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**From:** Secretary <Secretary@nre.tas.gov.au>  
**Sent:** Tuesday, 30 August 2022 8:41 AM  
**To:** Planning  
**Cc:** Mellor, Sonia  
**Subject:** Public Exhibition - George Town Council Draft Local Provisions Schedule - Comments from the Department of Natural Resources and Environment Tasmania  
**Attachments:** Letter from the Acting Secretary, Department of Natural Resources and Environment Tasmania.pdf

Good morning

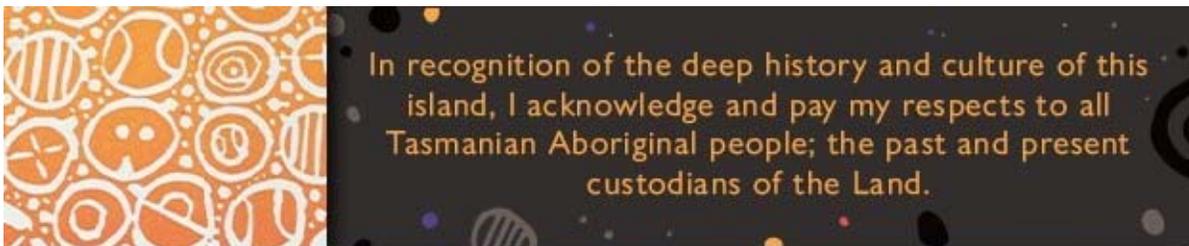
On behalf of the Acting Secretary, Jason Jacobi, please see the attached correspondence for your attention.

Regards

Sally



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# Department of Natural Resources and Environment Tasmania

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Our ref: 21/3611.006

Mr Shane Power  
General Manager  
George Town Council  
[Planning@georgetown.tas.gov.au](mailto:Planning@georgetown.tas.gov.au)

Dear Mr Power

## **PUBLIC EXHIBITION – GEORGE TOWN COUNCIL DRAFT LOCAL PROVISIONS SCHEDULE**

I note that the formal exhibition of the George Town Council Draft Local Provisions Schedule (LPS) commenced on the 4 July 2022.

I can advise that the Department of Natural Resources and Environment Tasmania (the Department) has considered the draft LPS and would like to make the following comments.

### **Threatened Flora**

The George Town Local Government Area (LGA) contains records of threatened flora listed under the *Threatened Species Protection Act 1995* (TSPA) that are restricted to, or have a stronghold in, this municipality.

#### Soft Bushpea

The vast majority of the known records of soft bushpea (*Pultenaea mollis*) occur within the George Town LGA. This species is listed as vulnerable under the TSPA. Only part of the occurrences of this species are covered by the Priority Vegetation Area Overlay (PVAO). The Department recommends that the PVAO is also applied over records of *P. mollis* on title references [203377/I](#), [132335/I](#), [241349/I](#) and [19854/I](#).

#### Black Bristlesedge

Black bristlesedge (*Chorizandra enodis*) is a perennial sedge which in Tasmania is restricted to the George Town /Low Head area. It is listed as endangered under the TSPA.

Black bristlesedge forms locally dense stands in low-lying swampy ground, including in remnant stands of *Melaleuca ericifolia* swamp forest (TASVEG code NME) where it is most abundant on the fringes and in clearings, and slashed road-side verges and road-side drains. The species has a linear range of less than 8 kilometres, and occupies an area of less than 1 hectare, making it susceptible to 'chance events'.

