

**From:** "Mark Kadziolka" <mark.kadziolka@outlook.com>  
**Sent:** Tue, 31 May 2022 14:07:50 +1000  
**To:** "Huon Valley Council" <hvc@huonvalley.tas.gov.au>  
**Cc:** "angela.kadziolka@outlook.com" <angela.kadziolka@outlook.com>  
**Subject:** Draft Huon Valley Local Provision Schedule  
**Attachments:** MK AK Submission Rural Zoning.pdf

Good afternoon

Please find attached a submission relating to the reclassification of PID 5692480 (Marek Kadziolka) and PID 5692501 (Angela Kadziolka) to Rural.

Kind regards  
Mark Kadziolka

293 Umfrevilles Road  
Kaoota, TAS 7150

The General Manager

Huon Valley Council

By email: [hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au)

Dear Sir

### **DRAFT HUON VALLEY LOCAL PROVISIONS SCHEDULE**

This submission relates to properties:

- PID 5692480 (Marek Kadziolka) and
- PID 5692501 (Angela Kadziolka)

Our request is that our properties be classified by the Council as Rural and not as determined by the HVC, namely Landscape Conservation. The primary reason for our request is that we made applications on 25 March 2022 for our properties to be Private Timber Reserves which will be advertised in local newspapers this Saturday, 4 June.

Our properties in the past supported 2 sawmills and were logged between the 1940's and late 1970's. They have valuable timber resources (see attached assessment by Tony O'Malley).

This process has raised inequities in our view as to owning a resource and being disadvantaged simply by timing. It has always been our intention to utilise our resource to earn income. Around 2005 we attempted to have our properties harvested for sawlog and pulp wood but we were hampered by the fact that council roads were substandard to support resource extraction. Ultimately, the process became too difficult because of the opposition of the councils (Huon and Kingborough) and our belief that they were intransigent regarding their positions regardless of what we did, so we decided to modify and defer our plans until retirement to supplement our income.

That time has come, and to facilitate our plans we have made applications for private timber reserves. As to timing, if we had done this before the State Planning process, we wouldn't now be making this submission as the properties would be classified as Rural.

This leads us to the conclusion that the fact that the HVC made a decision on classification of our properties without consulting us and being provided with our position disadvantages us. Now we find ourselves in the situation of having to overturn a decision based on what we believe to be a questionable analysis. We say 'questionable', as other properties on Umfrevilles Road with less or no practical 'rural' potential have been lucky enough to avoid the classification of Landscape Conservation, even though they exhibit similar key characteristics to ours, except do not exceed the magical threshold of 80% vegetation coverage. 'Magical', because by some inexplicable power it has by virtue of its value, it either bestows benefit or detriment. The other properties on our road are

essentially large residential blocks in the country, with the occasional grazing horse as a 'rural' characteristic.

This rather long-winded reflection leads to this important conclusion. A timber resource is just that, whether it is a Private Timber Reserve or not. Properties with reserves are automatically classified as Rural for obvious and good reason. Private Timber Reserves are either being utilised as such at present, or, have a future aspirational usage, exactly as we have with our properties that are not yet reserves.

Following two RTI requests and an email to the then Mayor, I received information regarding the HVC's reasons for its decision to classify the properties as Landscape Conservation, that is after an initial pro-forma refusal based on a purported conflict of interest.

The reasons given by Council by email dated 2 March 2021 for its categorisation are:

***Please see notes related to the proposed application of the Landscape Conservation Zone to your property under relevant Section 8 Guideline 1 – Zones and Codes Application Criteria.***

***LCZ 1 - The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.***

***A significant proportion of your property (>80%) is covered with native vegetation, which is contiguous with a larger patch of native vegetation of a size >20 ha. Some existing small scale use is present and there is potential for additional small scale uses. Your site falls within close proximity to the Snug Tiers Recreational Area.***

***LCZ 2 - The Landscape Conservation Zone may be applied to:***

***(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;***

***The vegetation communities that occur on your property have a very high likelihood of providing habitat to threatened fauna species.***

