

Department of Natural Resources and Environment Tasmania

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Our ref: 21/23752

Mr Des Jennings

General Manager

Northern Midlands Council

Via email: lps@nmc.tas.gov.au

Dear Mr Jennings

EXHIBITION – NORTHERN MIDLANDS COUNCIL DRAFT LOCAL PROVISION SCHEDULE

Thank you for your letter of 22 October 2021 seeking comment on the Northern Midlands Councils Draft Local Provisions Schedule.

I can advise that the Department of Natural Resources and Environment Tasmania (the Department) has considered the proposed Local Provisions Schedule and has the following comments.

The comments below relate to the proposed applications of zones, in particular the Agriculture Zone and the application of the Natural Assets Code (NAC). The Department contends that the Priority Vegetation Area Overlay (PVOA) is poorly applied across the landscape. It appears that inadequacies with the NAC may have stemmed, in part, from errors in the Regional Ecosystem Model.

The LPS proposes that a large majority of the Northern Midlands LGA will be placed in zones that do not allow the application of the NAC and that is therefore exempt from the regulations provided by the PVOA.

There are many land parcels proposed for the Agriculture Zone which contain areas of significant native vegetation that is habitat for threatened species (see Figure 1), ideally the zoning would allow for connectivity (biodiversity corridors) between priority vegetation areas, and between environmental management zones to better maintain the viability of threatened species populations and Tasmania's unique ecosystems.

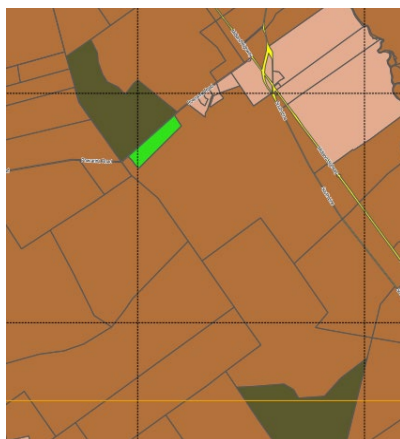


Figure 1: Excerpt of Map 8 from '[Tasmania Planning Scheme – Zones: Northern Midlands LPS](#)', showing two reserves (olive green shading) that are currently connected by native vegetation (not visible on this map), surrounded by Agriculture

zoned land (tan shading). Unregulated clearing of this vegetation between the reserves would result in fragmentation, reduced gene flow for threatened species and could force the reserves to exceed their carrying capacity for particular species.

The LPS Supporting Report states the “application of Rural and Agricultural zones has been extremely limited by the requirement of Guideline 1; namely to zone land to reflect the primary purpose of the land, as much of the land within the Municipality has been provided access to irrigation schemes signaling its primary use for agricultural purposes”.

The Department also notes that Appendix 3 (s3.3) of the Supporting Report also states that the Agriculture Zone mapping is not intended to be a definitive strategic land use planning tool as it is predominantly a desktop analysis and has only focussed on assessing the agricultural potential of the land. “Local planning authorities will need to utilise this data in conjunction with a range of other data sets and information sources in making strategic land use planning decisions about some of the areas identified.”

The Tasmanian Planning Commission’s [‘Guideline No. 1, Local Provisions Schedule \(LPS\): zone and code application’](#) (Guideline No. 1) at AZ6 states that “land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer may be considered for alternate zoning if... for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone”. The Department recommends that the Council use this to revisit the zoning in light of the comments below.

Natural Assets Code – Priority Vegetation Area Overlay (PVAO)

There are noticeable errors with the PVAO, for example that most of the township of Ross has been mapped as priority vegetation, although it has already been developed (little to no native vegetation) and there are no threatened species records.

Guideline No. 1 specifies the requirements of the PVAO. The PVAO does not appear to meet these requirements in full. For example, NAC 7 states this overlay must include threatened native vegetation communities (TNVC) as shown on ListMap. There are numerous areas mapped as TNVC that have not been included in the PVAO, as highlighted by the snapshot in Figure 2.



Figure 2: Snapshot demonstrating a significant patch of a TNVC (yellow boundary lines) not covered by the PVAO (light green shading). Approximate location: 147.927787 -41.847104 Decimal Degrees.

