Environmental Assessment Report

Markarna Grazing Company Pty Ltd

Lime Sand Extraction Pit
368 Five Mile Jim Road, Memana
Flinders Island

August 2025

ENVIRONMENT PROTECTION AUTHORITY

Environmental Assessment Report

Proponent	Markarna Grazing Company Pty Ltd
Proposal	Lime Sand Extraction Pit
Location	368 Five Mile Jim Road, Memana, Flinders Island
Class of Assessment	This EMPCA Section 25A process does not require classing the assessment
PCE no.	11576
Permit Application No.	DA 2023 / 00038 (Flinders Council) Combined development and planning scheme amendment (rezoning) application Section 40T Application under LUPAA Section 25A Assessment under EMPCA
myDAS Folder No.	23/5219
myDAS Document No.	D25-109017

Assessment Process Milestones

Date	Milestone
19 June 2023	Permit Application submitted to Council
25 July 2023	Referral received by the Board
9 August 2023	Request for additional information issued
24 June 2025	Additional information accepted
8 July 2025	Date draft conditions issued to proponent
19 August 2025	Statutory period for assessment ends

Glossary/Acronyms

Term	Detail
Activity Area	Refer to Figure 3 of the EAR
Additional information	Provided in the form of an Environmental Impact Statement
AHD	Australian Height Datum
Board	Board of the Environment Protection Authority
EAR	Environmental Assessment Report (this report)
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMPCA	*Environmental Management and Pollution Control Act 1994*
EMPCS	Environmental Management and Pollution Control System
EPBCA	*Environment Protection and Biodiversity Conservation Act 1999* (Cth)
Extractive Area	Refer to Figure 3 of the EAR
IECA	*International Erosion Control Association's Best Practice Erosion and Sediment Control 2018 documents*
LUPAA	*Land Use Planning and Approvals Act 1993*
NCA	*Nature Conservation Act 2002*
NRE	Department of Natural Resources and Environment Tasmania
Pad Area	Refer to Figure 5 of the EAR
QCP	Quarry Code of Practice (EPA 2017)
RMPS	Resource Management and Planning System of Tasmania
SD	Sustainable Development
TSPA	*Threatened Species Protection Act 1995*

Report Summary

This report provides an environmental assessment of a proposed lime sand extractive pit, including materials handling (screening) by Markarna Grazing Company Pty Ltd.

The proposal involves extraction of lime sand from a west-to-east parallel dune system adjacent to Marshall Bay at Memana on Flinders Island. Up to 10,000 cubic metres per year is proposed to be extracted by bulldozer and/or excavator. Up to 10,000 cubic metres per year of raw sand may be screened to remove organic matter and to mix in soil ameliorants where necessary, as most of the sand will be applied to agricultural land on Flinders Island to help improve land capability for cropping and grazing.

The permit application for this proposal is combined with a planning scheme amendment (rezoning) application under Section 40T of LUPAA and hence was referred to the EPA Board (the Board) under section 25A of EMPCA for assessment.

The Board assessment process for a combined permit application / rezoning application differs to the more common EMPCA section 25 assessment in several ways:

- Upon referral of the proposal from Council, the Board requested additional information on the activity and its potential impacts and associated mitigation measures. This mirrors the process normally used by the Board in issuing Environmental Effects Report / Environmental Impact Statement Guidelines to assist a Proponent in developing a satisfactory case for assessment, except that assessment classing was not required.
- The additional information was provided by the Proponent in an Environmental Impact Statement (EIS). This replicates the process a proponent typically undertakes in developing a case for assessment under section 25.
- Once the Board accepted the additional information, the assessment must be completed within 10 weeks and Flinders Council notified of the decision. This aligns with the usual process for a section 25 assessment, noting that the environmental permit conditions are *recommended* rather than *required* as would usually be the case under section 25(8).
- After completion of the Board's assessment Council decides whether to initiate the proposed rezoning. If Council decides to initiate and certify the rezoning it will then need to determine the permit application, including any conditions and restrictions recommended by the Board, and place the permit and rezoning documents on public exhibition for 28 days. This differs from a section 25 assessment where public exhibition is undertaken prior to the Board's consideration of this report.
- If representations are received, Council and EPA may be required to prepare a report for the Commission on the merits of any relevant representations. The Commission is then provided with those reports, the representations, any amendments recommended and the permit. The Commission may choose to hold public hearings before making its decision to approve, modify or reject the rezoning and permit application.

This report has been prepared based on information provided in the permit application and additional information provided in the EIS. The area defined as the Development Area at page 8 and Figure A-4 of the EIS has been adopted as the Activity Area within this EAR, with the inclusion of the drains, sediment basins and septic system absorption pad excluded by the EIS definition (refer Figure 3 of this EAR).

Relevant government agencies were consulted, and their comments considered as part of the assessment.

Appendix 1 contains a table of the proponent's proposed management measures.

Appendix 2 contains the environmental permit conditions for the proposal.

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1. Approval Process

A combined permit and rezoning application under the *Land Use Planning and Approvals Act 1993* (LUPAA) for the proposal was submitted to Flinders Council on 19 June 2023.

This proposal is defined as a 'level 2 activity' under clauses 5(b) and 6(a)(ii), Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPCA), being a sand extractive pit with materials handling (screening).

Section 25A(1A) of the EMPCA required Council to refer the application to the Board of the Environment Protection Authority (the Board) for assessment under the Act. The application was received by the Board on 25 July 2023.

The Board required the applicant to provide additional information for the purposes of the assessment on 9 August 2023. This was provided in the form of an Environmental Impact Statement (EIS). Several drafts of the EIS were submitted to the EPA for review against the request for additional information prior to finalisation and acceptance on behalf of the Board on 24 June 2025.

The EIS was referred to relevant government agencies for comment.

2. SD Objectives and EIA Principles

The proposal must be considered by the Board in the context of the objectives of the Resource Management and Planning System of Tasmania (RMPS), and the Environmental Management and Pollution Control System (EMPCS). Both sets of objectives are specified in Schedule 1 of EMPCA.

The functions of the Board are to administer and enforce the provisions of EMPCA, and to use its best endeavours to further the RMPS and EMPCS objectives. The Board must assess the proposal in accordance with the Environmental Impact Assessment Principles defined in Section 74 of EMPCA, except for subsections (6) requiring public consultation and (7) regarding public disclosure of all information relating to the environmental impact of a proposal (as per section 25A(4) of EMPCA).

3. The Proposal

The main characteristics of the proposal are summarised below. A detailed description of the proposal is provided in Part B of the EIS.

Summary of the proposal's main characteristics

Activity

The proposal involves extraction of lime sand from a west-to-east parallel dune system adjacent to Marshall Bay at Memana on Flinders Island. Up to 10,000 cubic metres per year of lime sand is to be extracted by bulldozer and/or excavator. Up to 10,000 cubic metres per year of raw lime sand may be screened to remove organic matter and to mix in soil ameliorants where necessary, as most of the sand will be applied to agricultural land on Flinders Island to help improve land capability for cropping and grazing.

Location and planning context

Location	'Markana Park' 368 Five Mile Jim Road, Memana, as shown in Figure 1.
Land zoning	Currently zoned as Landscape Conservation. The rezoning application seeks to change the zone to Rural.
Land tenure	Private freehold with a small section of reserved road (Crown land). A crown licence is currently held by the Proponent for access to the site via the reserved road.
Mining lease	ML 2117P/M granted on 20 July 2023.
Lease area	365 ha
Bond	$50,000 based on an unrehabilitated area of 5 ha.

Activity site

Land Use	Most of the mining lease area is currently native vegetation used for limited livestock grazing. In the past the mining lease has been used for more intense livestock grazing. There is also a small extractive pit, at the proposed location of this extractive pit, that has historically been used for small-scale sand extraction.
Topography	The Activity Area is comprised of a west-to-east parallel dune system which becomes two distinct steep sided dune ridges, with deep, wide swales between the ridges. Marshall Beach and Bay are located west of the Activity Area. From the Activity Area elevation is gained to the east forming low hills to around 150 m AHD.
Geology	Sand, gravel and mud of lacustrine and littoral origin. Sands to be extracted are of littoral origin and are highly calcareous. Underlying geology is a mosaic of lacustrine / littoral gravels and sands cemented / compacted in situ. Base geology is fossiliferous (marine shells) Tertiary limestone.
Soils	A soil layer is largely absent or is represented by a slightly discoloured upper layer in the sandy soil profile. There have been two prominent paleosols identified in the profile exposed at the historic extraction pit face.
Hydrology	No identified surface waterways within the Activity Area. Possible areas where lagoons may form north and south of the Activity Area (North and South Curves Lagoons). Potential for karst in the area to influence subsurface hydrology.
Natural Values	Six flora species listed under the *Threatened Species Protection Act 1995* (TSPA) were identified within the Activity Area, including: • Coast wirilda (*Acacia uncifolia*); • Mossy woodruff (*Asperula minima*); • Spiny bushpea (*Eutaxia microphylla*); • Curved riceflower (*Pimelea curviflora* var. *gracilis*);

	• Coast twinleaf (*Roepera billardierei*); and • Pale fanflower (*Scaevola albida*). Habitat for several threatened fauna species is present within or adjacent to the Activity Area, including: • Wedge-tailed eagle (*Aquila audax subsp. fleayi*); • White-bellied sea-eagle (*Haliaeetus leucogaster*); • New Holland mouse (*Pseudomys novaehollandiae*); and • Tussock skink (*Pseudemoia pagenstecheri*). Two Declared Weed species (horehound (*Marrubium vulgare*) and slender thistle (*Carduus pycnocephalus*)) listed under the *Biosecurity Act 2019* were observed within the Activity Area.

Location region

Climate	Rainfall is approximately 735 mm per year. Wind direction is predominantly from the west with lighter winds from the east-north-east being sub-dominant.
Surrounding land zoning, tenure and uses	Zoning to the north is environmental management and to the east and south is a mix of environmental management, landscape conservation, rural and agriculture. Land surrounding the Activity Area is private freehold and is mostly vegetated immediately east of the proposed extractive pit, with extensive agricultural lands further inland to the east. To the north is a private nature reserve, the Mount Tanner Nature Recreation Area, and the Wingaroo Nature Reserve. Nearby to the east and south are three other mining leases. There is also a private conservation covenant just to the east on an area of private freehold land (refer to Figure 4 of this EAR). To the south is the Mulligans Hill Conservation Area, Emita Nature Recreation Area, Settlement Point Conservation Area and two other public reserves. Immediately to the west and south-west is the Marshall Beach Conservation Area. The mining lease is almost adjacent to the Marshall Beach Conservation Area with a small (approx. 130 m) strip of coastal dunes between the Conservation Area and mining lease boundary. The proposed Activity Area is an additional 100 m further east of the mining lease boundary.

Proposed infrastructure

Major equipment	The EIS proposes the use of the following equipment: • vibratory screen (Powerscreen 2 & 3 deck); • wheel Loader (966H); • grader (140G); • excavator (329D); • dozer (D9N); • off-road haul truck; • transport trucks (medium combination truck & trailer, single trucks); • 15,000 L capacity water cart truck; and • light vehicles for worker transport.
Other infrastructure	The EIS states that other infrastructure will be required, including: • a shed (15 m x 60.3 m x 7.77 m) with internal crib room and amenities; • two 50,000 L water tanks; • access roads for accessing the site and extraction areas; • drains and sediment ponds for surface water management; and

	• a septic wastewater system (septic tank discharging to an in-ground absorption bed) for grey and black water.

Inputs

Water	Water will be required for the water cart.
Energy	The EIS notes that there is access to powerlines and poles along the eastern boundary. However a power connection is not intended at this stage.
Other raw materials	Soil ameliorants (such as boron) may be blended with screened sand, based on the needs of each individual property where the material will be applied.

Wastes and emissions

Liquid	Stormwater runoff from extraction areas, pad / stockpile areas and the shed roof. Grey water from crib room and amenities and black water from septic tank discharged through in-ground absorption beds.
Atmospheric	Dust from internal and external traffic, open extraction areas and blow-off from stockpiles.
Solid	General refuse including food scraps, wrappers and other wastes from the office and crib areas. Other wastes generated by the activity may include: • empty drums (oils (motor, hydraulic and brake); • machinery filters (not in the controlled waste category); • disposable PPE (e.g. ear plugs); • plastics; • rags; and • batteries.
Controlled wastes	According to the EIS the activity may generate the following controlled wastes: • waste oil / water, hydrocarbon / water mixtures or emulsions (e.g. hydraulic or engine oils); • sewage sludge, residue or nightsoil from the on-site wastewater management system; • containers contaminated with residues of substances (used for collection or storage of waste oil / water, hydrocarbon / water mixtures or emulsions); • soils contaminated with a controlled waste (e.g. oil or fuel leak); • fire debris and fire wash water (in the event of a fire); and • used tyres.
Noise	From screening equipment, mobile machinery (wheel loader, excavator, dozer, grader, water truck) and vehicles (light vehicles and haul trucks) moving within, on and off site.
Greenhouse gases	Operation of hydrocarbon-based plant, trucks and light vehicles will all produce greenhouse gas emissions.

Construction and operations

Proposal timetable	The EIS notes that once approval is granted, construction of the pad, shed and stormwater infrastructure would need to occur prior to extraction occurring. Figure B-2 of the EIS provides a breakdown of the proposed extraction stages year by year, out to 5-years.
Operating hours (ongoing)	0700 to 1900 hours Monday to Friday. No activity will occur on Saturdays or Sundays.

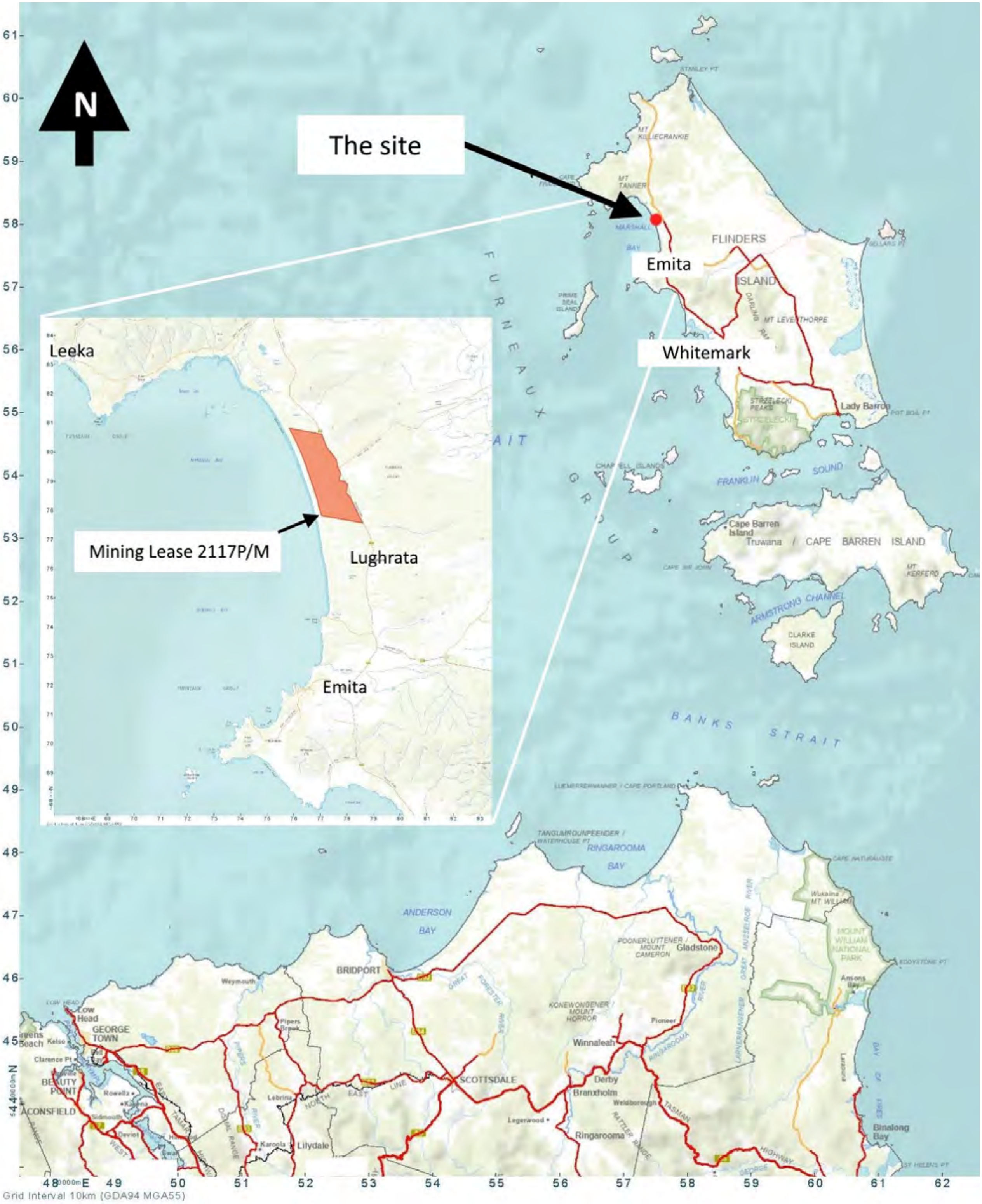


Figure 1: Mining lease 2117P/M location (topographic basemap from the LIST © State of Tasmania).

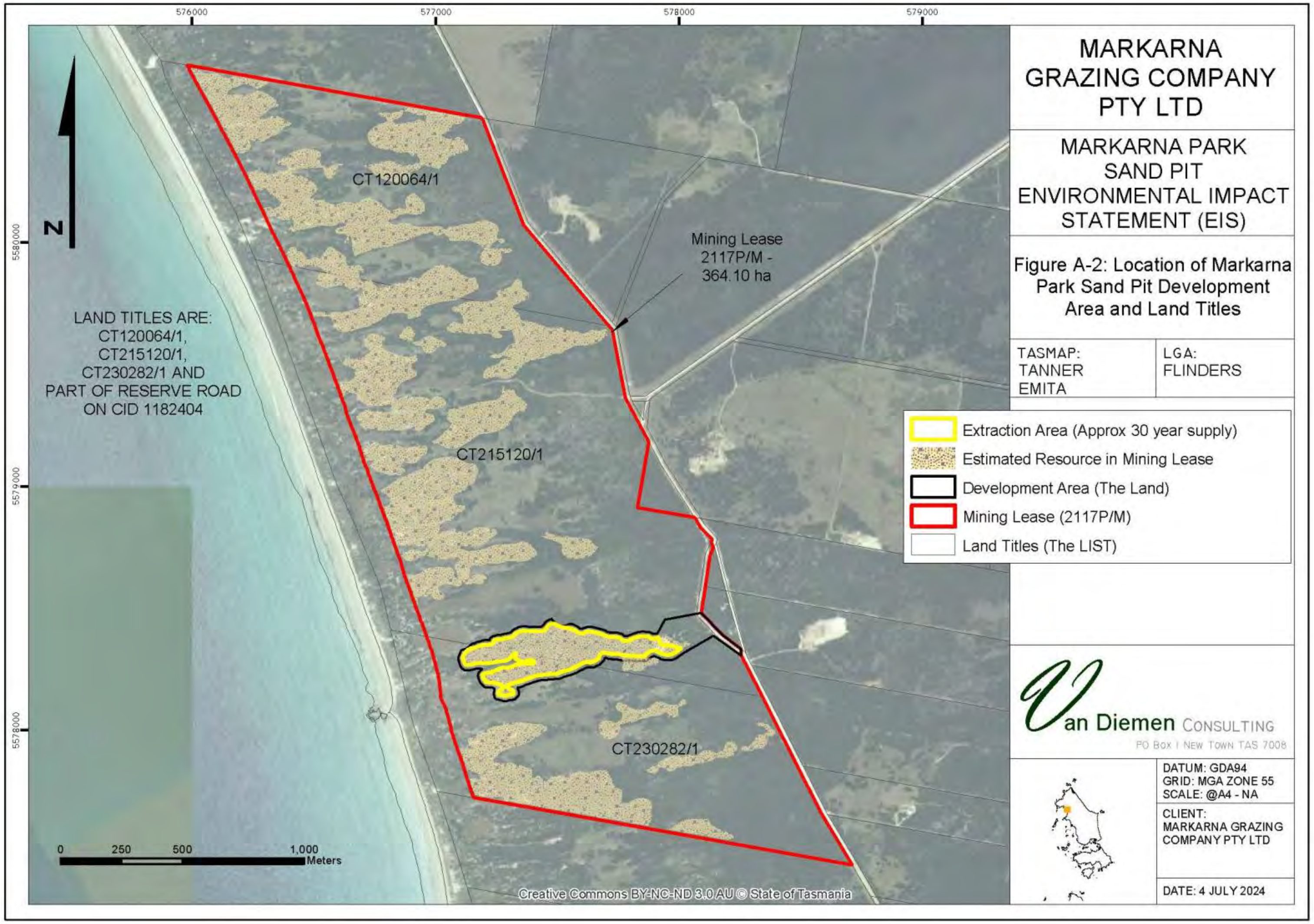


Figure 2: Mining Lease 2117P/M, development & extraction areas (Figure A-2 of the EIS).

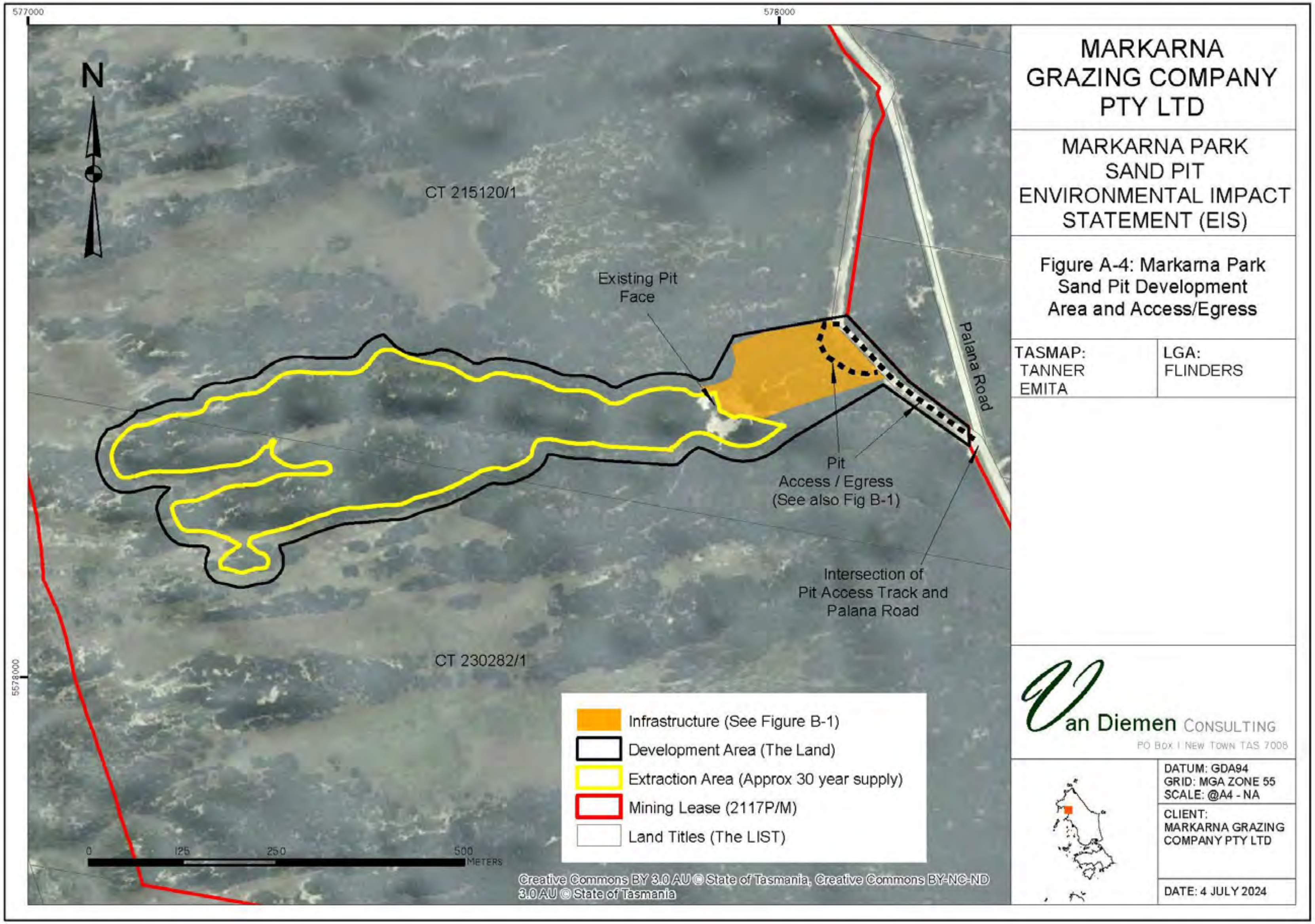


Figure 3: Site overview and access (Figure A-4 of the EIS). The area shown as the Development Area is the Activity Area in this EAR.

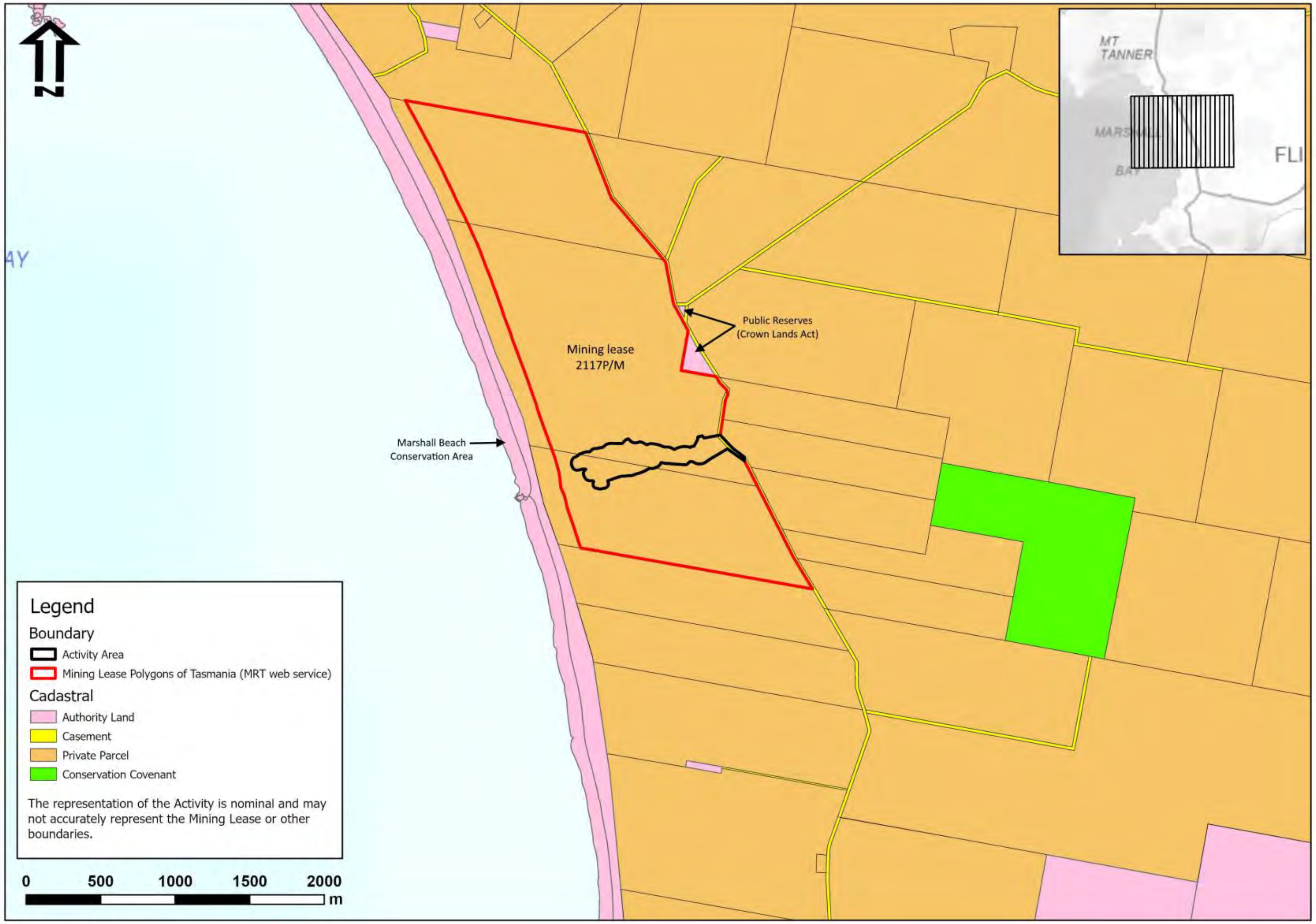


Figure 4: Land tenure map, including conservation covenant.

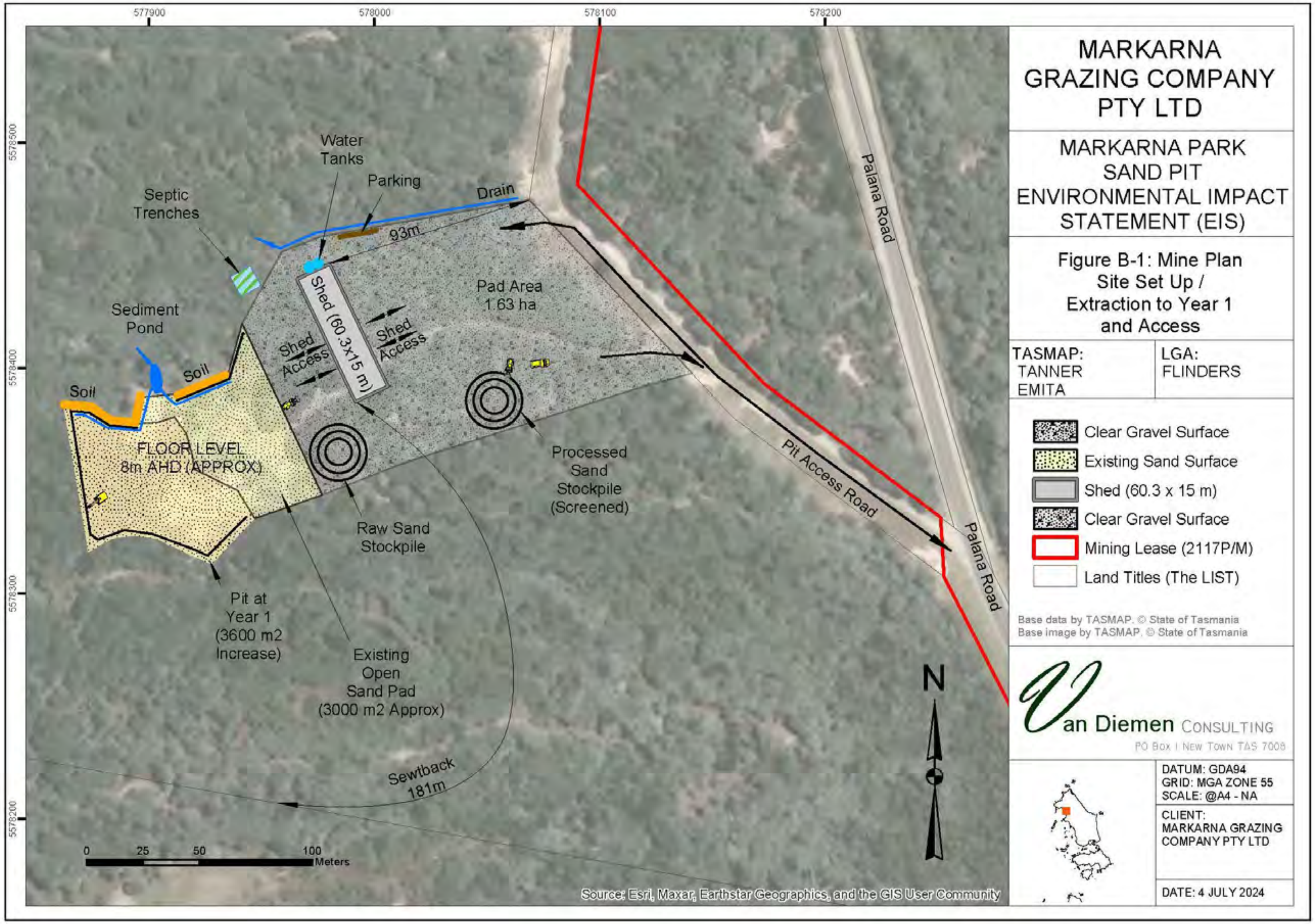


Figure 5: Mine Plan – Set Up and Extraction Year 1 (Figure B-1 of the EIS).

