

4th March 2021

Rolph Vos
General Manager
West Tamar Council
PO Box 16
RIVERSIDE TAS 7250

Via email: planning@wtc.tas.gov.au

Representation about the West Tamar Draft LPS – request to change zoning of nine reserved properties to Landscape Conservation

Dear Rolph

Summary of Representation

Conservation Landholders Tasmania (CLT) has reviewed the West Tamar Draft LPS Zone Maps and the Supporting Report and believes that the following nine (9) properties that contain land reserved for the protection of biodiversity should be rezoned to Landscape Conservation based on Guidelines LCZ1, when read together with Guidelines RZ1 and AZ6, subject to landowner agreement.

The natural values within these Reserves have already been identified for protection and conservation by the Minister for Environment and Landscape Conservation Zone should be applied during the current Draft Local Provisions Schedule assessment process.

<i>Reserve Name</i>	<i>Property Address</i>	<i>Property ID</i>	<i>Title References</i>
Tamar Crescent	1663 GREENS BEACH RD GREENS BEACH TAS 7270	7807982	50485/1
Badger Head	BADGER HEAD RD BADGER HEAD TAS 7270	6095485	8108/2
Shiny Grasstrees	GREENS BEACH RD CLARENCE POINT TAS 7270	7859977	124498/1

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Reserve Name	Property Address	Property ID	Title References
Erinvale	HOLWELL RD HOLWELL TAS 7275	2287885	244859/1
Tatana Private Nature Reserve	'STOKES RUN' - 234 FRANKFORD RD EXETER TAS 7275	6065278	23899/1
Casuarina	2127 WEST TAMAR HWY LANENA TAS 7275	7630451	158572/1
Birralee	736 PRIESTLEYS LANE FRANKFORD TAS 7275	7245414	26249/1
Notley Hills	MITCHELSONS RD NOTLEY HILLS TAS 7275	7898001	108262/1
Touchwood	232 LOOP RD GLENGARRY TAS 7275	7415882	31410/3

Background

Conservation Landholders Tasmania (CLT) is an educational trust. Conservation landholders including those with land reserved by conservation covenant are the beneficiaries of the Trust. In Tasmania there are currently about 900 reserves under conservation covenant totaling 111,000 ha, or 4.2% of the private property in the state. The Trustees organise field days and forums on topics of relevance and interest to these conservation landholders. CLT has been supported by the three NRMs and the Tasmanian Land Conservancy for over 8 years.

In late 2019 CLT became aware that private properties with land reserved for their significant natural values are routinely being rezoned Rural Resource to Rural or Agriculture by local planning authorities in their Draft LPS. CLT considers that most of this reserved land is more appropriately zoned as Landscape Conservation.

The application of Landscape Conservation Zone in the West Tamar Draft LPS

The AK Consultants Decision Tree in Appendix 3 of the West Tamar LPS Supporting Report (p 16) indicates that either Environmental Management or Landscape Conservation Zone should be applied to Private Reserves

where deemed appropriate and as per Guideline EMZ 1 or LCZ 1 & LCZ 2.

Despite this only 2 out of the 14 Private Reserves in the West Tamar planning area, both in areas containing Agriculture zone, have been zoned as Environmental Management with none of the others considered for Landscape Conservation.

In fact Landscape Conservation zone has not been used at all in the West Tamar planning area. The Supporting Report justifies this in the Table at the bottom of p 64 stating that

There are no areas considered suitable for this zoning.

Private land in Tasman planning area reserved for the protection and conservation of biodiversity

In the West Tamar planning area there are 14 properties containing 457 ha of reserved land protected by conservation covenant distributed across 15 titles. The Private Reserves together account for 0.7 % of the municipality's 69,100 ha area.

All of this land is included in the Tasmanian Reserve Estate which is land reserved to be managed for biodiversity conservation under Tasmania's Regional Forest Agreement. This land is also part of Australia's National Reserve System thereby contributing to the fulfilment of Australia's obligations under the international *Convention on Biological Diversity 1993*. All of the reserves are listed in the latest version of the Collaborative Australian Protected Area Database (CAPAD 2018) available at <https://www.environment.gov.au/land/nrs/science/capad>.