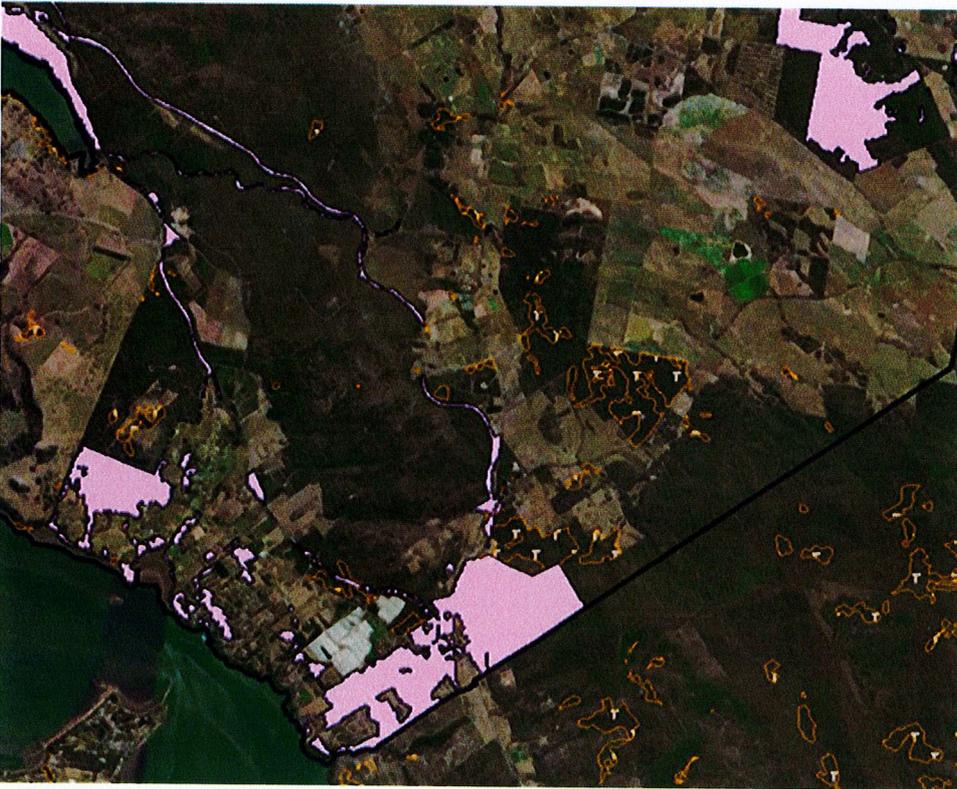
The Department notes that NME not only provides habitat for black bristlesedge, but it is a Threatened Native Vegetation Community (TNVC) under the *Nature Conservation Act 2002* (NCA). Several remnant patches of NME occur throughout the species' range and are proposed for the Agriculture Zone. It is recommended that all known occurrences of the species as well as suitable habitat within its range are considered in the LPS and included in a zone which allows the application of the PVAO.

### Variable Bossia

Variable bossia (*Bossiaea heterophylla*), listed as endangered under the TSPA, is a shrub that occurs in sandy soils in coastal heathland. It was discovered in Tasmania in 2011, with one subpopulation confirmed and another reported on the northern coast; both subpopulations are within the George Town LGA. The occurrences of the species are covered by the PVAO. The Department recommends that the PVAO is also applied to suitable habitat surrounding the confirmed subpopulation (i.e. that a buffer is applied) on title reference [127834/1](#) to allow for potentially unknown occurrences to be protected.

### **Threatened Native Vegetation Communities**

The State Planning Provisions (SPPs) indicate that the PVAO must include TNVCs as per TASVEG. However, there are examples in the George Town LGA where patches of TNVC are not covered by the PVAO (see Figure 1).



**Figure 1: Example of TNVC not covered by PVAO on southern boundary of GTC**

**Note – the PVAO is indicated in pink and patches of TNVCs are indicated with an orange outline.**

### **Raptor Nests**

The LISTmap contains a layer depicting known raptor nests, including those of the threatened Wedge-tailed Eagle (*Aquila audax subsp. fleayi*) and White-bellied Sea-eagle (*Haliaeetus leucogaster*). It is unclear what consideration has been given to these known nests in the application of the zoning and overlays, as several raptor nests are located in the Agriculture Zone (e.g. nest ID's 2544, 3086, 404, 2258 and 131).

It is generally recommended that most disturbance-based activities within 500 metres direct distance or within 1 kilometre line-of-sight of an active eagle nest are avoided during the nesting/breeding season. For nests that are located within the proposed Rural Zone, a 500 metre buffer has been applied around nests. The Department supports this application but notes that the buffer has not been applied to all nests.

