

From: "Mignon Jolly" <mignonjolly@gmail.com>
Sent: Tue, 31 May 2022 16:00:49 +1000
To: hvc@huonvalley.tas.gov.au
Subject: Submission of Representation with reference to the Draft Huon Valley Local Provisions Schedule
Attachments: Representation Draft Huon Valley Local Provisions Schedule - Mignon Jolly.pdf

31-May-2022

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

Attention: The General Manager, Huon Valley Council

Dear sir/madam,

Please find attached my submission of representation referencing the draft Huon Valley Local Provisions schedule.

Yours,

Mignon Jolly

The General Manager,
Huon Valley Council
hvc@huonvalley.tas.gov.au

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31-May-2022

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

Dear sir/madam,

I hereby submit the following representation in relation to the Huon Valley Draft Local Provisions Schedule (LPS).

I am Mignon Jolly, daughter of Graham Neil Jolly, who is the title holder of the parcel of land identified by title reference 42890/1 (this parcel). I am making this representation on behalf of myself and my father, Graham Neil Jolly, having discussed the changes described in the draft LPS with him. The views expressed are shared by my father and myself.

Changes to two provisions, resulting from the zone change from 'Environmental Living' to 'Landscape Conservation' zone, in the draft LPS should not apply to the parcel, identified as title reference 42890/1, and the surrounding area. Specifically:

- the change of use class 'Residential' from permitted, to 'discretionary if for a single dwelling' (TPS – SPP, section 22.0, pg.229); and
- the unnecessary and alarmingly large increase to minimum lot size under development standards for subdivision, from 6 ha. To 50 ha. (TPS – SPP, section 22.5, pg.236).

Together, these changes fundamentally change the purpose of this parcel and the surrounding area from being a place for people to live (Environmental Living) to being a place of conservation. This change is unreasonable in that it would immensely devalue property owners' land, and unnecessarily constrain sustainable development for the accommodation of people.

The decision to allocate the 'Landscape Conservation' zone to this area is inconsistent with the following two objectives of the *Resource Management and Planning System (RMPS)*

(<https://epa.tas.gov.au/about-the-epa/policy-legislation-cooperative-arrangements/about-policy-and-legislation/the-rmps>):

- *to provide for the fair, orderly and sustainable use and development of air, land and water;*
and
- *to facilitate economic development in accordance with the objectives set out in the above paragraphs*

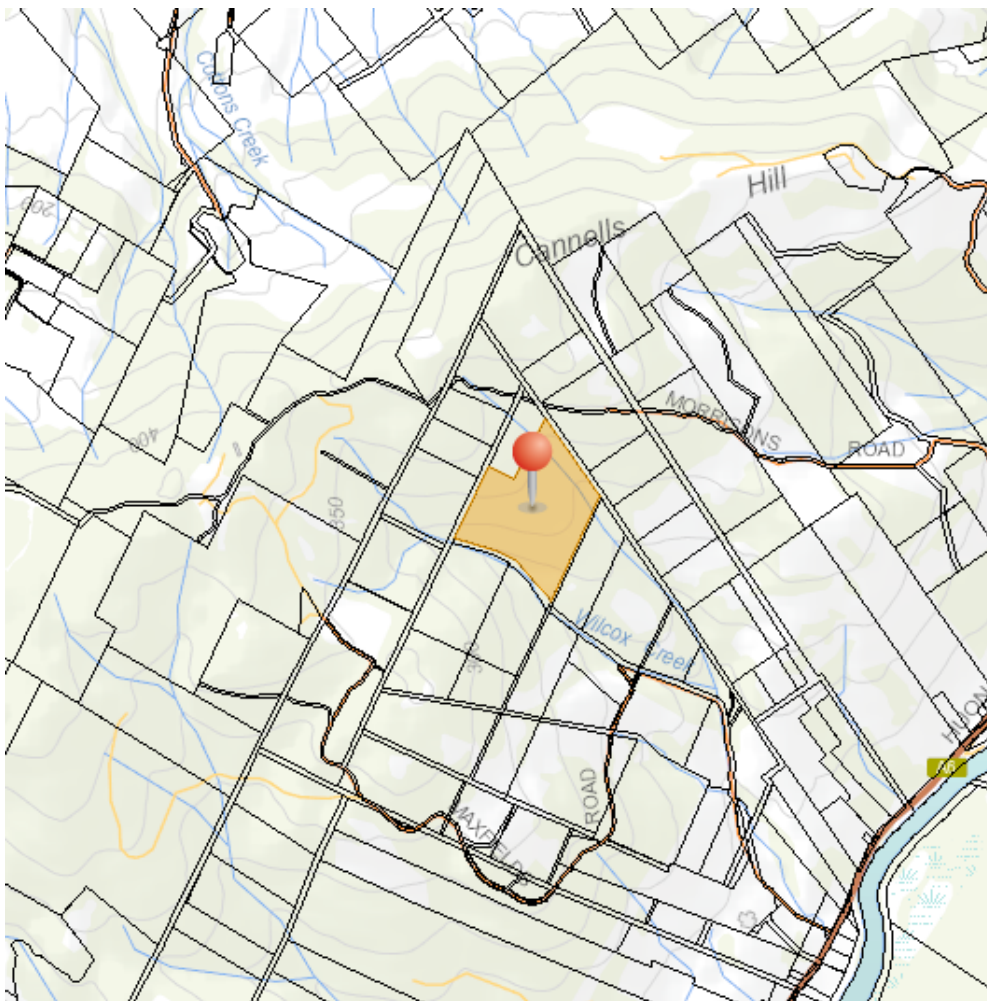
Additionally, the designation of the 'Landscape Conservation' zone to this area fails to respond to the context of a national housing and housing affordability crisis. And finally, the designation of the 'Landscape Conservation' zone to this parcel of land is inconsistent with the stated purpose of this zone.

