



From: Mellor, Sonia [REDACTED]

Sent: Monday, 6 June 2022 8:44 PM

To: Dorset Council <dorset@dorset.tas.gov.au>

Cc: Mellor, Sonia [REDACTED]; March, Marion [REDACTED]

Subject: Exhibition - Dorset Draft Local Provisions Schedule - Submission from NRE Tas

Dear Planners,

I would like to confirm my phone conversation on Friday 3 June with the Planning Department that the Department of Natural Resources and Environment Tasmania would like to make a submission to the Dorset Council draft Local Provisions Schedule.

A detailed attachment to this submission will follow.

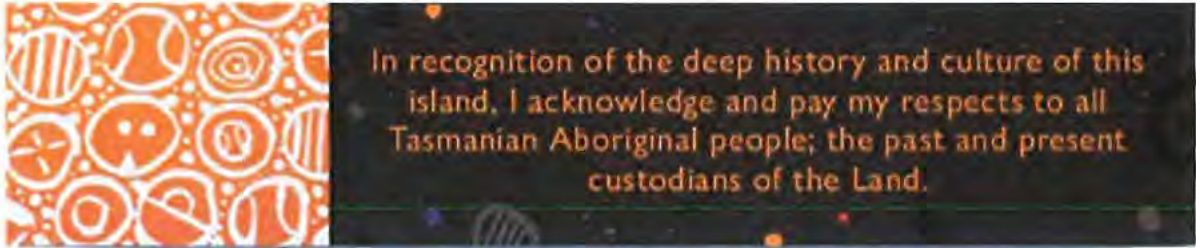
You require further information please contact me directly.

Kind regards

Sonia Mellor



Sonia Mellor | Policy Analyst
Strategic Projects and Policy | Strategy and Business Services
Division
Department of Natural Resources and Environment Tasmania
[Redacted]
W: nre.tas.gov.au



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dorset
COUNCIL

Tasmanian Planning Scheme

Dorset Draft Local Provisions Schedule (LPS)

EXHIBITION NOTICE - INVITATION FOR WRITTEN REPRESENTATIONS

ABN 68 027 137 155

3 Ellenor Street
Scottsdale Tasmania
PO Box 21 Scottsdale
Tasmania 7260

T 03 6352 6500

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E dorset@dorset.tas.gov.au

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The Dorset Council invites written representations on the relevant exhibition documents in relation to the Dorset draft Local Provisions Schedule (LPS). The Tasmanian Planning Commission (the Commission) has directed the planning authority to publicly exhibit the Dorset draft LPS under section 35B of the *Land Use Planning and Approvals Act 1993* (the Act).

Representations must be related to the matters listed under section 35E of the Act and not be to the effect that the content of the State Planning Provisions should be altered.

The LPS must contain the particular purpose zones, specific area plans, site-specific qualifications and code-applying provisions that are included in the draft LPS by reason of the transitional provisions of Schedule 6 of the Act. Any matter contained in a representation that seeks to exclude one or more of those provisions will not be taken to be a representation.

The LPS may contain provisions corresponding to approved amendments to the interim planning scheme. A representation cannot be made in relation to these provisions. Approved planning scheme amendments may be viewed on the Commission website at www.planning.tas.gov.au or the Austlii website at www.austlii.edu.au.

The relevant exhibition documents in relation to the Dorset draft LPS and relevant supporting documents, including the State Planning Provisions (SPPs) and list of provisions required to transition from the Dorset Interim Planning Scheme, are available for viewing during normal business hours at the:

