TASMANIAN PLANNING COMMISSION

DECISION

Planning scheme	Tasmanian Planning Scheme - Kentish
Amendment	1-2026 - remove the Natural Assets Code – priority vegetation area overlay from 83 Richards Farm Road and 911 Staverton Road, Staverton
Planning authority	Kentish Council
Applicant	Mr Gregory Bennett
Date of decision	21 October 2026

Decision

The draft amendment is approved under section 40Q of the *Land Use Planning and Approvals Act 1993.*



John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to remove the Natural Assets Code - priority vegetation area overlay from 83 Richards Farm Road (folio of the Register 121347/2) and 911 Staverton Road (folio of the Register 250744/1), Staverton.

Site information

The land at 83 Richards Farm Road and 911 Staverton Road, Staverton (the site) are adjoining lots and are predominantly cleared. Both lots contain a dwelling and are otherwise used for rural activities. 83 Richards Farm Road has an area of approximately 20ha with a frontage to Richards Farm Road. 911 Staverton Road has an area of approximately 18ha with frontage to Staverton Road, and a secondary frontage to Richards Farm Road.

Both lots are zoned Rural and are subject to the bushfire-prone hazard area overlay. A small part of 83 Richards Farm Road is subject to the landslip hazard area overlay. The priority vegetation area overlay applies to 2 separate areas that transcend over the boundary between the 2 lots. The waterway and coastal protection area overlay also applies to parts of the lots, including over an area where the priority vegetation area overlay also applies.

The LISTmap indicates the 2 areas subject to the priority vegetation area overlay are *Eucalyptus viminalis* wet forest - a threatened vegetation community.

Issues raised in representations

The planning authority advised that no representations were received on the draft amendment.

The draft amendment was referred to TasWater under sections 56S and 56O of the *Water and Sewerage Industry Act 2008*.

The planning authority advised that it did not receive a response from TasWater.

Planning authority's report under section 40K of the Land Use Planning and Approvals Act 1993

In accordance with section 40K of the *Land Use Planning and Approvals Act 1993* (the Act), the planning authority submitted a report following exhibition of the draft amendment that recommended no modifications be made.

Consideration of the draft amendment

Statutory Requirements

1. The Commission is required to consider the draft amendment to the Kentish Local Provisions Schedule (LPS) under section 40M of the Act. This includes consideration of any representations, the statements and recommendations contained in the planning authority's section 40K report, any information obtained at a hearing, and any technical matters.

2. Under section 40L(2) of the Act, the Commission dispensed with holding a hearing as no representations about the draft amendment were received.

3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out in section 34(2) of the Act. The criteria require that the draft amendment:

    (a) contains all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS; and

    (b) is in accordance with section 32; and

    (c) furthers the objectives set out in Schedule 1; and

    (d) is consistent with each State policy; and

    (da) satisfies the relevant criteria in relation to the Tasmanian Planning Policies (TPPs); and

    (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

    (f) has regard to the strategic plan, prepared under section 66 of the *Local Government Act 1993*, that applies in relation to the land to which the relevant planning instrument relates; and

    (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and

    (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

4. The Commission has considered the evidence provided by the planning authority and applicant and finds the draft amendment meets the LPS criteria in subsections 34(2) (a), (b), (g), and (h). Matters related to the remaining criteria are considered below.

5. No further submissions were received raising any matters that warrant further consideration against these criteria.

Application of the Natural Assets Code – priority vegetation area overlay

6. The applicant provided the planning authority with an environmental assessment dated July 2025, prepared by Finn Environmental, in support of its submission seeking removal of the priority vegetation area overlay from 83 Richards Farm Road. The assessment concluded the vegetation present on the site did not constitute priority vegetation as defined in the SPPs. On this basis, the report recommended that the priority vegetation area overlay be removed from the land.

7. In the planning authority's report supporting the draft amendment (supporting) dated 17 June 2026, the planning authority included an email exchange with the author of the environmental assessment. The exchange confirmed that the values identified in the underlying mapping for the priority vegetation area overlay are not present in the native vegetation on the site or on part of the adjoining land. It also confirmed that the vegetation does not contain conservation values meeting the criteria in the SPPs for application of the overlay.

8. The planning authority noted that a small part of the vegetation stand extends onto 911 Staverton Road along its eastern boundary and is also subject to the overlay. The author advised that this vegetation also did not constitute priority vegetation.

Commission consideration

9. The Commission is satisfied that the author of the environmental assessment is suitably qualified to provide expert evidence on the vegetation present on the site. The author's qualifications were confirmed in a submission dated 11 August 2026.

