



29 June 2023

Our Ref: 17/82
Enquiries to: Rong Zheng

Mr J Ramsay
Delegate (Chair)
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Email: tpc@planning.tas.gov.au

Dear Mr Ramsay

**RE: DRAFT HUON VALLEY LOCAL PROVISION SCHEDULE (LPS) – LPS-HUO-TPS –
DIRECTION 53**

I write in response to the Commission's directions issued on 30 May 2023.

Direction 53 requested the following information:

Following the hearing of representation 52 (land at 69 Dillons Road, Gardners Bay (folio of the Register 237940/1), the provision of:

- further advice regarding the presence of priority vegetation on the land and/or any vegetation considered to be locally important; and
- any subsequent recommendation to modify the Priority Vegetation Area overlay in the form of a diagram.

Planning Authority application of the Priority Vegetation Area overlay

- The Regional Ecosystem Model (REM) provided the basis for defining the current Biodiversity Protection Area overlay.
- With a few site-specific exceptions, the current extent of the Biodiversity Protection Area overlay has been carried over englobo to define the extent of the Priority Vegetation Area overlay.
- The Priority Vegetation Area overlay should only apply to native vegetation and should be removed where it can be demonstrated that no native vegetation community is present.

ECOTas critique of using the REM to define the Priority Vegetation Area overlay at this site
(and other sites within the Municipality)

1. Code application guideline NAC 7 is not met because there are no threatened native vegetation communities present.

Response: Agreed.

2. Code application guideline NAC 8 is not met because there are no threatened flora species identified or recorded on the property.

Response: **Agreed.**

3. Code application guideline NAC 9 is not met because there are no threatened flora species identified or recorded in the vicinity and there is no likely habitat for threatened flora species on the property.

Response: **Agreed.**

4. Code application guideline NAC 10 is not met because no significant threatened fauna habitat has been identified or recorded on the property.

Response: **This depends on definitions of significance for ‘landscape-dependent species’ and temporal considerations in a dynamic system (see discussion below)**

5. Code application guideline NAC 11 is not met because the modelling in the REM (analysis and mapping) does not:
 - address anomalies or inaccuracies in the available mapping and data relating to threatened vegetation communities, threatened flora species and significant threatened fauna habitat (a), or
 - provide more recent or detailed local assessment of the mapping and data relating to threatened vegetation communities, threatened flora species and significant threatened fauna habitat (b).

Response

This argument is complicated and for us hinges on the definition of ‘significant threatened fauna habitat’. The REM includes modelling of significant habitat for ‘landscape-dependent’ threatened fauna species but in many cases the modelled areas may not equate to what most people would consider significant habitat (eg essential or important for species survival). The application of buffers around known nesting habitat for threatened raptors is an exception to this general rule, where the REM is clearly modelling habitat considered important to support breeding success.

At this site, ECOTas has provided up-to-date field verification, analysis and mapping which concludes that no significant threatened fauna habitat is present, but this analysis would only be directly relevant to consideration of a development proposed at this time (see discussion below) and we note that there is no development proposed at this time.

6. Code application guideline NAC 12 is not met because ECOTas have not identified vegetation which the author of that report considers to be locally important.

Response

a) What is locally important?

There is no definition of ‘native vegetation of local importance’ in the SPP, which implies that the planning authority has the discretion to apply its own definition.

The planning authority has not adopted any policy, guidelines or definition in relation to ‘native vegetation of local importance’ within the municipality.

The planning authority's adoption of the REM as the basis for application of the overlays means or implies that areas which have been identified under the REM, but do not contain threatened vegetation, threatened flora or significant threatened fauna habitat, are considered native vegetation of local importance.

There is also little information in the documentation around the REM that helps to define the role of 'locally significant vegetation' in the development and application of the model. The only relevant reference is the following guidance included in Priority Vegetation Reports generated to explain REM outputs:

“Native vegetation of local importance includes:

- a subset of threatened fauna species habitat models,
- native vegetation with limited bioregional reservation and extent and native vegetation remnants on heavily cleared types of land where local factors affect ecological sustainability of the landscape.”

In respect of threatened fauna species habitat models, the Priority Vegetation Reports go on to state the following:

“Threatened fauna habitat characteristics are extremely varied and are modelled as significant based on Natural Values Atlas records with a limited number of habitat variables or more detailed customised models for about 100 fauna species. Some species habitat occurs across the landscape but not all sites may be essential for species survival and not all suitable habitat may be occupied. Species that rely on this type of habitat are classified as landscape-dependent and are regarded as being of local importance, however the relative importance of the site to the survival of the species can only be known in response to field verification, the context and the nature of a proposal.”

It is not clear, but this text appears to imply that modelling of habitat for landscape-dependent threatened fauna species identifies those areas as being of local importance for the purposes of the overlay.

b) Regional Ecosystem model (REM) outputs and ECOTas conclusions

The Priority Vegetation Report for this property suggests the REM output reflects erroneous mapping of threatened vegetation communities, mapping of an under-reserved community (NAD) and modelling as significant habitat for Tasmanian devils and eastern barred bandicoots.

