PUBLIC NOTICE DETAILS

PLANNING APPLICATION DETAILS

Application Number:	DA 2025/03
Application Type:	Discretionary Development Application
Property Location:	Brown Marsh Road, London Lakes (PID 5475056)
Proposal:	Extractive Industry (Peat)
Advertising Commencement Date:	18 May 2026
Representation Period Closing Date:	01 June 2026
Responsible Officer:	Louisa Brown, Senior Planning Officer

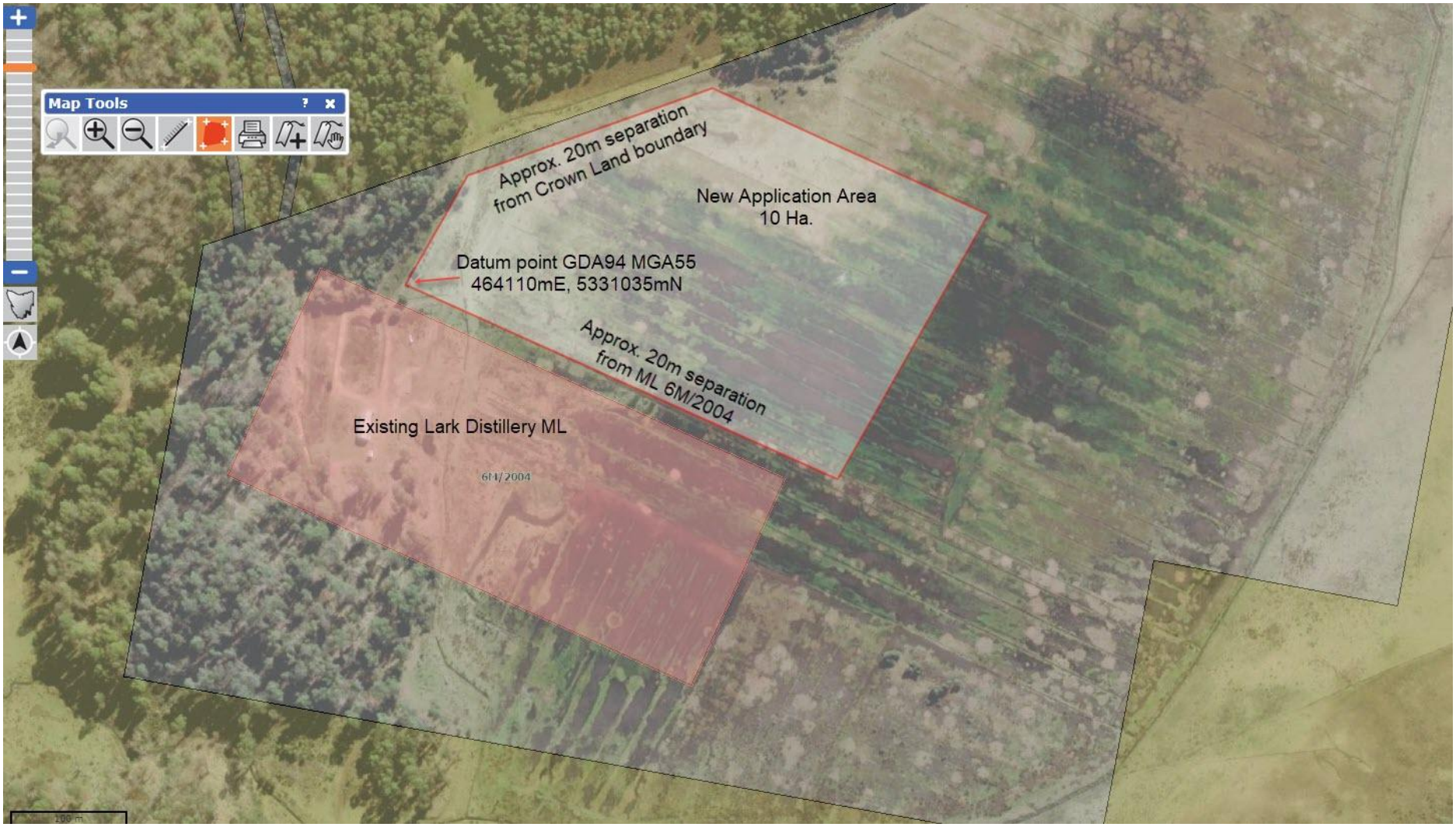
The relevant documents may be viewed at Council's website www.centralhighlands.tas.gov.au or at Council's Offices 19 Alexander Street, Bothwell & 6 Tarleton Street, Hamilton during normal business hours.

