

Our Ref: LP.PLA.13

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6 October 2021

Ms Ann Cunningham  
Tasmanian Planning Commission  
GPO Box 1691  
HOBART TAS 7001

Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

Dear Ms Cunningham

**RE: West Tamar draft Local Provisions Schedule –Directions on matters relating to the section 35F of the *Land Use Planning and Approvals Act 1993* (the Act)**

I refer to your letter of 28 September 2021 seeking further information about the West Tamar Council draft Local Provision Schedule section 35F report and the subsequent hearings held in September.

The Attachment to this letter addresses the Directions to the Planning Authority.

This response is provided under delegation provided to me on 9 June 2021 and further at Council's meeting on 20 July 2021 which stated that Council provided delegation to the Municipal Planner of its powers and functions to:

- a) modify the reports submitted under recommendation 1 if a request is received from the Tasmanian Planning Commission for further information; and
- b) represent the Planning Authority at hearings pursuant to Section 35H.

Please do not hesitate to contact me on 6323 9321 or [michelle.riley@wtc.tas.gov.au](mailto:michelle.riley@wtc.tas.gov.au) if you have any questions or if additional information is required.

Yours faithfully



**Michelle Riley**  
**MUNICIPAL PLANNER**

## Planning Authority Response to Directions of 28 September 2021

### Representation 28

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***Provide written evidence that the following adjoining and adjacent landowners support the application of the Community Purpose Zone, as set out in the State Planning Provisions, to land at 52-54 Shaw Street, Beaconsfield (being that land referred to in Representation 28):***

- ***50 Shaw Street, Beaconsfield (PID 6082350).***
- ***26 Cornwall Street, Beaconsfield (PID 6079522).***
- ***51 Shaw Street, Beaconsfield (PID 2014078).***
- ***53 Shaw Street, Beaconsfield (PID 2014086).***
- ***55 Shaw Street, Beaconsfield (PID 7323996).***

Council has written to each of the above landowners seeking their views on the proposed change to the Community Purpose Zone. The letters were hand delivered on 29 September 2021 seeking a response in writing by 5 October 2021.

To date, no responses have been received.

## Representation 47

The matters relating to Representation 47 concern the properties identified below.

Background information and relevant mapping is included as Appendix 1.

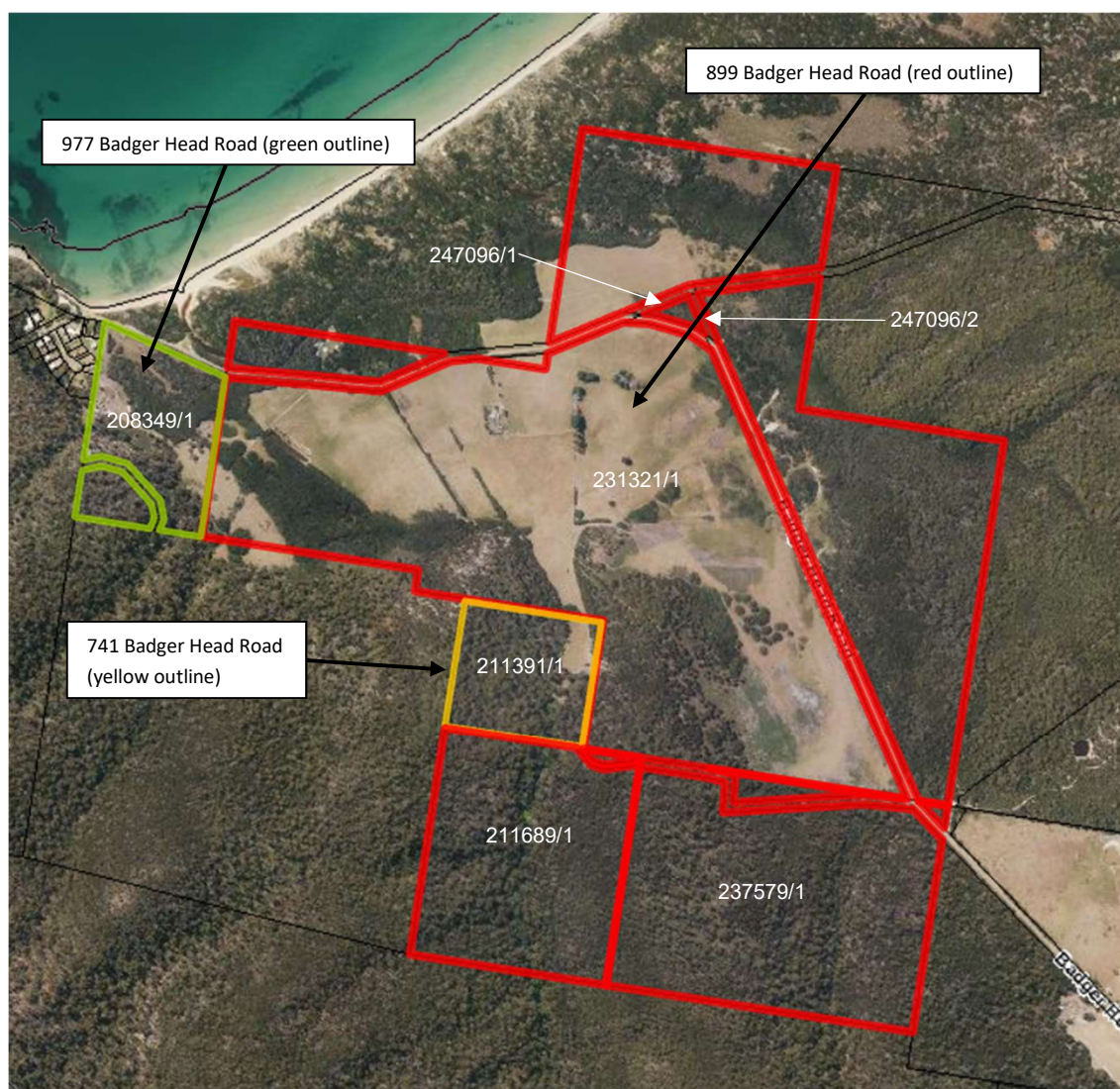


Figure 1 – Badger Head Road properties

***Provide written evidence that the owners of Badger Head Road, Badger Head folio of the register 211391/1 support application of the Rural Zone to their land in the event that the surrounding land subject to Representation 47 (folios of the register 231321/1, 237579/1 and 211689/1) are zoned Rural.***

Council has written to owners of the property seeking their views on the proposed change to the Rural Zone. The letter was hand delivered on 29 September 2021 seeking a response in writing by 5 October 2021.

A response has been received from the owner's Executor supporting the change to the Rural Zone. A copy of the response is included as Appendix 2.

***Review and consider the Desktop Agricultural Assessment of land at 899 & 977 Badger Head Road, Badger Head, prepared by AK Consultants, dated 20 September for Mick Purves of Town Planning Solutions for Representation 47, which was submitted at the hearing on 21 September 2021 (R4).***

The assessment appears to have been undertaken at a relatively high level and included no onsite investigations. It is understood the consultant has completed onsite investigations which support the findings of the desktop assessment as part of the representor's response to the directions.

Around 50ha of the site is currently cleared and seemingly suitable for grazing although the report does not detail the potential carrying capacity of the land or the economic viability of the holding if it were sought to be commercially farmed.

The extent of native vegetation, including threatened species and high value wetlands is acknowledged and further addressed below.