The ECOTas report concludes that there are no under-reserved communities on the site. Although it may be counter-intuitive for a relatively common vegetation community which results from past clearing or disturbance of eucalypt forest, silver wattle (*Acacia dealbata*) forest (NAD) is considered under -reserved in the Southern Ranges bioregion - 23 % reservation compared with a target of 30 % (NRE, 2020). As such, NAD forest is a bioregional priority and should be considered locally important.

The ECOTas report concludes that the site does not contain significant habitat for threatened fauna species at this time, but no development is currently being proposed for the site and application of the overlay should take into account a

dynamic system, potential for change over time, and the need for a precautionary approach.

At the time of any future development proposal, it is possible that the site may be providing significant threatened fauna habitat. In this context, it is appropriate that the overlay be in place to trigger an up-to-date assessment of habitat value.

The vegetation on the property does not support any other features that an Ecologist would normally invoke as being locally significant, eg locally rare or performing a critical ecological function.

Conclusions

- The representor's feedback in relation to previous clearing and recent regrowth of silver wattle (*Acacia dealbata*) on CT 237940/1 is accepted.
- The vegetation mapping and analysis of current conservation values and priorities associated with vegetation at the site (ECOTas May 2022) is only partially accepted.
- The purpose of the overlay is not to map only areas known to currently support significant threatened fauna habitat but to highlight areas which may contain significant threatened fauna habitat and to trigger an up-to-date investigation by a suitably qualified person as part of the development assessment process.
- The Priority Vegetation Area overlay should apply to all areas of native vegetation mapped on the affected title. Given the recent assessment by ECOTas, the boundaries of the overlay should be defined by the mapping within that report.

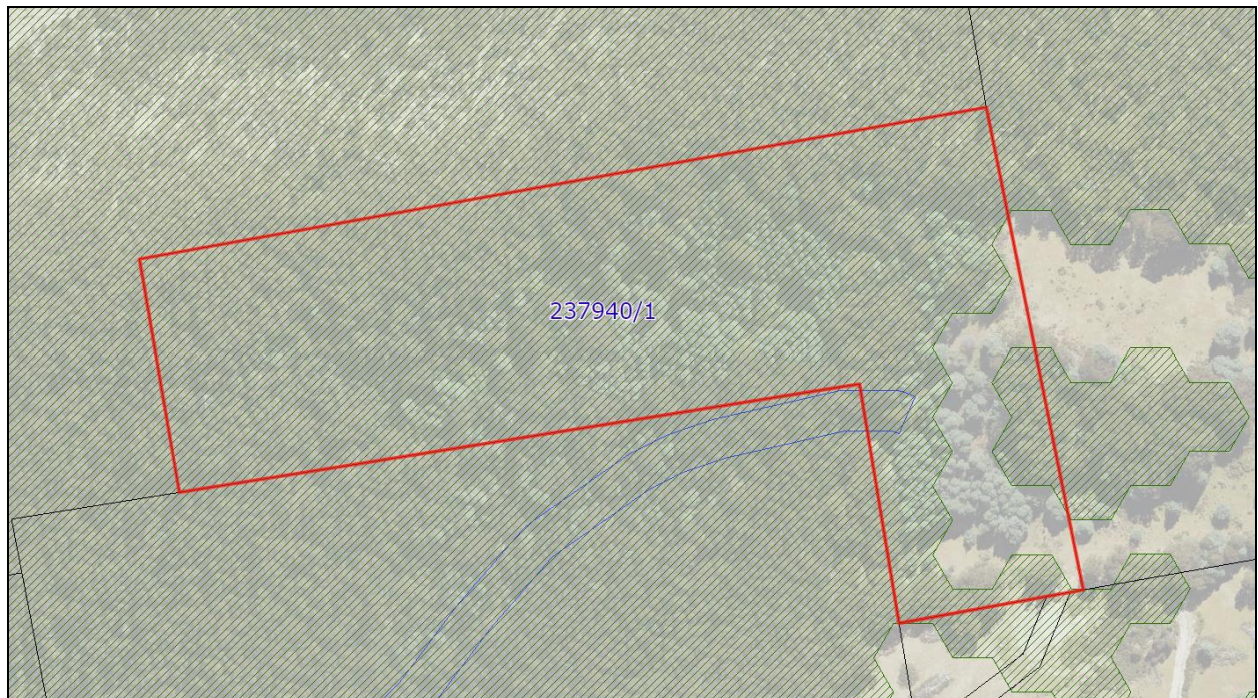


Figure 1. Current vegetation cover and application of the Waterway and Coastal Protection Area overlay (blue) and the Biodiversity Protection Area overlay (green)



Figure 2. Suggested application of Priority Vegetation Area overlay (green hatching) to the affected titles

If you would like to discuss this matter further please do not hesitate to contact Rong Zheng direct on 6264 9467.

Kind Regards

A handwritten signature in blue ink, appearing to read 'Rong Zheng'.

RONG ZHENG
PROJECT MANAGER – STRATEGIC LAND USE