as specified currently in the Tasmanian Planning Scheme, State Planning Provisions (SPP), which sadly is in a final, if imperfect form. The boundary of the Zone is defined in Draft Meander Valley Local Provisions Schedule. This will in time become the new scheme.

Currently in Reedy Marsh, the Meander Valley Interim Planning Scheme 2013, has an existing minimum lot size of 15 Ha for subdivision. Under the specifics of the 10 Ha rule of the upcoming Tasmanian Planning Scheme, SPP, subdivision down to a much smaller 8 Ha would be possible under the Performance Criteria. This is an unacceptable change which would in essence overturn a recent deliberation of 2015 by the Tasmanian Planning Commission.

As you know, much of Reedy Marsh is forested in varying states of natural condition and this provides valuable amenity, as well as recognising important Priority Vegetation, which is habitat for Threatened Species.

Under the 8 Ha minimum lot, of the SPP, that is the Performance minimum, such a standard would see a considerable amount of clearance of Priority Vegetation, especially with bushfire code reduced fuel areas mandated around each new dwelling and even the clearance for more powerlines. This clearance would be to the detriment of the special vegetation values of Reedy Marsh as well as the amenity of the area.

Reedy Marsh is one of the areas in the central north of Tasmania which contains significant tracts of Eucalyptus ovata forest, a threatened vegetation, with less than 10% remaining. Eucalyptus ovata forest is habitat to the Critically Endangered Swift parrot. Eucalyptus ovata forest is in the process of being listed under the EPBC itself as Critically Endangered. We can show Council areas cleared within the RLZ supporting E ovata, indeed one such area was for powerline extension. Putting in more above ground powerlines on wooden poles in Bushfire hazard areas makes no sense in fact.

There are several Rural Living Zones (D) in Meander Valley, where subdivision is prohibited by way of a Specific Area Plan (SAP). Most such places actually have vegetation, which is of less conservation priority but there is a range of other reasons for not allowing subdivision in other rural living areas, as Council has mentioned in its Supporting Report.

There are some who live in Reedy Marsh who believe subdivision should not be allowed at all. Indeed, Reedy Marsh has many vacant blocks of land with plenty of scope for more development without subdivision. However, there are some large titles which would remain uneconomic.

It is my personal opinion, not only from a TEA perspective but as a resident of Reedy Marsh, that subdivision below 15 Ha, would cause a significant loss of amenity and should be opposed. This argument was run for the current Interim Planning Scheme in 2016 and accepted by the TPC.

The important thing is that TEA expresses its view, completely opposing an 8 Ha minimum lot standard, and indeed we hope MVC and the TPC share our opinion that 8 hectares is simply too small a subdivision in Reedy Marsh, given the other values at stake. Our solution is to create a SAP for Reedy Marsh RLZ.

In order to change the minimum lot of the State Planning Provisions for the Rural Living Zone TEA asks Council to create a Specific Area Plan (SAP) for the Reedy Marsh Rural Living Zoned area.

This would mean that a number of other SPP RLZ's zone standards could desirably also be altered, under a SAP with important benefits for the amenity of Reedy Marsh residents, as well as

for the natural environment, which is shown as Priority Vegetation and is habitat for a range of Listed species. On this issue it must be noted that Priority Habitat has under the Interim Planning Scheme failed to halt either the decline in extent or the condition of critically important vegetation across the Municipality. Indeed when the General Manager was asked how much Priority Habitat had been saved by the IPS Code he could not advise TEA of any. This is not sufficient. Worse under the TPS things are set to get worse.

The other important issues and standards that affect the Draft Reedy Marsh Rural Living Area (D) is the inadequate front set back standard of only 20 metres. This is obviously inadequate in terms of privacy and would see clearance to the front boundary, especially when most developments in Reedy Marsh would be subject to the bushfire code. A more sensible front setback would be 50 metres. Again this important change would require a Specific Area Plan for the Reedy Marsh Rural Living Area. If Council accepts a translation of the current MV IPS in the Reedy Marsh RLZ of 15 Ha to the LPS then those blocks are certainly large enough, in all cases, to support, without undue hardship, the 50 m front setback minimum standard. Of course there are many blocks which exceed the minimum area.

The State Planning Provisions also limit the area of each block which is covered in buildings in the RLZ without triggering a discretionary decision. The maximum building coverage area for the Rural Living Zone is the same regardless of the minimum lot size. This SPP standard is 400 m² without enabling Performance Criteria.

So under the SPP you could build 400 m² of buildings in Rural Living Zone A, which has a 1 ha minimum lot but also, you can only build 400 m² of building's in Rural Living Zone D, which has a 10 ha minimum lot. This does not make any sense. Yes it is simpler, cheaper but it is also dumber. Again, to change this standard requires a Specific Area Plan for the Reedy Marsh Rural Living Zone Area.

