
From: jennifer.rowlands@bigpond.com
Sent: Tuesday, 16 May 2023 11:23 AM
To: TPC Enquiry
Subject: Representor Response
Attachments: Representor response to TPC.pdf

To Tasmanian Planning Commission.

Attention: Janelle Townsend, Rob Nolan and all Delegates.

Please find attached my response regarding:

Draft Amendment AM 2022.01 and permit PA2022.0024 – Middle Road, Miandetta

Supporting images will be sent via separate emails.

Thanking you.

Kind regards,
Jennifer Rowlands.

Representor: Jennifer Rowlands, Stony Rise Devonport Ph: 0448 559 806

Tasmanian Planning Commission

Email: tpc@planning.tas.gov.au

Regarding Draft Amendment AM2022.01 and Permit PA2022.0024

133 Middle Road, Miandetta (Devonfield).

Dear Tasmanian Planning Commission,

I refer to:

- **GHD Letter dated 27 April 2023, Reference: 12590738, and**
- **DCC Amended Permit PA2022.0024, dated 27 April 2023, conditions 4. and 5. regarding covenants**

GHD and DCC are quoted in ***bold italic type***, followed by responses.

(*Devonfield's Wonderland* picture book will be referred to as simply 'the book')

GHD - 3. "We recognise the effort and time spent on the creation of the book titled Devonfield's Wonderland (the book). However, no permission was sought from Devonfield to enter onto the premises to take the photographs..."

Thank you for your recognition of the time spent producing the book.

You are correct that permission was not sought. However, there is an understanding by the public that the premises is open to the community for recreational endeavours as evident by:

- makeshift play huts,
- excavated bike tracks,
- open and easily accessible walking tracks leading into the property from several access points, including next to a closed boom gate, and
- plastic dog-waste bags discarded on these tracks (unfortunately) by local dog walkers.

The presence of these, and with lack of '*private property*' or '*no entry*' signage, grants unspoken invitation for further recreational pursuits, such as wildlife photography.

GHD – 3. "...nor for the publication of the book and Devonfield has had no responsibility in the creation of it."

On 8-12-2022 fellow Representor and I met with Devonfield acting CEO to make contact.

We presented him with the book and our ideas to benefit not only Devonfield, but the community. He responded positively, supportively, and amenably to the vision.

The acting CEO added **one of the best** ideas yet:

Geelong's GenU initiative: <https://www.genu.org.au/services/business-and-community/business-services/community-nurseries/>

Further to the above initiative, and in relation to, please view this recent venture through NDIS. It only runs for six minutes:

<https://www.abc.net.au/gardening/how-to/growing-work/102303256>

Towards the end of the above segment, they mention **native plants**.

These ideas for the bushland would serve as a nursery supplying Devonport revegetation projects, and sales to the public.

One of the many suggested uses for Devonfield's bushland, would be that it would provide valuable local plant stock for cuttings and seed collection.

GHD's response implies that Devonfield is *against* the book and the initiatives.

However, it's my and Petra's understanding from direct discussion with CEO Matthew Gaffney, that Devonfield is supportive and open to alternative ventures, especially those which benefit NDIS recipients and the greater community.

Please note: The book was on display at Devonfield's reception for staff, residents, and visitors to enjoy over a four-month period (December 2022 to March 2023), which further implies Devonfield's support for raising awareness of the biodiversity of the bushland.

GHD – 3. "At and after the hearing, additional information was submitted by the representor including an undated document titled *Location Index of photographs in Devonfield's Wonderland*, and an undated document titled *Index to Devonfield's Wonderland*. The three documents must be read together but it remains challenging to decipher what photograph was taken where and when. It appears that a number of the photographs may have been taken in the area proposed to be in the Open Space Zone but it remains Devonfield's opinion that the photographs are insufficiently referenced or annotated to constitute reliable evidence."

It's absolutely agreed that the additional undated hand-written documentation submitted during the hearing is difficult to decipher.

The book was initially published as a 'quick snapshot' under time-constraints, showcasing a collection of wildlife photography from both within and from a nearby vantage point, from a neighbouring resident.

