

From: [Planning](#)
To: [Felix Pintado](#)
Cc: [TPC Enquiry](#)
Subject: RE: FW: Draft Tasman Local Provisions Schedule
Date: Tuesday, 31 August 2021 9:50:11 AM

Dear Felix

I cannot answer questions one and two. My understanding is that there is no effect of zoning of rates or land tax as the method used to determine these values is based on actual investments on the land rather than what you may or may not be able to do under a planning scheme.

The basis for the Agriculture Zone was:

- The Tasmanian Planning Scheme removes the current Rural Resource Zone from the template of zones to use and instead requires either a Rural Zone or an Agriculture Zone to be used
- The Tasmanian Government produced a map of the Tasmanian Agriculture Estate which showed that your land and adjoining land had characteristics suitable for Agriculture use
- There are two commercial agricultural properties in the area and your property is in between these. As a zone should apply to a broad landscape rather than property by property, the original decision was to apply the Agriculture Zone. This original decision was made by Council and endorsed by the Tasmanian Planning Commission

During the public exhibition process, the owner of Bangor has produced an Agricultural Report which raises significant doubt over the appropriateness of the Agriculture Zone. The report concludes that the Rural Zone is more appropriate and this is due in part to the high proportion of native vegetation, conservation covenants and private timber reserves on that property. Council accepted this position and my advice that there would no longer be any planning merit in maintaining an Agriculture Zone in the other areas if the largest property should be zoned Rural.

I suspect that either of the zones will have no significant impact on your property as there is already a dwelling in place and assuming that your future intentions are to use the property for residential purposes

The main difference between the two zones is that the Agriculture Zone emphasis agricultural activity and avoiding the loss of agricultural potential. The priority vegetation area cannot apply to the Agriculture Zone. The Rural Zone is more general in nature, has more flexibility for a range of commercial uses and allows a priority vegetation area to apply. It is fair to say that there are less restrictions in the Rural Zone versus the Agriculture Zone.

Whether this is an advantage or not is difficult for me to advise on as it depends on what your aspirations are for the property.

The Priority Vegetation Area does not apply to maintaining bushfire hazard management plans or maintaining fences, powerlines, roads and other infrastructure. It would be relevant if you applied for a new building that require removal of native vegetation

Regards

Shane Wells
Planning Consultant

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From: Felix Pintado <fjp261@gmail.com>
Sent: Thursday, 26 August 2021 9:47 PM
To: Planning <planning@tasman.tas.gov.au>
Cc: TPC Enquiry <tpc@planning.tas.gov.au>
Subject: Re: FW: Draft Tasman Local Provisions Schedule

Dear Shane

We acknowledge receipt of your email dated 24 August 2021 regarding the zone changes that are being proposed to properties within the Tasman Council. Our property at 3670 Arthur Highway, Murdunna, will be affected by the proposed changes.

You indicated a response was required by Friday 27 August – not Monday 27 August as incorrectly stated in the documentation provided. This tight turnaround time frame does not provide us with sufficient time to consider neither all the documentation nor the implications of either zone type against existing zoning.

We have several questions to which we would appreciate responses as a condition of providing our consent or otherwise. These include:

1. Is there any opportunity to extend the deadline to enable a more robust consideration of the proposal and to request further information to support one argument over another, as we do not wish to err on the side of uninformed consent?
2. Could you please provide further information as to the implications, adverse or advantageous, of the proposed zoning (that is, from 'Rural Resource' to 'Rural') on the following:
 - a) The value of the Land at 3670 Arthur Highway, Murdunna
 - b) The current dollar Value of the property
 - c) The land tax to be levied by Land Tasmania
 - d) The rates to be levied by Council

e) The effect on the cost of insurance cover, including public liability

3. What was the basis for Council's original position to zone our property as 'Agricultural'?

4. What are the disadvantages to being zoned 'Agricultural' that convinced Council to change its position on this matter?

5. What are the real advantages for our property being included in a Rural zone?

6. As our property is designated a Priority Vegetation Area, what are the implications (for example: Permit system) for maintaining the Bushfire Attack Level rating for our dwelling and the access roads into the property?

Given the limited amount of time to provide a response, the substantial documentation to plough through, and the need for more specific information relevant to our property, we are uncomfortable providing consent in support of the proposed zoning changes. With more time to deliberate and more information, we reserve the right to reconsider our position.

Sincerely
Dianne Jamieson
Felix Pintado

On Tue, 24 Aug 2021 at 15:08, Planning <planning@tasman.tas.gov.au> wrote:

Dear Felix

I write regarding your property at 3670 Arthur Highway.

You may be aware that Tasman Council is preparing what is known as the Local Provisions Schedule. In effect, this is a new planning scheme and, once approved, will form our chapter of the Tasmanian Planning Scheme.

Over January to March 2021, a draft was placed on public exhibition. In this draft, your property was included in the Agriculture Zone.

In response to representations from the owners of the Bangor property, Council is now of the view that the Agriculture Zone should not apply to your property or to any property on the Forestier Peninsula. Instead, Tasman Council wishes to apply a Rural Zone to your property.

The Tasmanian Planning Commission is the body that is responsible for approving the Local Provisions Schedule. The TPC held public hearings on the Local Provisions Schedule in early August in which they considered the view of Council that the land should be zoned Rural. Following the public hearings, the TPC have asked Tasman Council to:

1. Provide an agricultural report to support the application of the Rural Zone to your

property

2. Provide a Priority Vegetation Area that would apply to your property and your consent as owner for this Priority Vegetation Area.

A Priority Vegetation Area is an area of native vegetation in which any native vegetation removal would require a discretionary planning application from Council and which requires the minimisation of impact to natural values. The reason that Priority Vegetation is being considered now is that the Priority Vegetation Area cannot apply to the Agriculture Zone and was therefore not proposed to apply to your property. However, if your property is zoned Rural then the Priority Vegetation Area can apply. The Priority Vegetation Area is based on a statewide map that applies to all Tasmanian Councils.

Attached to this email is:

- A. Letters from the Tasmanian Planning Commission
- B. A fact sheet on the difference between the Rural and Agriculture Zone and on how the priority vegetation area would affect your property
- C. The publicly exhibited zone map showing the Agriculture Zone
- D. A Priority Vegetation Area

The Tasmanian Planning Commission are seeking a response from Council by 27 August 2021, which is to include a response from each owner affected. Could you please review and advise if you support or propose what is outlined?

I appreciate that there is a lot of information to consider and little time to do so and hope that this email does not cause concern.

The public notices section of the Tasman Council website contains all information and documentation on the Local Provisions Schedule

If you have any queries or clarification, please contact me via 0400 336 796 or planning@tasman.tas.gov.au

Shane Wells
Planning Consultant

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