

Representation No 55

From: [James Stewart](#)
To: [Break O Day Office Admin](#)
Cc: [Brett Woolcott](#); [Michelle Schleiger](#)
Subject: Break O'Day LPS Representation - Lots 1-4 Vince Lane, Binalong Bay
Date: Monday, 13 December 2021 4:30:25 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[Units 1-4, Vince Lane - Binalong Bay - LPS Representation.pdf](#)

Good Afternoon

Please find attached representation to the Break O'Day Council Draft Local Provisions Schedule (LPS).

The representation relates to land at 1-4 Vince Lane, Binalong Bay. The representation is made on behalf of the lot owners.

If you have any questions or require further information, please don't hesitate to let me know.

Kind regards

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13/12/2021

Planning Department
Break O'Day Council

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

**RE: BREAK O'DAY LOCAL PROVISION SCHEDULE – REPRESENTATION – UNITS 1-4,
VINCE LANE, BINALONG BAY.**

To The General Manager

We wish to provide this submission in relation to the Break O'Day Local Provision Schedule (LPS), which is currently on public exhibition until the 13th December 2021.

This representation is made in relation to Units 1-4 at Vince Lane, Binalong Bay. The subject site consists of four strata lots, each of which were created under a staged strata development scheme, approved by Council in 2015. This submission is undertaken on behalf of the strata lot owners.

Details of the lots is provided below:

Address	Size of Strata Lot	Current Development	Approved Development Permit DA052-2015
Unit 1/1, Vince Lane	2217m ²	Visitor Accommodation	Visitor Accommodation
Unit 2/1, Vince Lane	1500m ²	Vacant	Visitor Accommodation
Unit 3/1, Vince Lane	1653m ²	Vacant	Visitor Accommodation
Unit 4/1, Vince Lane	2142m ²	Vacant	Visitor Accommodation

As outlined above, Unit 1 of the strata has currently been developed with a visitor accommodation building. This development is as per Council's permit for four visitor accommodation units. Access to each of the four lots is via a common property access off Lyall Road.

As part of the staged strata, a number of works have already occurred on site. This includes:

- Construction of all common property areas, including gravel access off Lyall Road, internal drainage, along with landscaping and fencing of common areas.
- Fencing of each strata lot, including pedestrian access from each lot onto Lyall Road.
- Installation of privacy screens between each of the strata lots, in accordance with the approved plans.
- Connection of power to each of the strata lots.
- Provision of 10,000L firefighting water tanks with appropriate STORZ fittings.

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- Provision of a gravel turning and manoeuvring hardstand area on each lot, along with clearance of vegetation within the approved building area.

Each of the four units is currently under separate ownership, with vacant lots in the process of preparing building applications as per the approved visitor accommodation plans from Council.

The site sits within a residential cluster at the end of a Council maintained road. The land is opposite established single dwellings on the northern and north eastern sides. The approved and existing development on site is in keeping with the existing character and feel of the area.

Photos of the site are provided below:

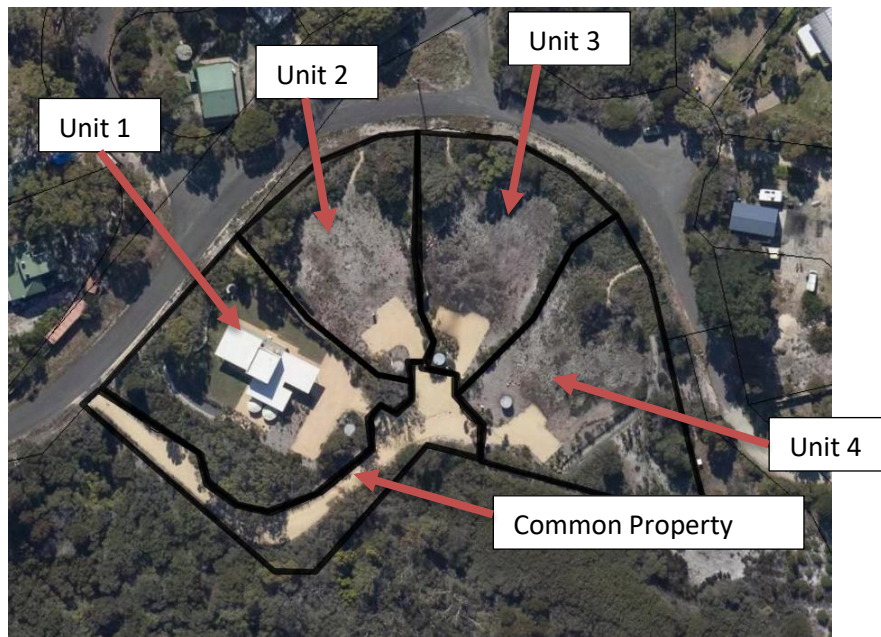


Figure 1 - Aerial view of subject site.

