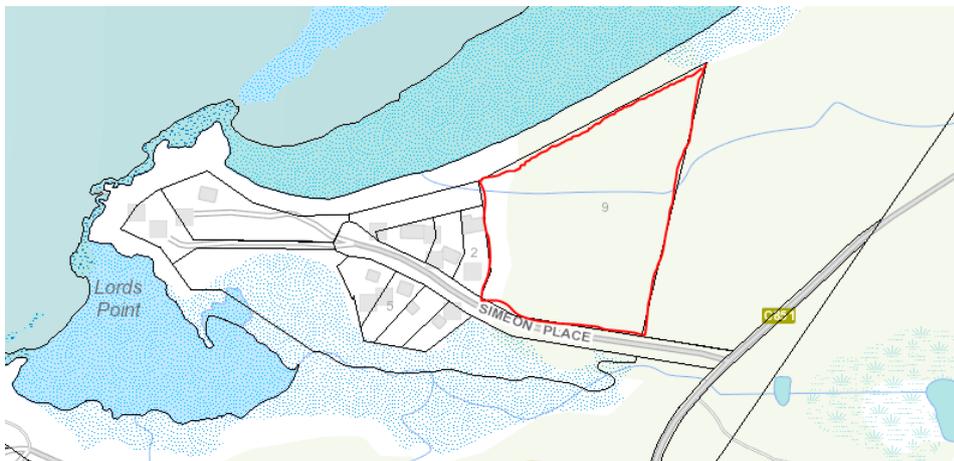


TPC Post Hearing Responses from North East Bioregional Network

Hearing Submission R19 John and Annie Campbell Smith 9th September

The hand written letter tendered by the Campbell Smiths at the Hearing (which we were not privy to at the time) relates to the conservation status of Melaleucas and is in response to the North East Bioregional Networks representation about their land. The NEBN representation regarding this land notes the presence of Melaleuca ericifolia forest within the area delineated in red below. This forest community is listed as a threatened forest community under the Nature Conservation Act 2002.



The dark green areas above are indicative of sea level rise inundation by 2050. They also are a good surrogate for the presence of Melaleuca ericifolia forest on the land in question because they represent low lying areas which are favoured by Melaleuca ericifolia. The inundation map also provides clear evidence the land (and the Saltmarsh area to the south of the residence) should be zoned Environmental Management as it is not suitable for development not only because of the presence of threatened vegetation communities but also because of future sea level rise.

Hearing Submission R8 John and Annie Campbell- Smith 7th September

This document confirms the presence of of *Melaleuca ericifolia* forest on the land to the north of Simeon Place in "Area 2". Photos on page 7 of the document Identified as Image 2 and Image 3 show pictures of *Melalueca ericifolia* forest.



Above: Image 2 and Image 3 showing *Melalueca ericifolia* forest at 9 Simeon Place

Hearing submission R9 Bob Hamilton 7th September and Post Hearing Submission 27th September obo Parnella Holdings

As a general statement the representation tendered by Bob Hamilton seeks to portray the document entitled "Parnella Wildflower Park" as a comprehensive ecological assessment when in fact it was a very brief piece written to provide some guidance to the Council about the values of the land as Public Open Space and for NEBN to assist Council in managing the land to maintain its natural values. Never the less the Parnella Wildflower Park document does provide enough information to demonstrate the land has ecological value. Todd Dudley has tendered his CV to the TPC and has around 40 years conservation land management experience and knowledge most of which was gained in the Break O Day area.

The headings and associated comments from NEBN below relate to those in the Hamilton document

Subject site

The Hamilton representation highlights the relatively small degraded areas on the land while downplaying its positive ecological values. The drain referred to was constructed by the Council after the Parnella Wildflower Park document was written and is an unnecessarily high impact on the riparian vegetation present. The presence of some degraded land does not detract from the fact that most of native vegetation on the land is in excellent ecological condition and it also needs to be noted of course that such degradation can be restored to better condition over time.