***(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or***

*All areas of native vegetation on your property bar three hexagons fall within the priority vegetation overlay of the proposed Natural Assets Code. A class 2 Waterway dissects your property with an applicable 30 m waterway and coastal protection overlay. Your site falls within an area mapped as potential dispersive soils. Areas of your site are steep, especially the slopes leading down to the waterway.*

***(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.***

*Not applicable*

***LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.***

*Not applicable – your property is larger than the minimum lot size for the zone.*

In relation to the criteria identified by the HVC as warranting classification of our properties as Landscape Conservation, as indicated previously we are having the properties made Private Timber Reserves and additionally we are substantially through a process of having a Forest Practice Plan professionally prepared, which will be concluded shortly. As part of these processes a geomorphologist has inspected the property and made an assessment and in addition there has been a review of biodiversity, including habitat. These professional reviews of our specific properties address the majority of issues alluded to by HVC. As I understand the framework established by these processes provide superior protection of natural values than zoning. Additionally, the Natural Asset Code exempts a certified forest practice plan and private timber reserves under the Forest Practices Act 1985 as protections are built into these instruments.

#### OTHER OBSERVATIONS

Our concern is whether the properties should have been more appropriately classified as Rural in the first instance as they are a timber resource. When considering the Zone Purpose at clause 20.1 of the State Planning Provisions our properties are the closest fit; see comments in red below:

##### ***20.1 Zone Purpose***

***The purpose of the Rural Zone is:***

***20.1.1 To provide for a range of use or development in a rural location:***

***(a) where agricultural use is limited or marginal due to topographical, environmental or other site***

***The land is generally unsuitable for agriculture but is a valuable timber resource.***

or

**regional characteristics;**

**(b) that requires a rural location for operational reasons;**

Timber harvesting is totally appropriate and sensible for our properties, to be complementary with a Rural zone, both as permitted use and practically. All the surrounding properties apart from PID 5692499 (6.9 HA) and PID 3308326 (which although we share a boundary, we have no road access to as it is situated on Vincents Road) have been categorised as Rural.

**(c) is compatible with agricultural use if occurring on agricultural land;**

While not agricultural land, timber growing and harvesting is a common agricultural pursuit.

**(d) minimises adverse impacts on surrounding uses.**

As surrounding properties are predominately Rural, timber harvesting is an expected use, fully in keeping with the surrounding zoning.

**20.1.2 To minimise conversion of agricultural land for non-agricultural use.**

A use of a valuable timber resource should not be fettered by incompatible zoning in an area that is primarily Rural. This land as a timber resource should be protected by appropriate zoning.

**20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location**

**and does not compromise the function of surrounding settlements**

Timber harvesting is totally appropriate and expected in Rural zoned areas.

The Natural Assets Code Priority Vegetation overlay covers every adjoining property to ours, zoned Rural, and furthermore every property on Umfrevilles Road zoned Rural (16 properties in total) are also covered by the overlay to some extent as they all contain Tasmanian Devil habitat, as incidentally does most if not all forested areas in the State.

The Council's Priority Vegetation Reports on our properties classify PID 5692501 as Tasmanian Devil habitat only. PID 5692480 also is Tasmanian Devil Habitat, with a tiny portion of Acacia Dealbata forest and approximately less than 6% potential Grey Goshawk and Swift Parrot Habitat.

The Council's Priority Vegetation Reports on adjoining properties to the south classified as Rural show the following for each property:

- PID 5692528 – significant area Acacia Dealbata, Swift Parrot and Tasmanian Devil habitat.
- PID 5692608 CT 201235/1 – has Acacia Dealbata, Eucalyptus Globulus wet forest, Grey Goshawk, Swift Parrot, Eastern Quoll and Tas Devil habitat
- PID 5692608 CT 252249/1 – has Acacia Dealbata, a significant portion of approximately 30% is Grey Goshawk and Swift Parrot habitat and contains Tasmanian Devil Habitat.