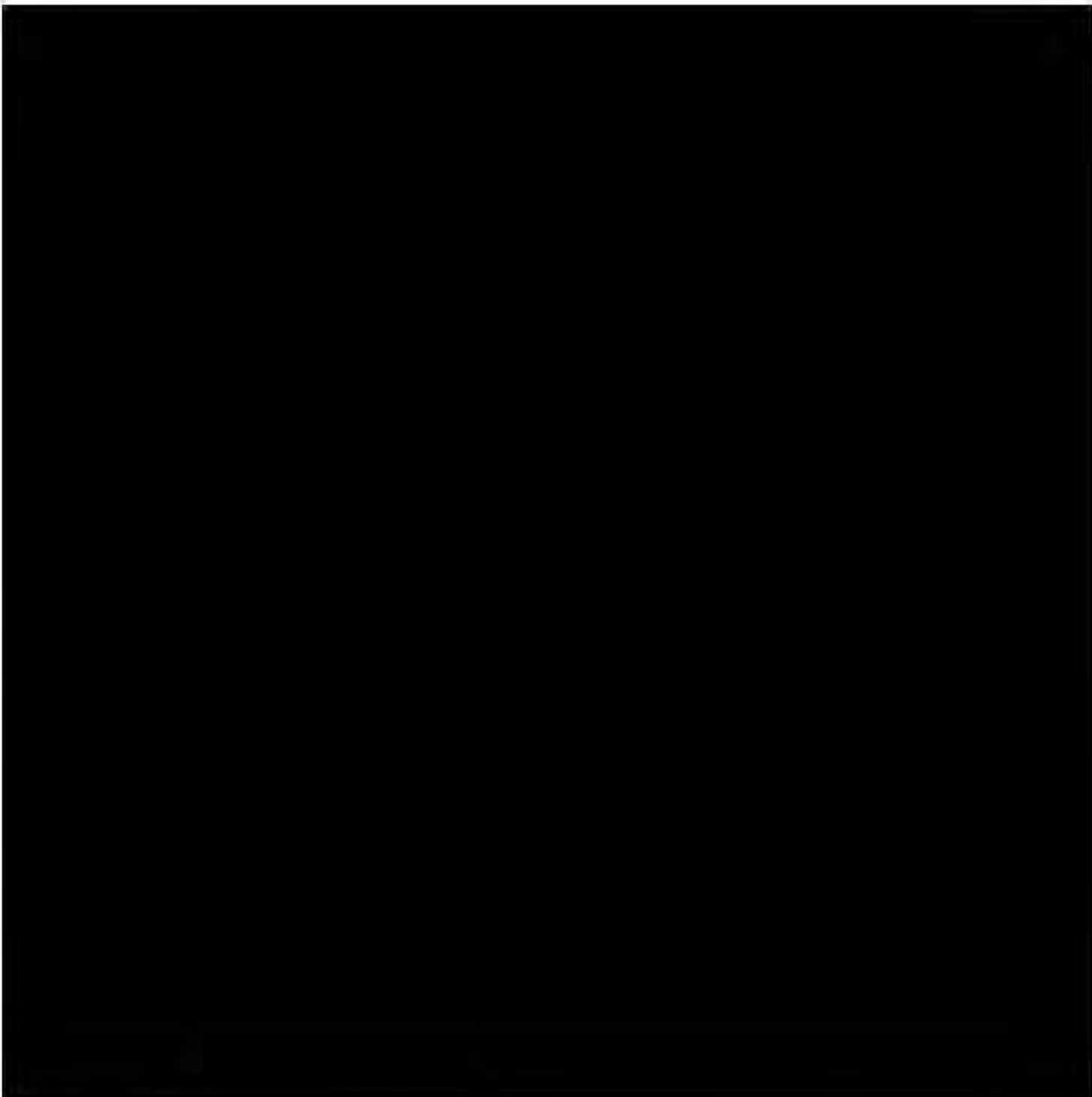
- Dorset Council offices, Monday to Friday at 3 Ellenor Street, Scottsdale; and
- The Tasmanian Planning Commission's offices from 9am until 5pm, Monday to Friday at Level 3, 144 Macquarie Street, Hobart.

These documents may also be viewed and downloaded from the Dorset Council website at www.dorset.tas.gov.au and the Commission website at www.planning.tas.gov.au.

Representations can be made in writing to the Dorset Council from **Monday, 4 April 2022 until midnight 6 June 2022**.

Please email your representations to dorset@dorset.tas.gov.au or post to: General Manager, PO Box 21, Scottsdale, Tasmania 7260

Tim Watson
General Manager



From: Secretary [REDACTED]

Sent: Friday, 1 July 2022 10:31 AM

To: Dorset Council <dorset@dorset.tas.gov.au>

Subject: Correspondence from Acting Secretary, Dept of Natural Resources and Environment Tasmania - Comment - Dorset Council Draft LPS

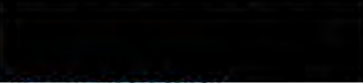
Good morning

On behalf of Acting Secretary, Jason Jacobi, please see the **attached** letter, for your attention.