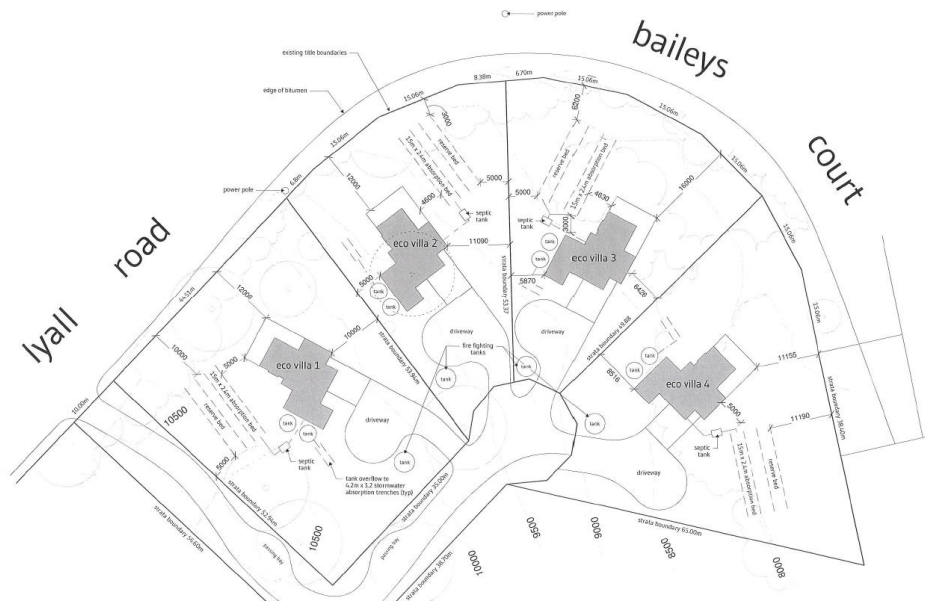


Figure 2 - Extract of approved site plan for visitor accommodation development.

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Figure 3 – View over strata 3.



Figure 4 - Vacant strata lot 2, with hardstand, power, landscaping etc complete. Dwelling On Lyall road visible in background.



Figure 5 - Existing visitor accommodation development on strata lot 1.

Under the draft LPS, Council has proposed to apply the Landscape Conservation zone (LCZ) to the four strata lots and common area.

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In relation to the LCZ, the 8A guidelines provide the following statements to provide direction for Council in appropriately applying the zone:

- LCZ 1** *The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small-scale use or development may be appropriate.*
- LCZ 2** *The Landscape Conservation Zone may be applied to:*
- a) *large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
 - b) *land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
 - c) *land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*
- LCZ 3** *The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.*
- LCZ 4** *The Landscape Conservation Zone should not be applied to:*
- a) *land where the priority is for residential use and development (see Rural Living Zone); or*
 - b) *State-reserved land (see Environmental Management Zone).*

In examining the guidelines, the following is noted:

- Strata lots 1-4, which are all under separate ownership, do not contain landscape values that have been identified for protection. The lots are generally clear of native vegetation, and are approved for visitor accommodation development. The permit has been substantially commenced allowing development of these lots to occur at any stage. Once each lot is developed, the site will consist of the main building along with a landscaped yard. It is not the intent of these lots that they be identified for protection or conservation. They do not contain bushland or a large area of native vegetation.

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- While it is acknowledged that the Natural Assets overlay applies to this site (and all nearby residential lots), on a practical level the lots are cleared and ready for development.

Once developed, and provided with a Bushfire Hazard Management Area, there will be little native vegetation left on site, but rather a landscaped yard.

- While the use is acknowledged as visitor accommodation, the site is within a residential area, where the approved and existing development aligns in appearance to nearby residential uses. The use appears no different, and such should be treated with the same intent in relation to LCZ4. On this basis, we maintain that the four strata lots and common area, are not appropriate for the LCZ.

The 8A guidelines further state:

The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary.

Suggested Zoning

This submission feels that the zoning of strata lots 1-4 should align with the zoning of other residential properties within Lyall Road, Baileys Court, and Burgess Court.

Our view however is that **BRE-P2.0 Coastal Settlement PPZ**, is not required for this part of Binalong Bay. Instead, the provisions of the Low-Density Residential zone (LDRZ) could be adequately applied to the area.

The zone purpose for the LDRZ, is as follows:

- To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off-site impacts.
- To provide for Visitor Accommodation that is compatible with residential character.

The 8A guidelines further state under LDZR 1 (b), *The LDRZ should be applied to residential areas where one of the following conditions exist.....small residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services*

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The subject site is essentially of the same character and appearance with adjoining lots in this part of Binalong Bay. Application of the LDRZ to these areas would not allow further subdivision, and would provide a set of provisions which adequately capture the character and nature of the area.

Should Council and the Commission continue with the proposed PPZ, our position would be that strata lots 1-4 be included within the SAP, as these areas do not align with the intent of the LCZ as outlined under the 8A Guidelines.

If you have any questions regarding the contents of this submission, please don't hesitate to contact us on the numbers provided.

Kind regards
Woolcott Surveys



James Stewart
Senior Town Planner

Kind regards
Woolcott Surveys



Brett Woolcott
Managing Director & Registered Land Surveyor

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