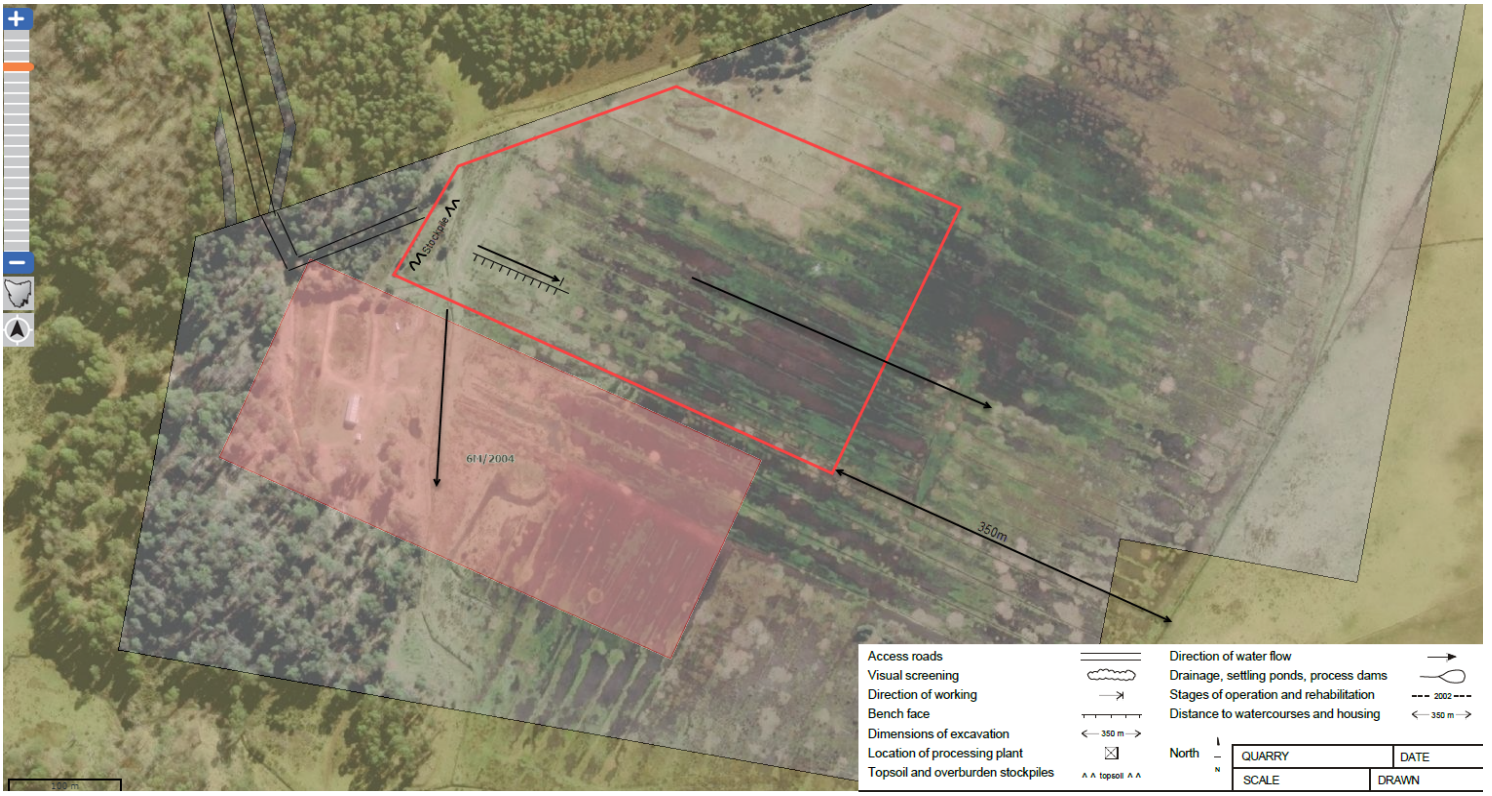
Enquiries regarding this Application can be made by contacting Central Highlands Council on (03) 6259 5503 or by emailing development@centralhighlands.tas.gov.au. Please quote the "Application Number" when making your enquiry.

