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Dear Tasman Council

TASMAN COUNCIL LOCAL PLANNING SCHEDULES

The Tasmanian Land Conservancy (TLC) is a for-purpose, apolitical, conservation organisation that protects nature on private land (www.tasland.org.au). Our mission is to look after Tasmania's unique natural places, rare ecosystems, and the habitat of threatened plants and wildlife on private land. We value nature and the cultural, social and economic benefits it provides us all.

The TLC works across four main areas:

- PROTECTING NATURE in the TLC's reserves, in partnership with private landholders, and by selling protected properties to conservation-minded buyers.
- LOOKING AFTER NATURE through reserve management principles informed by robust science.
- INNOVATING FOR NATURE by using smart business principles, bold ideas and leading technologies.
- INVOLVING PEOPLE by providing opportunities to experience nature, achieve nature conservation and support the work of the TLC.

Read more about our work in the [TLC's 2019-20 Annual Report](#).

Our primary aim as landholders is to protect and manage areas with significant conservation values for nature and for the public good. We work with the local community to encourage nature conservation in surrounding areas, connecting habitat to build resilience across the landscape.

It is in the state's interest to look after nature, and planning instruments that protect natural assets across Tasmania are critical. The public benefit from healthy and intact natural systems includes water quality and retention, ecosystem function, pollination services, soil health and stability, aesthetic values, landscape resilience in a changing climate and personal wellbeing.

While the public focus is often on national parks, extensive estate is protected through conservation covenants on private land. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) along with the agricultural sector and regional Natural Resource Management (NRM) committees, acknowledge the significant role of private landowners in

conserving Tasmania's natural capital and the public and private benefits that flow from this approach. 'Capable land stewardship conserves the natural environment, providing benefits for future Tasmanians and visitors while enabling landowners to maintain market access and capitalise on new opportunities' ([DPIPWE's Private Land Conservation Program](#)).

Covenants are legally binding under the *Nature Conservation Act (2002)* and are registered on the land title. Usually established in perpetuity, covenants give peace of mind that natural values, such as native flora and fauna, natural wetlands and geo-conservation assets, will persist for generations. Nature conservation on private land makes an enormous contribution to the National Reserve System, Australia's network of protected areas.

Tasmania has 900 conservation covenants, protecting 110,000 hectares across a diversity of habitats. Many of these covenants are vegetation communities that are poorly protected on public land. On-title protections identify the conservation values onsite, and the required management to ensure their wellbeing.

The TLC has also been directly involved in a range of other landholder programs in partnership with state and federal governments. One of Australia's longest running and arguably most successful private land conservation programs, Land for Wildlife (LFW) is now being delivered by the TLC in Tasmania. In the Tasman Municipality there are 12 registered LFW properties covering approximately 120 hectares.

The region has long been recognized for the significant natural values it holds. The Tasman municipality also contains a significant number of properties with covenants registered under the *Nature Conservation Act 2002*. These covenants comprise a total area of approximately 4,200 hectares.

As an organisation with land and associated partnerships throughout the state we have a strong interest in planning provisions, particularly regarding the recognition and protection of natural assets. The TLC welcomes the opportunity to provide feedback on the Tasman Council Local Provisions Schedule. We also wish to provide some general comments on the Tasmanian Planning Scheme Statewide Planning Provisions.

Zoning conservation covenants

In Tasmania, privately protected land covers a smaller area than publicly protected land, but it contains a higher percentage of threatened communities. Despite this, many properties with conservation covenants on title are currently zoned rural.

Many landholders with conservation covenants on their titles are currently uncertain about protections being recognised through the LPS process. Some have believed that the re-zoning leaves their conservation covenant null and void. In response to these concerns, I compiled [an article for The Mercury which is online on our website here](#).

Covenants are established independent of the planning system, and the protections remain in effect regardless of the zoning of the land. As a conservation landholder ourselves, with many covenants across our estate, the TLC is encouraging local government to ensure local provision schedules reflect the land-use potential of covenanted land and to ensure all covenant holders understand that their land is protected in perpetuity.

