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Ann Cunningham
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Re: Circular Head draft Local Provisions Schedule

Dear Chair,

Thankyou for the opportunity to respond to the submission tendered by Mr Tim Baker on behalf of the Department of Primary Industries, Parks Water and Environment.

Mr Bakers position appears to rely on two arguments, and I will address each separately.

1. *"...that protections for such values (threatened species and threatened forest communities) are built into approval systems for development including forestry operations"*.

Mr Baker's submission fails to make the distinction between the application of environmental assessments under *Environmental Management and Pollution Control Act 1994 (Tas.)* and *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth), and the *Land Use Planning and Approvals Act 1994 (Tas.)*. The EMCA and EPBC Acts regulate the impacts and processes for permits to approve impacts on threatened species, threatened vegetation communities and other matters within their respective spheres. While these provisions apply wherever the relevant value is present, regardless of zoning, Mr Baker conflates that with the purpose of LUPAA, which is to determine appropriate land use and planning regulation, including the correct zoning of areas of land and the types of appropriate development that can occur within each zone. The table of permitted and discretionary uses, and acceptable solutions vary considerably between zones, and therefore application of a zoning will determine what development types are suitable regardless of impact on threatened species or vegetation communities.

Additionally, as previously submitted, LUPAA does not apply to forestry operations on PTPZ land and so there can be no need established for a zoning that specifically allows exempt activities. It simply does not matter what zoning or codes applies as STT's operations are exempt. The purpose of the zoning should therefore discount STT's imperative and consider an appropriate zoning for non-forestry activities and developments.

2. *"...the planning guideline for use in preparing Local Provision Schedules advises that FPPFL on reserved land is most appropriately zoned Environment Management Zone. FPPFL that has no reserve status is most appropriately zoned Rural".*

Mr Baker misrepresents the zone applications guidelines, selectively paraphrasing the application guidelines. The application guidelines actually say:

*RZ 1 -The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is **not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.***

And if we look to the guideline for clarification of what an appropriate use of the Landscape Conservation Zone is we find:

LCZ 1-The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

LCZ2 The Landscape Conservation Zone may be applied to:

- (a) Large areas of bushland or large areas of native vegetation **which are not otherwise reserved**, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code;*

Further, if we look to the guideline for clarification of what an appropriate use of the Environmental Management Zone is we find:

*EMZ 1The Environmental Management Zone should be applied to land with **significant ecological, scientific, cultural or scenic values**, such as:*

- (c)**riparian**, littoral or coastal reserves;*

(e)any other public land where the primary purpose is for the protection and conservation of such values;

Neither the council or DPIPWE contest that these values are present in the FPPF lands or the PTPZ lands.

Mr Baker's submission does not reflect on the application guidelines in their totality. When considering the application guidelines as a whole, it is clear that a rural zoning is neither required or desirable.

While Mr Bakers submission particularly references the FPPF lands in his second argument, our initial submission advocated that the values equally applied to PTPZ lands. As such I take his first argument point to equally address PTPZ and FPPF lands. The PTPZ lands are subject to a myriad of riparian reserves in the form of informal reserves, with Forest Practices Plans further imposing exclusion areas (an informal reserve in effect) on smaller waterways in operational areas. The informal reserve areas and the exclusion areas within FPP's create the primary purpose of protection and conservation. This tribunal may in it's deliberations determine that an Environmental Management Zone should only apply to those exclusion areas and informal reserves, however the fluid nature of STT determining exclusion areas, where streams may only become apparent at the point of surveying for a Forest Practices Plan makes this an imperfect exercise. Also the undesirability of fragmentation of the 'lot' into hundreds of separately zoned parcels further supports the case for application of Environmental Management Zone across the entire PTPZ estate.



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