



CITY OF HOBART

# MINUTES ATTACHMENTS

**CITY PLANNING COMMITTEE MEETING**

**OPEN PORTION OF THE MEETING**

**TUESDAY, 12 FEBRUARY 2019**

**AT 5:00 PM**

**VENUE: LADY OSBORNE ROOM, TOWN HALL**

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**DEPUTATION TO HCC CITY PLANNING COMMITTEE- 12 FEBRUARY 2019****From: Dr Rosemary A. Sandford,****RE: PLN-18-295 11 AND 9 Stoney Steps Road, South Hobart 7004**

Today, members of this committee will decide and recommend to Council whether to approve, not approve, or approve with conditions, the above Development Application. I respectfully request that you consider the following:

**UNIQUE LOCATION-**To approve this development, even with conditions, will have a significant negative impact on the natural environment (including on birds and wildlife) in which this 'country lane' is located. See expert scientific evidence tendered by BirdLife Tasmania's researchers and representors.

- Stoney Steps is an historic, very narrow, dead-end road with 1 passing bay/turning circle. There is a 20kmh speed limit and multiple, concealed driveway entrances on the short, sealed section near Huon Road. The HCC's South Hobart Traffic Committee has been aware of the dangers and speed issues for some years. Further traffic will add to these dangers as the 20kmh section is never policed and several residences in the road are now long-term rentals or holiday accommodation and each has multiple occupants with multiple vehicles and multiple visitors.

**BUSHFIRE RISKS-** The entire western end of Stoney Steps (all homes and all the vegetation including on 11 Stoney Steps) was razed in 1967. The TFS has told residents it will not enter Stoney Steps in a bushfire and all residents must evacuate early.

**LACK OF UTILITIES' INFRASTRUCTURE-** 11 Stoney Steps is NOT serviced by HCC infrastructure, nor by TasNetworks nor TasWater infrastructure. Additional clearing over and above that indicated in the DA will be required to facilitate access and construction of this infrastructure. In addition, the private driveway to 9 Stoney Steps may only be used for 2-3 years after which more clearing will be required to construct a new driveway and access from Stoney Steps Road.

**PROPONENT'S HISTORY OF NON-COMPLIANCE-** Since his purchase of this property in 2014, it appears that the proponent has repeatedly been in breach of Council officers' cautions and notifications. ***In my view, his behaviour has proven that he cannot be trusted to comply with any conditions that might accompany an approval.***

For example:

- (i) April 2014 purchase of property;
- (ii) August 2014 proponent sought first environmental values report following which he commenced illegal clearing with an apparent focus on removal of trees identified in this report as being environmentally significant, including for birds and wildlife. ***\*\* To date, the illegal clearing is not visible from Stoney Steps Road. Only from the private driveway to 9 Stoney Steps. All future clearing will be visible from Stoney Steps Road.***

When I became aware of the clearing, I reported this clearing to my local Alderman, Anna Reynolds, who conducted a site visit and sought advice from the HCC Planning and Compliance sections. Illegal clearing ceased for a while, but then occurred periodically until 2016-2017 when it resumed in earnest- still illegally.

(iii) I contacted HCC compliance about further illegal works on site in late 2016 and again in July 2017.

(iv) In August-September 2017, I emailed and sent photos of yet further clearing and driveway construction to the HCC and Ald. Reynolds. I have this email thread which includes: Neil Noye, Kirsten Turner and Nick Heath's responses advising of a Notice of Intention to Issue and Enforcement Notice.

I understand that an application seeking approval for works was subsequently requested and received. (The proponent continued to undertake works on site regardless).

(v) In March 2018, PLN-17-676 was submitted by the proponent- Driveway Upgrade and Associated Vegetation Clearance. I submitted a representation. \* **See attached my representation dated 20 March 2018.** I understand this DA was later withdrawn and the current DA (PLN-18-295) has replaced it. Illegal works on driveway, house site, and the transport of 3 shipping containers onto the property, continued.

(vi) Following Hobart's huge storm in May 2018, water and soil runoff from the site onto Stoney Steps Road was substantial. Truckloads of gravel were then taken to the site.