The landscape values within these Reserves have already been identified for protection and conservation by both the State and Federal Ministers for the Environment. Details of the natural values are contained in the Nature Conservation Plans which are held by the Private Land Conservation Program in DPIPWE. These natural values were 'ground-truthed' by DPIPWE or Tasmanian Land Conservancy ecologists when the Reserves were established.

Case for rezoning many of these properties to Landscape Conservation

Of the 14 properties mentioned above CLT considers that 9 of them should have Landscape Conservation Zone applied to all or part of their titles.

Guideline LCZ1, when read together with Guidelines RZ1 and AZ6, requires that 'Landscape Conservation Zone should be applied' to titles containing land within the Tasmanian Reserve Estate as they contain natural values 'that are identified for protection and conservation' (see Appendix A for the relevant extracts from Guideline No. 1).

Titles that are fully reserved as well as titles that are partly reserved, where the non-reserved part is unsuitable for agriculture, should therefore be zoned as Landscape Conservation.

There is also a strong case for split zoning on titles containing reserved land that include agricultural use in the non-reserved parts where at least one the following conditions applies:

1. there are multiple adjoining Reserves;
2. a significantly sized Reserve spans multiple titles; or
3. a Reserve adjoins a title or titles zoned Environmental Management or Landscape Conservation

Details of the 9 reserves are provided below including ListMap screenshots of the Tasmanian Reserve Estate (green area), Threatened Flora Points (green triangles), Threatened Fauna Points (red squares) and Threatened Native Vegetation Communities (numbered areas with 'T' pattern) layers. Where there are adjoining reserves these have been discussed together.

Tamar Crescent (CAPAD 2018 Row No 2465)

Address 1663 GREENS BEACH RD GREENS BEACH TAS 7270

PID 7807982

Title Ref 50485/1



Tamar Crescent Reserve covers an area of 9.3 ha (90%) of the 10.4 ha Title Ref 50485/1 (white border). It is proposed that the complete title is rezoned to Landscape Conservation as the non-reserved part of the title has a residential dwelling on it and is unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation community No 39 'Wetlands' listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the vulnerable *Xanthorrhoea arenaria* (sand grasstree) listed in Schedule 4 of the *Threatened Species Protection Act 1995*.