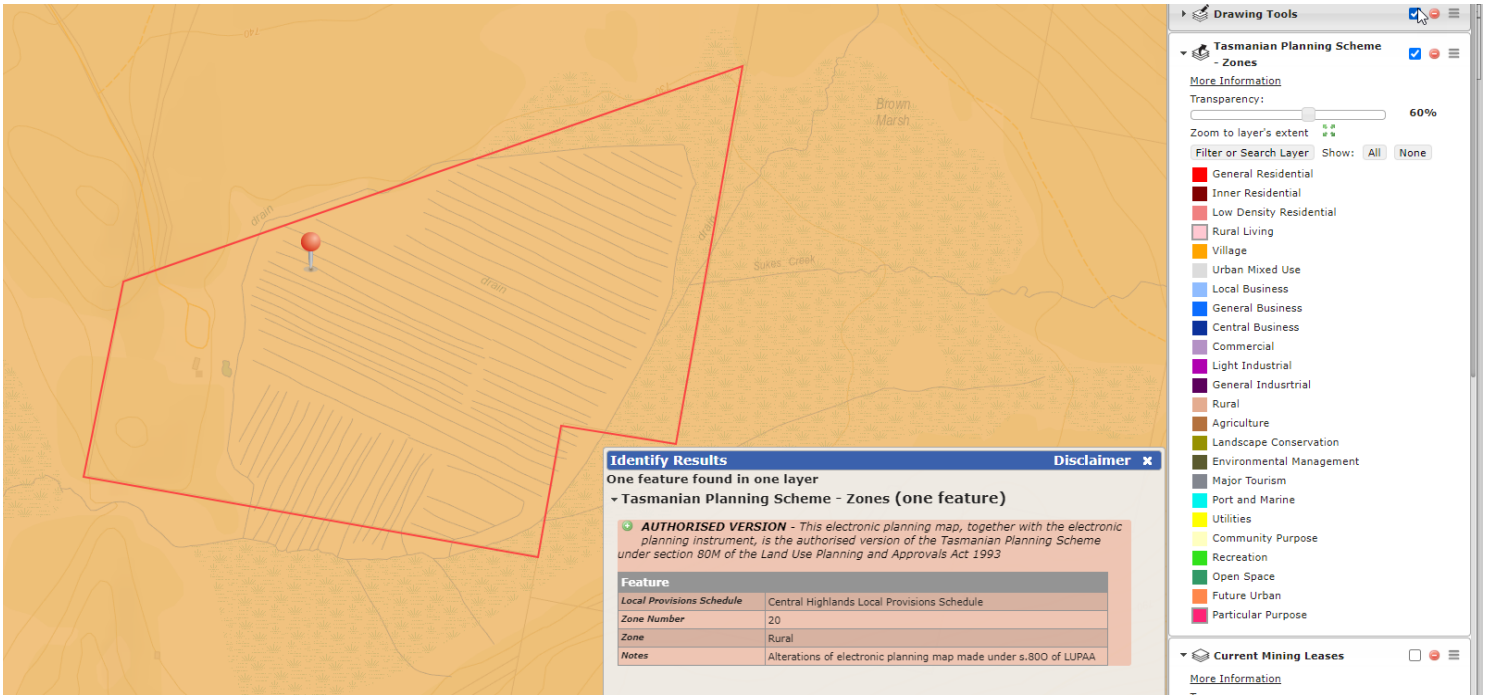
Representations on this application may be made to the General Manager in writing either by:

Post: 19 Alexander Street, Bothwell TAS 7030
Email: development@centralhighlands.tas.gov.au

All representations must include the authors full name, contact number and postal address and be received by 5.00pm on the representation period closing date.