To ensure that the LPS properly reflects the current and future development potential of covenanted land there must be appropriate zoning. The TLC considers that, as a general rule, land subject to a conservation covenant ought first to be considered for the Landscape Conservation Zone or the Environmental Management Zone. The purposes of these zones properly reflect the underlying purpose to which covenanted land is put – that is (respectively), to “provide for the protection, conservation and management of landscape values” (clause 22.1.1 of the TPS) and to “provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value” (clause 23.1.1 of the TPS) and use compatible with those purposes (clauses 22.1.2 and 23.1.2 respectively).

Private reserves, including all private Conservation Covenants and TLC reserves, have a reserve management plan prepared by experts to protect, conserve and manage the ecological, scientific, cultural and aesthetic values of the area in the public interest. These plans guide the protection and management of the land.

Zoning for the broader landscape should also be carefully considered to avoid diminishing the surrounding natural values through fragmentation.

Mapping natural assets

To maintain connectivity in the landscape, natural values must be understood: mapping plays a critical role. The Priority Vegetation layer must be a statewide resource that is current and maintained. The Priority Vegetation Overlay (PVO) is an unreliable guide to vegetation status. The PVO is based on a Regional Ecosystem Model which means it is based on the predicted likelihood of occurrence of different vegetation types based on physical features of the land, occasionally but not consistently validated using aerial photography, satellite imagery or other forms of observation. All species and vegetation communities listed under the *Threatened Species Protection Act*, *Nature Conservation Act* and the *EPBC Act* should be included in the priority vegetation mapping. Beyond the mapping of threatened species and communities, important cross tenure landscape linkages and corridors should also be recognised. In a changing climate, priorities for nature conservation will also change and it is important for the planning system to be able to respond effectively based on current data. TLC suggests that Tasman Council implement a process whereby mapping of the Natural Assets Overlays is continually revised, updated and re-evaluated.

Reducing fragmentation in the landscape

The connectivity of natural values is critical to achieve conservation outcomes. Connecting habitat from the coastal or riparian zones, to ridgelines enables species movement across habitats while building resilience in the landscape. Fragmentation of natural values impacts ecological function. Permitting development or a land use incongruent with ecological health, will impact the integrity of these systems.

Consistent application of the Natural Assets Code

It is important to have a Natural Assets Code as this is an essential tool in the protection of biodiversity and sustainable use. The [Natural Assets Code information sheet](#) notes that ‘The Natural Assets Code provides consistency across the State regarding the protection of important natural values and recognises the significant role that other State and Commonwealth legislation has in biodiversity conservation’.

While claiming to provide consistency, the Natural Assets Code does not apply to the agricultural zone. This must be amended as a matter of urgency. Removing planning assessment based on the conservation value of vegetation in the Agricultural Zone diminishes the role of private land in the protection of the state's natural assets and increases the level of threat to Tasmania's listed plant and animal species and. To remedy this, the code also needs a full and thorough review to remove the exemptions, omissions and terminology vagaries. Without a stronger commitment to the protection of our natural assets there will be continued fragmentation and degradation of important habitat. If the priority vegetation layer is not applied across all zones the risk of further extinctions in Tasmania will increase, while also adding more species to the endangered list. There is also a unique opportunity to apply a landscape-scale, cross-tenure approach that identifies habitat linkages, corridors and climate refugia.

Let's not miss the opportunity to ensure that natural assets such as irreplaceable, rare and significant species and vegetation communities are recognised, valued and protected.

Future conservation covenants

The TLC runs the [Revolving Fund program](#), where property with high conservation values is bought, and an on-title conservation protection established before the land is sold. Small-scale building envelopes are often defined within the title, identifying a site where disturbance will have the lowest impact on the conservation values that are being protected. A human presence in these natural settings helps to manage the natural values. While the exact location of future Revolving Fund properties cannot currently be discerned, the planning provisions should enable small-scale, appropriate residential opportunities for these situations.

Applying the Precautionary Principle

Furthering the objectives of the Resource Management and Planning System (RMPS) as outlined in Schedule 1 of the *Land Use Planning and Approvals Act 1993* through sustainable development involves:

- 'managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
 - (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
 - (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.'

With unprecedented seasonal variations, natural systems and vegetation communities are changing. Now more than ever, we need good planning, based on the best information available at the time. Applying current research, monitoring and mapping data is critical to ensure sustainable use. The most up to date information must inform decisions, and when we don't have adequate information, the precautionary principle should apply.

We welcome this opportunity to provide a submission.

Yours sincerely

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

James Hattam

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