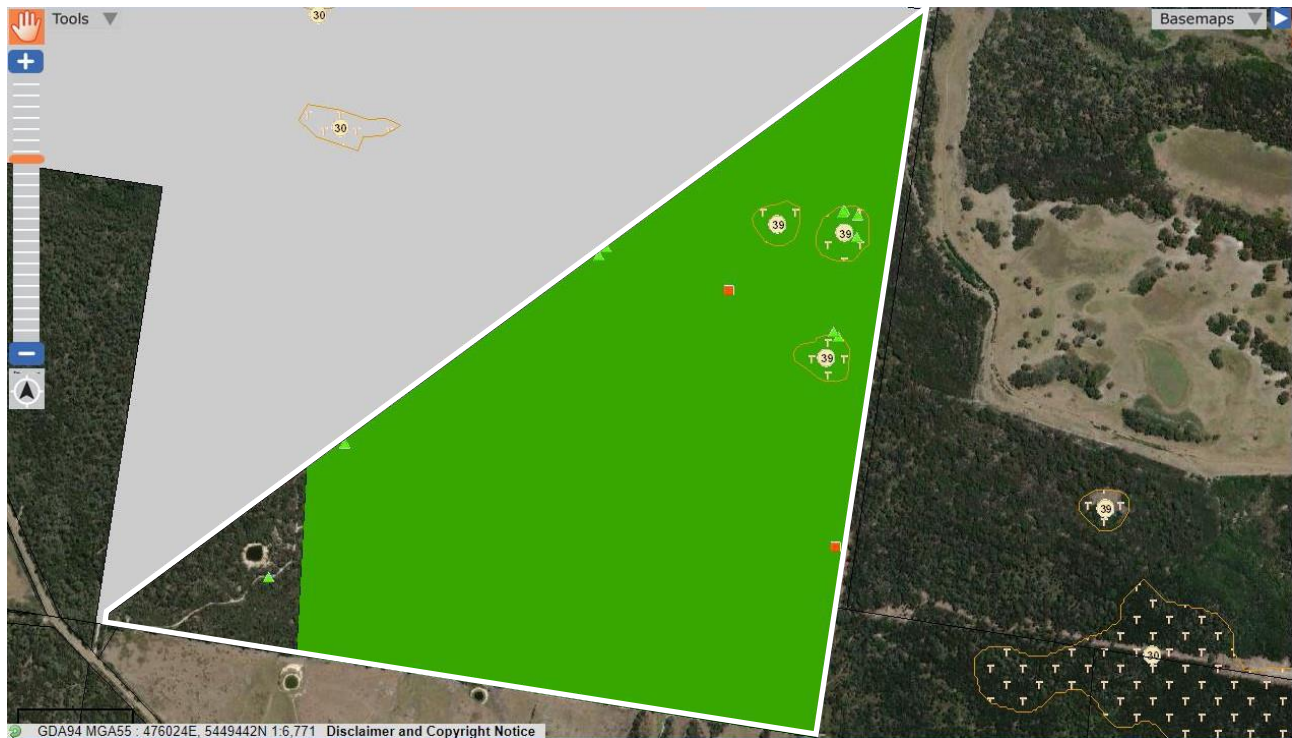
Landscape Conservation Zone should be applied to all of this title. Under the General Provisions the existing residential use is permitted for this zone.

Badger Head Reserve (CAPAD 2018 Row No 1154)

Address BADGER HEAD RD BADGER HEAD TAS 7270

PID 6095485

Title Ref 8108/2



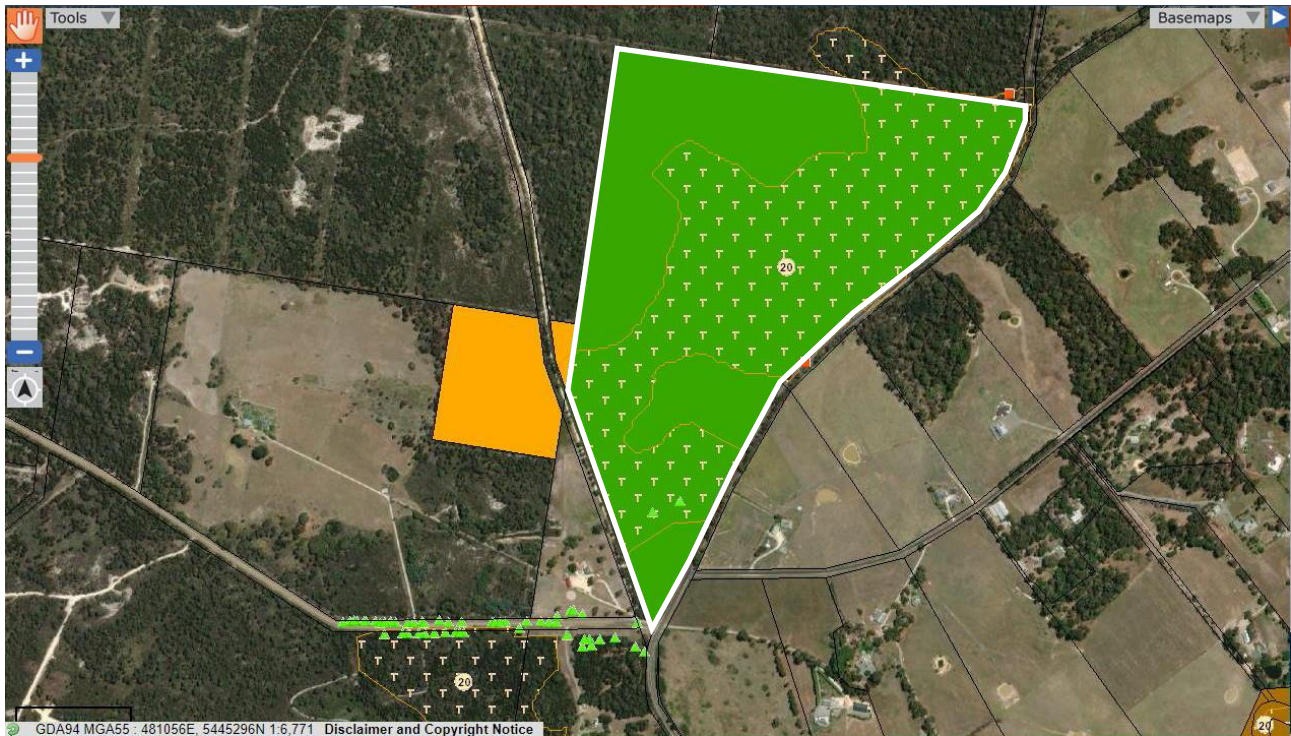
Badger Head Reserve covers 77.8 ha (92%) of the 84.2 ha Title Ref 8108/2 (white border). It adjoins the Narawntapu National Park (grey area) along its north west boundary which is zoned Environmental Management. It is proposed that the complete title is rezoned to Landscape Conservation as the non-reserved part of the title has a residential dwelling on it and is unsuitable and not used for agriculture.