Ownership of land

The Parnella Wildflower Park report was written based on the understanding that the Break O Day Council owned the land. The Council has provided information in its s34 report regarding the titles intended use as Public Space at the time it was subdivided as well as the fact that Parnella Holdings was deregistered and that the Adverse Possession claim on the land made by Michael Morley was rejected by the Titles Office.

Threatened species observations and Dudley submission.

Hibbertia calycina does not occur on the site. This was just a mistake in editing rather than mis identification of the species. As can be seen the flora species list at the end of the Parnella Wildflower Park document only lists Hibbertia virgata. We refute the assertion that this mistake was due to Todd Dudley being a "botanically inexperienced person" or "amateur naturalist" and **request that this statement be withdrawn as it could be deemed as being highly defamatory.**

Actual records of Threatened Flora Species on the Subject Site

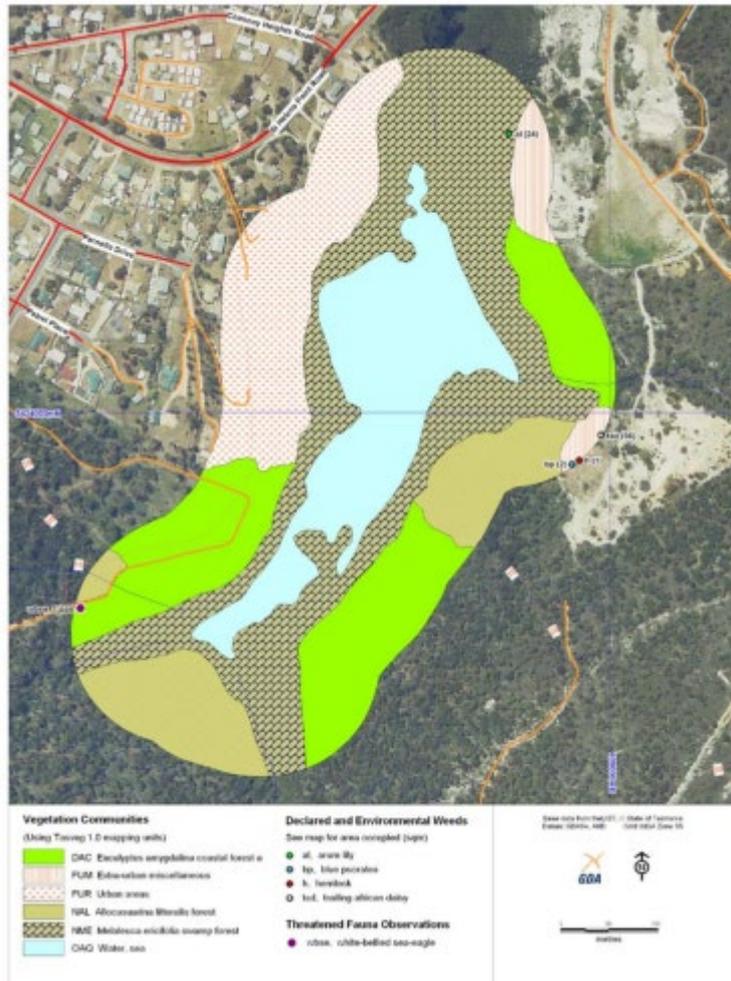
As noted Todd Dudley recorded Hibbertia virgata and Acacia ulicifolia on the site in 2014

Conclusions

Point 4. Threatened flora are listed on the Tasmanian *Threatened Species Protection Act 1995* after careful assessment by scientific experts on a Scientific Advisory Committee. The purpose of the listing is to highlight their perilous state and seek to improve their status over time..... not to allow continual incremental loss. The submission seeks to have the land rezoned to General Residential which would mean the destruction of all the threatened species present and all of the bushland encompassing them.

Point 5. The land contains suitable habitat for the EPBC listed New Holland Mouse

Point 8. The Hamilton submission claims Chimneys Lagoon is “of little conservation significance” yet the Chimney Lagoon Conservation Area was created as a result of an assessment during the Crown Land Assessment and Classification (CLAC) process where it was deemed as having sufficient conservation values to be declared a Conservation Area under the *Nature Conservation Act 2002*. The 2009 North Barker report Break O Day Coastal Lagoon Assessment contains vegetation mapping which included two threatened forest types surrounding Chimneys Lagoon. 7.4 ha of *Melaleuca ericifolia* forest was mapped as being present around the entire perimeter of the lagoon while there was also 2.4ha of *Allocasuarina littoralis* forest in very close proximity to the lagoon.



Vegetation mapping from the North Barker report.

-  *Allocasuarina littoralis* forest
-  *Melaleuca ericifolia* forest

Point 9. The submission suggests that the land has poor landscape context. While being adjacent to urban development is not ideal many conservation reserves are in such locations throughout Tasmania and in this case the land shares one of its boundaries with land with a permanent conservation covenant on it which in turn is connected to Chimneys Lagoon and St Helens Point Conservation Areas which is a positive from a landscape context and connectivity perspective. In

addition most of the land is in excellent ecological condition apart from the unfortunate works carried out by Council and as such in my professional opinion as a ecological restoration practitioner of nearly 40 years the site has a high level of ecological resilience meaning it will be able to persist as a functioning ecological system as long as it is managed properly.

The argument put forward that the site has a poor perimeter to area ration is not supported. The shape of the land is relatively square rather than being long and narrow which means it has a relatively satisfactory core area which assists in terms of being for example resilient to weed invasion. In addition one of its two longer perimeters adjoins the permanently protected conservation covenant land thus this perimeter of the land can be considered an extension of the covenant from an ecological perspective.

Point 10. Despite there being little management of the land for a number of decades it has still remained in good ecological condition with the most damaging impact being the Councils unnecessary drainage works. The fact that most of the land has remained in good condition and supported a great variety of native flora species including two threatened species despite lack of management effort indicates a high level of ecological resilience contrary to the submissions claims.

Poor land management practices from the Council should not be used as a justification to rezone the land.

Council submission dated 7th and 11th October 2022

PLANNING AUTHORITY 1

Directions Schedule for Break O'Day Draft LPS

PLANNING AUTHORITY 1

Relates to Rep 22

Provide a statement that explains the methodology used to establish the urban growth boundary defined in the Land Use and Development Strategy – Break O'Day Council Municipal Management Plan 2015

Response:

The Land Use and Development Strategy 2015 forms part of the Break O'Day Municipal Management Plan, an overarching document of Break O'Day Council that informs strategic planning. Council formally adopted the document at its meeting in May 2016.

Section 15.4 Urban Growth Area Boundaries of the Land Use and Development Strategy 2015 (page 94), details the development of the Urban Growth Area Boundaries.

Extract from Land Use Strategy

15.4 Urban Growth Area Boundaries

Urban growth area boundaries were originally identified as part of the Regional Strategy for all municipalities in the north-east including Break O'Day. The original draft planning

scheme for Break O'Day (which evolved into the current Break O'Day Interim Planning Scheme 2013) also identified urban growth area boundaries for St Helens, St Marys, Scamander, Fingal, Ansons Bay, Binalong Bay, Beaumaris, Falmouth, Cornwall, Mathinna and Weldborough. At that time, it was identified that more than 10 years of land supply was provided inside the Urban Growth Areas when they are viewed as a whole. It was also recognised that it was likely that the small coastal settlements will reach capacity before 2032.

Based on the analysis undertaken as part of this Land Use and Development Strategy and including recommended potential opportunities for land use changes in the short, medium and long term, new urban growth area or settlement boundaries to 2035 have been identified. It is recommended as part of this Strategy that these boundaries can be considered by Break O'Day Council and endorsed as part of the Settlement Strategy for growth in the LGA over the next 20 years which can then be recognised at the regional level. It is recommended that these boundaries be enforced by Break O'Day Council to **ensure the sustainable and efficient use of land.**

COMMENT:

Allowing Councils in partnership with private consultants to develop Structure Plans or Land Use Strategies represents a conflict of interest for the Planning Authority especially so if the Local Council publicly and openly has a very pro-development agenda. No Local Council land use plan should be endorsed or have legislative status without it going through an independent assessment process through the Tasmanian Planning Commission to reduce the risk of corruption.

The Urban Growth Boundary suggested in the Land Use Strategy was not based on an understanding of the impacts of urban development on the ecological values of the Break O Day municipalities coastal zone (as per the evidence provided by NEBN through Simon Roberts) and didn't properly assess the ecological values or suitability of some of the existing General Residential zoned land.

Poseidon st and Chimneys Lagoon TPC directions letter 20th September 2022

As a general comment about both the private property adjoining Chimneys Lagoon and Boggy Creek we have demonstrated through the expert evidence tendered by Simon Roberts (Attachments F and G) that allowing high density development in close proximity to coastal waterways and wetlands will inevitably lead to degradation of those aquatic ecosystems and associated terrestrial vegetation communities. High density development adjacent to coastal waterways and wetlands (Boggy Creek and Chimneys Lagoon) at the lot sizes allowed in the General Residential Zone are not compatible with maintaining the natural values of those sites. As such the current General Residential zoning abutting Chimneys Lagoon and Boggy Creek is inconsistent with the requirements of the State Coastal Policy.

Poseidon st values/impacts/constraints



Threatened Wet Eucalyptus viminalis forest Boggy Creek adjacent to Poseidon st land

The land adjoining the Poseidon st properties in question contains the following values.

- Three threatened forest communities being Melaleuca ericifolia forest, Wet Eucalyptus viminalis forest and Eucalyptus viminalis-Eucalyptus globulus coastal forest and woodland.
- Habitat for Swift Parrots, Giant Velvet Worm
- Coastal wetland and upstream waterway

Development constraints include steepness of land, scenic impacts, high fire risk.

The combination of steepness and high fire risk along with General Residential Zoning means complete loss of native vegetation leading to increased erosion risk, sediment entering the wetland and waterway, weed invasion, impacts on scenic amenity and locating development in a high fire risk area creating more pressure for clearing and fuel reduction burning on adjoining land including the Boggy Creek Conservation Area.

On the 18th of November Federal Minister Murray Watt was interviewed on 3AW.

The federal Emergency Management Minister is calling for new laws to stop homes being built on floodplains and high bushfire risk zones. Murray Watt warns planning systems aren't fit for purpose and Australians are "paying the price".

Also in relation to planning for fire risk on the 18th of November in the Sydney Morning Herald we quote the following:

New laws are urgently needed to stop houses being built in high-risk floodplains or bushfire zones, says federal Emergency Management Minister Murray Watt, as he warns current planning systems are not fit for purpose in the face of escalating natural disasters driven by climate change.

Watt said necessary reforms to the "complex system" of state and council planning laws had been put in the too-hard basket for too long.

The images, information and recommendations below are from the North Barker report 2009 Break O Day Coastal Lagoon Assessment. This along with the evidence provided by Simon Roberts mean that Landscape Conservation Zone is the most appropriate zoning for the Poseidon st titles.

Photo 14.2. Google Earth aerial photo of Boggy Marsh Creek study area.



Veg Code ⁹²	Vegetation Community Description	State-wide Conservation Priority and Reservation Status ^{93, 94}	Bioregional Conservation Priority and Reservation Status ^{2, 3}	Condition*
ARS	Saline sedgeland/rushland	Not threatened	Not threatened	1
DSO	<i>Eucalyptus sieberi</i> forest and woodland not on granite	Not threatened	Not threatened	1
DVC	<i>Eucalyptus viminalis</i> - <i>Eucalyptus globulus</i> coastal forest and woodland	Threatened and inadequately reserved	Threatened and inadequately reserved	1
FUR	Urban areas	-	-	4
NME	<i>Melaleuca ericifolia</i> swamp forest	Threatened and inadequately reserved	Threatened and inadequately reserved	1
OAQ	Water, sea	-	-	-
WVI	<i>Eucalyptus viminalis</i> wet forest	Threatened and inadequately reserved	Threatened and inadequately reserved	1

* - Refer to mid and high level assessments for descriptions of the condition levels.