Kind regards,
Tracey

Tracey Simpson | Senior Executive Officer

Office of the Secretary | Department of Natural Resources and Environment Tasmania



www.nre.tas.gov.au

Level 9, 134 Macquarie Street, Hobart, TAS 7000 | GPO Box 44, Hobart TAS 7001



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Department of Natural Resources and Environment Tasmania

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Our ref: 21/3611.017



Mr Tim Watson
General Manager
Dorset Council

Via email: dorset@dorset.tas.gov.au

PUBLIC EXHIBITION – DORSET COUNCIL DRAFT LOCAL PROVISIONS SCHEDULE

Thank you for your letter dated 4 April 2022 seeking comment on the Dorset Council Draft Local Provisions Schedule (LPS). Please find this letter as an attachment to our original submission of 6 June 2022.

I can advise that the Department of Natural Resources and Environment Tasmania (the Department) has considered the proposed LPS and has the following comments. These relate to the proposed applications of zones, in particular the Agriculture Zone, and the application of the Natural Assets Code (NAC).

The Tasmanian Planning Commission's '[Guideline No. 1, Local Provisions Schedule \(LPS\): zone and code application](#)' (Guideline No. 1) at AZ6 states that "land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if... for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone".

The comments on threatened species and threatened native vegetation communities are focused on areas proposed to be zoned Agriculture, and Rural zoned areas where the Priority Vegetation Area Overlay (PVAO) has not been applied. The Department recommends that the Council uses this to revisit the agriculture zoning in light of the comments below.

Threatened Flora

Records of threatened flora listed under the *Threatened Species Protection Act 1995* (TSPA) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) are widespread in the proposed Agriculture Zone. For example, title references [196819/1](#) and [135368/1](#) contain many records, as shown in the images below.



Figure 1: Example of threatened species in the Agriculture Zone (PID 196819/1)
 (Note: Threatened plant species indicated by green triangles)

A portion of title 196819/1 is recognised as a Private Sanctuary under the *Nature Conservation Act 2002* (NCA).



Figure 2: Example of threatened species in the Agriculture Zone (PID 135368/1)
 (Note: Threatened plant species indicated by green triangles; wetlands outlined in orange polygons)

PID 135368/1 also contains numerous wetlands, a Threatened Native Vegetation Community listed under the NCA, and is adjacent to the Musselroe Bay Conservation Area and Mount William National Park.

Further examples of clusters of recorded endangered and vulnerable flora species in the proposed Agriculture Zone are listed in the table below:

Species name	Common name	TSPA	EPBCA	Title Ref
<i>Prasophyllum apoxychilum</i>	Tapered Leek-orchid	Endangered	Vulnerable	111245/1 ; 102368/1
<i>Thelymitra antennifera</i>	Rabbit ears	Endangered	-	111245/1 ; 102368/1
<i>Xanthorrhoea bracteata</i>	Shiny grasstree	Vulnerable	Endangered	243843/1 ; 243844/1 ; 244047/1 ; 158999/2 ; 230787/1
<i>Cyathea cunninghamii</i>	Slender treefern	Endangered	-	115755/1
<i>Persicaria decipiens</i>	Slender waterpepper	Vulnerable	-	176905/1

The Department recommends that areas containing threatened native vegetation communities and/or clusters of threatened flora records, such as provided in the above examples, are zoned in a manner to ensure that the PVAO is applicable.

It is further noted that large areas of native vegetation have been proposed for the Agriculture Zone. An example is provided from the northeast of the municipality. Figure 3 shows the proposed Agriculture Zone (anything that is not black) with the TASVEG 4.0 layer added on top of it. The light cream colour indicates current agricultural land; all other colours indicate native vegetation.