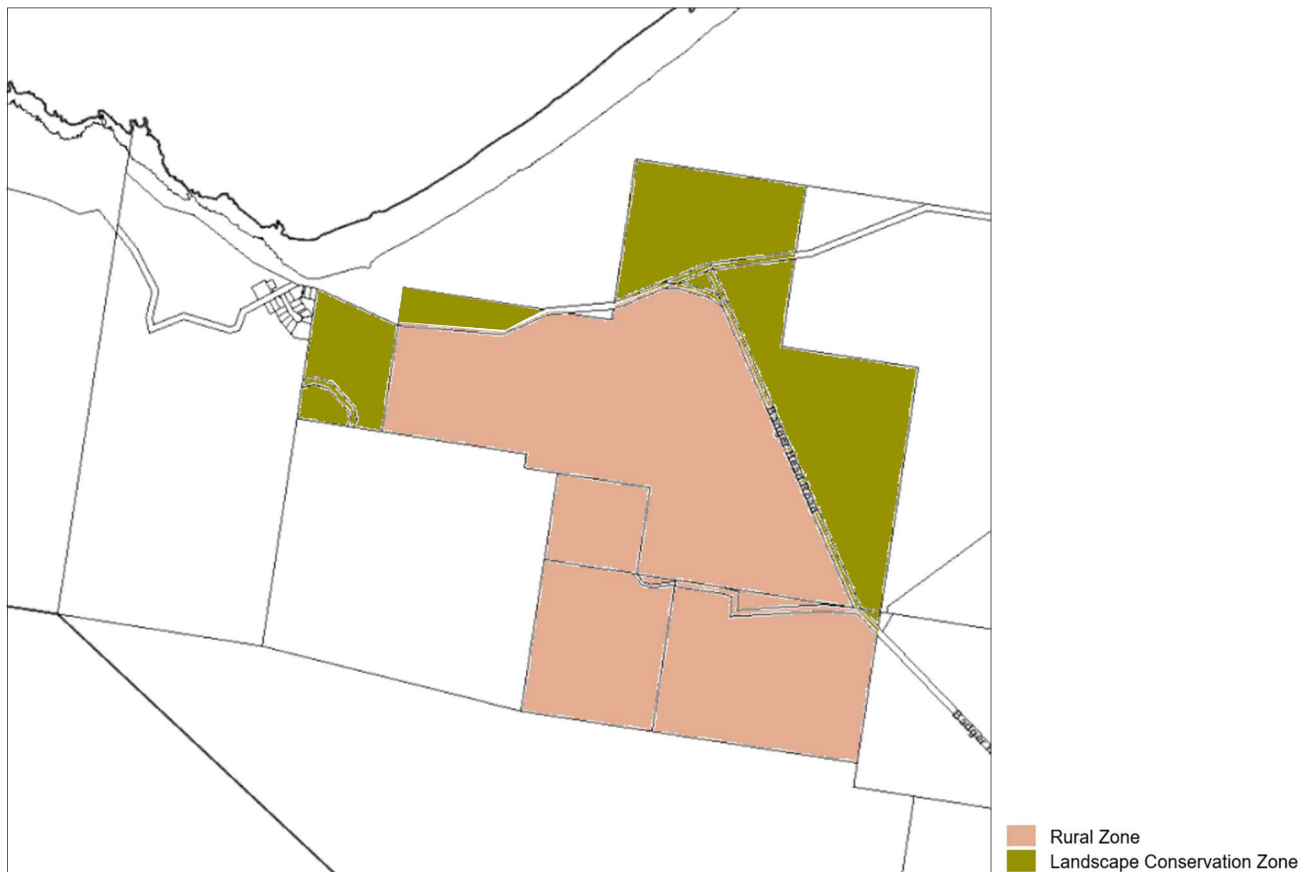
Extracts from the Land Potentially Suitable for Agriculture and Land Suitability mapping is included in Appendix 1, Figures 10 and 11.

***In light of the above evidence, provide confirmation on the preferred zoning of land at the following properties, including consideration of Rural and/or Landscape Conservation zones and whether split zoning is appropriate, and provide justification:***

- a. 899 Badger Head Road, Badger Head folios of the Register 231321/1, 211689/1, 237579/1, 247096/2 and 247096/1;***
- b. 977 Badger Head Road, Badger Head folio of the Register 208349/1; and***
- c. Badger Head Road, Badger Head folio of the Register 211391/1.***

Figure 2 below shows the recommended zones. It proposes:

- 977 Badger Head Road (CT 208349/1) entirely in the Landscape Conservation Zone;
- 899 Badger Head Road, which extends over three titles:
  - CT 231321/1 partly in the Rural Zone and partly in the Landscape Conservation Zone with the centreline of Badger Head Road being the boundary of the split zone;
  - CT 237579/1 and 211689/1 entirely in the Rural Zone;
  - CT 247096/1 and 247096/2 entirely in the Landscape Conservation Zone; and
- 741 Badger Head Road (CT 211391/1) entirely in the Rural Zone.



*Figure 2 - Recommended zoning changes*

### **977 Badger Head Road**

The intent when applying the Environmental Management Zone to the site in the draft LPS was for a translation of the existing zoning – the site has been included in the Environmental Management Zone since 2008.

However, as highlighted in the representation, a significant difference between the Interim Planning Scheme and the State Planning Provisions is that a dwelling on privately owned land will be prohibited.

The Landscape Conservation Zone is considered to be the most appropriate alternative to the Environmental Management Zone for 977 Badger Head Road.

The Landscape Conservation Zone was not initially considered in reviewing the representation as it is not currently used in the draft LPS, and while it may not be preferable to include a new zone at this point in time there does not appear to be a particular impediment to doing this.

The Landscape Conservation Zone:

- identifies dwellings as a discretionary use addressing the representor's concerns about the loss of this use right;
- provides for similar assessment categories for other uses such as visitor accommodation and tourist operation;

- provides for protection of the landscape values - the lot is mapped as containing Threatened Native Vegetation communities (Melaleuca ericifolia swamp forest ~ 3ha) , threatened fauna, high value wetlands, priority vegetation and watercourses present on the site. The site also forms a continuous area of habitat from the adjacent National Park;
- introduces limited additional use classes as permitted or discretionary uses, for example Domestic Animal Breeding, Boarding or Training; Food Services up to 200m<sup>2</sup> and General Retail and Hire associated with a Tourist Operation, and therefore the change is less likely to be of further public interest; and
- is consistent with Guideline No. 1 and the RLUS as it generally reflects the existing zoning and continues to protect the environmental values.

While the Rural Zone would mean the Priority Vegetation Area overlay would apply to the site, it also introduces additional use rights and does not place a priority on the protection of the natural values of the site.

At 9.712ha there would be no subdivision potential if the zone were to change to the Landscape Conservation Zone as the minimum lot size is 50ha.

### *899 Badger Head Road*

899 Badger Head Road is the main farming property and includes around 50ha of cleared area used for grazing. The balance contains native vegetation, including areas of threatened vegetation, and several high value wetlands.

It is understood the representor's revised proposal is seeking consideration of all the lots that make up 899 Badger Head Road and to include the entire parcel in the Rural Zone. The draft LPS includes a split zoning between the Agriculture Zone and the Environmental Management Zone.

The Desktop Agricultural Assessment provided by the representor suggests that the Rural Zone is the most appropriate zone given the limitations for agricultural production and the existing natural values on site. These findings would suggest that RZ 1 and RZ 2 of Guideline No.1 would be met.

The additional benefit of applying the Rural Zone over all or part of the land would be the application of the Natural Assets Code Priority Vegetation Area mapping and associated code requirements for the site. This would result in significant areas of the vegetation and wetlands on the site being identified and any future clearing activities for non-agricultural purposes regulated through the SPP. An image of how the Priority Vegetation Area would apply to the site, if it were to be change to the Rural Zone, is included in Figure 3 below.

The three lots that make up 899 Badger Head Road have a total area of 175.8ha. Four lots are less than 40ha and not capable of further subdivision except through boundary adjustment. The larger 125.1ha lot could be subdivided into three if included in the Rural Zone.