Map Tools
Approx. 20m separation
from Crown Land boundary
New Application Area
10 Ha.
Datum point GDA94 MGA55
464110mE, 5331035mN
Approx. 20m separation
from ML 6M/2004
Existing Lark Distillery ML
6M/2004


Stockpile
6H/2004
350m
Access roads
Visual screening
Direction of working
Bench face
Dimensions of excavation
350 m
Location of processing plant
Topsoil and overburden stockpiles
topsoil
Direction of water flow
Drainage, settling ponds, process dams
Stages of operation and rehabilitation
2002
Distance to watercourses and housing
350 m
North
QUARRY
DATE
SCALE
DRAWN


Drawing Tools
Tasmanian Planning Scheme - Zones
More Information
Transparency:
60%
Zoom to layer's extent
Filter or Search Layer
Show:
All
None
General Residential
Inner Residential
Low Density Residential
Rural Living
Village
Urban Mixed Use
Local Business
General Business
Central Business
Commercial
Light Industrial
General Industrtrial
Rural
Agriculture
Landscape Conservation
Environmental Management
Major Tourism
Port and Marine
Utilities
Community Purpose
Recreation
Open Space
Future Urban
Particular Purpose
Current Mining Leases
More Information
Identify Results
Disclaimer
One feature found in one layer
Tasmanian Planning Scheme - Zones (one feature)
AUTHORISED VERSION - This electronic planning map, together with the electronic planning instrument, is the authorised version of the Tasmanian Planning Scheme under section 80M of the Land Use Planning and Approvals Act 1993
Feature
Local Provisions Schedule
Central Highlands Local Provisions Schedule
Zone Number
20
Zone
Rural
Notes
Alterations of electronic planning map made under s.80O of LUPAA
Brown Marsh
Sukes Creek
drain

Mineral Resources Tasmania
Department of State Growth

Tasmanian Government

MINING PLAN
MINING AND EXTRACTIVE INDUSTRIES

APPLICATION

This form is designed to provide information for a proposed mining, quarrying or extractive industry operation. The information is required to assist Mineral Resources Tasmania (MRT) in assessing the application, drafting appropriate lease conditions, and is used to set a security deposit. Please refer to the *Quarry Code of Practice*, which will be used as the assessment standard. Do not use this form if a major operation is proposed.

Please provide the following information:

Name of applicant:	WHISKY DOWN UNDER PTY LTD
Address:	[redacted]
	[redacted]
Telephone number:	
Mobile number:	
Facsimile number:	
Name of landowner (if private land):	N/A
Landowner phone number:	
Lease application number:	
What other mining leases or operations are you involved in?	N/A

Landowners may extract stone, sand and gravel for their own use on that property or sell less than 100 tonnes per annum without a Mining Lease, otherwise a Mining Lease is required.

PLEASE ENSURE THE FOLLOWING INFORMATION IS PROVIDED:
(Circle *italics* as required.)