NAC 8 states that when applying the PVAO to land containing threatened flora, the data from the Natural Values Atlas, as shown in ListMap should be used. It does not seem that this has occurred as many areas with significant numbers of threatened flora records have not been included in the PVAO, as shown in Figure 3.

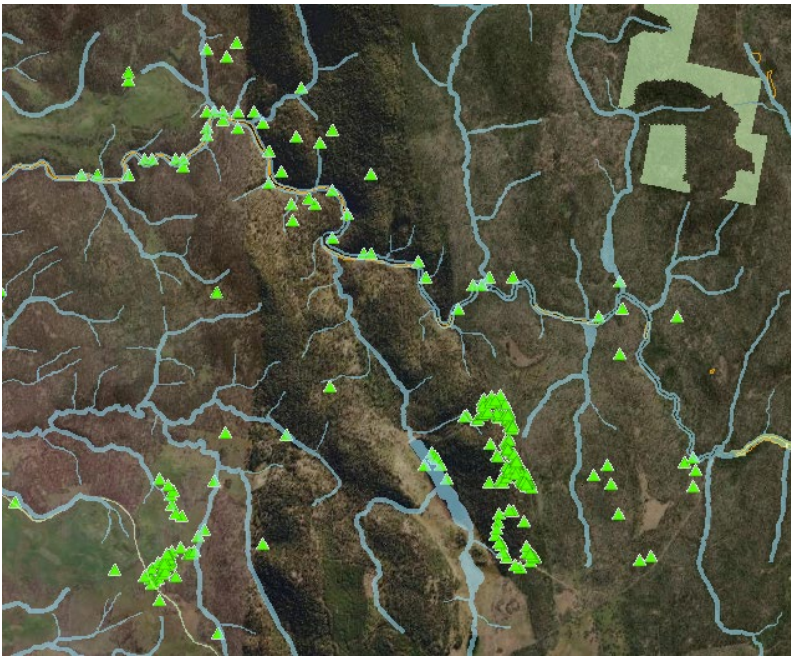


Figure 3: An example of an important area for threatened flora that is not included in the NAC. The green triangles indicate threatened flora records, the light green shading shows the PVAO (Approximate location: 147.655819 - 41.936485 Decimal Degrees).

These examples serve to illustrate the inadequacy of the proposed zonings and the application of the PVAO.

Additionally, the Department notes that that SPP includes threatened flora species in the definition of priority vegetation. It appears that the definition of priority vegetation in the LPS is not in accordance with the SPP as many areas important for threatened species have not been included.

To ensure the LPS is in accordance with the the objectives of the Resource Management and Planning System of Tasmania (including sustainable development) as defined in Schedule I of the *Land Use Planning and Approvals Act 1993* the Department has the following recommendations:

- The proposed zoning allocations be revised to reduce the extent of the zone types that exclude the NAC, in particular the Agriculture Zone, and assign more appropriate zonings such as the Landscape Conservation Zone and Rural Living Zone. Consideration could also be given to split zonings where necessary (based on features that are identifiable on the ground in accordance with TPC Practice Note 7) such as a cadastral parcel that could be part Agricultural Zone and part Environmental Management Zone to protect important natural values.
- Revise the priority vegetation layer to adequately capture significant areas for threatened species (such as where there are numerous records or critically endangered species), include all areas containing threatened vegetation communities, and define biodiversity corridors designed to maximise connectivity between threatened species' populations
- Provide clear direction on how the NAC will be regulated and what information is required for proposed developments within these areas (e.g. recent ecological surveys undertaken, biodiversity offsets provided for all impacts that cannot be avoided or mitigated).

The Department would be happy to meet with Council to provide further advice on the issues we have raised. If you have any questions on this matter please contact Sonia Mellor, Policy Analyst, Strategic Projects and Policy Branch, Strategy and Business Services Division on mobile: 0436 636 279 or via email at sonia.mellor@nre.tas.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tim Baker', with a stylized, cursive script.

Tim Baker

SECRETARY

21 December 2021