The Department recommends that all known nests of listed raptor species are included in the PVAO and that the zoning is amended to a type that is not exempt from the PVAO.

### **Conservation Covenants**

The Supporting Report document states that *'private land that has a conservation covenant which impacted the majority of the title has been zoned Landscape Conservation', and 'land which contained conservation covenants that only impacted a portion of the title, or that currently undertook primary industry activities on site was recommended for either the Rural or Agriculture Zone.'*

The Department notes that covenant ID 12710 wholly covers title references [114506/1](#) and [114506/2](#). According to TASVEG the titles are covered by native vegetation and it is unclear why they have been proposed for the Rural Zone. This appears inconsistent with the statement made in the Supporting Report document.

### **Acid Sulfate Soils**

An area south of Weymouth and adjacent to the Pipers River estuary/floodplain is identified as the main area of Potential Acid Sulfate Soils (PASS) with a high potential/probability within the George Town LGA.

Land clearance, drainage for agricultural expansion and water draw down via irrigation are a risk to groundwater recession which, in turn, can have a regional effect on Potential Acid Sulfate Soils and water quality.

If future development and disturbance is planned in this area, the Department recommends consideration is given to developing a Specific Area Plan to protect both the drainage water quality and the soil condition in that vicinity.

### **Coastal Inundation Hazard Area Overlay**

It is noted that the coastal inundation hazard area overlay in the LPS is based on the layer published on the LIST. That LISTmap layer is ultimately based on IPCC Assessment Report (AR) 5 (McInnes et al 2016) and should now be considered outdated. In particular, the LIST layer uses the global sea level rise projected under scenario RCP (Representative Concentration Pathway) 8.5 of 52–98 centimetres by 2100. IPCC AR6 has revised that to 0.63–1.01 metres by 2100 under the same scenario. Of much greater significance however, for the first time IPCC AR6 notes that under scenario RCP 8.5 *'global mean sea level rise above the likely range – approaching 2 m by 2100 and 5 m by 2150 ... cannot be ruled out due to deep uncertainty in ice-sheet processes'* (IPCC 2021, p21). Despite being unlikely, sea level rise of 2 metres by 2100 or 5 metres by 2150 would have catastrophic consequences in developed areas below those contours. It therefore represents an extreme risk that should be considered given that planning decisions made today may remain in effect over comparable time scales.

The LISTmap layer was developed by Renewables, Climate and Future Industries Tasmania (ReCFIT) (formerly the Tasmanian Climate Change Office) in the Department of Treasury and Finance. The Department will be working with ReCFIT to update the layer and recommends that the Overlay is reviewed once the LISTmap layer has been updated.

### **Regional Ecosystem Model**

The proposed allocation of the Priority Vegetation Areas around natural values in the George Town Council is based on Rod Knight's Regional Ecosystem Model (REM). As with all models, the outputs of the REM will only be as good as the assumptions embedded within it and the input data. The key data inputs to the REM (TASVEG, NVA data etc.) are continuously updated and improved. For example, the analyses for the development of the LPS are based on TASVEG 3.0, which has been superseded by TASVEG 4.0. The Department recommends including routine, regular updating of the PVAO.

It would be beneficial for the Council to conduct a 'quality control' review of all parcels/patches included in and excluded from the PVAO. This would highlight any systematic errors arising from the REM method, as well as identifying 'random' errors due to data deficiencies etc.

The Department would like to note that it provides advice to regulators on the impact of development proposals on natural values. These natural values include threatened species, acid sulfate soils, geoconservation values, coastal processes and karst. The Department welcomes the referral of any proposals from the Council. If the Council wishes to seek advice on the impacts of developments on natural values, please email the request to [conservationassessments@nre.tas.gov.au](mailto:conservationassessments@nre.tas.gov.au).

### Karst areas

A small area in the south of the George Town LGA is underlain by karstic rock types, with implications for planning approvals from engineering and environmental perspectives.

The Department recommends consideration be given to developing a karst Specific Area Plan for this area in future reviews of the LPS.

