

Department of State Growth
MINERAL RESOURCES TASMANIA

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Our Ref: D22/336560/2



Mr Michael Hogan
Tasmanian Planning Commission
tpc@planning.tas.gov.au

Dear Mr Hogan

RE: West Tamar Local Provisions Schedule – Draft Amendment February 2022.
Rezone Various Lots from Environmental Management.

A draft amendment to the West Tamar Local Provisions Schedule (LPS) was proposed in 2022, which seeks to minimise zone variation within cadastral lots and rezone various lots from Environmental Management. Two of these locations are subject to the Landslip Hazard Code. The Tasmanian Planning Commission has sought advice from Mineral Resources Tasmania (MRT) regarding this proposal, specifically:

- How the proposed planning scheme amendment relates to the strategic planning advice outlined for land in medium hazard and high hazard bands.
- Whether the hazard bands are accurate and what type of information would be needed to determine that the land is in a low rather than a medium or a high hazard band.

Comment on proposed amendment at York Town

The proposed amendment is within a landslide-prone area along Aldridge Street, with isolated properties along Greens Beach Road also affected. This land sits within the medium and low landslide hazard bands (Figure 1).

The strategic planning measures advise that land within the medium hazard band be zoned for open space, rural, or environmental purposes. However, it also suggests that certain developments may be permissible with the support of a landslide risk assessment and appropriate measures to avoid areas of greater risk and the application of appropriate hillside building practices. Strategic planning measures for landslide hazard do not advise additional constraints for land within the low hazard band, provided that broader planning considerations support the development of the area.

MRT considers that the proposal to apply the Landscape Conservation Zone at York Town is reasonable and consistent with the strategic planning advice for landslide hazard areas.

Comment on proposed amendment at Beauty Point

The proposed amendment at Beauty Point covers three properties on Flinders Street that are currently zoned as General Residential around the existing building footprints and as Environmental Management beyond the building footprints. These properties sit within a high landslide hazard band and a Proclaimed Landslip A area. These lots are situated on a landslide that has been active in the past 50 years, and which led to major damage and the subsequent removal of several houses (Figure 2).

MRT does not support the rezoning of land beyond building footprints in these land parcels from Environmental Management to General Residential. We recognise that the intent of the proposal is to improve zoning consistency across cadastral lots, and limit variations in zoning across a small area. However, this zoning change is not consistent with the strategic planning advice for the high landslide hazard band. The strategic intent of the high hazard band is to discourage any form of development, with the exception of vital community infrastructure, that cannot reasonably be located elsewhere. By rezoning to General Residential, the LPS is signaling that this land is suitable for development, and thus relies solely on the Proclaimed Landslip A Area to prohibit further development under the *Building Act 2016*.

Comment on accuracy of the landslide hazard bands and process of amendment

The landslide hazard bands are currently under review and will be updated in 2023. MRT welcomes the provision of any landslide-related information (geotechnical reports and data, mapping, damage reports, etc.). This type of information improves our understanding of landslide hazard in the subject area, which will be reflected in future updates to the technical landslide mapping and landslide hazard bands.

The ‘accuracy’ (i.e., quantity and quality of underlying data) of the hazard bands is variable across the state. Urban areas of known elevated landslide risk have been studied in detail through LiDAR-based landslide mapping and targeted field investigations, alongside landslide susceptibility modelling of source, regression, and runout zones. Areas that are not covered by inventory mapping or susceptibility modelling are categorised, in the absence of more detailed information, simply by slope angle. The full methodology is available in the Tasmanian Landslide Map Series: User Guide and Technical Methodology (Mazengarb and Stevenson 2010).

The landslide hazard bands reflect the nature of the land at a strategic level. The intent of the low and medium bands is not to prohibit development, but to signal that the land may be subject to landslides and to trigger an appropriate assessment process for land-use planning or building approval. The high hazard band applies only to locations declared a Landslip A Area, where development is already prohibited or severely limited by legislation.

There is no mechanism for individual property owners to apply for the hazard bands to be amended for a specific location. All levels, except the high hazard band, allow for a level of development, with increasing requirements for landslide risk assessment and mitigation measures. This is considered appropriate because a rigorous geotechnical assessment and landslide risk report may deem a given site suitable for certain developments for all bands up to and including medium-active. Proclamations of Landslip A and B Areas, under the Mineral Resources Development Act 1995, are now only used in situations of very high risk to property damage from landslide activity. Instead, areas of active landslide activity generally become designated as ‘medium-active’ in the hazard bands, and not high in these cases.

