

From: McCrosen_Samuel
To: McCrosen_Samuel
Subject: FW: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok
Date: Wednesday, 28 June 2023 11:20:11 AM
Attachments: [TPC response June 2023.docx](#)
[image001.png](#)
[image002.jpg](#)
[image003.png](#)
[TPC further comment June 2023.docx](#)

From: NE Bioregional Network <telopea_tas@yahoo.com.au>
Sent: Tuesday, 27 June 2023 5:58 PM
To: McCrosen, Samuel <Samuel.McCrossen@planning.tas.gov.au>; Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>
Subject: Fw: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok

Hi Sam and Chloe,
Just to clarify my last email.
What we are saying regarding Councils email 14th June is just like NRE Council has failed to properly assess the titles in question or apply the Schedule 1 and State Coastal Policy requirements when making their decisions on appropriate zoning

Todd Dudley
President
North East Bioregional Network

Phone (03) 6376 1049
Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

----- Forwarded message -----

From: NE Bioregional Network <telopea_tas@yahoo.com.au>
To: McCrosen, Samuel <samuel.mccrossen@planning.tas.gov.au>
Cc: Edgell, Chloe <chloe.edgell@planning.tas.gov.au>
Sent: Tuesday, 27 June 2023 at 03:55:20 pm AWST
Subject: Re: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok

Hi Sam and Chloe,

Response to NRE letter (Any further comments will be by 5pm tomorrow).

Regarding Councils email dated 14th June 2023 it appears Council supports NRE position re zoning of the land under NRE control. As such our comments in the attached letter apply equally to Councils position.

Regards

Todd Dudley
President
North East Bioregional Network

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Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

On Tuesday, 27 June 2023 at 10:02:37 am AWST, McCrosen, Samuel <samuel.mccrossen@planning.tas.gov.au> wrote:

Hi Todd,

It should be ok. I am about to draft these parts of the decision, so any effort you can make to get the response through would be appreciated.

Regards,

Sam

03 6165 6833

From: Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>
Sent: Tuesday, 27 June 2023 8:12 AM
To: NE Bioregional Network <telopea_tas@yahoo.com.au>; McCrosen, Samuel <Samuel.McCrossen@planning.tas.gov.au>
Subject: RE: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok

Not sure what happened there, sorry about that Todd

I'll hand over to Sam on this

Regards Chloe

From: NE Bioregional Network <telopea_tas@yahoo.com.au>
Sent: Monday, 26 June 2023 4:21 PM
To: Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>; McCrosen, Samuel <Samuel.McCrossen@planning.tas.gov.au>
Subject: Re: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok

Thanks Chloe,

The link for NRE worked.....we didn't see this or the Planning Authoritys submissions when we looked at the TPC website a few days ago.

We were unaware that the Planning Authority has made further submissions on 14th June also.

We request we have until the end of this week to respond to the Councils submission dated 14th June 2023.

Regards

Todd Dudley
President
North East Bioregional Network

Phone (03) 6376 1049
Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

On Monday, 26 June 2023 at 05:45:28 am AWST, Edgell, Chloe <chloe.edgell@planning.tas.gov.au> wrote:

Hi Todd,

Here's a link to the document

[Break O'Day draft LPS - Submission - Department of Natural Resources and Environment Tasmania 9 June 2023 \(planning.tas.gov.au\)](#)

If that link doesn't work it's on the Break O'Day LPS page

Under Hearing and further submissions, dated 9th of June, the second in the list



Let us know if you have any problems

Thanks

Chloe

From: NE Bioregional Network <telopea_tas@yahoo.com.au>
Sent: Saturday, 24 June 2023 10:53 AM
To: Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>; McCrossen, Samuel <Samuel.McCrossen@planning.tas.gov.au>
Subject: Re: Break O'Day LPS - notification of DNRE response to proposed zoning - response by 28th of June ok

Hi Chloe ,

I cannot find the NRE response on the website.

Can you advise where it is located or preferably send the response to me.

Regards

Todd Dudley

President

North East Bioregional Network

Phone (03) 6376 1049

Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

On Wednesday, 14 June 2023 at 11:34:55 am AWST, Edgell, Chloe <chloe.edgell@planning.tas.gov.au> wrote:

Hi Todd,

John Ramsay is fine with a response by the 28th of June.