What is the *Quarry/Mine* called? The Bog

Access via: Brown Marsh Road

What is the land tenure? ..... *Private land / PTPZ (forestry) Land / Other Crown Land*

What is the current use of the site? Vacant

Operational status ..... *New application/Transfer*

If the operation was pre-existing, who was the previous operator? Tasmanian Peat Products

If a contractor is to be used, who is the contractor? N/A

Has a Development Application been lodged with Council? ..... *Yes/No*

Has a permit been granted or are there existing use rights? ..... *Yes/No*

Is the proposed operation a Level 2 Activity under the *Environmental Management and Pollution Control Act 1994*? ..... *Yes/No*

MATERIAL TO BE EXTRACTED AND RESOURCES

What product is to be mined? *Sand/clay/gravel/hard rock/alluvial/other minerals*

Estimated annual production? 10 cubic metres/tonnes

Is there a demonstrated market? *Please provide information?*

To be used by the operator for whisky production and for sale to other users

Estimated or measured resources 150,000 cubic metres/tonnes of stone

.....tonnes of ore at ..... % ..... mineral

Attach statement of resource estimation if you have one, noting if the resource is JORC compliant.

What size of lease is being applied for? 10 hectares

ROYALTY

Does the Lease area cover any Crown land? ..... *Yes/No*

Is it planned to extract minerals owned by the Crown? ..... *Yes/No*

If the lease area covers private land, has a current landowner's compensation agreement been signed? N/A *Yes/No*

Attach a copy of the signed agreement.

How will production records be kept? *Sales dockets/Weighbridge dockets*

If other, please describe Bagged product volumes

.....

PUBLIC SAFETY

Safety is an important responsibility of the lessee.

How accessible is the site to the general public? *high risk/low risk*

Are gates or fences *existing/to be installed/required*?

Are there unprotected shafts, excavations, faces, dams or machinery? *Yes/No*

Measures taken to reduce hazards are as follows:

Singage, barricades, exclusion zones as required

.....

Is the access to hazardous areas controlled? *Yes/No*

PUBLIC LIABILITY INSURANCE

What level of public liability insurance do you carry? $ 20,000,000

It is a requirement of the mining lease that a minimum of $10,000,000 public liability insurance is maintained; larger and/or higher risk operations will be required to carry $20,000,000 of insurance.

Attach a copy of your certificate of currency if not already provided to MRT.

OPERATION SUMMARY

What methods or equipment are planned to be used?

Earth moving/drill & blast - Minor manual excavation

Crushing/screening/washing

Fixed or mobile plant

Small underground

Alluvial mining

Will *waste*, *overburden stockpiles* or *tailings* be produced? Small stockpiles will be produced

How much experience do you have with this style of operation? 20 + years

.....

Will the operation be *intermittent* or *continuous?*

If intermittent please describe .....

Intermittent - Peat material will be excavated as required, likely several times per year

SITE SELECTION and PLANNING (*Quarry Code of Practice*, pages 10 and 11)

Careful site selection, after consideration of all possible alternatives, may reduce future problems, particularly with respect to neighbours. New quarries should be located away from existing residences or watercourses. Plant should be situated to minimise noise and dust impact.

How close are watercourses to the excavation or plant area? (minimum 10 m) ....350m.....

How close is the nearest permanent watercourse? (minimum 40 m) ....350m.....

How many neighbours are within 300 metres of the quarry or access road?....0.....

If vibratory screening is proposed, how many neighbours are within 500 metres? ....N/A.....

If crushing is proposed, how many neighbours are within 750 metres?....N/A.....

If blasting is proposed, how many neighbours are within 1000 metres? ....N/A.....

Visibility is the cause of much public complaint at many, otherwise well managed, quarries. Visibility of the planned quarry from frequently used roads or vantage points may limit the height of the quarry or require specific working and rehabilitation plans.

Have you considered an alternative site? *Yes/No*

ACCESS (*Quarry Code of Practice*, page 13)

Access to quarry sites is of primary importance and should be considered very early in site planning, because this will constrain management alternatives for the quarry in the future. Often the issues arising at the quarry are different to those posed by the access.

Is there *existing access/*or *new access will be required*?

Has the junction with public roads been agreed with *Council/State Roads?*

What are the truck movements expected per day? ....N/A - light vehicles only.....Maximum

What are the truck movements expected per week?....N/A - light vehicles only.....Maximum

What is the name of the main route of trucks leaving the quarry? ....N/A.....

.....

How many neighbours are potentially affected by the proposed traffic volume?....0.....