Figure 3: Examples of extant native vegetation in the Agriculture Zone in the northeast of the Dorset Municipality (Note: Areas zoned other than Agriculture Zone are black in the figure)

This native vegetation may be habitat for threatened species and provide for a dispersal corridor between patches of habitat. The application of the PVAO over extant areas of native vegetation is crucial to habitat connectivity.

Threatened fauna

There are numerous threatened fauna species within the Dorset Local Government Area (LGA) that have a small/localised distribution and limited dispersal capacity.

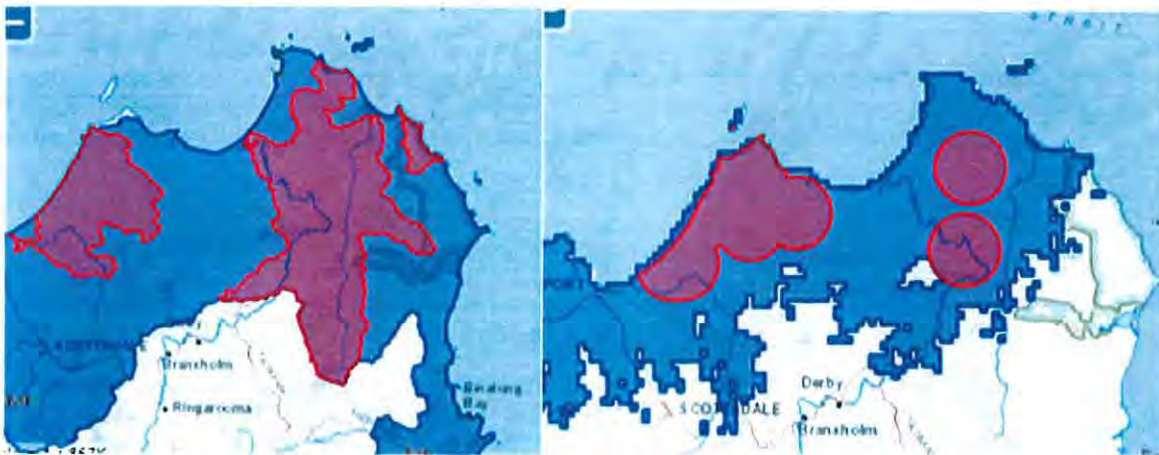
Chaostola Skipper

There are two known records of Chaostola Skipper (*Antipodia Chaostola*) in the Dorset Municipality. This species is listed as Endangered under both the TSPA and the EPBCA. One record is on the property boundary between title references [165655/1](#) and [243074/1](#), which are both proposed for the Agriculture Zone. The other record is along Musselroe Road, between Mount William National Park and title reference [135368/2](#) (which is also proposed for the Agriculture Zone). The exact location of this species record (i.e. in which zone) is unclear.

Eastern Dwarf Galaxias and Striped Marsh Frog

The Eastern Dwarf Galaxias (*Galaxiella pusilla*) is listed as Vulnerable under both the TSPA and the EPBCA. In Tasmania, this species has only been recorded from the far northwest and far northeast, and on Flinders Island.

The Striped Marsh Frog (*Limnodynastes peronii*) is listed as Endangered under the TSPA. This species is found in Tasmania in the far northwest and the far northeast, and on King Island. The images below depict the core range of this species within the Dorset Municipality. The mapped core range of a species are areas known to support the highest densities of the species and/or thought to be of greatest importance for the maintenance of breeding populations of the species. Many of the areas are proposed for the Agriculture Zone.



Galaxiella pusilla

Limnodynastes peronii

Figure 4: Core ranges of two threatened species in the northeast of the Dorset Municipality (Note: Core ranges indicated by red polygons)

Burrowing Crayfish

The Scottsdale Burrowing Crayfish (*Engaeus spinicaudatus*) is listed as Endangered under both the TSPA and the EPBCA and is only found within a restricted range near Scottsdale. The key threats to this species are clearance of native vegetation and lowering of the water table as a result of forestry and agricultural activities. It should be noted that burrowing crayfish can occur in areas where there has been a lot of human activity, and in places that are not near obvious

standing or running water (i.e. they do not need to be in streams or obvious wetlands).

