

**From:** [Planning](#)  
**To:** [SARAH YOUNGER](#)  
**Cc:** [TPC Enquiry](#)  
**Subject:** Re: Draft Tasman Local Provisions Schedule  
**Date:** Thursday, 26 August 2021 2:08:47 PM

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Hi Sarah

There will be no rates or tax implications.

Rates are based on assessed annual value. Whilst I have no expertise or qualifications in valuations for rating purposes, my understanding is that the AAV is based on a likely annual return from renting or using land based on what occurs now and this does not consider zoning when in a rural location.

regards

Shane Wells

On Aug 26 2021, at 2:04 PM, SARAH YOUNGER <simsareket@yahoo.com.au> wrote:

Thanks Shane we will review the reply.

In the meantime, another important question came up regarding whether there would be any impact to rates and/or land tax calculation and payable with re-zoning?

Sent from my iPhone

On 25 Aug 2021, at 6:17 pm, Planning <[planning@tasman.tas.gov.au](mailto:planning@tasman.tas.gov.au)> wrote:

Hi Sarah and Simon  
Apologies for dumping this issue on you with so little time  
I've answered below - I hope this helps

On Aug 25 2021, at 12:26 PM, Sarah & Simon Younger <[simsareket@yahoo.com.au](mailto:simsareket@yahoo.com.au)> wrote:

Dear Shane,

Thank you for reaching out to inform us of this potential change under consideration and for the additional documentation. We have a number of concerns and questions and want to clearly and unequivocally state that based on the information provided, we do not support what is being outlined.

Following is a list of our questions and concerns which we require to be addressed:-

1. The supporting documentation does not explain why this change is being contemplated, nor does it explain what the benefits of this change are either for individual residents and land owners, or for the area more broadly.

The Tasmanian Government announced a policy for a single Tasmanian wide planning scheme several years ago. This scheme will have two parts - a set of statewide planning rules called the State Planning Provisions and a Local Provisions Schedule which each Council prepares. This LPS is effectively Council's chapter of the statewide scheme and consists of the zone maps, overlay maps and any local/specific/unique issues. Council's draft LPS was adopted in September 2019 and has been published on the Council website ever since. In early 2021 the LPS was formally exhibited. In early August 2021, the Tasmanian Planning Commission conducted hearings. The change is being contemplated as Council is now of a view that the Agriculture Zone should not apply to your land or the neighbouring land. This view is based on a detailed submission from the owners of Bangor which includes an agricultural consultants report that suggests that the Agriculture Zone is not appropriate to Bangor. Accepting this view, it would, in my view, be illogical to apply the Agriculture Zone to your, much smaller property

The process of the new scheme has been ongoing for several years. It was advertised through all the normal Council communication channels including the Mercury, Gazette, website and facebook. Obviously to get to this point in the process owner consent has not been necessary and most people impacted by the specific issue were unaware of the new scheme. Nevertheless, the Commission require owner consent (which you are not obliged to provide).

The LPS must adopt a template of zones that is set out in the State Planning Provisions. Your property is zoned Rural Resource in the current scheme. The State Planning Provisions remove the Rural Resource Zone and instead provides two potential zones - either rural or agriculture.

The draft LPS included your property in the Agriculture Zone. This was based on mapping of the Tasmanian Agricultural Estate by the Tasmanian Government which shows your property as being suitable for agricultural activity. Based on my understanding of this process, your property would have been included based on related mapping of land that is suitable for particular types of crops. Sparkling wine is one product that is mapped as suitable across a large area of the south-east due to climate and topography

The main differences between the two zones are:

- the Rural Zone has a broader range of discretionary uses than the Agriculture Zone - there is a wider range of possibilities in the Rural Zone
- the Agriculture Zone focuses on the protection of agricultural potential - discretionary uses (such as a cafe) need to demonstrate a clear link agricultural activity
- the Agriculture Zone has much stronger requirements for a new house on a vacant lot
- the Agriculture Zone cannot have a priority vegetation area applied and has no rules regarding vegetation removal. The Rural Zone does provide the ability to include a priority vegetation area

Agriculture can occur and will occur in both zones.

The benefits, and any consequences, are easier to identify if you have any future aspirations for the site (other than the vineyard which is address below). My view of the benefits of one zone over the other may not be shared by others and I don't want to lead anyone to giving consent on partial information. If you have any further plans for the site I can advise of any issues that either of the zones could cause.

Council's website has more detailed information on the process and on what the differences are - but this requires a lot of time to get through

2. The “fact sheet” does not outline the difference between Rural and Agricultural zoning, nor how the priority vegetation area would affect our property, other than to state that an impact of priority vegetation designation will be that any native vegetation removal would require a discretionary planning application which sounds restrictive and will result in significant loss of flexibility for potential future uses.

In the current scheme, most uses and developments are discretionary. This will generally be the case under either the rural zone or the agriculture zone. The current scheme includes a clause that any vegetation removal is discretionary, which would be the same if the priority vegetation area applies.

In general terms, the process will be similar.