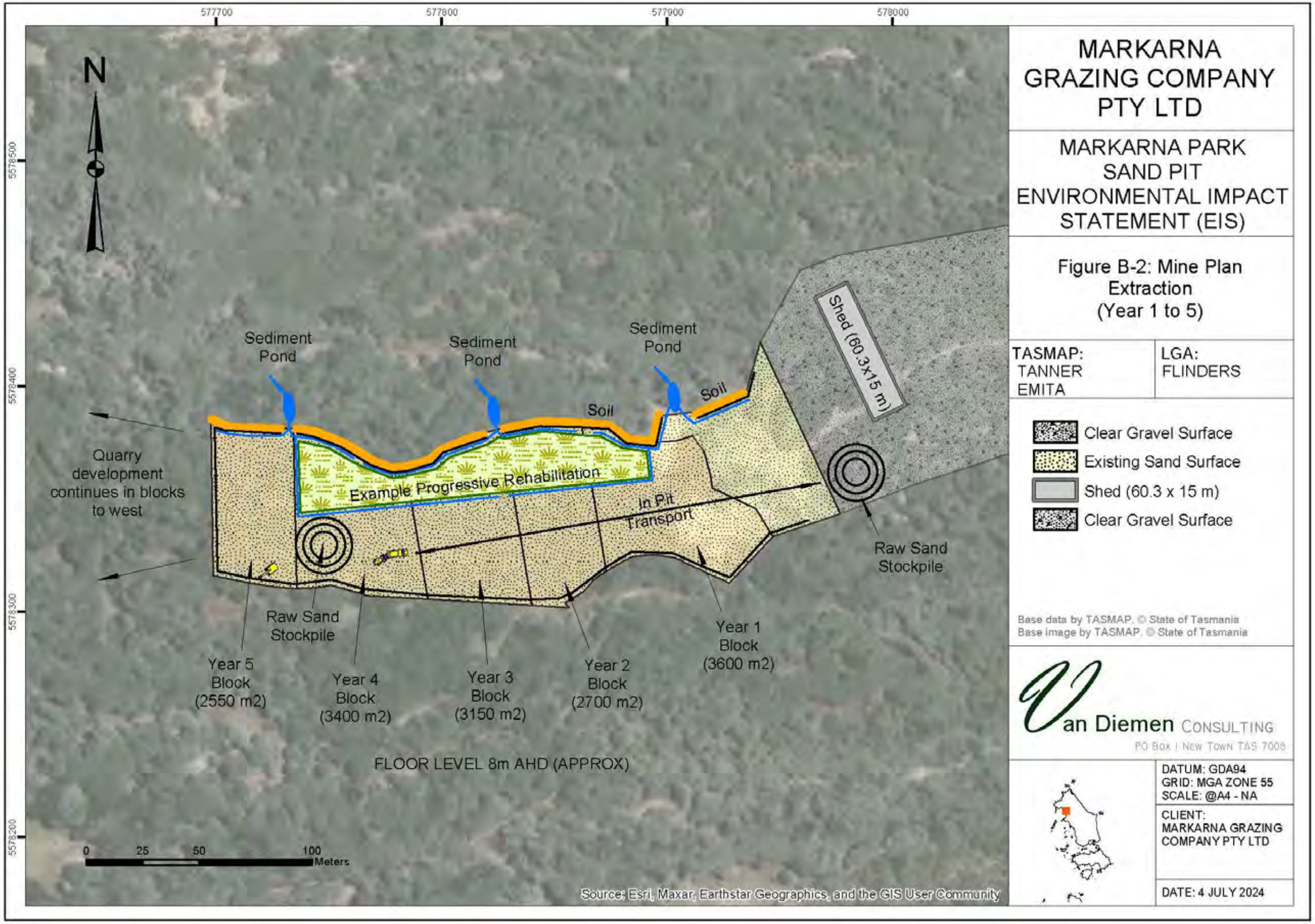


Figure 6: Mine Plan – Extraction Year 1 to 5 (Figure B-2 of the EIS).

4. Project Rationale and Alternatives

The EIS states that soil acidification is a naturally occurring process influenced by numerous factors and is compounded by most of Tasmania's soils being naturally acidic.

The EIS notes that acidification of agricultural land is a significant land degradation issue that can negatively affect productivity and sustainability of agricultural activities through:

- Decreasing the availability of nutrients to plants;
- Increasing the toxicity of aluminium and manganese;
- Decreasing soil biological functions;
- Reducing the ability of legumes to fix nitrogen; and
- Making the soil more vulnerable to soil structure decline and erosion.

The EIS notes that lime sands which are rich in calcium carbonate can reduce soil acidity by neutralising the acid reaction, thus raising pH.

According to the EIS 'liming' is the most cost-effective way to manage low soil pH, to help prevent loss of production and profitability in farming systems and reverse acidification. Liming involves applying lime to the soil surface several months before sowing pasture or crops..

According to the EIS commonly used liming materials include:

- Agricultural lime - crushed and sieved natural limestone which is mainly calcium carbonate. Safe, cheap and effective.
- Lime sand - mined from natural deposits that are mainly calcium carbonate. Safe and cheap but can be coarser and react slower with soil than agricultural lime.
- Dolomite - a mixture of calcium and magnesium carbonates. Particularly valuable where soils are low in magnesium.
- By-product lime - by-product from the production of soda ash, which contains mostly calcium carbonate, but with some calcium oxide and hydroxide.

The EIS identifies agriculture as a critical employment and income generation activity on Flinders Island, therefore its longevity is important to the social and economic well-being of the island.

The EIS states that the Marshall Bay land parcels owned by the Markarna Grazing Company ('Markana Park') were purchased to provide ongoing lime sands for use on the broader Markana Park land parcels and to sell to other agricultural enterprises as well as for use in making concrete for construction projects on the island. The EIS notes that the existing, but now disused pit, was once used by many islanders to access lime sand due to its ease of access and quality sand with a high effective neutralising value.

According to the EIS, off-island supplies of lime / sand are costly due to high freight charges. This undermines the economic viability of agriculture on the island in the medium to long-term due to inadequate levels of lime being applied which affects long term soil health and productivity of agricultural land on the island.

The EIS states that no alternative locations were considered as the lime sands are spatially limited on Flinders Island, are of very high quality, extensive in their geographic extent at Marshall Bay and can be extracted in a way and at a rate that is sensitive to the Marshall Bay environment.

5. Public and Agency Consultation

The process for a section 40T LUPAA combined permit and rezoning application does not provide for public consultation to be undertaken prior to the Council determining the permit application. Public consultation occurs when the permit application has been determined by the Council and forwarded, along with the rezoning application, to the Tasmanian Planning Commission.

The EIS was referred to several government agencies with potential interest in the proposal, including:

- Conservation Assessment Section, Natural Resources and Environment Tasmania
- Parks and Wildlife Service, Natural Resources and Environment Tasmania
- Aboriginal Heritage Tasmania, Natural Resources and Environment Tasmania
- Heritage Tasmania, Natural Resources and Environment Tasmania
- Mineral Resources Tasmania, Department of State Growth
- Public Health Services, Department of Health
- Flinders Council

The following also provided specialist advice on the EIS:

- Regulatory Officer, Environment Protection Authority
- Air Section, Environment Protection Authority
- Water Section, Environment Protection Authority
- Noise Section, Environment Protection Authority

6. General Permit Conditions

The following general conditions are recommended for the activity:

G1 Activity Area

G2 Access to and awareness of conditions and associated documents

G3 Incident response

G4 Proposed change to activity

G5 Change of responsibility

G6 Change of ownership

G7 Complaints register

G8 Quarry Code of Practice

G9 Amendment of required plans and reports

7. Evaluation of Environmental Issues

The following environmental issues are considered relevant to the proposal and are evaluated in this section:

1. Air quality
2. Surface and ground water quality
3. Noise emissions
4. Natural values
5. Weed and disease management
6. Waste management, dangerous goods and environmentally hazardous materials
7. Decommissioning and rehabilitation

7.1 Issue 1: Air quality

7.1.1 Potential impacts

The primary air emission of concern from the proposed activity is dust. Quartz based materials, which may be present in or under the calcareous sands, have the potential to impact human health through producing respirable crystalline silica.

Various activities with potential to produce dust will be undertaken, including vegetation clearing and burning, excavation of topsoil and sand, screening / adding ameliorants, loading and carting of product. Stockpiles, disturbed ground and use of internal roads by vehicles and machinery can also generate dust. If not managed appropriately, these activities have the potential to cause environmental nuisance beyond the boundary of the Activity Area. It is noted that the screening plant is mobile and may be operated both inside and outside the proposed shed depending on operational requirements.

According to the EIS there are also other potential sources of air emissions in the general area including from agricultural activities, other sand pits and conservation management activities (e.g. ecological burns).

Directly to the north, south and west of the Activity Area is land owned by the Proponent (approx. 2 km to the northern boundary and 400 m to the southern boundary). Surrounding land tenure is shown in Figure 4 above.

Immediately west of the property is the Marshall Bay Conservation Area which is comprised of a narrow strip of land covering Marshal Beach.

There is one sensitive receptor located approximately 1.15 km south-east of the Activity Area (see Figure 7). No other sensitive receptors are located within a 2 km radius of the Activity Area.

The land east of the property is mostly vegetated private land. There is a conservation covenant located on private property approximately 1.3 km east of the Activity Area (refer Figure 4 of this EAR). There are two other mining leases immediately east and just south of the Activity Area.

The prevailing wind direction is from the west with subdominant lighter winds from the east-north-east. The report notes that while easterly winds are common, they are usually lighter and often associated with rainfall thus reducing the risk of dust being blown from the Activity Area.

In reference to potential for dust emissions Attachment 9 of the EIS indicates that the younger modern dunes which run parallel to Marshall Beach along the western boundary of the mining lease are more susceptible to disturbance and blow outs, which may result in fugitive dust emissions, however, the proposed activity relates to extraction from the older west-to-east parallel dunes which are relatively stable and vegetated (see Map 3 of the EIS).

The EIS notes that removal of vegetation on these west-to-east dunes increase the risk of blow outs occurring, which may result in dust emissions, and recommended that where possible the working face should be directed to the east, away from the stronger prevailing westerly winds. The EIS also recommended that as far as practical vegetation should be retained above the working face of the pit and that worked out areas should be progressively rehabilitated.

7.1.2 Management measures proposed in EIS

The EIS states the following measures will be implemented to minimise the risk of wind erosion occurring:

- Avoid where possible, but otherwise minimise, working on faces exposed to westerly winds;
- Maintain vegetation above and to the west of any active extraction face; and
- Re-establish vegetation on a progressive basis.

The EIS also states that dust emissions will be managed to the extent necessary to prevent environmental nuisance by implementing industry standard environmental practices for dust suppression, including:

- Retention of vegetation along the access road corridor where possible;

- Retention of vegetation (when possible) around the pit working area to reduce the likelihood of strong winds liberating fine particles into the air;
- Utilisation of slash / mulch obtained from cleared areas to stabilise the soil surface and to limit wind action on dust generation at the soil / sand surface;
- Covering of trucks with tarpaulins and / or load dampening;
- Minimising the geographic extent of areas of exposed soil; and
- Road dampening and implementing a speed limit of 40 km/hr on the access road.

The EIS notes that soil ameliorants that will be added to some of the sand prior to delivery will be added by screening within the shed only, due to their cost and fine particle size.

In addition, the EIS states that screening of material on high wind days (i.e. winds >60 km/hr) outside of the shed will be avoided.

According to the EIS machinery operated as part of the activity will be modern, well maintained and fuel efficient to ensure that emissions are low per operating hour. It also notes that greenhouse gas emission profiles will be considered when procuring new machinery and that low emission machinery will be preferentially selected where possible and cost effective.

7.1.3 Agency comment

No agency comments were received in relation to air quality.

7.1.4 Evaluation

The potential for quartz-based sands to produce respirable crystalline silica particles was considered along with the potential for impacts on members of the public. Comments from the Proponent noted that the underlying quartz sand is not the target material for this proposal and will not be intentionally disturbed. The Proponent also noted that untreated beach sand particles would usually be considered too coarse to be inhaled.

Advice was sought from the Department of Health's Public Health Services regarding this issue. They noted that as no crushing or blasting was proposed, the proposed management measures were considered adequate and that permit conditions should seek to ensure dust emissions are contained within the site.

Based on information contained in the EIS, impacts from dust emissions on local air quality are likely be minor given the 1.15 km distance to the nearest sensitive receptor, and can be readily managed through the proposed management measures which are standard for smaller scale extractive activities. The proposed management measures are considered appropriate for the site.

While there are no nearby sensitive receptors, it is best practice to retain air emissions within the boundary of the Activity Area and therefore it is appropriate to impose conditions **A1** and **A2**.

Condition **A1** requires that any vehicles carrying loads of material that have the potential to blow, or spill must be equipped with effective control measures to prevent the escape of material. The control measure(s) must be implemented prior to leaving the Activity Area.

Condition **A2** requires that dust emissions from within the Activity Area must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the Activity Area.

7.1.5 Conditions

The proponent will be required to comply with the following conditions:

A1 Containment of loads

A2 Control of dust emissions

7.2 Issue 2: Surface and ground water quality

7.2.1 Potential impacts

The proposal involves activities such as clearing of vegetation, excavation, screening, carting of material, stockpile creation, weed management, and refuelling / maintenance of equipment and machinery, all of which have the potential to be sources of pollutants (e.g. sediments, fuel / oil, and other chemicals) that may impact surface and ground water quality if not managed appropriately.

In addition, the EIS proposes a maximum disturbed area at any given time of up to 5 ha that may be comprised of access roads, stormwater infrastructure, stockpiles, the pad area, partly rehabilitated extraction areas and the active pit area. This means there is potential for sediments to be entrained in stormwater during storm events.

A survey of the geomorphology and soil characteristics of the mining lease was undertaken, and the subsequent report is contained in Attachment 9 of the EIS (the Geomorphology Report). According to the report, extensive sand dunes cover most of the mining lease and are composed of fine-grained white quartz and carbonate deposits, with two significant sand dune assemblages present. In the western part of the mining lease are the modern foredunes and back dunes directly behind Marshall Beach. Inland of this are a series of elongated west-to-east trending parallel dunes that rise to approximately 24 m above sea level.

The report describes the inland dunes, some of which will be extracted under this proposal (see Map 3 of the Geomorphology Report), as being largely vegetated and stable in comparison to the foredunes. The report notes that the dune system being targeted for extraction is not well expressed on topographic maps and that it is comprised of a series of at least eight dune ridges with steep sides and wide, deep interdune swales, rather than the single dune system shown on most topographic maps.

Surface water

The EIS states that the top layer of lime sand being targeted by this proposal has high permeability, which influences infiltration rates and subsequently stormwater runoff patterns.

The EIS notes that there are no defined water courses within the Activity Area and no formal drainage exists into the nearby wetlands (North and South Curves Lagoons). It also notes that the onsite survey determined the wetlands areas were significantly smaller than mapping suggests (see Issue 4 below for further details).

Groundwater

The EIS states that given the extensive nature of limestone on the hills east of the mining lease, subsurface water flow through karst aquifers is likely, but that significant karst landforms are unlikely to be present within the Activity Area, as detailed in the Geomorphology Report.

The EIS notes that groundwater depth is likely to be in the range of the nearest bore located approximately 3 km northwest of the Activity Area in comparable sediments. This bore recorded a standing water level of 4.7 m below ground level.

The EIS notes that during soil sampling for the wastewater management system absorption bed site, a hardpan was identified at around 1.2 m below ground level. This hardpan was described as considerably less permeable than the overlying unconsolidated lime sands, but it was noted that the hardpan was likely to be present at varying depths across the Activity Area. The material underlying the hardpan was described as loose and damp yellow sand associated with the water table.

The EIS states that this hardpan layer will not be targeted, only the overlying unconsolidated lime sands. The EIS makes a commitment that a sand layer of approximately 1 m in depth will be retained over the base geology (i.e., the hardpan / limestone) to facilitate re-establishment of vegetation once worked out areas are to be rehabilitated. The EIS also notes that no pit / depression will be created from extraction of material.

Onsite wastewater management system

The EIS states that an onsite wastewater management system is proposed to treat and dispose of wastewater from the ablution / kitchen facilities located within the proposed shed. The system will be comprised of a septic tank which discharges to an in-ground absorption bed with a design capacity for five people per day. The Site & Soil Evaluation and Design Report, contained in Attachment 5 to the EIS, details the evaluation of the location and recommended design of the proposed wastewater management system, which if not installed and managed appropriately has the potential to impact water quality.

7.2.2 Management measures proposed in EIS

According to the EIS stormwater runoff from the Activity Area will be captured and treated by sediment ponds to remove sediments to the extent necessary to prevent environmental nuisance.

Perimeter drains will be installed to direct clean stormwater away from disturbed areas of the activity. One of the perimeter drains will be installed along the northern extent of the pad area (see Figure 5) to intersect any stormwater draining off the semi-permeable pad area and direct it to the permanent Type-C (refer to IECA, 2018) sediment basin, as shown in Plate 2 of the EIS. The basin outflow will be directed to overland flow dispersed through vegetation to minimise the risk of concentrated flows and erosion.

A series of Type-F sediment basins will be installed as extraction progresses. Figure 6 shows indicative locations of basins for years 1 to 5 of extraction. These basins are designed to collect and treat any stormwater runoff generated within the active extraction areas and any partly rehabilitated areas. Once extraction and rehabilitation of an area has been completed, the corresponding sediment basin will be redundant and a new sediment basin will be constructed for the next area of extraction. The basin outflows will also be directed to overland flow dispersed through vegetation.

Stormwater falling onto the shed roof will be captured in water tanks (likely 2 x 50,000 litres) and any overflow from those tanks will be directed to the permanent sediment basin for the pad area.

Due to the high infiltration of water through the sand, it is anticipated that the total demand for these basins to treat stormwater will be relatively low. Should there be an accumulation of treated stormwater in the basins or in the tanks, it may be repurposed for operational activities, such as for dampening roads or sand to be screened / blended.

The EIS also includes commitments to minimise the extent of exposed areas and to utilise slash obtained from vegetation clearing, or other products such as jute mesh, to stabilise soil surfaces.

The EIS notes several of the management measures applied to the use and storage of hazardous substances (e.g. bunding, spill kits, pre-start checks of machinery etc.) are also important in preventing spills and leaks that could impact karst or groundwater.

According to the EIS regular visual monitoring (monthly) will be undertaken to ensure the effectiveness of the installed stormwater management and sediment control structures. Repair and remedial works (including sediment basin cleaning) will be performed to maintain appropriate sediment settling zones and to ensure that stormwater is entering and leaving the basins as planned. The effect of sediment basin discharge on vegetation and the soil surface will be monitored and remedial actions taken if the soil surface becomes scoured, or vegetation becomes covered by discharged sediment.

7.2.3 Agency comment

No agency comments were received in relation to surface and ground water quality.

7.2.4 Evaluation

The proposed installation and maintenance of perimeter cut off drains to prevent clean stormwater from entering the extractive areas / pad is considered appropriate. To reflect these commitments, standard condition **SW1** requires construction of perimeter cut off drains / bunds and any other stormwater management infrastructure required (such as sediment ponds) to ensure stormwater is managed appropriately.

In addition, condition **SW2** sets out the required minimum standards for the design and maintenance of any sediment basins constructed for managing stormwater.

SW3 is a standard condition requiring all reasonable measures to be implemented to ensure solids entrained in stormwater are retained within the Activity Area, and that any polluted stormwater discharged from the Activity Area is first collected and treated to the extent necessary to prevent environmental harm or nuisance. It also requires that any discharge does not degrade the visual quality of any receiving waters.

While the EIS suggests that intersection of groundwater is unlikely, no detailed study of groundwater has been undertaken, and it is considered appropriate to include condition **GW1** to ensure that an appropriate buffer is maintained should shallow groundwater be encountered.

Condition **GW1** requires that in the event groundwater is intersected, or standing water is observed within the extraction area, machinery must be prevented from entering the area and extracted material must be used to raise the base level of the extractive activity to prevent the occurrence of groundwater intersection within the Activity Area.

The design, installation and operation of the proposed wastewater management system is a matter that will be assessed by the planning authority under the planning scheme and will also require a plumbing permit. The wastewater discharge will be broadly similar to domestic wastewater and will not include industrial or trade wastes. It is anticipated that if the wastewater management system is designed, installed and maintained as detailed and meets the planning authority’s requirements that the risk of causing environmental nuisance or harm is low.

The EIS lists the relevant acceptable standards of the QCP applied to the quarry in relation to water quality, sediment control and drainage. These measures are considered appropriate and condition **G8** requires the activity to be undertaken in compliance with the acceptable standards provisions of the QCP.

Based on the information provided, the commitments made in the EIS, and the conditions imposed as detailed above, it is considered the potential environmental risks can be adequately managed to ensure that environmental harm or nuisance is not caused by proposed extractive pit.

7.2.5 Conditions

The proponent will be required to comply with the following conditions:

SW1 Perimeter drains or bunds

SW2 Design and maintenance of settling ponds

SW3 Stormwater

GW1 Groundwater

G8 Quarry Code of Practice

7.3 Issue 3: Noise emissions

7.3.1 Potential impacts

The following operations will occur as part of the activity and may generate noise emissions with the potential to travel beyond the boundary of the Activity Area and cause environmental nuisance:

- Construction activities associated with installation of the shed, tracks, sediment basins, drains and the septic system;
- Removal of vegetation;
- Excavation associated with extraction;
- Screening of sand (both in the shed and external to the shed);
- Loading of material into trucks;
- Carting of material within and from the Activity Area; and
- Movement of vehicles and other ancillary equipment associated with the activity.

Table 9 of the EIS provides a list of equipment and machinery to be used, and the assumed sound power levels associated with each item. The EIS notes that the actual equipment used may vary over time as equipment is replaced. In addition, Figures B-1 and B-2 of the EIS show indicative locations where plant and equipment will be used.

According to the EIS noise producing equipment and machinery that will be used includes a bulldozer, grader, excavator, frontend loader, water truck, cartage trucks, light vehicles, and mobile screen.

The EIS states the nearest sensitive receptor is located 1.15 km south-east of the shed within the Activity Area and approximately 295 m east of the mining lease boundary (see Figure 7). All other sensitive receptors are more than 2 km from the proposed Activity Area.

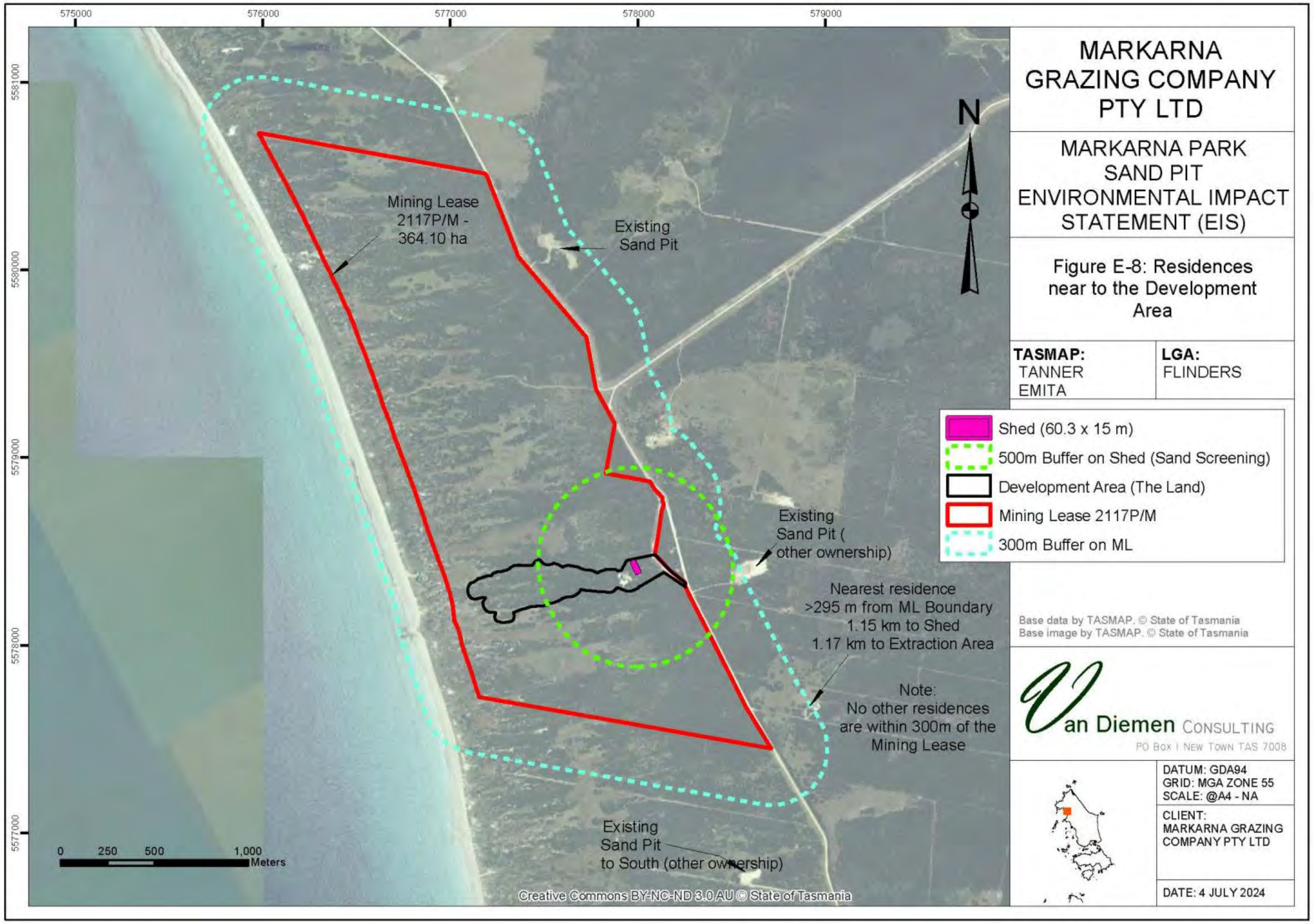


Figure 7: Nearest noise sensitive receptors (Figure E-8 of the EIS).

The EIS notes that the activity will operate intermittently with a likely peak transport period of March to May which may vary depending on seasonal factors and individual agricultural needs. This is the typical period when lime sand is required for spreading on agricultural lands. The proposed hours of operation are 0700 to 1900 hours Monday to Friday.

There is likely to be some level of activity on the site throughout most of the year, for example excavation and stockpiling prior to the main lime sand spreading period (likely December to March) and on an as needs basis for other uses, such as for offsite concrete production for construction projects.

7.3.2 Management measures proposed in EIS

According to the EIS the pit is located in an area with no nearby noise sensitive receptors and the potential for impacting the closest receptors is considered to be very low, including from noise generated during carting of material onto the external road network.

Nevertheless, the EIS states that late model machines with proprietary exhaust silencers will be used and machines will be maintained in good condition to reduce the potential for noise emissions.

The EIS also states that operations will only occur Monday to Friday between 0700 and 1900 hours.

7.3.3 Agency comment

No agency comments were received in relation to noise emissions.

7.3.4 Evaluation

The nearest noise sensitive receptor is located over 1 km from the Activity Area. Furthermore, the activity is for the extraction of lime sand which will not require ripping rock or any other method of liberation (e.g., blasting) that typically produces a higher level of noise emissions. Although screening is proposed to remove organic matter, removal of rocks via screening is not required and therefore significant noise is not expected to be generated during this process.

No extractive activities, apart from carting of material offsite, are permitted outside of the Activity Area as defined in Attachment 1 of the permit conditions. Given the separation distances and proposed operating hours, noise emissions from the activity are unlikely to impact on noise sensitive receptors. To ensure that operational hours are adhered to, condition **N1** is included, which restricts the operational hours to those proposed in the EIS and specifically prohibits activities occurring on Saturdays, Sundays or public holidays that are observed statewide, except Easter Tuesday.

7.3.5 Conditions

The proponent will be required to comply with the following condition:

N1 Operating hours

7.4 Issue 4: Natural values

7.4.1 Potential impacts

Activities associated with operation of an extractive pit have the potential to disturb, injure or kill threatened fauna or flora species and vegetation communities if not managed appropriately. Activities, if not managed appropriately, also have the potential to adversely impact geomorphological features and processes, including coastal dune systems and any karst present.

Flora

The EIS states that there are two native vegetation communities present within the Activity Area (see Figure 8) and that neither of these communities are listed under the *Nature Conservation Act 2002* (NCA) or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

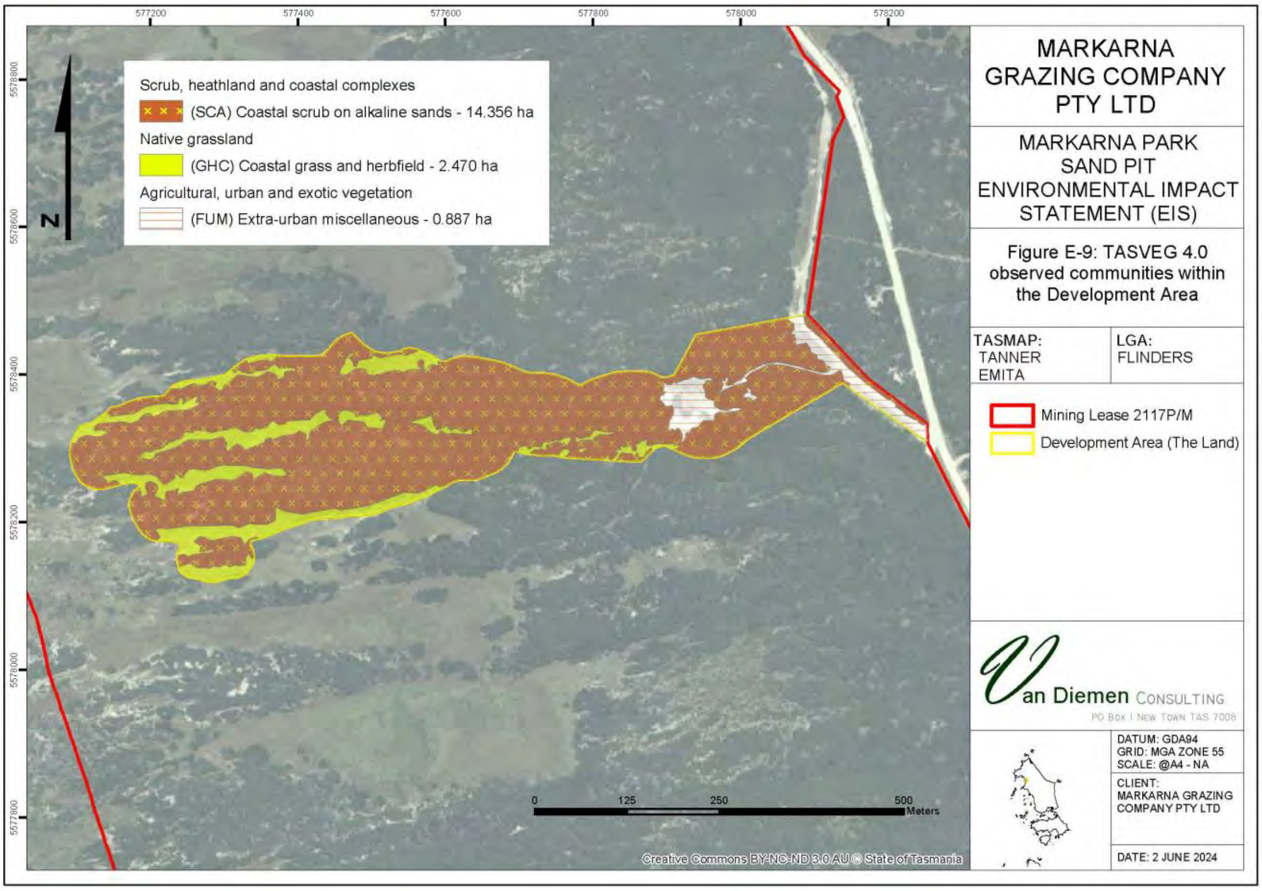


Figure 8: Observed vegetation communities within the Activity Area (Figure E-9 of the EIS).

A natural values assessment was undertaken within and adjacent to the Activity Area (Attachment 4 of the EIS). The NVA Report identified six plant species within the Activity Area (Figure 9) that are listed under the *Threatened Species Protection Act 1995* (TSPA). The report states that all six species will be impacted by the proposal and details the expected number of individual plants that will require removal. The maps in the report indicate that the majority of these species are located in and around the proposed infrastructure area and access road corridor (see Figure 9 below).