The first edition of the book presented, will now be superseded by an **amended edition**. This will contain the following changes:

- Every single image is now numbered and matched with a reference to clearly state species and dates.
- Images will be referenced to an A3 map, indicating as close as possible where images were taken.

First edition: (present at the hearing, which you have seen) published on **14 November 2022**

Amended edition: published on **8 May 2023**

Please view images in separate email indicating the correct indexing for your viewing.

Once the amended second edition arrives from printing, it will be immediately mailed overnight along with corresponding A3 map, to TPC for substantiating.

GHD – 3. “The photographer, editor, publisher and any the other contributors to this booklet were not present at the hearing and so it is not possible to properly test the value of this information as evidence.”

I, Jennifer Rowlands, am the editor, researcher, and author of the book.

I was present at the hearing.

Of the approximately 140 images in the book, 27 are mine.

There are only two contributors. I and the other person involved in production of the book; Elizabeth Latham (original concept and majority of the images). She was not able to attend due to serious family commitments. At the time of the hearing, she was (and continues to be) in a state of bereavement.

Covenants: Responding to Senior Planner of GHD and Senior Planners of DCC.

GHD - 4 (d) (III) “It is considered appropriate to provide a control in the form of a development exclusion zone over the environmentally significant areas. This would be created through a covenant on the title.....”

“As a further measure to minimise impacts associated with having residential activity nearby to areas of environmental significance, a further covenant could be placed on any title.....”

“A covenant must be placed on any title adjoining the proposed Lot 7b (excluding Lot 7(a)) to the effect that owners must not have or allow access (pedestrian, vehicular or otherwise) to Lot 7b through gates or other means and that rubbish, garden waste or any other materials.....”

DCC – Condition 4. “...and accompanied on the Schedule of Easements by a covenant to exclude any form of development....”

I refer to Deed of Agreement: D34902, Volume 48257, Folio 18, Dated 9 November 2011 – (seven pages including map), between DCC and the Proprietor, to protect several species listed including *Engaeus granulatus* and swift parrots.

It would appear DCC have failed to uphold environmental stipulations outlined, as demonstrated in an already established above covenant, currently in place in the **immediate vicinity** of Devonfield.

At least two *Engaeus granulatus*-inhabited privately owned bushland properties, with a stream running through them, have been cleared back to bare soil.

Another property under the same covenant continues to allow dogs freely at large, despite the covenant stipulating ‘*all dogs must be secured within a fenced area*’.

Wet sclerophyll Eucalypt Forest and understory vegetation is now replaced by a field of Foxglove weeds. The riparian zone of the stream is now bare soil, weeds, and rubbish.

DCC are aware of this, and appear to have not upheld, enforced nor monitor this covenant in a timely manner, therefore demonstrating to the public, including the landholders themselves, that there is no consequence for breaching a covenant. Please view supporting images in a separate email.

You may question of what relevance is this to Devonfield?

Based on an actual existing covenant in place, both GHD's and DCC's suggestions of a covenant hold no merit in ensuring the upholding of the natural values of the proposed Engaus and Ovata section of the Devonfield housing development, and areas of natural value on proposed private land.

DCC – Condition 5. "...a covenant must be placed on any title adjoining the lots, to the effect that owners must not have or allow access (pedestrian, vehicular or otherwise) to Lot 7B through gates....and that rubbish, garden waste or any other materials will not be deposited on Lot 7b.

It is continuously demonstrated countless times that wherever housing backs onto bushland (even Reserves), people will dump over their fence. As long as there's little public education, monitoring, enforcement or consequences, there's no reason not to expect the same occurrence in Devonfield's remaining bushland.

At the hearing, DCC's Senior Town Planner declined to provide an example where a covenant in place is successfully functioning to protect habitat. Therefore, the Representatives' scepticism for the proposed covenant remains.

You may counter-propose propose that the Devonfield covenant **will** be appropriately overseen and managed.

However, I put forward that the proposed covenant remains to be an **unacceptable amendment to fragment a functioning eco-system**, while placing a covenant on 'just the important threatened bits'.

DCC are proposing to segregate several linked eco-systems by placing a neighbourhood in the middle of a functioning and thriving parcel of bushland.

