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**From:** Mellor, Sonia <Sonia.Mellor@nre.tas.gov.au>  
**Sent:** Tuesday, 19 March 2024 4:58 PM  
**To:** Graham, Linda  
**Cc:** Cuskelly, Richard (DPIPWE)  
**Subject:** RE: Huon Valley draft LPS - representation made by Leprena Trust - proposed Scenic Protection Area provisions - Blackswan Lagoon, Recherche Bay

Hi Linda,

Thankyou for your patience while I sought feedback from the relevant divisions within NRE Tas.

Thank you for your email of 5 March 2024 inviting a response from the Department of Natural Resources and Environment Tasmania (NRE Tas) to recent direction responses received from the Huon Valley Council and Leprena Trust in relation to the proposed Scenic Protection Area (SPA) at Blackswan Lagoon. NRE Tas appreciates the opportunity to comment.

### ***General***

NRE Tas does not object in principle to the application of a SPA, however, we submit that its spatial application should extend to land of private freehold tenure only. The Crown land affected by the proposed SPA is currently managed and protected as land proclaimed under the *Nature Conservation Act 2002* and managed in accordance with the *National Parks and Reserves Management Act 2002* and the *National Parks and Reserves Management Regulations 2019*. It is also managed in accordance with a statutory management plan being the *Southport Lagoon Conservation Area George III Monument Historic Site and Ida Bay State Reserve Management Plan 2006*.

NRE Tas submit that the application of the SPA over the public reserve land could create the unreasonable potential of conflict with future reserve management planning, and that scenic values are already appropriately considered and protected under the legislation and the statutory Management Plan highlighted above.

### ***Marine***

#### ***Background***

Southport Lagoon Conservation Area (SPLCA) came into effect late 1999, at least two years after the approval of the D'Entrecasteaux Channel and Huon River marine farming development plan (DEC&HR MFDP).

While Blackswan Lagoon (BSL) lies within the DEC&HR MFDP area, it has not been zoned for marine farming of any category of fish. As such there are no marine farming leases or licences associated with BSL. At present there is no intent to develop any part of BSL for aquaculture.

BSL is situated within and is part of the SPLCA. Aquaculture is not compatible with the values of the Conservation area (inc. BSL). Note the SPLCA boundary extends, to varying degrees, into Pigsties Bay. There is also a minor area of overlap between zone 22A, marine farming lease (MF) 35 and the SPLCA in the lower reach of D'Entrecasteaux Channel River.

Marine farming zones 22A and 22B are situated within Pigsties Bay (Recherche Bay). The categories of fish permitted for culture within these zones (subject to provisions of marine farming licence/s) are finfish, shellfish and seaweeds.

Within zones 22A and 22B, pacific oysters are farmed at MF35 and MF274. Areas subject to MF35 are mostly intertidal, with the exception of the block adjacent MF274, both being sub-tidal. At present the areas of MF35 and MF274 are at the extent of the maximum leasable area (22A + 22B).

### ***Proposed SPA***

The proposed SPA overlay map in essence corresponds to the existing extent of the SPLCA and includes a boundary with the DEC&HR MFDP and zone 22A. Marine farming activities (shellfish culture) in waters adjacent the SPLCA have occurred without conflict of use since the DEC&HR MFDP and SPLCA were established. In terms of the proposed spatial extent of the SPA, it is not likely to disadvantage existing, or future marine farming in Pigsties Bay (or Recherche Bay more broadly). As indicated above, aquaculture in BSL is already incompatible with the values of the SPLCA (so imposing the SPA over this area does not change this). However, without recognition in proposed Table C8.1 of existing oyster farming equipment and infrastructure in Pigsties Bay, most of which occurs between the high-water mark (HWM) and the 5m bathymetric contour, existing oyster farming activities (inc. farming equipment in Pigsties Bay) will not be compatible with proposed management objective (a)(iii):

*(a) Development, excepting works related to currently existing access tracks, must occur so that no visual evidence of development is evident on the peninsular, to respect and enhance the scenic integrity and cultural historic landscape associated with the scenic values, including...*

*(iii) No development is to be located between high water mark and the 5m bathymetric contour, except for mooring ropes and buoys, to prevent visual impact from marine facilities or the like.*

If the decision is made to spatially apply the SPA as currently proposed then NRE Tas submit that this management objective should be revised to account for existing use rights, that is the existing right to farm oysters at MF35 and MF274. As presently drafted, (a)(iii) seems to preclude any further development (for e.g.) of intertidal shellfish culture around the shoreline of Recherche Bay, since (for shellfish culture) there is more equipment than ‘...mooring ropes and buoys...’ between the HWM and 5m bathymetric contour.

Should the TPC have any further questions in relation to this matter, the NRE Tas contact officer is Mr Richard Cuskelly, Projects and Policy Officer, Strategic Projects and Policy. Mr Cuskelly can be contacted by telephone on 6165 4537 or by email at [richard.cuskelly@nre.tas.gov.au](mailto:richard.cuskelly@nre.tas.gov.au).

Kind regards

Sonia Mellor



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In recognition of the deep history and culture of this island, I acknowledge and pay my respects to all Tasmanian Aboriginal people; the past and present custodians of the land.