The Reserve contains the threatened vegetation community No 39 'Wetlands' listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the rare *Stylidium beaugleholei* (Blushing triggerplant), *Stylidium perpusillum* (Tiny triggerplant) and *Gratiola pubescens* (hairy brookline) listed in Schedule 5 of the *Threatened Species Protection Act 1995*. The Reserve contains and provides habitat for the endangered *Sarcophilus harrisii* (Tasmanian devil) and vulnerable *Dasyurus maculatus* (Spotted tail quoll) listed in Schedules 3 and 4, respectively, of the *Threatened Species Protection Act 1995*.

Landscape Conservation Zone should be applied to all of this title. Under the General Provisions the existing residential use is permitted for this zone.

Shiny Grasstrees Reserve (CAPAD 2018 Row No 2317)

Address GREENS BEACH RD CLARENCE POINT TAS 7270
PID 7859977
Title Ref 124498/1



Shiny Grasstrees Reserve covers 41.4 ha (100%) of Title Ref 124498/1 (white border). It adjoins a 4.7 ha Informal Reserve on public land on its western boundary (gold area). The Shiny Grasstrees Reserve incorporates a 1.3 ha domestic zone for future residential use at the southern end.

The Reserve contains the threatened vegetation community No 20 '*Eucalyptus ovata* forest and woodland' listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the vulnerable *Xanthorrhoea arenaria* (Sand grasstree) and *Xanthorrhoea bracteata* (Shiny Grasstree) listed in Schedule 4 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