Is there potential for dust or noise from trucks to annoy neighbours?....N/A.....

Are the access road drains protected against erosion from quarry runoff?.....*Yes/No*

Will sediments in the water settle out before entering drains on public roads?.....*Yes/No*

STAGING OF OPERATIONS (*Quarry Code of Practice*, page 14)

The resource should be worked in a systematic manner, generally across or down the slope, so that worked-out sections can be rehabilitated as mining progresses. The Inspector will recommend a security deposit, based on the maximum disturbed area you require. The area you require will be included as a lease condition if the application is granted. Disturbed area is measured in hectares (1 hectare = 100 m □ 100 m) and includes stripping, excavation, overburden, waste, tailings, plant, hardstand and access.

What is the maximum disturbed area you will require for the next 5 years?...1..... hectares

All security deposits are periodically reviewed as the scale or nature of the operation and area of disturbance changes.

EXISTING VEGETATION & FAUNA

You may be requested to undertake a flora and fauna survey over all or parts of the application area, as this information may be critical to understanding a potentially significant environmental risk to the proposal.

If a survey is required it must be provided to MRT to assess the lease application.

CLEARING AND PROGRESSIVE REHABILITATION (*Quarry Code of Practice*, pages 15)

The area of disturbance of an operation should be kept to a minimum, and rehabilitation should be carried out progressively. Clearing should be kept to the minimum absolutely necessary for efficient operations. Topsoil must be protected and the guidelines below should be followed:

- If possible, windrows of topsoil should not exceed one metre in height.
- Topsoil should not be buried or driven on, as this will damage soil structure.
- Overburden should be stripped and stockpiled separately from soils.
- On hillside operations, it is best to store topsoil above or beside the excavation.
- Note that holding a Mining Lease does not authorise topsoil removal from the site.

What area of vegetation is to be cleared? ....0.....

What is the topsoil depth? .....0.....

What is the subsoil depth? .....0.....

Wherever practical overburden, subsoil and topsoil should be placed directly onto worked out areas, to avoid double handling of soil and maximize the viability of the seed bank.

Is direct replacement of soil possible? N/A *Yes/No*

Describe the stripping and stockpile arrangement:...Area has been stripped by previous activity

Small stockpiles will be placed close to area of excavation

.....

CULTURAL HERITAGE SURVEY

You may be requested to undertake a cultural heritage survey (Aboriginal and European) over all or parts of the application area.

Please provide a working plan of the operation using the work sheet below. (A spare planning sheet is included on page 12 and a sample mine plan is included on page 13).

SITE PLAN

Attached Separately

Please Indicate:

Access roads		Direction of water flow	
Visual screening		Drainage, settling ponds, process dams	
Direction of working		Stages of operation and rehabilitation	--- 2002 ---
Bench face		Distance to watercourses and housing	← 350 m →
Dimensions of excavation	← 350 m →		
Location of processing plant		North	N
Topsoil and overburden stockpiles	^ ^ topsoil ^ ^		

QUARRY	DATE
SCALE	DRAWN

NOISE AND DUST CONTROL (*Quarry Code of Practice*, pages 16 and 20)

The primary nuisance associated with quarry operations is noise and dust. Where residences exist adjacent to a quarry, precautions should be taken to reduce the impact of noise and dust. Visible dust should be confined within the boundary of the premises. Reasonable operating hours are considered to be 7 am to 7 pm weekdays and 8 am to 4 pm weekends.

What are the planned hours of operation on weekdays? ..7.... am to..7.... pm

What are the planned hours of operation on weekends? ..8.... am to...4... pm

Tick the measures to be used to reduce nuisance dust and noise:

☐ Plant located to minimise dust and noise.

☐ Enclosures, sprays and dust extractors.

☐ Bund walls for noise and wind breaks for dust.

☐ Maintenance of roads and machinery for noise, water carts for dust.

☑ Controlled vehicle speeds (especially near neighbours).

☑ Drop distance to stockpiles kept to a minimum.

