From: Rong Zheng <rzheng@huonvalley.tas.gov.au>
Sent: Friday, 6 November 2026 1:14 PM
To: McCrossen, Samuel <[redacted]
Subject: Huon Valley LPS sub Mod

Hi Sam,

I hope you are well.

Please find attached Council's Section 40K report for the four draft amendments (AM-HVC-1 to AM-HVC-4) arising from the Huon Valley LPS substantial modifications.

The report includes the representations received during the exhibition period, together with a copy of the public notice published in the Mercury.

Thank you for your patience while Council worked through this process.

Please let me know if you require any further information.

Kind regards,
Rong

Rong Zheng
Program Manager Strategic Land Use Planning
Phone: 03 6264 9467
Email: rzheng@huonvalley.tas.gov.au

Huon Valley Council
40a Main Street, Huonville, Tas, 7109
www.huonvalley.tas.gov.au

We acknowledge the Traditional Custodians of the South East Nation, the Melukerdee people of the Huon River and the Lylequonny people of the Far South. We recognise their continuing connection to land, water and culture, and pay respects to the Elders past, present and emerging.

This email is strictly confidential and intended only for the person or persons to whom it is addressed. If you are not the intended recipient you are warned that any disclosure or copying of the information is unauthorised. If this message has been received in error please delete it along with any attachments and notify the sender.

HUON VALLEY COUNCIL

40 Main Street, Huonville
PO Box 210, Huonville 7109
hvc@huonvalley.tas.gov.au
ph: (03) 6264 0300
ABN: 77 602 207 026

Section 40K Report – Draft Amendments AM-HVC-1 to AM-HVC-4

1. Purpose

This report is provided to the Tasmanian Planning Commission under section 40K of the *Land Use Planning and Approvals Act 1993* (the Act), following public exhibition of draft amendments AM-HVC-1 to AM-HVC-4 to the Huon Valley Local Provisions Schedule (LPS).

The exhibition period closed on 7 October 2026. Under section 40K(1), the report must be provided within 35 days, which is by **11 November 2026**. The report addresses the matters required by section 40K(2) of the Act.

As requested by the Commission (email from Samuel McCrossen), this report also explains why the two soil specific area plans (SAPs) are no longer required.

2. Background

The Commission directed the planning authority to prepare and exhibit the four draft amendments by notice dated 12 July 2024 under section 35KB(1) of the Act.

Amendment	Location
AM-HVC-1	Blackswan Lagoon Scenic Protection Area
AM-HVC-2	Priority Vegetation Area Overlay – Port Huon
AM-HVC-3	HUO-S4.0 Grove to Cockle Creek Potential Acid Sulfate Soils Specific Area Plan
AM-HVC-4	HUO-S5.0 Grove to Cockle Creek Potential Dispersive Soils Specific Area Plan

Council does not intend to pursue AM-HVC-3 and AM-HVC-4 (the soil SAPs). The Commission confirmed it must still process and decide these draft amendments, so all four were exhibited. Section 6 sets out why the SAPs are no longer required.

3. Exhibition

The draft amendments were exhibited from 28 August to 7 October 2026 (11:59pm), in accordance with sections 40G and 40H of the Act.

Step	Detail	Date
Mercury notice 1 (before exhibition)	Public notice under s40G	28 Aug 2026
Mercury notice 2 (within 14 days after start)	Public notice under s40G	16 Sep 2026
Exhibition locations	Council Customer Service Centre, 40 Main Street Huonville; Engage Huon Valley website	28 Aug – 7 Oct 2026
TasWater	Referral of draft amendments under section 56S of the Water and Sewerage Industry Act 2008.	27 Aug 2026
State agencies	**Agencies and interested parties notified by letter** Heritage Tasmania Land Tasmania: NRE Tas Environment Protection Authority Parks and Wildlife Service Tasmania: Property Services Aboriginal Heritage Tasmania JM Whitehead & F Taylor: C/- Leprena Trust Tasmanian Land Conservancy Inc TasNetworks State Planning Office Building Tasmania Prof Greg Lehman Prof Jean-Philippe Beaulieu Trent Henderson: Red Seal Planning South East Tasmanian Aboriginal Corporation (SETAC) Pakana Services Mr David Shelley: Consulate of France Weetapoona Aboriginal Corporation	27 Aug 2026
Landowners	**Landowners within AM-HVC-2 notified by letter** Mr S A Page: KINGSTON Mr N R Clements: PORT HUON Mr R G A Clements: PORT HUON Mr I Gulec & Ms J Beekman: GEEVESTON Mr Eugene Phillipe Davoren-Britton: FRANKLIN AW & DW ROBERTSON: GEEVESTON Mr P J Folkes & Ms H P Doyle: C/- Public Trustee Mr C J Webster & Ms C J Oliver: PORT HUON Mr A E Swan & Mrs E E Swan: PORT HUON Mr R V Duke: GEEVESTON	27 Aug 2026

Representations could be made online through Engage Huon Valley, in person, by post or by email.