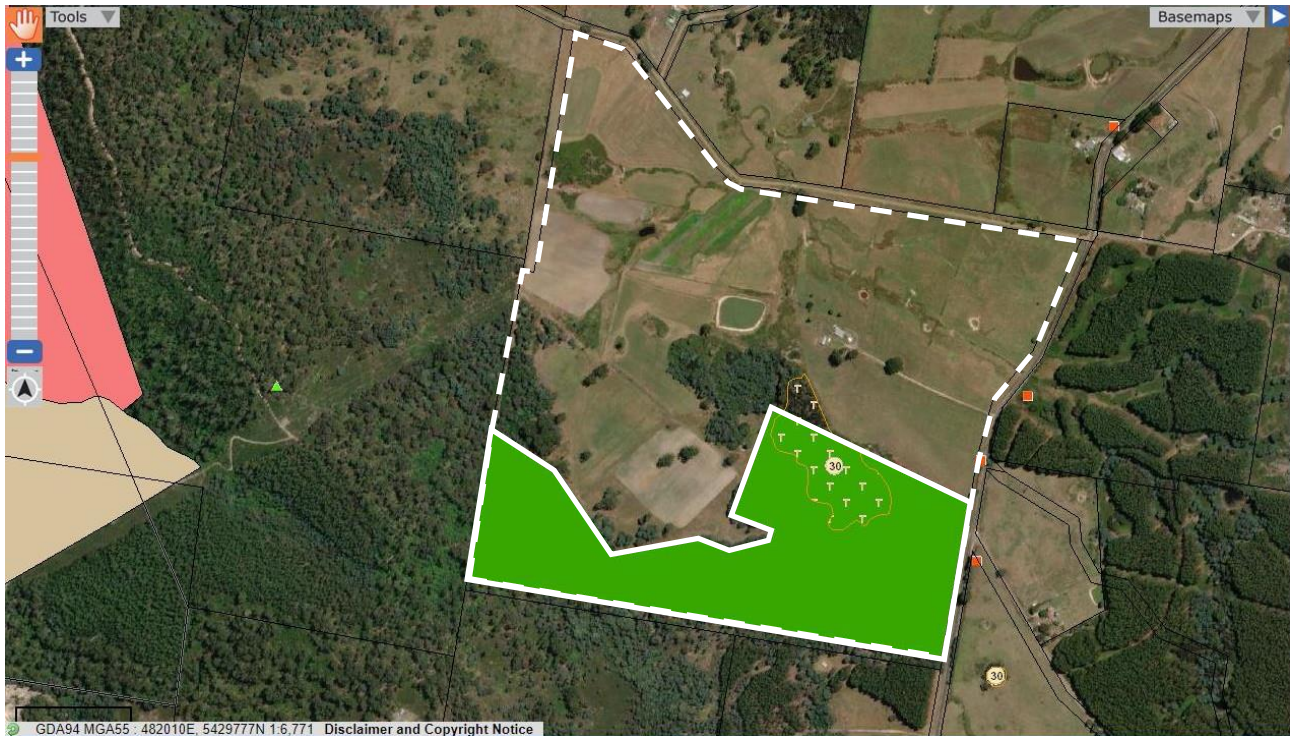
Landscape Conservation Zone should be applied to all of this title. Under the State Planning Provisions Residential Use is Permitted within the domestic zone for Landscape Conservation zone as it is shown on the sealed plan CPR9372 registered on the title.

Erinvale Reserve (CAPAD 2018 Row No 1456)

Address HOLWELL RD HOLWELL TAS 7275

PID 2287885

Title Ref 244859/1



Erinvale Reserve covers 20.3 ha (28%) of 71.3 ha Title Ref 244859/1 (white dashed border). It is approx. 500 m from the Coppermine Creek Regional Reserve (beige area) to its west.

The Reserve contains the threatened vegetation community No 30 '*Melaleuca ericifolia* swamp forest' listed in Schedule 3A of the *Nature Conservation Act 2002*. It also provides habitat for the endangered *Sarcophilus harrisii* (Tasmanian devil) listed in Schedule 3 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

In the Draft Zone Map split zoning has been applied to this title with the Erinvale Reserve (solid white border) being zoned Environmental Management and the balance as Agriculture.

Conservation Landholders Tasmania supports the application of split zones to this title but considers that Landscape Conservation zone is more appropriate than Environmental Management for reserves on private land and should be applied to private reserved land in West Tamar for consistency.

Tatana Private Nature Reserve (CAPAD 2018 Row No 3624)

Address 'STOKES RUN' - 234 FRANKFORD RD EXETER TAS 7275

PID 6065278

Title Ref 23899/1



Tatana Private Nature Reserve covers 19.3 ha (87%) of 22.2 ha Title Ref 23899/1 (white border). A residential dwelling is located on the non-reserved land.

The Reserve contains the threatened vegetation community No 15 '*Eucalyptus amygdalina* inland forest and woodland on cainozoic deposits' listed in Schedule 3A of the *Nature Conservation Act 2002*. The same threatened vegetation community is also identified on part of the non-reserved land. The Reserve also contains the rare *Brunonia australis* (Blue pincushion) listed in Schedule 5 of the *Threatened Species Protection Act 1995*. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPW.

