

FRIENDS OF FOURMILE CREEK INC. {FOFMC}

By planning delegate Bill Manning,

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16/5/2012

TO: the Tasmanian Planning Commission,

GPO Box 1691,

Hobart,

Tasmania, 7001

Submission on STATEWIDE PLANNING SCHEME, 7 March 2016

Dear Sir or Madam,

Thank you for the opportunity to comment on the initiative by the State Liberal government. A state-wide scheme has been long overdue. Having said that we feel that the Taskforce have been over enthusiastic in opening up all Zones for subdivision and development, and that the current system has not impeded development unduly. We cite two articles in the Mercury Newspaper that support our position:

- 4/5/15 "Record growth in Tasmania's construction sector sees home building up 42.3%"
- 5/4/16 "Tasmania is leading the Nation for building approvals with the latest figures revealing a 24.5% increase during February.

So one could ask the question as to why it is necessary to change anything. The claims by the Property Council, Housing Industry Association [HIA] and several developers appear to be misleading. We have not seen the aforementioned organisations denying these published statistics.

- In our municipality, Break O Day (BODC), there have been numerous developers bankrupted over the last 15 years, as there is 30 years of subdivision already approved. The current Draft will only make the situation worse. You can see that mainland developers will come to Tassie in summer without doing adequate research and propose major subdivisions, councils always approve them, and then they are bankrupted because there is no one to buy the blocks. We don't think that BODC has refused an individual development or subdivision for many years. Quite the contrary they have fuelled the current situation of too many blocks and no purchasers! So we argue that now is **NOT** the time to be encouraging subdivision outside of fully serviced towns and cities by allowing open slather subdivision
- We also note the CEO of TAS Waters comments on ABC talkback that Tasmania has per capita, 34% of the Nations aging water and sewerage infrastructure requiring replacement at his estimated cost of \$1.7 billion of taxpayers' money. Now is not the time for relaxing

subdivision restrictions across all Zones, rather a time for consolidation in urban centres if the state is going to catch up with required water and effluent disposal standards.

- Climate Change .You also have the crazy situation of the Scheme not identifying and acting on climate change. This is obvious by the deregulation and weakening of standards to allow construction of dwellings in bushfire hazard zones. It seems that if you say “its OK”, then “there will be no danger”. We at 4 Mile Creek know that this is not true and the people of Dunalley and the Tasman peninsula will tell you “It’s not OK”. It won’t be long before law suits are taken out against the State and consultant fire management assessment officers for their negligence and incompetence. We understand that you can become a consultant for approvals in bushfire hazard zones after a two day course! Many of these so called consultants have no experience in fire management or fire fighting! You need to fix this by restricting development to fully serviced centres and not allowing development in bushfire hazard zones. Last summer was not the reality of climate change, and it is fortunate that nobody was killed. Imagine if those fires were on the east coast and not the west. You would have the current Canadian calamity. City dwellers and authors of this Draft Scheme need to get with reality!
- Forestry and Land clearing.
We know that the Forest Practices Authority [FPA], is merely a rubber stamp for all activities approved under a Forest Practices Plan [FPP]. Sadly the standards under the Forest Practices Code have not been improved since its inception in 1987. Industry foresters who have failed to get approval for Forest Stewardship Council Certification have proven that they are not up the standard required, even 31 years after the Forest Practices Act 1985 was introduced. These are not the people to give absolution from any planning scheme, quite the contrary! Further evidence of this is the recent” federal listing” of the SWIFT PARROT as “critically endangered” The FPA by self regulation has failed to protect the habitat from logging and clearing despite the powers they have at hand. You have to have the” will “to protect and the only” will “they have is to continue clear felling native forest, and approve whatever the industry wants. All activities therefore must be “*Discretionary*”, under any approved FPP. They must be held accountable, by the state and if the state is incompetent as proven by the inability to gain FSC, then it must fall to the community! Surprise, surprise, self regulation of the Forest Industry on public land has proven to be a failure, over the last 31 years and \$1billion in taxpayer’s subsidies. Just ask the Forest Stewardship Council why they failed to gain accreditation.
- Mining and Sewerage release approvals.
Similarly the EPA is notorious for approving Mining, anywhere, and allowing effluent disposal into our rivers and streams. This is partly due the aging sewerage infrastructure but there must be a lot of questions that fall on deaf ears. Like what were the men in rubber suits doing at the outfall of the Scamander Sewerage Plant, after the recent mammoth fish kills in that river? It wasn’t so long ago that the BODC was convicted in the Launceston Magistrates Court for releasing untreated sewerage into Wrinklers Lagoon at Scamander. Now this type of action is approved by the EPA. These actions need to be included in the Planning Scheme and the Public given the right of Appeal. They must be held accountable and all approvals must be “*Discretionary*”