There is inconsistency in treatment with other properties in the immediate area with similar natural assets. With the adjoining properties (PIDs 7887425, 1563817, 7887433 and 1551576) and the 12 other properties north of ours on Umfrevilles Road, the distinguishing feature seems to be the 80% vegetation threshold (see HVC emails of 29 and 30 March 2022 attached). This seems an arbitrary

and counterproductive figure if natural asset values are a serious consideration. To emphasise this, three properties listed in the emails, PIDs 7887425, 1563817 and 1551576 have vegetation coverage of 79%, 77% and 78.58% respectively; 3% or less seems to make these properties and their natural values less worthy of protection? Fundamentally, in my view this is indicative of what I believe to be a cursory process based on overlays rather than inspection and consultation with property owners; the potential detrimental impact is too significant for this to occur.

HVC rationale for its classification refers to our properties being in close proximity to Snug Tiers Recreation Area, which without direct statement alludes to landscape values and visual amenity. Because of the vicinity of our properties and the natural features including vegetation surrounding them, they are not observable from ground level in the recreation area. They are observable in silhouette from Pelterata Road for less than a hundred metres at over 3 kilometres' distance. Otherwise, they are observable by a handful of residences, at high elevation at some considerable distance on opposite hillsides and by three neighbouring residences on our road. The visual impact of any forest operation would be negligible. Further, with regards to proximity, there are 3 rural properties between ours and the reserve, namely PIDs 5692608 (2 titles) and 5692528.

## CONCLUSION

We request that our properties be zoned as Rural as we are applying for establishment of private timber reserves on these properties. Additionally, we consider that the Rural zoning is more appropriate for what is effectively a timber resource available for sustainable and viable harvesting.

Yours sincerely

Mark and Angela Kadziolka

# Assessment of Forest Resource, 293 Umfreville Road, Kaoota

By Anthony K. O'Malley

## Background of the Author:

I am a forester and warranted Forest Practices Officer with 45 years of experience in the Tasmanian forest industry. I was employed by a forest company (North Forest Products) for 25 years in a range of both operational and planning roles throughout the State. Subsequently, I have worked as an independent forest consultant, supplying services to forestry companies, sawmillers and private landowners for the past 20 years. Specific areas of expertise include:

- Management and supervision of forest harvesting and road construction operations.
- Preparation of Forest Practices Plans.
- Geographic Information Systems and forest inventory
- Environmental and safety auditing of forest operations

## Introduction:

The purpose of this statement is to provide a brief review of the commercial viability and natural and cultural values present on the property of Mark and Angela Kadziolka at 293 Umfrevilles Road, Kaoota. The property owned under two titles . Details of the property are:

<b><i>Title (Vol/Folio)</i></b>	<b><i>PID</i></b>	<b><i>Owner</i></b>
236603/1	5692480	Marek Kadziolka
245440/1	5692501	Angela Kadziolka

For the purpose of this statement I will treat this property as a single entity though there are some distinctions in terms of soils and topography.

## Forest Description:

The property is 59.69 ha in total area. There is a cleared building envelope of approximately 1.8 ha on which the residence, outbuildings and gardens are located. The remainder of the property is forested.

The locality was devastated by the 1967 bushfire and the resulting forest that is now present is largely regrowth from that catastrophic fire event. There are sparsely scattered remnant mature trees that survived the fire.