In the Draft Zone Map split zoning has been applied to this title with the 19.3 ha Tatana Private Nature Reserve being zoned Environmental Management and the remaining 2.9 ha as Agriculture.

Conservation Landholders Tasmania is of the view that Landscape Conservation zone is more appropriate than Environmental Management for private reserves and that split zoning is not required in this case given that the 2.9 ha of non-reserved land is unsuitable and not used for agriculture. Landscape Conservation zone will afford better protection of the threatened forest on the non-reserved land as well as providing the landowner with more flexibility in the use of the non-forested land.

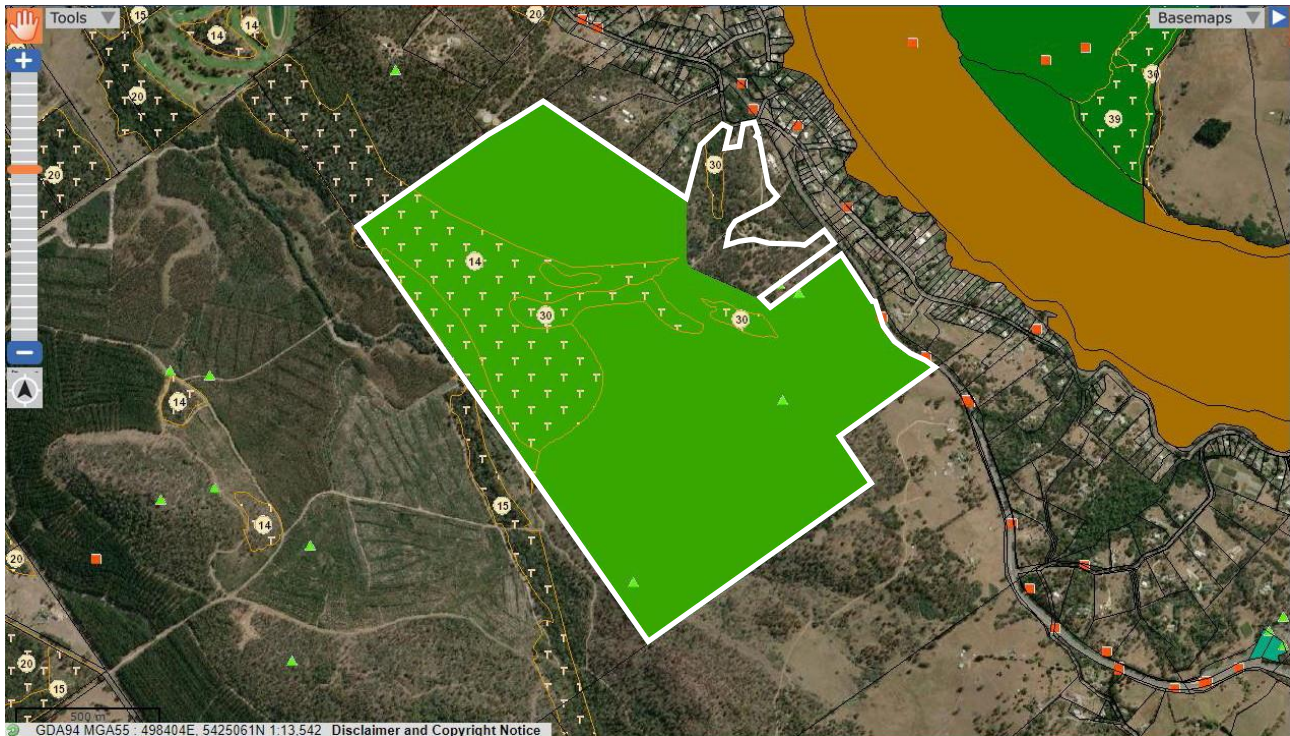
Consequently Landscape Conservation zone is proposed for the whole title.