The Department notes that several properties within the known range of this species are zoned Agriculture in the draft LPS, including title references [226839/1](#) and [240501/1](#), and several properties in between. Some of these also have conservation covenants over portions of the title (such as 226839/1), where partial zoning of the title may be appropriate to protect the recognised conservation values.

It is recommended that all properties within the known range of this species are appropriately zoned and coded to allow for the protection of the Scottsdale Burrowing Crayfish.

Appropriate zoning, and the application of the PVAO, are important to ensure the protection and persistence of locally endemic species, and those with limited capacity for dispersal.

Raptor Nests

The LISTmap contains a layer depicting known raptor nests, including those of the Threatened Wedge-tailed Eagle, White-bellied Sea-eagle and Grey Goshawk. It is unclear what consideration has been given to these known nests in the application of the zoning and overlays, as several raptor nests are located in the Agriculture Zone. Other nests are located in the proposed Rural Zone. A buffer has been applied around some nests, but not others, for instance nest IDs 2563, 2270 and 2658. It should be noted that nests that are recorded as "not active" in a particular season, may be used in the future. Most eagle territories have more than one nest (Wedge-tailed eagles up to six or more). The Department recommends that all known nests of listed raptor species are included in the PVAO, and that the zoning is amended to a type that is not exempt from the PVAO.

Ramsar Wetland

The Dorset Municipality contains two internationally significant Ramsar Wetlands – the Little Waterhouse Lake Ramsar Site, and the Flood Plain Lower Ringarooma River Ramsar Site. The Department supports the proposed application of the Environmental Management Zone for these sites.

Conservation Covenants

The Department supports the application of the NAC over lands that have existing Conservation Covenants.

The LISTmap contains a layer depicting Conservation Covenants. These are legally binding agreements between a landowner and the Tasmanian Government under the NCA to protect conservation values on private land, usually in perpetuity. It appears this layer has not been considered when determining the zoning and PVAO mapping, as most areas protected by covenants are proposed for the Agriculture Zone.

Several properties that are proposed to be zoned as Agriculture are partially covenanted, such as title references [226066/1](#), [243959/1](#), [202587/1](#), [226183/1](#), [213293/1](#), [200993/1](#), [248297/1](#), [135368/2](#), [237255/1](#), [204655/1](#) and [178006/1](#). Covenant IDs 20013 and 20660 are proposed for the Landscape Conservation Zone.

The Department recommends that the zoning is amended to reflect the existing land use

objectives for the conservation covenants in the municipality.

Acid Sulfate Soils

According to the Acid Sulfate Soils (ASS) LISTmap layers, there are large areas mapped as coastal and subaqueous Potential Acid Sulfate Soils (PASS), but also some inland (for example around Little Forester River and tributaries, and Brid River). Many of these areas are proposed for the Agriculture Zone (see Figure 5).