10. The Commission accepts the expert evidence that the vegetation on the site does not meet the definition of priority vegetation in the Natural Assets Code. The Commission therefore finds that applying the priority vegetation area overlay to the site is not consistent with the purpose of the Code and that the overlay should be removed.

Tasmanian Planning Policies

11. The Tasmanian Planning Policies (TPPs) came into effect on 1 July 2026 and are now relevant to the Commission's assessment of the draft amendment.

12. The supporting report, dated 17 June 2026, does not consider or address the TPPs.

Commission consideration

13. The Commission notes section 2 of the TPPs (Environmental Values), particularly clause 2.1 (biodiversity), is considered relevant to the assessment of the draft amendment.

14. The Commission is satisfied that the draft amendment is consistent with the TPPs.

15. The Commission accepts the site-specific assessment undertaken by a suitably qualified person demonstrating that the vegetation on the subject land does not

comprise a threatened native vegetation community, threatened flora species, significant habitat for threatened fauna, or other values warranting application of the priority vegetation area overlay.

16. The Commission is satisfied that removal of the overlay is supported by more accurate and contemporary information than the mapping data that originally informed its application and will ensure the planning scheme more accurately reflects the environmental characteristics of the land.

17. The Commission considers that the draft amendment appropriately implements the environmental objectives of the TPPs and will not adversely affect the achievement of those policies. Accordingly, the Commission finds that the draft amendment satisfies the relevant criteria in relation to the TPPs.

Regional land use strategy

18. The relevant regional land use strategy is the Cradle Coast Regional Land Use Strategy, 28 February 2024 (the regional strategy).

19. The supporting report submitted that the draft amendment was consistent with the regional strategy. Specifically, the planning authority stated the draft amendment was consistent with the sections for Principles for Implementation (clause 1.5), the Land Use Policies for Land (clause 2.5), and Land Use Policies for Conservation (clause 2.7). The planning authority contended the draft amendment was consistent with these sections because it would ensure important areas of biodiversity value were accurately recognised.

Commission consideration

20. The draft amendment removes the priority vegetation area overlay from land where a site-specific assessment has demonstrated that the environmental values represented by the overlay are not present.

21. The Commission considers that the draft amendment will improve the accuracy of the planning scheme by ensuring the overlay mapping reflects on-ground conditions. Accordingly, the Commission finds that the draft amendment is as far as practicable consistent with the regional strategy.

Kentish Council Strategic Plan 2014 - 2024

22. The supporting report stated that the draft amendment was consistent with the Kentish Council Strategic Plan 2014 – 2024 (strategic plan). Specifically, the planning authority submitted that the draft amendment was consistent with the following Natural Resource Management Strategies:

    - 3.5.1 - to utilise the Cradle Coast NRM Strategy to identify and develop projects of greatest priority for this municipality
    - 4.1.1 - to administer and update the planning scheme to manage development and land use, and
    - 4.1.4 - to maintain and protect important elements of natural, cultural and built heritage throughout Kentish.

Commission consideration

23. The Commission is satisfied that the draft amendment has regard to the strategic plan.

State Policies

24. The supporting report stated the draft amendment:

> …does not interact with the matters addressed by the State Policy on Water Quality Management 1997, the State Coastal Policy 1996 or the State Policy on the Protection of Agricultural Land 2009. The matters addressed by the NEPMs are also not relevant to the draft amendment.

Commission consideration

25. The Commission is satisfied that the draft amendment is consistent with the relevant State Policies.

State Policy on the Protection of Agricultural Land 2009

26. The Commission notes that the land is agricultural land for the purposes of the Policy. The amendment does not affect the capacity of the land to be used for agriculture and will ensure agricultural land is not unnecessarily constrained by inaccurate Priority Vegetation Area mapping.

State Policy on Water Quality Management 1997

27. The Commission is satisfied that the draft amendment will not adversely affect water quality outcomes. The waterway and coastal protection area overlay continues to apply to the 2 minor watercourses on the land and provides an appropriate framework for managing any future impacts on water quality.

State Coastal Policy 1996

28. The Commission is satisfied that the Policy is not relevant to the draft amendment because the site is not within 1km of the high-water mark of State waters.

29. The Commission finds that the draft amendment is consistent with the National Environment Protection Measures.

30. Accordingly, the Commission finds that the draft amendment is consistent with the relevant State Policies.

Schedule 1 Objectives of the Act

31. The supporting report considered Schedule 1 Objectives (a), (b), (c) and (e) in Part 1, and objectives (a), (b), (c), (d), (e), (g) and (i) of Part 2 of the Act and provided submissions addressing each. The planning authority submitted that objective (d) of Part 1 and objectives (f) and (h) of Part 2 were not applicable.