☑ Covered loads or material not exceeding the tray walls of trucks.

☐ Alternative transport route considered.

☐ Other.....

BLASTING (*Quarry Code of Practice*, page 18)

Will blasting be required? *Yes/No (next section)*

Blasting is necessary at some operations. Operators should be aware that blasting may be distressing to the public. Blasting must not take place unless authorised in the Permit issued by Council. Precautions must be taken to prevent fly-rock, noise and vibration.

What is the planned frequency of blasts?.....

Is there potential hazard to residents, traffic or power lines?.....

How close is the nearest hazard? .....

Is there potential hazard caused by excessive noise and vibration? .....

EXCAVATION AND DISTURBANCE BENCHING (*Quarry Code of Practice,* page 20)

Will the deposit be benched to win material? *Yes/No (next section)*

How many working faces are planned? 1

What is the planned height of working face/s? 1.5m max

Towards the end of the productive life of the quarry, the uppermost benches should be reduced in height. Where possible benches should be recontoured to form slopes by grading them out or back filling. Slopes greater than 30 metres in length should be broken up with drainage berms along contour to reduce erosion.

What is the final land form shape? *Benches/Recontoured slopes*

What is the planned final face height? 1.5m

What is the planned final bench width? >10m

What is the planned final slope of faces? vertical

Is the access to the upper benches safe? Yes

Orientation of benches should take into account the underlying geology and vantage points from which the quarry is visible. Where practicable, the uppermost benches of the quarry should be established and worked out first. This allows the upper sections of the face, which are often the most visible, to be rehabilitated early in the life of the operation.

Can the uppermost benches be worked first? *Yes / No*

If *No*, describe how the quarry is to be developed

.....

.....

.....

NOXIOUS WEEDS AND PLANT DISEASES (*Quarry Code of Practice*, page 22)

Weed invasion can be minimised by tackling weed infestations quickly. Weeds should be managed until such time as native species are re-established. A list of weeds is shown on page 40 of the Code.

What weeds are on site at present? Not Known

How do you plan to control the weeds on site? Minimise disturbance, clean vehicles

Quarries can also spread the root rotting pathogen *Phytophthora cinnamomi* (PC), responsible for the increasing loss of native plant communities in coastal heath and moorland areas. Gravel free of PC may be stipulated for road contracts in sensitive zones.

Does the quarry produce sand or gravel? *Yes/No*

Is the quarry situated in native vegetation? *Yes/No*

Is the elevation less than 800 metres? *Yes/No*

Is rainfall greater than 600 mm per annum? *Yes/No*

Are zones of ‘die back’ evident in the native heath? *Yes/No*

DRAINAGE AND EROSION CONTROL (*Quarry Code of Practice*, page 24)

Water leaving quarry premises should be clear and free from contaminants. Water quality may be affected far beyond the premises, affecting downstream neighbours and the environment. Nearly all quarry sites are liable to drainage or erosion problems if run off is not controlled.

Are there downstream water users? *Yes/No*

Are clays or other fine material on site? *Yes/No*

Will the exposed surface easily erode? *Yes/No*

Given the nature of the catchment above, is a diversion drain required? *Yes/No*

Tick the control measures which are proposed.

☑ Cut off drain/s?

☐ Drains for pit .....stockpile areas

☐ Drains……for access road

☐ Culverts

☐ Settling traps for pit

☐ Settling traps for stockpile area

☐ Settling traps for access road

(Please show the above, on the plan)

Certain minerals have the potential to cause acid drainage pollution when exposed to air and water. Likely visible signs include the presence of pyrite minerals and iron-rich precipitates. These may be evident in the form of brown staining on rocks or in water.

Is there evidence of pyrite or acid drainage *Yes/No*

If *Yes,* the operation should be restricted to the oxidised zone.

