

**From:** "Daniel Gray-Barnett" <dan@danielgraybarnett.com>  
**Sent:** Tue, 31 May 2022 16:58:01 +1000  
**To:** "Huon Valley Council" <hvc@huonvalley.tas.gov.au>  
**Cc:** "Daniel Barnett" <dan@daniel-barnett.com>  
**Subject:** Draft Huon Valley Local Provisions Schedule  
**Attachments:** LPS submission - 38 Deering St.pdf, LPS submission - 159 Lloyds Rd.pdf, LPS submission - 171 Lloyds Rd.pdf, LPS submission - 173 Lloyds Rd.pdf, LPS submission - Morrison Rd.pdf

Hi,  
I would like to make the following submissions based on the Draft Huon Valley Local Provisions Schedule.  
Regards,  
Daniel

Daniel Gray-Barnett  
+61 (0) 480 212 679

[www.danielgraybarnett.com](http://www.danielgraybarnett.com)

Date: 30th of May 2022

General Manager  
Huon Valley Council  
PO Box 210  
Huonville TAS 7109

Dear General Manager,

**RE: Draft Huon Valley Local Provisions Schedule**

**Address/Folio ID: 38 Deering St, Franklin - Title Reference 50892/1**

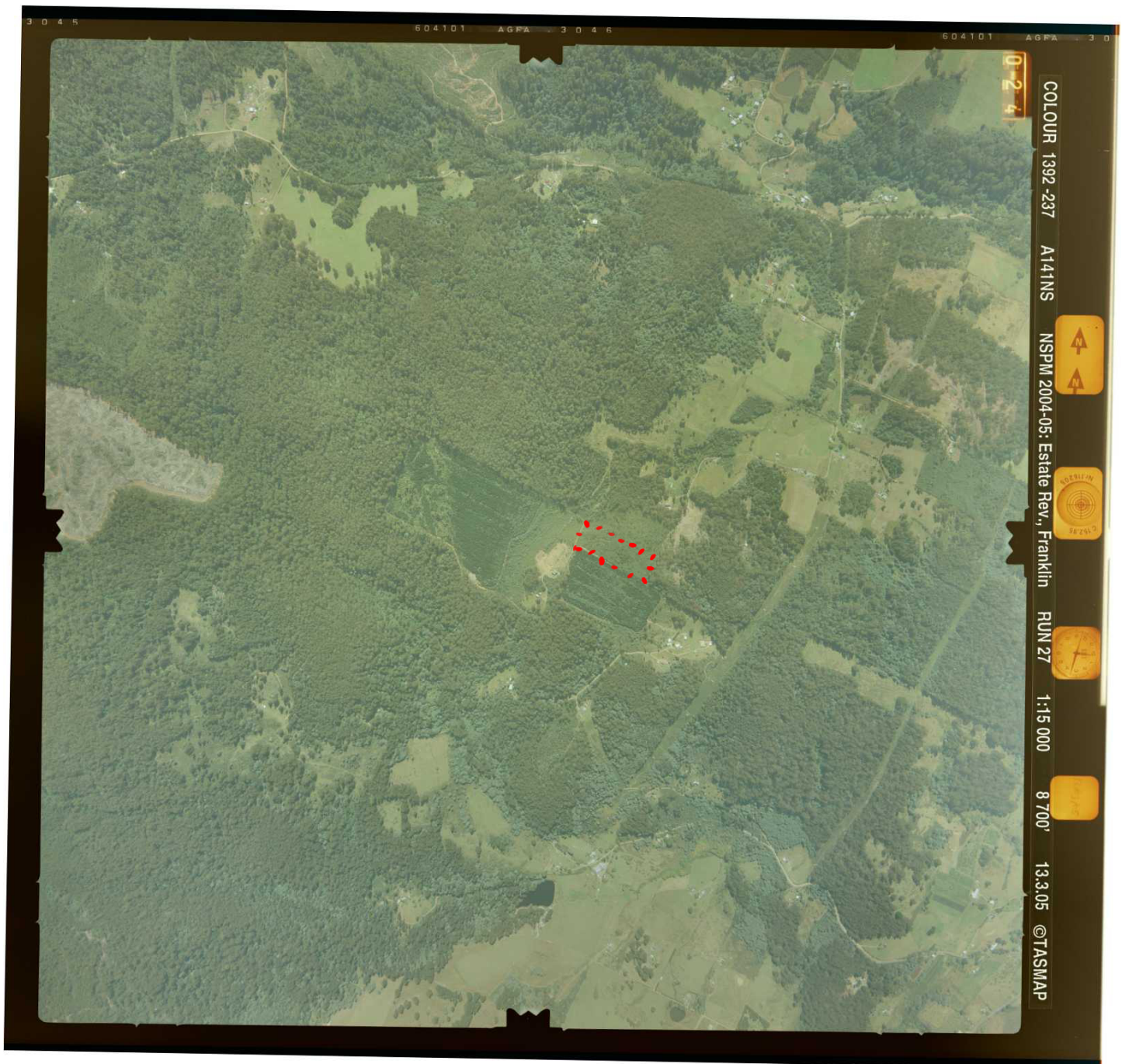
We, the owners of the above property would like to submit the following representation that objects to the proposed Landscape Conservation zoning as put forward by the council as part of the advertised draft Local Provisions Schedule submission. We do not believe that the proposed zoning change is appropriate in its current form, for a number of reasons:

- A good portion of the property has already been cleared by previous owner for access and development and there are currently outbuildings.
- The native vegetation on the property is only 50% at best, which is considerably less than the minimum 80% vegetation used as selection criteria in the LSP supporting report 2.4.5.3 table 12 - '80% native vegetation cover was used as the minimum coverage for selection as potential LCZ properties.' By the Council's own selection criteria for assessing properties for potential LCZ zoning, this would make this property inappropriate for LCZ zoning.
- All neighbouring lots have been cleared and have residential dwellings or development taking place
- We are currently in the process of finalising our planning application for a residential dwelling on the property.
- The size of the lot is just under 6 acres, which is well below the minimum lot size of 20 ha recommended for Landscape Conservation zoning
- The 3 adjoining lots that are to be zoned Rural - I believe for consistency, the new zoning should be Rural, not Landscape Conservation

- The property is less than 100m away from large Forestry lots which have been cleared - I question how effective this Landscape Conservation zoning is when Forestry has been allowed to clear so close and extensively in the nearby area.
- There have been no record of the threatened species (Tasmanian devil) observed on the property, and no observations of any fauna whether of Conservation Significance, Non Threatened or Threatened Status as per the LIST (see image).



- As per attached the aerial photograph of the property (taken in March 2005), the entire property was cleared as recently as 2005. Any priority vegetation etc would be no older than 16 years max, the property does not have a history of landscape conservation values.



- The property has been purchased and is currently financed on the basis that a single residential dwelling is permitted. This was the main reason we purchased the property. We have confirmed with our bank that the proposed Landscape Conservation zone will likely jeopardise our financial situation and plans to build a

house for our family to live in on the property, as they will require a much larger deposit (50%) to proceed with any finance as the property will become a 'non-residential' zoned property in their eyes. This will render our plans and dreams for our family in the future near impossible.

- The proposed Landscape Conservation zoning is not a like-for-like transition, given that it completely ignores the current purpose of permitting property owners to build and live in a residential dwelling on the property - the proposal that a single dwelling is Permitted as long as it falls within a building area noted on a Sealed Plan is a paradoxical, Catch-22 condition, given that the large majority of properties zoned Environmental Living do not currently have a building area noted on a Sealed Plan. The only way to achieve this will be to first get Planning approval from the Council, however this approval will be conditional on there already being a noted building area. It does not make sense. This decision will naturally disqualify almost every property owner who has transitioned from the Environmental Living zone, disempowering them and rendering their properties useless for the purpose of being able to build and live in a dwelling on their property.
- The Priority Vegetation Code report has not been ground tested and by the Tasmanian government's own admission, needs more supporting data to verify its data accuracy before being able to apply the Priority Vegetation Code. We request that a qualified person assess the property and verify this report for accuracy before confirming any zoning changes based on this report.
- There are already current overlays protecting the flora, fauna and waterway on the property without having to rely on a zoning change. The protections under the Landscape Conservation zone are redundant and not necessary, given there are already currently protections.

We believe that the only fair and naturally just way to apply the Landscape Conservation zone to properties that are currently zoned Environmental Living is to include a SAP in the proposed LPS to support the recognition of the residential land use by substituting the discretionary status for single dwellings with permitted status instead. This will ameliorate the concerns of current property owners, like myself, who feel extremely worried and anxious that our property, which we purchased and financed with the intent to build a residential dwelling, will be rendered invalid and we will be not only unable to proceed with our future plans, but will be put into a very financially difficult position as a result. It is a potential solution to avoid the many financial and legal issues that will be caused for the property owners and the Huon Valley Council as a result.

Failing the above proposal, we would prefer that the zoning change be to Rural, not Landscape Conservation, as the landscape values will still remain protected under the current overlays. But this still does not solve the problem of taking away the residential land use.

We also have concerns that this drastic change in the purposes and uses of the property under the new zoning will have a negative effect on our property value and render the property very difficult to sell, as nobody will want to buy a vacant block of land that they effectively are unable to build a dwelling on.

As we were not made aware of this re-zoning until quite late in the process and exhibition period (3 weeks before the deadline), we are unable to engage with the appropriate legal/planning counsel at this time to address the relevant points on our behalf. The council has not allowed adequate or appropriate time for the thousands of Huon Valley residents to not only educate themselves on the zoning changes, but also engage with the appropriate and qualified planners to assess their situation.

Therefore, we request our right to be afforded an opportunity to have our matter heard at the Tasmanian Planning Commission's hearing should further information be required to speak to our objections. We also reserve the right to bring further objections to this hearing should they arise from engaging with appropriate counsel.

Regards,

Sign:



Name: Daniel Han Gray-Barnett

Land Owner/  
Concerned Party

Contact Details:

dan@danielgraybarnett.com  
Ph: 0480 212 679

Sign:



Name: Daniel Richard Barnett

Land Owner/  
Concerned Party

Contact Details: