Friends of the East Coast Inc.

Tasmanian Planning Commission
GPO Box 1691, Hobart Tas 7001
tpc@planning.tas.gov.au

17 May 2016

Dear Sir

Submission on Draft:
State Planning Provisions

Friends of the East Coast Inc has been set up to inform the community on planning issues impacting on the East Coast in Tasmania. In recent years there has been increasing pressure to develop this coast by piecemeal sub-division. **Friends of the East Coast** has evolved in response to community concerns that their voices need to be heard by local councils and the State Government.

Friends of the East Coast has a website, www.friendsoftheeastcoast.org which provides information relating to state and local planning, land use and development issues that impact on the East Coast of Tasmania.

The focus is specifically on issues that enhance or degrade East Coast community interests, residents' well-being and opportunities for participation in planning decisions.

The overall aim of **Friends of the East Coast** is to protect the unique environment of the Tasmanian East Coast from inappropriate development.

Our submission below focuses on issues relating to our specific interests, though the issues relate to all of Tasmania, particular coastal regions.

Inadequate public involvement

We have concerns about the form of public consultation around the development of the new **Tasmanian Planning Scheme**, including the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Bill 2015*, these **Draft State Planning Provisions** and the future **Local Provisions Schedules** anticipated in the near future. We believe the processes are grossly deficient and fail to meet the Objectives of the **Resource Management and Planning System**; viz:

The objectives of the **Resource Management and Planning System of Tasmania** include –

(c) to encourage public involvement in resource management and planning; and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

We maintain that public involvement has not been encouraged and there is little evidence of sharing of responsibility for planning with the community. The community has been shut out.

Merely posting the **Draft State Planning Provisions** and associated documents on a website and then limiting submissions to 60 days is far from adequate for such a major change to the planning system. No real attempts have been made by the State Government to engage with the community, to debate, to explain.

Even the current "exhibition" process – where submissions are received by the **Tasmanian Planning Commission**, internally assessed, and a report forwarded to the Minister – is insufficient. The Commission has an option, but not an obligation, to hold public hearings in relation to the submissions.

Summaries of the submissions are to be provided to the Minister, but there is no obligation on the Commission or the Minister neither to publish the summaries of submissions nor to publish the Commission's report and recommendations. Thus, the public are entitled only to make written comment, but thereafter are kept in the dark.

Interestingly, even the above comments may be rejected. Under the Act only comments in representations (submissions) must be on-topic to be considered:
Section 23 (3)

> "..... any matter, contained in a representation .... in relation to a draft of the SPPs, that does not relate to the contents or merits of the draft is taken to not be part of the representation."

Unacceptable management of the public estate

Throughout the **Draft State Planning Provisions** a wide range of measures are designated to reduce planning controls over the management of the natural environment by way of **Codes**, **Exemptions**, **Permitted Uses**, and so on. Chief amongst these mechanisms are the **Natural Assets** and **Scenic Protection Codes**, both of which require major amendment.

Some of the Permitted Uses in the **Environmental Management Zone** effectively remove community involvement in the management of this sensitive zone.

There is really only one new proposal which **Friends of the East Coast** wholeheartedly supports: the introduction of the **Landscape Conservation Zone** to replace the Environmental Living Zone. The new zone limits residential use to a single dwelling of not more than 6m height and a minimum lot area of 50ha.

Natural Assets Code

By far the most glaring problem in this code is the definition of **priority vegetation** to be only threatened native flora species or habitats for threatened fauna species. Thus, only currently threatened species are to be protected. All other vegetation is thus unprotected. This is breathtaking – our natural assets worthy of careful management are only threatened species – all else is expendable. The definition needs to be broadened to include common species with the focus of the code to be expanded to cover protection of habitat corridors and protection of emerging threats to biological diversity both locally and statewide.

Exemptions within this code are far too broad. To exempt clearance of **priority vegetation** within public gardens or parks, within National Parks or within State or Council reserves [C7.4.1 (d)(ii)] is unacceptable. Also, such clearances under a plan certified under the *Forest Practices Act* [C7.4.1 (e)] are questionable. Most of the Exemptions in the code [C7.4] depend on the dubious recommendations of "suitably qualified" persons who have no public accountability. These **Exemptions** need revision and mostly deleted.

Further, the clearing of **priority vegetation** on up to 3,000m^2 of land on existing lots within the **Rural Living Zone** as an **Acceptable Solution** seems a gratuitous allowance. If it is aimed to provide for bushfire protection for a residence within a **priority vegetation area** then the siting of a residence in such a sensitive area must be questionable. The **Rural Living Zones A** and **B** have minimum lot sizes of 1ha and 2ha respectively. A 3,000m^2 clearance allowance could amount to 30% or 15% of the lot area. Soon there would be no **priority vegetation** left. It is priority human habitation rather than protection of priority vegetation.

Scenic Protection Code

The Scenic Protection Code ought to have more prominence than proposed. Potentially it could provide protection to many areas that are recognised as valuable landscape assets. Much of Tasmania should qualify for this type of protection, as it is the landscape which provides an important feature of Tasmania's uniqueness. It should be well protected.

Similar to the Natural Assets Code, public gardens, public parks, National Parks and State reserved lands are exempt from this code. This is unacceptable as it means planting or destruction of vegetation in these areas are not considered relevant to scenic values. These exemptions should be removed.

Other exemptions are also questionable. Road construction, road maintenance and communication facilities can all have serious impacts on local scenic values. Blanket exemptions are not appropriate. Also, the removal or construction of agricultural buildings can have detrimental impacts on scenic values.

Basically the code limits buildings, works or destruction of vegetation to areas more than 50m below a skyline, or limits these developments to be out of sight from a scenic road.

Would the **Scenic Protection Code** be applicable to the Tasman Highway between say, Swansea and Scamander, excluding non-applicable zones along this route? It should.

Sub-division within 1km of the coast

The Break O'Day Planning Scheme has a prohibition of further sub-divisions within 1 km of the coast in specific zones outside settlement nodes. This concept should be included in the State Planning Provisions by incorporation in at least the Rural Living, Rural, Agricultural, Landscape Conservation, Environmental Management, Major Tourism and Open Space Zones.

Break O'Day has experienced considerable ribbon development along the coast over many years. The pressure is extensive and unrelenting. For example, last year consultants for the Break O'Day Council preparing a *Land Use & Development Strategy* proposed re-zoning a 75ha parcel of land at

Beaumaris to Low Density Residential. Only recently the owners of this land have found out about this proposal, long after the *Strategy* has been endorsed by the Break O'Day Council. Apparently the owners were not consulted about the proposed re-zoning and do not want their land re-zoned.

Then late last year the consultants suddenly recommended incorporation of a 4ha parcel of land at Beaumaris, next to the above parcel and currently zoned Environmental Living, to be re-zoned as Low Density Residential. This recommendation was ostensibly based on historic applications, some dating back to 1981, and all of which had been rejected by the Town and Country Planning Authority, (precursor to the Tasmanian Planning Commission). These related events demonstrate the pressure applied by the development lobby, often in league with local councils and planning consultants, to pursue **ribbon development**.

It is noted the Minister's **Explanatory Document** for the **Draft State Planning Provisions** dismisses the term "ribbon development" as being "more relevant to strategic planning" rather than useful in planning schemes. We beg to differ. Ribbon development is real and persistent and needs to be controlled.

Environmental Management Zone

The proposed permitted uses in the **Environmental Management Zone** demonstrate, unfortunately, the radical transformation of planning in Tasmania. No longer, it seems, will planning have a major role to protect natural assets which have "significant ecological, scientific, cultural or aesthetic value", such as **National Parks** and **State Reserves**, as are the stated objectives of this zone. These important areas of national and international significance are now to be turned over to the whims of State Government.

In the **Environmental Management Zone** the following uses are to be **permitted** without any participation by the public, the Planning Commission or planning authorities:

- community meeting and entertainment
- educational and occasional care
- food services
- general retail and hire
- pleasure boat facility
- research and development
- sport and recreation
- tourist operation
- visitor accommodation

All the above uses are **permitted** if approved by the managing authority of National Parks and Reserves or if approved by the director of Crown Lands. Further, most of these uses are **discretionary** as well. Thereby, our **National Parks** and **State Reserves** are to be opened up to a wide range of private developments, authorised by the State Government alone. We believe this is unwise and lacking community approval.

Landscape Conservation Zone

As mentioned earlier, **Friends of the East Coast** supports the inclusion of this zone as a replacement for the **Environmental Living Zone**, particularly as it limits residential use to a single dwelling per lot and limits subdivision to 50ha; (currently 20ha in Environmental Living Zone).

Assault on residential living

The **Draft State Planning Provisions** are a plan to reduce residential living conditions in order to allow higher densities.

- **General Residential** and **Low Density Residential** densities increase by 25%.
- heights of buildings in residential type zones are increased to 8.5m which effectively allows 3 storeys, and to 12m in Rural Zone
- multiple dwellings are **permitted** in **General Residential** and **Low Density Residential** with site areas per dwelling of 325m^2 and 1,500 – 2,500m^2 respectively

Thus 3 storey dwellings are **permitted**, with boundary walls up to 3m high and 9m long, in existing **General Residential Zone** allotments without consultation of any form with neighbours. This is not a "granny flat" permit, but an apartment which can later be **strata titled** as of right, (i.e. exempt from requiring a permit). This is a recipe for radical transformation of existing suburban character.

While the **Draft State Planning Provisions** attempts to control the emerging planning issue caused by casual online **visitor accommodation** (e.g. AirBnB, Stayz), there is no mechanism to enforce the proposed 42 nights per year **exemption**. (Councils can expect a rush of applications for visitor accommodation permits under current planning schemes to avoid any potential constraint arising out of the 42 night limit in the future.) Many areas attractive to tourism are being transformed by this phenomenon. Developments are occurring solely to provide for this type of tourist accommodation. It has the potential to change the character of residential amenity, particularly for permanent residents, unless well managed.

Conclusion

Friends of the East Coast have raised only a few matters of concern. Many other issues will no doubt be raised in other representations.

In summary, we believe the proposed **Draft State Planning Provisions** have not had sufficient exposure and debate within the community to ensure social acceptance. We recognise the amended legislation to provide for the new **Tasmanian Planning Scheme** reduces the role of the **Tasmanian Planning Commission** and increases the role of the **Minister**, but it is hoped the Commission at least holds hearings as authorised under Section 24 (d) of the Act.

Sincerely

Graeme Wathen
Secretary, Friends of the East Coast Inc.
PO Box 10, Scamander Tas 7215