

## Representation No 42

PO Box 140  
Scamander,  
7215



The Manager  
Break o Day Council  
10/12/21

Dear Sir,

### Comment on Local Provisions Schedule for DRAFT BREAKODAY PLANNING SCHEME

My wife Susan and I purchased our property at 18 Greenbank Drive in 1978 and have been involved with Planning submissions to the Planning Commission and RMPAT, and Parliamentary hearings since 1983. Representation has been as a community representative in the various groups representing Fourmile Creek and BODC municipality.

In 1983 the Chain of Lagoons Road Link was proposed to go through the village and not around it, as it is located now.

We make this submission as individual ratepayers on the current LPS which may or may not be adopted when the current group "Friends of Fourmile Creek Inc" finalises its committee membership early in 2022.

So basically we support the translation of the draft Planning Scheme by the Break o Day Council, with a few variations in interpretation.

We will comment on zoning from Falmouth to Chain of Lagoons.

#### Map number 40

- 1 Falmouth. We support the low density zoning of Falmouth with a caveat that further subdivision be prohibited either within the town or adjoining the current town boundary of Falmouth.
- 2 Environmental Management Zone. We support this zone
- 3 Landscape Conservation Zone. We support this zone
- 4 Agriculture and Rural. We feel that this zone should also be overlaid with the restrictions in the Landscape Conservation Zone due to its high landscape values as seen from the Tasman Highway at almost every point in both directions. So we disagree with Rural for this zone and it should be changed to Landscape Zone.

#### Map number 21

- 5 Agriculture and Rural As for . As for 4 above On this map the 6 boundary adjustment blocks are shown As Agriculture. The mapped zoning doesn't fit with the high value threatened species of fauna and flora habitat or the high value landscape values of this area. Change as for 4 above.

- 6 Landscape Conservation Zone in and around Fourmile Creek and south to Iron House Point. We support this zoning with the exception of the vineyard on the western side of the road, this should also be changed to Landscape Conservation, for obvious reasons.
- 7 Environmental Management. Northern end of Fourmile Creek Beach. This area was one of the many areas promised by government to be purchased for public access along the Link Road. Like politicians promises, nothing eventuated despite fierce lobbying from the Fourmile Creek community. Currently privately owned was originally zoned Public Open Space in the "Interim Order Planning Scheme that governed land following the construction of the Chain of Lagoons Road Link. Following 2 RMPAT Appeals, and a Supreme Court Appeal, the Council changed the zoning to allow the current house to be constructed. We submit that this land should stay in Environmental management Zone, allowing no further development.
- 8 Particular Purpose Zone.... Fourmile Creek Village. We support this zoning and oppose any change or enlargement to this zone.
- 9 Recreation Zone..... supported
- 10 Major Tourism Zone... White Sands... We support this zone around the existing development but do not agree with the new title addition heading SW from the eastern cluster of development. That title should be zoned landscape management.
- 11 Landscape Management Zone. For the rest of the coast through to the municipal boundary, we submit that all that country in private ownership needs to be zoned landscape management, without exception.  
As a general comment on this zone, we submit that the biodiversity overlay in the Natural Assets Code is comprehensive, and that it takes into account the importance of landscape connectivity/wildlife habitat corridors. This needs to be included in all assessments of the establishment and management of this zone.

#### Proposed New Zone

PROPOSED ONE KILOMETER PROHIBITION OF subdivision, strata titles, tourism developments, bnbs, ZONE FROM HIGH WATERMARK>

The background to this occurred when the 1996 State Coastal Policy was introduced by the Liberal State Government. There is no need to quote from that document in this submission. However the intention of the Policy was to contain and stop Coastal Ribbon Development, as has occurred in places like Beaumauris, for instance. The State at that time was looking to preserve coastal assets of Fauna, Flora, Archaeology and Landscape for future generations to enjoy and continue to foster.

One of the main thrusts was to centralise development in centres like St Helens and Bicheno, leaving the rest of the coast virtually untouched by development. Combined with this was the fact that the property known as "Chain of Lagoons" [CoL] had approximately 160 titles already existing over the 20 kilometers of its ownership. The property being a farming asset ran the risk of being sold off in small titles and further subdivision occurring on those titles. The then BOD Council took the "visionary" step of introducing the "One Kilometre Prohibition Subdivision" into its Planning Scheme around the turn of the century. The "CoL"

property continues to be farmed today 20 years on. So the Councils decision saved this and other areas from inappropriate development along its whole coastline.

We submit this should continue and include other prohibitions eg,

1 Tourism Development outside fully serviced centres of St Helens and Bicheno.

2 BnBs or similar tourism development, outside fully serviced centres

3 Strata Titles, this has become a loophole since the last planning scheme and is inappropriate to allow this to continue in the coastal zone as a pseudo subdivision, as mentioned above.

4 Landscape conservation must also hold sway as priority in this zone. The Scenic Corridors of 50 or 100 meters are an insufficient "stop gap" in every case. They do not preserve landscape or protect biodiversity.

5 Streamside management must also be strengthened in this zone. There must be no trade offs for the maintenance of storm water and stream quality. The forest Practices Code must be introduced into this zone to allow "minimum" reserves as it describes for the highly erodible soils of the east coast. In fact it states that reserves may be increased by the Forest Practices officer to account for these soils. The same needs to apply in this zone when considering any development including farming.

6 Housing or any Development.... under no circumstances should housing or development be permitted in areas of threatened fauna, flora, landscape values or aboriginal or European archaeological sites, areas of landslip or highly erodible soils, as has recently occurred at 4 Mile Creek in an unbelievably ad hoc manner.

So this new zone needs to be implemented to control landowners, who are increasingly foreign or come from interstate, and have no knowledge or allegiance to the Special Values of the east coast of Tasmania. It also applies to Tasmanian private property owners who do not all take these issues into account. In short, this Scheme needs to protect the environment from private owners.

#### Other Comments

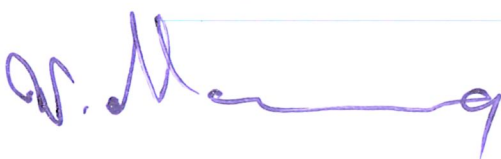
#### Future Potential Production Forests

...These should be placed in the Environment Protection Zone to save the Special Values from decimation, including landscape values, as is occurring illegally in Victoria, by the State owned forest agency.

#### Rural Zoning.

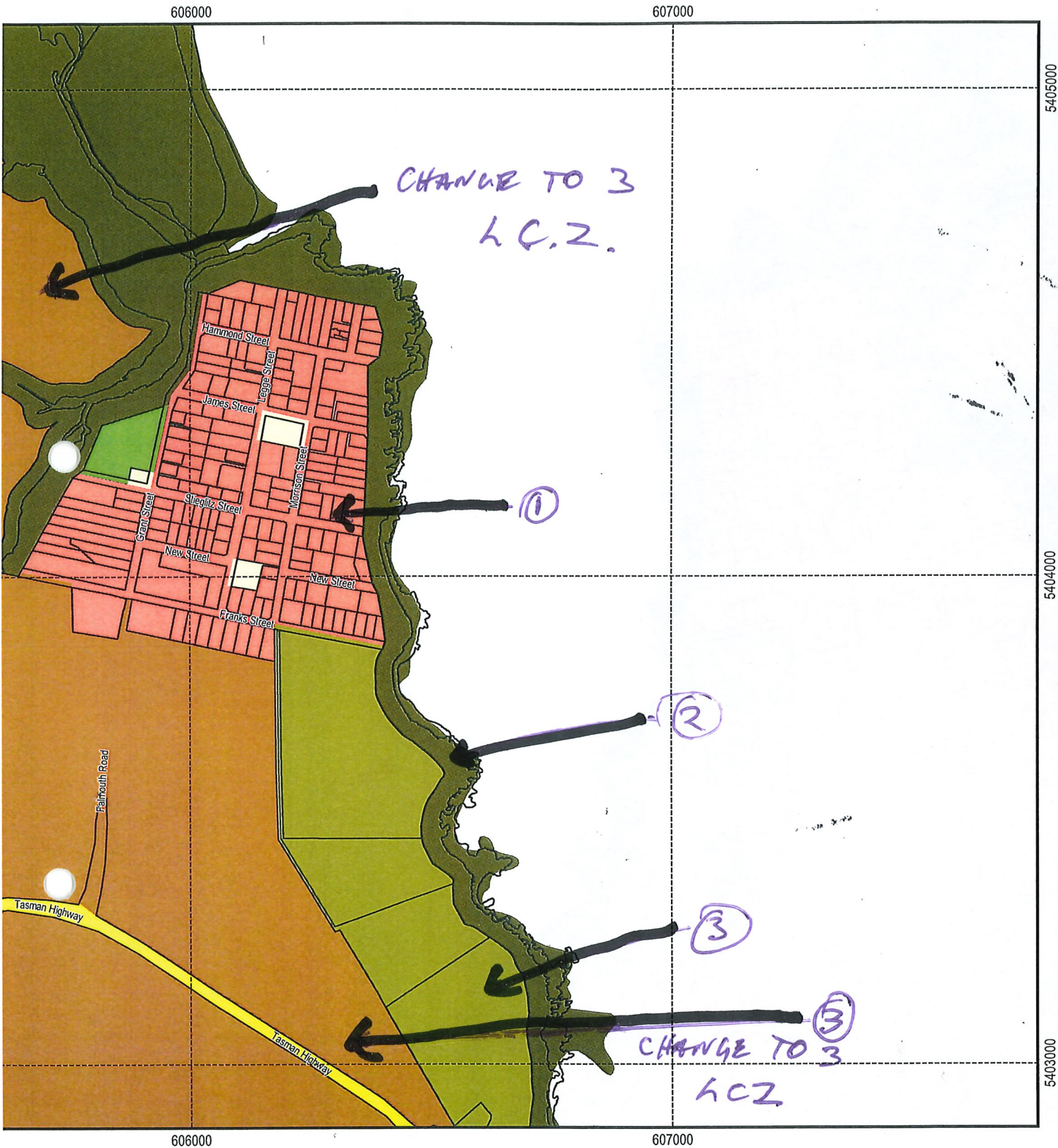
This zone has not been assessed on an intensive basis. It also needs landscape assessment to protect these and other values into the future. After all, that's hopefully what we are doing, planning for the future for the generations to come?

Susan and Bill Manning





# Break O'Day Local Provisions Schedule



Map 40 of 44



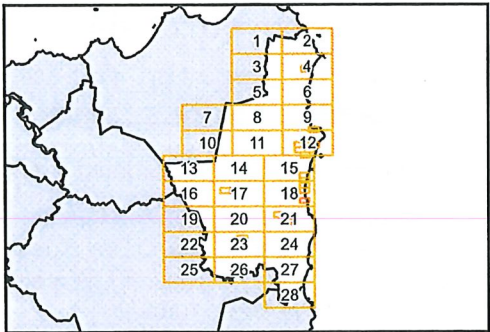
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Coordinate system: GDA94 MGA Zone 55

Zone data from Break O'Day Council

Base topographic data from: The LIST © State of Tasmania

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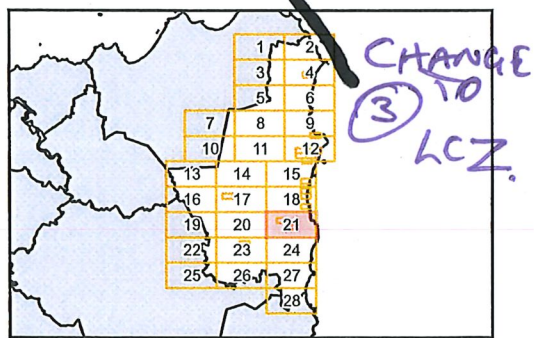
# 'Day Local Provisions Schedule



Map 21 of 44

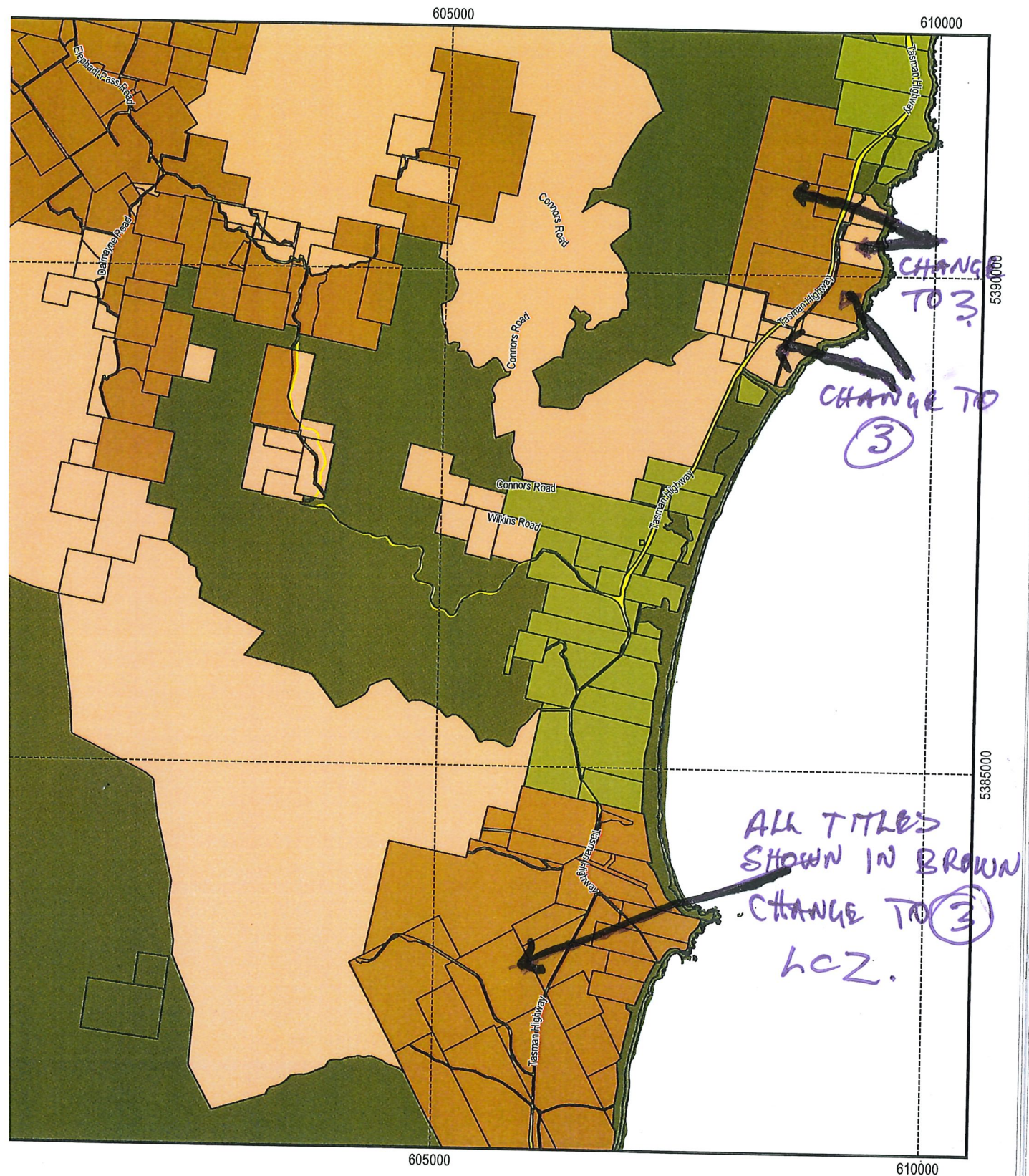


Scale: 1:55,000 when printed at A3  
Coordinate system: GDA94 MGA Zone 55  
Source data from Break O'Day Council  
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# Break O'Day Local Provisions Schedule



Map 24 of 44

Scale: 0 0.5 1 1.5 2 2.5 km

Scale: 1:55,000 when printed at A3

Coordinate system: GDA94 MGA Zone 55

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