TEA recommends that a greater square metre extent of building cover would be reasonable, provided they were sited within a single curtilage. Many 10 Ha Rural Living properties could easily have more than 400 m² of buildings, when you consider the various sheds as well as the house. A maximum of 600 or 800 m² building cover would appear to be far more reasonable for Reedy Marsh RLZ under a SAP. Bear in mind many properties in Reedy Marsh are considerably larger than the 10 or 15 Ha minimum and may remain 20 Ha, 30 Ha or 50 Ha in size. Again a reason for changing the SPP standard via a SAP for Reedy Marsh.

The State Planning Provisions (SPP) Rural Living Zone allows forestry plantations as a Discretionary Use. TEA considers plantation establishment to not have a social licence in Reedy Marsh and the establishment of more plantations should be firmly discouraged by Meander Valley Council. Again to change this standard requires a Specific Area Plan for the Reedy Marsh Rural Living Area. TEA proposes Forestry Plantations be moved from Discretionary to Prohibited in the Reedy Marsh Rural Living Zone. The plantations which currently exist in Reedy Marsh have degraded residential amenity and now remain a legacy largely upon Private Timber Reserve Land which from time to time is being revoked. So, in any case, if the land owner wishes to continue with their unpopular plantations they can.

Currently, Visitor Accommodation is a Permitted development in the SPP for RLZ. In my view it would be wise for it to be Discretionary, in the Reedy Marsh Rural Living Zone, especially when you consider the bushfire risk.

Finally, in Reedy Marsh there is a 200 m setback requirement from the Agricultural Zone, when a sensitive use (such as a dwelling) is being planned in the RLZ. Two hundred metres is a huge distance and a massive donation to the adjoining land in the Agricultural Zone or the Rural Zone, especially given the amount of retained vegetation within the zone. One can gain a dispensation but that is not easy or quick.

It is especially unjust and hard to accept that the Rural or the Agricultural Zones have a mere five metre set back from their boundary yet we in Reedy Marsh have a 200 m setback from their zone, regardless of who was there first. Yes that is right we have to give over about 40 times more land simply so the farmer can farm right up to the boundary. Of course it only affects those land owners on the edge of the RLZ but there are many such land owners in Reedy Marsh.

TEA proposes an intermediate distance, which reflects the protection of the retained vegetation, being 100 metres setback requirement from the Agricultural Zone.

Finally the area within the Reedy Marsh Rural Living Zone has significant vegetation which has been mapped as a Bushfire Hazard Area. Notwithstanding this fact of bushfire risk, it must be therefore considered that above ground utilities to new developments should be a thing of the past. TEA proposes that all new utilities should be placed underground and that this standard should be incorporated into a SAP for the Reedy Marsh Rural Living Zone. If this is not done then vegetation which is listed as Threatened will continue to be destroyed simply to put in more power lines.

Regarding the Rural Living Zones Generally

Council has created many Specific Area Plans (SAPs) in the RLZ in the Draft LPS, several of which preclude subdivision in the nominated RLZ area. However for other areas the existing level of subdivision (that is the minimum lot size) is being reduced and this would have poor consequences. We expect that there will be challenges to these SAPs to allow subdivision and maybe to other areas to allow smaller lot sizes which would likely damage local amenity in our view.

Without modification via a SAP (and even in the SAPs so far designed there is a restriction on the total of all building floor areas of 400 sq. metres. This is a highly restrictive limitation when you consider the sheds which a Rural Living block may need. It contrasts with the Low Density Residential Zone amount of 30% which could easily be vastly greater.

For many RLZ areas the standard 20 metre setback would see the destruction of amenity because that amount means clearance to the road verge wherever there is forested vegetation under the Bushfire Code. The standard front setback should be increased for most localities under RLZ's.

TEA considers that some of the suggestions of standards for the Reedy Marsh RLZ could be applied to other RLZs with benefits for those areas too.

Sensitive Use

The 2007 Draft Scheme adopted the approach of stepping back "Sensitive Use" from the boundary by using adjoining land as a 200 metre buffer rather than ensuring the land on which the hazardous activity is occurring incorporates the buffer within its boundaries, regardless of who came first. This represented a quantum donation to industrial forestry and large agribusinesses.

Whilst we can sincerely understand the desire to ameliorate potential conflicts, we do not support the donation of adjoining land to the wood chippers and aerial sprayers and anyone else simply because their land is in the Rural or Agricultural Zones.

Just think if sensitive use requires a 200-metre setback from the adjoining activity how is it then that the seemingly obnoxious activity can occur right down to the roadside of a public road?