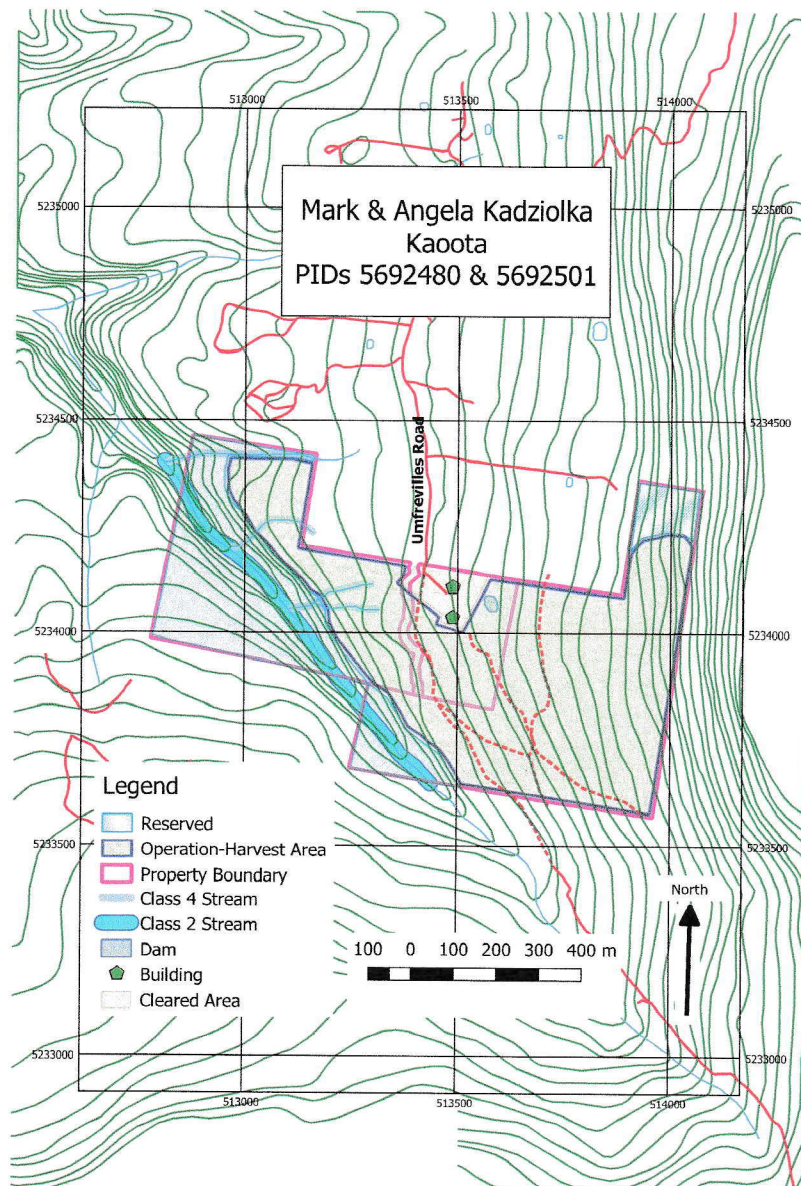
There are predominantly two forest types present on the property:

1. Tall E.obliqua forest
  - Dominated by E.obliqua (stringbark). This is wet forest that extends out of Kellaways Creek (class 2 stream) and persists to approximately half way to the eastern (up-hill) boundary. Understorey species include dogwood, wet ferns and tea tree.
  - The trees are of merchantable standard and contain suitable stems for sawlogs, peeler logs and pulpwood or firewood.

## 2. E.regnans Forest

- Dominated by E.regnans (swamp gum). Wet forest with an understorey of dogwood, wet ferns (including man ferns) and other wet forest species extending from mid slope to the eastern (up-hill) boundary.
- The E.regnans forest contains some excellent regrowth with good commercial value for sawlogs, peeler logs and pulpwood-firewood.

While the total forested area of the property is approximately 57 ha, I estimate that 38 ha is suitable for forestry activity. Access to the western part of the property is subject to topographical limitations imposed by Kellaways Creek (Class 2 stream on map). The map below shows the area that is suitable for forest harvesting and the area that should be excluded:





