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Sent: Tue, 24 May 2022 12:40:45 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Draft huon valley provisions schedule

To the general manager

Submission/representation

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Intro:

I write this representation to respectfully ask the planning commission to change the proposed zoning on my property from "Landscape conservation" to "Rural living". I acknowledge the council planning officers have been trained in town planning and do their best to assign appropriate zonings. However, I believe the sheer size of assigning zones to all the properties in the Huon valley means that sometimes the specific values of a particular property may be overlooked. During this representation I seek to outline these values in the hope the commission sees fit to change the council's proposal to better suit my farm.

History:

In 1839 Lady Franklin acquired land to divide the area south of Franklin in the Huon valley into small farms called small holdings. The idea being that the land was well suited to subsistence farming which would contribute to the betterment of the farmer and the surrounding community. This strategy proved to be an enormous success. For 176 years my farm has been deemed fit for agriculture by both state and local government supporting a range of farming enterprises. When I purchased my farm in 2003 it was zoned rural residential. I began setting up my farm within months of purchasing it. The council planning department approved of these developments by granting the approval of an agricultural shed in 2004. In 2015 the council reversed this by placing my farm into "Environmental Living Zone", a strict conservation zone without consulting me or considering my livelihood. The zoning change has been crippling to my business. After seeking legal advice I have continued to farm under the continued use provisions of the land use act. This has not been easy as I have received numerous challenges from Council staff resulting in hundreds of dollars in legal advice and many nights of lost sleep. After meeting with the council's general manager, Emilio Reale, I was under the impression that the next zoning would make farming. But upon reading that resource development would again become discretionary. I am hoping to change to a zoning that supports agricultural use like the "rural living zone".

Suitability:

My farm enjoys all the requirements needed to produce quality food and my produce is featured in a range of high end restaurants in the valley and in greater Hobart.

Water: My farm has 2 agricultural dams valued at around \$150,000. They are filled by water filtered by the forested section of my property, leaving it free from sediment and pollutants. Due to the high rainfall in this part of Tasmania, I have never been without water. Even in the most severe of drought years.

Soil: As part of selling vegetables to the public, I have spent around \$7,000 on soil tests. My soil is some of the most uncontaminated soil in the state. Free from heavy metals, pesticide and herbicide residue unlike the neighbouring properties. My close proximity to the forest gives me a foot of rich clay loam as opposed to an inch of clay, which is typical to this area. The clay component of the soil composition makes it rich in trace elements.

Location:

My farm is situated 45mins from Hobart, giving me access to Tasmania's premier restaurant market. As I specialise in gourmet heirloom vegetables and livestock, my produce is in high demand. The Huon valley has a thriving artisan farm scene, which I am proud to be part of.

Legal:

I am a fully registered business with both ABN and PIC (property identification code). I comply with the governments traceability requirements as well as safe handling requirements. I try as hard as I can to be considerate of my neighbours regarding hours of operation, no roadside stall and the placement of stock.

I am also happy to provide receipt books to prove I have a strong customer base and I am complying with taxation laws.

Operation:

I am a fifth generation farmer. I run my farm single handedly with no employees. Although I would love to pass this farm to my 2 sons eventually. Currently I crop 2 acres of fruits and vegetables over the summer months as a market garden. Year round I produce chevron, pork, beef, honey and eggs. My traditional farming practices mean I raise animals without the use of antibiotics and raise vegetables without the use of chemicals.

My farm is extremely resistant to supply issues with minimal reliance on machinery, fuel and fertilisers.

I support a range of local suppliers, most of them also running small farms in close proximity to my own.

Forest management:

I have consulted extensively with biologists from DPIPW, threatened species, the FPA, as well as seeking management advice from the aboriginal community. Despite implementing these recommendations, it is my forest management that has caused the most disagreement with council. In Dec 2018, an acacia Blackwood tree became infested with beetles. I wanted to fell it and burn it to protect the surrounding trees. The councils NRM, at the time Amanda Blakney, told me that if I did so she would fine me up to \$2,000. So I decided to do nothing. So far I have lost up to 14 trees and this issue is still ongoing. Also in 2018 I asked whether I could remove fallen logs from fire trails and clean up sticks and leaf litter, my request was denied and I was threatened with fines. I found this unworkable and spent hundreds on legal advice which contradicted advice given by council. It is my belief that if I hadn't my whole forest would have burnt in the fires that were around in early 2019. I practice a farming technique called

silviculture grazing goats and pigs in the forest. This practice was suggested to me in 2004 by the threatened species unit as a way of removing introduced weeds without the use of machinery. Silviculture is recognised as the worlds best practice but is not endorsed by the Huon council. I also practice cool weather burning of sticks and this is an aboriginal technique of burning bonfires in cold and drizzly weather to produce coal and ash to feed the trees. This practice has also been threatened by council.