The mapping layers provided in Appendix 1 identify:

- The property is surrounded by National Park or reserves to the north-east, north, west and south, including sharing a significant boundary with Narawntapu National Park;
- Wetlands of high value conservation significance;

- Areas containing threatened flora species *Melaleuca ericifolia* swamp forest; and
- Areas of natural hazards relating to landslip hazard and coastal inundation.

Impacts on, or from, these features can largely be managed through the Natural Assets and relevant hazards codes, with the most significant risk being the exemptions that apply to clearing for agricultural purposes. However this only applies to existing pasture or crop production land, and if the site were to remain in the Agriculture Zone, the Priority Vegetation Area mapping would not apply.

The parts of the property to the north and east of Badger Head Road are recommended to be included in the Landscape Conservation Zone. This reflects the previous and current zoning of the site. The land north and east of Badgers Head Road is entirely included in the Environmental Management Zone in the draft LPS and the Interim Planning Scheme, and supports the protection of the landscape values. These areas directly adjoin Narawntapu National Park and contribute to a continuous area of habitat in the area. Parts of this area have previously been cleared for agricultural use and there is evidence some grazing activities may still occur on parts of the land, however a significant proportion of the area will be included in the Priority Vegetation Area. The area also contribute towards the scenic values of the Badger Head locality.

The Landscape Conservation Zone would allow the continued use of the area for Resource Development, and potentially intensification or expansion of this activity subject to a discretionary application.

Importantly, provisions of the Landscape Conservation Code provide an added layer or protection for the native fauna and flora on site and provides a buffer to the National Park.

The balance of 899 Badger Head Road is recommended to be included in the Rural Zone. This contains the majority of the area being actively farmed and forms a consolidated area within the Rural Zone.

The Agriculture Zone is not considered appropriate given the Natural Assets Code in relation to Priority Vegetation Areas would not apply so the minimum level of environmental protection would not be provided.

#### *741 Badger Head Road (CT 211391/1)*

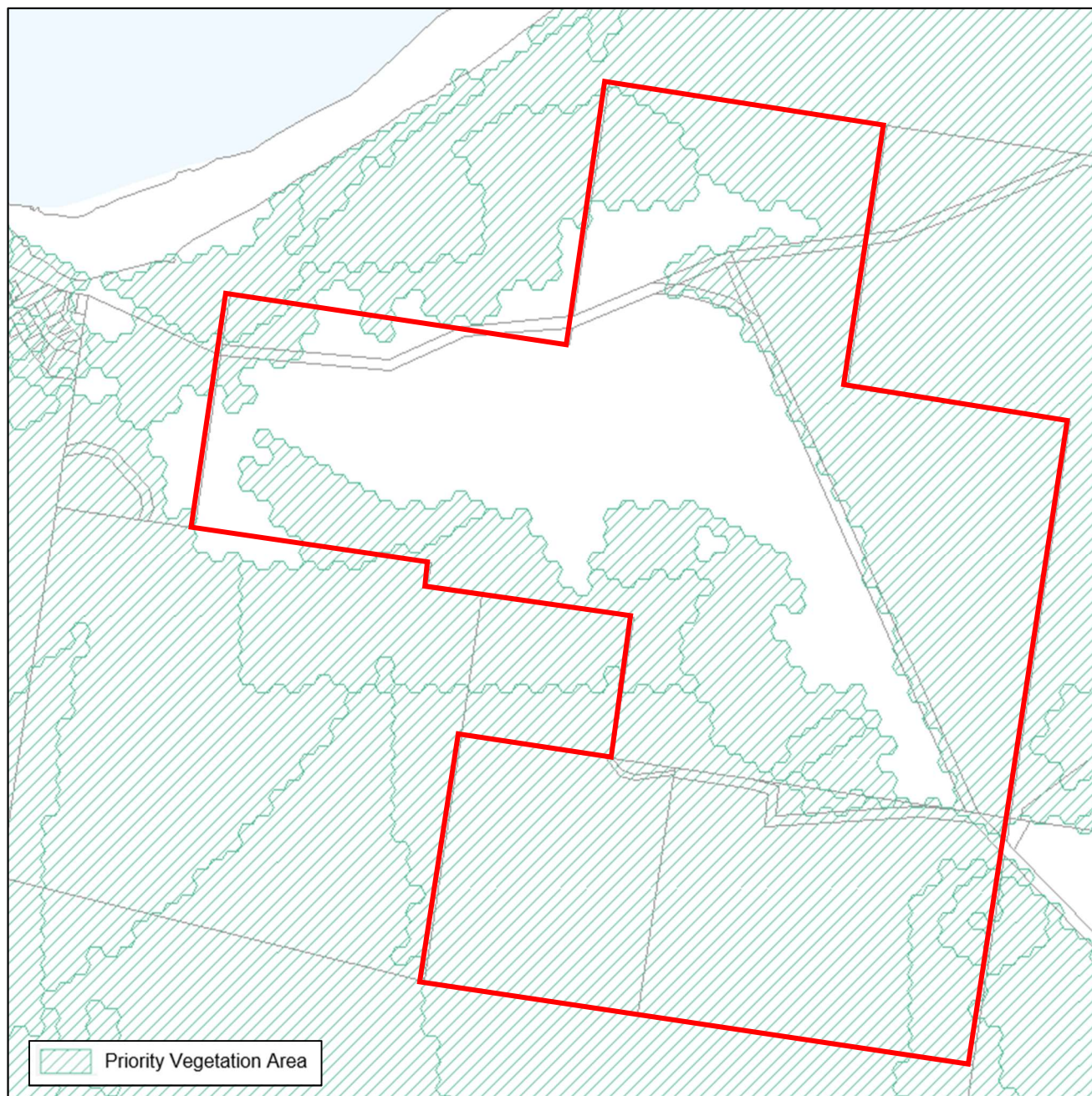
If the above recommendations are approved, it follows that 741 Badger Head Road also be included in the Rural Zone.



***Provide a diagram showing how the Priority Vegetation Area overlay would be applied to the above properties (and adjacent roads and reserved roads) in the event that the land is zoned Rural and/or Landscape Conservation.***

