



29 March 2021

Dear Tasman Council,

Re Tasman Council Draft Local Provisions Schedule

We are writing regarding the proposed zoning of our property Bangor in the Tasman Council Draft Local Provisions Schedule (LPS).

The draft LPS proposes the entire property be zoned Agriculture. This is incongruous , with Rural being more appropriate zoning for the land type covering the vast majority of the property. The proposed Agriculture zoning would be unreasonably restrictive on future land uses.

Further, the proposal to zone Bangor entirely as Agriculture is inconsistent with the guidelines issued by the Tasmanian Planning Commission to assist local councils . These guidelines and supporting documentation support a Rural zoning over most, if not all the property.

We are firmly of the view that the draft LPS be amended to include Bangor in the Rural Zone and the attached document outlines our rationale. Please don't hesitate to contact us if you require further information, and we are available to meet with councilors or staff at any time.

Regards,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

Matt and Vanessa Dunbabin

The proposal for Bangor in the Draft LPS

All titles comprising our property Bangor are proposed to be zoned Agriculture in the Draft LPS.

The supporting report, ¹ produced as part of the Tasman Council LPS, has a page detailing Bangor (which it refers to as Dunalley) gives the rationale for an Agriculture zoning, stating that

“ the Agriculture zone is applied in full to Dunalley and accords with the potential agricultural land mapping”. A further rationale stating that *“the area does contain Private Timber Reserves and natural values however the zoning provides a consistent zone to a region that is under one ownership only”* is also given.

We are firmly of the view that both of these rationales are incorrect and furthermore they are inconsistent with the documents and guidelines used by the council in preparing the LPS, specifically those addressing the application of the Rural and Agriculture zoning.

The proposal that Bangor be zoned as Agriculture has been made with undue consideration of the land type being zoned. This zoning is a clear a mis-application of the mapping and guidelines issued by the Tasmanian Planning Commission to guide Local councils in preparing their LPSs. The land type on 85% of the property is entirely inconsistent with the definition of the Agriculture Zone, and instead fits the criteria of a Rural Zone.

If the Tasman Council wishes to apply a single zone over the entirety of Bangor, Rural, not Agriculture, zoning would be much more appropriate, given that less than 15% of the area of the property, according to the guidelines followed by the council, could be considered consistent with Agriculture zoning.

Alternatively, a split zoning could be considered, with the small arable portion of the property zoned Agriculture, and the balance Rural.

The vast majority of Bangor is not land potentially suited to agriculture

Bangor is a 6200 ha property on the norther end of the Forrestier Peninsula. Comprising of 7 individual titles, it has been owned by the Dunbabin family since the late 1800s.

Figure 1 shows the proportion of different land types at Bangor. The vast majority (5000 hectares) of the property is Class 6 & 7 land covered with native forest. The land is either steep, stony or both, with agricultural potential severely restricted. Agricultural activity is limited to very light seasonal grazing across half of this area, with no agricultural activity on the remainder. Two thousand four hundred hectares is formally reserved under conservation covenant that expressly prohibits the clearing of native vegetation, a permanent restriction on development for agricultural activity. That this area is proposed for an Agricultural Zoning completely discredits the Draft LPS report in relation to Bangor.

A further 100 hectares is coastal wetlands with no agricultural potential at all, and 300 hectares of timber plantations on areas of very limited agricultural potential. Only 840 hectares (14 %) of Bangor could be classified as agricultural land. These are areas of lower slopes and deeper top-soils.