The NVA Report considers the potential for the coastal grass and herb field community to represent the EPBCA listed lowland native grasslands of Tasmania ecological community but determined that it does not satisfy the relevant criteria for that community.

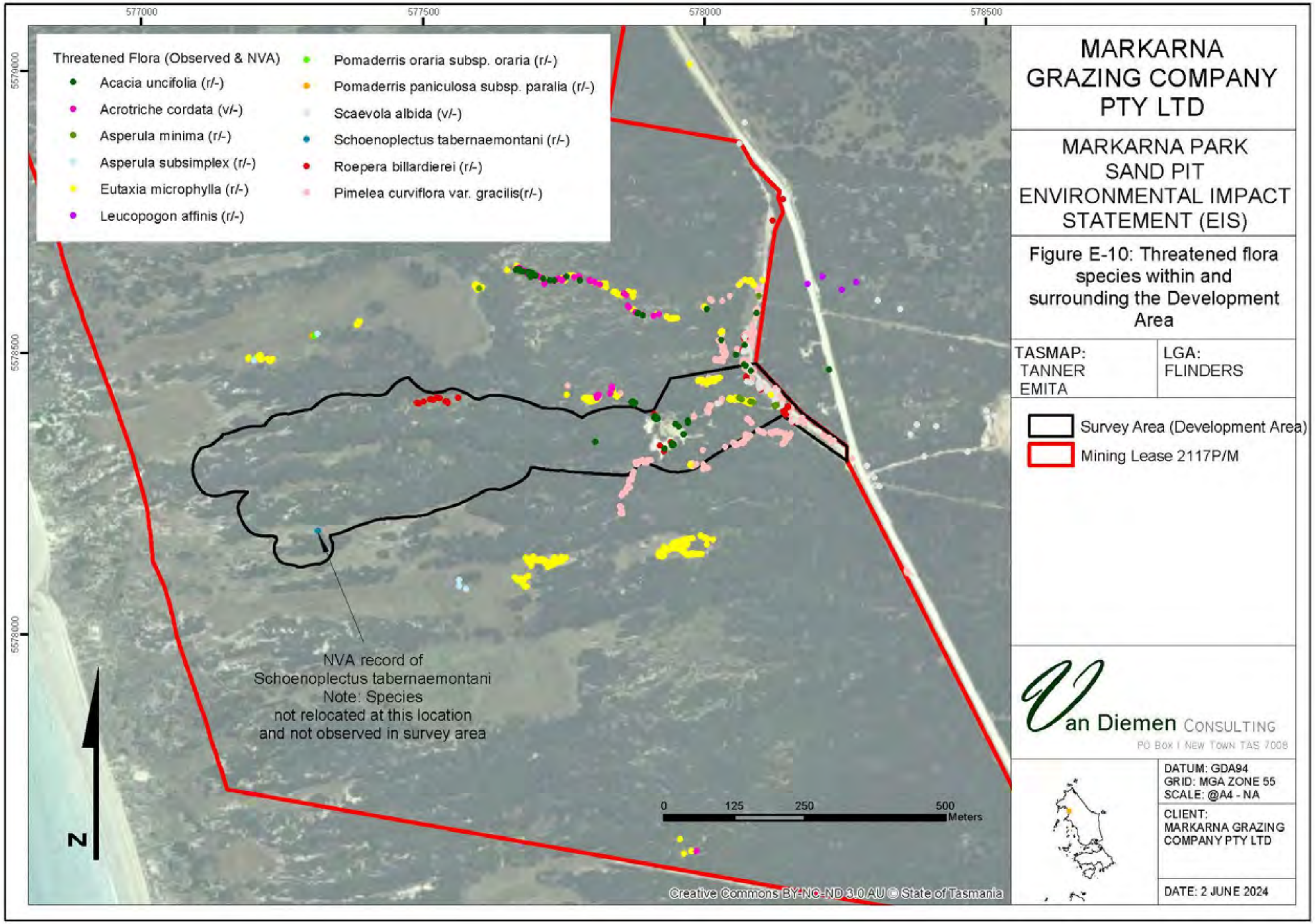


Figure 9: Threatened flora species within and surrounding the Activity Area (Figure E-10 of the EIS).

Fauna

The NVA Report notes that there are threatened fauna species records within 5,000 m of the Activity Area based on Natural Values Atlas (NVA) and Protected Matter Search Tool (PMST) data (refer to Tables 8 & 9 of the NVA Report).

Eagles

According to the NVA Report no threatened fauna species were observed onsite during the survey, however, there is potential foraging habitat for the wedge-tailed eagle (*Aquila audax subsp. fleayi*) and white-bellied sea eagle (*Haliaeetus leucogaster*) within the Activity Area. It is noted there is no potential nesting habitat for either species onsite or within 2.5 km of the Activity Area.

Mammals

The NVA Report states there is potential habitat for the New Holland mouse (*Pseudomys novaehollandiae*) adjacent to the western edge of the mining lease, which is outside of the Activity Area. It also notes the Activity Area itself does not support suitable habitat for the species and it is not within the known core range of the species.

Devils and quolls are not located on the island and therefore impacts from nighttime vehicle movements were not considered as there is no potential to impact on these species.

Reptiles / amphibians

The NVA Report states that while grassland (e.g., coastal grassland and herb field) is potential habitat for the tussock skink (*Pseudemoia pagenstecheri*), the lack of significant areas of *Poa labillardierei* tussocks means that suitable habitat is largely absent for the species within the Activity Area. It is noted that there are areas which support suitable habitat within the mining lease but outside of the Activity Area.

Beach associated avifauna

The NVA Report specifically considered beach associated avifauna given the proximity of the proposal to the Marshall Beach Conservation Area, identifying six species listed under the TSPA and EPBCA with potential ranges on or near the Activity Area.

The NVA Report notes that of the species identified, the Australian fairy tern (*Sternula nereis nereis*), eastern hooded plover (*Thinornis cucullatus cucullatus*) and little tern (*Sternula albifrons*) have been observed at or near Marshall Beach, based on available data.

The NVA Report states the Activity Area does not include beach, foredune, back dune or modern dune habitat and that the activity is unlikely to have a direct or indirect impact on beach dwelling avifauna.

Geomorphology and soils

A survey of the geomorphology and soil characteristics of the mining lease was undertaken (Attachment 9 of the EIS (the Geomorphology Report)).Map 3 of the report summarises the geomorphology of the mining lease.

Karst

The Geomorphology Report notes that while bedrock Tertiary limestone is present in the east of the mining lease, no karst landforms, apart from very minor surface solution sculpture (karren) landforms, have been identified. It also notes that given the extensive nature and relief of the limestone on the hills east of the mining lease, subsurface water flow through karst aquifers is likely, however, significant karst landforms are unlikely to be present based on observations made.

The report states that while sinkholes are difficult to differentiate from dune swales, all the depressions observed within the Activity Area were determined to be dune swales and therefore should not be treated as karst features.

Sand dunes

According to the Geomorphology Report, extensive sand dunes cover most of the mining lease and are composed of fine-grained white quartz and carbonate deposits, with two significant sand dune assemblages present. In the western part of the mining lease are the modern foredunes and back dunes directly behind Marshall Beach. Inland of this are a series of elongated west-to-east trending parallel dunes that rise to approximately 24 m above sea level.

The report describes the inland dunes, some of which will be extracted under this proposal, as being largely vegetated and stable in comparison to the foredunes. In reference to the dune system being targeted by this proposal, the report notes that it is not well expressed on topographic maps and that it is comprised of a series of at least eight dune ridges with steep sides and wide, deep interdune swales, rather than the single dune system shown on topographic maps.

The report states that blowouts of the coastal dunes backing Marshall Beach were observed to be quite common within the mining lease, but away from the coast most of the larger dunes appear to be stable. It goes on to note that the current pit face being on the leeward side of the dune system limits the potential for the prevailing westerly winds to significantly erode sands and that there is a risk that if / when extraction extends to more of a windward face wind erosion could increase significantly.

The report notes that the dune field within the mining lease is a landscape of geoscientific interest which can and should be managed appropriately to limit the footprint of any extractive activities.

Acid soils

The report provides details of the soil characteristics and results of limited soil sampling that was undertaken to identify any unusual soil characteristics, focusing on soil acidity.

The report notes that soils within the Activity Area are generally well drained strongly alkaline calcarosols (i.e., lime sand) and that while organic topsoils, buried paleosols and lake / swamp sediments are present within the mining lease none of these contain adequate organic material to significantly reduce pH within the dune sands. The report concluded that acidic soils are unlikely to be present over extensive areas or may be totally absent, as supported by the sample results.

The report notes that the survey was not comprehensive and that it is possible some swampy depressions may host thicker organic horizon having a lower pH. However, these areas will not be directly impacted by the proposal, which targets only the elevated lime sand dune system detailed in the EIS.

Wetlands

The report notes that the extent of wetlands at North and South Curves Lagoons is significantly smaller than indicated on the topographic map and the TASVEG mapping, with significant areas of these features being undulating grassy dune fields. The report states that no wetlands (swamps), as defined by the *Forest Practices Code 2020* were identified within the Activity Area.

7.4.2 Management measures proposed in EIS

The EIS states that the Proponent will include as part of its induction and operational management system, a process for staff, management and contractors working at the pit to mark clearing and working areas to identify permitted operational areas and exclusion zones.

The EIS states that in the event notable examples of significant geomorphological features are encountered (i.e., any of the features listed below) the area will be photographed and operations moved away from the feature until a suitably qualified person (in the context of the item / items discovered) can assess any geomorphological / cultural values.

Contractors will be instructed to look out for:

- thick dark continuous bands within the dunes.
- buried tree stumps or large calcareous deposits (not rhizoliths of modern age such as those created by tree roots from recently deceased vegetation) that appear to be parts of a tree.
- stone deposits within the dunes particularly granite boulders out of place or deposits associated with evidence of fire in the form of charcoal or reddened ash layers or hardened sand.
- large accumulations of shells.

- large bones and accumulations of smaller bones buried >1 m under the surface.

According to the EIS in the event a steep sided depression forms during operations that has signs of collapse, or a cave is located, they will be recorded, and operations will avoid the area until expert advice is sought.

The EIS states that in order to reduce the risk of wind erosion causing blow outs the following measures will be implemented where practical:

- avoid, if possible, but otherwise minimise working on faces exposed to westerly winds.
- maintain vegetation above and to the west of any active face where possible.
- re-establish vegetation on a progressive basis which could include stockpiling of cleared vegetation for covering exposed surfaces as the operation progresses.

7.4.3 Agency comment

The Department of Natural Resources and Environment (NRE Tas) advised that the mitigation measures outlined in Section C-4-3 of the EIS were generally supported.

NRE Tas also noted that:

- several species listed under the TSPA will require removal and advised that a Permit to Take will be required for any threatened flora to be taken as part of the development.
- some potential habitat for the listed tussock skink was observed during the survey but was outside the Activity Area.
- the survey did not identify any suitable habitat within the Activity Area for threatened shorebird species and that the survey concluded that "*there will be no activities that would generate noise, dust, or other form of emissions (e.g. light) that may or would disturb nesting and foraging beach dwelling bird species*" on Marshall Beach.
- if it is likely the development will require lighting to be operational during nighttime hours, the principles outlined in the Department of Climate Change, Energy, the Environment and Water's *National Light Pollution Guidelines for Wildlife 2023* should be incorporated into the lighting design, in particular Appendix A - Best Practice Lighting Design, to reduce the potential impacts of artificial light on shorebirds.
- the survey did not identify any threatened vegetation communities and confirmed that there were no wetlands within the Activity Area.
- as mentioned in the EIS there is a potential for the dunes to erode once vegetation is removed and that the proposed mitigation measures are supported for reducing the risk of wind erosion.
- the Geomorphology Report did not identify any significant karst features, and that only very minor surface solution sculpture (karren) landforms were identified.
- the Geomorphology Report did not identify any significant areas likely to produce acid sulfate soils.

7.4.4 Evaluation

The area surrounding the Activity Area supports a diverse range of natural values, including threatened flora species, habitat for threatened fauna species and geomorphological landforms / processes.

The Natural Values Survey did not identify any threatened native vegetation communities present within the Activity Area, nor did it identify any nesting / denning habitat for threatened fauna species. It did however identify several threatened flora species that will be impacted within the Activity Area.

The advice from NRE Tasmania regarding the need to obtain a Permit to Take under the TSPA for all threatened flora species that will be taken was provided to the Proponent.

While it was identified the mining lease exists within a karst landscape, only minor surface features were identified during the survey. It is not anticipated that any significant karst features will be encountered within the Activity Area, such as caves and sinkholes, however, the EIS includes management measures to ensure that appropriate steps are put in place if a significant karst feature is identified.

The Geomorphology Report also discusses the risk of blow outs when disturbing the sand dune system, noting that the west-to-east parallel dunes are most at risk when exposed to the prevailing westerly winds. The EIS proposes several management measures to reduce the exposure of the working face to the westerly winds and to minimise the amount of ground exposed, both of which could result in dune erosion and loss of resource.

As detailed above, the EIS proposes a suite of management measures in relation to the natural values identified; these are considered relevant and adequate to manage the potential risks to natural values. It is noted that a Permit to Take may be required under the TSPA. No specific natural value conditions are considered necessary.

7.4.5 Conditions

While no conditions directly relating to natural values are considered necessary, other conditions imposed, such as those related to water and air quality as well as rehabilitation are considered relevant and assist indirectly in preventing environmental harm or nuisance related to natural values.

7.5 Issue 5: Weed and disease management

7.5.1 Potential impacts

Movement of vehicles, plant, and equipment on and offsite associated with the activity has the potential to introduce or spread weeds and diseases to, from or around the site if not managed appropriately. Product stockpiles can also be contaminated with weeds or diseases which may then be transported to other areas if not managed appropriately.

According to the EIS two weed species, horehound (*Marrubium vulgare*) and slender thistle (*Carduus tenuiflorus*)), listed as declared weeds under the *Biosecurity Act 2019,* have been observed within the Activity Area along the access track off Palana Road (see Figure 2 of the draft Weed and Disease Management Plan, Attachment 8 of the EIS).

The EIS includes a draft Weed and Disease Management Plan at Attachment 8 which notes that the Activity Area supports other introduced species, considered to be agricultural weeds, and that these weeds are generally widespread in the areas where lime sands will be utilised (i.e., agricultural lands).

The EIS states that no plants with symptoms of phytophthora (*Phytophthora cinnamomi*) were observed within the Activity Area. It also notes that there is a lack of susceptible species within the Activity Area and therefore phytophthora is unlikely to be present or active.

7.5.2 Management measures proposed in EIS

The EIS notes the development of the Weed and Disease Management Plan was guided by the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* (Department of Primary Industries, Parks, Water and Environment, 2015).

The Plan provides two key aspects to the management of weeds and diseases, including:

- an annual assessment of weed occurrences and locations to guide the implementation of the annual weed spraying program aimed at controlling or possibly eradicating weeds within or adjacent to the Activity Area.
- a clean vehicle policy will be implemented to ensure heavy machinery will be brought to the activity in a clean condition, free of weed propagules, clods of dirt and vegetative matter.

7.5.3 Agency comment

No agency comments were received in relation to weed and disease management.

7.5.4 Evaluation

It is acknowledged that two declared weed species are already present on the access road off Palana Road, and that ongoing management of these weeds is critical to ensure they do not spread any further due to the activity.

The commitment to implement a clean vehicle policy is supported. Condition **OP1** requires that, prior to entering the Activity Area, machinery must be washed in accordance with the Weed and Disease Guidelines.

The implementation of the draft Weed and Disease Management Plan is also supported. Condition **OP2** requires that the activity must be undertaken in accordance with the Weed and Disease Management Plan, as provided in Attachment 8 of the EIS, dated 10 November 2024 and prepared by Van Diemen Consulting Pty Ltd. It is acknowledged that a minor update will be required to add in any relevant permit conditions. The condition also allows for the plan to be updated and approved by the Director should the need arise; this will ensure the plan remains relevant and effective in achieving its objectives.

The commitments made in the EIS and draft Weed Management Plan are considered appropriate and inclusion of the above conditions will ensure they are implemented to minimise the risk of introducing or spreading weeds and diseases to and from the site.

7.5.5 Conditions

The proponent will be required to comply with the following conditions:

OP1 Machinery washdown

OP2 Weed and Disease Management Plan

7.6 Issue 6: Waste management, dangerous goods and environmentally hazardous substances

7.6.1 Potential impacts

Solid wastes generated by the activity that are not collected, stored and disposed of appropriately have the potential to cause environmental nuisance or harm through attracting vermin, native and feral animals, causing odour, increasing fire risk and litter blowing offsite. Inappropriate storage, handling and disposal of environmentally hazardous substances including fuels, oils and herbicides, has the potential to contaminate soil, surface and ground waters.

The EIS identifies two main solid waste streams from the activity which are typical 'domestic' wastes (i.e. food scraps / wrappers and other wastes from the office and crib rooms); and semi-industrial wastes, such as, small empty drums (e.g., from motor oils, hydraulic and brake fluids, herbicides), plastics (wrapping on parts, replacement belts), rags (may be contaminated with hydrocarbon-based products), tyres and batteries.

The EIS also identifies that some solid wastes likely to be generated by the activity are likely to be classed as controlled wastes. The potential controlled wastes include contaminated soils from hydrocarbon-based product spills during refuelling or maintenance works, tyres if replacement is required, and the empty chemicals containers. Table 13 (section C.5.2) of the EIS lists the potential sources of controlled wastes for the activity and their proposed disposal method.

In addition, the EIS states that there will likely be an excess of cleared vegetative matter that will not be able to be used for rehabilitation / land stabilisation purposes. The Proponent has indicated that if needed, they will burn excess vegetative matter. It was noted that there are limited options for disposal of green waste at the three waste disposal sites on the island and that transport off the island is impractical. The Proponent has noted that there are potentially other options, such as seeking agreements with other landowners in need of vegetative matter for rehabilitation (e.g., other quarries), but that this is not a reliable option.

According to the EIS the use of hazardous substances is required at the activity. Fuel, oils and lubricants will be used to operate and maintain functional machinery and herbicides will be used for the control of weeds on site. Fuel will be brought onsite as required in portable pods / tanks mounted on the back of a utility vehicle. The other chemicals such as lubricants, oils and herbicides will be stored onsite within the shed.

7.6.2 Management measures proposed in EIS

According to the EIS waste management measures will be in accordance with the best practice hierarchy of waste management (i.e., avoidance, recycling / reclamation, re-use, treatment to reduce potentially adverse impacts, disposal).

The EIS also states that solid wastes will be managed in accordance with the following:

- general domestic wastes (e.g., lunch wrappers) generated at the site will be collected in waste bins provided in the amenities / crib room. The bins will be emptied at least once per fortnight and the material disposed of at a permitted refuse disposal site. Waste bins that receive food scraps will be fitted with preventative access measures to discourage wildlife from seeking out food scraps.
- Waste bins will be located at the activity for the semi-industrial wastes and will be labelled with the types of waste each bin is to receive. The waste will be sorted based on the classification of the type of waste, with controlled waste separated from all other waste streams and disposed of at least fortnightly at the Council operated Whitemark Waste Facility.
- Where possible repair and maintenance works will be undertaken off-site and wastes generated by those activities will be managed by the service provider (e.g. workshop, tyre replacement facility, repair shop).

The EIS states that no more than 10 cubic meters of vegetative material generated by clearing works will be stored in any one stockpile, with stockpiles separated by at least 20 m of open bare ground ready for burning when conditions are suitable and following the fire permit period conditions that prevail at the time.

The EIS states that contamination of the environment by the release of fuels, lubricants and/or hazardous substances will be prevented as far as reasonable to do so by the application of effective, industry standard avoidance and mitigation management measures, including:

- All fuels, lubricants and/or hazardous materials are stored in accordance with the relevant requirements of *AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids*.
- Refuelling activities will only occur when machinery is within a bunded / hardstand area on the site.
- Hazardous materials storage areas will be managed in accordance with EPA Tasmania's *Bunding and Spill Management Guidelines*, December 2015.
- Chemicals used for weed control will be stored, handled, used, and disposed of in accordance with the manufacturer's directions and relevant regulations.
- Spill prevention and clean-up equipment (i.e., spill kits) will be readily available and accessible in the vicinity of all plant and machinery, including mobile and fixed fuel storages.
- Spill prevention and clean-up procedures will be in accordance with the following principles:
  - minimise the volume of hazardous substances kept onsite.
  - develop contingency plans to address spills and leaks.
  - install trays, thick plastic mats or similar beneath stationary machinery to protect the soil from oil or fuel spills and leaks.
  - install spill trays immediately if there is any potential for, or evidence of, leakage.
  - ensure that appropriate clean-up equipment is readily accessible.
  - maintain a supply of oil-absorbent material.
  - contain and treat spills and leaks.
  - notify relevant authorities of significant spills or leaks.
  - ensure that drainage from areas where spills may occur like a refuelling area is diverted through a sump or interceptor trap to remove any potential hydrocarbon contamination.

7.6.3 Agency comment

No agency comments were received in relation to waste management, dangerous goods and environmentally hazardous substances.

7.6.4 Evaluation

While burning of cleared vegetation is not a preferred method of disposal, the difficulty of dealing with vegetative waste as outlined in the EIS and additional information is noted. The preference to seek other reuse or disposal options in the first instance, in line with the waste management hierarchy principles outlined in **OI1**, is supported.

The Proponent will be required to comply (**G8**) with the Acceptable Standards provisions of the Quarry Code of Practice, including for waste disposal and storage of chemicals. No specific waste management conditions are considered necessary.

Condition **H1** requires appropriate spill kits to be kept, and maintained in functional condition, in appropriate locations within the Activity Area. Conditions **H2** and **H3** require hazardous materials to be contained and managed appropriately to prevent contamination of soil, groundwater, and waterways.

Standard information items **LO2** and **OI1** are included to ensure the proponent is aware of legislation relating to storage and handling of dangerous goods and substances, and best practice in relation to waste management.

Based on the information provided in the EIS, the management measures proposed and the inclusion of the above-mentioned conditions, it is considered that the potential risks from waste, dangerous goods and environmentally hazardous substances can be appropriately managed to limit the potential for environmental harm or nuisance to occur.

7.6.5 Conditions

The proponent will be required to comply with the following conditions:

H1 Spill kits

H2 Storage and handling of hazardous materials

H3 Handling of hazardous materials – mobile

Other information included in the permit:

LO2 Storage and handling of dangerous goods, explosives, and dangerous substances

OI1 Waste management hierarchy

7.7 Issue 7: Decommissioning and rehabilitation

7.7.1 Potential impacts

Temporary or permanent cessation of extractive operations have the potential to cause ongoing impacts to the environment if rehabilitation is not managed appropriately. Rehabilitation is necessary to ensure the long-term stability of the site, prevent erosion and sedimentation, reduce uncontrolled dust emissions, provide native flora and fauna habitat, and to minimise the potential for establishment of weeds.

According to the EIS the aim of rehabilitation will be to return the landscape to a stable landform that supports native vegetation (scrub and grassland) comparable to that currently found within the Activity Area.

7.7.2 Management measures proposed in EIS

The EIS states that the primary aims of rehabilitation work will be to:

- achieve long term stabilisation of worked out areas to minimise the risk of ongoing erosion by wind and water;
- revegetate worked out areas with native species that will eventually grow to form native vegetation communities; and
- ensure that worked out areas are safe for future land use(s).

The EIS also states that upon permanent closure of the activity a Decommissioning and Rehabilitation Plan (DRP) will be developed and submitted to the EPA for approval.

According to the EIS the DRP will include discussion and describe procedures to:

- facilitate the orderly and safe removal of machinery, infrastructure, and other equipment;
- establish sufficient and appropriate native vegetation cover to minimise the risk of ongoing dust generation and soil erosion; and
- establish a monitoring regime to assess the success or otherwise of the rehabilitation to sign-off parameters.

The Proponent aims to minimise the area of land disturbed, with a maximum disturbed area at any given time of 5 ha proposed in the EIS. Progressive rehabilitation of areas that are no longer being extracted or used for another purpose (e.g., sand or vegetation stockpile areas etc.) will commence around year 2 or 3 of extraction with the following actions being implemented to help achieve the primary aims of rehabilitation:

- surfaces will be levelled, and if available, sediment collected from sediment basins will be applied to the prepared surfaces.
- application of native tree / shrub / grass seed or the application of slash (generated by clearing works on the site) that contain fruits with seed (e.g., *Melaleuca, Leptospermum, Allocasuarina* – species which readily recruit from seed).
- monitoring for weed infestations, germination success / growth of seed distributed species and landform stability.
- remedial works may include but not necessarily be limited to weed control works, additional native species seed spreading, landform stabilisation works and erosion control measures and/or repair works.

The EIS also notes that temporary vegetative cover (native scrub and/or grass species such as *Allocasuarina* & *Poa*) may be established on disturbed areas (e.g., soil stockpiles) to prevent weed infestations and erosion by wind or water.

7.7.3 Agency comment

No agency comments were received in relation to decommissioning and rehabilitation.

7.7.4 Evaluation

Given the inherent mobility of sand-based landscapes the appropriate ongoing management of the activity and long-term rehabilitation and stabilisation of the Activity Area is critical to ensuring environmental nuisance or harm does not occur.

The management measures proposed in the EIS and development of a DRP for approval by the Director is appropriate. To ensure these measures are implemented, a suite of standard conditions is recommended.

Condition **DC1** requires surface soils to be removed prior to opening new areas of the extractive pit and stockpiled separate to other overburden for future use in rehabilitation of the extractive pit. Furthermore, the stockpiles must be protected from erosion and other disturbance.

Condition **DC2** requires that worked out or disused areas of Activity Area must be rehabilitated concurrently with other extractive activities occurring within the Activity Area in accordance with the QCP and sets the maximum area of disturbed land that is allowed at any one time at 5 ha.

Conditions **DC3** and **DC4** set out the requirements for when either temporary suspension or permanent cessation of quarrying activities are proposed respectively. Permanent cessation also triggers condition **DC5** which requires the submission of a Decommissioning and Rehabilitation Plan for the Director's approval. Condition **DC6** sets out the broad steps that must be undertaken upon permanent cessation of the activity, including the implementation of an approved DRP. Furthermore, condition **DC7** prohibits the activity from recommencing once the Director has confirmed in writing that decommissioning and rehabilitation have been satisfactorily completed.

Based on the commitments made in the EIS and the above conditions being imposed, it is considered that the risks associated with improper decommissioning and rehabilitation can be adequately managed to ensure environmental harm or nuisance is unlikely to occur upon temporary or permanent cessation of the activity.

7.7.5 Conditions

The proponent will be required to comply with the following conditions:

DC1 Stockpiling of surface soil

DC2 Progressive rehabilitation

DC3 Temporary suspension of activity

DC4 Notification of cessation

DC5 DRP requirements

DC6 Rehabilitation following cessation

DC7 Activity to cease following decommissioning and rehabilitation

8. Report Conclusions

This assessment has been based on the information provided by the proponent, Markarna Grazing Company Pty Ltd, in the permit application and additional information (the EIS).

This report incorporates specialist advice provided by EPA scientific and regulatory staff, the Department of Natural Resources and Environment Tasmania, and other government agencies.

It is concluded that:

1. the RMPS and EMPCS objectives have been duly and properly pursued in the assessment of the proposal; and
2. the assessment of the proposal has been undertaken in accordance with the Environmental Impact Assessment Principles, except for those excluded under Section 25A(4); and
3. the proposal is capable of being managed in an environmentally acceptable manner such that it is unlikely that the RMPS and EMPCS objectives would be compromised, provided that the Permit Conditions - Environmental No. 11576 appended to this report are imposed and duly complied with.

Report Approval

Environmental Assessment Report and conclusions, including environmental conditions, adopted:

Andrew Paul

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

Meeting date: 05 August, 2025

9. References

Slee, A. (2023) *Survey of the Geomorphology and Soil characteristics of the Markarna Grazing Company Pty Ltd Property, Marshall Beach, Flinders Island*, (dated November 2023), Forest Practices Authority, Hobart, Tasmania (the Geomprphology Report).

Van Diemen Consulting Pty Ltd (2024) *Lime Sand Extraction Pit, Palana Road – Memana, Flinders Island – Natural Values Report – Markarna Grazing Company Pty Ltd* (dated 20 October 2024); New Town, Tasmania (the NVA Report).

Van Diemen Consulting Pty Ltd (2025) *Environmental Impact Assessment – Lime Sand Extraction Pit – Markarna Grazing Company Pty Ltd – Palana Road, Memana, Flinders Island* (dated 31 May 2025); New Town, Tasmania (the EIS).

10. Appendices

Appendix 1 Table of proponent management measures

Appendix 2 Permit conditions - Environmental No: 11576

Appendix 1: Table of proponent management measures

Table 1: Proponent management measures (Table 15 of the EIS)

No.	Action	Timing
1	Measures to suppress dust include the following extractive industry standard environmental practices: • Retention of vegetation along the access road corridor where possible; • Retention of vegetation (when possible) around the Pit working area to reduce the likelihood of strong winds liberating fine particles into the air; • Utilisation of slash / mulch obtained from cleared areas to stabilise the soil surface and to limit wind action on dust generation at the soil surface; • Covering of trucks with tarpaulins and / or load dampening; and • Minimising the geographic extent of areas of exposed soil.	Ongoing
2	Measures to minimise the risk of wind erosion include the following: • Avoid, if possible, but otherwise minimise, working on faces exposed to westerly winds; • Maintain vegetation above and to the west of any active face; and • Re-establish vegetation on a progressive basis, this could include stockpiling cleared tea tree and other scrub species for covering exposed surface as operations progress.	Ongoing
3	Measures to minimise the risk of water caused erosion include the following: • Minimising the geographic extent of exposed soil. • Establishment of sediment basins, diversion drains, and other drainage systems at the activity. • Utilisation of slash obtained from cleared areas or other product (jute mesh) to stabilise the soil surface, and to limit the spread of sediment.	Ongoing
4	Regular visual monitoring (monthly) is to be undertaken to ensure the effectiveness of the installed stormwater management and sediment control structures. Repairs and remedial works (including basin cleaning) are to be performed to maintain sediment settling zones to those required and ensure that stormwater is entering and leaving the basin as planned.	Ongoing
5	Groundwater environmental management controls will be - • Readily available spill kits on site; • Storage of products in suitably sized bunded containers; • Training personnel to use spill kits and establish emergency procedures in the event of a spill; and • Daily pre-start checks on machinery to minimise the risk of spills; ensure machinery and equipment is functional, hoses are correctly fitted and secure, and caps on fluid tanks are tightened.	Ongoing
6	Equipment will be well maintained and late model machines with proprietary exhaust silencers fitted to ensure noise emissions are as low as possible. Pit operations will occur during normal daytime hours of 0700 – 1900 hrs Monday to Friday.	Ongoing

No.	Action	Timing
7	A draft Weed and Disease Management Plan is submitted with the EIS (Attachment 8).	Ongoing
8	In the event notable examples of significant geomorphological features are encountered (i.e. any of the features listed below) the first task should be to photograph the area and move operations away from the feature until a suitably qualified person (in the context of the item(s) discovered) can assess any geomorphological and / or cultural values. Contractors should look out for: • Thick dark continuous bands within the dunes; • Buried tree stumps or large calcareous deposits (not rhizoliths of modern age such as those created by tree roots from recently deceased vegetation) that appear to be parts of a tree; • Stone deposits within the dunes particularly granite boulders out of place or deposits associated with evidence of fire in the form of charcoal or reddened ash layers or hardened sand; • Large accumulations of shells; and • Large bones and accumulations of smaller bones buried >1 m under the surface.	Ongoing
9	In the event a steep sided depression forms during operations that has signs of collapse these should be recorded and avoided during operations until expert advice is obtained. In the event a cave is located on site, operations should avoid the area and seek expert advice.	Ongoing
10	General refuse waste generated by workers (e.g., lunch wrappers) at the Pit will be collected in waste bins provided on-site – at the amenities / crib room. The bins will be emptied at least once per fortnight and the material disposed of at a permitted refuse disposal site. Waste bins that receive food scraps will be fitted with preventative access measures to discourage native animals and feral cats.	Ongoing
11	Waste generated by maintenance works, repairs and / or schedule servicing of equipment and machinery off the Pit location will be managed by the service provider at the location where they have been engaged by the Proponent to complete the required works.	Ongoing
12	Waste will be sorted based on the classification of the type of waste, with Controlled Waste separated from all other waste streams and disposed of at the Council operated Whitemark Waste Facility.	Ongoing
13	All fuels, lubricants and / or hazardous materials are stored in accordance with the relevant requirements of *AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids*. Refuelling activities will only occur when machinery is within a bunded / hardstand area.	Ongoing
14	Spill prevention and clean-up equipment is to be readily available and accessible in the vicinity of all plant and machinery, including mobile and fixed fuel storages.	Ongoing

Appendix 2: Permit conditions – Environmental No: 11576

PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 11576

Issued under the *Environmental Management and Pollution Control Act 1994*

Activity: **The operation of a sand extractive pit with materials handling (screening) (ACTIVITY TYPE: Crushing, grinding, milling or separating into different sizes (rocks, ores or minerals))**
SAND EXTRACTION PIT, 368 FIVE MILE JIM ROAD
MEMANA TAS 7255

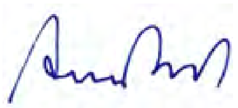
The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994.*

Acting under Section 25A(3) of the EMPCA, the Board of the Environment Protection Authority has recommended that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality:	**FLINDERS**
Permit Application Reference:	**DA 2023 / 00038**
EPA file reference:	**23/5219**

Date conditions approved: 05 August 2025

Signed:



CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

Table Of Contents

Attachments

Schedule 1: Definitions

In this Permit Part B:-

10,000 cubic metres is considered equivalent to 15,000 tonnes.