4. Representations received

Four representations were received during the exhibition period. Three relate to AM-HVC-1 (Blackswan Lagoon Scenic Protection Area) and one, from TasWater, relates to the draft amendments generally. No representations were received about AM-HVC-2, AM-HVC-3 or AM-HVC-4. No late representations were received. Copies of all representations are at Attachment 1.

No.	Representor	Received	Amendment	Summary	Representor's Position
1	TasWater (Phil Papps, Senior Development Assessment Officer)	6 September 2026	All	No objection and no comments for the Commission. Does not intend to make a written representation or provide advice to Council.	No objection
2	Tasmanian Land Conservancy (Dr Katherine Tuft, CEO)	17 September 2026	AM-HVC-1	Strongly supports the Scenic Protection Area. Supports planning language that seeks to "avoid" and "enhance" impacts rather than "minimise" them. Notes there are limited other safeguards for the area's visual integrity. Asks Council to support the amendment as exhibited and retain its intent.	Support
3	Leprena Trust (Dr Jason Whitehead, Trustee) and Red Seal Planning (Trent Henderson, Planner)	27 September 2026	AM-HVC-1	Supports the Scenic Protection Area but considers the Commission's changes to Table C8.1 make it ineffective. Requests that Council support a revised Table C8.1 (Appendix 1 of the representation), prepared with legal advice from Page	Support with modifications

No.	Representor	Received	Amendment	Summary	Representor's Position
				Seager.	
4	Ian Terry (retired Senior Curator of History, TMAG)	6 October 2026	AM-HVC-1	Endorses the Leprena Trust representation in full. Asks that the Huon Valley Council support in full the Leprena Trust / Red Seal Planning proposal for the revised Table C8.1 (Appendix 1 of the representation),	Support with modifications

5. Planning authority's opinion on each representation

Representation 1 – TasWater

- **Response:** Noted. TasWater raises no objection.

Representation 2 – Tasmanian Land Conservancy

- **Response:** Support for the Scenic Protection Area is noted. The representor is the largest freehold landowner in the area. Its support for "avoid" and "enhance" language is considered with Representation 3.

Representations 3 and 4 – Leprena Trust / Red Seal Planning, and Ian Terry

- **Response:** The Blackswan Lagoon Scenic Protection Area was first sought in a representation to the draft Huon Valley Local Provisions Schedule. In its decision of 12 July 2024 (paras 1187–1193), the Tasmanian Planning Commission considered that representation and modified the proposed scenic values and management objectives. It found that including the Scenic Protection Area would be a substantial modification. It therefore approved the LPS without it and, under section 35KB(1) of the Land Use Planning and Approvals Act 1993, directed the planning authority to prepare and exhibit this draft amendment. The draft amendment reproduces the Table C8.1 entry and overlay as the Commission directed. The representations seek to reinstate the wording originally proposed, which the Commission has already considered and modified. In the planning authority's view, they raise no new matter that would justify departing from the Commission's directed wording.
- **Modification recommended?** Whether the wording proposed in the representations should be adopted is a matter for the Tasmanian Planning Commission, as the current draft provision reflects a modification the Commission made to the original.
- **Effect on the draft amendment and the LPS as a whole:** The planning authority is satisfied the draft amendment, as exhibited, meets the LPS criteria.

6. Soil specific area plans (AM-HVC-3 and AM-HVC-4)

The planning authority considers that the dispersive soils and acid sulfate soils specific area plans are not required. Amendment 01/2024 to the State Planning Provisions (Hazard Codes), which took effect on 29 January 2025, clarified how the hazard codes relate to the *Building Act 2016*. It aims to reduce duplication between planning and building approvals. For example, clause C15.4.1(d) of the Landslip Hazard Code now exempts building and plumbing work under the *Building Act 2016* in the low landslip hazard band, and in some circumstances the medium band. Site-specific constraints of this kind are therefore increasingly managed through building and plumbing approvals rather than planning permits. Consistent with this approach, the planning authority considers that dispersive and acid sulfate soils can be adequately managed through the building and plumbing approval process.

Authorised by: Lyle Ground



Director Community and Place

Huon Valley Council

Attachments

1 Representations:
   (a) TasWater, 6 September 2026;
   (b) Tasmanian Land Conservancy, 17 September 2026;
   (c) Leprena Trust and Red Seal Planning, 27 September 2026;
   (d) Ian Terry, 6 October 2026
2 Copy of Mercury notice