Either it is not as bad as it seems, or the provision needs some revision or preferably complete removal. Something more sophisticated would appear fairer.

We do not have a firm solution and think the problem needs to be more closely considered and a better more equitable set of solutions developed. We state that we regard that more work needs to be done in this area to develop fair, just and sustainable solutions for all. Northern Tasmania is one of the more closely settled of Australia's agricultural regions.

Additional Rural Living Zone Areas Proposed

TEA considers there are a number of additional areas which could be zoned Rural Living.

- Four Springs (Currently the private blocks here are zoned Rural)
- East Meander (Currently the private blocks here are zoned Rural)
- The Township of Liena (Currently the private blocks here are zoned Rural)

We can provide additional information over these areas which are obviously imbued with a rural residential character and would meet many of the NTRLUS Version 6 criteria.

Regarding the Low Density Residential Zone:

This is now considerably densified and intensified and thus residents in such areas may find that in some instances a better fit would be to consider advocating for Rural Living Zone for their area.

Elizabeth Town Issues

Of the rural gazetted towns Elizabeth Town (ET) is the second least developed, Ugbrook [if it still is gazetted] being almost completely undeveloped as the people relocated to Meander. ET is certainly the least developed on the main transport link.

Instead of looking at ET as an existing 'town' with a potential for increased density we would have thought planners would look at the potential for it to meet a more modern need of humans in the landscape. After all what are we without nature?

We have significant concerns about some of the minimum lot sizes, in zoned areas of this gazetted town area zoned Low Density, which we view as being too small a min lot size in area and other issues relating to intensification of the various areas. The character of current rural residential areas needs to be more carefully assessed.

We would suggest that the less developed land in a more natural state to the north and west which is carrying Conservation Covenants should be zoned Landscape Conservation Zone and believe such a Zoning could be supported by the landowners who own covenanted land around North Street. They, after all, provide the natural services and a certain aesthetic to residents as well as a landscape to those passing on the Bass Highway. There must be about 6 or more titles, which are covenanted. Some of this land is currently zoned Low Density and some Rural Living dating back to the 2013 MV IPS.

The more developed areas South of Bonney St and either side of Samuel down to Hill St would seem to be more suited to Low Density Residential. The MVC 95 Scheme's minimum lot size for ET seemed to be more appropriate.

Without infrastructure, allowing a minimum lot density of only 1ha would seem to be creating a series of problems associated with public health, water supply, traffic management and bushfire hazard.

A second road access to the area is probably unnecessary. After all, how does a community deal with the problem when 2 accesses are blocked? How do the residents on the eastern end of Hill St escape a bushfire? Why would you send the Christmas Hills or ET residents through the countryside in a dangerous fire situation? One could crash in the smoke or be trapped by unpredictable fire behaviour.

There is an urgent need for Scenic Protection for the Bass Hwy when driving from Devonport to Deloraine. By changing and diminishing the Urban Growth Boundary and changing zoning for the prominent land onto Bass Hwy, especially West of Samuel St to Rural Living with larger lots, one may mitigate the impacts of a hillside of houses where currently there is significant vegetation retained, which would be exacerbated and threatened by 1 Ha minimum lots.

We consider that where there is an Urban Growth Boundary based on an historic survey plan Council should be willing to change it now. Given time we would comment similarly on other such areas and Chudleigh also comes to mind.

Regarding the Land Bounded by The Mole Creek Road, the Old Mole Creek Road and the rear of the Emu Bay Road residential Development.

This land which adjoins the residential area of Deloraine and a small local business zone, is bounded by The Mole Creek Road, the Old Mole Creek Road and the rear of the Emu Bay Road residential development. It is currently in the agriculture zone and according to the rules under the SPP the land is set aside for agriculture. However the land has significant constraints because of its location and the surrounding road network. Further this triangular patch of land is located close to town where there could easily be significant impact from agricultural use to the adjoining residences on Emu Bay Road.

TEA considers that this land, although of quite good quality, has significant constraints or farming purposes. Additionally we consider that there would be an obvious hire and best use of this land for purposes other than agriculture. Additionally we consider that the surrounding road network provides a useful and better buffer to the surrounding viable agricultural uses than the current zone arrangement.

The question remains in our minds, to which zone such land should be proposed to be rezoned. Deloraine has a reasonable amount of low density residential land. It has an inadequate of local business zoned land. It has an inadequate of land which could be used for tourism accommodation purposes.

This triangular patch of land below the mole Creek Road is an elevated site with unsurpassed superlative views out over the Meander Valley to the spectacular escarpment of the Great Western Tiers.

In short, without belabouring point, the subject land is an excellent opportunity for a world class tourism accommodation venture. Strategically Deloraine has a distinct lack of visitor accommodation, especially in peak season.