Amendments to the hazard bands are intended to occur on a five-yearly update cycle (currently in progress for 2023) and are complicated by the joint regulation of landslide hazard under the Land Use Planning and Approvals Act 1993, the Building Act 2016 and Mineral Resources Development Act 1995 (alongside specific Landslip Proclamation Acts). Any changes to the hazard bands or one component of landslide regulation can have implications for the others (or can necessitate an update to underlying orders and determinations).

It is legally possible to amend or revoke a Proclaimed Landslip status under Section 161D of the Mineral Resources Development Act 1995. However, such an application is uncommon and is unlikely to be successful on lots where landslide damage or recent landslide activity has been recorded (with or without removal of dwellings due to landslide damage).

For further assistance, please contact MRT's Natural Hazards Geologists:

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Yours sincerely

A handwritten signature in black ink, appearing to read 'AM', with a vertical line to the left.

Andrew McNeill

A/g Director Mineral Resources Tasmania

February 2023

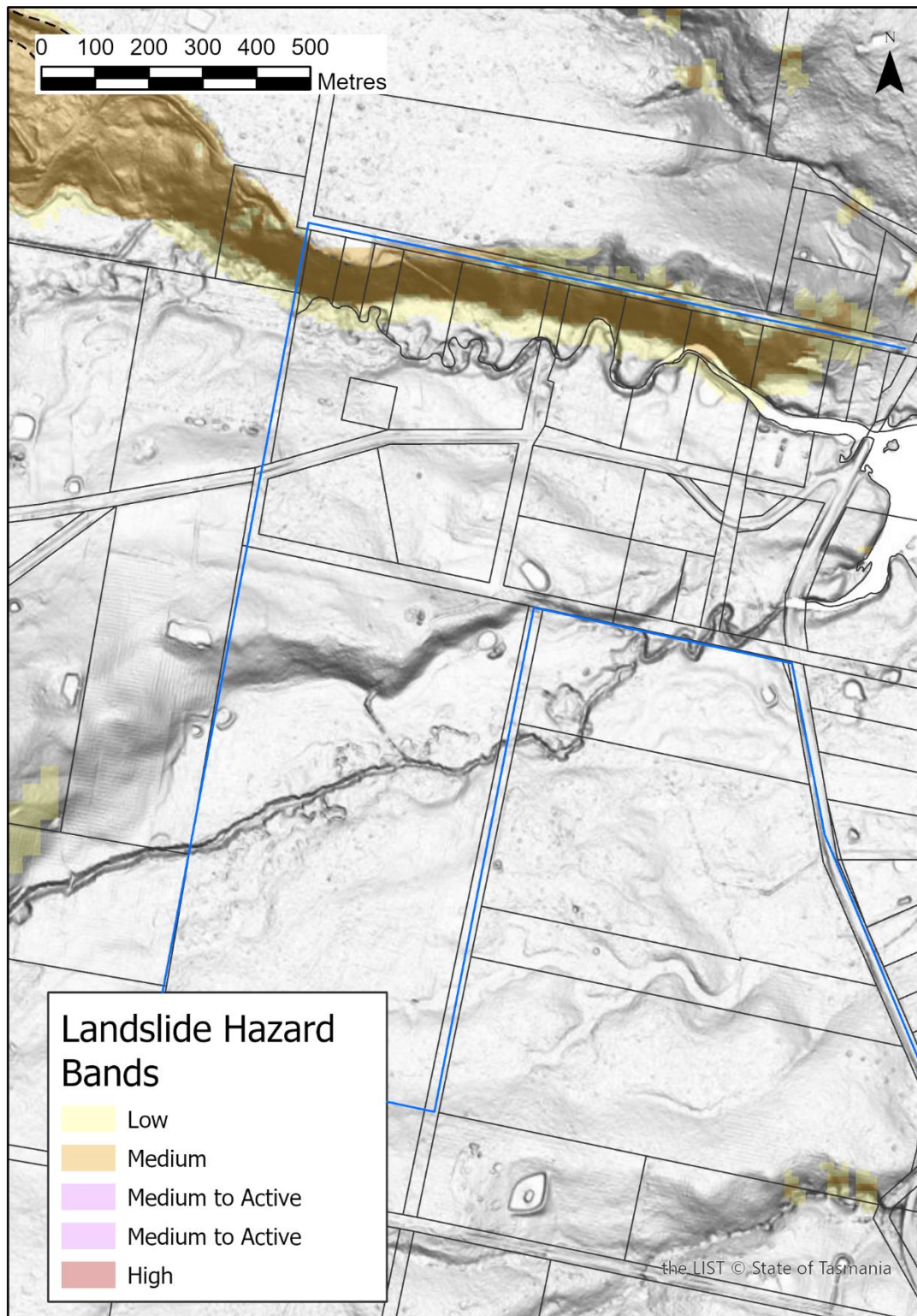


Figure I. Landslide Hazard Bands around Aldridge Street (zoning boundary in blue) at York Town. We are satisfied that the Landscape Conservation Area is appropriate from a landslide hazard perspective.