Aboriginal Relic has the meaning described in section 2(3) of the *Aboriginal Heritage Act 1975*.

Activity means any environmentally relevant activity (as defined in section 3 of EMPCA) to which this document relates and includes more than one such activity.

Activity Area means the area to be used for the Activity when these conditions take effect, as depicted in Attachment 1.

Authorized Officer means an authorized officer under section 20 of EMPCA.

Best Practice Erosion and Sediment Control means the document with this title by the International Erosion Control Association, dated November 2008, and any amendment to or substitution of this document.

Director means the Director, Environment Protection Authority holding office under section 18 of EMPCA and includes a delegate or person authorised in writing by the Director to exercise a power or function on the Director's behalf.

DRP means Decommissioning and Rehabilitation Plan.

EMPCA means the *Environmental Management and Pollution Control Act 1994*.

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in section 5 of EMPCA.

Environmental Nuisance has the meanings ascribed to it in section 3 of EMPCA.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

EPA Board means the Board of the Environment Protection Authority established under section 13 of EMPCA and includes a delegate or person authorised in writing by the EPA Board to exercise a power or function on the EPA Board's behalf.

Maximum Disturbed Area means the area disturbed to facilitate the activity and includes but is not limited to; vegetation disturbance, soil disturbance, access roads, hardstand, working area, vehicle parking and infrastructure (i.e. buildings, site office, sheds etc).

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person and includes a body corporate.

Planning Authority means the Council(s) for the municipal area(s) in which the Activity Area is situated.

Pollutant has the meaning ascribed to it in section 3 of EMPCA.

Quarry Code of Practice means the document of this title published by the Environment Protection Authority in May 2017, and includes any subsequent versions of this document.

Stormwater means water runoff as a consequence of a rainfall event, whether surface flow, piped flow, or flow within conduits, including any contaminants collected by the water during its passage.

Weed means a plant species that has, or is likely to have, an adverse impact on the environment because of the introduction, spread or increase in population size of the species in an area; and includes a declared weed as defined in the *Biosecurity Act 2019* and subordinate regulations.

Weed And Disease Guidelines means the document titled *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*, by the Department of Primary Industries, Parks, Water and Environment, dated March 2015, and any amendment to or substitution of this document.

Weed and Disease Management Plan means the Weed and Disease Management Plan as provided in Attachment 8 of the EIS, dated 10 November 2024 and prepared by Van Diemen Consulting Pty Ltd, or any subsequent variation or substitution of the plan.

Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits

1 The activity must not exceed the following limits :

1.1 10,000 cubic metres per year of rocks, ores or minerals processed.

1.2 10,000 cubic metres per year of sand extracted.

General

G1 Activity Area

The activity must be confined to the Activity Area.

G2 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work within the Activity Area, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G3 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G4 Proposed change to activity

1 The person responsible must notify the Director in writing prior to implementing any change to the activity authorised by this document that may cause or increase the emission of a pollutant or which may result in environmental harm or environmental nuisance (even temporarily). A change includes, but is not limited to, any of the following:

1.1 an increase in the discharge of a pollutant, or the location of its discharge.

1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity.

1.3 any clearance of native vegetation or earthworks.

1.4 a change in the quantity or characteristics of materials used in carrying out the activity.

2 The notification must be in an approved form and include the following:

2.1 details of the proposed change;

2.2 an assessment of the environmental impacts that may result from the change;

2.3 any relevant approvals held by the person responsible; and

2.4 any advice from the relevant planning authority to the effect that approval is not required.

3 The person responsible must provide additional information as requested by an Authorized Officer.

4 The proposed change must not be implemented until the Director has confirmed in writing that they are satisfied that no other approval or variation of this document is required.

5 For the avoidance of doubt, a notification of a proposed change under this provision is not required if the proposed change is part of a referral to the EPA Board for assessment under sections 24, 25, 27 or 27AA of EMPCA.

G5 Change of responsibility

If the person responsible for the activity intends to cease to be responsible for the activity, that person must notify the Director in writing of the full particulars of any person who will become the person responsible for the activity, before such cessation.

G6 Change of ownership

If the owner of the Activity Area changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of the Activity Area, the person responsible must notify the Director in writing of the change or intended change of ownership.

G7 Complaints register

1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:

- **1.1** the date and time at which the complaint was received;
- **1.2** contact details for the complainant (where provided);
- **1.3** the subject matter of the complaint;
- **1.4** any investigations undertaken with regard to the complaint; and
- **1.5** the manner in which the complaint was resolved, including any mitigation measures implemented.

2 Complaint records must be retained for a period of at least 3 years.

G8 Quarry Code of Practice

Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken within the Activity Area must comply with the Acceptable Standards provisions of the *Quarry Code of Practice.*

G9 Amendment of required plans and reports

1 The plans and reports required by these conditions must be amended to address any matter required by the Director, as advised by notice in writing.

2 Amended plans and reports must be resubmitted within the timeframe that the Director specifies.

Atmospheric

A1 Containment of loads

Vehicles carrying loads of material which may blow or spill must be equipped with an effective control measure(s) to prevent escape of the materials. The control measure(s) must be implemented prior to leaving the Activity Area.

A2 Control of dust emissions from crushing and screening plant

1 Dust produced by the operation of all crushing and/or screening plant must be controlled by the use of one or more of the following methods to the extent necessary to prevent environmental nuisance:

1.1 the installation of fixed water sprays at all crushers and/or screening plant and at all necessary points where processed material changes direction due to belt transfer;

1.2 the installation of dust extraction equipment at all crushers and/or screening plant and at all necessary points where processed material changes direction due to belt transfer;

1.3 the enclosure of the crushing and/or screening plant and the treatment of atmospheric emissions by dust extraction equipment; or

1.4 any other method that has been approved in writing by the Director.

A3 Control of dust emissions

Dust emissions from within the Activity Area must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the Activity Area.

Decommissioning And Rehabilitation

DC1 Stockpiling of surface soil

Prior to commencement of extractive activities on any portion of the Activity Area, surface soils must be removed in that portion of the Activity Area to be disturbed by the conduct of the activity and stockpiled for later use in rehabilitation of the Activity Area. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

DC2 Progressive rehabilitation

Worked out or disused sections of the Activity Area must be rehabilitated concurrently with extractive activities on other sections of the Activity Area. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is five hectares.

DC3 Temporary suspension of activity

1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.

2 During temporary suspension of the activity the Activity Area must be managed and monitored by the person responsible for the activity to ensure that emissions from the Activity Area do not cause serious environmental harm, material environmental harm or environmental nuisance.

3 If required by the Director, a Care and Maintenance Plan for the activity must be submitted to the Director for approval, by a date specified in writing by the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.

3.1 The plan must be prepared in accordance with any guidelines provided by the Director.

3.2 Once approved the person responsible must act in accordance with the approved Care and Maintenance Plan.

3.3 The person responsible may apply to the Director to vary or substitute the Care and Maintenance Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

4 Unless otherwise approved in writing by the Director, if the activity on the Activity Area has substantially ceased for 2 years, decommissioning of the activity and rehabilitation of the Activity Area must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

DC4 Notification of cessation

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC5 DRP requirements

1 Unless otherwise approved in writing by the Director, a Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 30 days of the Director being notified of the planned cessation of the activity. The DRP must be prepared in accordance with any guidelines provided by the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.

2 The person responsible may apply to the Director to vary or substitute the DRP. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

DC6 Rehabilitation following cessation

1 Following permanent cessation of the activity, and unless otherwise approved in writing by the Director, the Activity Area must be rehabilitated including:

1.1 stabilisation of any land surfaces that may be subject to erosion;

1.2 removal or mitigation of all environmental hazards or land contamination, that might pose an ongoing risk of causing environmental harm; and

1.3 decommissioning of any equipment that has not been removed.

2 Where a Decommissioning and Rehabilitation Plan (DRP) has been approved by the Director, decommissioning and rehabilitation must be carried out in accordance with that plan.

3 The person responsible may apply to the Director to vary or substitute the DRP. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

DC7 Activity to cease following decommissioning and rehabilitation

1 Following written notification by the Director confirming the completion of decommissioning of the Activity and rehabilitation of the Activity Area in accordance with these conditions:

1.1 the Activity must not recommence; and

1.2 the Person Responsible is not required to undertake monitoring, reporting and/or notification condition requirements relating to the activity, unless otherwise specified in writing by the Director.

Groundwater

GW1 Groundwater

1 Should there be evidence that groundwater has been intersected, or standing water is observed, within the Activity Area, the following measures must be taken:

1.1 machinery is not permitted to operate in standing water; and

1.2 the base level of the extractive activity must be raised by the addition of extracted material to prevent the occurrence of groundwater intersection within the Activity Area.

Hazardous Substances

H1 Spill kits

Spill kits appropriate for the types and volumes of materials handled within the Activity Area must be kept in appropriate locations and maintained in a functional condition to assist with the containment of spilt environmentally hazardous materials.

H2 Storage and handling of hazardous materials

1 Unless otherwise approved in writing by the Director, environmentally hazardous materials held within the Activity Area must be:

1.1 stored within maintained and functional impervious bunded areas, spill trays or other containment systems; and

1.2 managed to prevent unauthorised discharge, emission or deposition of pollutants:

1.2.1 to soils within the boundary of the Activity Area in a manner that is likely to cause serious or material environmental harm;

1.2.2 to groundwater;

1.2.3 to waterways; or

1.2.4 beyond the boundary of the Activity Area.

H3 Handling of hazardous materials - mobile

1 Where mobile containment of environmentally hazardous materials is utilised for the fuelling or servicing of mobile or fixed plant within the Activity Area, all reasonable measures must be implemented to prevent unauthorised discharge, emission or deposition of pollutants:

1.1 to soils within the boundary of the Activity Area in a manner that is likely to cause serious or material environmental harm;

1.2 to groundwater;

1.3 to waterways; or

1.4 beyond the boundary of the Activity Area.

2 Reasonable measures may include spill kits, spill trays/bunds or absorbent pads, and automatic cut-offs on any pumping equipment.

Noise Control

N1 Operating hours

1 Unless otherwise approved in writing by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays.

2 Notwithstanding the above paragraph, activities must not be carried out on Saturdays, Sundays or on public holidays that are observed Statewide (Easter Tuesday excepted).

Operations

OP1 Machinery washdown

Prior to entering the Activity Area, machinery must be washed in accordance with the Weed and Disease Guidelines, or any subsequent revisions of that document.

OP2 Weed and Disease Management Plan

1 Unless otherwise specified in these conditions, the activity must be undertaken in accordance with the approved Weed and Disease Management Plan.

2 The person responsible may apply to the Director to vary or substitute the Weed and Disease Management Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

Stormwater Management

SW1 Design and maintenance of settling ponds

1 Sediment settling ponds must be designed and maintained in accordance with the following requirements:

1.1 ponds must be designed to successfully mitigate reasonably foreseeable sediment loss which would result from a 1 in 20 year storm event;

1.2 discharge from ponds must occur via a stable spillway that is not subject to erosion;

1.3 all pond walls must be stable and treated with topsoil and vegetated or otherwise treated in such a manner as to prevent erosion; and

1.4 sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off the Activity Area by surface run-off.

SW2 Perimeter drains or bunds

1 Perimeter cut-off drains, or bunds, must be constructed at strategic locations within the Activity Area to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains, or bunds, remains within the Activity Area. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with *Best Practice Erosion and Sediment Control* or similar.

2 Drains, or bunds, must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

SW3 Stormwater

1 Polluted stormwater that will be discharged from the Activity Area must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.

2 Notwithstanding the above, all stormwater that is discharged from the Activity Area must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Activity Area.

3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained within the Activity Area. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

Schedule 3: Information

Legal Obligations

LO1 EMPCA

The activity must be conducted in accordance with both the conditions in this document and the obligations of the *Environmental Management and Pollution Control Act 1994* (EMPCA) and subordinate regulations. The conditions of this document do not replicate legislated obligations; therefore, you should ensure you are aware of your obligations under EMPCA and subordinate regulations.

LO2 Storage and handling of dangerous goods, explosives and dangerous substances

1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

1.1 *Work Health and Safety Act 2012* and subordinate regulations;

1.2 *Explosives Act 2012* and subordinate regulations; and

1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

LO3 Aboriginal relics requirements

1 Aboriginal relics, objects, sites, places and human remains regardless of whether they are located on public or private land, are protected under the *Aboriginal Heritage Act 1975*.

2 Unanticipated discoveries of Aboriginal heritage must be reported to Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible.

LO4 MRDA

Operations must be undertaken in accordance with a mining plan approved by the Director of Mines and a Mining Lease issued under the *Mineral Resources Development Act 1995* (MRDA).

Other Information

OI1 Waste management hierarchy

1 Wastes should be managed in accordance with the following hierarchy of waste management:

1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;

1.2 waste should be re-used or recycled to the maximum extent that is practicable; and

1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste.

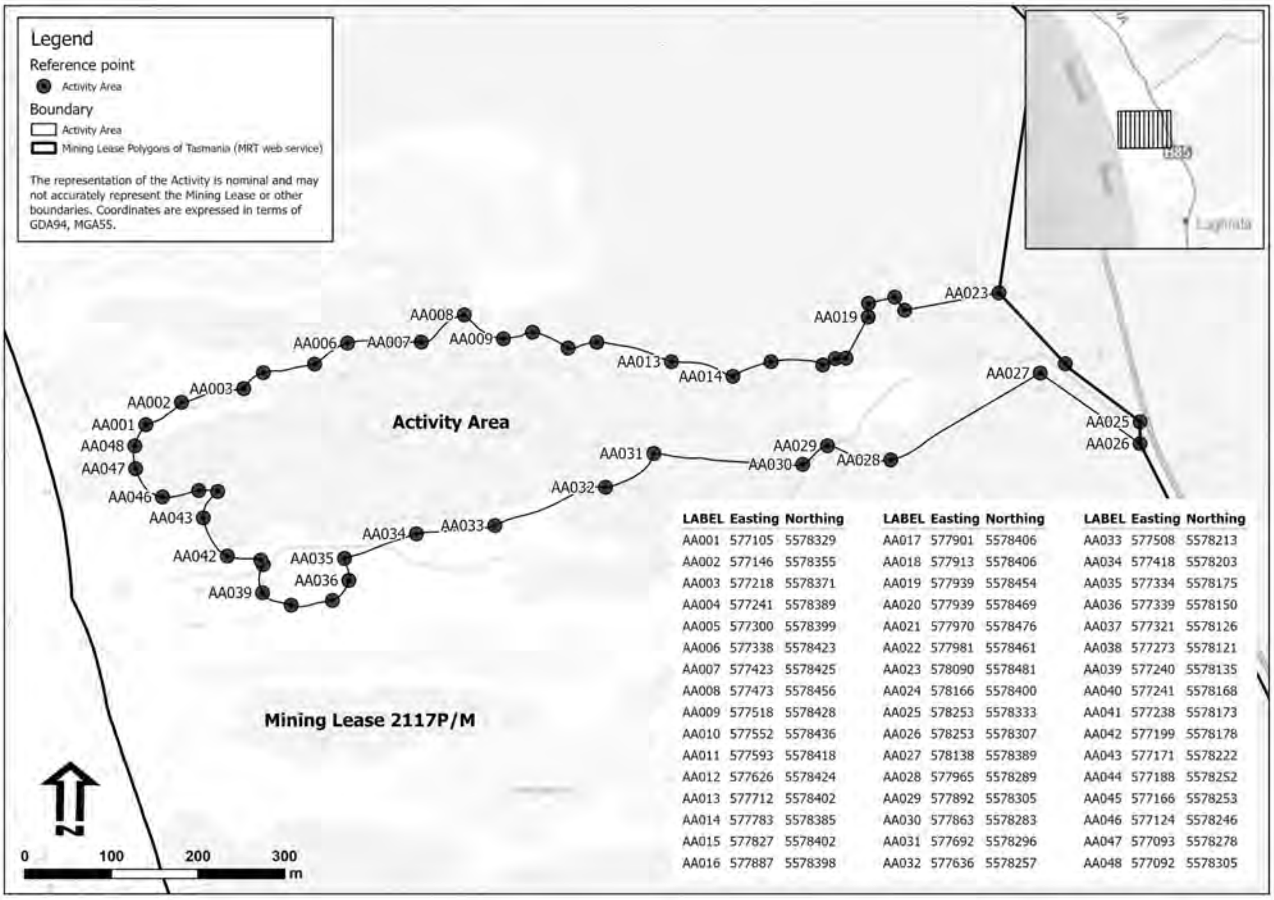
OI2 Notification of incidents under section 32 of EMPCA

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

OI3 Release of Relevant Information

Under the provisions of section 23AA of EMPCA relevant information relating to monitoring of environmental impacts required under these conditions may be subject to publishing or public release by the Director.

Attachment 1: Activity Area



LABEL	Easting	Northing	LABEL	Easting	Northing	LABEL	Easting	Northing
AA001	577105	5578329	AA017	577901	5578406	AA033	577508	5578213
AA002	577146	5578355	AA018	577913	5578406	AA034	577418	5578203
AA003	577218	5578371	AA019	577939	5578454	AA035	577334	5578175
AA004	577241	5578389	AA020	577939	5578469	AA036	577339	5578150
AA005	577300	5578399	AA021	577970	5578476	AA037	577321	5578126
AA006	577338	5578423	AA022	577981	5578461	AA038	577273	5578121
AA007	577423	5578425	AA023	578090	5578481	AA039	577240	5578135
AA008	577473	5578456	AA024	578166	5578400	AA040	577241	5578168
AA009	577518	5578428	AA025	578253	5578333	AA041	577238	5578173
AA010	577552	5578436	AA026	578253	5578307	AA042	577199	5578178
AA011	577593	5578418	AA027	578138	5578389	AA043	577171	5578222
AA012	577626	5578424	AA028	577965	5578289	AA044	577188	5578252
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AA014	577783	5578385	AA030	577863	5578283	AA046	577124	5578246
AA015	577827	5578402	AA031	577692	5578296	AA047	577093	5578278
AA016	577887	5578398	AA032	577636	5578257	AA048	577092	5578305

PERMIT PART B
PERMIT CONDITIONS - ENVIRONMENTAL No. 11576

Issued under the *Environmental Management and Pollution Control Act 1994*

Activity: **The operation of a sand extractive pit with materials handling (screening) (ACTIVITY TYPE: Crushing, grinding, milling or separating into different sizes (rocks, ores or minerals))**
SAND EXTRACTION PIT, 368 FIVE MILE JIM ROAD
MEMANA TAS 7255

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994*.

Acting under Section 25A(3) of the EMPCA, the Board of the Environment Protection Authority has recommended that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality:	**FLINDERS**
Permit Application Reference:	**DA 2023 / 00038**
EPA file reference:	**23/5219**

Date conditions approved: 05 August 2025

Signed:

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

DEFINITIONS

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

ENVIRONMENTAL CONDITIONS

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

INFORMATION

Attention is drawn to **Schedule 3**, which contains important additional information.

Table Of Contents

Attachments

Schedule 1: Definitions

In this Permit Part B:-

10,000 cubic metres is considered equivalent to 15,000 tonnes.

Aboriginal Relic has the meaning described in section 2(3) of the *Aboriginal Heritage Act 1975*.

Activity means any environmentally relevant activity (as defined in section 3 of EMPCA) to which this document relates and includes more than one such activity.

Activity Area means the area to be used for the Activity when these conditions take effect, as depicted in Attachment 1.

Authorized Officer means an authorized officer under section 20 of EMPCA.

Best Practice Erosion and Sediment Control means the document with this title by the International Erosion Control Association, dated November 2008, and any amendment to or substitution of this document.

Director means the Director, Environment Protection Authority holding office under section 18 of EMPCA and includes a delegate or person authorised in writing by the Director to exercise a power or function on the Director's behalf.

DRP means Decommissioning and Rehabilitation Plan.

EMPCA means the *Environmental Management and Pollution Control Act 1994*.

Environmental Harm and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in section 5 of EMPCA.

Environmental Nuisance has the meanings ascribed to it in section 3 of EMPCA.

Environmentally Hazardous Material means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

EPA Board means the Board of the Environment Protection Authority established under section 13 of EMPCA and includes a delegate or person authorised in writing by the EPA Board to exercise a power or function on the EPA Board's behalf.

Maximum Disturbed Area means the area disturbed to facilitate the activity and includes but is not limited to; vegetation disturbance, soil disturbance, access roads, hardstand, working area, vehicle parking and infrastructure (i.e. buildings, site office, sheds etc).

Person Responsible is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person and includes a body corporate.

Planning Authority means the Council(s) for the municipal area(s) in which the Activity Area is situated.

Pollutant has the meaning ascribed to it in section 3 of EMPCA.

Quarry Code of Practice means the document of this title published by the Environment Protection Authority in May 2017, and includes any subsequent versions of this document.

Stormwater means water runoff as a consequence of a rainfall event, whether surface flow, piped flow, or flow within conduits, including any contaminants collected by the water during its passage.

Weed means a plant species that has, or is likely to have, an adverse impact on the environment because of the introduction, spread or increase in population size of the species in an area; and includes a declared weed as defined in the *Biosecurity Act 2019* and subordinate regulations.

Weed And Disease Guidelines means the document titled *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*, by the Department of Primary Industries, Parks, Water and Environment, dated March 2015, and any amendment to or substitution of this document.

Weed and Disease Management Plan means the Weed and Disease Management Plan as provided in Attachment 8 of the EIS, dated 10 November 2024 and prepared by Van Diemen Consulting Pty Ltd, or any subsequent variation or substitution of the plan.

Schedule 2: Conditions

Maximum Quantities

Q1 Regulatory limits

1 The activity must not exceed the following limits :

1.1 10,000 cubic metres per year of rocks, ores or minerals processed.

1.2 10,000 cubic metres per year of sand extracted.

General

G1 Activity Area

The activity must be confined to the Activity Area.

G2 Access to and awareness of conditions and associated documents

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work within the Activity Area, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

G3 Incident response

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

G4 Proposed change to activity

1 The person responsible must notify the Director in writing prior to implementing any change to the activity authorised by this document that may cause or increase the emission of a pollutant or which may result in environmental harm or environmental nuisance (even temporarily). A change includes, but is not limited to, any of the following:

1.1 an increase in the discharge of a pollutant, or the location of its discharge.

1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity.

1.3 any clearance of native vegetation or earthworks.

1.4 a change in the quantity or characteristics of materials used in carrying out the activity.

2 The notification must be in an approved form and include the following:

2.1 details of the proposed change;

2.2 an assessment of the environmental impacts that may result from the change;

2.3 any relevant approvals held by the person responsible; and

2.4 any advice from the relevant planning authority to the effect that approval is not required.

3 The person responsible must provide additional information as requested by an Authorized Officer.

4 The proposed change must not be implemented until the Director has confirmed in writing that they are satisfied that no other approval or variation of this document is required.

5 For the avoidance of doubt, a notification of a proposed change under this provision is not required if the proposed change is part of a referral to the EPA Board for assessment under sections 24, 25, 27 or 27AA of EMPCA.

G5 Change of responsibility

If the person responsible for the activity intends to cease to be responsible for the activity, that person must notify the Director in writing of the full particulars of any person who will become the person responsible for the activity, before such cessation.

G6 Change of ownership

If the owner of the Activity Area changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of the Activity Area, the person responsible must notify the Director in writing of the change or intended change of ownership.

G7 Complaints register

1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:

1.1 the date and time at which the complaint was received;

1.2 contact details for the complainant (where provided);

1.3 the subject matter of the complaint;

1.4 any investigations undertaken with regard to the complaint; and

1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.

2 Complaint records must be retained for a period of at least 3 years.

G8 Quarry Code of Practice

Unless otherwise required by these conditions or required in writing by the Director, the activity (or activities) undertaken within the Activity Area must comply with the Acceptable Standards provisions of the *Quarry Code of Practice.*

G9 Amendment of required plans and reports

1 The plans and reports required by these conditions must be amended to address any matter required by the Director, as advised by notice in writing.

2 Amended plans and reports must be resubmitted within the timeframe that the Director specifies.

Atmospheric

A1 Containment of loads

Vehicles carrying loads of material which may blow or spill must be equipped with an effective control measure(s) to prevent escape of the materials. The control measure(s) must be implemented prior to leaving the Activity Area.

A2 Control of dust emissions from crushing and screening plant

1 Dust produced by the operation of all crushing and/or screening plant must be controlled by the use of one or more of the following methods to the extent necessary to prevent environmental nuisance:

1.1 the installation of fixed water sprays at all crushers and/or screening plant and at all necessary points where processed material changes direction due to belt transfer;

1.2 the installation of dust extraction equipment at all crushers and/or screening plant and at all necessary points where processed material changes direction due to belt transfer;

1.3 the enclosure of the crushing and/or screening plant and the treatment of atmospheric emissions by dust extraction equipment; or

1.4 any other method that has been approved in writing by the Director.

A3 Control of dust emissions

Dust emissions from within the Activity Area must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of the Activity Area.

Decommissioning And Rehabilitation

DC1 Stockpiling of surface soil

Prior to commencement of extractive activities on any portion of the Activity Area, surface soils must be removed in that portion of the Activity Area to be disturbed by the conduct of the activity and stockpiled for later use in rehabilitation of the Activity Area. Topsoil must be kept separate from other overburden and protected from erosion or other disturbance.

DC2 Progressive rehabilitation

Worked out or disused sections of the Activity Area must be rehabilitated concurrently with extractive activities on other sections of the Activity Area. Progressive rehabilitation must be carried out in accordance with the relevant provisions of the *Quarry Code of Practice*, unless otherwise approved in writing by the Director. The maximum disturbed area of land which may remain, at any time, without rehabilitation is five hectares.

DC3 Temporary suspension of activity

1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.

2 During temporary suspension of the activity the Activity Area must be managed and monitored by the person responsible for the activity to ensure that emissions from the Activity Area do not cause serious environmental harm, material environmental harm or environmental nuisance.

3 If required by the Director, a Care and Maintenance Plan for the activity must be submitted to the Director for approval, by a date specified in writing by the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.

3.1 The plan must be prepared in accordance with any guidelines provided by the Director.

3.2 Once approved the person responsible must act in accordance with the approved Care and Maintenance Plan.

3.3 The person responsible may apply to the Director to vary or substitute the Care and Maintenance Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

4 Unless otherwise approved in writing by the Director, if the activity on the Activity Area has substantially ceased for 2 years, decommissioning of the activity and rehabilitation of the Activity Area must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

DC4 Notification of cessation

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

DC5 DRP requirements

1 Unless otherwise approved in writing by the Director, a Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 30 days of the Director being notified of the planned cessation of the activity. The DRP must be prepared in accordance with any guidelines provided by the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.

2 The person responsible may apply to the Director to vary or substitute the DRP. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

DC6 Rehabilitation following cessation

1 Following permanent cessation of the activity, and unless otherwise approved in writing by the Director, the Activity Area must be rehabilitated including:

1.1 stabilisation of any land surfaces that may be subject to erosion;

1.2 removal or mitigation of all environmental hazards or land contamination, that might pose an ongoing risk of causing environmental harm; and

1.3 decommissioning of any equipment that has not been removed.

2 Where a Decommissioning and Rehabilitation Plan (DRP) has been approved by the Director, decommissioning and rehabilitation must be carried out in accordance with that plan.

3 The person responsible may apply to the Director to vary or substitute the DRP. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

DC7 Activity to cease following decommissioning and rehabilitation

1 Following written notification by the Director confirming the completion of decommissioning of the Activity and rehabilitation of the Activity Area in accordance with these conditions:

1.1 the Activity must not recommence; and

1.2 the Person Responsible is not required to undertake monitoring, reporting and/or notification condition requirements relating to the activity, unless otherwise specified in writing by the Director.

Groundwater

GW1 Groundwater

1 Should there be evidence that groundwater has been intersected, or standing water is observed, within the Activity Area, the following measures must be taken:

1.1 machinery is not permitted to operate in standing water; and

1.2 the base level of the extractive activity must be raised by the addition of extracted material to prevent the occurrence of groundwater intersection within the Activity Area.

Hazardous Substances

H1 Spill kits

Spill kits appropriate for the types and volumes of materials handled within the Activity Area must be kept in appropriate locations and maintained in a functional condition to assist with the containment of spilt environmentally hazardous materials.

H2 Storage and handling of hazardous materials

1 Unless otherwise approved in writing by the Director, environmentally hazardous materials held within the Activity Area must be:

1.1 stored within maintained and functional impervious bunded areas, spill trays or other containment systems; and

1.2 managed to prevent unauthorised discharge, emission or deposition of pollutants:

1.2.1 to soils within the boundary of the Activity Area in a manner that is likely to cause serious or material environmental harm;

1.2.2 to groundwater;

1.2.3 to waterways; or

1.2.4 beyond the boundary of the Activity Area.

H3 Handling of hazardous materials - mobile

1 Where mobile containment of environmentally hazardous materials is utilised for the fuelling or servicing of mobile or fixed plant within the Activity Area, all reasonable measures must be implemented to prevent unauthorised discharge, emission or deposition of pollutants:

1.1 to soils within the boundary of the Activity Area in a manner that is likely to cause serious or material environmental harm;

1.2 to groundwater;

1.3 to waterways; or

1.4 beyond the boundary of the Activity Area.

2 Reasonable measures may include spill kits, spill trays/bunds or absorbent pads, and automatic cut-offs on any pumping equipment.

Noise Control

N1 Operating hours

1 Unless otherwise approved in writing by the Director, activities associated with the extraction of rock, gravel, sand, clay or minerals, and loading of product, and screening must not be undertaken outside the hours of 0700 hours to 1900 hours on weekdays.

2 Notwithstanding the above paragraph, activities must not be carried out on Saturdays, Sundays or on public holidays that are observed Statewide (Easter Tuesday excepted).

Operations

OP1 Machinery washdown

Prior to entering the Activity Area, machinery must be washed in accordance with the Weed and Disease Guidelines, or any subsequent revisions of that document.

OP2 Weed and Disease Management Plan

1 Unless otherwise specified in these conditions, the activity must be undertaken in accordance with the approved Weed and Disease Management Plan.

2 The person responsible may apply to the Director to vary or substitute the Weed and Disease Management Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

Stormwater Management

SW1 Design and maintenance of settling ponds

1 Sediment settling ponds must be designed and maintained in accordance with the following requirements:

1.1 ponds must be designed to successfully mitigate reasonably foreseeable sediment loss which would result from a 1 in 20 year storm event;

1.2 discharge from ponds must occur via a stable spillway that is not subject to erosion;

1.3 all pond walls must be stable and treated with topsoil and vegetated or otherwise treated in such a manner as to prevent erosion; and

1.4 sediment settling ponds must be periodically cleaned out to ensure that the pond design capacity is maintained. Sediment removed during this cleaning must be securely deposited such that sediment will not be transported off the Activity Area by surface run-off.

SW2 Perimeter drains or bunds

1 Perimeter cut-off drains, or bunds, must be constructed at strategic locations within the Activity Area to prevent surface run-off from entering the area used or disturbed in carrying out the activity. All reasonable measures must be implemented to ensure that sediment transported along these drains, or bunds, remains within the Activity Area. Such measures may include provision of strategically located sediment fences, appropriately sized and maintained sediment settling ponds, vegetated swales, detention basins and other measures designed and operated in accordance with *Best Practice Erosion and Sediment Control* or similar.