Commission consideration

32. The Commission finds that the draft amendment furthers the objectives of the Resource Management and Planning System at Schedule 1 of the Act. The draft amendment is supported by site-specific investigations demonstrating that the priority vegetation area overlay does not accurately reflect the

environmental values present on the land. The draft amendment will improve the accuracy of the planning scheme and ensure planning controls are applied only where justified by on-ground conditions.

33. The Commission is satisfied that the draft amendment promotes fair, orderly and sustainable use and development of land and furthers the objectives of Schedule 1 of the Act.

Decision on draft amendment

34. The Commission is satisfied the draft amendment meets the LPS criteria and gives its approval.

Attachments

Annexure A - Approved amendment

Annexure A

Approved amendment 1/2026, Tasmanian Planning Scheme – Kentish

Delete the Natural Assets Code – priority vegetation area overlay from part of 83 Richards Farm Road, (folio of the Register 121347/2) and part of 911 Staverton Road, Staverton (folio of the Register 250744/1), as shown in the figure 1 below:

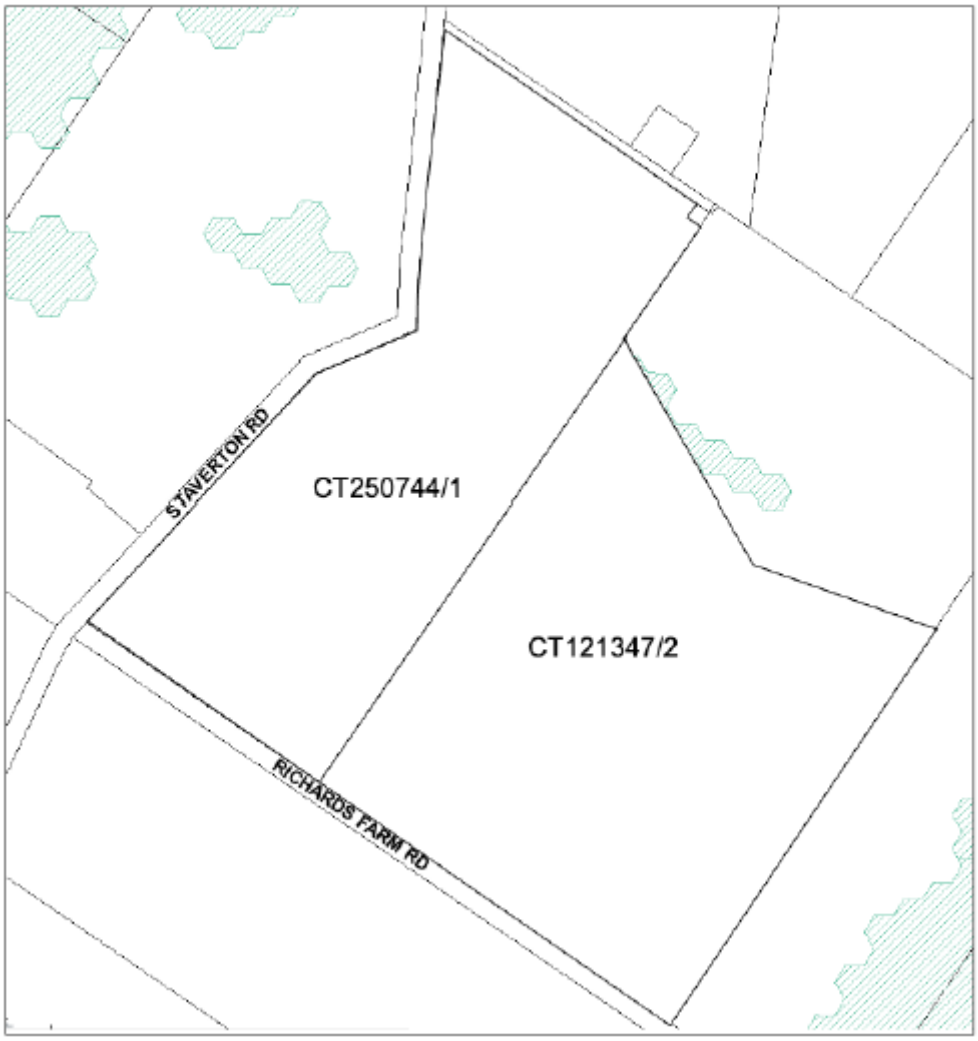


Figure 1: Priority vegetation area at 83 Richards Farm Road and 911 Staverton Road, Staverton