The designation of zone 'Rural Living' this parcel and the surrounding area is more consistent with existing provisions and better balances the competing objectives of landscape conservation and economic development, thereby responding appropriately to the objectives of the RMPS.

The proposal fails to provide for fair, orderly and sustainable land use

The *Resource Management and Planning System (RMPS)* includes in its defined objectives: *to provide for the fair, orderly and sustainable use and development of air, land and water.* The changes proposed in the LPS fail to align with the stated objectives of fairness and order, in the following ways:

It is unfair, unreasonable and, in this case, unnecessary to limit the minimum lot size for subdivision to a size that is lower than that of many of the existing lots in the proposed zone.



Title 42890/1 and surrounding lots of varying sizes, many less than 6ha. Source: <https://maps.thelist.tas.gov.au/>

Neighbouring and surrounding parcels of 42890/1 with approximate sizes:

- | | |
|--------------------|--------------------|
| ▪ 42890/4: ~3.2ha | ▪ 43772/1: ~4.8ha |
| ▪ 105932/1: ~3.2ha | ▪ 104221/3: ~5.5ha |
| ▪ 105932/2: ~3.9ha | ▪ 204011/1: ~6.4ha |
| ▪ 121409/6: ~4.1ha | ▪ 126463/2: ~6.9ha |
| ▪ 121716/7: ~4.2ha | ▪ 121550/1: ~7.1ha |

- 244289/4: ~8.3ha
- 207167/1: ~10ha
- ...and many others

The proposed changes would unfairly reduce the value of the property with no compensation being offered to landowners. This amounts to taking money out of rightful landowners' pockets. Landowners have held long-term plans for the use of their land, and have paid land tax, rates, and maintenance expenses for many years, under a reasonable expectation that the use of their land would not be restricted in this way. If the State is determined to restrict the rightful use of the land, reserving it for conservation purposes, compensation for this loss ought to be provided to landowners, just as would apply if the State decided to acquire the land for development reasons, such as road building.

The proposed changes to subdivision minimum lot sizes unfairly limit the scope for title holders to distribute land equally between the beneficiaries of their estates. Under the current provisions, any parcel of 12 ha or larger may be subdivided. Whereas, under the proposed provisions, a parcel must be 100 ha or greater to be subdivided. It is a common and valued community tradition for land to 'handed down' to beneficiaries and split between them. This change would remove that capability, in many cases.

The proposed changes are disorderly with respect to the magnitude of the increase to the minimum lot size for subdivision acceptable solution, from 6ha, under the interim planning scheme to 50ha under the TPS. Further, the corresponding changes, that were introduced by the Interim Planning scheme, in 2014, were themselves an unreasonable reduction from the previously acceptable solutions, under which many of the bordering and surrounding lots must have been derived, under historic subdivisions. While the *LPS supporting report* suggests:

“...it was identified that there were significant landscape values in these areas...”