- Third Party Appeals

As we know Planning Appeals are seldom successful. In reality less than 5% are successful, which has in the past given a 95% success rate to developers! So why exclude the community and groups like ours from their ability to have "NATURAL JUSTICE"

- Little Cuba. We have seen newspaper articles by Charles Woolley, Mercury [31/10/14] and later Tasmanian Times, naming Tasmania, as "Little Cuba", where the Socialist system is preferred, and the ruling minority in Tasmania follows a similar ethos to the Cuban Dictatorship. That clearly divides the community into a small minority controlling the majority at the majority's expense. We have seen this play out in the 46 years of wood chipping Tasmania. This is how we are being judged by others. In the Tasmanian Book of the year, similar observations were made by political scientist, Quentin Beresford. Read the Afterward section pages 377 to 397 of "The Rise and Fall of Gunn's"... Sad but true! When will politicians ever learn?

So we are requesting that the Democratic Rights of all Tasmanians, and Community Groups not be diminished, and that the status quo be retained by amending this Draft Scheme accordingly. There is no case for exclusion given the 95% approval of Appeals. It might be your elderly relative, or friend that finds themselves in need of community support, for loss of "amenity", if there was to be an influx of DA's for 3 storey unit type developments in their street with no possibility of Natural Justice, by Appeal.

Top down processes never work in reality. The Government had a mandate to introduce a single State wide Planning Scheme. It does not have the right to hand over regulation of all sectors to private industry, and in reality this is what is happening. We expect elected governments to govern on behalf of all the people not just a few developers, whether it is Forestry, Mining, Fish Farming or Town Planning. The Liberal State Government has abrogated its powers to a Taskforce of Pro Development Lobbyists who would have development at any cost!

We say that Tasmanians deserve and want more governance from elected politicians for and behalf of all Tasmanians. We expect them to look after the health and well being of all Tasmanians as well as protection of the objectives of the Land Use Planning Approvals Act. We say that this Draft Scheme does not comply with LUPA, and needs to be rewritten by the Planning Commission.

Unfortunately your Task Force has failed in this regard! We demand democracy be returned to the Planning System. We support the single planning Scheme initiative but not this Draft Scheme.

4 Mile Creek

The people of 4 Mile creek have since 1983 been involved in Planning Issues since the "Chain Of Lagoons to Falmouth Road link" was proposed by the Gray Liberal Government. We expected the then Fingal Council to represent our views and support a bypass of the settlement. They refused to get involved and have never supported our community whether it is the Fingal or now Break O Day Council. So we have had to do it the hard way and make representations on all Planning Schemes, Planning Hearings, Planning Appeals, etc. We have not wanted to do this, but have been failed by Council Representation. Council does not support this community, only developers. We see this Draft Planning Scheme as a wide spreading malaise that has infected government at all levels. I this

Draft planning Scheme, government only represents Developers. We hope this malaise is not terminal and that the current government will support its people who are the majority, and not the minority developers.

The residents of 4Milecreek support subdivision and development but only in the fully serviced centre of St Helens, in this municipality. And we only support high quality proposals that have zero impact on neighbours and the environment. We do not support further ribbon development anywhere along the coast, as recently proposed by the Break O Day Council in their Development Strategy. We support the one kilometre exclusion zone, from high water mark, in our current planning scheme along the coast. This excludes subdivision, strata titles and tourism development, etc, regardless of zoning. We do not support special zones for tourism or any other form of development in any zone apart from St Helens area. And as stated it must be top quality development, or forget it! We do not support development in or adjacent to the "Coastal Reserve" We only support sewerage and water infrastructure at St Helens and Scamander. We have not mentioned inland Towns because they are all quietly dying and will not develop. When coal leaves the valley that will be the end for them. Forestry is already gone. All that is left is farming. There can be no logical reason for subdivision in these areas.

SUMMARY

We submit that there is no evidence to support such a massive change from the existing planning system under the Planning Commission and LUPA. There is a need to consolidate development in existing towns and cities. Clearly that is logical. The Draft Scheme is a recipe for chaos and uneconomic disaster, and does not give "natural Justice" to all Tasmanians. We object legislated approval of direct access by developers to the minister and the follow up powers, sought by the planning minister. This can only result in corruption as we have seen in other Australian States. Tourists come to Tasmania to enjoy its "relatively" unspoilt landscape, compared to mainland Australia, and expect good services and infrastructure in our quaint small towns and cities. This Draft Scheme has the potential to ruin the lifestyle and tourism experience, and to plunge us into unaffordable debt for infrastructure provision. Our State is different to the rest of Australia, and that's why we are a tourism drawcard. We should be proud of that and do everything in our power to protect what we have, and continue the prosperity. This Draft Scheme has the potential to destroy what makes our island special!

Bill Manning
Planning Delegate for,
Friends of Four mile Creek Inc.