14.7 Threats

The key threats identified include;

- Development within adjacent native vegetation**
- Poor flushing leading to increased sedimentation and infilling
- Rubbish and runoff from road

14.8 First Aid

Suggested first aid actions, listed in priority order, include the following;

- 1. Encourage planning laws which restrict further development within a defined buffer zone around Boggy Creek Wetland.**
2. Undertake educational activities with local residents.
3. Install an information/education sign in adjacent park.
4. Remove scattered rubbish from Tasman Hwy edge.
5. Increase flushing at mouth of salt marsh.

Chimneys Lagoon

All of the titles we have identified adjoining the Chimneys Lagoon Conservation Area or the private land title with a conservation covenant on it abut not only the Chimneys Lagoon wetland but also threatened *Melaleuca ericifolia* forest which encircles Chimneys Lagoon. This combined with Simon Roberts evidence and the recommendations from the North Barker report below lead to the conclusion that the most suitable zoning for these titles would be under the Councils proposed Coastal PPZ.

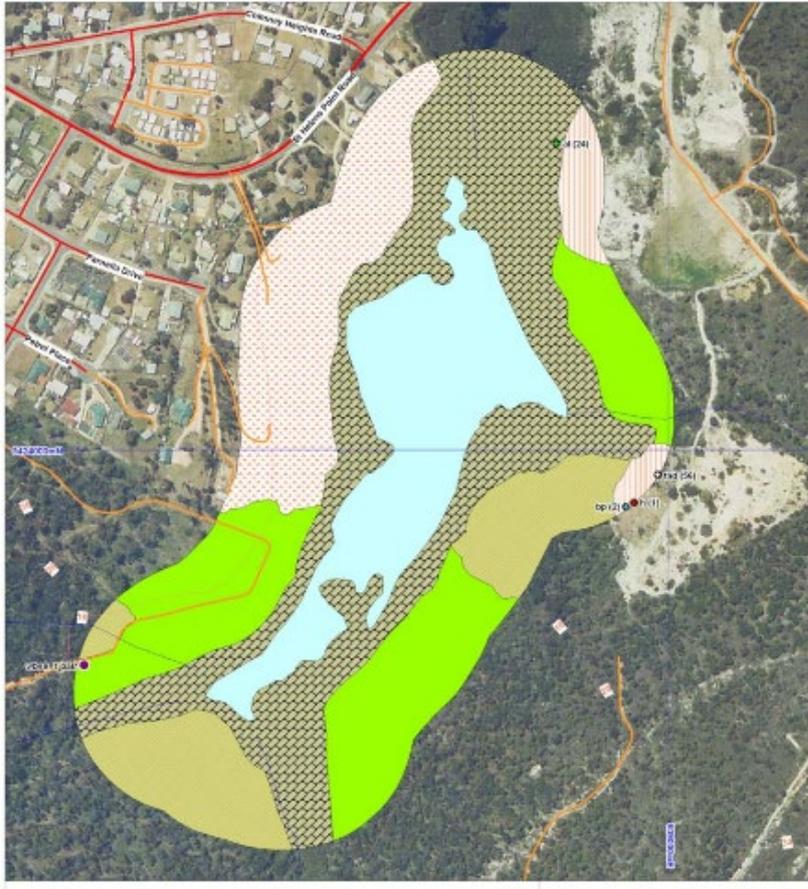
The following recommendation from the North Barker report of 2009 Break O Day Coastal Lagoon Assessment reinforces the evidence provided by Simon Roberts which formed part of our representation to the Council and TPC in relation to the connection between urban development and impacts on terrestrial and aquatic natural values