#### CONCLUSION

Since the proponent purchased 11 Stoney Steps Road, South Hobart in 2014, the evidence indicates that he has knowingly persisted in undertaking illegal clearing of native vegetation (including of listed and environmentally significant species identified to him). He has also undertaken earthworks; and driveway construction. Repeated cautions and notifications by HCC planning and compliance officers have apparently been ignored or treated with contempt.

In my opinion, the proponent's attitude and behaviour over the past 4 years that this illegal work has been going on, clearly indicate that he cannot be trusted to honour nor comply with any conditions that might be placed on his development at 11 Stoney Steps Road.



OFFICE USE ONLY

Date Received: \_\_\_\_\_

Time Received: \_\_\_\_\_

Officer: \_\_\_\_\_

The General Manager  
Hobart City Council  
GPO Box 503  
HOBART 7001

**HCC REPRESENTATION**

I **Rosemary Sandford**

name  
(please print)

of

address  
(please print)

Phone Number

(Office Hours/Home)

hereby make the following representations in respect of the application for planning approval and/or works application to the Hobart City Council

for Driveway Upgrade and Associated Vegetation Clearance development

at 11 Stoney Steps, South Hobart 7004 site address

Application No PLN-17-676

**Details of representations**

(include your interest in such land; why the land is considered to be detrimentally affected or benefited, grounds of objection or support). Additional sheet(s) may be attached if desired.

I object to the proposed plans on the following grounds:-

The owner of this property has been engaged in **major native vegetation clearing and earthworks since 2016** and is only now in 2018, seeking retrospective approval for **illegal**, wide-spread, clearance of 50+year old native vegetation including *Eucs. viminialis, globulosa, ovata and pulchella*, and bird and wildlife habitat, and the **illegal** construction of a wide gravel and rubble, **temporary** driveway on the side of a steep slope on the north-side of Stoney Steps Road. See photos attached.

The comments contained in the owner's Environmental Values Report (*enviro-dynamics Feb 2 2018*), further confirms (page 2) that in a 2017 follow-up survey to the original survey conducted in 2014, "the majority of this sites natural values.. (as per the 2014 survey).. has since been removed or modified".

Given that the owner knew of the nature and range of natural values in 2014 and the significance of each species including the Eucalypt species, he would also have been aware of the likelihood that native vegetation clearing and house access and construction on this site would pose problems for him. It therefore seems that he made a considered decision to avoid the HCC planning and regulations, and protection of the site's biodiversity values requirements, and commence illegal clearing and earthworks, thus deliberately avoiding scrutiny of his activity. The hidden nature of this site from the road helped make this possible.

Stoney Steps Road is the original, historic road to the Huon Valley. It is a single lane, dead-end gravel road with a lot of wildlife and birdlife in the eucalypts and understory species. The Endangered Swift parrot and black capped and strong-billed honey eaters, golden whistlers, yellow throated honey eaters etc. are some of the species that depend on these tree species for feeding, roosting and breeding. Regular wildlife use of the habitat on this slope by pademelons, Bennett's wallabies, Eastern Barred bandicoots, potoroos, and echidnas, is well known locally.

Philip Downey, owner of 11 Stoney Steps Road, commenced clearing the vegetation in 2016 knowing that he first required a permit to do so, and that it was illegal to clear without a permit. I reported this to Alderman Reynolds and sought her advice. Alderman Anna Reynolds and I then visited the site and Ald. Reynolds took photos on her iPad and reported the illegal clearing and illegal earthworks to the HCC planners. It is understood that HCC officers spoke with the owner and told him to cease all site activity until he submitted a planning permit and sorted out storm water drainage along the driveway which was pouring down onto Stoney Steps Road from the site.

The clearing eased (but did not completely stop) until mid-2017 when the owner again, illegally, accelerated his activities and expanded the area being cleared for his intended house site and widened the driveway using an excavator and other mechanized equipment. The trees were bulldozed and burned or covered with loads of imported fill to construct a much more substantial temporary driveway. The site now resembles a large clearfell coupe- hidden from Stoney Steps road below by a screen of trees.

*[\*I have a paper trail of email exchanges between myself and Ald. Reynolds between 2016-2018 and there is a record of my calls to HCC officers including the Compliance Officers.]*

The site at #11 Stoney Steps Road is only visible from the driveway of #9 Stoney Steps which is the long-established driveway owned Mr Richard Moore to his house on the top of the Keens Curry hill (formerly the old radio station). Mr Downey can only access his block from Stoney Steps via Mr Moore's driveway from which he then accesses his own recently and illegally constructed temporary driveway.