Conservation:

The forest area behind my house in approx 9 acres. It was selectively logged between the 1950's to the 1980's. There are over 100 stumps, fallen logs and bulldozer piles that prove this. Despite this there are about 26 remnant bluegum trees ranging in ages from 100 to 300 years old. These trees are fully protected by state laws and I have no intention of removing them. The rest of the forest is made up of regrowth stringy bark and peppermint gums. These trees are protected under FPA guidelines, and I have no intention to do clear felling or commercial logging. Various studies conducted by the state government have identified a number of threatened species including 2 eagle nests, which my farm is named after. I have no intention of impacting there habitat and have spent a lot of time educating myself on how to protect these species. In 2008 I formally signed an agreement committing to protection of this habitat. These species are all protected to some degree by state and federal laws.

I strongly believe the way to protect these habitats is to manage the forest with the removal of dead wood, canopy separation and the reduction of fuel loads. To simply do nothing, would endanger these trees and habitats to the wildfire, as so frequently happens around the state. All of the conservation values on this property are already protected by extensive laws enforced by highly qualified biologists. Adding another layer of controls in zoning, enforced by sometimes hostile Council staff, has so far been counter productive and unnecessary.

Bushfire:

I recognise that all zones have a variety of exemptions written into them allowing some activities that would otherwise be prohibited. The problem is to access these exemptions a landholder must pay a lawyer or planner to identify them as council staff are often not willing or able to identify them. They are also offered under a case by case basis, meaning a landholder may be in a position where they have to constantly negotiate on even the most simple of issues. This is expensive and time consuming to the landholder to the point where it is easier to do nothing. In relation to fuel reduction this is dangerous to infrastructure on the property and neighbouring properties. It is also a constant irritation to Council staff who are not allocated enough time or resources for this level of micromanagement.

The forest area on my property is located on the base of a steep hill. The zoning proposal put forward allows for the development of the top of the hill. Over summer there is a strong sea breeze that blows up this hill, at about the same time as the forest floor dries out. Even if the council only allow concrete bunkers to be built at the top of the hill, without fuel reduction and canopy separation these structures would not survive. The Huon valley relies on a small volunteer fire brigade during fire events. During the last bush fire I was told there weren't enough resources and that I was responsible for extinguishing spot fires in my forest. I barely slept for 2 weeks as embers fell into the forest. As I had to use my 4 wheeler to cart water up the hill to extinguish over 20 small fires, maintained fire tails are also crucial.

Scenic values:

I admire and respect the council's policy of protecting the green landscape of the valley. I think that it is the reason that myself and many others choose to live here. I am also glad that I can contribute to the aesthetic values with the trees on my property. After a brief conversation with council, I believe that this is a major reason for assigning "landscape conservation" to my property. However, I believe there is still a reasonable degree of conservation of scenic values under the "rural living zone", without the damaging effects to my business.

Even if my property were to change owners and there were no zoning controls over the forested part of my farm and even if the new owner did not share the same commitment to conserving the forest that I do, there are 26 remnant bluegum trees with at least another 30 emerging bluegums over 9 acres that are fully protected. So even if the new owner could somehow negotiate to fell every tree that wasn't protected through all the checks and balances with the forest protection authority, that would still leave an average of 6 trees per acre, which would still preserve the green look of this section of the hill.

My point is the council does not have to destroy my business and threaten me with fines for raking up leaf litter and sticks to preserve the scenic values of my property, regardless of who could eventually own it. A great deal of damage can occur with over burdening someone with red tape.

Guidance from planning commission criteria:

When assigning different zones to properties, town planners are often guided by criteria given by the creators of those zones. The planning commission often uses explanations and suggestions to help planners appropriately apply the zones. While preparing this representation, I spent many hours searching for this selection advice. On the planning reform website I found these quotes:

"It is important to acknowledge that the presence of native vegetation cover should not always be seen as a hindrance to agricultural use. As agricultural use comes in many forms... areas of native vegetation are often maintained as a part of operating farms. Providing many ecological and economic benefits "

"Note: when making agricultural land the planning authority did not consider the presence of threatened vegetation or threatened species present as consideration would not actually reflect potential of agricultural land."

"There is no minimum lot size for agricultural purposes. This recognises that the amount of land that is dependent on the agricultural use and the circumstance in which it operates."

Summary:

Thankyou to all the council and planning staff that have taken the time to read and respond to this representation. I am aware that my request to be assigned the "rural living zone" creates extra work for people with very busy schedules. I hope that a more appropriate zoning lessons the work for government staff in the future.

As I think I have demonstrated I am truly passionate about the work I do on my farm. My main goal is to establish one of the best small farms in the Huon valley. I hope that in the future my farm can inspire others as my grandpas farm inspired me.

I am prepared to front a hearing with the commission and will bring supporting documentation to such a hearing to reinforce my assertions, if the commission sees fit.

Sincerely Pwyll Reeve
Owner and operator Malana Farm