Urban development – High Threat. The existing residential development and potential future developments within the catchment pose threats to water quality due to increased sediment and nutrient runoff into the lagoon. Pressure from urban development is at moderate levels, with the housing along St Helens Point occurring within the 100m buffer zone of the lagoon. It is understood that more areas around the lagoon are zoned residential, which if allowed to go ahead would put further pressure on the lagoon. Restrictions on what type and scale of future development should be put in place within a buffer around Chimneys Lagoon, to help protect the remaining habitat, the water quality and other natural values of the area.

8.10 First Aid

Several actions could be undertaken to reduce the threats that are currently facing Chimneys Lagoon, including:

- 1. Encourage planning laws which restrict further development within a defined buffer zone around Chimneys Lagoon.**



Chimneys Lagoon Vegetation mapping North Barker report

-  Melaleuca ericifolia forest
-  Urban land (titles adjacent to Chimneys Lagoon)

PLANNING AUTHORITY 10 White Sands Major Tourism Zoning.

As stated previously the allocation of Major Tourism Zone needs to be very carefully applied as it provides extensive development rights once allocated.

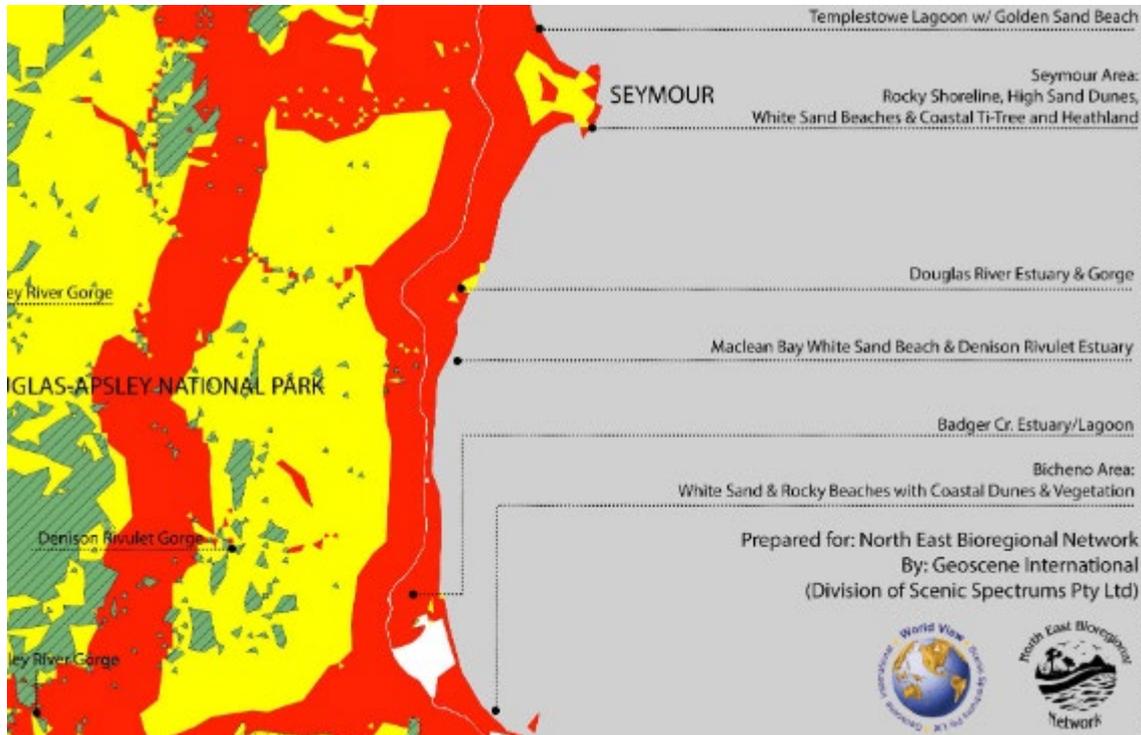
There is no justification for allowing the amount of undeveloped land being sought to be zoned Major Tourism. The zoning needs to reflect the current development footprint



Red is acceptable as Major Tourism Zone but not Blue area

PLANNING AUTHORITY 11 Seymour south titles adjoining Douglas Apsley NP LCZ

These titles have substantial areas of native forest coverage which adjoin the Douglas Apsley National Park. In addition they have important scenic values on the route along the coast north of Bicheno.