Thanks Chloe

From: NE Bioregional Network <telopea_tas@yahoo.com.au>
Sent: Wednesday, 14 June 2023 1:07 PM
To: Edgell, Chloe <Chloe.Edgell@planning.tas.gov.au>; McCrossen, Samuel <Samuel.McCrossen@planning.tas.gov.au>
Subject: Re: Break O'Day LPS - notification of DNRE response to proposed zoning

Thanks Chloe,

I am travelling interstate at present.

Could you please extend our period for comment until the 28th of June as I will have reception to be able to comment then.

Regards

Todd Dudley

President

North East Bioregional Network

Phone (03) 6376 1049

Postal address: 24751 Tasman Hwy, RSD St. Marys 7215

On Wednesday, 14 June 2023 at 10:22:31 am ACST, Edgell, Chloe <chloe.edgell@planning.tas.gov.au> wrote:

Dear Todd,

I'm writing to advise you that the Department of Natural Resources and Environment has provided a response to the Tasmanian Planning Commission regarding zoning of various Crown land parcels has been received and has been posted on the TPC Web site.

If you wish to respond to this please do so in the next 7 days – Thursday 22 June 2023.

Regards Chloe

Chloe Edgell

Planning Adviser

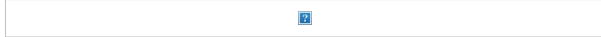
(Monday to Thursday 8:30AM-3:30PM)



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In recognition of the deep history and culture of this island, we would like to acknowledge and pay our respects to all Tasmanian Aboriginal people, the past and present custodians of the Land.

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**To The Tasmanian Planning Commission re Break O Day LPS
27/6/23**

**North East Bioregional Network Response to NRE letter dated 9th
June 2023.**

Comments:

FPPF land

Over the course of the Break O Day LPS process the North East Bioregional Network has provided the TPC with comprehensive information related to the conservation values of a number of parcels of land NRE are responsible for.

In relation to land currently listed as Future Potential Production Forest we have submitted site specific information about the values (including but not limited to scenic values, threatened species, threatened ecological communities, landscape connectivity values, water catchment values etc) present in each FPPF areas over the entire Break O Day municipality. This data was the result of two years work (2005-2007) combining on ground surveying with extensive analysis of known values/data sets and used best practice conservation planning tools to come up with the areas identified report entitled **Linking Landscapes**). This information was subsequently included a few years later to guide the areas to be included in and protected under the Tasmanian Forest Agreement process which ultimately fell through when the Liberal Govt was elected in Tasmania in 2014.

The new Govt reclassified the areas as FPPF land however this didn't change the fact that the land has high conservation values and as per our LPS submission this was reinforced by the Hitchcock Report

completed during the Tasmanian Forest Agreement that asserted that the forests in Break O Day identified in our report were of National Heritage value.



Furthermore NEBN submitted as part of its Break O Day LPS representation a Land Use Plan which specifically addresses the requirements of Schedule 1 Part 1 (b) 1.

(a) to promote the sustainable development of natural and physical resources and the **maintenance of ecological processes** and genetic diversity;

This report was produced via a collaboration of expert scientists/ecologists with the express purpose of identifying key ecological processes in the Break O Day region, highlighting threats to those processes and recommending strategies to protect, maintain and restore ecological processes. On page 12 of the Land Use Plan the following key strategy was recommended:

Strategy 2: Frame planning legislation to actively address issues of landscape scale connectivity

The Linking Landscapes project identified a range of areas on public land which could be considered in future planning for landscape connectivity specifically for the north-east. Planning schemes and associated legislation at a State and municipal level will need to reflect the current science being developed regarding biodiversity adaptation in response to climate change, including the importance of landscape scale connectivity

The unique biodiversity values of the FPPF areas in Break O Day were further reinforced at the TPC hearings in St Helens by leading ecologist Dr Peter McQuillan who gave evidence at the hearing.

In contrast NRE has not provided a shred of evidence in support of their position or to counter our preferred outcome but just merely stated the Govt doesn't want any of the land mentioned in their letter being given a zoning which would protect its conservation values. They have not sought to demonstrate that their position on these titles is consistent with the requirements of Schedule 1 or the State Coastal Policy.

