

**From:** [ECC, CT](#)  
**To:** [Break O Day Office Admin](#)  
**Subject:** Letter and Attachment from the Secretary - Department of Communities Tasmania  
**Date:** Wednesday, 15 December 2021 2:29:12 PM  
**Attachments:** [Attachment 2 - Communities Tasmania - Submission Break O Day Local Provisions Schedule.PDF](#)  
[Attachment 1 - Letter - Exhibition Break O Day Council Draft Local Provisions Schedule.pdf](#)

---

Good Afternoon,

Please see the attached sent on behalf of the Secretary of the Department of Communities Tasmania

Kind Regards

Office of the Secretary  
Department of Communities Tasmania

-----< HPE Content Manager record Information >-----

Record Number : D21/85661

Title : Attachment 2 - Communities Tasmania - Submission Break O'Day Local Provisions Schedule

-----< HPE Content Manager record Information >-----

Record Number : D21/74069/1

Title : Attachment 1 - Letter - Exhibition Break O'Day Council Draft Local Provisions Schedule

---

#### CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

## Department of Communities Tasmania

GPO Box 65, HOBART TAS 7001  
Web: [www.communities.tas.gov.au](http://www.communities.tas.gov.au)



Contact Officer: Richard Gilmour  
Phone: 6166 3616  
Email: [Richard.Gilmour@communities.tas.gov.au](mailto:Richard.Gilmour@communities.tas.gov.au)  
Our Reference: D21/74069/1

Mr John Brown  
General Manager  
Break O' Day Council  
32 -34 Georges Bay Esplanade  
ST HELENS TAS 7216

By email: [admin@bodc.tas.gov.au](mailto:admin@bodc.tas.gov.au)

Dear Mr Brown

**Subject: Tasmanian Planning Scheme - draft Break O' Day Local Provisions Schedule**

Thank you for your invitation to comment on the draft Break O' Day Local Provisions Schedule (LPS). Communities Tasmania has reviewed the draft LPS and supporting reports in respect of land owned by the Director of Housing.

Communities Tasmania considers the draft LPS including the zone and overlay mapping primarily a translation from the *Break O' Day Planning Scheme* in accordance with the Tasmanian Planning Commission's Guideline No. 1 Local Provision Schedule (LPS): zone and code application.

A detailed analysis and comparison revealed however, issues that require further consideration and discussion with Council and the Tasmanian Planning Commission. The matters are contained in detail in the attached submission.

Please do not hesitate to contact Richard Gilmour, Director – Portfolio and Supply on 03 6166 3616 or at [richard.gilmour@communities.tas.gov.au](mailto:richard.gilmour@communities.tas.gov.au) who can arrange for relevant officers to respond to any of the matters raised in this submission.

Yours sincerely

Michael Pervan  
**Secretary**

14 December 2021

Attachments:

1. Communities Tasmania submission – draft Break O'Day Local Provisions Schedule



# Attachment I. Communities Tasmania – ***draft*** Break O’Day Local Provisions Schedule

## **St Helens, 25 Circassian Street (PID 6794008; CT 30960/1)**

In February 2020, the Director of Housing (the Director) assumed ownership of the St Helens Neighbourhood House at 25 Circassian Street, St Helens. The site is zoned Community Purpose Zone under the current Break O’Day Interim Planning Scheme 2013.