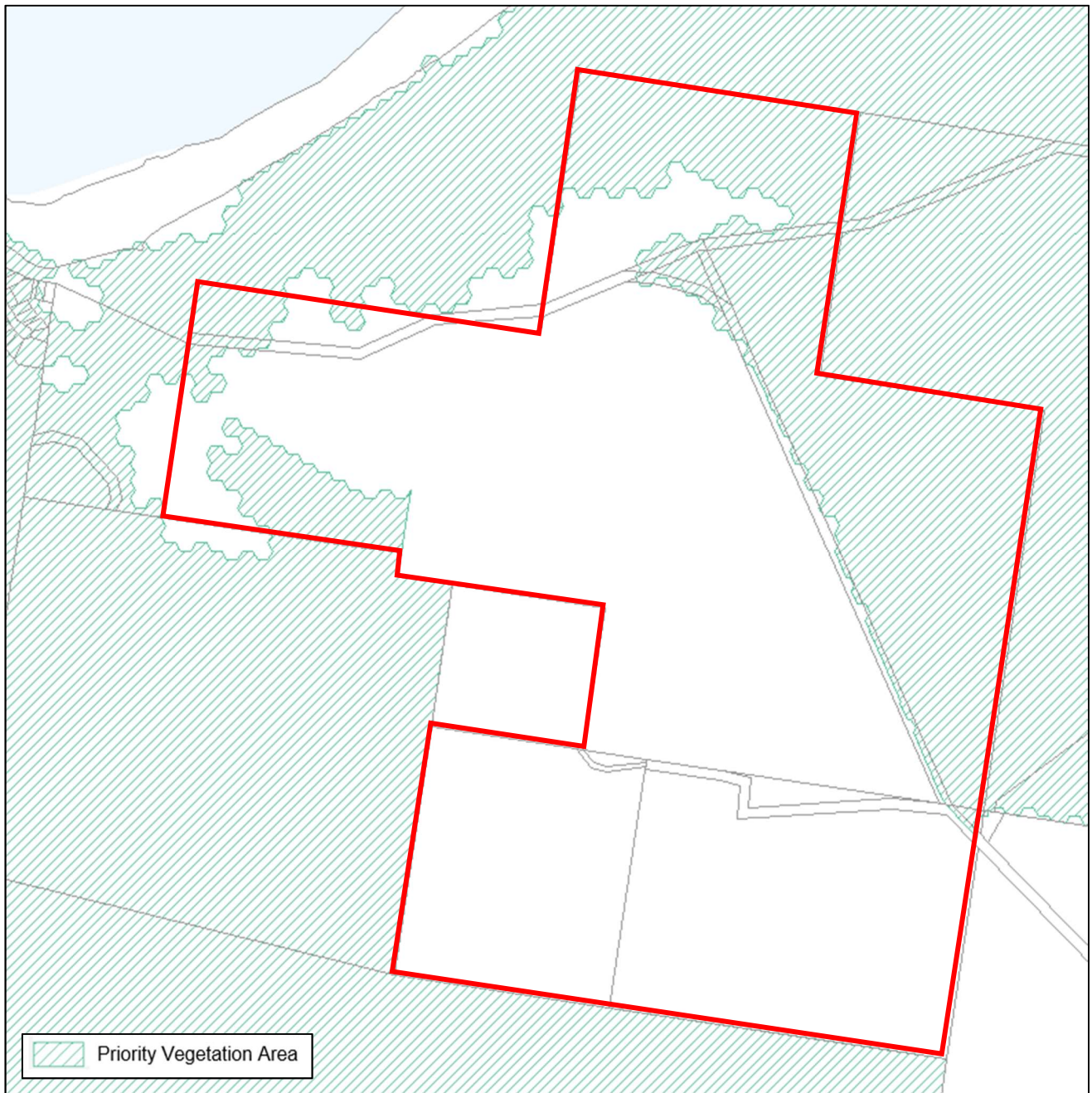
The Priority Vegetation Area overlay applied in the draft LPS is based on the Regional Ecosystem Model (REM) developed by Natural Resource Planning Pty Ltd, often referred to as the 'Rod Knight Mapping'. The REM draws heavily on the TasVeg3.0 mapping. Figure 3 below applies the Priority Vegetation Area across Badger Head in the event that the areas in the Agriculture Zone changes to the Rural Zone.

Figure 4 shows the Priority Vegetation Area as advertised in the draft LPS for reference.



***Figure 3 - Priority Vegetation Area if the zoning changes to the Rural Zone (899 Badger Head Road is included in the red outline)***

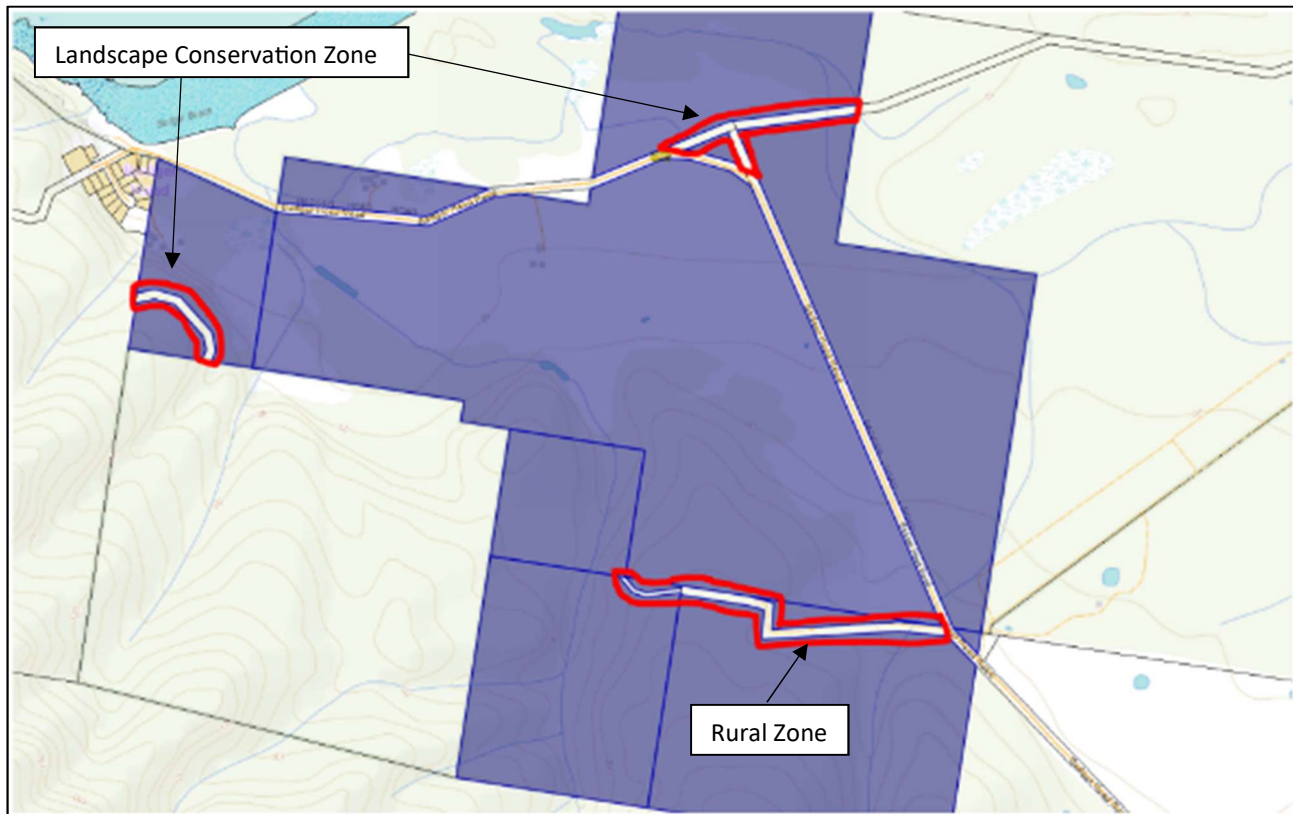




*Figure 4 - Draft LPS Priority Vegetation Area as advertised (899 Badger Head Road is included in the red outline)*

***With reference to response to (b), confirm the preferred zoning of relevant parcels of reserved and private roads circled in red in the diagram in Appendix 1.***

Consistent with Practice Note 7, it is recommended that the parcels of reserved and private roads should take on the adjacent zone as indicated below.



*Figure 5 – Recommended zoning of reserved and private roads*

## Appendix 1 - Background and relevant mapping – Representation 47

### *Zoning as advertised in the draft LPS*

The image below shows the draft LPS zoning as advertised.

It includes:

- 977 Badger Head Road entirely within the Environmental Management Zone;
- 899 Badger Head Road, which extends over five titles, in the Agriculture Zone and the Environmental Management Zone; and
- 741 Badger Head Road (CT 211391/1) entirely in the Agriculture Zone.