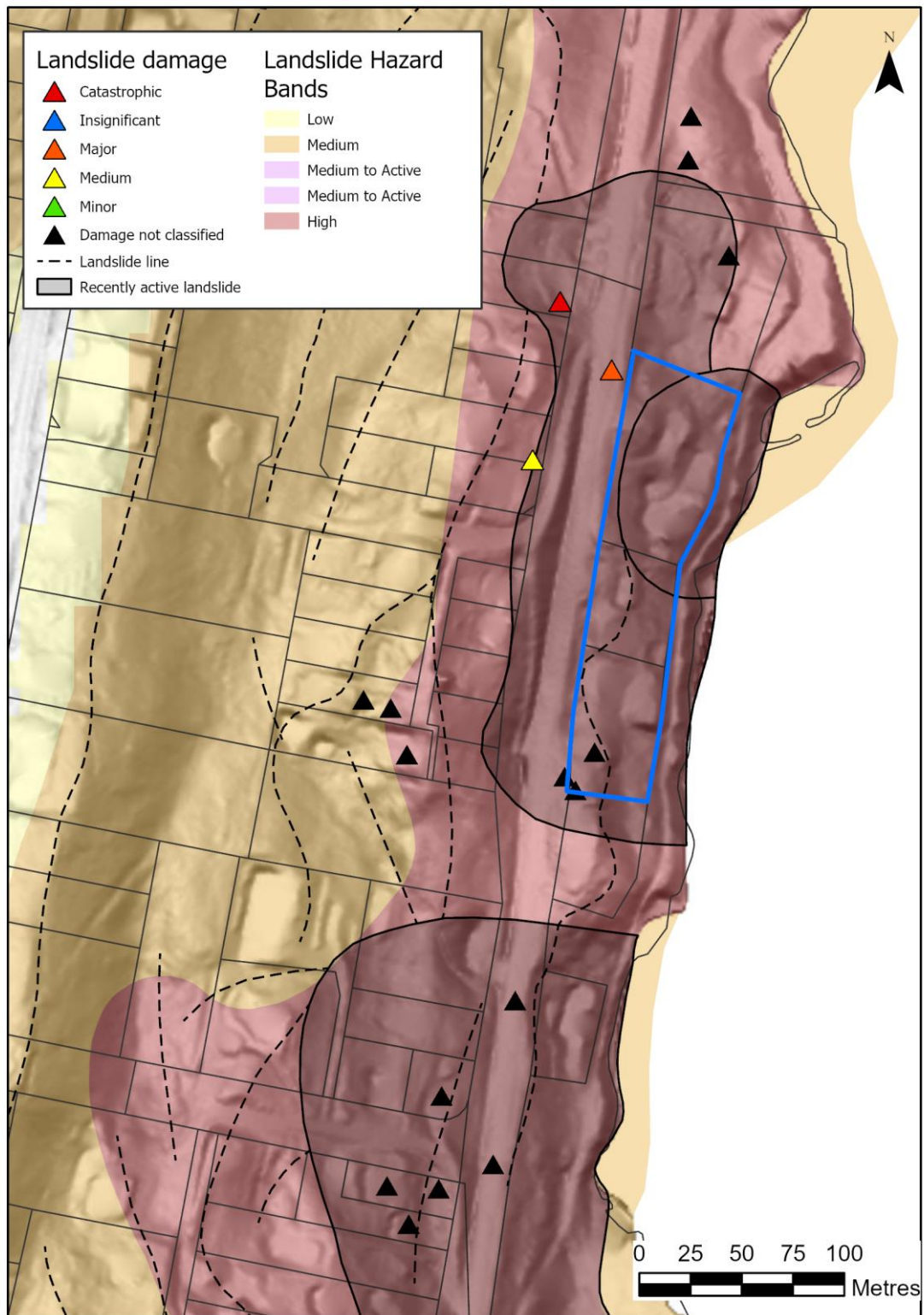


Figure 2. Mapped landslide lines and recorded damage at Beauty Point, overlaid on the Landslide Hazard Bands for the area. The proposed rezoning area (in blue) falls within a Landslip A area on a landslide that has been active within the past 50 years and caused major damage.