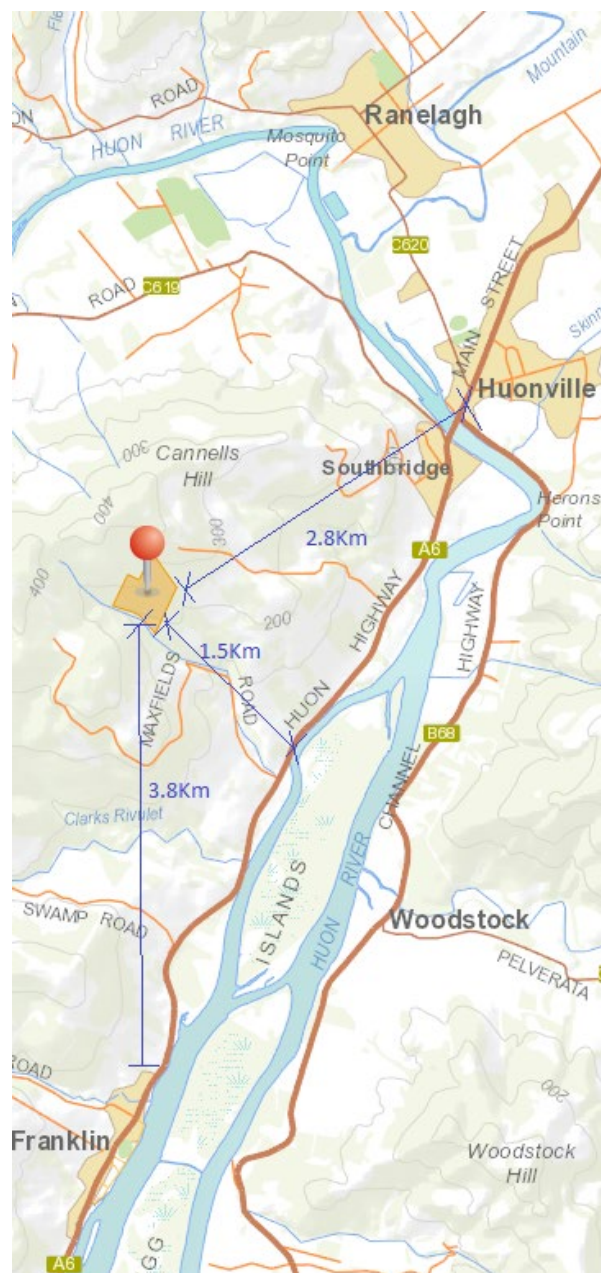
(<https://drive.google.com/file/d/1FCtyNJ2FkQ9H8NajF8yQXjWWa23dcz4S/view> Section 2.4.5.3, p.39)

no evidence of this finding, nor how it was arrived at is provided.

The proposal fails to facilitate economic development

The *Resource Management and Planning System (RMPS)* includes in its defined objectives: *to facilitate economic development*. The changes proposed in the LPS fail to align with this objective, in the following ways:

The changes proposed in the LPS, fail to facilitate economic development, in the context of a national housing and housing affordability crisis. The area is in close proximity to vibrant, established townships – Huonville, Southbridge, Franklin, and Ranelagh. These townships provide many important services, including schools; medical practices; supermarkets; government services; social and recreational services; and police and emergency services. Together with this parcel's the nearness to the major road - Huon Highway, this makes this area of land ideal for low density residential use.



Title 42890/1 proximity to nearby townships and services. Source: <https://maps.thelist.tas.gov.au/>