Casuarina Reserve (CAPAD 2018 Row No 1315)

Address 2127 WEST TAMAR HWY LANENA TAS 7275

PID 7630451

Title Ref 158572/1



Casuarina Reserve covers 186.7 ha (92%) of the 202.8 ha Title Ref 158572/1 (white border). It is approximately 300 m from the Tamar Conservation Area to its north east (bronze area).

The Reserve contains the threatened vegetation communities No 14 '*Eucalyptus amygdalina* forest and woodland on sandstone' and No 30 '*Melaleuca ericifolia* swamp forest' listed in Schedule 3A of the *Nature Conservation Act 2002*. It also contains the rare *Veronica plebeia* (Trailing speedwell) and *Austrostipa blackii* (Crested speargrass) listed in Schedule 5 of the *Threatened Species Protection Act 1995*. It contains habitat for the endangered *Sarcophilus harrisii* (Tasmanian devil) and vulnerable *Dasyurus maculatus* (Spotted tail quoll) listed in Schedules 3 and 4, respectively, of the *Threatened Species Protection Act 1995*.

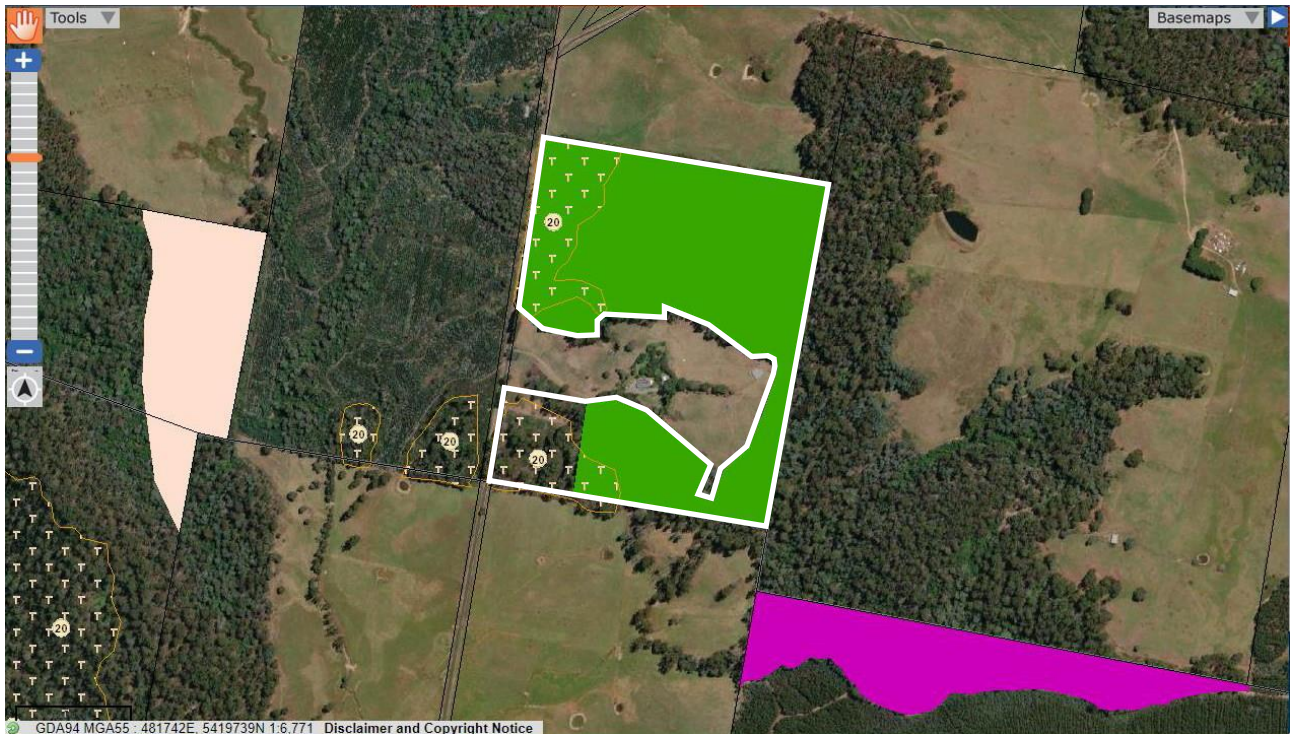
Landscape Conservation zone should be applied to all of this title as the non-reserved land is unsuitable and not used for agriculture. Under the General Provisions the existing residential use in the non-reserved land is permitted for this zone.