2 Drains, or bunds, must have sufficient capacity to contain run-off that could reasonably be expected to arise during a 1 in 20 year rainfall event. Maintenance activities must be undertaken regularly to ensure that this capacity does not diminish.

SW3 Stormwater

1 Polluted stormwater that will be discharged from the Activity Area must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.

2 Notwithstanding the above, all stormwater that is discharged from the Activity Area must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside the Activity Area.

3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained within the Activity Area. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

Schedule 3: Information

Legal Obligations

LO1 EMPCA

The activity must be conducted in accordance with both the conditions in this document and the obligations of the *Environmental Management and Pollution Control Act 1994* (EMPCA) and subordinate regulations. The conditions of this document do not replicate legislated obligations; therefore, you should ensure you are aware of your obligations under EMPCA and subordinate regulations.

LO2 Storage and handling of dangerous goods, explosives and dangerous substances

1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

1.1 *Work Health and Safety Act 2012* and subordinate regulations;

1.2 *Explosives Act 2012* and subordinate regulations; and

1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

LO3 Aboriginal relics requirements

1 Aboriginal relics, objects, sites, places and human remains regardless of whether they are located on public or private land, are protected under the *Aboriginal Heritage Act 1975*.

2 Unanticipated discoveries of Aboriginal heritage must be reported to Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible.

LO4 MRDA

Operations must be undertaken in accordance with a mining plan approved by the Director of Mines and a Mining Lease issued under the *Mineral Resources Development Act 1995* (MRDA).

Other Information

OI1 Waste management hierarchy

1 Wastes should be managed in accordance with the following hierarchy of waste management:

1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;

1.2 waste should be re-used or recycled to the maximum extent that is practicable; and

1.3 waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste.

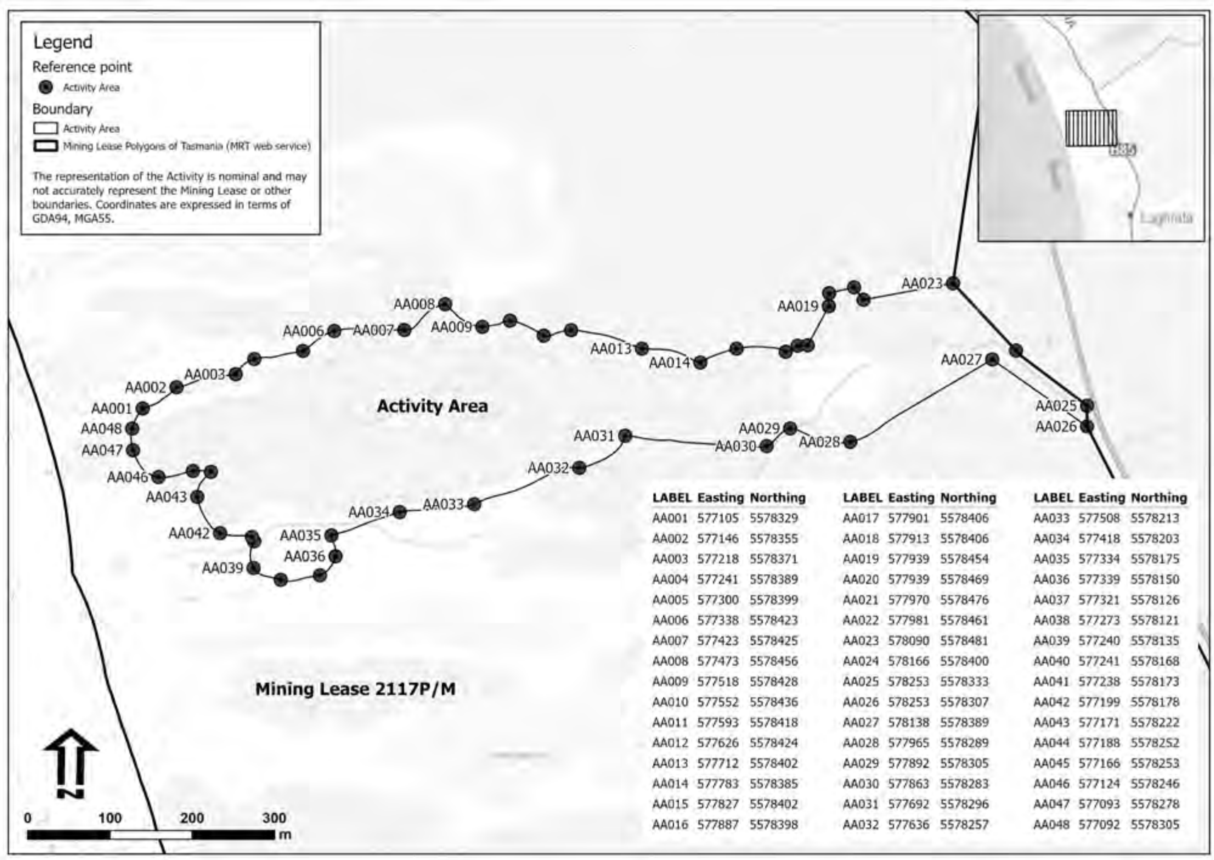
OI2 Notification of incidents under section 32 of EMPCA

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

OI3 Release of Relevant Information

Under the provisions of section 23AA of EMPCA relevant information relating to monitoring of environmental impacts required under these conditions may be subject to publishing or public release by the Director.

Attachment 1: Activity Area



LABEL	Easting	Northing	LABEL	Easting	Northing	LABEL	Easting	Northing
AA001	577105	5578329	AA017	577901	5578406	AA033	577508	5578213
AA002	577146	5578355	AA018	577913	5578406	AA034	577418	5578203
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AA016	577887	5578398	AA032	577636	5578257	AA048	577092	5578305

FLINDERS
COUNCIL

AM2025-02 Assessment Report

Flinders Local Provisions Schedule

Markana Park Lime Sand extraction

Request for rezoning and Level 2 EPA extractive industry

19 May 2026

For Council consideration

Prepared by:

TOWN PLANNING SOLUTIONS

Executive Summary

AM2025-02 is a combined application for rezoning of part of three titles and planning approval at 368 Five Mile Jim Road, Memana, which seeks for:

- Rezoning the majority of the subject landholdings from Landscape Conservation to Rural (AM2025-02); and
- Planning approval for establishment and operation of a lime sand extraction pit (DA2023-038), including:
  - removal, storage, screening and processing of up to 10,000 m3 or 15,000 tonnes of lime sands from the site per year;
  - ancillary infrastructure including access roads, buildings, wastewater system, access tracks and water management infrastructure; and
  - rehabilitation of the site.

The purpose for the requested amendments is to rezone the subject properties from Landscape Conservation to Rural to enable the proposal to occur.

The proposed production volumes (up to 10,000m^3 or 15,000 tonnes per year) trigger assessment of the environmental aspects of the proposal as a Level 2 Activity by the Environment Protection Authority under the *Environmental Management and Pollution Control Act 1993* (EMPCA).

As a result, environmental aspects and impacts of the proposal were assessed by the Environment Approval Authority (EPA). The EPA assessment was completed in accordance with the requirements of both Acts and determined that DA2023-038 could be sustainably operated, and issued recommended conditions of approval should AM2025-02 be supported and DA2023-038 be recommended for approval.

This report describes and considers the merits of AM2025-02 and DA2023-038 against the relevant statutory requirements and the Tasmanian Planning Scheme – Flinders, including revisions following the direction of the Tasmanian Planning Commission's (Commission) decision to refuse the application at the Planning Authorities 27 February 2026 meeting (the refusal) under section 40B(1) of the Act (40B Direction).

Contents

Abbreviations

Act	*Land Use Planning and Approvals Act 1993*
AM2025-02	draft amendment AM2025-02 to rezone the subject properties from Landscape Conservation to Rural
Application documents	Proposal Report and DA Report
Assessment Report	*AM2025-02 Assessment Report, Flinders Local Provisions Schedule. Markana Park Lime Sand extraction, Request for rezoning and Level 2 EPA extractive industry*
Commission	Tasmanian Planning Commission
Council	Flinders Council
	Flinders Council in its role as a Planning Authority under *Land Use Planning and Approvals Act 1993*
DA2023-038	Planning Application DA2023-038 to establish/operate a lime sands pit
DA Report	*Development Application Supporting Information*, Van Diemen Consulting, 1 January 2026
EMPCA	*Environmental Management and Pollution Control Act 1994*
Effective Date:	1 June 2022, Flinders Local Provisions Schedule
EIS	*Environmental Impact Statement V3*, Van Diemen Consulting, 31 May 2025
EPA	Environment Protection Authority
EPA Report	*Environmental Assessment Report, Markarna Grazing Company Pty Ltd, Lime Sand Extraction Pit, 368 Five Mile Jim Road, Memana, Flinders Island*, EPA Tasmania, August 2025
EPA Determination	Permit Part B Permit Conditions - Environmental No. 11576, EPA Tas, 5 August 2025
Guideline No.1	*Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*
Listmap	www.theList.tas.gov.au
LCZ	Landscape Conservation zone
LPS	Local Provisions Schedule
LPS Decision	*Tasmanian Planning Commission Decision – Flinders Local Provisions Schedule*, (2022) TASPComm 16
NEPM's	National Environmental Protection Mechanisms
Nicholbrook Report	*Lime Sand Requirement – Flinders Island* by Dr Lee Patterson of Nicholbrook Consulting
NTRLUS	*Northern Tasmanian Regional Land Use Strategy*
Practice Note 7	*Practice Note 7: Draft LPS mapping: technical advice*, Tasmanian Planning Commission
Proposal	AM2025-02 and DA2023-038
Proposal Report	*Planning Scheme Amendment Report*, Van Diemen Consulting, 6 January 2026
Refusal	Flinders Planning Authority decision to refuse to initiate AM2025-02, 27 February 2026
Sand Pit	Proposed lime sand pit, extracting up to 10,000 m^2 or 15,000 tonnes of lime sands per year
SPP	*State Planning Provisions*

Strategic Plan	*Flinders Council Strategic Plan 2021-2031*
Structure Plan	*Flinders Structure Plan 2016 (draft)*
Subject lands	Certificates of Titles CT 120064/1, CT 215120/1, CT 230282/1 – private freehold (PID 3513143), forming part of 368 Five Mile Jim Road, Memana
TIA	*Traffic Impact Assessment Report*, Van Diemen Consulting, February 2025
TPS	*Tasmanian Planning Scheme*
TPP	*Tasmanian Planning Policies*
2000 Scheme	*Flinders Planning Scheme 2000*
40B Direction	Decision and direction to reconsider AM2025-02 under section 40B(1) of *Land Use Planning and Approvals Act 1993, Tasmanian Planning Commission, 13 April 2026.*

Documents used to assess this proposal included the following:

- *Planning Scheme Amendment Report – Markarna Grazing Company Pty Ltd, Palana Road Flinders Island*, by Van Diemen Consulting, 6 January 2026 (Proposal Report).
- *Development Application Supporting Information – Markarna Grazing Company Pty Ltd, Palana Road Flinders Island*, by Van Diemen Consulting, 1 January 2026 (DA Report).
- *Environmental Assessment Report, Markarna Grazing Company Pty Ltd, Lime Sand Extraction Pit, 368 Five Mile Jim Road, Memana, Flinders Island*, EPA Tasmania, August 2025 (EPA Report).
- Permit Part B Permit Conditions - Environmental No. 11576, EPA Tas, 5 August 2025 (EPA Determination).

Version:

0.1	17 February 2026	For Council consideration
0.2	15 May 2026	working review, following 40B Direction
2.0	19 May 2026	For Council consideration, following 40B Direction

1 INTRODUCTION

An application was lodged for establishment of a Level 2 lime sand pit on property at Palana Road, Marshall Bay.

The application relates to part of the 'Markarna Park' property at 368 Five Mile Jim Road, Memana, contained on certificates of titles CT's 120064/1, CT 215120/1, CT 230282/1 (PID 3513143), which form part of the property described as Markarna Park, 368 File Mile Jim Road, Memana.

The application includes:

- Rezoning the majority of the subject landholdings from Landscape Conservation to Rural (AM2025-02); and
- Planning approval for establishment and operation of a lime sand extraction pit (DA2023-038), including:
- removal, storage, screening and processing of up to 10,000 m^3 or 15,000 tonnes of lime sands from the site per year;
- ancillary infrastructure including access roads, buildings, wastewater system, access tracks and water management infrastructure; and
- ongoing rehabilitation of the site.

The purpose for the requested amendments is to rezone the subject properties from Landscape Conservation to Rural to enable the proposed sand pit to occur.

The proposed production volumes (up to 10,000m^3 or 15,000 tonnes per year) trigger assessment of the environmental aspects of the proposal as a Level 2 Activity by the Environment Protection Authority under the *Environmental Management and Pollution Control Act 1993* (EMPCA).

As a result, environmental aspects and impacts of the proposal were assessed by the Environment Approval Authority (EPA). The EPA assessment was completed in accordance with the requirements of both Acts and determined that DA2023-038 could be sustainably operated, and issued recommended conditions of approval should AM2025-02 be supported and DA2023-038 be recommended for approval.

This report describes and considers the merits of AM2025-02 and DA2023-038 against the relevant statutory requirements and the Tasmanian Planning Scheme - Flinders.

1.1 Process

The application is comprised of the request to rezone the subject lands and the planning application for the lime sand pit, which is a level 2 activity under the *Environmental Management and Pollution Control Act 1994* (EMPCA) that required assessment by the Environment Protection Agency Tas (EPA).

The process for assessment of this application was shown at Figure 1.

Work completed to date on the application includes:

- Referral of the proposed lime sand pit to the EPA and completion of their initial assessment, resulting in the requirement to include *Permit Part B Permit Conditions - Environmental No. 11576, EPA Tas, 5 August 2025* (EPA Determination) on any planning approval that may be issued.
- Assessment of AM2025-02 to rezone the subject lands from Landscape Conservation to Rural, against the relevant statutory and strategic requirements, and referral to relevant State agencies and bodies.
- Assessment of DA2023-038 to establish and operate a lime sand pit and associated infrastructure from the subject lands.

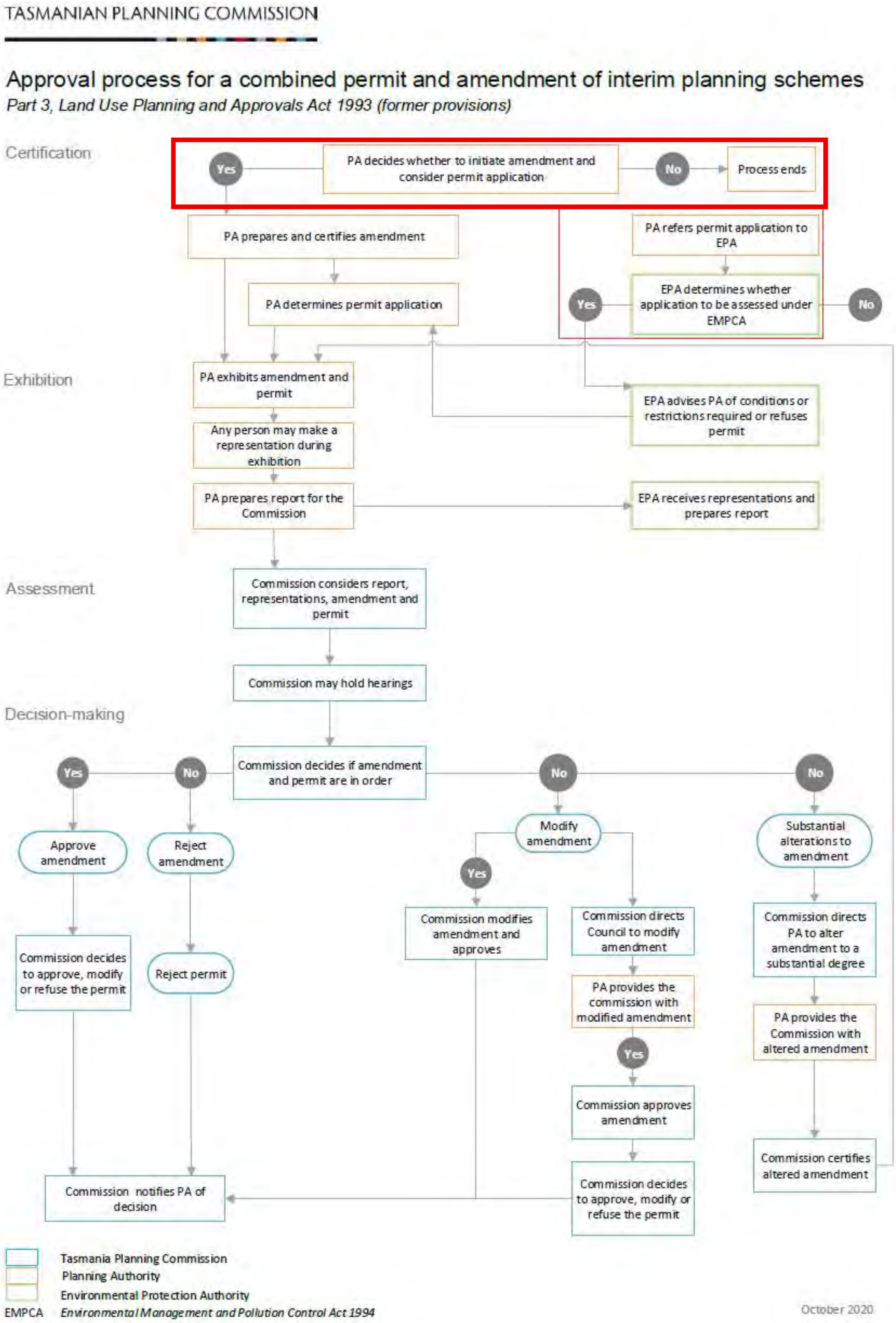

Figure 1 – Application process – combined planning scheme amendment, planning application
Source: modified from Tasmanian Planning Commission flowchart

2 SITE ANALYSIS AND DESCRIPTION

2.1 Subject lands

The subject lands are known as part of the Markarna Park property at Memana, PID 3513143 and contained within the following land titles:

- CT 120064/1
- CT 215120/1
- CT 230282/1

The titles have a collective area of 364.8 hectares. Copies of the land titles were provided in the Proposal Report.

The assessment of site and context provided at Part B within the DA & Proposal Reports by Van Diemen Consulting provides a detailed summary of existing character, context, available infrastructure and facilities. That assessment is supported.

2.2 Location

The subject lands are located to the western side of Palana Road, opposite the intersection with Five Mile Jim Road, Memana and described by Certificates of Title 120064/1, 215120/1, 230282/ and PID 3513143. Copy of the title documents were provided at certificate and plan were provided at Attachment 2 in the application documents.

The subject site lies to the northern side of Rheban Road, generally west of the main residential area at Orford and south of the existing residential development on East Shelley Road, as highlighted by the red box in Figure 2.

Figure 2 - site and context, location plan inset
Source: modified from LISTmap

2.3 Existing site conditions

The existing site conditions are shown on Figure 3.

Figure 3 – existing site conditions
Source: modified from LISTmap

Available records identify the existing use of the subject lands as low level rural operations, with some lime sand extraction having occurred outside the required approval processes.

Figure 3 clearly shows the areas of existing sand extraction, identified by the white colour and lack of vegetation cover .

2.4 Scenic Values

The subject ;lands form part of the vegetated landscape adjoining Marshall Bay, which is visible within the wider landscape of this part of Flinders Island.

The roadside lookout on the north side Pickford Hill provides the best view over the area, which was shown at Figure 4, identified as part of the Structure Plan and reflected through application of an overlay under the Scenic Protection Code as part of the LPS.

There are 3 existing extractive industries within the landscape shown in Figure 4. This image and the author's observations note that those existing operations do not appear as a distinctive feature within the visible landscape.

Figure 4 – Landscape view - Marshall Bay and adjoining lands
Source: LPS Supporting Report, Appendix 7.5

The following was provided at page 107 of the LPS Supporting Report regarding this area:

> *Marshall Bay*
>
> *The Scenic Management Overlay is proposed to be extended to encompass the area west of Palana Road that follows the coastline of Marshall Bay. The area joins the current extent of the overlay at Leeka, extends east to encompass seven freehold allotments west of Palana Road and then all allotments west of Palana Road south to where the current visually sensitive overlay recommences on Crown land north of Emita township. The scenic quality of this area is evident from the views from the Emita lookout and from north facing allotments on Port Davies Road.*
>
> *The components of the view relate to the uniting and harmonising effect of the intact vegetation, the high degree of naturalism that this provides and the contrast and compatibility of the long wide stretch of sandy beach and fore dunes around the wide expanse of the bay. There is, from the vantage of the lookout, no human effect on the landscape. Minimal clearance for development and non-reflective materials including for rooves will be critical to the maintenance of the scenic quality, particularly from the tourist lookout and Port Davies Road. Clearance of vegetation in this highly erosion sensitive environment has the capacity to significantly modify the integrity of the current scenic quality.*

The relevant provisions within the LPS were discussed at ???? of this report.

2.5 Surrounding Facilities

The subject lands form part of the established rural and vegetated landscape adjoining Marshall Bay.

Whitemark is the largest settlement and is located 29 km south by road from the subject lands. Whitemark offers primary education, commercial, police and social/recreation facilities.

Emita township is located approximately 7 km south by road and offers a museum and access to the Wybalenna Site. Emita Recreation Grounds and Hall are nearby, to the south east.

No other commercial or social facilities are located nearby.

The subject lands have access to recreation facilities on Marshall Beach and nearby at Mount Tanner. Other recreation facilities are located

Extensive recreation facilities are available within the wider area.

2.6 Natural and Environmental Hazards

Listmap identifies that the subject lands have the following attributes:

- it is subject to the Bushfire Hazard overlay under the Scheme;
- there are small intermittent waterbodies and watercourses that are not mapped on the property;
- there are small parts of the overall holdings that were identified as potentially subject to landslip;
- significant parts of the lands were identified as potentially subject to coastal inundation;
- small portions of the site adjoining the coast were at risk to coastal erosion processes;
- it has extensive native vegetation cover, substantive parts of which were identified as potentially containing or providing habitat to threatened species;
- the entire landform, including the subject lands, were identified as within the Present Dume Mobility overlay;
- the adjoining coast was identified as open sandy shore with potential erosion and recession vulnerability;
- the entire site and adjoining lands were identified as foredunes, other parallel dunes and beach ridges undefined; and
- the eastern parts of the subject and adjoining lands were identified as containing Karst.

Listmap did not identify the site as subject to any overlays for flood.

Local knowledge identified that parts of the subject land form have suffered sand blowouts, which are understood to have resulted from grazing activities. Consultation with the EPA confirmed their assessment addressed the stability of the dunes and impacts from DA2023-038 as part of their assessment.

The DA & Proposal Reports identify parts of the site contain threatened species and sensitive landforms (dune mobility), supported by expert assessments. The presence of these were confirmed in the EPA Report.

2.7 Special or significant features

Aside from those matters identified in this report, the DA/Supporting Reports, EIS and EPA Report, neither Listmap, Council records nor the extensive supporting information identify the site contains any other known scientific, aesthetic, architectural, historical and cultural values on the land that need consideration with the proposed amendment.

2.8 Land Capability

Land capability was mapped by the State as classes 5 to 6 and potentially class 7, depending on the specific limitations of the specific site.

Agricultural value of the land was examined as part of the assessment of the LPS to determine the zoning of the lands between the Landscape Conservation zone, or the nearby Rural zone applied to other properties.

The LPS assessment and decision identified that the subject lands did not require the protections established under the Agriculture zone.

2.9 Land Potentially Suitable for Agriculture

The subject lands were identified as unconstrained through the State Government project to identify lands potentially suitable for the agriculture zone under the Tasmanian Planning Scheme project as shown in Figure 5.

The identified site conditions and environmental qualities suggest that the unconstrained limitation is not consistent with their available land capability classification identified by the (then) Department of Primary Industries Water and Environment in their 2007 mapping, as shown in Figure 6on ???

2.10 Buildings and other improvements

The Application documents , Listmap and Council records confirm the site does not contain any existing buildings.

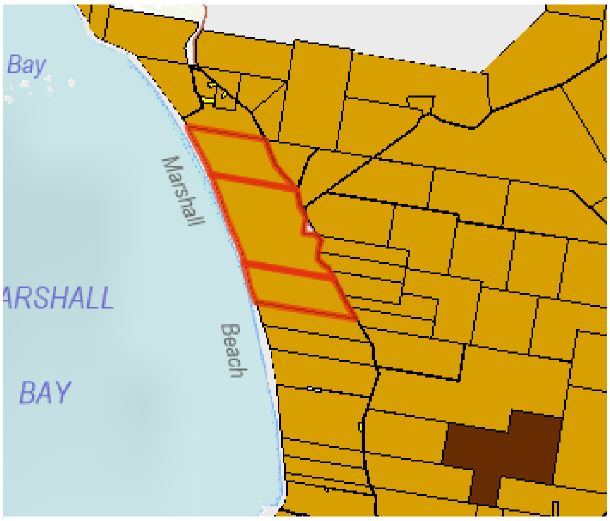

Figure 5 – Outcome - land potentially suitable for Agriculture zone
Source: LISTMAP

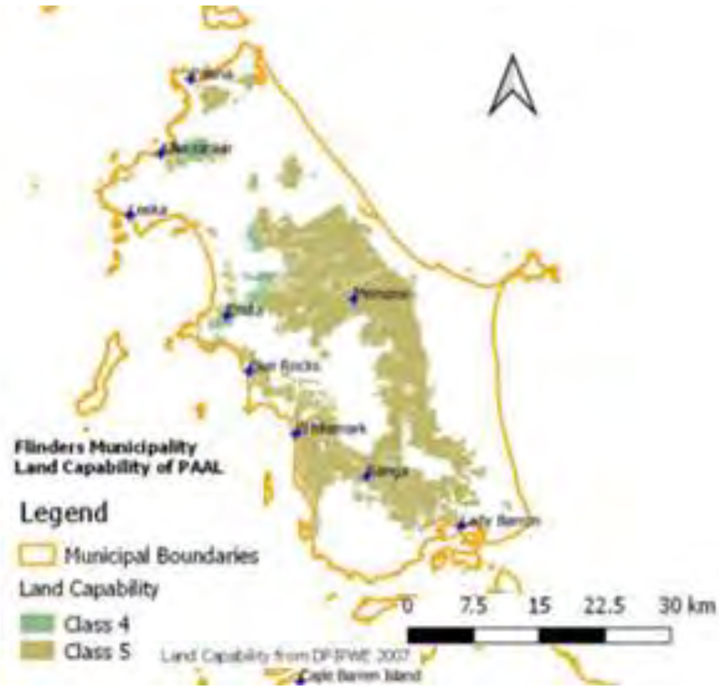

Figure 6 – Modelled land capability
Source: DPIPWE 2007 Land Capability in Tasmania, modified

2.11 Land use history

The DA & Proposal Reports confirm the known land use history of the site for low level rural activities, some low level sand excavation and retention of native vegetation.

The operation of the existing lime sand pit on part of the site was conducted as an ancillary activity to the rural operations over the lands.

No other available records suggest any other use.

2.14 Access

The Proposal identified that access to the site use a reserved road, part of CID 1182402. This was shown at Figure 7.

Listmap identified that this section of Palana Road was owned by State Growth, south of the intersection with Five Mile Jim Road.

As a result of providing access, the reserved road forms part of the application, which affects two parts of the assessment.

AM2025-02 – Section 37(3) of the Act requires any rezoning to include the written consent of the land owner. Crown consent for this rezoning was not provided. The reserved road cannot be included in the rezoning, except as required by Guideline No.1, which requires the adjoining zoning to be applied to half of the adjoining road reservation. There are also other requirements that may affect the application, which include the requirement to apply the Utilities zone to State Roads.

Council may initiate a rezoning of land without owner consent. To resolve these matters, Councils powers to rezone lands will be used under the Act to address the partial rezoning of the reserved road casement and Palana Road alignment as they relate to this application.

DA2023-038 –Under section 52(1A) of the Act, owner consent is not required for use of this land for the planning application, as the proposal is for mining activities that are subject to a mining lease.

This issue was also addressed as part of the statutory assessment of this application.

Figure 7 – existing site access, adjoining reserved road and Palana Road
Source: LISTMAP

2.15 Mineral resources

Listmap identified that the subject lands are within the Strategic Resources overlay identified by Mineral Resources Tasmania and is proximate to identified Mineral Resources for sand and gravel resources, as shown in Figure 8 and developed from public data sets maintained by the State.

The subject lands were identified by the red border, with the Strategic Resources overlay (shown hatched) was identified as buffered mining leases (All categories).

Figure 8 – mineral resources around Marshall Bay
Source: LISTMAP

2.13 LPS and decision.

The subject lands were zoned Landscape Conservation through establishment of the Flinders Local Provisions Schedule (LPS) and Tasmanian Planning Scheme – Flinders (Scheme).

Page 10 of the Proposal Report provided the following:

> *The purpose of the Amendment is to facilitate the establishment and use of a small-scale Extractive Industry use class – being the extraction of lime sands for use in the island's critically important agricultural sector. The Amendment will establish a permitted pathway for future extraction of lime sands within the mining lease (to be applied for progressively using the statutory mechanisms in force at the time as the lime sand resource is required) while retaining the Landscape Conservation zone on the sensitive coastal foreshore of Marshall Bay.*

Various other sections of the Proposal Report provide additional detail on the reasoning and need for the proposed lime sands pit on the subject property. Most notably, section A.7, page 22 of the Proposal Report refines this:

> *The intended outcome of the Amendment is to establish a zone (**Figure 2**) to ensure the extraction of lime sands and associated infrastructure is a permitted use to support the agricultural sector on Flinders Island. An Extractive Industry is Prohibited in the LCZ.*
>
> *The rezoning seeks to recognise the legitimate land use of lime sand extraction that underpins agriculture and other activities on the island, to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity. It is submitted that 'maintenance' is not solely 'protection', rather protection is a component of maintenance.*
>
> *The lime sand deposits at Marshall Bay are well known, highly significant to the agricultural productivity of Flinders Island, and proven in their ENV on agricultural lands…*

Additional information was provided at Attachments 3 and 4 to the Proposal Report, most notably through the report titled *Lime Sand Requirement – Flinders Island* by Dr Lee Patterson of Nicholbrook Consulting (Nicholbrook Report).

The applicant made representation to the exhibition of the LPS contesting application of the (then) proposed Landscape Conservation zone to the subject lands, as it prevented use for an intended lime sand pit (the subject of this application). The applicant attended the hearings of the Flinders LPS and to support their concerns.

The representation was addressed at paragraphs 145-157 of the *Tasmanian Planning Commission Decision – Flinders Local Provisions Schedule*, (2022) TASPComm 16 (LPS Decision).

The LPS Decision ultimately supported application of the current Landscape Conservation zone, noting the following as part of the consideration:

152 – the subject lands had landscape values that warranted application of the Landscape Conservation zone.

153 – the location adjacent Marshall Bay contributed to the aesthetically to the appearance of Marshall Bay, which was identified in the draft Flinders Structure Plan 2016 (Structure Plan).

154 – the vegetation on the subject lands was important to the appearance of Marshall Bay, where vegetation removal may impact those values.

155 – the Structure Plan confirmed the intent to manage impacts through use and provide for landscape management. The Landscape Conservation zone was therefore most appropriate.

156 – absent further details of the proposed future use, the zone and other provisions proposed under the LPS made suitable provision for the intended activity where it was incidental to the existing use of the lands.

157 – the Commission did not support the representation and confirmed that the proposed Landscape Conservation zoning.

3.0 PLANNING CONTROLS

The subject lands are located within the Flinders Municipality and therefore subject to the provisions of the Tasmanian Planning Scheme – Flinders (Scheme), which commenced operation on 1 June 2022.

Planning scheme information was obtained from Listmap. The subject lands were identified by the red borders, reflecting the respective title boundaries.

3.1 Zoning

Figure 9 – zoning at Memana area
Source: LISTMAP

The subject lands are zoned Landscape Conservation, with further Landscape Conservation and Rural zones to the surrounding area. The Coastal reserve was zoned Environmental Management, consistent with Guideline No.1.

3.2 Code Overlays

Figure 10 – Bushfire prone areas overlay
Source: LISTMAP

Figure 10 shows the Bushfire Hazard Area overlay, over the subject and adjoining lands.

Figure 11 – Coastal Inundation Hazard Areas overlay
Source: LISTMAP

The pale orange hatching on Figure 11 shows the Coastal Inundation Hazard Area overlay, which applies to parts of properties between Palana Road and adjoining the coast with Marshall Bay.