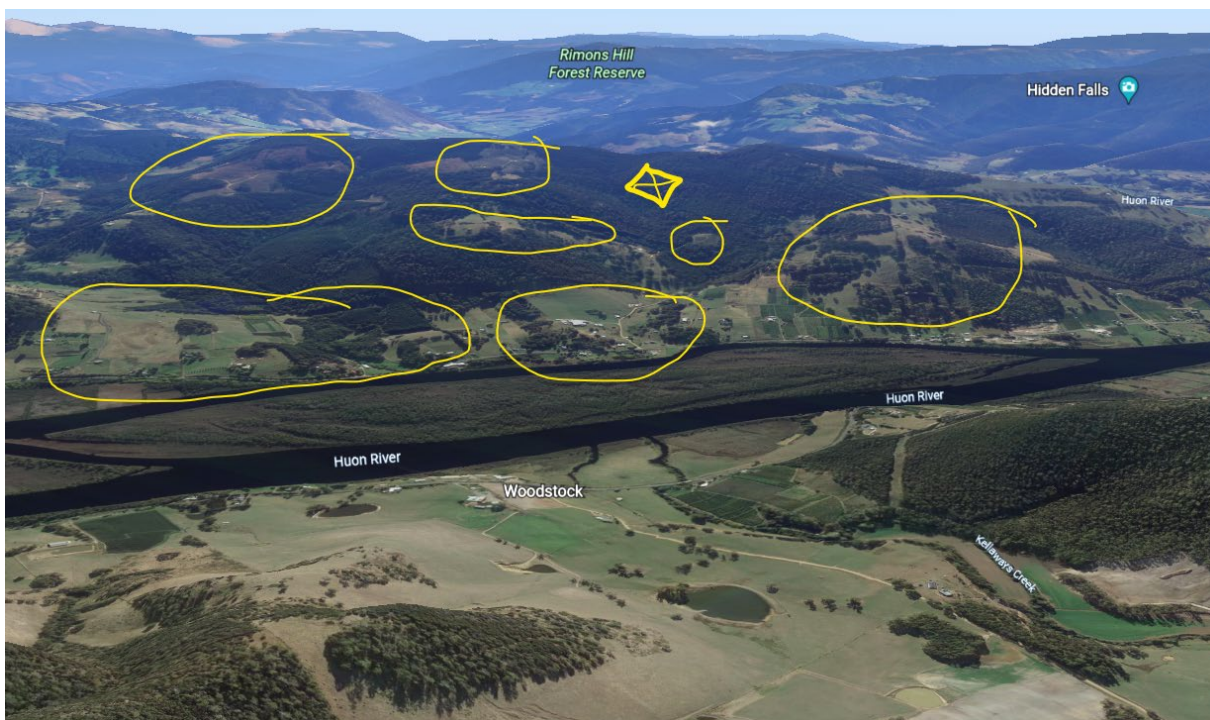
The designation of this parcel and the surrounding area is inconsistent with the stated purpose of the Landscape Conservation zone

The area surrounding this lot is unremarkable from a landscape conservation perspective. To my knowledge, there are no known habitats for rare or threatened species in the area. Additionally, the area is equivalent in nature to surrounding areas that have been zoned 'Rural Living', in the LPS. Parcels in this area consist of a mixture of residential spaces, native vegetation, cleared land, natural regrowth, and introduced vegetation. To impose restrictions that limit changes to the visual nature of the area is both ignorant to the existing, varied, patchwork nature of the area and inconsistent with community expectations.



Title 42890/1 and nearby lots proposed for zoning as 'Rural Living'.

Source: <https://planning.discovercommunities.com.au/connect/analyst/mobile/#/main?mapcfq=huonvalley>



Landscape view of area surrounding title 42890/1, showing mixed 'patchwork' nature of the landscape.

Source: <https://earth.google.com/web/@-43.06140747,147.02744003,11.2061802a,3901.78011929d,35y,-43.91797643h,76.33056598t,Or>

Examples of nearby lots with equivalent nature to 42890/1 that are proposed to be zoned 'Rural Living':

- 105671/1
- 103475/1
- 211944/1
- 249029/1
- 249029/2
- 161881/1
- 111734/2
- and others

'Rural Living Zone C' is a more appropriate designation for this parcel and the surrounding area

In many ways, the RMPS objectives referenced in this representation are mutually opposing. The designation of the Landscape Conservation zone to this parcel is a failure to appropriately balance these objectives, instead falling heavily on the side of conservation. This would come at the expense of fairness, considering the reduction to the value of the parcels that would be born by the title holders and the fact that there are many existing parcels of small size in the area. The Landscape Conservation zone ought to be restricted to areas that are less suited to accommodating people, close to communities and services, in a sustainable way. The 'Rural Living Zone C' zone, where single dwelling residences remain permitted rather than discretionary, and the minimum lot size is 5ha., rather than 50 ha. better balances these objectives, limiting the cost to be borne by landowners whilst still providing sufficient restrictions to maintain the natural values of the area.

Yours,

(Mignon Jolly)
31-May-2022