Birralee Reserve (CAPAD 2018 Row No 1198)

Address 736 PRIESTLEYS LANE FRANKFORD TAS 7275

PID 7245414

Title Ref 26249/1



Birralee Reserve covers 20.9 ha (67%) of the 31.0 ha Title Ref 26249/1. The non-reserved part of the land has a dwelling and several paddocks as well as 2 ha of forest.

The Reserve contains the threatened vegetation community No 20 '*Eucalyptus ovata* forest and woodland' listed in Schedule 3A of the *Nature Conservation Act 2002*. The same threatened vegetation community is present in the 2 ha of forest on the non-reserved land. Further details of the natural values protected by this Reserve are in the Nature Conservation Plan held by DPIPWE.

Conservation Landholders Tasmania proposes that split zoning is applied to this title with the reserved land and the approx. 2 ha of forest on the non-reserved land being zoned Landscape Conservation (white border) with the remainder of the title being zoned Rural. Split zoning to protect the Private Reserve is consistent with the Planning Authority's treatment of Birralee Reserve (PID 2287885) and Tatana Private Nature Reserve (6065278).

Notley Hills and Touchwood Reserves (CAPAD 2018 Row Nos 2121 and 2515)

Addresses	PIDs	Title Refs	Percent reserved
MITCHELSONS RD NOTLEY HILLS TAS 7275	7898001	108262/1	77%
232 LOOP RD GLENGARRY TAS 7275	7415882	31410/3	38%



The combined area of the Notley Hills and Touchwood Reserves is 26.9 ha and both titles have residential dwellings in the non-reserved areas. The non-reserved land in Title Ref 108262/1 is unsuitable and not used for agriculture whereas the non-reserved land in Title Ref 31410/3 includes a mix of paddocks and pockets of forest. To the south east of the Touchwood Reserve is the Notley Gorge State Reserve which is zoned Environmental Management.

The combined Reserves contain the threatened vegetation communities No 25 '*Eucalyptus viminalis* wet forest' listed in Schedule 3A of the *Nature Conservation Act 2002*. Title Ref 31410/3 (white dashed border) also contains pockets of No 25 '*Eucalyptus viminalis* wet forest' as well as No 30 '*Melaleuca ericifolia* swamp forest'. Further details of the natural values protected by these Reserves are in the Nature Conservation Plans held by DPIPW.

The combined area within the white solid border containing these Reserves is proposed for rezoning to Landscape Conservation with the non-reserved area within Title Ref 31410/3 between the dashed and solid white lines to remain as Rural zone. Split zoning to protect the Private Reserve is consistent with the Planning Authority's treatment of Birralee Reserve (PID 2287885) and Tatana Private Nature Reserve (6065278).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Thompson', with a stylized flourish at the end.

John Thompson
On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125

Email thompsonjohnng@gmail.com

Appendix A

The relevant Guidelines

The following are extracts from *Section 8A Guideline No. 1 - Local Provisions Schedule (LPS): zone and code application (version 2.0)*, June 2018 for 22.0 Landscape Conservation Zone, 20.0 Rural Zone, and 21.0 Agriculture Zone, with key words and phrases underlined.

- LCZ 1 *The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.*
- LCZ 2 *The Landscape Conservation Zone may be applied to:*
(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation; ...
- RZ 1 *The Rural Zone should be applied to land ... which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.*
- AZ 6 *Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:*
(c) 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;
(e) 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 that will be within the Agriculture Zone;
(ii) there are significant constraints to agricultural use occurring on the land; or
(iii) the Agriculture Zone is otherwise not appropriate for the land.