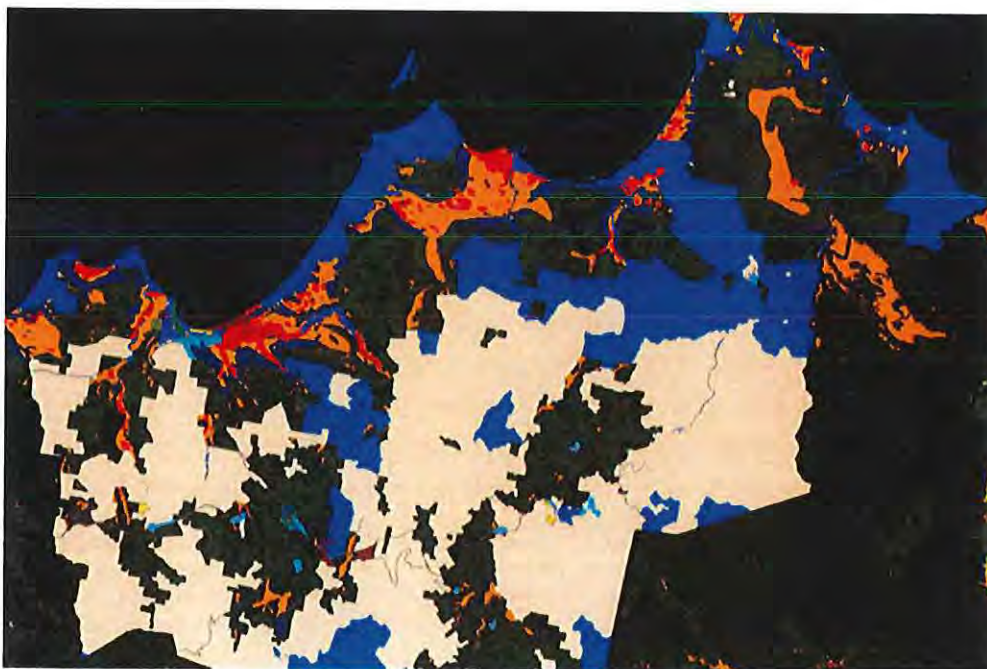


Figure 5: Areas of PASS in the northeast of the Dorset Municipality in the Agriculture Zone (Note: orange and red indicate areas of PASS).

The Department recommends consideration be given to the future development of Special Area Plans to address ASS based upon water quality impacts from ASS disturbance.

Coastal Inundation Hazard Area Overlay

It is noted that *"The LPS includes the State provided overlay in the prescribed map format, without modification"* (pg. 124, Supporting Report). That LISTmap layer is ultimately based on IPCC Assessment Report (AR) 5 (McInnes et al 2016) and should now be considered outdated. In particular, the LIST layer uses the global sea level rise projected under scenario RCP (Representative Concentration Pathway) 8.5 of 52–98 cm by 2100. IPCC AR6 has revised that to 0.63–1.01 m by 2100 under the same scenario. Of much greater significance however, for the first time IPCC AR6 notes that under scenario RCP 8.5 *'global mean sea level rise above the likely range – approaching 2 m by 2100 and 5 m by 2150 ... cannot be ruled out due to deep uncertainty in ice-sheet processes'* (IPCC 2021, p21). Despite being unlikely, sea level rise of 2 m by 2100 or 5 m by 2150 would have catastrophic consequences in developed areas below those contours. It therefore represents an extreme risk that should be considered given that planning decisions made today may remain in effect over comparable time scales.

Regional Ecosystem Model

As with all models, the outputs of the Regional Ecosystem Model (REM) will only be as good as the assumptions embedded within it, and the input data. The key data inputs to the REM (TASVEG, NVA data etc) are continuously updated and improved. For example, the analyses for the development of the LPS are based on TASVEG 3.0, which has been superseded by TASVEG 4.0. It would be beneficial to similarly include routine, regular updating of the PVAO. This should be in addition to ad hoc rectification of errors and anomalies as seems to be envisaged within the LPS (Supporting Report pg. 120-121).

It would be beneficial to conduct a 'quality control' review of all parcels/patches included in and excluded from the PVAO. This would highlight any systematic errors arising from the REM method, as well as identifying 'random' errors due to data deficiencies etc.

Zoning of Permanent Timber Production Zone (PTPZ) and Future Potential Production Forest (FPPF) land

The Department supports the zoning of PTPZ and FPPF land so that it is consistent with the Government's policy objections for the management of such land as provided for in the *Forest Management Act 2013* and the *Forestry (Rebuilding the Forest Industry) Act 2014*, respectively. The Department supports the Council's proposed zoning under the LPS for PTPZ and FPPF land parcels. Additional comment on specific parcels can be found in Attachment 1.

Aboriginal Heritage

The Dorset LPS Supporting Report (p125) states, "*it is understood that Aboriginal Heritage Tasmania and the melythina tiakana warrana Aboriginal Corporation are more appropriately positioned to ensure that Aboriginal middens at Cape Portland are adequately cared for and protected. Due to a lack of these spatial extents and the understanding that each of these sites would be appropriately regulated by their respective authority.*"

The Department is concerned that the draft LPS does not deal with Aboriginal heritage, the protection or management thereof, on any level.

Aboriginal Heritage Tasmania (AHT) rejects the stance that "*AHT is more appropriately positioned to ensure that Aboriginal middens at Cape Portland are adequately cared for and protected*" on the basis that the planning process plays a crucial role in referring proponents to undertake due diligence as prescribed by the *Guidelines* under section 21A of the *Aboriginal Heritage Act 1975*.