Our understanding is that Zoning decisions are supposed to be based on evidence, be consistent with the requirements of Schedule 1 and State Policies (in this case relevantly the State Coastal Policy for some of the titles mentioned at Binalong Bay) as well as be in accordance with Planning Directive no 1.

In the absence of any attempt by NRE to justify their position in accordance with the requirements of Schedule 1 or the State Coastal Policy our submission is that the FPPF areas should be zoned as we have recommended to reflect their significance in maintaining ecological processes in the Break O Day landscape.

Binalong Bay land Coffey Drive/Felmingham st

This advice is pertinent to the following parcels:

- Coffey Drive and Felmingham Street, Binalong Bay FRs 49278/14, 49278/15, 49278/16, 49278/17, 49278/18, 49278/19, 49278/20, 49278/21, 49278/22, 49278/23, 49278/39 and 49278/40 and PID 3383967 adjacent to 49278/19.

This land is referred separately to the other FPPF land areas because it is currently zoned low density residential and NRE clearly has an agenda to sell it off for residential use.

The land was previously subject to a 27 lot subdivision proposal from the State Govt however that was withdrawn in 2007 because it was considered to be too close to a active Sea Eagles nest (which is still active now). We have included details in our previous submissions regarding the natural values on these titles which we believe makes them suitable for Environmental Management Zone zoning consistent with Schedule 1 and the State Coastal Policy.

In addition a recent RTI request made re 31 Felmingham st title (PID 2663000) has revealed a Natural Values Report undertaken by North Barker found suitable Swift Parrot nesting habitat on the title (see extract below)

North Barker extract from RTI

SWIFT PARROT

The property is likely to be utilised by the swift parrot as it is located in a SPIBA, there is breeding and foraging habitat in the vicinity and there are potential habitat trees on site. Residential developments in bushland are a threatening process to the conservation of this species through direct habitat loss (tree removal) and from increased mortality through collisions with human constructions.

NEBN provided reports and evidence from Nick Fitzgerald and Simon Roberts regarding respectively the importance of the coastal zone in Break O Day and the risk that subdivision in unserviced areas poses to natural values including impacts on waterways and wetlands. If

the Coffey Drive and Felmingham st titles are not rezoned to EMZ they most likely will be sold leading to destruction of most of the native vegetation and wildlife habitat on the titles, increased stormwater and waste water run off into Skelton Bay and allow an expansion of the Binalong Bay settlement which is in our view contrary to the State Coastal Policy intent.

Again NRE has provided nothing in terms of justifying its position or demonstrating consistency with Schedule I ,the State Coastal Policy or Planning Directive no 1 while we have provided accurate on ground information about the values and the important landscape context of these titles.

As per our LPS representation we believe all of these titles should be zoned Environmental Management Zone and ultimately added to the Humbug Point Nature Recreation Area which they are directly adjacent to.

OTHER TITLES

In addition, NRE Tas does not support the application of the EMZ to the parcels listed below:

- Tasman Highway, St Helens PID 6792694;
- Ericksons Road, Goshen PID 6791835;
- Tasman Highway, Goshen PID 2159197/FR 114281/1;
- Upper Irishtown Road, St Marys PID 2154783;
- Irishtown Road, St Marys PID 2153182; and
- Coffey Drive and Felminham Street, Binalong Bay PID 2663000

Again NRE has demonstrated a level of contempt and arrogance towards the TPC process by refusing to properly engage in a evidence based process regarding these titles.

In this case however the titles are unallocated Crown Land where there is absolutely no excuse for not providing proper justification for why the titles should not be zoned to protect their conservation values as NEBN is asserting.

NEBN has undertaken on ground surveys of these titles to assess their values while NRE only contribution is they don't want zonings which protect natural values because it may "constrain future uses".

As with our previous comments if the TPC process is based on zoning being predicated on best evidence and information then NEBN's position should be preferred

PID 6792694 St Helens

In response to your request for 'written evidence' in relation to the application of the Priority Vegetation Area overlay to Tasman Highway, St Helens PID 679269 in accordance with the Regional Ecosystem Model, NRE Tas does not support this application.