¹ Supporting Report – Attachment 9 Rural and Agriculture Zone. 27 November 2020

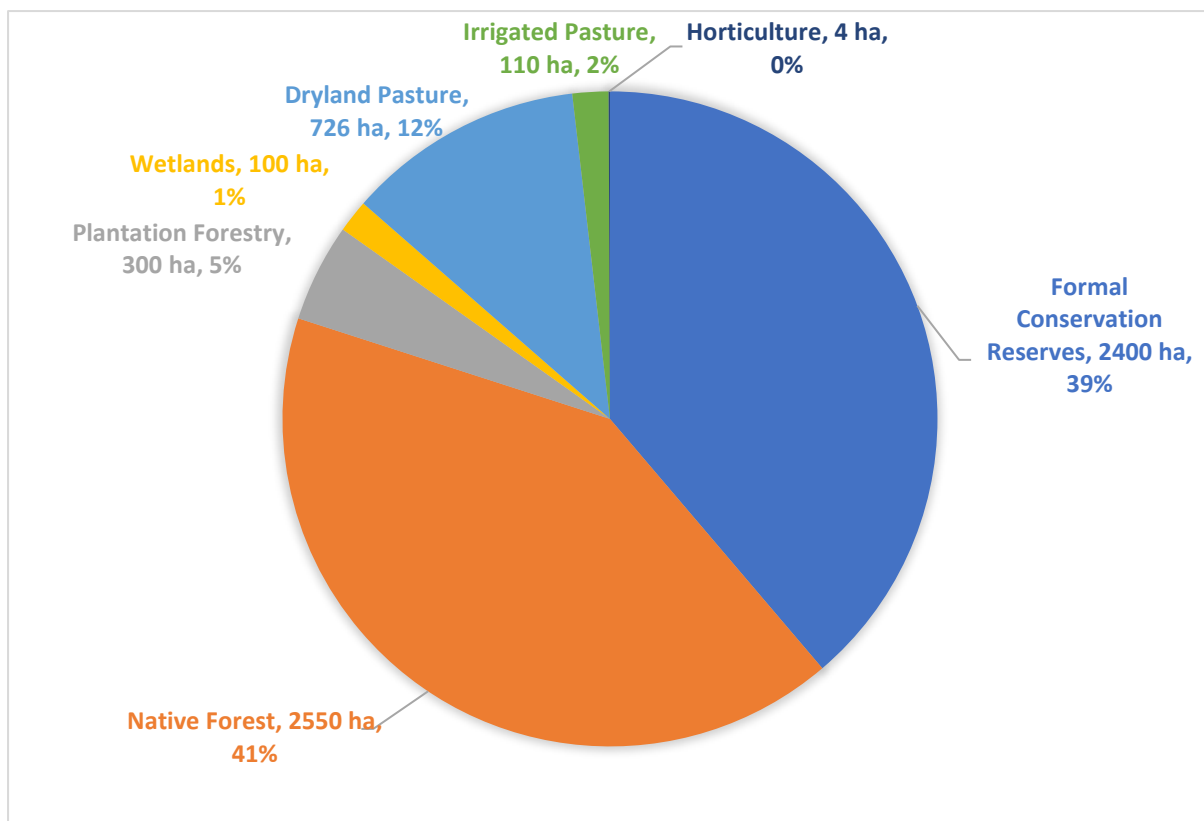


Figure 1. Shows the total hectares, and % area covered by different land types at Bangor

The majority of Bangor meets the guidelines for the Rural Zone

Agricultural Land Mapping Project 2017,

The Agricultural Land Mapping Project 2017² was prepared by the Department of Justice Planning Policy Unit, with the express aim of “*identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone*”. This document informs the guidelines which the Tasman Council should use to determine Agricultural and Rural zoned land in the LPS process. The first rationale used by the Tasman Council LPS for applying an Agriculture zone to Bangor is that it falls within the area identified as potential agricultural land by this project. However, although Bangor falls within the area mapped as having agricultural potential³, this is an extremely broad scale map. The Agricultural Land Mapping project was never intended to accurately map individual parcels of land with agricultural potential, and recognizes that:

“the analysis of potential agricultural land does not incorporate some of the more finer-grain information based on local circumstances. It is appropriate that local planning authorities perform this

² Agricultural Land Mapping Project. 2017. Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone. Background Report. Page 1.

³ Agricultural Land Mapping Project. 2017. Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone. Background Report. Page 14.

local assessment and verification exercise, as part of their Local Provisions Schedules, as is the case with the application of all other zones.”⁴

It is apparent that no attempt was made to locally verify the potential for Agricultural land at Bangor. Any local assessment would clearly show that the majority of the property has limited or no agricultural potential.

Further the Agricultural Land Mapping Project supports a Rural zoning of the vast majority of Bangor, stating that:

“The Rural Zone is aimed at the remaining rural land with limited or, no potential, for agriculture, and which has not been identified for the protection of specific values, such as landscape conservation or environmental management”⁵ and “the provisions of the Rural Zone acknowledge that the land may be able to support some agriculture, but the land is of lower significance as compared to the Agriculture Zone.”