TEA wishes to urge Council to carefully consider this excellent site for a high value use which supports the strategic increase of tourism in our district.

Climate Change Unacceptably Ignored in Land Use Planning

(Section to be supplied)

Conclusion

As Meander Valley Council can see there are some complex issues of concern. The gormless mantra of “Simpler, Cheaper, and Fairer” simply has not worked. We forecast there will be a public outcry and ongoing criticism of the failings of the MVC Draft LPS when it is finalised and comes into operation.

TEA does get the strong impression from Council that it is willing to listen to arguments, which give it a mandate and reason to challenge and modify the State Planning Provisions, in the ways which are allowed, such as Specific Area Plans. In some instances we clearly must rely on Council listening to the community, in a process where people have simply been ground down by endless planning processes.

In summary, the omissions and inadequacies of the Draft MVC LPS are horrific and unacceptable and are the face of anachronistic land use planning decline in Tasmania, which is an ongoing scourge.

With the Draft MVC LPS, Tasmania with the Liberals’ Tasmanian Planning Scheme, has lurched firmly into the arms of the Property Council. It has required multiple LUPAA amendments, the artificial truncation of the Interim Planning Scheme, the malfeasant tampering of the NTRLUS and pathetic edicts that mere mortals cannot even dare suggest changes to the SPP.

Unless matters are rectified now in the MV draft LPS, the result would be that the public would have far less appeal rights, the individual neighbour would also have substantially diminished rights of objection and appeal.

Council too will have less Discretionary rights and less appeal rights and would have less ability to modify any given development so as to make it more acceptable to the surrounding community. Some Local areas have been encouraged into densification and intensification.

This Draft LPS of MV, with the SPPs of course, represents a loss for current residents, a massive loss for the existing natural environment and the natural indigenous species, which depend on it and finally it indisputably would represent a loss for future generations. Such matters are referred to in the RMPS objectives and the previous May 2018 NTRLUS Version 6.

Making a successful representation is considerably more complex now than under the previous Scheme and legislation. Section 35E and Section 35G of LUPAA does not really satisfactorily make the limitations and opportunities clear. The advice of Council may have created false reason for avoiding expressing representors’ views and opinions because the technical legal aspects have not been fully understood.

The major losers in this new dumbed-down statewide land use planning recipe are both local communities and the environment. This is entirely intentional, yet it should continue to be unacceptable and thus opposed.

The Tasmanian Planning Scheme and hence the Meander Valley Local Provisions Schedule within it should in our view be characterised as a pro-development, greed based planning instrument.

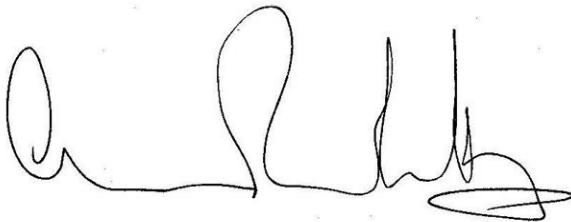
Because this is the first formal occasion to comment on a Statutory Draft of the first Local Provisions Schedule under the new Tasmanian Planning Scheme, there is an important

opportunity to deal with some of the bigger picture issues, as well as the spatial, local, Zone type issues, which usually do get some attention from residents in the draft hearing process.

The Tasmanian Planning Scheme, including these Draft MV LPS provisions are a poorly designed and grossly unfair, complex arrangement, which has damaged the integrity of land use planning in Tasmania.

We forecast it will require a major overhaul of the TPS to restore the core values (Schedule 1) of the RMPS but in the meantime unless Council deals with the specific issues we have raised around and at the time of the Draft MV LPS, this TPS could have a very undesirable result especially on the natural assets of our district. Remember this MV LPS is currently a Draft for about okay this was a long time ago am comment and representation.

Yours sincerely



Andrew Ricketts
Convenor

(With thanks to the TEA Management Team)

Enclosures

File name	Name of Document	Date
Regional_Land_Use_Strategy_of_Northern_Tasmania_-_Version_6_Amended_Effective_09_May_2018.pdf	Regional Land Use Strategy of Northern Tasmania Version 6.0 May 2018	
NTRLUS - Policy Comparison.docx	NTRLUS Policy – Comparison Document	8-11-2018
Heritage_Study.pdf MVC State Inventory.pdf MVC Local Inventory.pdf MVC to Heritage Tas 4-6-07 .PDF	Meander Valley Heritage Study Study Report, Prepared by Paul Davies Pty Ltd Architects Heritage Consultants February 2006	
Agriculture Zone Mapping Stage 2 with assessment layers for report.pdf	Meander Valley Agriculture Zone Analysis	May 2018
scenicmanagementreport.pdf	Meander Valley Scenic Management Strategy	2002