### Geoconservation areas

The purpose of the Environmental Management Zone is to provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic values. The Department recommends consideration is given in future revisions of the LPS to including within that zone those sites listed under Geodiversity on the Natural Values Atlas (<https://www.naturalvaluesatlas.tas.gov.au/#GeodiversityHomePage>) that are:

- (a) attributed with a significance level of 'State' or higher, or
- (b) listed as susceptible to potential threats that may arise under alternative zoning.

### Zoning of Future Potential Production Forest land

The Department supports the zoning of Permanent Timber Production Zone (PTPZ) land and Future Potential Production Forest (FPPF) land so that it is consistent with the Government's policy objections for the management of such land as provided for in the *Forest Management Act 2013* and the *Forestry (Rebuilding the Forest Industry) Act 2014* respectively.

Accordingly the Department proposes alternative zoning for the following land parcels:

Land	Land Tenure	Proposed Zoning (as per Exhibited information)	Suggested Zone	NRE Comments
PID (part) 2700676	FPPF Land	Environmental Management Zone (EMZ)	Rural Resource	FPPF land doesn't meet the <a href="#">LPS guidelines</a> for the EMZ, in particular it is not captured by EMZ I a), b), c), d), e) or f).  It is NRE Tas' position that all FPPF land should be zoned as 'Rural'.
PID 2093060	FPPF Land	EMZ	Rural Resource	FPPF land doesn't meet the <a href="#">LPS guidelines</a> for the EMZ, in particular it is not captured by EMZ I a), b), c), d), e) or f).  It is NRE Tas' position that all FPPF land should be zoned as 'Rural'.

### Aboriginal Heritage

The Department is concerned that the draft LPS does not deal with Aboriginal heritage, the protection or management thereof, on any level. This is problematic as the lack of guiding principles or policies for ensuring Aboriginal heritage is considered during planning hinders the operation of the *Aboriginal Heritage Act 1975* (AHA) and its ability to manage and protect Tasmanian Aboriginal heritage.

Aboriginal Heritage Tasmania (AHT) disagrees with the Supporting Report statement that “The policy position of the SPPs is that Aboriginal Sites are to be managed under the *Aboriginal Heritage Act 1975*, as opposed to the provisions of the draft LPS” (supporting report, p68). The planning process plays a crucial role in referring proponents to undertake due diligence as prescribed by the *Guidelines* under section 21A of the AHA. The legislation is only as effective as the policy and processes which guide people to use it.

AHT also disagrees with the Supporting Report statement that provision for involvement of Aboriginal people “is beyond the scope of the draft LPS as Aboriginal relics are protected under separate legislation”. The AHA is about management and protection of physical heritage. Community engagement and participation in broader coastal and resource management is a separate issue to the heritage legislation.

The Hillwood Structure plan notes that “there are no recorded Aboriginal heritage values within the study area”. This is incorrect. Information regarding heritage within the Hillwood area was provided to the George Town Council in 2019. Please contact Emily Smith, Archaeologist, AHT at [Emily.Smith@dpac.tas.gov.au](mailto:Emily.Smith@dpac.tas.gov.au) if you require this information to be resent.

### **Land reserved under the Nature Conservation Act**

The Department also has some specific comments to make in reference to the proposed zoning of the Mount Direction Historic Site (PID 2034378), land managed by the Tasmania Parks and Wildlife Service. The proposed zoning is Rural Resource, however the EMZ is more appropriate, being consistent with the zone purpose at 23.1.1 and 23.1.2 as well as zone application guidelines at EMZ 1(a). This recommendation reflects historic cultural values and reservation under the NCA. It is further noted that the site at the adjoining Launceston draft LPS has been zoned EMZ as a result of the section 35(5) notice (see Launceston LPS Supporting Report p 55).

Should the Council have any further questions on this matter the Departmental officer is Ms Sonia Mellor, Strategic Projects and Policy Analyst, Strategy and Business Services Division. Ms Mellor can be contacted by mobile on 0436 636 279 or via email at [sonia.mellor@nre.tas.gov.au](mailto:sonia.mellor@nre.tas.gov.au)

Yours sincerely



Jason Jacobi  
**Acting Secretary**

29 August 2022