Here again NRE is showing no respect for the TPS process and has refused to accept the Priority Vegetation Area overlay for this title despite it having a large proportion of the block inhabited by Federally Listed (EPBC Act) threatened forest community *Eucalyptus ovata* forest which is also key habitat for the EPBC listed Swift Parrot. There is also a small patch of EPBC listed wet *Eucalyptus viminalis* present.

The land was previously auctioned by the Govt but subsequently the purchaser reneged on the contract. This happened because NEBN brought to the Govt attention that *E. ovata* was present on the land and as such the Govt required the purchaser to agree to put a perpetual conservation covenant on the title which the purchaser refused to do.

The fact that NRE refuses to accept an overlay to assist in protecting a nationally listed threatened forest community is deplorable and should alert the TPC that NRE are more concerned about selling off Crown land than protecting its values or even more concerningly not upholding their legislative responsibilities.

Our position is that of course land which has known important and legislatively recognised requirements to be protected should be identified and protected under biodiversity planning scheme overlays wherever possible.

Todd Dudley

President

North East Bioregional Network

24751 Tasman Highway RSD St Marys 7215

To the Tasmanian Planning Commission 28/6/23

Further Comment on NRE letter to TPC dated 9th June 2023

We wish to further clarify our comments in relation to NRE comments regarding FPPF land.

The ***Linking Landscapes*** document submitted by North East Bioregional Network as part of its Break O Day LPS representation was as previously stated a result of two years of on ground surveying and GIS analysis then subject to rigorous best practice conservation planning principles.

One of the key principles that is widely accepted as being a critical consideration in conservation land use planning is **landscape connectivity**. Landscape connectivity generally refers to the principle of designing protected area systems which are connected through a diverse range of altitudes, aspects (including climate refugia areas), soil types, ecological communities etc so that flora and fauna species can over time move through the landscape in response to short term (ie fire events) or longer term (ie climate fluctuations) disturbances/changes. Sometimes connectivity may also be in the form of stepping stones where critical habitat especially for highly mobile species such as birds is identified and protected over a migration path (ie Eucalyptus glonulus /ovata forest for Swift Parrots).

In the case of ***Linking Landscapes*** the concept of landscape connectivity was explicitly factored into the criteria for selecting which areas of public land were identified as a priority to improve landscape connectivity in the public land reserve system in the Break O Day area (as well as more broadly NE Tasmania) as it was considered the current level of reservation in Break O Day was inadequate in terms of representativeness, extent and connectivity. As

such the areas now known as FPPF are highly significant for biodiversity conservation in the Break O Day area.

The relevance of all of the above is that the Linking Landscapes process explicitly through its focus on landscape connectivity, climate refugia etc has reflected the requirements of the LUPA Act being **“the maintenance of ecological processes and genetic diversity”**

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –
(a) to promote the sustainable development of natural and physical resources and the **maintenance of ecological processes and genetic diversity**;

In other words the Linking Landscapes document directly addresses the requirements of LUPA and thus in the case of the Break O Day LPS the proposed zonings must be consistent with Schedule 1.

The value of the FPPF areas was further validated by expert scientific evidence from Dr Peter Mcquillan at the Break O Day LPS hearings in St Helens and the expert report by Dr Peter Hitchcock which identified National Heritage values for the ***Linking Landscapes*** forests.

Our view is that we have provided extensive evidence of the important conservation values present in the FPPF areas as well as shown how zoning of Environment Management Zone is consistent with the requirement to **“further the objectives”** of Schedule 1.

5. Objectives to be furthered

It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in [Schedule 1](#)

In contrast NRE and the Break O Day Council have provided no facts, evidence or supporting information to validate their position on FPPF land.

The requirements under Schedule 1 to “further the objectives” in relation to “the maintenance of ecological processes and genetic diversity” are clear but since LUPA was initiated in most cases this stipulation has been largely ignored. In this case however NEBN has provided more than ample evidence to support our contention that EMZ zoning for FPPF land is consistent with the intent of Schedule 1.

We therefore contend NEBN’s position on FPPF land should be preferred by the TPC.

Todd Dudley President

North East Bioregional Network

24751 Tasman Highway RSD St Marys 7215