It's embarrassing to note that 22 years after this Utas thesis discussing key issues regarding fragmentation of habitats, written by M. A. MacDonald BSc (Hons) continues to be ignored by Environmental Assessors, Planners and Developers.

The author discusses Fragmentation in The Midlands. However here are some highly relevant excerpts:

p.11 *"It is important to emphasise that the impacts of fragmentation do not necessarily stem simply from absolute loss of habitat. Habitat loss is a problem in itself, but frequently there are more severe or more complex (or both) results than would be expected from habitat loss alone. Saunders et al. (1991) reviewed the effects of habitat fragmentation on forests and concluded that changes in microclimate, influence of external factors, and degree of isolation are the major results. The effects on microclimate include changes to radiation/evapotranspiration levels, to wind profiles and to hydrological cycles. The isolation of a fragment is not just a function of distance from similar habitat but is also influenced by the nature of the intervening habitat. External influences may include increased predation and invasion of species. Fragment shape can also be important, as it affects the proportion of that fragment which is subject to edge effects. Once these factors start to affect the present biota, the flow-on effects can be significant.*

p.21 *"dry sclerophyll forests [as in Devonfield] and woodlands.... have suffered greater irreversible disturbance than other forest types."*

p. 173 *"The results of the present study combined with those elsewhere (Recher et al.1991) and those on the flora and vegetation of the study area (Kirkpatrick & Gilfedder 1995, Gilfedder & Kirkpatrick 1998) point strongly to the conclusion that conservation of habitat which is likely to conserve higher species richness of any group is of considerable benefit, but that the requirements of some individual species will not be met by such conservation methods. These species are likely to be those most sensitive to disturbances to natural habitat and will require more specific management.*

Future assessment of present conservation measures will not applaud the maintenance of high species richness; they will mourn the loss of elements of the fauna which occur currently.

Thesis in its entirety:

https://eprints.utas.edu.au/20496/1/whole_MacDonaldMichaelAndrew2001_thesis.pdf

Concluding response to the proposed covenant on the remaining *Ovata* and *Engaeus* land parcels:

The idea of the covenant **only on sections**, is like keeping only the **best bits** of a book and throwing out all the rest.

No one would do that to something as small and replaceable as a book.

However, we are discussing doing the **same thing** to a living, breathing, functioning **irreplaceable** eco-system. A place literally filled with twists and turns, aesthetics, and mystery.

Therefore, reiterate that fencing off and saving only the seemingly important bits is an **unacceptable amendment**.

GHD 4 (a) "Unsubstantiated submissions in relation to the use of the upper elevations of the site were made by representors at the hearing."

This is a generalised statement. What was the unsubstantiated submission and who made it?

Clarification is required for this statement.

Closing statement:

It would appear the suggested alternative ideas for Devonfield's bushland must seem fanciful.

However, why, and how do these positive enterprises and initiatives occur in reality elsewhere?

Alternative Initiatives:

- **Wildlife Reserve and Conservation Centre**, featuring the Goshawk (white morph) Information and Rehabilitation Program: emailed to DCC & TPC 16-12-22.
Similar initiative: <https://alicespringsdesertpark.com.au/main/research-and-conservation>
- **NatureFix Mental Health** walk, including linked brochure and information: emailed to TPC 10-10-22. Waminda Parker's NatureFix segment is only 7 minutes:
<https://vimeo.com/759335207>
NatureFix Founder: Waminda Parker made herself available to be contacted during the DCC meeting 15-12-22 to discuss further. She was not contacted.
NatureFix idea presented to Devonfield on 8-12-22.
- **Memory Lane** nature initiative: emailed TPC 7-3-23.
Only 9 minutes, please view: [Memory Lane - Gardening Australia \(abc.net.au\)](http://Memory Lane - Gardening Australia (abc.net.au))
- **Geelong's GenU Native Plants** Seed and Propagation Enterprising Program: suggested by Devonfield during meeting: 8-12-23.
Emailed Devonfield for follow up re this suggestion: 13-12-22 (no reply).
Emailed DCC 16-12-22 as requested by DCC Authorities for further information as follow-up regarding GenU initiatives (no reply).
- **NDIS Plant-growing initiative**, (6-minute video on page 2 of this response) where one of the recipients is quoted as saying: *"working with nature, that's all I love"*.