## Natural and Cultural Values

### Biodiversity

- There are no threatened forest communities present on the property. The Tall *E.obliqua* forest and *E.regnans* communities that are dominant are quite common within the bio-region.
- There is one known site record for a Tasmanian devil on the property. No other site records are present.
- There is potential for an eagle nest to be located in the gully of Kellaway's Creek. Eagle nest predictive mapping on the LIST indicates that the western bank may be suitable habitat. A search would need to be undertaken before any forestry activity could commence. If a nest is present it would not limit the extent of the area proposed for harvesting, but it may place limitations on the timing of any harvesting as any such activity would need to be outside of the breeding season (July to January).
- The locality is a potential breeding area for swift parrots. Swift parrots require mature trees large enough to possess nesting hollows. The technical instruction for assessment of swift parrot habitat classifies medium to high habitat potential as forest containing more than 8 trees per hectare that are greater than 100 cm diameter at breast height. I note that most of the mature trees were destroyed in the 1967 fires. The density of mature / senescent trees is very low therefore the potential for nesting habitat is low. Foraging habitat for swift parrots comprise *E.globulus* (blue gum) and *E.ovata* (black gum) forest. There are no foraging species observed on the property.
- The area is core habitat for grey goshawk. Nesting habitat is usually along streams. If a nest is present it is likely to be in the extended class 2 stream reserve (Kellaway's Creek).
- The management of wildlife habitat can be easily managed in the context of the Forest Practices Code with the provision of reserved areas (indicated on the map) and wildlife habitat clumps within the harvest area.

### Landscape

- The area may be visible from some parts of the Snug Tiers Reserve though views will be limited by both the shape of the topography and screening by local vegetation. The potential for visual impact can be minimised by using a selective harvesting prescription and retaining a basal area of around 12m<sup>2</sup>/ha across the harvest area. Using this strategy would result in an inevent visual outcome and is in line with sound silvicultural practice.

### Aboriginal Heritage

- There are no known aboriginal heritage records on the property.

### Soils

- Geology mapping shows the western part of the property including Kellway's Creek (Class 2 stream) and the slopes leading into it are Triassic sandstone. This is verified by field observations and roughly coincides with the tall *E.obliqua* forest. These soils are mostly moderate to high erodibility. Some isolated patches of high erodibility could be present. It is recommended that potential tree harvesting be excluded from the steeper slopes leading

into Kellaway's Creek as per the above map. Small scale selective harvesting will also minimise any potential impacts to soils.

- The upper slopes on the eastern half of the property are shown on the geology mapping to be quarternary deposits. Field observations indicate that the soils here are a red-brown clay with dolerite rocks present. This appears to be an intrusion of dolerite from higher up the slope of Roberts Bluff. This clayey soil is of low erodibility and approximately coincides with the E.regnans forest.

## Summary

- The forested area is suitable for a small-scale selective harvest operation over approximately 38 ha.
- The forest contains commercially viable volumes of sawlogs (category 1, 3 and 8) as well as peeler grade logs along with pulpwood and firewood.
- It is recommended that a stand basal area of around 12m<sup>2</sup>/ha be retained to minimise potential visual impact and produce a sound silvicultural outcome.
- Natural and cultural values can be managed within the context of the Forest Practices Code.



Anthony K O'Malley

Forest Consultant – Forest Practices Officer

**mark.kadziolka@outlook.com**

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**From:** Angela Kadziolka <angela.kadziolka@outlook.com>  
**Sent:** Tuesday, 29 March 2022 7:25 AM  
**To:** mark.kadziolka@outlook.com  
**Subject:** Fwd: Right to Information Request

Angela Kadziolka  
0409 396 584

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**From:** Huon Valley Council <hvc@huonvalley.tas.gov.au>  
**Sent:** Monday, March 28, 2022 10:41:42 AM  
**To:** angela.kadziolka@outlook.com <angela.kadziolka@outlook.com>  
**Subject:** RE: Right to Information Request

Good Morning Angela

I hope this email finds you well.

In reponse to your email to Mr Grimsey, dated 24 March, please see additional information requested on the two PIDs below:

PID 5692528 – not selected for Landscape Conservation Zone as it is an existing registered Private Timber Reserve. In terms of Guideline 8A and the relevant use definitions and tables in the State Planning Provisions, the Rural zone is most suitable for forestry and timber production properties.

PID 1551576 - not selected for Landscape Conservation Zone as TasVeg 4.0 Mapped vegetation cover is under the 80% selection threshold (78.58%).

I trust this information provides clarity regarding the criteria used in the zoning of those two PIDs.