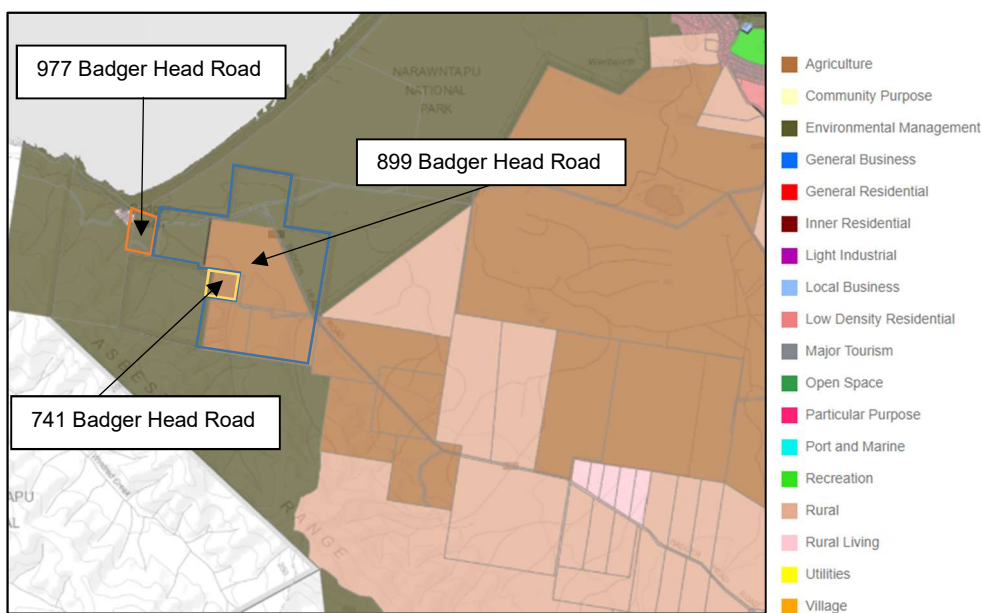


Figure 6 - Draft LPS Zoning (as advertised)

### *Historic zoning*

A similar pattern of zoning has been in place since 2008 as shown in the images below of the West Tamar Interim Planning Scheme (2013) and the West Tamar Planning Scheme (2008), however prior to 2008 the entirety of 899 Badger Head Road was included in the Rural Zone and 977 was partly in the Low Density Residential A Zone and the Rural Zone.



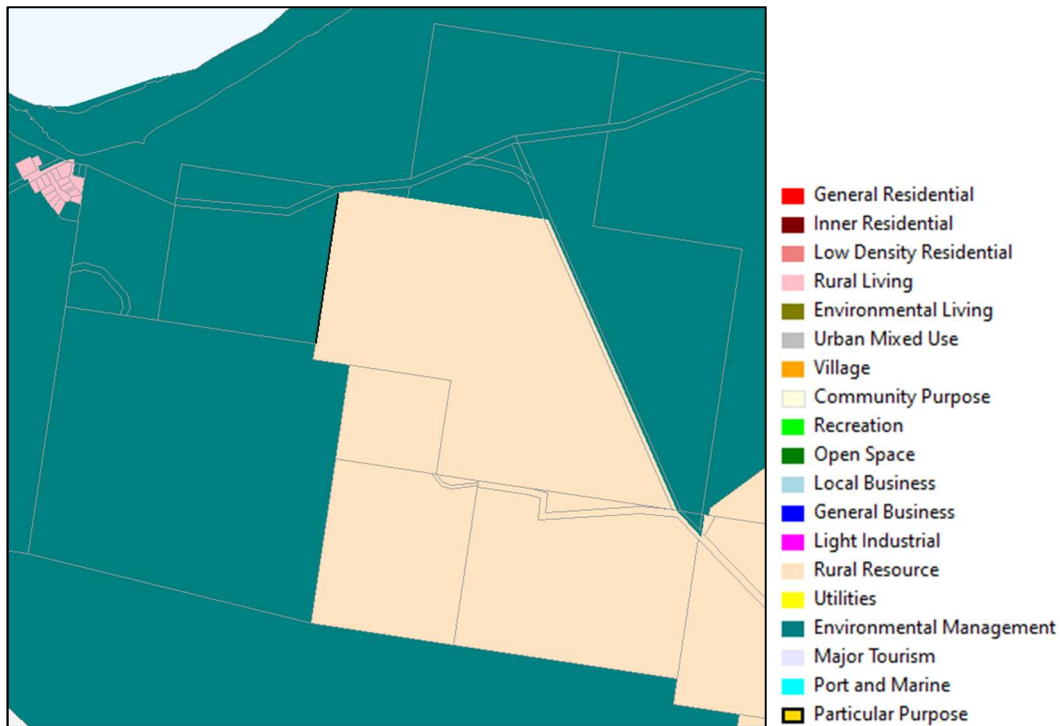


Figure 7 - West Tamar Interim Planning Scheme (2013)

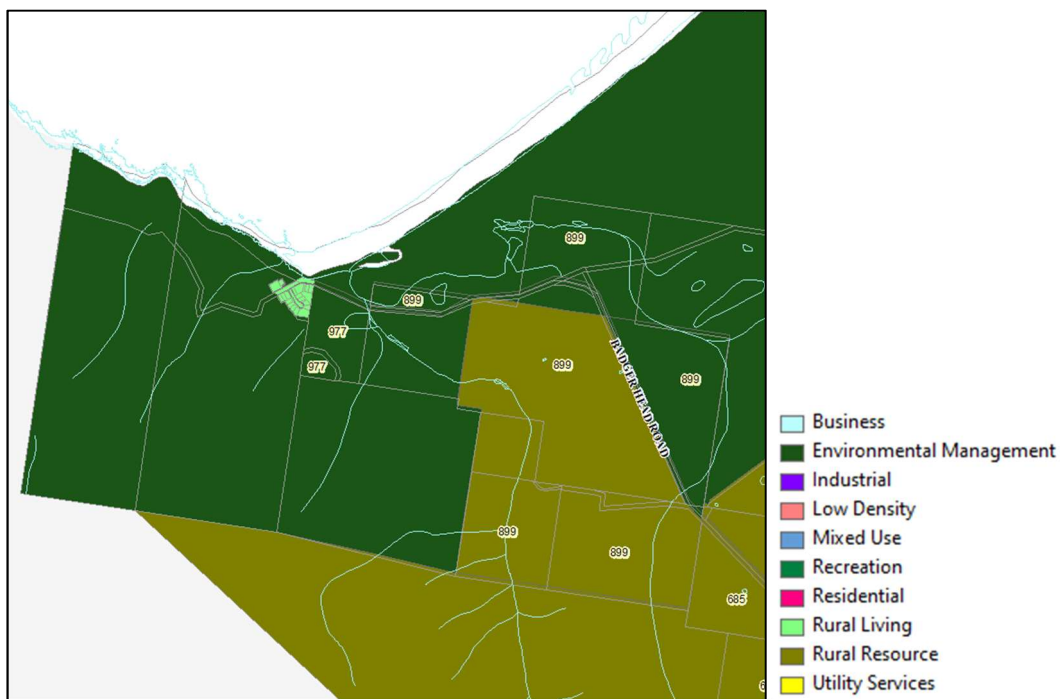


Figure 8 - West Tamar Planning Scheme (2008)