PLANNING AUTHORITY 12 NRE Crown blocks EMZ

We have provided detailed information about the ecological values of these titles which make them suitable for Environmental Management Zoning. The ecological information was generated from expert on ground surveys of all of the titles.

PLANNING AUTHORITY 14

See comments previously under R8 and R19 John and Annie Campbell-Smith which make the case that the parts of the title to the north east and south have important natural values as well as being subject to sea level rise/inundation and as such they are not suitable for development and should be zoned Environmental Management.

In relation to the portion of land with a residence on it we don't support Councils recommendation that this part of the title should be zoned Low Density Residential because this would allow further subdivision in an unserviced, scenically and environmentally sensitive location which is also subject to significant coastal inundation consequences in the surrounding area.

PLANNING AUTHORITY 15

See comments above under the heading of Poseidon st and TPC directions letter 20th September 2022. As stated previously we have provided expert evidence that high density development as permitted under the General Residential Zone is not compatible with the maintenance of high conservation value vegetation and coastal wetlands and waterways.

The Council notes in relation to land zoned General Residential adjacent to Boggy Creek and Chimneys Lagoon that “...any proposed development in future, if any, could be adequately addressed through planning instruments” but provides no evidence to support this case either by referring to relevant planning clauses and more importantly providing evidence/examples of where the Council has successfully managed stormwater impacts associated with General Residential zoning. We would suggest that the fact that the Council has initiated a Stormwater SAP is indicative of the fact that stormwater is not being managed under existing arrangements. Further we contend that the Councils proposed Stormwater SAP will not adequately address the environmental impacts arising from stormwater discharge into coastal waterways and wetlands.

In contrast NEBN has provided substantial expert evidence of the impacts of high density development on coastal waterways and wetlands. General Residential Zoning in locations in close proximity to Boggy Creek and Chimneys Lagoon is therefore not appropriate and inconsistent with the State Coastal Policy. The Poseidon st titles should be zoned Landscape Conservation Zone and after further consideration NEBN believes that the most suitable zoning for the titles adjacent to Chimneys Lagoon would be in the Councils proposed Coastal PPZ.

NRE response from Jason Jacobi re FPPF areas 18th August 2022

The purpose of reviewing and allocating zoning for land is to ensure that the land is zoned according to its most appropriate use based on evidence presented. The NRE letter merely states the Governments position on the land rather than providing any evidence to support the proposed zoning of FPPF land.

In contrast the NEBN submission provided three documents in support of Environmental Management zoning for the FPPF areas. The first two relate to the Linking Landscapes project undertaken by NEBN between 2005 and 2007 which involved two years of GIS analysis and on ground surveying to identify public land suitable for addition to the protected areas network in NE Tasmania. The Linking Landscape map provided an overview of the location of

these areas in NE Tasmania while the Linking Landscapes report includes a detailed analysis of each FPPF area in terms of its size, threatened species and ecological communities, natural/ecological values, landscape context/connectivity and where relevant any other values such as water catchment and scenic protection.

The Linking Landscapes methodology used best practice conservation planning principles and technology. The recommended land use for nature conservation and thus Environmental Management Zoning is consistent with:

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;
2. In [clause 1 \(a\)](#), *sustainable development* means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

The nature conservation merits of the FPPF areas are further verified and confirmed by Peter Hitchcocks report *Verification of the Heritage Value of the ENGO Proposed Reserves IVG Forest Conservation Report 5A* which we also submitted. The report acknowledged (page 294) that the East Coast Connectivity Corridor was “one of the more important latitudinally connected tracts of native habitat in Australia”.

