

Representation No 21

9th December 2021

General Manager

John Brown

Break O'Day Council

Via Email: admin@bodc.tas.gov.au

RE: BREAK O'DAY PROVISION SCHEDULE –REPRESENTATION

To the General Manager

I write to make formal representation to the Local Provisions Schedule (LPS) for the Break O'Day municipal area, which is currently on public exhibition until the 13th December 2021.

Intended Application of the Landscape Conservation Zone (LCZ)

The LZC is a new zone which has been introduced under the Tasmanian Planning Scheme (TPS). It doesn't exist under the existing Interim Planning Scheme. Council has stated in applying this LCZ:

"The LPS provides adequate of natural and physical resources through, applying the Landscape Conservation Zone where land was located in the Environmental Living Zone and the natural and landscape values support this and whereas other justified" – page 8.

" All allotments, unless detailed otherwise or included in a particular purpose zone, within the ELZ in the interim Planning Scheme have translated to the LCZ in draft LPS" –page 67

The above comments based on pages 8 & 67 in the supporting report, Council has generally interchanged all land currently under ELZ to a LCZ as part of the draft LPS. In 8A guidelines of the LCZ is to provide direction for council in appropriately applying zones.

LCZ is not a replacement zone for ELZ in the interim planning scheme. There are key policy differences between these zones. The Landscape Conservation Zone is not a lot of residential zone, in area as characterised by native vegetation cover and other landscape values. The Landscape Conservation Zone does however provide a clear priority for the protection of landscape values and for complementary use and development with residential use largely discretionary.

The proposal outlined in the LPS draft to replace lots in the ELZ with LCZ is contradictory to above guidelines and further discussed in 8A guidelines referring to LCZ1, LCZ2, LCZ 3, LCZ 4,.

The operative wording within this statement relates to use and development in large natural bushland or large areas of native vegetation that are not already reserved. Not large lot residential areas or other existing settlement areas with existing environmental values that currently are zoned and used for residential purposes. Land around Riverview Rd and Tasman Highway in Scamander has been identified on the draft LPS as being zoned LCZ. These areas are within the existing ELZ under

the interim scheme and are characterised by single dwellings on large bush blocks, a combination of areas cleared and others that contain natural vegetation. Residential dwellings are permitted in the ELZ. The zoning changes proposed in the draft LPS from ELZ to LCZ in effect make residential use discretionary and consequently not guaranteed use. Should the draft LPS be implemented it would greatly restrict landowners residential use rights and can only entrench challenges and costs of residing and developing land in and around coastline of the state. The use of the term “Discretionary” may act as a further disincentive for any sensitive investments either private or commercial and moves the area further away from progressive state-wide zoning reform.

I keep hearing Premier Peter Gutwein saying

“For too long the planning system has acted like a handbrake on our economy. We want to fix the planning system to attract investment, grow our economy and create jobs.”

I would also like to draw attention the proposed **Stormwater Area Plan** which needs to improve to protect the residents and visitors to Break O’Day, recreational areas in and around Georges Bay from waste discharge and stormwater runoff. This is referred to in the Environmental Management and Pollution Control Act 1994, 2.1.7, page 15, but does not go far enough to protect our inland waterway.

State Policy on the protection of Agricultural land (PAL) 2009 states to “conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.” Does this include areas of small acreage in a predominately ELZ area, which could have a direct impact on neighbouring land owners and the natural bush within this ELZ area.

Aside from restricting landowner’s residential rights, there are several areas of concern to consider from an economic and social standpoint as the ripple effect of such changes may develop:

- Developers or landowners may be reluctant to purchase land when there is no certainty of being able to build a dwelling.
- Land currently zoned ELZ may lose value when transferred to LCZ with the prospect of building a dwelling in doubt.
- Confidence that Break O’Day as a place to invest in or move to could be damaged,
- A reduction in available housing land within the Break O’Day area for people looking to move to this area, which is fundamentally flawed should a housing crisis begin.
- Developers and home builders in LCZ areas would unlikely be able to secure financial assistance from Banks and Financial institutions when the fundamental right to build is not guaranteed.

I commend Break O’Day council in their enthusiasm in promoting tourism in conjunction with Tourism Tasmania of the area. We have a thriving local economy from investments from the Mountain Bike Trials and other attractions for visitors to this area. This also highlights Break O’Day as a great place to live. It seems counter intuitive to now be putting even further restrictions on residential areas of potential growth and development while we are still aligning with environmental characteristics and values of this area.

Summarising, my primary concerns are Council appears to have incorrectly applied zones in areas of ELZ amending them to LCZ to the majority of residential bush blocks and relinquishing the rights of existing residential owners use, social and economic values of these lots.

Improve the proposed Stormwater Area Plan to include other water waste management in Break O'Day.

Support zoning Future Potential Production Forests (FPPF) land as Environmental Management Zone in recognition of the FPPF areas significant high conservation values and in some cases important scenic values.

Yours Sincerely,

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