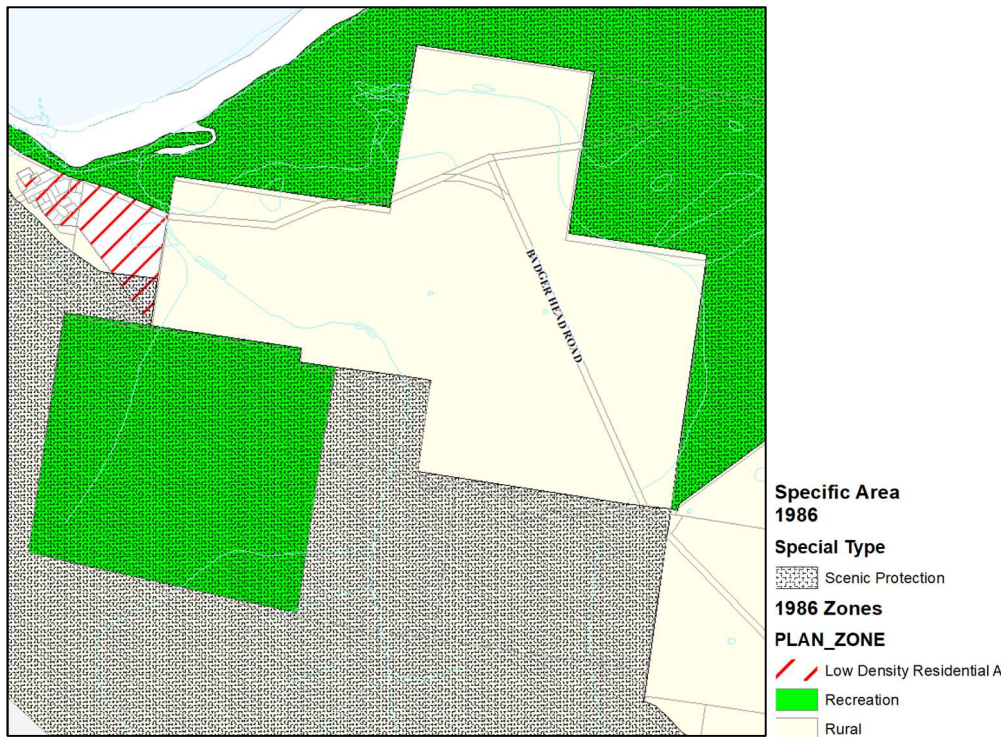


Figure 9 - Beaconsfield Planning Scheme 1986

#### Agricultural Land Suitability mapping

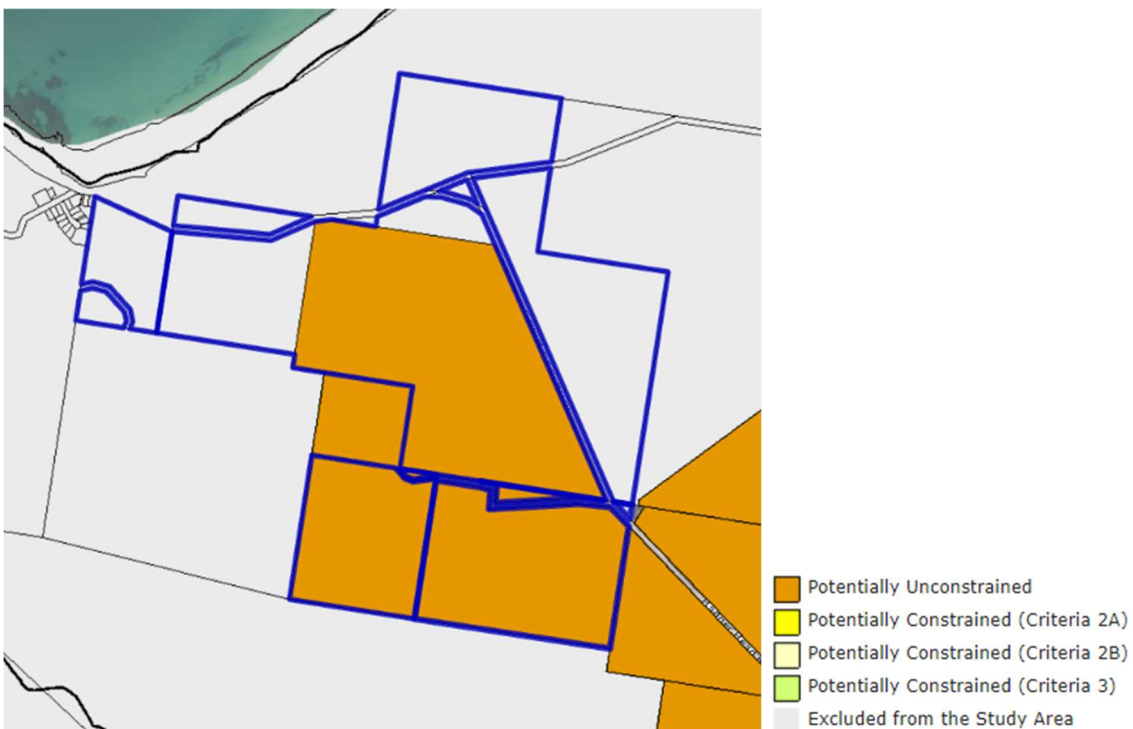


Figure 10 - Land Potentially Suitable for Agriculture (ListMap, 29 September 2021)

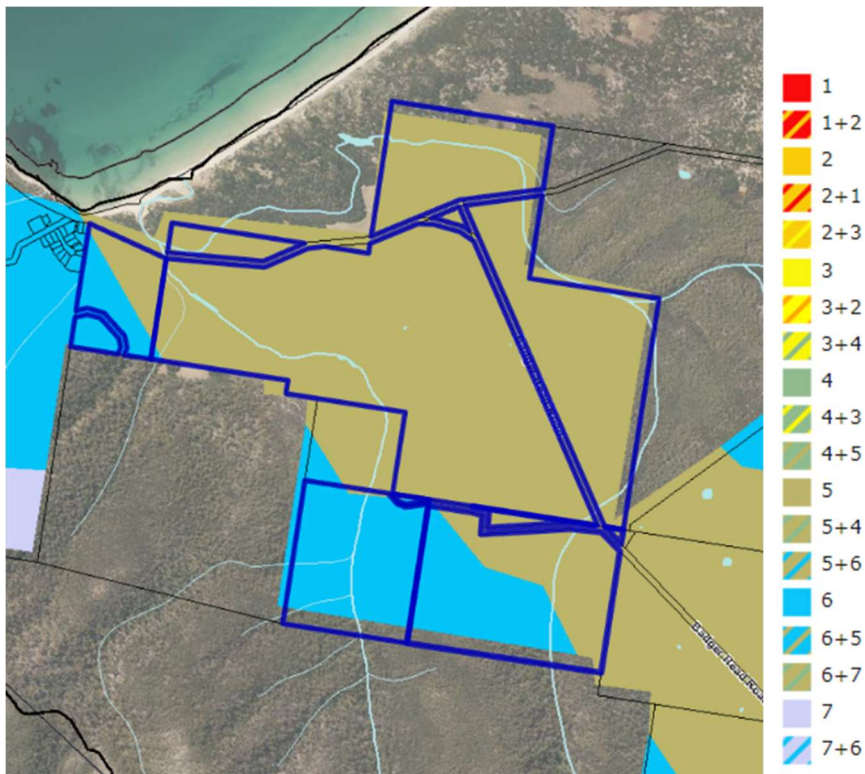


Figure 11 - Land Capability (ListMap, 29 September 2021)

### Land Tenure

The Land Tenure of the site and surrounding land is illustrated below, with the sites in question all private freehold land with National Park, Regional Reserve of Local Government Reserve on all but one side of the property to the east.