Kind Regards,

Kelly Davis  
*Development Services Support Officer*

**From:** Angela Kadziolka <[angela.kadziolka@outlook.com](mailto:angela.kadziolka@outlook.com)>  
**Sent:** Thursday, 24 March 2022 11:19 AM  
**To:** HVC Legal PA <[legal.pa@huonvalley.tas.gov.au](mailto:legal.pa@huonvalley.tas.gov.au)>  
**Subject:** RE: Right to Information Request

Dear Mr Grimsey

I acknowledge your email of 22 March and attachments in response to my RTI application. I am aware that you have been corresponding with my husband Mark.

The letter that you sent to me relates to my husband's RTI application. My application specifies property ID 5692501 which adjoins his. While I accept that the email from HVC of 3 March indicates that the criteria applied by Council relates to both properties, the neighbouring properties of which I was seeking details, namely PID's 1551576 and 5692528 are different and additional to what he was seeking.

I am bringing this to your attention as my interest and position is the same as Mark's email expressed to you and I request that if there is further information available in accordance with RTI obligations on Council, that it include the additional properties specified in my application.

Thanks and regards  
Angela Kadziolka




Angela Kadziolka  
0409 396 584

**From:** HVC Legal PA <[legal.pa@huonvalley.tas.gov.au](mailto:legal.pa@huonvalley.tas.gov.au)>  
**Sent:** Tuesday, 22 March 2022 3:09 PM  
**To:** [angela.kadziolka@outlook.com](mailto:angela.kadziolka@outlook.com)  
**Subject:** Right to Information Request

Please find enclosed correspondence in response to your Right to Information Application.

Kind Regards

Matthew Grimsey  
*Director Legal & Governance Services*

 03 6264 0332  
 [legal.pa@huonvalley.tas.gov.au](mailto:legal.pa@huonvalley.tas.gov.au)  
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**HUON VALLEY  
COUNCIL**

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**mark.kadziolka@outlook.com**

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**From:** Huon Valley Council <hvc@huonvalley.tas.gov.au>  
**Sent:** Wednesday, 30 March 2022 8:08 AM  
**To:** mark.kadziolka@outlook.com  
**Subject:** Right to Information Application

Good Morning Mark

I trust you are well this morning.

Please be advised that we petitioned the Tasmanian Planning Commission to allow us a 30 day extension on the exhibition period, and I am pleased to let you know that Representations can now be submitted until 30 April.

Please see below information regarding each PID:

PID 7887425 – Vegetation cover is 79% therefore under the 80% selection threshold

PID 7887433 - Vegetation cover is 44% therefore under the 80% selection threshold

PID 1563817 - Vegetation cover is 77% therefore under the 80% selection threshold

PID 5692608 – Many folios make up this PID but all are part of a large registered private timber reserve therefore were not selected for LCZ

I hope you have a good day ahead.

Kind Regards,

Kelly Davis  
*Development Services Support Officer*

**From:** Mark Kadziolka <[mark.kadziolka@outlook.com](mailto:mark.kadziolka@outlook.com)>  
**Sent:** Tuesday, 29 March 2022 8:24 AM  
**To:** HVC Legal PA <[legal.pa@huonvalley.tas.gov.au](mailto:legal.pa@huonvalley.tas.gov.au)>  
**Subject:** RE: Right to Information Application

Dear Mr Grimsey

Angela received a response from Kelly Davis regarding the 2 properties identified as additional to those I was seeking information on (namely PIDs 5692528 and 1551576) as to the basis of their classification.

I have not received any information on the properties I have specified in my RTI, namely: 7887425, 7887433, 1563817 and 5692608. My understanding from your previous correspondence was that the outstanding matters of my request would be forwarded to the 'strategic planning area' to ascertain whether information existed, or, for response.

Additionally, I requested notification of any outcome.

I would appreciate if you could follow up this matter as I am still eager to receive the requested information. As you would understand, the ability to make submissions closes tomorrow therefore an expeditious response would be very much appreciated.

Thanks again and regards

Mark Kadziolka