The guidelines support a Rural Zoning for the majority of Bangor

Guideline No. 1 LPS: zone and code application, 2018

Guideline No. 1 was issued by the Tasmanian Planning Commission in June 2018 for local councils as a “guide for the application of all zones and codes for the preparation of draft Local Provisions Schedules (LPSs) and amendments to LPSs”.

It is clear that if this guideline is followed, an Agriculture Zoning on the entirety of Bangor is not the appropriate outcome, rather a Rural zoning should be applied.

The Guideline for zone 20 Rural Zone states that

“the purpose of the Rural Zone is: to provide for a range of use or development in a rural location (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics”

This describes exactly the 85 % of Bangor that is not used for dryland pasture, irrigation or horticulture.

The specific zone application guideline applying in this case is RZ 3, which states that *“The Rural Zone may be applied to land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer, if:*

- (a) It can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding....”*

In the case of Bangor, 85 % of the property has limited or no potential for agriculture. These areas are not integral to the farm management, being mostly remote from the main farming areas.

And further RZ 3 *“(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land”*

⁴ Agricultural Land Mapping Project. 2017. Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone. Background Report. Page 1.

⁵ Agricultural Land Mapping Project. 2017. Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone. Background Report. Page 5.

This is indeed amply demonstrated in the summary showing the land use breakdown at Bangor.

Together, RZ2 and RZ3 make it clear that the zoning which should be applied over the majority of Bangor is Rural.

Guidelines do not support an Agriculture Zoning

The Guidelines for zone 21 Agriculture Zone state that *“The purpose of the Agriculture zone is: To provide for the use or development of land for agricultural use”*

In the case of Bangor, only 15 % of the land is suitable for Agriculture. The Zone Application Guidelines clearly do not support an Agriculture zoning.

Guideline AZ 1 states that the application of the Agriculture Zone *“should be based on the ‘Land Potentially Suitable for Agriculture’ layer published on the list”*. This is the Tasman Council’s stated rationale for the proposed zoning. However, AZ 1 also instructs that regard should be given to *“analysis or mapping undertaken at a local or regional level which (iii) addresses any inaccuracies in the layer”*

The analysis of land types at Bangor and the limitations to agricultural use, clearly demonstrates that the vast majority of Bangor is not Land Potentially Suitable for Agriculture, and when this is properly considered, an Agriculture zoning is inappropriate. Guideline AZ 6 advises that although the land is within the mapped Agriculture layer, alternate zoning may be considered if

“it can be demonstrated that

(i) the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding....”

(ii) there are significant constraints to agricultural use occurring on the land”

This is indeed the case at Bangor, as outlined referencing Guideline RZ 3 above

If the Agriculture Zone is to be applied across any of Bangor, it should be limited to the 840 ha which is suitable for dryland pasture, irrigated pasture or horticulture. This easily identifiable area is the only land suitable to be included in this zone. A split zoning is entirely consistent with guideline AZ5 which recognizes that this may be appropriate for larger titles.

The rationale in the Draft LPS for a single Agriculture zone across the whole of Bangor is that the property is under one ownership. If this rationale is to be applied to Bangor, zoning should be consistent with the land class covering the majority of the property, suggesting a Rural zoning, not the small minority of land suitable for agriculture.

The significant extent of Private Timber Reserves and forestry across Bangor require a Rural zoning

Private Timber Reserves (PTRs) cover 2560 ha of Bangor, 41 % of its total area (Fig 2). In its supporting documentation for the LPS, the Council recognizes the presence of Private Timber Reserves at Bangor, but neglects to mention the significant extent of coverage. ⁶

The proposed Agriculture zoning covering these PTRs is inconsistent with the Council's own supporting report, which explicitly states that

"Private Timber Reserves are prevalent throughout the municipal area and generally apply to land with less potential for more productive agricultural output. Consistent with the AK guidelines, the preferred zone for PTRs is rural. To maintain a consistent zone, land adjoining or separating a PTR is also zoned Rural where the vegetation cover and topography are similar" ⁷

It is totally inconsistent that Bangor's PTRs be zoned Agriculture, and given that PTRs cover nearly half of the property, a Rural zoning over the whole property is most appropriate.

