

TASMANIAN PLANNING COMMISSION



Our ref: DOC/24/21983
Officer: Samuel McCrossen
Phone: 6165 6833
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1 March 2024

Mr James Boyce

By email: jamesboycebooks@outlook.com

Dear Mr Boyce

**Huon Valley Draft Local Provisions Schedule (draft LPS) - 184 Bakers Creek Road,
Lucaston**

Thank you for your email dated 16 February 2024 relating to your property, concerns leading up to the Commission's hearing held on 15 February 2024 and the evidence/submissions raised during it. In your email you have raised concern about the evidence provided by the planning authority at the hearing, and your lack of access to the planning authority's submission in advance. I have also received a copy of your email to the planning authority dated 18 February and note you have queried whether you were contacted by the planning authority about its intended submission.

Given the matters raised the Commission has checked its communication records and the following is disclosed.

The Commission received the planning authority's response to direction 7 (issued 15 August 2023) on 18 December 2023. I also note the Commission emailed a letter to all parties on 22 January 2024 to inform parties of the upcoming hearing days. In that letter was a paragraph, which specified that matters related to split-zoning of land such as yours, would be uploaded to the Commission's website and should be reviewed by representatives in advance of the hearing. A copy of the submission was uploaded to the Commission's website on 9 January 2024.

Be that as it may, as you are aware, the Commission made a direction to the planning authority on 22 February 2024, which required it to clarify what zone or zones are recommended to apply to your land. If the recommended zone or zones were different than previously recommended, the planning authority was required to provide detailed reasons why its view may have changed.

The Commission has now received the planning authority's response and I have attached a copy to this letter. A copy of the submission will also be uploaded to the Commission's website. As previously advised, you now have 14 days (**15 March 2024**) to provide a response.

Following the receipt of your submission, the Commission Panel will consider all of the evidence submitted by you and the planning authority before deciding what zone or zones should be applied to the land. Where relevant the Commission will consider any evidence about the historic use and characteristics of the land as it may relate to its potential zoning. The Commission expects that it will be able to determine the matter without the need for a subsequent hearing.

Another issue you have raised, concerns the information presented at the hearing by the planning authority which it advised was based on information from a neighbouring property owner.

The Commission is aware that the neighbouring property owner is a member of the staff of the Commission.

The Commission has this knowledge as it was approached by the neighbouring property owner on 15 January 2024 who sought to make a submission about the zoning of your land. The request to make the submission was refused by the Panel on the basis the Commission issued a direction on 2 June 2023 to advise no further unsolicited submissions would be accepted.

Following that, the Commission was copied into correspondence between the neighbouring property owner to the planning authority about the matter. In response, the Commission wrote to the planning authority on 7 February 2024 to advise its decision not to accept the submission. A copy of the correspondence was posted to the Commission's website and can be accessed here: [Huon Valley draft LPS - letter to the PA - submission from Simon Gatenby, 7 February 2024 \(planning.tas.gov.au\)](https://planning.tas.gov.au/Huon-Valley-draft-LPS-letter-to-the-PA-submission-from-Simon-Gatenby-7-February-2024)

You will note the letter discloses the neighbouring property owner is Mr Simon Gatenby. Mr Gatenby has declared his interest to the Commission and has in no way been involved in any considerations of this matter.

The Commission has now received the planning authority response to the Direction and it is that response that now contains the information for you to consider and provide your response.

A decision on the potential split zoning of your property is yet to be made. However, during the course of the hearings the Commission has considered many requests for split zoning, most commonly the conversion of the Landscape Conservation Zone to a split-zoned combination between the Landscape Conservation Zone and the Rural Zone. The potential application of split zones of this nature invariably involves consideration of a range of issues including site conditions, historical use and its setting. To provide some context, typical considerations include the nature of the vegetation on the land and its extent, its prominence in the landscape, past historical usage of the land, present use of the land and whether it is for or associated with rural purposes, intended future use of the land, and surrounding zones and neighbouring uses, the potential to introduce land use conflict and a desire to achieve consistent land use zoning patterns and avoidance of spot-zoning.

Mr Gatenby has been advised that he is mentioned in this letter to you, but has not been provided with a copy of the letter. The letter will however be posted on the Commission website in accordance with usual practice.

If you require further information please contact Samuel McCrossen, Senior Planning Adviser, on 6165 6833.

Yours sincerely



John Ramsay
Delegate (Chair)