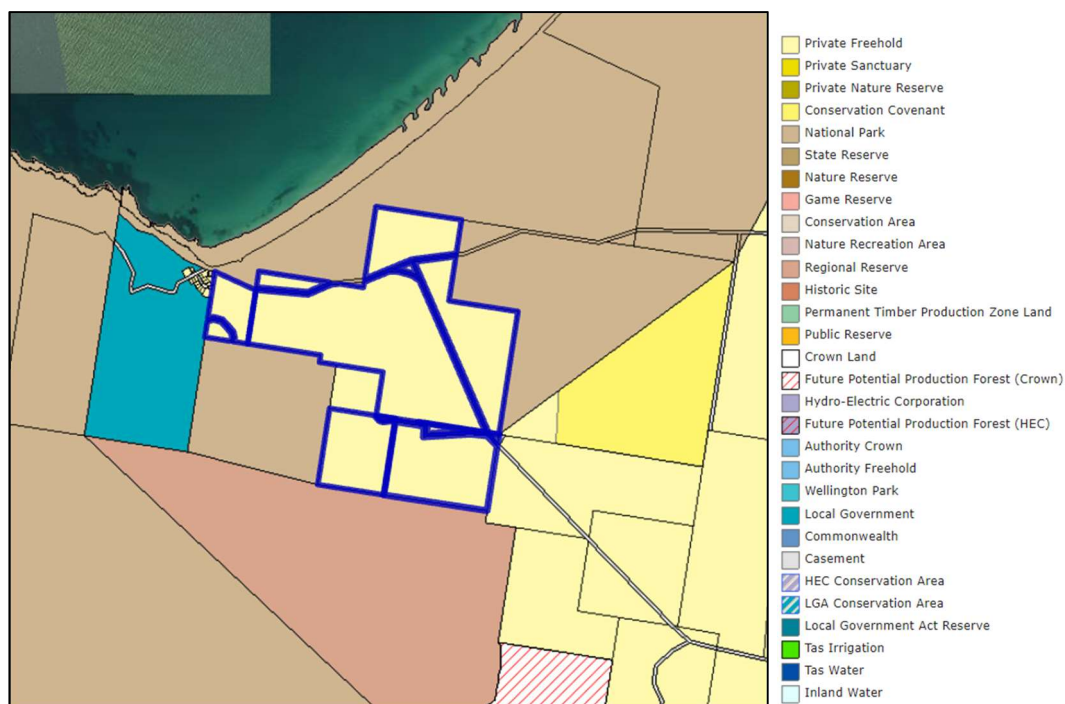


Figure 12 - Land Tenure (ListMap, 29 September 2021)

### Natural values

The draft LPS identifies waterway and coastal protection areas, priority vegetation areas and Future Coastal Refugia over parts of the site, noting that the priority vegetation area has been clipped to exclude the Agriculture Zone.

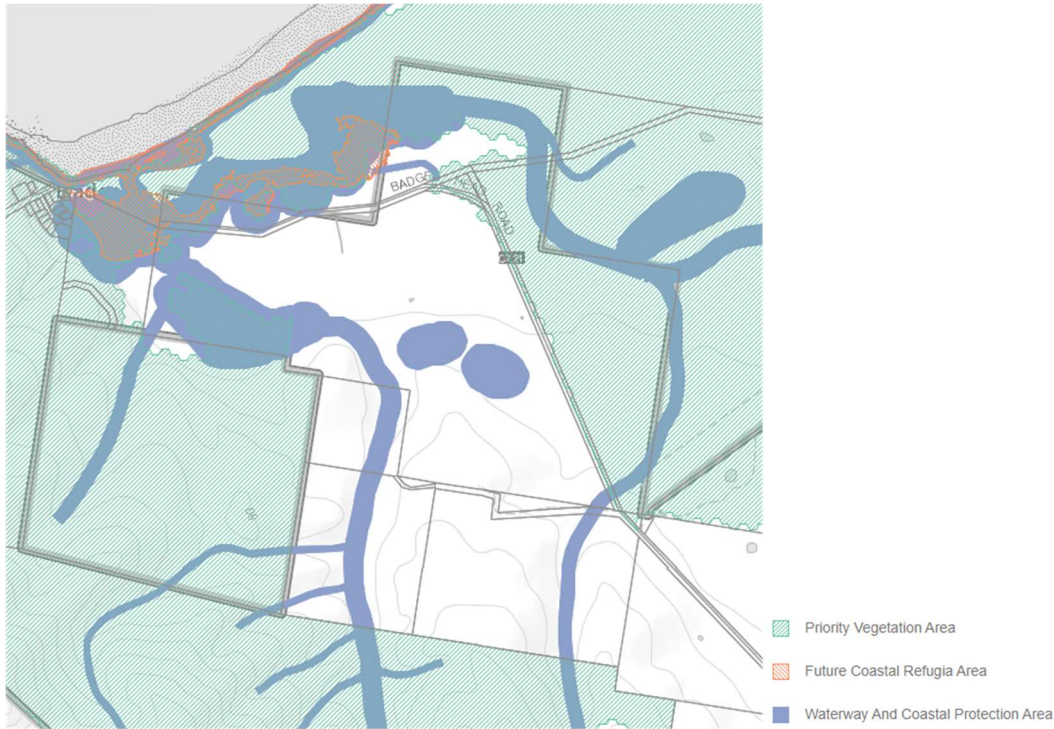


Figure 13 - Draft LPS Natural Assets Code mapping

The site contains areas of *Melaleuca ericifolia* swamp forest which are Threatened Native Vegetation Communities recognised under the *Nature Conservation Act 2002* as indicated in the image below. Threatened species points for the Tasmanian Devil and Masked Owl have also been recorded in close proximity to the site.



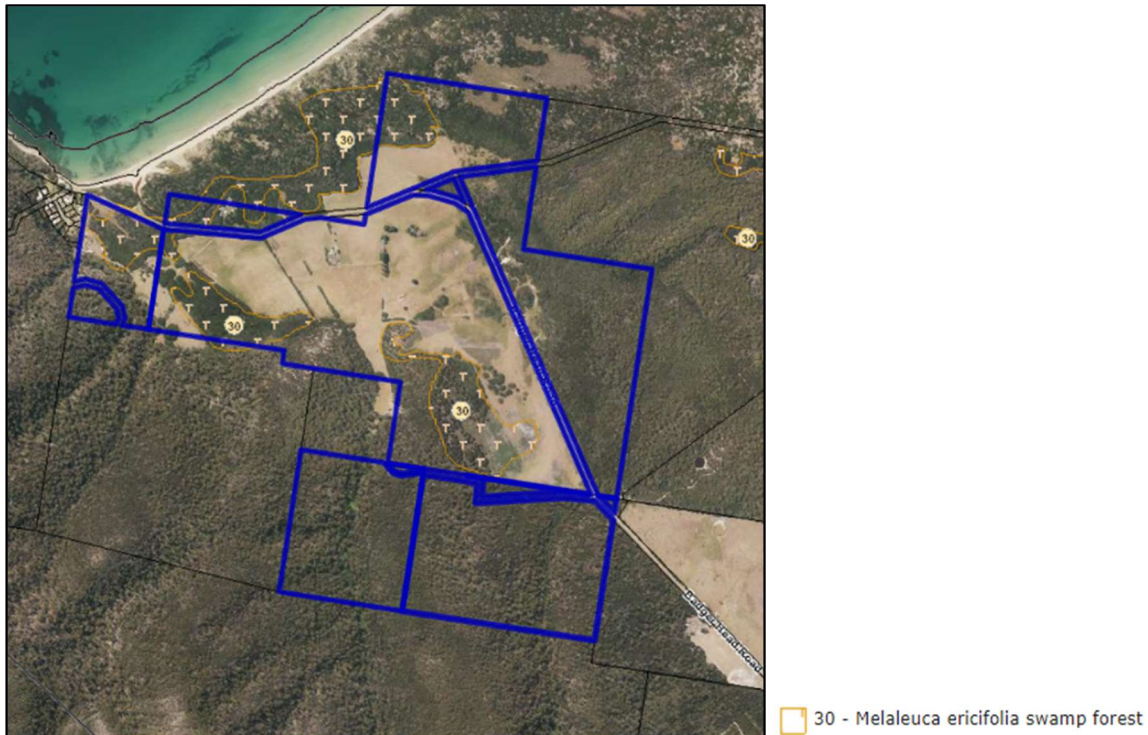


Figure 14 - Threatened Native Vegetation Communities 2020 (TNVC 2020) (ListMap, 29 September 2021)

The site also contains wetlands identified as high and very high conservation values.