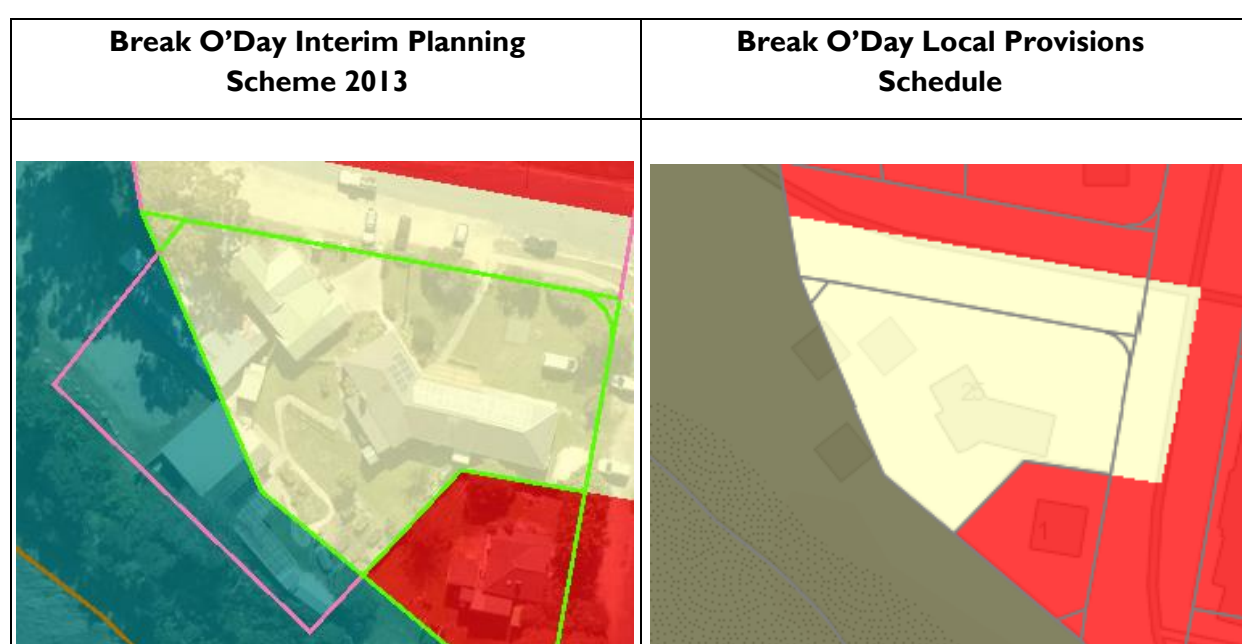
Prior to transfer of ownership, a community shed and bungalow were constructed at the site, and unknowingly partially located across the titled boundary. The structures were built on untitled Crown Land located in the Environmental Management Zone as shown outlined in pink in the aerial below.



Image I: Structures across titled boundary in the Environmental Management Zone

These assets are central to the services delivered by the Neighbourhood House such that demolition would result in a tangible loss to both the local and north-east regional community. As such, the Director secured Minister for Crown Lands approval to transfer this land to the Director for consolidation into CT 30960/1 (refer Attachment A). The Director also obtained Break O'Day Council's principled support for the boundary realignment (refer Attachment B).

The adjustment will result in the site being split zoned. The draft Local Provisions Schedule (LPS) shows the zoning of the land will transition directly to the Community Purpose and Environmental Management Zones.



The Section 8A Guideline No. 1 Local Provisions Schedule (LPS): zone and code application state the purpose of the Community Purpose Zone is to:

- Provide for key community facilities including health, educational, government, cultural and social facilities; and
- To encourage multi-purpose, flexible and adaptable social infrastructure.

The Zone Application Guidelines further state for CPZ 1:

*The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including:*

- (a) schools, tertiary institutions or other education facilities;
- (b) medical centres, hospital services or other care-based facilities;
- (c) emergency services facilities; or
- (d) large community halls, places of worship or other key community or cultural facilities.

The use and development on the adjacent Crown land do not align with the Zone Application Guidelines of the Environmental Management Zone EMZ 1, EMZ 2 or EMZ 3.



The Tasmanian Planning Commission's (the Commission) *Practice Note 7 – Draft LPS mapping technical advice*, instructs that zone maps should minimise the use of zone boundaries that do not align to the cadastral parcel boundaries or road centrelines.

Therefore, in accordance with CPZ 1 and the Commission's mapping advice, the Director requests that the Break O'Day Council and the Commission apply the Community Purpose Zone to the entirety of the new extent of 25 Circassian St, St Helens (CT 30960/1).

The Director has instructed the Office of the Surveyor General to prepare a plan of survey for the amended title boundaries, and these coordinates will be supplied in due course.