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Sent: Sun, 22 May 2022 19:57:55 +1000
To: hvc@huonvalley.tas.gov.au
Subject: representation hv draft lps
Attachments: LPS submission.docx

Dear General Manager

Attached please find our Submission Re the Draft Huon Valley Local Provisions Schedule.

kind regards

Lynne and Kim Delaney

Date: 22nd May 2022

To The General Manager,
Huon Valley Council

RE: Draft Huon Valley Local Provisions Schedule

We are writing to make a representation regarding the Draft Local Provisions Schedule (LPS) proposed for the Huon Valley as a part of the Tasmanian Planning Scheme.

We have identified some issues associated with the zoning of our property, which we believe has been incorrectly zoned in the LPS in the *Landscape and Conservation Zone*. Our view is that our property and those surrounding it which are proposed to be zoned as *Landscape and Conservation* should be zoned in the *Rural Living Zone*, or the *Low Density Rural Residential Zone*.

Please note these comments are not exhaustive, and we are not planning experts. The suggestion that professional planners need to be hired to enable residents to engage in this consultation process is disappointing due to costs involved. As pensioners, we find this to be an unrealistic expectation.

Our property is 5 Delaney Lane at Police Point. Our Property ID is 3510276.

We currently use the property as our principal place of residence and we have lived here for over 44 years. This property has been in our family for generations and has been passed down the line. However, during our time we have endured 3 planning scheme changes that we have had to provide submissions for to be able to provide for the next generation. The guidelines and costs around these rezonings have been prohibitive and we are still no further forward. The Environmental Living zone we are currently in allows us to subdivide down to 6ha lots but, has a cleverly worded clause which states equal lots and no balance as well as being discretionary. Therefore, it seems we hit a brick wall again as we are just short of what is considered equal. We have seen many changes to this area during our time here which includes the sealing of the Esperance Coast Road. This road is now heavy with traffic particularly at night due to the transporting of Fish from the local Fish Farm. Road Kill is a huge problem which questions some overlays on the property in the LPS re Tasmanian Devil and Swift Parrot. Sadly the Swift Parrot has never been sighted in our time here. We do see lots of other species.

The property is located within a cluster of other properties, the majority of which already contain residential developments and which are used for a mix of residential and recreational or hobby farm type purposes. There is a Fish Farm nearby (1km) which provides employment but workers find accommodation or housing in this area to be non-existent.

Proposed Zoning under the LPS

The HVC have proposed to zone our land, and surrounding properties within the *Landscape and Conservation Zone* of the LPS.

The Council have described their Application of Zones in *Table 7 (Reasons for differences between the application of zones and codes)* of their *Supporting Report for the Huon Valley Draft Huon Valley Local Provisions Schedule*. Table 7 includes the following:

In accordance with the Zone Application Guidelines (Guideline No. 1), the Landscape and Conservation Zone has been applied to:

- *most land currently zoned Environmental Living Zone under the Interim Planning Scheme*

Whilst we understand there are some similarities between the *Environmental Living* and *Landscape Conservation Zones*, in this instance the application of this Zone seems inconsistent with Guideline No.1. Guideline Number 1, does not recommend simply replacing the *Environmental Living* zone with the *Landscape Conservation Zone*.

For example, at point 3.4 Guideline Number 1 clearly states that: *The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible.* Also described in Guideline Number 1, the purpose of the *Landscape Conservation Zone* is: *To provide for the protection, conservation and management of landscape values, and; To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.* Clearly, residential amenity and residential developments are not prioritised within this Zone. The guidelines also state that residential development is largely discretionary. Applying the *Landscape and Conservation* zone to the properties at Police Point where the primary purpose is already residential is inconsistent with the intent of the LPS.

Also, at point 5.0, the Zone Application Table in Guideline Number 1 includes the following note: *The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.*

The purpose of our land, and of surrounding properties currently zoned *Environmental Living* and proposed to be directly transitioned to *Landscape Conservation* is already residential, allowing for rural, hobby farming activity. The land is clearly a “*large lot residential zone*”, *in an area characterised by native vegetation cover and other landscape values*” This includes, for example on our property, a large area of pasture. Further, within a 1KM drive of our property there are approximately 11 residential dwellings. The current purpose of this area is clearly residential, and so to apply a zoning that does not prioritise the residential nature of the properties is not consistent with Guideline number 1. Further it does not account for the level of community and village style living that has emerged in the area throughout the past 20 years, and I note, there has been no consultation with residents to ascertain how residents define the purpose of the land.

The Zone Application Table in Guideline Number 1 also states: *Reference may also be made to the ‘allowable minimum lot size’ in the Acceptable Solution, unless there is a Performance Criterion that specifies an absolute minimum, in the subdivision standards for the zone to understand the density that is allowable.* The existing lot sizes of our property and those surrounding it are relatively small, under 20 hectares, and as small as 2 or 3 hectares. This is significantly smaller than the 50 hectare Acceptable Solution outlined in the LPS. Further, we note the performance criteria for development standards for subdivision under the *Landscape Conservation* zone includes that lots must have an area not less than 20 hectares. Our property, and the majority of those surrounding that are proposed to be zoned *Landscape Conservation* are smaller than 20 hectares. Again, this is inconsistent with Guideline Number 1.

If adopted, the draft LPS would change the subdivision rulings for properties currently zoned *Environmental Living* from a minimum lot size of 6 hectares which is what it currently is, to a

minimum lot size of 50 hectares, with discretionary decisions based on 20 hectares. These recommendations will have an impact on the value of those assets to land holders, particularly those with property sizes greater than 6 hectares. It is inconceivable to residents, that these decisions are being made with no reference to the economic impacts of planning decisions. I can understand that in the past, this may not have been an issue given property values in Tasmania have historically been so low. However, this is no longer the case and factors such as these should be taken into consideration. Otherwise, these decisions can impact on multiple generations of Tasmanian families.

The purpose of our property, and those surrounding it is primarily residential. The zoning should reflect this. We strongly urge the HVC and the TPC to further consult with our community to apply either the *Rural Living* zone, or, the *Low Density Residential* zone. The purpose statements for these zones, are far more consistent with the current and future usage and purpose of this land, and they prioritise residential living, rather than conservation of landscape.

For example, the Guidelines for the application of the *Rural Living Zone* as outlined in Guideline Number 1 is:

The Rural Living Zone should be applied to: (a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity;

The Guidelines for the application of the *Low Density Residential Zone* as outlined in Guideline Number 1 is:

The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist: (a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints: (i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and (ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or (b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or (c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.

I note the application of zoning under the LPS to either the *Rural Living*, or *Low Density Residential* Zones would be consistent with the application of this zoning to both the Surveyors Bay and Roaring Beach areas. It seems to be an inconsistent application of the LPS to not apply the same zoning to large existing or intended residential lots, in a neighbouring area. Furthermore, from an economic perspective, it appears that these decisions are favouring some residents, over others.

I note that the HVC recommendations in the LPS are based on the analysis of expert planners using overlay maps. I respectfully suggest that the decisions of planners may be significantly enhanced through the addition of consultation with individual property owners, particularly regarding the existing primary purpose of properties.

We look forward to hearing from you and can be contacted on 0362976222 or 0427335176.

Regards,

Lynne and Kim Delaney, 5 Delaney Lane, Police Point. (P.O. Box 217 Dover 7117.)