Figure 12 –Coastal Erosion area overlay, medium highlighted
Source: LISTMAP

Figure 12 shows the Coastal Erosion Area overlay, which applies a medium hazard to parts of the subject lands (highlighted), and medium and high erosion bands to the coastal reserve adjoining Marshall Bay, identified by the hatched areas. These areas are clearly outside the activities proposed by the application. This Code will not apply to the proposal.

Figure 13 – Scenic Protection Area overlay, FLI-C8.1.6 Marshall Bay
Source: LISTMAP

Figure 13 shows the entire site subject to clause FLI-C8.1.6 Marshall Bay within the scenic protection area overlay, which applies over all of the subject and adjoining lands.

Figure 14 – Priority vegetation area overlay
Source: LISTMAP

The green hatching in Figure 14 shows the Priority vegetation area, which applies to the majority of the subject and adjoining lands.

Figure 15 – Future coastal refugia area overlay
Source: LISTMAP

The orange hatching in Figure 14 shows the Future Coastal refugia area overlay, which applies to parts of the Coastal Reserve adjoining the subject lands.

Figure 16 – Waterway and coastal protection area overlay
Source: LISTMAP

The blue hatching in Figure 14 shows the Waterway and Coastal protection area overlay, which applies to parts of the Coastal Reserve adjoining the subject lands.

3.3 General Overlays

Figure 17 – General overlays – Fli-S3.0 Coastal Areas Specific Area Plan
Source: LISTMAP

FLI-S3.0 Coastal Areas Specific Area Plan applies to the subject and nearby lands adjoining the coast, as shown by the highlighted area on Figure 17.

4 THE PROPOSAL

4.1 Brief description

AM2025-02 seeks to rezone parts of certificates of title CT's 120064/1, CT 215120/1, CT 230282/1 (PID 3513143) from Landscape Conservation to Rural. No alterations were requested or proposed to the overlays or general provisions that apply to the subject lands. Those portions of the subject lands within FLI-S3 Coastal Areas Specific Area Plan would retain the Landscape Conservation zone.

This was shown at Figure 18, taken from the Proposal Report.

Figure 18 – Requested rezoning from Landscape Conservation to Rural
Source: Proposal Report, Annexure 1

DA2023-038 seeks establish site facilities and infrastructure to extract up to 10,000 cubic metres per annum (equivalent is 15,000 tonnes per annum) of lime sands for use in the agricultural sector. Assessment of this application was addressed at Section 8 of this Report.

Consequential zoning matters were identified for parts of Palana Road adjoining the site, following the requirements of Guideline No.1 and Practice Note 7. Following consultation with the State Planning Office, the base zoning of the area will be applied to Palana Road.

It is submitted that application of the Utilities zone for adjoining portions of Palana Road affected by AM2025-02 would be inconsistent with the broader intent of the Guidelines, Practice Note 7 and Schedule 1 Objectives of the Act for coordinated action across different levels of government and orderly development.

4.2 Reasons for AM2025-02

AM2025-02 proposed to rezone parts of CT's 120064/1, 215120/1 and 230282/1 to establish an extractive lime sand pit.

Reasons for AM2025-02 were established at sections A7, and Attachments 3 and 4 of the

Proposal Report. Those reasons are accepted.

Section 4 of the Environmental Assessment Report by the EPA Tas (EPA Report) provided a more concise summary (page 17), reproduced for convenience.

> *The EIS states that soil acidification is a naturally occurring process influenced by numerous factors and is compounded by most of Tasmania's soils being naturally acidic.*
>
> *The EIS notes that acidification of agricultural land is a significant land degradation issue that can negatively affect productivity and sustainability of agricultural activities through:*
>
> - *Decreasing the availability of nutrients to plants;*
> - *Increasing the toxicity of aluminium and manganese;*
> - *Decreasing soil biological functions;*
> - *Reducing the ability of legumes to fix nitrogen; and*
> - *Making the soil more vulnerable to soil structure decline and erosion.*
>
> *The EIS notes that lime sands which are rich in calcium carbonate can reduce soil acidity by neutralising the acid reaction, thus raising pH.*
>
> *According to the EIS 'liming' is the most cost-effective way to manage low soil pH, to help prevent loss of production and profitability in farming systems and reverse acidification. Liming involves applying lime to the soil surface several months before sowing pasture or crops.*
>
> *According to the EIS commonly used liming materials include:*
>
> - *Agricultural lime - crushed and sieved natural limestone which is mainly calcium carbonate. Safe, cheap and effective.*
> - *Lime sand - mined from natural deposits that are mainly calcium carbonate. Safe and cheap but can be coarser and react slower with soil than agricultural lime.*
> - *Dolomite - a mixture of calcium and magnesium carbonates. Particularly valuable where soils are low in magnesium.*
> - *By-product lime - by-product from the production of soda ash, which contains mostly calcium carbonate, but with some calcium oxide and hydroxide.*
>
> *The EIS identifies agriculture as a critical employment and income generation activity on Flinders Island, therefore its longevity is important to the social and economic well-being of the island.*
>
> *The EIS states that the Marshall Bay land parcels owned by the Markarna Grazing Company ('Markana Park') were purchased to provide ongoing lime sands for use on the broader Markana Park land parcels and to sell to other agricultural enterprises as well as for use in making concrete for construction projects on the island. The EIS notes that the existing, but now disused pit, was once used by many islanders to access lime sand due to its ease of access and quality sand with a high effective neutralising value.*
>
> *According to the EIS, off-island supplies of lime / sand are costly due to high freight charges. This undermines the economic viability of agriculture on the island in the medium to long-term due to inadequate levels of lime being applied which affects long term soil health and productivity of agricultural land on the island.*
>
> *The EIS states that no alternative locations were considered as the lime sands are spatially limited on Flinders Island, are of very high quality, extensive in their geographic extent at Marshall Bay and can be extracted in a way and at a rate that is sensitive to the Marshall Bay environment.*

4.3 Request and Supporting Information

AM2025-02 results from a request lodged by the applicant on behalf of the owner under section 40D(b) of the Act, which was documented in the Proposal and DA Reports.

Extensive supporting information was provided for both the rezoning and the proposed lime sand pit. These included the Environmental Impact Statement (EIS) and Environmental Assessment Report (EPA Report).

Supporting documents for the application include:

- *Planning Scheme Amendment Report*, Van Diemen Consulting, 6 January 2026;
- *Development Application Supporting Information*, Van Diemen Consulting,1 January 2026;
- *Site and soil evaluation Report, New onsite wastewater management system at "Markana Park," 368 Five Mile Jim Road, Memana TAS 7255. (*Sand mine - Southern site), Richard Mason;
- *Traffic Impact Assessment Report*, Van Diemen Consulting, February 2025;
- *Survey of the Geomorphology and Soil characteristics of the Markarna Grazing Company Pty Ltd Property, Marshall Beach, Flinders Island*, Dr Adrian Slee, January 2024;
- *Environmental Impact Statement* V3, Van Diemen Consulting, 31 May 2025;
- *Lime Sand Requirement – Flinders Island* by Dr Lee Patterson, Nicholbrook Consulting January 2026;
- *Environmental Assessment Report, Markarna Grazing Company Pty Ltd, Lime Sand Extraction Pit, 368 Five Mile Jim Road, Memana, Flinders Island*, EPA Tasmania, August 2025

4.4 Owners Consent

Council property information identified the land owner as Markarna Grazing Company Pty Ltd.

Landowner consent was provided at Attachment 1 of the Proposal Report, as required under section 37 of the Act.

As noted previously in this report, the requested rezoning does not include the adjoining reserved road.

As a consequence of the requirements of the requirement under section 2.3 of the Tasmanian Planning Commission's Practice Note 7, the rezoning of parts of Palana Road adjoining the subject lands will be required. Owners consent was not provided for this. The Planning Authority will need to use its powers under section 40D(b) of the Act to initiate the required rezoning of parts of Palana Road under AM2025-02.

4.5 Land Use Conflict

Existing land use of the subject and adjoining lands was addressed at section *B.3 Land Use* of the Proposal Report. That assessment is accepted.

Figure 8 of section B.3 of the proposal report addresses established residential use that is proximate to the subject lands. One residential dwelling was identified within 300-metres of the lease boundary.

One adjoining and two nearby properties contain existing mining leases, as follows:

2056P/M – Lots 1 and 2 Palana Road, Lughrata – 82 hectares (whole of properties) , for sand and clay;

2059P/M – Lot 1 Palana Road, Lughrata, 44 hectares (part of property) for lime sand; and

1990P/M – Lot 1 Palana Road, Lughrata, 206 hectares (whole of property) for stone and clay.

These were shown at Figure 19 of this report, along with established dwellings, highlighted by the red dots and as listed below :

- 2889 Palana Road
- 2869 Palana Road
- 2426 Palana Road
- 2270 Palana Road
- 1460 Palana Road
- 2172 Palana Road
- 2154 Palana Road
- 2207 Palana Road

Darker green areas on Figure 19 identify existing vegetation (understood to be mostly native) while the lighter green areas identify existing pasture. The dominant land uses in the area are vegetation and rural.

The requested Rural zone is consistent with the zoning of the area under the *Flinders Planning Scheme 2000*, zoning to the eastern side of Palana Road, and within the wider area.

Figure 19 – Existing conditions and mining leases and house (red dot) around the subject lands.
Source: modified from Listmap

The EPA has a statutory obligation to manage all environmental matters and issues for Level 2 Activities. The EPA will retain liability for that role for the duration of the proposed operations under that assessment. Potential land use conflict to the nearby areas is most likely to result from matters regulated by the EPA through their approval and regulation process.

As a result of these considerations, the requested Rural zone is not likely to result in any significant increase in potential or realised land use conflict.

Potential land use conflict is not considered to be a major issue for AM2025-02 .

4.6 Environmental, Economic and Social impacts

The following sections of this report provide detailed examination of the environmental, economic and social impacts of the amendment as part of the statutory assessment.

Environmental impacts of the proposal were addressed in the Proposal Report and Environmental Impact Statement. Additional detail was provided in Attachment 4 to the Proposal Report.

Further expert information was provided by Dr Lee Peterson in the report on *Lime Sand Requirement* by Nicholbrook Consulting.

Those submissions are accepted.

Environmental issues for the proposed lime sand pit were addressed through the application documents and EIS, with a detailed assessment documented at section 7 in the EPA Report, including:

- air quality;
- groundwater;
- noise;
- natural values, including flora, fauna, geomorphology and soils (including karst, sand dunes, Acid soils and wetlands);
- waste management;
- environmentally hazardous materials; and
- decontamination/rehabilitation.

While limited to the proposed lime sand pit, the recommended conditions provided by the EPA as a result of their assessment supports the ability of the site to accommodate rural activities in ways that ought to be consistent with neutral to positive outcomes on environmental issues. The EPA assessment concluded that potential impacts could be managed through the operation of the lime sand pit and provided recommended conditions.

Social impacts of AM2025-02 were addressed by general statements in the application documents, often linked to the significance of the agricultural sector on Flinders and economic impacts/wellbeing. Those statements are consistent with the understanding of social wellbeing issues on Flinders.

AM2025-02 is not expected to create or increase the risk for adverse impacts on the environmental, economic and social conditions on Flinders Island.

4.7 Referral to Government Agencies and authorities

The proposal was referred to Taswater as required under the both the *Land Use Planning and Approvals Act 1993* and Water and *Sewerage Industry Act 2008*. Taswater responded to this referral by providing a SPAN reference TWDA 2026/00060-FC for the proposal and advised they had no objections to the proposal and did not require any further notifications.

The following referrals were completed to assist assessment of the request:

- State Growth;
- EPA;
- Aboriginal Heritage Tasmania;
- Aboriginal Land Council Tasmania;
- Mineral Resources Tasmania;
- Conservation Assessments;
- Natural Resources and Environment; and
- Mineral Resources Tasmania.

Other referrals may be required to relevant agencies if AM2025-02 is initiated by the Planning Authority.

The Environmental Impact Assessment Report identified that the following referrals were completed as part of the EPA assessment of the proposed level 2 activity:

- Conservation Assessment Section, Natural Resources and Environment Tasmania
- Parks and Wildlife Service, Natural Resources and Environment Tasmania
- Aboriginal Heritage Tasmania, Natural Resources and Environment Tasmania
- Heritage Tasmania, Natural Resources and Environment Tasmania
- Mineral Resources Tasmania, Department of State Growth
- Public Health Services, Department of Health
- Flinders Council

The following also provided specialist advice on the EIS:

- Regulatory Officer, Environment Protection Authority
- Air Section, Environment Protection Authority
- Water Section, Environment Protection Authority
- Noise Section, Environment Protection Authority

The following responses were received to these referrals:

Aboriginal heritage Tasmania – - AHDR10296 confirmed there were no known heritage recorded in the mining lease area, the Huys & Graham study was accepted and no objections were raised.

Mineral Resources Tasmania - There were no comments from MRT on the proposal, noting the mining lease issued in 2023 and recent inspections.

State Growth – Traffic Engineering/Network Management – while no response was received to the referral, their officers had previously advised they had no objections to the Traffic Impact Assessment in the application documents (February 2025).

Conservation Assessments Section, Natural Resources and Environment – an initial response was provided, based on DA2023-038. A response for the proposed rezoning is expected soon.

TasWater – TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

Noting the limited responses, no issues were raised as part of the referrals that raise valid reasons to refuse AM2025-02.

5 CONSIDERATIONS FOR THE AMENDMENT

5.1 Overview

AM2025-02 seeks to rezone the subject properties from Landscape Conservation to Rural, accompanied by an application to allow a lime sand pit (extractive industries) to be established and operate.

5.2 Request to amend

The process to enable a request for an amendment to an LPS is established at Part 3B of the Act, where Division 2 of the Act deals with the request and Division 4 enables the application to be combined with an application for planning approval to use or develop land. The following summarises the relevant sections:

37 provides for a person to request an amendment to the LPS by or made with the consent of, the owner.

38 requires a decision to be made within 42 days of that request being lodged and notification to the Tasmanian Planning Commission.

40T allows a planning application for use or development of land that would otherwise be prohibited to be lodged with the requested amendment.

40U allows the planning authority to request additional information.

40W allows for the planning application to be approved or refused.

40X requires the relevant planning application to be determined with the relevant planning scheme amendment.

40Y requires the decision to be made before section 40G of the act is considered and sets out the relevant considerations (as addressed within this report).

The Proposal Report and DA Report provide the specific requests for the amendment to rezone the subject lands under sections 37(1) and 40T(1) of the Act, and application for planning approval for the proposed lime sand mine.

Multiple information requests and submissions were processed under the relevant sections of the Act, starting before formal lodgement of the application in June 2023. The final documentation was lodged with Council on 7 January 2026.

While responses were not provided to all of the statutory referrals, this can be addressed through the future exhibition process, if AM2025-02 is initiated.

The Commission Form No.1 Owners Consent was provided as part of the application documents. The applicant has copied the voluminous communications relating to the proposal to the owners representatives.

The requirements of Section 37 of the Act were satisfied for AM2025-02

5.3 Section 8A Guideline No.1

The Commission publication, *Section 8A Guideline No. 1 Local Provisions Schedule (LPS): zone and code application* (Guideline No.1) informs the zoning process under the Scheme.

The LPS Decision addressed the requirements of Guideline No.1 and determined that the Landscape Conservation zone was appropriate to the subject lands. The request seeks to rezone the property from Landscape Conservation to Rural, and is supported by the proposal for a lime sand pit to be established.

Section 3 of Guideline No.1 establishes principles for zone and code application through a LPS and provides the following guidance:

> *3.4 The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible…*

A response was provided to the requirements of Guideline No.1 at Section C.6 of the Proposal

Report. Key components of that response include:

- use of the Rural zone for the subject property was consistent with the LPS Decision for other properties with established extractive industries in Marshall Bay and other areas (page 60);
- statements that retention of the Landscape Conservation zone was inconsistent with the primary objective of the zone in considering an extractive industry, which eliminated use of any other mechanism aside from rezoning to the Rural or Agriculture zone (page 60); and
- the highest likely outcome that the site could sustain was identified as extractive industry, due to limitations of locality, soil types, financial limitations and existing vegetation; (page 62).

No response was provided to the RZ series of guidelines in the proposal report. Given the requested rezoning, they require examination.

RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.

As previously noted within this and the Application Reports, the subject lands were identified as having low land capability classification, based on the State mapping, and subject to a number of environmental limitations. Those observations were consistent with the Environmental Assessment Report by the EPA and advice documented within that from State Agencies.

Available information suggests that the subject lands have limited potential for the majority of forms of more intensive agriculture, due to topographical, ecological and other considerations. It is understood that the area has suffered sand blowouts that resulted from vegetation clearance and/or grazing activities.

While the Commission determined that the Landscape Conservation zone was appropriate for the subject lands following from local strategy, the Proposal Report contends the rural use of the lands for extractive industry are more significant and the local strategy has no relevance (page 58) with a response provided *to avoid appeal*.

No simple way exists to resolve this conflict between the proponent's intents and local strategy.

RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.

The respective merits considering application of the Rural zone to the subject lands were considered during the LPS process, which determined that it was not suitable.

No evidence was provided in the application documents for AM2025-02 to support variation of that determination, nor was any other information identified as part of the assessment.

Use of the Agriculture zone for the subject lands is therefore not warranted. Application of the Rural zone to the subject lands would therefore be consistent with RZ2.

RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:

(a) it can be demonstrated that 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;

The subject lands were excluded from the Agriculture zone through the LPS process. The application documents nor assessment of AM2025-02 did not present any information to contest that assessment.

(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;

As noted within the application documents and this report, the natural form and values of the subject lands present significant constraints to their agricultural use, arguably to the point of preventing any intensive agricultural use.

> *(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;*

The application documents seek rezoning of the subject lands on the basis that lime sands are an important resource for the agriculture sector on the Islands, supported by multiple reports and the EPA determination to approve the proposed lime sand pit with conditions.

The subject lands were identified in the Mineral Resources Tasmanian Strategic Resources layer for buffered mining leases, and they were not identified in the Strategic Prospectivity zones, as shown in Figure 8 of this report.

Discussion on the strategic assessment of the requested Rural zoning in the Proposal Report was effectively limited to the proposed lime sands pit, with little broader strategic analysis.

The available strategic assessments of this area were:

- the Nicholbrook Report, which provided an assessment of the strategic significance of the lime sands resource to the local agriculture sector; and
- the Structure Plan, which identified the ongoing protection of the landscapes for their scenic value and natural functions.

The strategic assessments of the area identified conflicting perspectives that are not easily resolved.

> *(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or*

As with criterion c, the proposed activity requires the subject location based on the available lime sand resource on the subject lands, while the available strategic analysis was either limited to the scope of this application or conflicts with the proposal.

> *(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.*

As with criterion c, the proposed activity requires the subject location based on the available lime sand resource on the subject lands, while the available strategic analysis was either limited or conflicts with the proposal.

Guidelines UZ1 and 2 are potentially relevant given the State ownership of part of Palana Road adjoining the subject lands.

> *UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for utilities infrastructure, including:*
>
> *a) category 1, 2, 3, 4 and 5 roads as defined in the Tasmanian State Road Hierarchy published by the Tasmanian Department of State Growth;*
>
> *b) any listed major local roads;*
>
> *…*
>
> *UZ 2 The application of the Utilities Zone to category 1,2,3, 4or 5 roads as defined in the Tasmanian State Road Hierarchy should be based on the 'State Road Casement' layer published on theLIST.*

Both UZ1 and 2 establish a clear intent for the State road assets to be zoned Utilities.

As previously noted in this report, consultation with the State Planning Office identified they did not consider that application of the Utilities zone was required in this case.

Department of State Growth took ownership of Lady Barron Road and part of Palana Road in 2023 to reflect their significance as essential infrastructure to both Flinders Island and the wider region. The Department has not sought rezoning of those roads since taking ownership.

AM2025-02 was generated by a specific application from the applicant to enable commercial operations as part of their established farming operations, with potential to sell to the local community.

State Growth did not request the rezoning since taking ownership of the relevant road assets, nor as part of consultation on this application. The State Road network on Flinders Island extends far beyond the subject lands. Any proposal for rezoning the State Road network to reflect Guidelines UZ1 and 2 should be completed as a discrete exercise that deals with the entire network and does not potentially disadvantage a private applicant.

As a consequence, it is submitted that Guidelines UZ1 and 2 should not be considered relevant for assessment of AM2025-02.

AM2025-02 has a mixed compliance with the requirements of Guideline No.1.

5.4 Preparation and Certification

AM2025-02 requires decisions to be made:

- in response to the requested rezoning under section 37 of the Act; and
- on compliance with the LPS criteria under section 40F of the Act.

The request was addressed in a previous section of this report.

The LPS criteria are established at section 34 of the Act and were addressed in following sections of this report.

5.5 Section 32 – Contents of LPS

Section 32 of the Act regulates what a LPS can contain. Assessment against section 32 was established at section 34(2)(b) of the Act. This was assessed as follows.

> *(1) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.*

AM2025-02 does not impact compliance with this requirement through the LPS.

> *(2) An LPS –*
>
> *(a) must specify the municipal area to which its provisions apply; and*

AM2025-02 does not impact the naming of the LPS.

> *(b) must contain a provision that the SPPs require to be included in an LPS; and*

AM2025-02 does not impact the SPP provisions required to be included within an LPS.

> *(c) must contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land, if required to do so by the SPPs; and*

AM2025-02 does not impact the required maps, overlays, lists or other provisions that provide for application of the SPP's to land.

> *(d) may, subject to this Act, contain any provision in relation to the municipal area that may, under section 11 or 12 , be included in the Tasmanian Planning Scheme; and*

AM2025-02 seeks the rezoning of land within the LPS. Compliance with sections 11 and 12 of the Act is not impacted.

> *(e) may contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to particular land; and*

AM2025-02 seeks the rezoning of land and does not otherwise impact spatial application of the SPP's or the relevant overlays.

> *(f) must not contain a provision that is inconsistent with a provision of section 11 or 12 ; and*

AM2025-02 seeks the rezoning of land. Compliance with sections 11 and 12 of the Act is not impacted.

> *(g) may designate land as being reserved for public purposes; and*

AM2025-02 does not seek to designate reserve status to land for public purposes.

(h) may, if permitted to do so by the SPPs, provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and

AM2025-02 seeks to alter the zoning of the subject lands within the structure of the SPP's.

(i) may, if permitted to do so by the SPPs, override a provision of the SPPs; and

AM2025-02 does not seek to override any provision of the SPP's through the LPS.

(j) may, if permitted to do so by the SPPs, modify, in relation to a part of the municipal area, the application of a provision of the SPPs; and

AM2025-02 does not seek to modify application of a provision of the SPP's to a part of the municipal area.

(k) may, subject to this Act, include any other provision that –

(i) is not a provision of the SPPs or inconsistent with a provision of the SPPs; and

(ii) is permitted by the SPPs to be included in an LPS; and

AM2025-02 seeks to alter the zoning of the subject lands through the LPS. Consistency with provisions under the SPP's will not change. Zoning of land is a requirement for LPS under the Act and the SPP.

(l) must not contain a provision that the SPPs specify must not be contained in an LPS.

AM2025-02 does not seek to remove any required provisions under the SPP.

(3) Without limiting subsection (2) but subject to subsection (4) , an LPS may, if permitted to do so by the SPPs, include –

(a) a particular purpose zone, ….:or

(b) a specific area plan, being a plan consisting of –

(c) a site-specific qualification, ….

AM2025-02 does not seek to alter or establish a particular purpose zone, specific area plan or site specific qualification.

(4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

AM2025-02 does not seek to establish a particular purpose zone, specific area plan or site specific qualification under subsection (3).

(5) An LPS must be in accordance with the structure, if any, that is indicated, or specified, in the SPPs to be the structure to which an LPS is to conform.

AM2025-02 does not seek to alter the requirements for the LPS established under the SPP's.

(6) A provision of an LPS must be in the form, if any, that the SPPs indicate a provision of an LPS is to take.

AM2025-02 seeks the rezoning of land and does not seek to establish any new provisions within the LPS.

(7) A provision of an LPS in relation to a municipal area is not to be taken to have failed to comply with this section, or to be inconsistent with a provision of the SPPs, by reason only that it is inconsistent with a provision of the SPPs that has

not come into effect in relation to the municipal area.

Subsection (7) is not relevant to AM2025-02.

The conclusion of this assessment was that AM2025-02 complies with section 32 of the Act.

5.6 Section 40F – LPS Criteria

Section 40F(1) of the Act requires that draft amendments must meet the LPS criteria at section 34(2) of the Act. This was assessed as follows.

(a) contains all the provisions that the SPPs specify must be contained in an LPS; and

AM2025-02 does not seek to alter the structure or type of provisions that the SPP's specify must be contained in an LPS.

(b) is in accordance with section 32 ; and

AM2025-02 complies with section 32 of the Act, as detailed at section 5.4 of this report.

(c) furthers the objectives set out in Schedule 1 ; and

A detailed assessment of AM2025-02 against the Schedule 1 Objectives was provided at section 5.7 of this report and found to be generally consistent.

(d) is consistent with each State policy; and

AM2025-02 was assessed against the current State Policies at section 7 of this report and found to be consistent with them.

(da) satisfies the relevant criteria in relation to the TPPs; and

The Tasmanian Planning Policies (TPP) were made by the Minister for Planning in late 2025 but do not commence until July 2026. It is understood that they do not operate and are therefore not required to be considered for the current application.

Council officers requested advice from the Tasmanian Planning Commission regarding their requirements for assessment of compliance with the TPP's, which was repeated at a recent hearing for AM2025-01. No formal response was received to inform this assessment.

It is difficult to determine compliance of AM2025-02 with the TPP, given their voluminous content, intended high level of operation, and lack of any supporting information having been provided by the State to inform their implementation.

Given the lack of responding advice, a generalised response was provided for this assessment.

On first reading and taking the requirements of section 2A(a) at their apparent meaning (however that may be determined), the requested rezoning is unlikely to cause the Amendment or the LPS to cease to comply with the collective requirements of the TPP.

The State recently consulted on draft legislation that clarified the TPP would only apply to amendments that were either certified or the report on representations under section 35F was prepared.

Further clarification on the TPP may become available during the process, after which a better assessment may to be conducted.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

AM2025-02 was assessed against the *Northern Tasmanian Regional Land Use Strategy* (NTRLUS) at section 6.1 of this report.

That assessment identified that while AM2025-02 generally complied with the NTRLUS, AM2025-02 was not consistent with sections D2.2 Rural areas, D.2.3 Natural Environment Areas and the recognition of local strategy in application of section E.5.1 Regional Economic Development Policy of the NTRLUS.

The conclusion of that assessment was that AM2025-02 did not achieve practicable consistency with the NTRLUS.

> *(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*

AM2025-02 was assessed against the relevant sections of the Council Strategic Plan at section 6.3 of this report and found to comply.

> *(g) as far as practicable, is consistent with and co-ordinated with any LPS's that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*

Flinders Council is an island based municipality and does not have any adjacent LPS. AM2025-02 does not impact the operation of LPS in adjoining municipal areas.

> *(h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 .*

AM2025-02 does not impact lands subject to the *Gas Safety Act 2019* (refer also section 7.5).

AM2025-02 has a mixed compliance with the certification criteria under the Act.

5.7 Objectives of the Land Use Planning and Approvals Act 1993

Schedule 1 establishes the objectives of the Resource Management and Planning system of Tasmania.

Part C of the Proposal Report provided a response to the Schedule 1 Objectives of the Act, based on the documents prepared to support the planning application for the proposed lime sands pit.

That assessment is accepted, noting that the application and supporting reports referred to in this part of the document relate to the planning application and do not address the wider impacts of the requested rezoning.

Compliance with Part 1 is further examined as follows.

> *(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The DA Report and assessment provided through the EPA Report and Determination suggest that the rural use of the subject lands can be sustainable managed, provided the required management regime is supported.

> *(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*

This objective is procedural and relates to the operation and useability of the planning system, including applications made under planning schemes.

AM2025-02 seeks the rezoning of land and includes the associated DA2023-038 to establish a lime sands pit on the site, which was subject to a Level 2 Assessment under associated environmental legislation. The EPA Report and Determination identify that the lands can be used for a specific rural purpose in a sustainable manner.

> *(c) to encourage public involvement in resource management and planning; and*

This objective establishes a procedural requirement for consultation and involvement in the development of strategic documents that inform operation of the planning system and the future development within specific areas. Further public involvement forms part of the statutory process under the Act.

The Application documents did not describe any public involvement in its development.

> *(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

AM2025-02 seeks to rezone the subject lands and will not alter the regulatory regime under the SPP for managing sustainable economic development.

> *(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

This objective is procedural and relates to the system established under the Act and related legislation.

It is submitted that following the assessment and advice provided by the EPA, the proposal can be considered to comply with the Part 1 Objectives.

The following response is provided to the objectives for the planning process set out in Part 2 of Schedule 1.

> *(a) to require sound strategic planning and co-ordinated action by State and local government; and*

This objective is procedural and is largely beyond the scope of the current applications. AM2025-02 and DA2023-038 were as coordinated as the legislation allowed. AM2025-02 cannot address legislative change.

> *(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and*

The Act provides the regulatory systems and decision points to deliver this objective.

> *(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

The requested Rural zone was developed and assessed to generally consider the environmental impacts of proposals through the SPP.

Environmental impacts of DA2023-038 were assessed by the EPA under the Level 2 assessment process established by the *Environment Management and Pollution Control Act 1993*.

Economic impacts of the proposed sand pit were addressed by the proponent.

Social impacts of the proposed sand pit were addressed by the proponent, but limited in their consideration to the potential impacts on the subject property and agricultural sector.

Social impacts identified for the wider Flinders community through the Structure Plan were not addressed in the Application documents .

> *(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

This objective is procedural and delivery is largely beyond the scope of the current applications. The regulatory processes for AM2025-02 and DA2023-038 were as integrated as the existing legislative process allows and included assessment by the EPA and consultation with those State agencies who were willing or able to provide a response to referrals.

> *(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

This objective is procedural and relates to the legislative system for planning assessments and approvals. AM2025-02 is consistent with this objective, in so far as it applies to the statutory regulatory regime.

> *(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.*

This objective is procedural and is beyond the scope of AM2025-02 to address.

> *(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

AM2025-02 seeks to rezone land to enable rural operations to be conducted upon it, including the current application or a lime sand pit.

The EPA Report document consultation with the specialist State agencies who manage the specific values identified for the lands. The outcome of that assessment and the Determination identify the rural use of the subject lands can accommodate conservation values and practices, noting they are regulated by the EPA under DA2023-038.

> *(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

The subject lands have limited access to public infrastructure and assets. AM2025-02 does not seek to alter the regulation of impact on public infrastructure. AM2025-02 is consistent with this objective.

> *(i) to provide a planning framework which fully considers land capability.*

AM2025-02 is consistent with land capability.

The examination of AM2025-02 confirmed compliance with the objectives of the Act.

It is submitted that the proposal meets each of the stated objectives, and is generally consistent with the objectives of the Resource Management and Planning System.

6. PLANNING STRATEGIES

6.1 Northern Tasmanian Regional Land Use Strategy

Section A.1 of the *Northern Tasmanian Regional Land Use Strategy* (NTRLUS) provides the following:

> *The Regional Land Use Strategy (RLUS) is the statutory regional plan for Northern Tasmania. It applies to all land in the norther region of Tasmania.*
>
> *It sets out the strategy and policy basis to facilitate and manage change, growth, and development to 2032.*
>
> *Across the Northern Region the RLUS will guide land use, development and infrastructure decisions made by State and local government, and by key infrastructure providers.*
>
> *The RLUS is a living document. As the strategy is implemented and results monitored, this document will be updated to reflect new and revised State, regional and municipal land use, policies, projects and initiatives.*
>
> *(Northern Tasmania Regional Land Use Strategy, amended 23 June 2021, Page 2)*

Compliance with the NTRLUS was addressed by the Council and assessed by the Commission in the decisions on the LPS and determined to comply.

Since that assessment, the NTRLUS was revised to include the Local Provision Schedules Implementation Statement and Part G Local Provisions Schedule Preparation. Implementation Statement establishes that Part G of the NTRLUS does not apply to amendments to LPS. Part G of the NTRLUS is therefore not relevant to AM2025-02.