Mr Downey's block is landlocked in that it is surrounded by land owned by others e.g. Mr Moore. To permanently access his block, Mr Downey will have to construct **yet another wider TFS-approved driveway with passing bays** over Mr Moore's land and down to Stoney Steps Road directly, emerging in the vicinity of the letterboxes (see photos attached). Substantially more clearing of native vegetation will be required for this.

On 19 March 2018, Mr Moore confirmed emphatically to me, that Mr Downey knew that his access to his block via the Mr Moore's driveway at #9, is only temporary. Mr Moore told me that Mr Downey will have to negotiate separately the purchase and/access over Mr Moore's land if he wishes to install a permanent driveway down to Stoney Steps Road, to emerge near the group of letterboxes.

The entire Waterworks Valley of which Stoney Steps constitutes the northern slope was totally burned out in the 1967 fires. All the houses and buildings, including where Mr Moore lives and where Mr Downey hopes to build, were destroyed. The TFS has advised Stoney Steps residents that they will have to evacuate in the event of a bushfire as the road is too risky for fire trucks to enter.

There is no Council nor Aurora infrastructure connected to 11 Stoney Steps Road- no power; no water; no storm water; nor telephone/NBN; nor sewage. For power to be installed on the block would require more tree clearing along Stoney Steps Road (including of *Eucs. viminialis, globulosa, ovata and pulchella*) and across to Mr Downey's block, and powerlines would probably have to be brought over from Waterworks Road across the HCC riparian reserve of the Pipeline Track as is done with the properties at 12-22 Stoney Steps Road.

The owner of 11 Stoney Steps is a persistent, repeat offender who has knowingly and illegally, on at least 2 occasions, thumbed his nose at Council in order to undertake substantial clearing of native vegetation and substantial earthworks on a steep and vulnerable slope for the purpose of constructing and clearing a house site and constructing a temporary driveway without a permit. He is fully aware that this driveway is temporary only and that a more substantial driveway would need to be constructed were HCC to approve the construction of a dwelling on the site.

The HCC public notice advising of the PLN-17-676 application was posted at the far western end of his property where very few people, apart from an occasional dog walker, would see it, rather than near the letterboxes and turning circle where it would be clearly visible to users of Stoney Steps Road. See photos attached to subsequent email accompanying this representation.

I strongly object to this proponent's application, to the duplicitous approach to the work he has undertaken, to the illegal devastation he has caused to the local native vegetation, local bird and wildlife, and his disregard for Council regulations and the safety and amenity of the residents and users of Stoney Steps.

I request that Council NOT approve this Driveway Upgrade and Associated Vegetation Clearance.PLN-17-676 and request that the site be remediated.

Given the owner's track record of illegal works on this site to date, I have no confidence in his complying with any conditions put on this site by Council and there is every reason to believe that the owner of 11 Stoney Steps will continue his illegal house site preparation works without a prior-approved DA or building permit, and again expect to get retrospective approval from the HCC. The fact that this site cannot be seen from a public road aids in any non-compliant works and patterns of behavior by the owner and his (sub) contractors.

For Council to approve this PLN-17-676 application retrospectively, despite the owner's repeated failures to lodge a permit application over a period of 2 years, and his persistent breaches of Council regulations and

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Enforcement Notices, even when he was warned of his non-compliance, will set an appalling precedent.

A pattern of retrospective approvals is becoming more frequent in South Hobart, including in the Waterworks Valley of which Stoney Steps is an integral part, as people buy up the remaining bush blocks close to the city and commence illegal clearing of native vegetation. There is another current case of this occurring on the lower side of Stoney Steps (10 Stoney Steps) and abutting the HCC Pipeline Track in the riparian reserve where, I am advised that an Enforcement Notice has been issued, yet quiet clearing continues.

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Note: All representations must be addressed to The General Manager and received no later than 12 Midnight on the day specified in the advertisement of the proposal. Note: Postal or hand delivered representations will not be received after 5.14pm on same date.

Late representations will not be considered.

Signature: Dr. Rosemary A. Sandford

Date: 20 March 2018