Four of the above suggestions have been put forward via email to Devonport Council, Devonfield and/or Tasmanian Planning Commission.

To my knowledge, none of these has been discussed, explored, considered nor mentioned at the hearing or any other time in the form of an emailed response to me or to the suggested organisations.

Devonport has a unique and rare opportunity, to capitalise (dare I say *monetise*) the appeal of the endemic white morph Goshawk and all of its immediate surroundings and habitat.

Environmental Law reforms and new regulations are all-too-slowly moving towards our shores, and it would seem Planners and Developers are hastily clearing land, making way for housing developments prior to the much-needed reforms.

The multiple developments currently occurring at the same time in the vicinity of Devonfield, seems to suggest this. (See Google Map in image separate email with areas numbered 1 to 5, demonstrating this).

Based on small individual occurrences within DCC there's a sense of '*hurried-through developments, a few environmental fanatics getting in the way*', and '*only considering housing and development for economic growth*'

However, small things add up:

- **Public misled** by false information printed by The Advocate Newspaper for cover story about the Devonfield development, leading readers to believe it's too late to submit a Representation.
The editor declined to comment where he sourced the wrong information.
- **Real Estate Agents** holding decision-making positions on Council.
- **Not granting the public enough time** (just weeks before Christmas) to respond to another housing development on bushland adjacent to Devonfield, which forms part of the green link from Kelcey Tier to the Mersey River.
- **Failing to adequately manage a current covenant** right near Devonfield bushland in a timely manner.
- **Not responding or following up on any of the Representors' suggested** ideas and initiatives, which benefit Devonfield and the Community.
- **Stating: "*we already have plenty of green spaces*"**, referring to lawned areas (such as Victoria Parade), demonstrates a lack of understanding of the importance of biodiversity, accessible wild places, and the sort of experiences tourists are seeking.
- **Part-time-only position offered for new NRM Officer**, indicates low importance placed on current reserves, where encroaching weeds, vandalism and littering occur, leaving the *Friends of Don Reserve* Volunteers feeling that their work is undervalued.
- **Stating: "*...but where you live and all of Devonport was once beautiful bush, we have to clear it for somewhere to live*"**. Referring to a time in history when criminals were hung, and thylacines were exterminated, demonstrates a lack of insight into changing attitudes throughout history to reflect contemporary, responsible environmental forward thinking.

Devonfield Reserve:

Presently the bushland owned by Devonfield is relatively healthy and free of weeds, except for some invasive species around the edges.

While in its current healthy state, this bushland forms a vital link between Kelcey Tier and Mersey River (see Google image, showing developments and bushland areas)

The relatively minimal weeds may be managed by a group of enthusiasts who will be keen to look after the bushland in the form of a *'Friends of Devonfield Reserve'* or the currently active *'Friends of Devonport Reserves'* (overseen by WildCare).

A Landcare Group may soon be established in the Devonport region to further maintain and enhance the bushland.

Education may be provided to grounds workers who are depositing live garden waste, comprising of plants listed as environmental weeds, into the bushland.

It would be great to work alongside grounds employees and others within the Devonfield community.

A word for all involved:

Again, thank you for taking the time to consider all that's been presented to you here.

Parties involved: GHD, Devonfield representatives, Planners, Authorities, Devonport Council, Tasmanian Planning Commission, and Environmental Assessor are all receiving remuneration in the form of wages for the time taken to put forward emails, maps, reports, letters, permits, research, and Draft Amendments.

The only contributors here working in their own time are the Representatives.

Yet countless hours have been spent on this matter. Instead of knocking off after work to rest, we're **working** too, with a vision to preserve the remaining fragments of bushland left in our urban areas.

In closing:

Our aim is not to take anything away from Devonfield, but to simply show them, before it's too late, the fantastic opportunities awaiting them, **right on their doorstep.**

Thank you.

Jennifer Rowlands