The following NTRLUS provisions were identified as substantially the same to those that informed preparation and assessment of the LPS by the Commission:

- C.1 The Region's Vision
- C.2 Structure
- C.3 Principal Understandings
- C.4 Goals And Strategic Directions
- E.2 Regional Settlement Network Policy
- E.3 Regional Activity Centre Network Policy
- E.4 Regional Infrastructure Network Policy
- E.5 Regional Economic Development Policy
- E.6 Social Infrastructure And Community Policy
- E.7 Regional Environment Policy

The NTRLUS provides extensive recognition of the specific challenges for the Furneaux group of islands., particularly through section B.3 Regional Challenges.

Specific recognition of the need for local strategy to drive settlement, activity centre, development, land use and economic policy was provided at the following sections:

- D2.1 Regional Settlement Network Policy;
- D2.2.4 Key Planning Principles for Rural Areas;
- RSN-P3 local settlement and strategy;
- RSN-P25 local rural residential areas; and
- E5.1 local economic strategy.

Noting this recognition of local strategy within the Furneaux Group of Islands, the Draft Flinders Structure Plan was adopted through the assessment process for the LPS and for all other planning scheme amendment applications.

The application documents submit that AM2025-02 complied with the NTRLUS. Section C2, pages 47-52 of the Proposal Report provide a response to the NTRLUS based on the proposed lime sand pit. As one possible rural operation, that submission is accepted.

The application documents provide little examination of this issue or justification on the requested Rural zoning beyond a single, specific proposal.

Part D of the NTRLUS is arguably relevant to AM2025-02, specifically part D2 Land Use Categories.

D.1.1 Purpose of Categories – recognised the distinct physical and visual amenity and characteristics of the region, identifying that land use categories would help to achieve the following:

- *Define Urban Growth Areas for urban settlements;*
- *Prevent unplanned expansion of urban settlements;*
- *Promote sustainable land use and development;*
- *Protect high value productive rural land;*
- *Protect and enhance natural resources;*
- *Protect environmental values and landscapes;*
- *Provide appropriate opportunities for non-agricultural activities including rural living and tourism;*
- *Promote environmental conservation; and*
- *Enhance regionally significant open space and biodiversity.*

D.2.1 Urban Growth Areas – AM2025-02 does not apply to urban lands. It is submitted that the D2.1 Series are not relevant to AM2025-02;

D.2.2 Rural Areas – AM2025-02 seeks to rezone land to increase the available opportunities for rural activities to occur on the subject lands. The following aims were established under this section for considering rural land use planning and management:

- *Recognise the importance of agricultural land and industries near major population centres as a key determinant of future food costs and liveability;*
- *Prevent inappropriate fragmentation of rural land;*
- *Improve infrastructure and investment opportunities for agriculture;*
- *Protect farming operations from conflict with rural/environmental living residents;*
- *Enable rural industries to diversify, adjust, innovate and value-add;*
- *Identify preferred future uses of unproductive lands, recognising that some forms of agricultural production are not necessarily constrained by soil type or fertility;*
- *Assist local government to protect and enhance productive rural lands and their associated environmental and landscape values;*
- *Maintaining benefits to the community that are derived from the natural environment; and*
- *Constrain the expansion of Rural Residential Areas.*

The following was noted in respect of this section:

D2.2.1 AM2025-02 and the proposed activity are consistent with the land use category Productive Resource Areas;

D2.2.2 Rural Residential Areas – not relevant to AM2025-02.

D2.2.3 Other non-rural/agricultural land uses – these relate to tourism and are not relevant to AM2025-02.

D2.2.4 The following Key Planning Principles for Rural Areas were identified as relevant:

- *Conserve and manage rural areas to enhance their contribution to the regional economy, rural industries and regional rural landscape values; …*
- *Recognise that the Furneaux Group of Islands are more reliant on local strategies for Rural Residential Area and the protection of agricultural land to respond to the complexities of the remote area economics; …*
- *Protect quality agricultural land from incompatible development and provide for the expansion of agricultural production in Productive Resource Areas; …*
- *Identify and protect mineral resources from inappropriate development; and*
- *Permit secondary or non-agricultural land uses where water quality, scenic rural landscapes, agricultural activities and the natural environment are not adversely*

impacted and the strategic purpose of rural land use zones is not undermined, preferably in locations proximate to existing settlement.[1]

The following was noted:

- The second principle (fifth in the NTRLUS list), identified the need for local strategy to protect the agricultural sector and the complexities of remote area economics on Flinders.
- The final principle under this section recognised the need to balance the impacts of non-agricultural activities such as extractive industries with scenic and environmental values.

D2.2.4 recognised both the resources and scenic/landscape values issues within this application affecting the subject lands.).

The aims established under clause D2.2 do not assist in identifying a way to balance assessment between the rural and scenic landscape values, such as presented with this application.

While the proposal is generally consistent with the principles in this section, the fifth and final principles raise questions.

As noted elsewhere in this Report and other such reports submitted to the Commission, the Flinders Structure Plan was adopted for assessment of the LPS and other requested amendments the LPS, to provide the local strategy. Figure 20 clearly identified the overarching strategic direction for the subject area as protection of the Marshall Bay dune systems, as opposed to other areas that were identified as protection primary production.

D1.1 clearly identified protection of environmental values and landscapes as an outcome to be achieved through implementation of the land use categories within the NTRLUS.

Given the lack of examination of the opportunity proposed by the requested Rural zoning in the Application Documents (aside from the proposed lime sand pit), it is not clear that AM2025-01 is consistent with the Key Planning Principles for Rural Areas established at D2.2.4 of the NTRLUS.

D.2.3 Natural Environment Areas – the following key value statements were identified as relevant to AM2025-02:

- *Support biodiversity, rural production, scenic amenity, landscape heritage and outdoor recreation.*
- *Recognise the region's distinctive environmental features including:*
    - *Rich and diverse native flora and fauna;*
    - *A dynamic coastline and marine waters including rocky foreshores, reefs, headlands and pristine beaches;*
    - *Spectacular forested mountain ranges and peaks;*
    - *Freshwater wetlands, waterways and floodplains; and*
    - *Good air and water quality.*

Discussion under this section recognised the diverse locations and significant contribution of regional landscapes to the economy, lifestyle and ability to enjoy the northern region for multiple purposes, while maintaining and enhancing landscapes.

D.2.3.1 Key Planning Principles for Natural Environment Areas identified that planning for Natural Environment Areas should seek to:

- *Protect, manage and enhance the region's biodiversity values;*
- *Protect, manage and enhance regional landscape values that advance the region's liveability, health, lifestyle and economy;*
- *Protect significant biodiversity values, improve ecological connectivity, and promote improved habitat condition and rehabilitation within biodiversity networks;*
- *Optimise biodiversity conservation outcomes by locating environmental (and carbon) offsets within identified biodiversity networks and other suitable areas, giving priority to*

[1] P20, NTRLUS

the protection or rehabilitation of significant biodiversity values; …

- *Prioritise where, when and how investment can be most effectively targeted to restore and maintain landscape values.*[2]

While AM2025-02 does not seek to alter the regulation of identified natural environments under the SPP, the requested Rural zone significantly changes the allowable uses and development that can occur on the subject lands.

The subject site and wider area contain natural values, as demonstrated within the application documents and the EPA Report. The EPA Report also identified that the local impacts of the lime sand pit proposed under DA2023-038 can be managed.

The application documents do not investigate or analyse the impact of the requested Rural zoning beyond the lime sand pit under DA2023-038.

The potential impacts to the wider landscape of the Marshall Bay area could be significant, given the full ambit of use and development provided under the requested Rural zone of the SPP. Those impacts were not documented or examined in the Application Documents.

The outcomes for land use categories established at D1.1 generally take an approach to protect, maintain or conserve the relevant outcomes.

Based on this, it is not clear that the requested Rural zoning under AM2025-02 is consistent with the key planning principles established for natural environment areas at clause D2.3.1 of the NTRLUS.

Compliance with section D2.3 is not clear.

This assessment identified that compliance with section D of the NTRLUS was not demonstrated, based on the application documents.

Section E.5 of the NTRLUS establishes relevant regional economic development policy.

Section E.5.1 provides a Strategic Context, including the following as the final point at page 43:

- *The Furneaux Group of Islands do not experience the same economic conditions as the balance of the region due to their remoteness. As such, the Furneaux Group relies on local strategies to capitalise on its unique attributes and to further economic objectives.*

As previously noted within this report, the Structure Plan was adopted to inform development and assessment of the LPS by the Council and the Commission, and all requested planning scheme amendments since the LPS commenced operation. The Commission decision on the section 40(B) review identified that the adoption of local strategy for such assessments was a matter for the planning authority (refer numbered paragraph 6, page 5).

There is no reason to vary from this practice for assessment of this decision.

As noted elsewhere in this report and reproduced at Figure 20, the overarching strategic priority identified for the wider area that includes the subject lands was the Marshall Bay dune system.

The conclusion and recommendation of EPA Report identified that the lime sand pit proposed under DA2025-038 is capable of being sustainably developed and managed within the various values of the subject site.

The applicant documents did not clearly examine or establish the impacts of the requested Rural zoning against this strategic outcome, nor request a change to the Structure Plan to revise that outcome, despite repeated requests.

Assessment against the remaining statements, policies and actions of section E5 of the NTRLUS identified that AM2025-02 was generally consistent with their collective requirements.

This assessment identified that compliance with section E.5 was conflicted between the delivery of strategic outcomes for the Furneaux Islands and the detailed actions and policies of this section.

[2] P20, NTRLUS

Section 34(2)(e) of the Act established that amendments to LPS must, as far as practicable, be consistent with the relevant regional land use strategy The NTRLUS is the relevant strategy application within the region. The requested rezoning under AM2025-02 was assessed as not complying with section D of the NTRLUS.

The conclusion of this assessment was that AM2025-02 does not achieve practicable consistency with the NTRLUS.

6.2 Draft Flinders Island Structure Plan 2016

The draft *Flinders Island Structure Plan* (Structure Plan) was developed following analysis of the unique circumstances of the Flinders LGA and a review of the earlier strategic works. The Structure Plan established the following four key strategic outcomes:

1. Primary production land is protected for future pastoral use
   - Maintain the pattern of large, connected allotments
   - Retain and enhance environmental services provided by biodiversity
   - Provide for clustering of associated uses within rural activity precincts
   - Address commercial forestry and biosecurity
2. Population growth achieved through rural land diversification
   - Diversify rural land uses on land not required for primary production
   - Facilitate a range of lot sizes
   - Encourage residential use in association with small business and value adding
   - Encourage clustering of dwellings
3. Land use planning contributes to nature-based tourism
   - Identify land for visitor accommodation
   - Integrate networks of walking, cycling and 4wd tracks
   - Minimise impact of development and use on the natural assets making the island unique
4. Planning maintains and enhances liveability
   - Employ principles of sustainable design and siting
   - Establish a public access network
   - Integrate biodiversity into decision making
   - Manage and facilitate resilience to climate change and natural hazards.

Key drivers for development of the Structure Plan and LPS relevantly recognised the need for diversification of the rural economy as significant, the need for diversification and a sustainable population base.

The Structure Plan was adopted by the Planning Authority to support the development and assessment of the LPS as a supporting document, and in development and adoption of other supporting documents for review and assessment of the LPS. The LPS Decision identified that the Structure Plan was used by the Commission to determine the LPS. The Structure Plan was also used to assess all other requested planning scheme amendments since the LPS commenced operation.

The 40B Direction examined use of the Structure Plan for assessment of applications to amend the LPS and identified that this was a matter for the Planning Authority to determine at paragraph 6.

Given the consistent use of the Structure Plan in this way, a recommendation was provided for the Structure Plan to be used to inform assessment of AM2025-02.

The Structure Plan identified key zoning initiatives that informed use of the SPP Rural, Agriculture, Rural Living and Landscape Conservation zones under the LPS, and produced the following LPS outcomes:

- East coast area - Primary Production Area 1 – Agriculture zone was selected
- Southern coastal plain - Primary Production Area 2 – Agriculture zone south and east of Whitemark, Rural zone surrounding and north of Whitemark;
- Blue Rocks precinct – Rural / Environmental Management zone south of Blue Rocks to PPA2 interface, Rural Living to Blue Rocks / Sawyers Bay; and

- Lifestyle precincts – use of Rural Living zone at Blue Rocks, Cooma/Badger Corner, Trousers Point, Emita and Lady Barron.
- Marshall Bay – extensive use of the Landscape Conservation zone.

The outcomes of the Structure Plan were identified on the Flinders Island - Structure Plan diagram, reproduced as Figure 20 of this report.

Outcomes for the Marshall Bay area at Figure 20 prioritise protection of the dune system, which is consistent with the use of the Landscape Conservation and Rural zones through the LPS as shown at Figure 21.

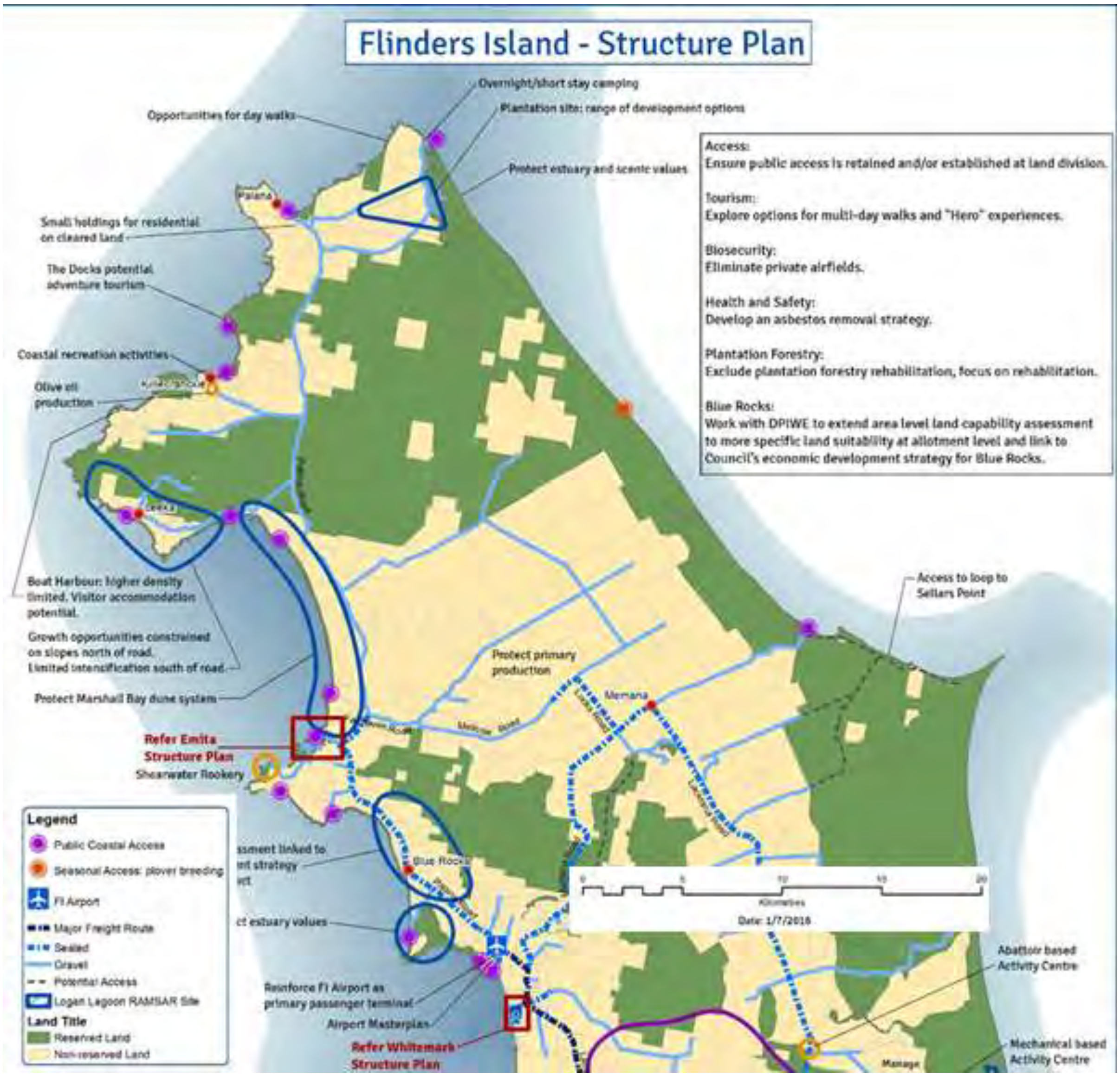

Figure 20- Extract of Flinders Island – Structure Plan
Source: adapted from draft Flinders Structure Plan

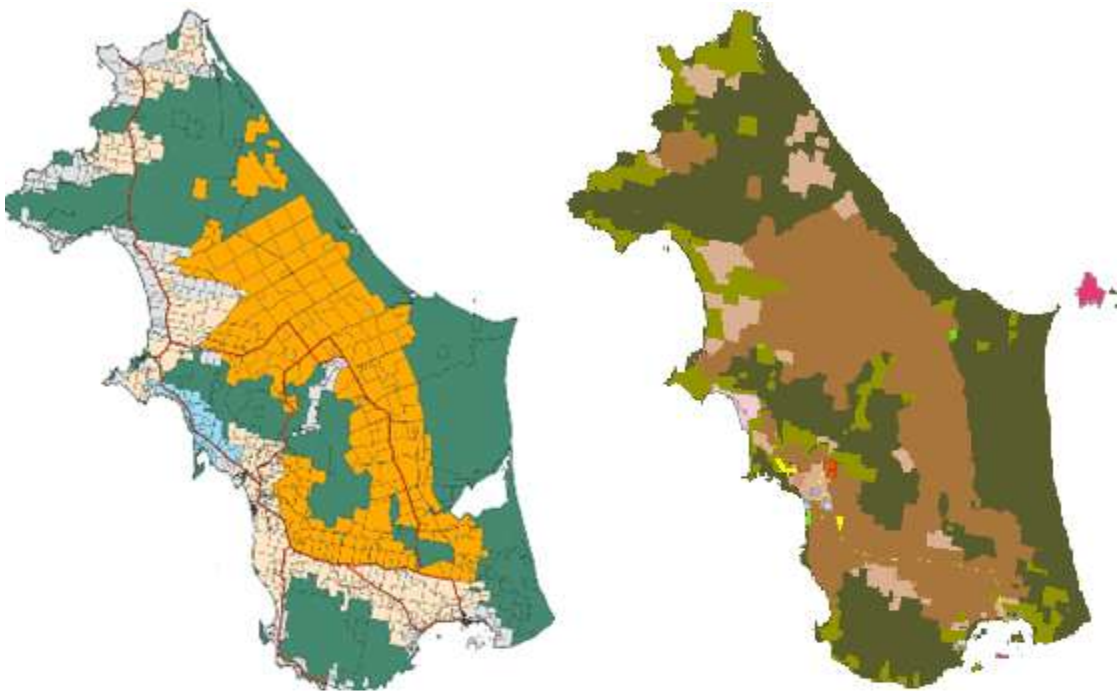

Figure 21- Comparative diagrams, Structure Plan (left) to LPS zoning regime (right)
Source: draft Flinders Structure Plan

The Structure Plan provided the following discussion regarding the Marshall Bay area:

> *Open Space linkages with large vegetation patches on Crown land, on Local Authority land adjacent to the Lady Barron Waste Transfer station and on Vinegar Hill are also important. Further north, threatened species are mapped at very high density on several individual allotments at Long Point Centre Hill and Killiecrankie. Threatened ecological communities occur in large patches at NE River; east of Palana Road near West End Road intersection; at Leeka and West End; along Boat Harbour Creek ; adjacent to Killiecrankie, Limestone and Marshall Bays; north of the Dock; on Quoin Hill and at NE River.*[3]
>
> …
>
> *There are locations where loss of vegetation is unacceptable, for example, Marshall Bay where intensification of development is not warranted and where grazing is encouraged to reduce and ultimately cease as a use. The land adjacent to the length of Marshall Bay is potentially subject to extreme erosion and the Tasmanian land classification (Classification 6-7) confirms its unsuitability for grazing. An allotment near the Long Point Road and Palana Road intersection, Centre Hill and two Quoin allotments have the highest density of listed threatened species on the island.* [4]

The following was noted:

- Environmental values of the lime sand pit were assessed by the EPA. The recommendation for approval suggests the pit can operate and impacts to threatened species can be suitably managed through the EPA process.
- Rezoning to Rural will allow the Priority Vegetation overlay to remain, but is supported by extensive exemptions for vegetation removal at Table 4.4 of the Scheme and clause C7.4.1 of the Natural Assets Code. A wider range of uses enabled to support vegetation removal.
- Exclusion from the rural areas and specific identification as an area where vegetation loss is unacceptable require specific response for landscape impacts.

[3] P20 Structure Plan
[4] P35 Structure Plan

- Rural rezoning – the increased range of permitted and discretionary uses are not consistent with the identified management strategies for the wider area and subject lands.

Section 1.4 of the Structure Plan provided the following discussion on economics and primary production at page 9:

> *Agriculture, in the form of the pastoral related activity is vital to the municipal economy. In 2010, ABS reported a gross value of agricultural production on Flinders Island totalling $14 million. In 2008 there were 58 agricultural holdings running 119,159 head of sheep for meat and wool and 75 holdings running 20,032 head of meat cattle. There was also 1,119 hectares of pasture for cereal or hay. Since then, there has been a significant increase in the number of cattle and a reduction in sheep.*[5]
>
> *While there were 119 people working in the industry in 2006, it is expected that this number has decreased concomitant to the increase in cattle and the consolidation of soldier settler farms.*
>
> *The agricultural sector is nevertheless the main employment sector for the municipality. The agribusiness associated with Markana Park in the north of the island was reported in 2014 to have 15 full time employees with an expectation to substantially increase this number.*[6]
>
> *Even if projected increases in employment occur, it is unlikely that these will offset the population loss associated with the trend to subsume smaller holdings into larger farms to ensure ongoing viability.*
>
> *It is therefore important for the planning scheme to facilitate opportunities for diversification of the rural economy. Flinders Island already produces garlic, olive oil, honey, chillies and wine as well as agricultural products for the local market. Expansion of 'niche market' products and adding value to those products by some form of processing is a critical element of the Council's strategy to diversify the economy and is considered to be a fundamental strategic pillar of the new planning scheme.*

The following was noted:

- The significance of the agricultural sector to the local economy remains high.
- The proposed lime sand pit will assist local primary production, as documented by the applicant.
- The requested Rural zone would increase land available for rural operations and primary production, but has not provided a balanced argument with other requirements of the Structure Plan.

The following Land Use Principles were established at page 15 of the Structure Plan:

> *The options proposed in the Structure Plan are underpinned by the following principles:*
>
> *1. Retain and create public access and open space networks*
>
> *2. Development and use satisfies joint public and private objectives*
>
> *3. Cluster development at all scales to establish a land use pattern that maximises open space and consolidates settlements*
>
> *4. Consider the landscape level rather than only allotment level as a way of avoiding incremental attrition of natural and scenic values*
>
> *5. Identify and consider the long term implications of development*

[5] AK Consultants 2010 Agricultural Profile Flinders Municipality
[6] ibid

The following was noted:

- Principles 1-3 are not relevant to the proposal.
- Principle 4 supports taking a wider view of the proposal aside from the specific site. The environmental impacts of the proposed lime sand pit were considered by the EPA assessment. Recommendation of the proposal for approval identifies relevant issues for the lime sand pit can be managed within this site.
- The environmental impacts of the rezoning from Landscape Conservation to Rural were not considered by the EPA. The available documentation did not provide a relevant assessment.
- Principle 6 supports a long term view to the proposals. As noted, the environmental impacts of the proposed lime sand pit can be managed through the EPA process, consistent with the recommendation. Discussions with the EPA officers identified that impacts to the dune system and landform were assessed by the EPA, but that impacts to the landscape values of the area were outside the scope of their assessment and therefore not considered.
- The long term impacts of the proposed rezoning to Rural were not specially addressed by the proponent. Map 1 does not identify the subject lands as part of primary production areas 1 or 2, which was supported by the Structure Plan recommendations to manage the Marshall Bay dune system and associated landscape through the Structure Plan.
- The lime sand pit may be managed to achieve compliance with the principles.
- The requested rural zone was not addressed in the Application documents .

In terms of outcomes, the Structure Plan provided the following for primary production at page 16.

4.1 Outcome 1 –Primary Production land is protected for future pastoral use

The Structure Plan framework seeks to contribute to the primary production sector by:

- *safeguarding primary production land in a two tiered approach*
- *restricting commercial forestry*
- *reinforcing biosecurity*
- *retaining and enhancing environmental services provided by biodiversity*

Safeguarding primary production land

Primary production on Flinders Island essentially involves pastoral activities. Farm gate values of production are estimated to be in excess of $14 million, with pastures for animal production providing virtually all of the Total Value of Agricultural Output.

Under the current planning scheme the majority of the island is zoned Rural. The scheme reflects an earlier pattern of use. In the 22 years since the Flinders scheme was first declared, large patches of bushland have regenerated where they were once (but no longer) grazed. In some locations screening belts of native vegetation sown a decade or more ago have persisted and now provide valuable shelter for stock.

In 2010, AK consultants concluded that while there were 467 Property Identification Numbers (PIDs): which can include more than one title) in the potentially available agricultural land in the Rural Zone, only 79 primary producers in the municipality had an EVAO greater than $5000. EVAO is the estimated value of agricultural operations. This conclusion supports the trend towards consolidation of smaller 'soldier settler' farms.

According to AK agricultural consultants the farm size for a "viable" business based on either sheep or cattle is 5,000-10,000 dse.[7] The dse for Flinders Island on average is approximately 15dse per hectare. One 500 kilogram dry cow is taken to be the equivalent of 10 dse[8]

[7] AK Consultants, 2010 Regional Summary of the Northern Tasmanian Municipalities
[8] Pers. Comm. June 2016

Preserving allotments at a size that continues to facilitate viable primary production operations is a key aim of the land use strategy. There are two areas where pastoral activity is currently the principal use and where allotment size and connectivity is sufficient to support such activities: the east coast plains and the southern coastal plain.

The Structure Plan proposes the east coast area as the Primary Production Area 1 which seeks to maintain the existing large allotment size and restricts uses within the area to those essential to pastoral production.

The southern coastal plain is proposed as Primary Production Area 2 where the status quo is maintained in relation to lot size but where the range uses is enlarged from resource development to include resource processing. Parts of Lughrata, Killiecrankie, Palana and North East River are also proposed to be included in Primary Production Area 2 with some locally specific provisions in relation to lot size, uses and land management. Map 1 Primary Production is ***Appendix 1****.*

The following was noted:

- The subject land was identified as Other on Figure 22 and was not identified in the Primary Production Areas 1 or 2.
- The Proposal Report, more specifically the Nicholbrook Report, identified the benefits of the proposed lime sand pit.
- The proposal did not present any substantive new arguments that alter the assessment on the requested Rural zone that was completed by the Commission through the LPS assessment.

As the subject lands were not identified within either the East Coast- Primary Production Area 1 or Southern Plain- Primary Production Area 2, the discussions on those areas were not assessed for this application.

The benefits to the rural and agricultural sectors are noted. .

The Structure Plan provided the following for diversification of rural lands at page 22.

4.2 Outcome 2- Population growth through rural land diversification

In land use terms the strategic intent to stimulate population growth translates to diversifying the use of rural land not suitable or required for the function or expansion of the pastoral industry.

While Outcome 1 seeks to preserve the status quo in relation to pastoral land, Outcome 2 is designed to be a catalyst for change.

The Structure Plan seeks to contribute to growing the population to a sustainable level by:

1. Concentrating planning/place-making in the Blue Rocks locality to maximise proximity to services and consolidate potential development
2. Facilitating small holdings that can provide land for development of niche market products and adding value to primary products, a wide variety of land based production and processing businesses and for arts and craft uses
3. Providing larger parcels of land for countryside living
4. Providing for residential and visitor accommodation uses where impacts on environmental and scenic values can be mitigated.

The discussion though this section addressed the need to increase population, and did not provide any specific directions for the subject lands.

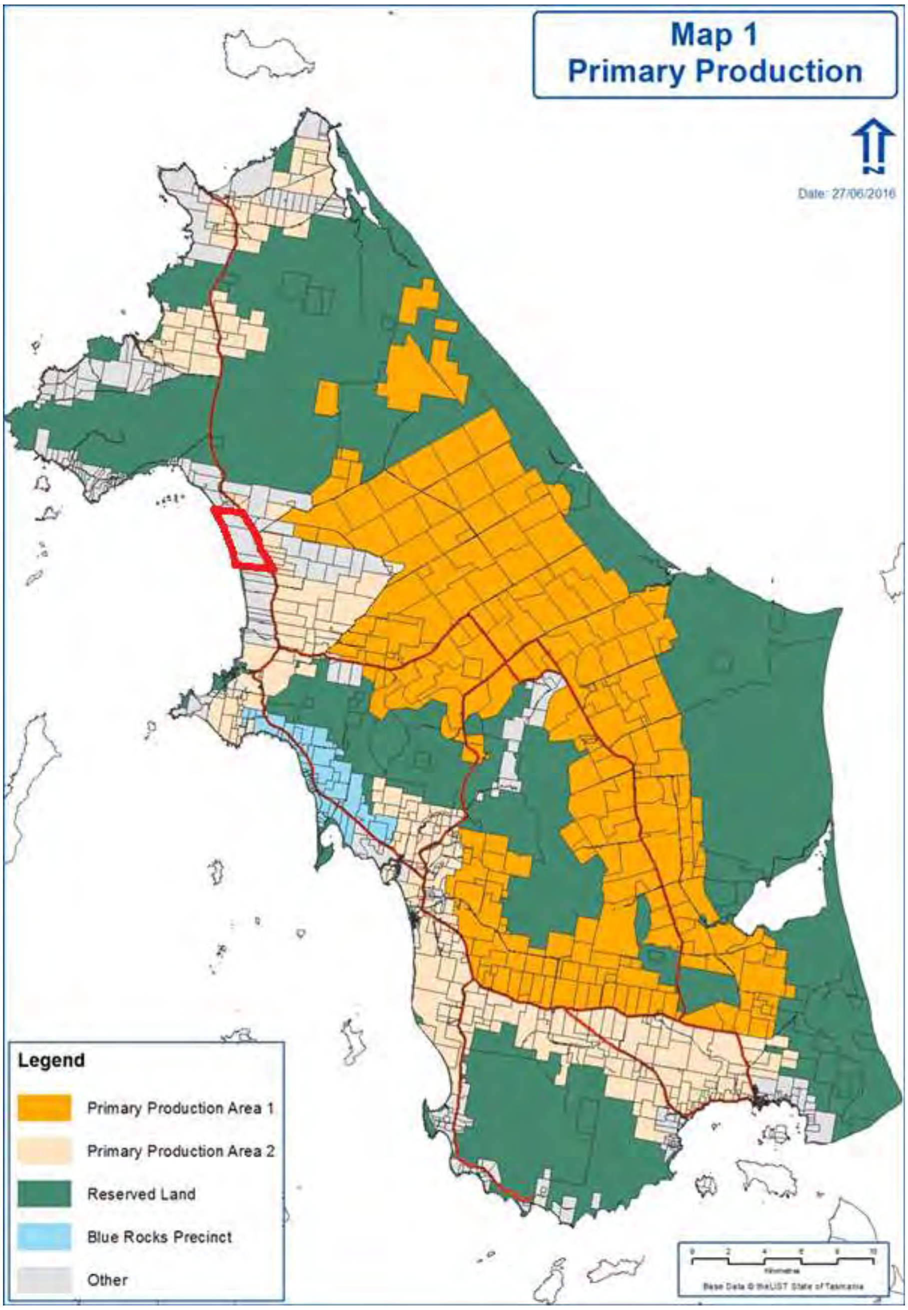

Figure 22- Structure Plan map 1 – primary production, showing subject lands
Source: modified from draft Flinders Structure Plan

The zoning of the subject lands was contested by the applicant through the LPS assessment process, which included representation, additional submissions and arguments to the Delegated Assessment Panel as part of the hearings for the LPS.

The Commission ultimately determined to support the proposed Landscape Conservation zone.

The Proposal Report response to the Structure Plan was openly dismissive of its relevance to the current process, including any need for an amendment to the Structure Plan. Discussion about the landscape and natural values significance of the area were presented in light of the agricultural sector.

No further response was provided to the zoning approach presented in the Structure Plan in the Application documents . Arguments that were provided relied on the zoning applied to existing grazing, agricultural operations within the area.

No detailed justification was provided for a departure to the zoning regime established through the Structure Plan and accepted by the Commission through the LPS assessment process.

