

From: [Planning Policy](#)
To: [Break O Day Office Admin](#)
Cc: [Carroll, Patrick](#)
Subject: State Growth submission - Break O'Day Draft Local Provisions Schedule
Date: Monday, 13 December 2021 8:48:34 AM
Attachments: [image001.png](#)
[State Growth Submission - Break O Day LPS.pdf](#)

To the General Manager,

Please find attached correspondence from the Director, Transport Systems & Planning Policy, Department of State Growth regarding the Break O'Day Draft Local Provisions Schedule.

Should you have any questions or queries, please do not hesitate in contacting us.

Kind Regards,

Patrick Carroll | Principal Land Use Planning Analyst
Transport Systems and Planning Policy Branch | Department of State Growth
Level 1, 2 Salamanca Square, Hobart TAS 7000 | GPO Box 536, Hobart TAS 7001
Phone: (03) 6166 4472
www.stategrowth.tas.gov.au



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Department of State Growth

Salamanca Building, Parliament Square
4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Phone 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Our Ref: D21/324303 Your Ref:



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

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

Dear Mr Brown,

Break O'Day Draft Local Provisions Schedule

Thank you for the opportunity to comment on the Break O'Day Draft Local Provisions Schedule ('Draft LPS').

The Department of State Growth ('State Growth') has reviewed the Draft LPS, supporting mapping and overlay information and believes it largely reflects a sound translation from the *Break O'Day Interim Planning Scheme 2013* in accordance with the Tasmanian Planning Commission's *Guideline No. 1 Local Provisions Schedule (LPS) zone and code application*.

A detailed review has however highlighted a small number of issues that will require rectification or further discussion with Council officers and the Tasmanian Planning Commission. These issues are outlined in the attached document for your consideration.

Please do not hesitate to contact Patrick Carroll, Principal Land Use Planning Analyst at Patrick.Carroll@stategrowth.tas.gov.au or on 03 6166 4472 who can arrange for relevant officers to respond to the matters raised in this submission.

Yours sincerely

James Verrier
Director, Transport Systems and Planning Policy

10 December 2021

Attachment 1 – State Growth Comments – Break O'Day Draft Local Provisions Schedule

Attachment I – State Growth Comments – Break O’Day Draft Local Provisions Schedule

State Road Network

Zoning of the State Road Network

Consistent with UZI of Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (the ‘Guidelines’)¹ the Tasman Highway, Esk Main Road and Elephant Pass Road appear to be accurately zoned Utilities, based on the State Road Casement layer published on the LIST. This layer was developed in 2018 to assist Councils in drafting their LPSs, with the intent to clearly identify land forming part of the State Road network for inclusion within the Utilities Zone.

However, since 2018, there have been changes to the State Road network. As detailed in the Tasmanian Government Gazette on 20 October 2021, and a proclamation made under section 7 of the Roads and Jetties Act 1935, Binalong Bay Tourist Road has been declared a State Subsidiary Road, and consists of:

- Quail Street, from its intersection with Cecilia Street, St Helens, to its intersection with Binalong Bay Road, St Helens, for a distance of 0.453 km; and
- Binalong Bay Road, from its intersection with Quail Street, St Helens, to a point 108m south of its intersection with Cray Court and Main Road, Binalong Bay, for a distance of 8.367km.

Subsequently, Binalong Bay Tourist Road is not shown in the State Road Casement layer published on the LIST. As the road now forms part of the State Road network, Binalong Bay Tourist Road should be appropriately zoned Utilities.

The commencement and termination of Binalong Bay Tourist Road are depicted in green in Figures 1 & 2, below:



Figure 1. Commencement of Binalong Bay Tourist Road, as it meets Quail Street.

¹ Tasmanian Planning Commission (2018) Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application. Version 2.0. Accessed at https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf



Figure 2. Termination of Binalong Bay Tourist Road, 108m to the south of the Cray Court intersection.

Application of Road and Railway Attenuation Area

State Growth supports Council's approach to rely on the written application of the Road and Railway Attenuation Area provisions, rather than applying the Attenuation Area via overlay mapping. The latter approach would require the overlay mapping to be updated via a Planning Scheme Amendment each time a parcel of land is acquired or disposed of for road development purposes.

The approach taken ensures consistency with other approved LPSs, such as Sorell, Brighton, Meander Valley, West Coast, Circular Head, Burnie, Central Highlands and Devonport.

Application of Natural Assets Code Overlay

There are several instances where the Natural Assets Code overlay maps Priority Vegetation Areas over the existing carriageway of the State Road Network. Application of this overlay to the State Road Network has the potential to constrain future use and development of the road network.

As per NAC 11 of the Guidelines, it is requested that - unless sufficient justification can be provided - the Natural Assets Code Overlay Maps be reviewed to ensure that Priority Vegetation Areas do not overlap with any State Roads, which are appropriately zoned Utilities.

It is recommended that the draft Natural Assets Code overlay maps are removed from all State Road parcels.

Resources

Mineral Resources

The land contained in CT 85925/I on Lottah Road, Weldborough is proposed to be zoned Utilities (see Figure 3). This land is subject to Mining Lease 30M/1997.

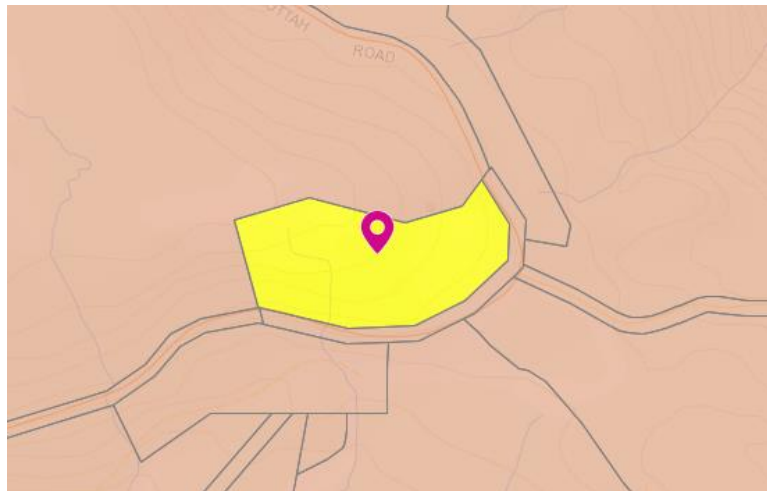


Figure 3. Proposed zoning of CT 85925/I. Yellow denotes the Utilities Zone; brown denotes the Rural Zone.

Extractive Industries is a prohibited use within the Utilities Zone. As such, unless there is a specific need for this land to be zoned Utilities, it is recommended that the land be zoned Rural, consistent with the zoning of adjoining land.

Forestry

There are several examples of parcels of land that are subject to a Private Timber Reserve which are proposed to be included within a zone other than the Rural Zone.

Under the Break O'Day Interim Scheme 2013, all Private Timber Reserves are currently zoned Rural Resource.

RZ I of the Guidelines states:

The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

It is State Growth's position that Private Timber Reserves are set aside specifically for forestry purposes, and thus have limited potential for agriculture. As such, Private Timber Reserves should be zoned Rural, consistent with RZ I of the Guidelines.