A framework which provides no guiding principles or policies for ensuring Aboriginal heritage is at least a consideration during planning hinders the operation of the *Aboriginal Heritage Act 1975* and its ability to not only manage Tasmanian Aboriginal heritage, but also protect it.

Specific title comments

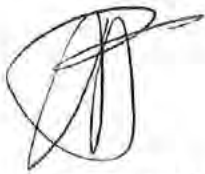
The Department also has some specific comments to make in reference to land managed by the Tasmania Parks and Wildlife Service (Attachment 2).

In addition, on the draft LPS Zone Map 10, the suggested zone for the lot marked 106 is Port and Marine. While some of this area contains Marine and Safety Tasmania, Crown, and private 'port' facilities, PID 6848037 (CT 172546/1) is Crown land (currently zoned Rural Resource) which is

leased to a private entity as a hatchery. This site is discussed on p.145 of the Supporting Report. The Department is concerned that the Port and Marine Zone may not provide adequate certainty for the aquaculture enterprise to continue, and an alternative zone may be more appropriate.

If you have any questions on this matter, please contact Sonia Mellor, Policy Analyst, Strategic Projects and Policy Branch, Strategy and Business Services Division, on mobile: [REDACTED] or via email at [REDACTED]

Yours sincerely



Jason Jacobi
A/SECRETARY

j July 2022

ATTACHMENT I

Comments in relation to Permanent Timber Production Zone (PTPZ) land and Future Potential Production Forest (FPPF) land				
PID	Land Tenure	Current Zone under Interim LPS	Proposed zoning in draft LPS	Comment
3396012	FPPF land	Rural Resource	Environmental Management Zone	<p>FPPF land does not meet the LPS guidelines for the EMZ, in particular it is not captured by EMZ I a), b), c), d), e) or f).</p> <p>It is the Department's position that all FPPF land should be zoned as 'Rural' unless there is a specific need for alternative zoning.</p>
226345/1	PTPZ land	Recreation	Recreation Zone	<p>While it is acknowledged that there is likely a lease or licence in place over this parcel to allow the Scottsdale Rifle Range to operate on this land, the land's status as PTPZ land is maintained.</p> <p>Under the State Planning Provisions, 'Resources Development' is a prohibited use on land zoned as 'recreation zone'. This zoning is therefore considered to be inconsistent with the objectives of PTPZ land. PTPZ land is made available under the <i>Forest Management Act 2013</i> for forestry operations.</p> <p>It is the Department's position that all PTPZ land should be zoned Rural unless there is a specific need for alternative zoning, i.e. if recreational zoning is necessary at the LPS level to allow for the Scottsdale Rifle Range to continue to operate, then that would be an operational matter for Sustainable Timber Tasmania (as the <u>land manager</u> of the PTPZ land).</p>

ATTACHMENT 2

Guideline No.1 directs that the Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:

- a) *land reserved under the Nature Conservation Act 2002;*
- b) *land within the Tasmanian Wilderness World Heritage Area;*
- c) *riparian, littoral or coastal reserves;*
- d) *Ramsar sites;*
- e) *any other public land where the primary purpose is for the protection and conservation of such values; or*
- f) *any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.*

Comments in relation to land under Crown jurisdiction				
#	Land description	Draft LPS Zone	Recommended Zone	Comment
A01	Foster Islands Nature Reserve	Not all islands in this group are recorded on Zone Map 1	Environmental Management	Public Reserve – coastal reserve consistent with <i>Guideline No.1 – EMZ 1 (c) and (e)</i> and should be zoned EMZ.
A02	Public Reserve at Fordington along Little Pipers River	Agriculture	Environmental Management or Rural	Public Reserve – coastal reserve consistent with <i>Guideline No.1 – EMZ 1 (c) and (e)</i> .
A03	Public Reserve along Ringarooma River (Zone Map 37)	Agriculture	Environmental Management	Public Reserve – riparian reserve consistent with <i>Guideline No.1 – EMZ 1 (c) and (e)</i> .
A05	PID 226345/1	Recreation	Environmental Management	All parts of this title within the Mount Stronach Regional Reserve should be zoned EMZ.