The various submissions of the Council and the applicant were assessed by the Commission through the LPS process. The Commission ultimately determined that the landscape values identified in the Structure Plan required consideration of use to manage visual impacts, which was an inherent component of the proposed Landscape Conservation zone. The LPS Decision identified the delegates were *not persuaded that an alternative zone pro provide for Extractive Industry should be applied* at paragraph 156.

Absent further submissions by the proponent to address the strategic philosophy for the zoning of the Marshall Bay area within the Structure Plan, it is difficult to identify why a departure to the zoning regime for the Marshall Bay area that was accepted and ultimately approved by the Commission should be adopted by the Council.

The lack of a clear outcome on the conflict between management of the natural and landscape values established under the Structure Plan with the need to develop and diversity the local agriculture sector suggests that a precautionary approach may be suitable. Some guidance could be taken from the Flinders Island – Structure Plan diagram, reproduced at Figure 20 of this report, which identified protection of the Marshall Bay dune system as a key outcome of the Structure Plan.

As a result, it is submitted that AM2025-02 does not comply with the intent and strategic directions for land use and future development of the Marshall Bay area established within the Structure Plan.

6.3 Flinders Council Strategic Plan 2021-2031

The *Flinders Council 2021-2023 Strategic Plan* identifies the Council's strategic objectives to grow a sustainable population, improve housing affordability, enhance, maintain and protect the Island's agricultural economy, diversify and support a local economy and preserve the natural environment.

A detailed response was provided at section C.4 and Table 5 of the Proposal Report. That assessment is accepted.

The following Focus Areas and Goals of the Flinders Strategic Plan 2021-2031 were identified as relevant to AM2025-02:

LIVEABILITY

1.3 *Development and land use planning guidelines that promote balance between our built and natural environments.*

1.4 *Our natural environment protected and enhanced through land management activities.*

ECONOMY / BUSINESS

3.1 *Ongoing opportunities across all business sectors to future-proof the critical needs of the islands.*

Following the submissions within the Proposal Report and the assessment completed by the EPA and included in their Determination and this assessment, AM2025-02 can be considered to be consistent with the Council Strategic Plan.

7. STATE POLICIES

State Policies were addressed at section C.2 of the Proposal Report. That assessment is generally supported. The following was also provided.

7.1 State Policy on the Protection of Agricultural Land 2009

The purpose of this Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture.

While the subject lands were identified as potential agricultural land project by the State, the application documents and this report identify they have significant limitations on any intensive agricultural use. Their exclusion from the Agriculture and Rural zones through the LPS assessment process confirmed they were not determined to be agricultural lands.

AM2025-02 seeks to establish the Rural zone over the lands, with allows for rural and some agricultural uses.

Section C.2 of the Proposal Report provided a general response to the intent of the PAL Policy and requested zoning.

Flinders Island does not have Prime Agricultural Lands as defined by the Policy (classes 1-3) or irrigation districts proclaimed under the Water Management Act 1999. Principles 2, 3, 4, 6, and 8 are not relevant to AM2025-02.

The following response was provided for the remaining principles.

> *1. Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.*

AM2025-02 provides for rezoning and use that supports agricultural operations on Flinders Island. AM2025-02 was assessed as consistent with principle 1.

> *7. The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.*

AM2025-02 does not seek to convert land to non-agricultural use. AM2025-02 was assessed as consistent with principle 7.

> *9. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium, except as prescribed in Principles 10 and 11.*

AM2025-02 does not seek to alter the opportunity for use of land provided under the State Planning Provisions on land zoned for rural purposes. AM2025-02 was assessed as consistent with principle 9.

> *10. New plantation forestry must not be established on prime agricultural land unless a planning scheme reviewed in accordance with this Policy provides otherwise. Planning scheme provisions must take into account the operational practicalities of plantation management, the size of the areas of prime agricultural land, their location in relation to areas of non-prime agricultural land and existing plantation forestry, and any comprehensive management plans for the land.*
>
> *11. Planning schemes may require a discretionary permit for plantation forestry where it is necessary to protect, maintain and develop existing agricultural uses that are the recognised fundamental and critical components of the economy of the entire municipal area, and are essential to maintaining the sustainability of that economy.*

While plantation forestry is not proposed, the requested rezoning will allow for this activity within the opportunity provided under the State Planning Provisions. AM2025-02 was assessed as consistent with Principles 10 and 11.

It is submitted that AM2025-02 is consistent with the relevant Principles of the *State Policy for the Protection of Agricultural Land 2009*.

7.2 State Coastal Policy 1996

The purpose of the policy is to protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection. The subject lands are within 1 kilometre of the coast and the Policy therefore applies.

The Proposal Report provided a detailed response to the Coastal Policy at pages 42 to 45, including specific responses to sections 1.1, 1.2, 1.4 and 2.1. Those submissions are accepted.

It is submitted that the remaining parts of the Policy do not require consideration under AM2025-02.

It is submitted that AM2025-02 complies with this Policy.

7.3 State Policy on Water Quality Management 1997

The purpose of the Policy is to identify and maintain water quality at appropriate levels to the expected use.

The Proposal Report provided a specific response to sections 31.1 and 31.5.

Those submissions are accepted.

The Proposal Report did not provide a specific assessment of the potential impact of the full range of the allowable uses under the requested Rural zoning.

The TPS addressed the requirements of this Policy through the inclusion of zone and codes that addressed the specific requirements of the Policy. AM2025-02 does not seek to alter the regime established under the TPS.

Specific consideration of impacts of the proposed activity that accompanies the requested Rural zoning of the land by the EPA through the Level 2 assessment process. The EPA ultimately determined that environmental impacts can be managed for the proposed operation.

On balance of these issues, AM2025-02 is consistent with the allowable use and development regime established under the Tasmanian Planning Scheme and can be considered to comply with this Policy.

7.4 National Environment Protection Measures

Section 12A of the *State Policies and Projects Act 1993* defines that a National Environment Protection Measure (NEPM) are taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The NEPM's were addressed by the Scheme. AM2025-02 does not alter the responses through the TPS.

7.5 Gas Pipelines Act 2000

The pipeline corridor does not apply on Flinders Island.

The *Gas Pipelines Act 2000* is not a relevant consideration for AM2025-02.

8. PROPOSED LIME SAND PIT DA2023-038

8.1 Proposal

The proposal seeks approval to establish an extractive industry for a lime sand pit, together with associated works and infrastructure. A detailed description was provided at Part B of the DA Report by the applicant.

The following summary was reproduced from Part B of the DA Report (note, all references to figures relate to the DA Report):

- a permit to extract, screen, and store lime sand (ready to be collected and delivered to land in agricultural use) applies to the Land shown in Figures 1 and 2, and further spatially defined as the Development Area mapped in Figure 3 (of the DA Report)
- 10,000 cubic metres per annum (equivalent is 15,000 tonnes per annum). Loose bulk density ratio is 1.5.
- Material is likely to be transported in greater volumes in summer and autumn because these seasons coincide with the peak activity periods for agricultural pasture improvement, maintenance, and establishment.
- The Maximum Extraction Area from where lime sands will be extracted is the *Initial Resource Area* depicted in Figure 23 and Figure 24.
- The MEA is a part of the Development Area (the Development Area includes the ancillary infrastructure including the shed, laydown area, car park, access to Palana Road etc.).
- The MEA has an estimated 30-year supply if full production levels are achieved every year from the commencement of the Activity.
- The indicative location of the lime sand resource more broadly in the Land (Mining Lease 2117P/M) is shown in Figure 23.
- Screening of up 10,000 cubic metres per annum (equivalent is 15,000 tonnes per annum). Loose bulk density ratio is 1.5.
- The maximum extraction volume of 15,000 tonnes equates to about 1,500 truckloads per annum based on 10 tonne loads (smaller loads are used given the material is to be spread on pastures and ploughed land).
- Lime sands are mainly required in summer and autumn (January to May) which coincide with the peak activity period of agricultural pasture improvement, maintenance, and establishment.
- Approximately 300 truck movements per week (150 truckloads) is expected for an 8 to 10-week period of carting (March to May). Over 5 days each week this equates to about 30 truckloads per day (or 60 truck movements per day).
- All traffic would enter and exit onto the sealed section of Palana Road using the now disused reserved road (unsealed) section of Palana Road – Figures 3 and 5A.
- Raw sand will be stockpiled in the pit, adjacent to the pit or at the storage shed ready for screening.
- Screened sands will be stored in the shed or on the hardstand ready for collection by trucks for transport to the delivery location.
- The removal of vegetation will occur as an area is required for pit expansion or the establishment of specific infrastructure, such as a cut-off drain, stockpile location etc.
- The management of vegetation removed to extract the resource will be in accordance with the QCP.
- The maximum area of disturbance, without any rehabilitation, is 5 hectares.
- Operating hours were proposed as 0700 – 1900 hrs Monday to Friday.
- The activity will utilise up to 5 staff per day when fully operational plus truck drivers.
- Most days will see only 2-3 staff at the site who would be loading trucks and carting lime sands from the active face to the shed.

Subject lands:

- CT 215120/1, CT 230282/1 – private freehold (PID 3513143).
- Reserved Road (Part of CID 1182402) – The Crown (vehicular access only).

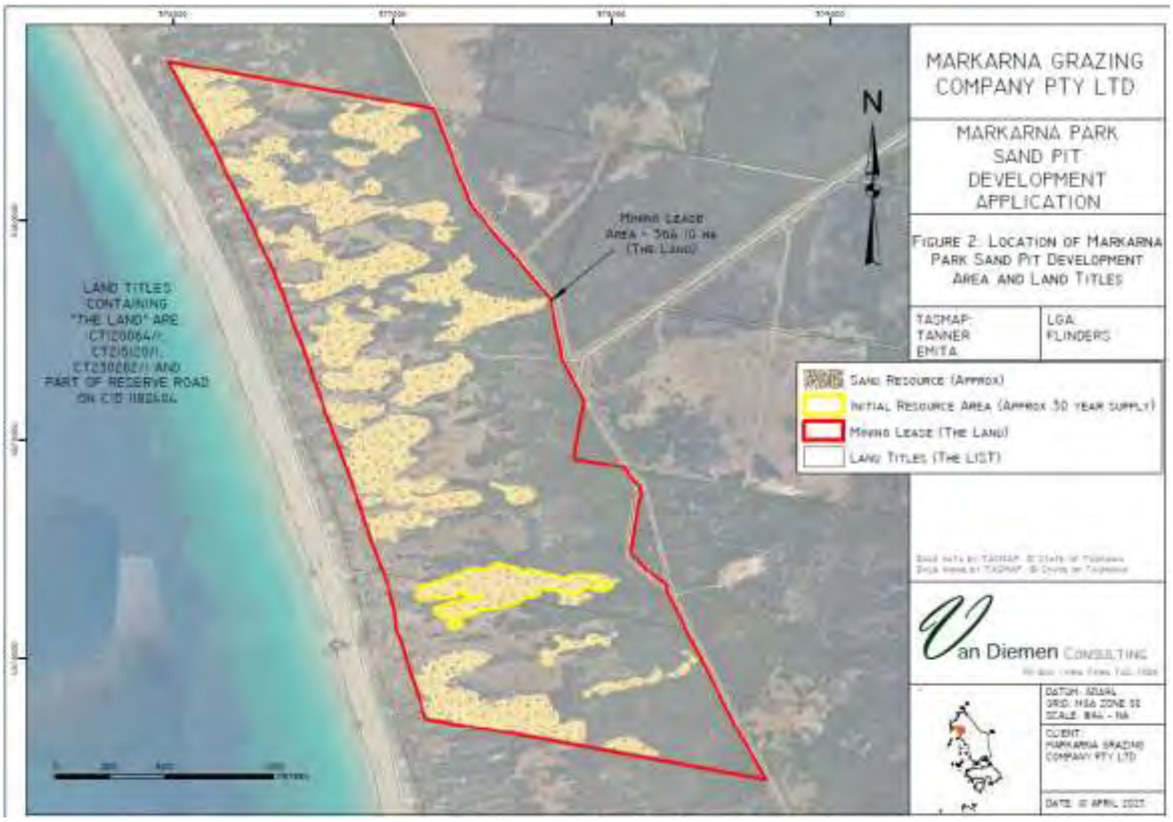

Figure 23 – Proposed sand pit, sand resources in the area and Mining Lease
Source: DA Report Figure 2

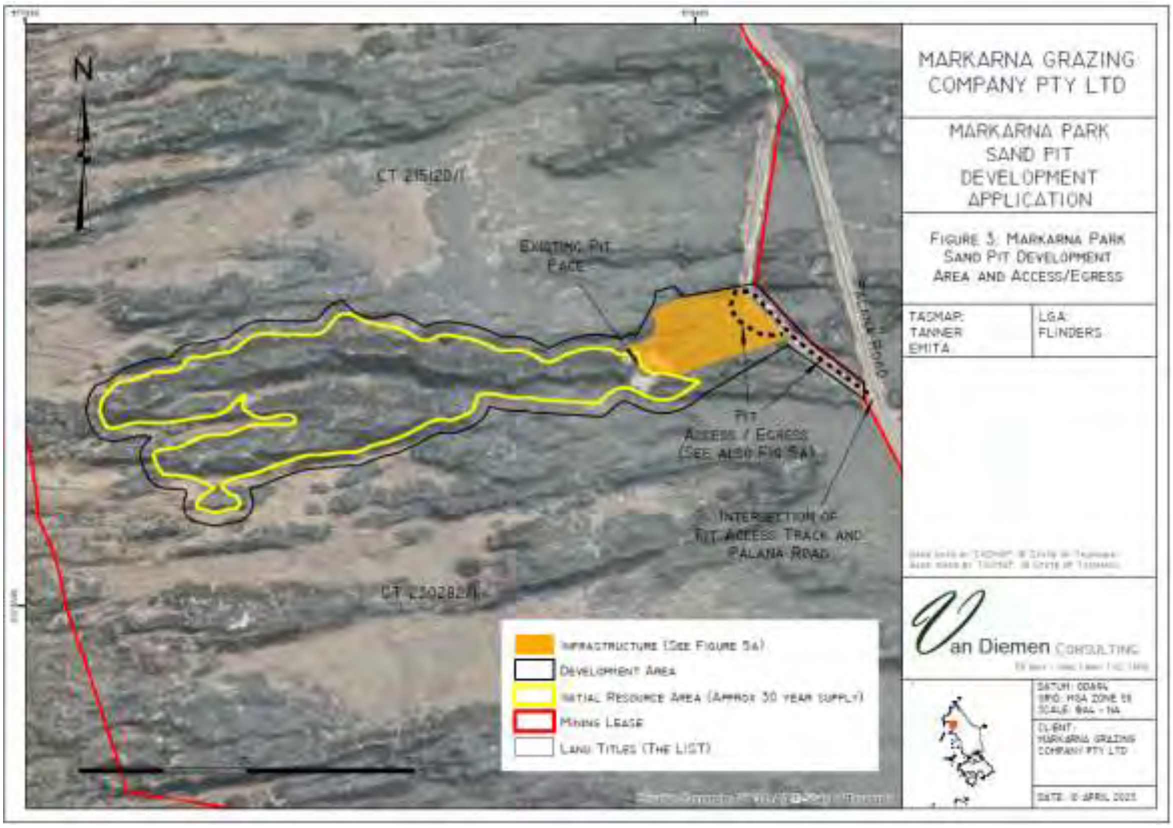

Figure 24 – Proposed lime sand pit layout - overall
Source: DA Report Figure 3

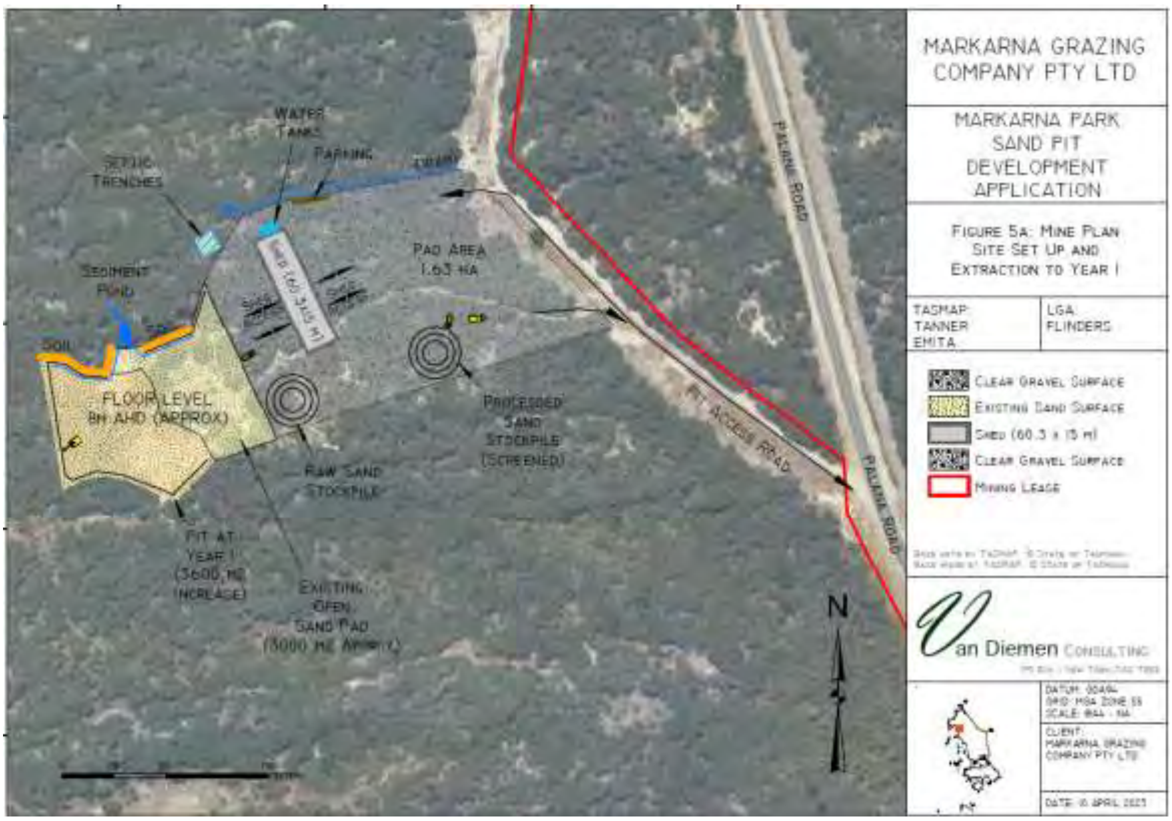

Figure 25 – Proposed layout – establishment to year 1
Source: DA Report Figure 5A

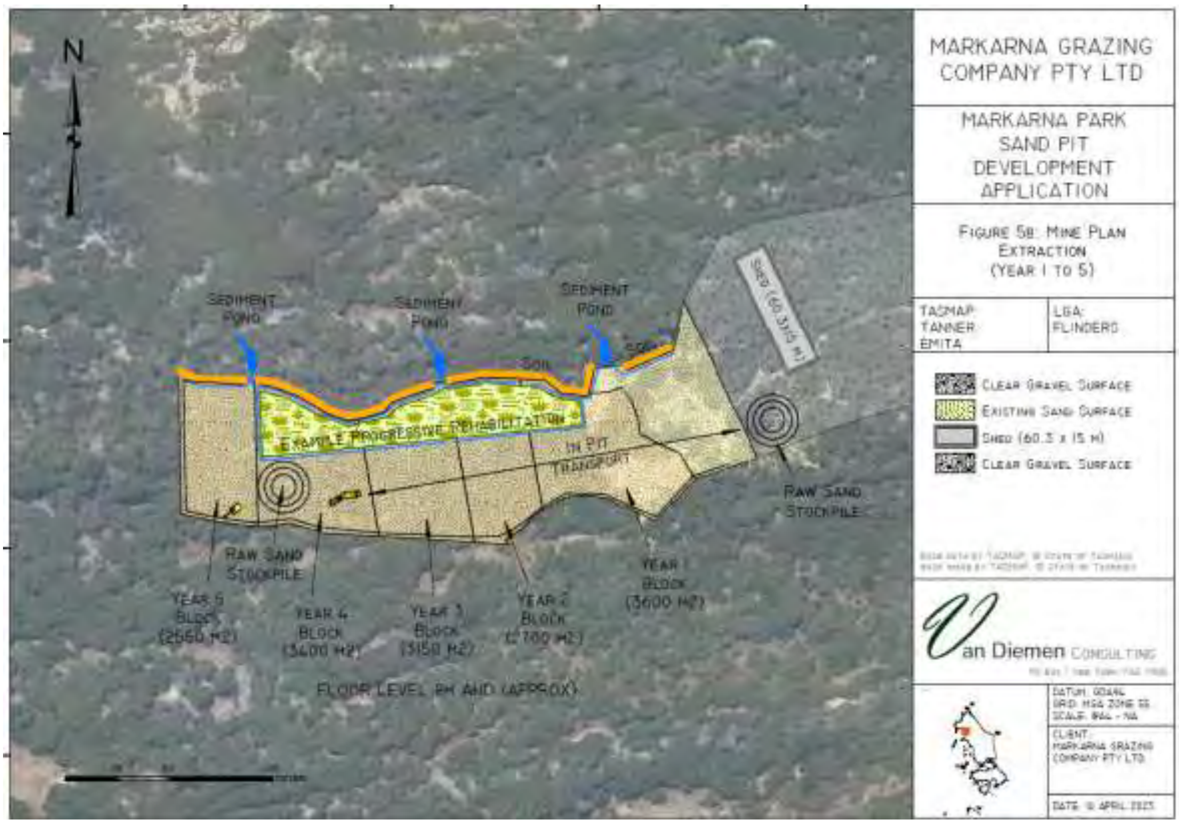

Figure 26 – Proposed layout – establishment to year 1
Source: DA Report Figure 5B

8.2 Preliminary matters

A planning application can be combined with a Scheme amendment under Division 4 of the Act, which provides for the amendment to rezone land to be combined with the application for development (in this case, subdivision and associated works).

Specific provisions under this section of the Act of relevance are:

40W & X	requires the planning application to be combined with the planning scheme amendment and determined;
40Y	allows the planning application to be approved or refused, as if the planning scheme amendment had been approved and was effective (rezoning from Future Urban to General Residential in this case);
40Z	the planning application must be exhibited with the Amendment;
41	Representations can be made to the planning application;
42	any representations to the planning application must also be assessed and provided with a recommendation;
42B	the Commission may review the decision on the planning application and confirm it or issue a different decision;

These matters affect the processing of the application and can be accommodated through processing the proposal.

8.3 Level 2 Activity – EPA Assessment

In addition, the extraction levels proposed under DA2023-038 triggered a Level 2 Assessment under Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPCA). This effectively means that all relevant environmental matters were assessed by the EPA through that process.

Significant departures from the normal planning application process for a Level 2 Activity include the following:

- The application must be referred to the EPA for assessment of environmental aspects of the proposal, set out under the provisions of EMPCA;
- The planning authority is not required to assess environmental matters under the terms of EMPCA,
- The planning authority cannot notify an application, and in this case, consider the request to amend the planning scheme amendment, until it receives a determination from the EPA that supports the proposal and provides conditions;
- The EPA may provide a decision to the Planning Authority that supports the proposal, with or without conditions, or refuses the proposal.
- The Planning Authority can only approve a proposal if the EPA provided a determination that supports approval, and must include any conditions the EPA provided;
- The Planning Authority can approve or refuse a proposal when the EPA recommends approval;
- The Planning Authority can Not approve a proposal when the EPA refuses a proposal.

Matters assessed by the EPA were identified at section 7 of the EPA Report as:

1. Air quality
2. Surface and ground water quality
3. Noise emissions
4. Natural values
5. Weed and disease management
6. Waste management, dangerous goods and environmentally hazardous materials

7. Decommissioning and rehabilitation

DA2023-038 was referred to the EPA and their assessment was completed under EMPCA. The EPA Report documented their assessment and determinations.

Council raised the issues associated with the sensitive dune landforms, karst, threatened species (flora and fauna) and the need to manage the impacts of the proposal to maintain the landforms, noting recent experience in the area. The EPA assessed those matters and ultimately determined the activity could proceed.

The EPA Determination provided the recommended conditions that the Planning Authority must include on any planning permit issued for DA2023-038 (*Permit Conditions - Environmental No. 11576*) under the terms of EMPCA.

8.4 Tasmanian Planning Scheme – Flinders

Under Division 4 of the Act, a planning application can be lodged with a requires to amend a planning scheme that must be assessed as through the relevant planning scheme had been amended.

For DA2023-038, this means that the application must be assessed as though the subject lands were zoned Rural, rather than Landscape Conservation. The following assessment was provided under that requirement.

8.5 Meeting the Standards via Acceptable Solution

The proposal has been assessed against the following Acceptable Solutions:

20 Rural zone

- 20.3 Use Standards (not applicable);
- 20.4.1 Building height;
- 20.4.2 Setbacks;
- 20.4.3 Access for new dwellings (not applicable);
- 20.5 Development Standards for Subdivision (not applicable);

C2.0 Parking and Sustainable Transport Code

- C2.5.1 Car Parking Numbers;
- C2.6.3 Number of accesses for vehicles
- C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone (not applicable);
- C2.6.5 Pedestrian access (not applicable);
- C2.6.6 Loading bays (not applicable);
- C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone (not applicable);
- C2.6.8 Siting of parking and turning areas (not applicable);
- C2.7.1 Parking precinct plan (not applicable);

C3.0 Road and Railway Asset Code

- C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction;
- C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area; (not applicable);C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area (not applicable);

C7 Natural Assets Code

- Exempt pursuant to clause C7.4.1(b) for level 2 activities;

C9.0 Attenuation Code

- Exempt pursuant to clause C9.4.1(a) for level 2 activities;

C11.0 Coastal Inundation Hazard Code

- Exempt pursuant to clause C11.2.3 for activities above the prescribed levels confirmed by a suitably qualified person at FLI-Table C11.1 Coastal Inundation Hazard Bands AHD Levels;

C13.0 Bushfire-Prone Areas Code

- The proposal does not include a vulnerable or hazard use, this code does not apply.

C15.0 Landslip Hazard Code

- Exempt pursuant to clause C15.4.1 for extractive industries within a current mining lease.

8.6 Meeting the Standards via Performance Criteria

The standards not met by Acceptable Solution need to satisfy the relevant Performance Criteria to be approved. Those were:

C2.0 Parking and Sustainable Transport Code

- C2.6.1 Construction of car parking spaces
- C2.6.2 Design and layout of parking areas

C8.0 Scenic Protection Code

- C8.6.1 Development within a scenic protection area

8.7 Assessing the Proposal against the Performance Criteria

Assessment against the relevant performance criteria follows.

C2.6.1 Construction of car parking spaces	
P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to: (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.	The proposal did not comply with A1 and required assessment against P1. A response was provided by the applicant at page 43 of the DA Report. Councils Works staff did not contest any of the submissions. The response is accepted. Complies with P1.
C2.6.2 Design and layout of parking areas	
P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety;	The proposal did not comply with A1.1 and required assessment against P1. A response was provided by the applicant at page 43-4 of the DA Report. Councils Works staff did not contest any of the submissions. The response is accepted. Complies with P1.

(e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of *Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Offstreet car parking* and *AS 2890.2 -2002 Parking facilities, Part 2: Off -street commercial vehicle facilities.*	
C8.6.1 Development within a scenic protection area	
P1.1 Destruction of vegetation within a scenic protection area must not cause an unreasonable impact on the scenic value of a scenic protection area, having regard to: (a) the nature of the vegetation to be removed; (b) the area of vegetation to be removed; (c) the topography of the site; (d) any visual impact on a skyline; (e) the nature of the reduction of the scenic value; and (f) the purpose of any management objectives identified in the relevant Local Provisions Schedule.	A response to P1.1 for vegetation destruction was provided at page 51 of the Proposal Report. That response is generally accepted. The concluding statement is that there will be no reduction in scenic values of the site and the impacts will not be perceptible from the most obvious public vantage points, such as Port Davie Lookout (near Pickford Hill) or Emita. The authors inspections confirm that the impacts of the proposed pit are unlikely to have a dominant impact on the scenic values of the area, noting the existing pits and activities are barely perceptible from Pickford Hill lookout and that the landform and vegetation on the subject and adjoining sites is likely to screen the proposal from visibility. The location and topography means the site does not form part of a skyline, and therefore has no impact on skylines. In addition, both the EPA Determination and the MRT lease require ongoing rehabilitation and revegetation of the site. While this is the Planning Authority to address under the terms of EMPCA, the ultimate outcome can be expected to be consistent with the scenic values and management objectives for the area. The proposal complies with P1.1.
P1.2 Buildings or works within a scenic protection area must not cause an unreasonable reduction of the scenic value of a scenic protection area, having regard to: (a) the topography of the site; (b) the location of, and materials used in	The DA Report identified that the proposed buildings will have Colourbond finishes, which can be conditioned to minimise visibility and that the siting within the undulating landscape provided by the sand dunes will minimise the visibility of the buildings.

construction of, driveways or access tracks; (c) proposed reflectance and colour of external finishes; (d) design and proposed location of the buildings or works; (e) the extent of any cut or fill required; (f) any visual impact on a skyline; (g) any existing or proposed screening; and (h) the purpose of any management objectives identified in the relevant Local Provisions Schedule.	This is expected to minimise the impacts of the proposed buildings within the landscape and the subsequent impacts on scenic values identified in FLI-C8.1.6. Substantive works are proposed as part of the sand mining activity. The DA Report contains 14 clear statements that the maximum area of disturbance will be 5 hectares, approximately 1.4% of the lease area (364 hectares). Part B – Project Description restates this commitment. Condition DC2 of the EPA Determination confirms this limitation and requires progressive rehabilitation of the site. No screening was proposed, however as with P1.1, the existing landform and remaining vegetation on the subject and adjoining sites is expected to provide screening to the area of works. Presuming compliance with the proposed maximum area of disturbance and progressive rehabilitation requirements, visual impacts when viewed from when viewed from public roads, the foreshore and coastal waters are expected to be minimal, if perceptible. The proposal complies with P1.2

The proposal demonstrated compliance with the relevant performance criteria and can be considered for approval, if AM2025-01 is initiated.

8.8 Conclusion

As noted at section 8.5 of this report, DA2023-038 met the majority of relevant standards under the Scheme by compliance with the acceptable solutions.

Assessment was required against performance criteria for the construction of car parking spaces, the design and layout of parking areas, and development and works within a scenic protection area. DA2023-038 complied with all relevant performance criteria.

As the proposal relates to a Level 2 Activity, the EPA determination must be included in any permit if a planning permit is issued, typically done through a condition that require compliance with *Permit Conditions - Environmental No. 11576* under the terms of EMPCA.

Under section 40Y of the Act, the planning application must be determined if AM2025-02 is supported.

9. CONCLUSION

The application seeks to:

- rezone three titles adjoining Marshall Bay, part of the 'Markarna Park' property at 368 Five Mile Jim Road, Memana, CT's 120064/1, CT 215120/1, CT 230282/1 (PID 3513143) from Landscape Conservation to Rural, and
- obtain planning approval for Extractive Industry for a proposed lime sand pit on part of the same property.

This assessment identified that AM2025-02:

- met the statutory tests for the making of a request at section 37 of the Act;
- was largely consistent with the RU series Guidelines for the Rural zone under the *Section 8A Guideline No. 1 Local Provisions Schedule (LPS): zone and code application* (Guideline No.1), noting the limited strategic recognition of the requested Rural zoning and conflict within the *draft Flinders Structure Plan* (Structure Plan) for diversification of the rural sector and protection of the Marshall Bay landscape and scenic values;
- complied with the Schedule 1 Objectives of the Act;
- did not comply with the LPS criteria at section 34(2) of the Act, as it was not practicably consistent with parts of the *Northern Tasmanian Regional Land Use Strategy* (NTRLUS);
- was not consistent with sections D2.2 Rural areas, D.2.3 Natural Environment Areas and the recognition of local strategy in application of section E.5.1 Regional Economic Development Policy of the NTRLUS, noting issues with conflicting requirements under local strategy recognised for the Furneaux Islands;
- complied with the Structure Plan outcomes for diversification of the rural sector, but not for the intent and strategic directions for land use and future development of the Marshall Bay area;
- complied with the Flinders Council Strategic Plan 2021-2031;
- was consistent with the established State Policies; and
- DA2023-038 achieved compliance with the requirements of the Tasmanian Planning Scheme – Flinders through compliance with both acceptable solutions and performance criteria.

This assessment determined that AM2025-02 did not meet the LPS criteria in the Act, as it did not achieve practicable consistency with the NTRLUS.

As a result, the AM2025-02 does not meet the required statutory tests and must be refused.

A recommendation was provided for the Planning Authority to determine the request based on this assessment.