A supporting report on the LPS is available here which contains more information than the Tasmanian Government fact sheet

<https://www.tasman.tas.gov.au/developmentservices/planning/draft-local-provisions-schedule-consultation/>

3. The supporting documentation does not explain why a priority vegetation area is being proposed for our property. It is stated this provides for protection of threatened native vegetation, threatened flora species, and native vegetation of local importance; none of which we are aware of on our property, nor are any details or supporting information provided.

The priority vegetation area is based on the best available mapping and modelling of habitat and native vegetation. The model indicates that your property is suitable habitat for the Tasmanian Devil and the Masked Owl; two threatened species.

4. The priority vegetation designation introduces significant concern regarding our ability to maintain and manage vegetation on the property at safe levels considering the entire property and residence was destroyed by the 2013 bush fire. We would require information as to how to reconcile priority vegetation designation with prudent management of bushfire risk.

Maintenance of infrastructure, fencing, driveways and bushfire hazard management areas is exempt. Priority vegetation area would only be relevant to new development that requires vegetation removal

5. Lastly, and to provide some more context for our concerns; the long term vision for our property is to plant a vineyard for wine production. The property was purchased as a rural acreage of sufficient size with an advantaged aspect and some water catchment to support this purpose, albeit no doubt with significant development investment needed. Our intention would be to undertake such development while safely

preserving as much of the native vegetation as possible on the property with an objective to strike a balance between cultivated developed area and native area; but bottom line our intention is to explore agricultural usage along these lines.

We would appreciate if you can advise and outline how the designation from agricultural to rural, and the application of the priority vegetation designation, will impact these plans for our property?

I do not believe that either of the scenario's has any effect:

- Agriculture is no permit required in both the rural zone and agriculture zone.

- Clearing for agriculture is regulated through the State forest practices system - irrespective of the zone or the priority vegetation area, you would need to deal with the Forest Practices Authority and prepare a forest practices plan

- dams above 1 megalitre are approved by DPIPWE, if less they are approved by Council and the priority vegetation area could be an issue

- any cellar door would require a planning permit which would be permitted under either of the zones - clearing for this (if not catered for by the forest practices plan) would require planning approval and the priority vegetation area could be relevant

Thanks again for reaching out and we hope the above provides some explanation and context for our questions and concerns. Given the extremely tight timeframe, we look forward to your timely response.

Sincerely,

Sarah & Simon Younger

On Aug 23, 2021, at 10:59 PM, Planning  
<[planning@tasman.tas.gov.au](mailto:planning@tasman.tas.gov.au)> wrote:

Dear Simon and Sarah

I write regarding your property at 3612 Arthur Highway.

You may be aware that Tasman Council is preparing what is known as the Local Provisions Schedule. In effect, this is a new planning scheme and, once approved, will form our chapter of the Tasmanian Planning Scheme.

Over January to March 2021, a draft was placed on public exhibition. In this draft, your property was included in the Agriculture Zone.

In response to representations from the owners of the Bangor property, Council is now of the view that the Agriculture Zone should not apply to your property or to any property on the Forestier Peninsula. Instead, Tasman Council wishes to apply a Rural Zone to your property.

The Tasmanian Planning Commission is the body that is responsible for approving the Local Provisions Schedule. The TPC held public hearings on the Local Provisions Schedule in early August in which they considered the view of Council that the land should be zoned Rural. Following the public hearings, the TPC have asked Tasman Council to:

1. Provide an agricultural report to support the application of the Rural Zone to your property
2. Provide a Priority Vegetation Area that would apply to your property and your consent as owner for this Priority Vegetation Area.

A Priority Vegetation Area is an area of native vegetation in which any native vegetation removal would require a discretionary planning application from Council and which requires the minimisation of impact to natural values. The reason that Priority Vegetation is being considered now is that the Priority Vegetation Area cannot apply to the Agriculture Zone and was therefore not

proposed to apply to your property. However, if your property is zoned Rural then the Priority Vegetation Area can apply. The Priority Vegetation Area is based on a statewide map that applies to all Tasmanian Councils.

Attached to this email is:

1. Letters from the Tasmanian Planning Commission
2. A fact sheet on the difference between the Rural and Agriculture Zone and on how the priority vegetation area would affect your property
3. The publicly exhibited zone map showing the Agriculture Zone
4. A Priority Vegetation Area

The Tasmanian Planning Commission are seeking a response from Council by 27 August 2021, which is to include a response from each owner affected. Could you please review and advise if you support or propose what is outlined?

I appreciate that there is a lot of information to consider and little time to do so and hope that this email does not cause concern.

The public notices section of the Tasman Council website contains all information and documentation on the Local Provisions Schedule

If you have any queries or clarification, please contact me via 0400 336 796 or [planning@tasman.tas.gov.au](mailto:planning@tasman.tas.gov.au)

**Shane Wells**  
**Planning Consultant**

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<Priority Veg 2.jpg><Priority Veg 1.jpg><Fact-Sheet-8-Tasmanian-Planning-Scheme-Natural-Assets-September-2017.pdf><New-Rural-and-Agriculture-Zones.pdf><Tasman Draft LPS - Attachment A - Directions Schedule.pdf><Tasman Draft LPS - TPC Letter to Tasman Council Providing Post-Hearing Notice of Directions and Submission Dates, 10 August 2021.pdf>