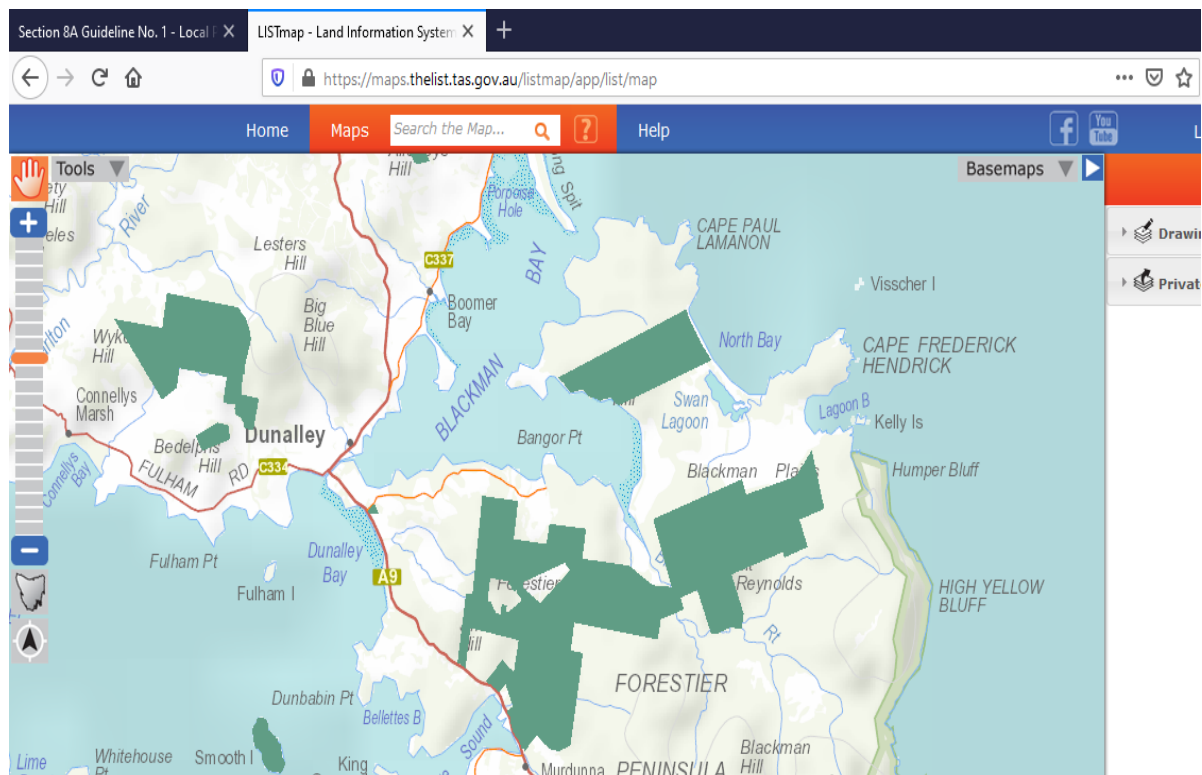


Fig 2. Private Timber Reserves cover 41 % of Bangor

⁶ Attachment 9. Rural and Agricultural Zoning.

⁷ Tasman Council Local Provisions Schedule Supporting Report. Page 42

In addition, the Agricultural Land Mapping Project determines that *“the Rural Zone is considered appropriate for most land under broad-scale forestry production given many areas have limited suitability for a broader range of other agricultural uses.”*⁸ This is indeed the case for the 2500 hectares of native forests area of Bangor not covered by conservation covenants. These areas have a long history of forestry production and are currently managed under a long-term rotation for selective timber harvesting. These areas are completely unsuitable for any agricultural use except limited light grazing, being either steep, shallow stony soil or both.

Conclusion:

The Agricultural Zoning applied to Bangor under the Tasman Council Draft Local Provisions Schedule is inconsistent with the Tasmanian Planning Commission guidelines and an inappropriate zoning recommendation given the land classes covering the majority of the property and the current land use restrictions imposed by Conservation covenants and Private Forest Reserves that together apply to 80% of the property. We urge you to reject the zoning proposed by the draft plan and apply a Rural zone to the entire property.

⁸ Agricultural Land Mapping Project. 2017. Identifying land suitable for inclusion within the Tasmanian Planning Scheme’s Agriculture Zone. Background Report. Page 10.