The Hitchcock Report placed “considerable emphasis on the importance of habitat connectivity” which is a key requirement for maintaining ecological processes as per Schedule 1 Part 1 1.(a)

The Hitchcock Report noted on page 259 under the heading of Key Documents that:

Two key documents provided valuable guidance for this section of the verification process:

- North East Bioregional Network and Wilderness Society 2007. Linking landscapes: A wild country vision for North East Tasmania). This

document provides an important conceptual background on the rationale for selection of the land parcels presented as ENGO-proposed reserves in the North East cluster.

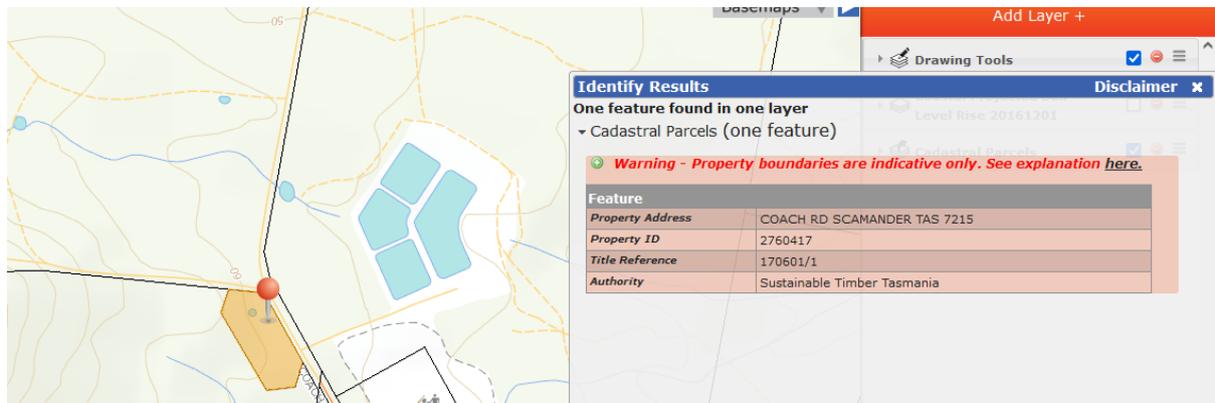
- McQuillan* PB 2011. Report (9A) to the Independent Verification Group, December. (Draft)

At the TPC public hearings in September Dr Peter Mcquillan provided further evidence on the unique biodiversity values of NE Tasmania including those in the FPPF areas of the Break O Day municipality and on private and public land in the St Marys region.

TASNETWORKS 17th August

We support the NRE submission opposing the establishment of Utilities Zoning for the South Sister area.

TASWATER Scamander Reservoir Utilities Zoning



THE LIST identifies this land as being STTAS land.

DENNIS BUCHANAN 13th October 2022

NEBN supports four of the titles identified as 89 Upper Scamander road on THE LIST being zoned Landscape Conservation Zone in order to maintain landscape connectivity between Scamander Conservation Area, Henderson Lagoon and Winifred Curtis Reserve and the hinterland.

Habitat corridors to the north of this property are being lost through urban development while to the south there is an extensive area of cleared Agricultural land. In both cases species movement is significantly constrained and more so as urban development increases and the farmland is subject to more intensive use via pivot irrigation.

The larger lots (26754/5, 26754/6 in particular have extensive areas of native vegetation most in keeping with Landscape Conservation zoning while 26754/1 and 137864/1 also have good native vegetation cover suitable for LCZ.

141750/1 is suitable for Rural Living Zoning



Landscape context. The Buchanan land forms part of an important habitat corridor which is constrained to the north by urban development and to the south by agricultural land.

Todd Dudley

President

North East Bioregional Network

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