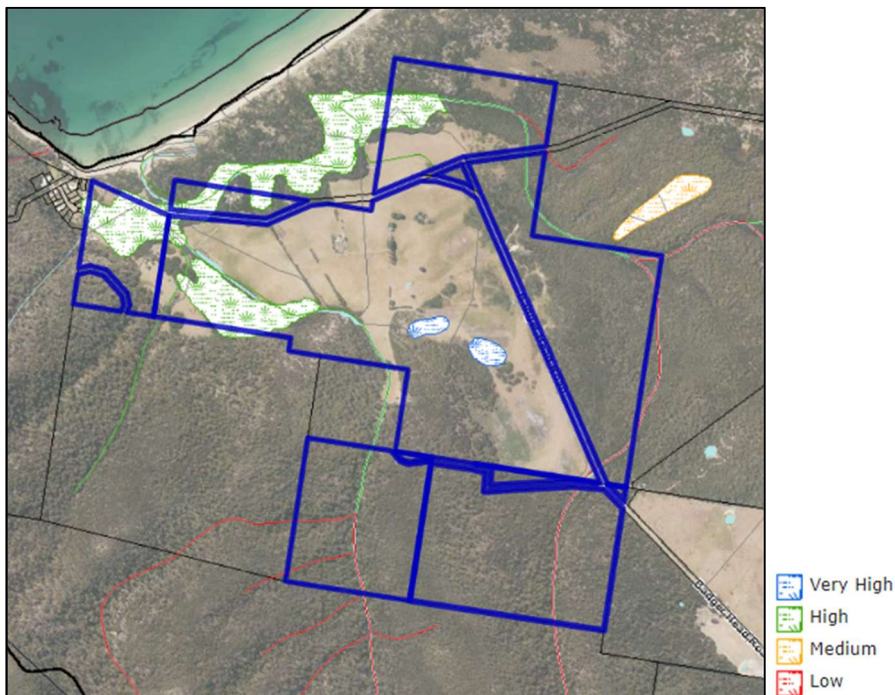


Figure 15 - Conservation of Freshwater Ecosystems Values (CFEV) Wetlands (source: ListMap, 29 September 2021)



## Hazards

The site is partly affected by the Coastal Inundation Hazard and Landslip Hazard Code maps.

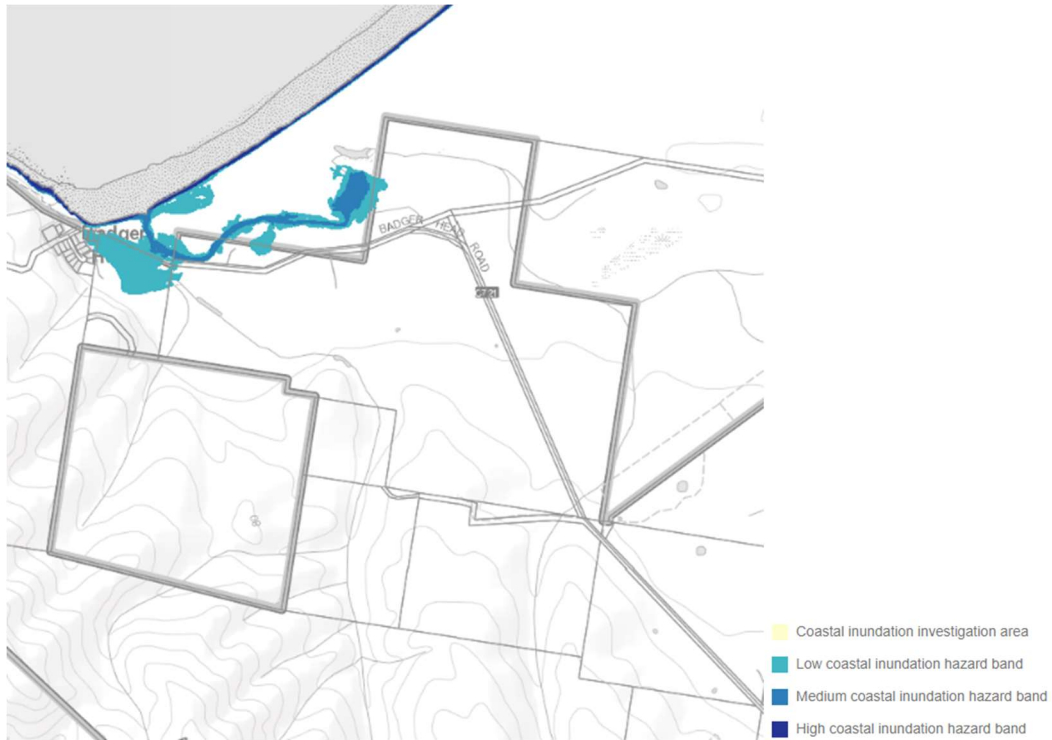


Figure 16 - Draft LPS - Coastal Inundation Hazard Code mapping

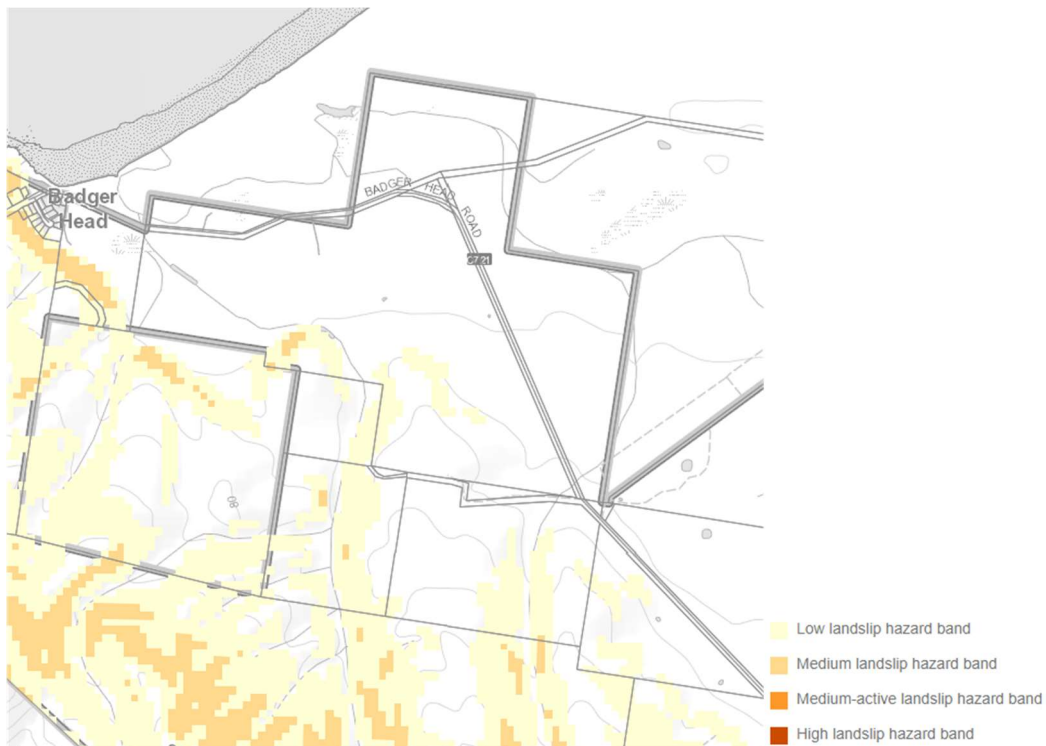


Figure 17 - Draft LPS Landslip Hazard Code mapping

Appendix 2 – Advice from owners of 741 Badger Head Road, Badger Head  
(CT 211391/1)

5/10/2021

RE: Proposed change to zoning  
of 899 Badger Head Rd, Badger  
Head.

We would be happy to accept  
a change in zoning from  
agricultural to rural for both  
899 and 741 Badger Head Rd.

*Lynette Aulick*

Lynette Aulick  
Administrator of Estate  
of R.J. Aulick.