WASTE DISPOSAL AND STORAGE (*Quarry Code of Practice*, page 26)

Quarries should not be allowed to accumulate rubbish, disused plant, waste oil or other waste materials. Oil changes should not be done on site unless hydrocarbon spillage equipment is on hand. Chemicals and fluids must be stored according to Australian Standards. Sewerage must be Council approved and landfills approved by the Environmental Protection Authority (EPA).

Are the following goods to be stored on site?

Fuel or oil *Yes/No* How? .....

Explosives *Yes/No* How? .....

Other *Yes/No* How? .....

Are oil changes done on site .....*Yes / No*

What measures will be adopted to control spillage?...N/A.....

.....

How will you dispose of rubbish and scrap?.....All rubbish will be removed from site.....

.....

REHABILITATION (*Quarry Code of Practice*, page 29)

The main aims of rehabilitation work are:

- The stabilisation of all worked out areas to minimise ongoing erosion.
- To revegetate worked out areas with suitable plant species.
- To minimise visual impact of disturbed areas.
- To ensure that worked out areas are safe for future uses.

The final land use of the site will determine the final landform, which should blend with the surrounding landscape.

What is the proposed *after use* of the site? ....Vacant land.....

What *redevelopment/rehabilitation/revegetation* is proposed? ..Site is already heavily disturbed

Site will be left to revegetate naturally.....

Will rehabilitation progressively follow extraction?.....*Yes/No*

If 'No', why not? .....

.....

What stages of rehabilitation have you identified?...N/A.....

.....

Site preparation earthworks are best carried out during early-mid autumn.
Tick the intended rehabilitation site preparation to be used on the check list below:

- ☑ Removal of plant and rubbish
- ☐ Removal of buildings
- ☑ Levelling of bunds and stockpiles
- ☐ Overburden back filled
- ☐ Slopes reduced below 3 in 1
- ☑ Slope distance less than 30 metres
- ☐ Compacted areas and roads deep ripped
- ☑ Bench heights reduced to 5 metres
- ☐ Rippable benches recontoured
- ☐ Wetlands ponds constructed
- ☐ Signage/security around remnant benches
- ☐ Weed identification and control

REVEGETATION (*Quarry Code of Practice*, page 33)

Are sections of the planned operation visible from main roads etc? *Yes No*

What *landscaping/vegetation* will be *planted/retained*, to screen the operation?

.....

Establishment of a self-sustaining cover of vegetation is the best low maintenance stabiliser of disturbed sites in the long term. Generally, the vegetation type that existed before the disturbance or a similar vegetation type will be most successful afterwards. Seed application should be done mid-late autumn whilst tree planting is best carried out in early spring.

Tick the intended revegetation measures to be used on the checklist below:

- ☐ Soil importation*
- ☐ Soil spreading
- ☐ Soil tillage/ripping
- ☐ Direct seeding
- ☐ Cover/nurse crop
- ☐ Spreading of seed slash
- ☐ Tree planting
- ☐ Fertiliser application
- ☐ Mulching
- ☐ Water reticulation
- ☐ Browsing controls

* Note that if soil is imported stringent weed control measures must be taken.

Rehabilitation is a process which may take several years to produce a stable and self-sustaining ecosystem. Maintenance of rehabilitation is vitally important and any failures should be rectified quickly.

Identify the intended follow up measures to be used on the checklist below:

- ☑ Monitor drainage, erosion control and plant growth.
- ☐ Follow up fertiliser
- ☐ Weed control
- ☐ Re-sowing for crop failure

Do you understand that a security deposit will be imposed on the extent of rehabilitation required, and also that the security deposit will be reviewed if the rehabilitation liability changes. *Yes/No*

Before the security deposit is released the minimum standards below are to be achieved:

- The rehabilitated area should be safe and self-sustaining.
- The area must be suitable for the planned final use or rehabilitation objective.
- Rehabilitated areas should be visibly free of active erosion and noxious weeds.
- Revegetation is established and effective over the whole site.

Evaluation of revegetation will be dependent on factors including tree density, species diversity, and vegetative cover. A copy of this document should be retained. Your performance will be measured against it.

Signed: ..... Date: 23/10/2024

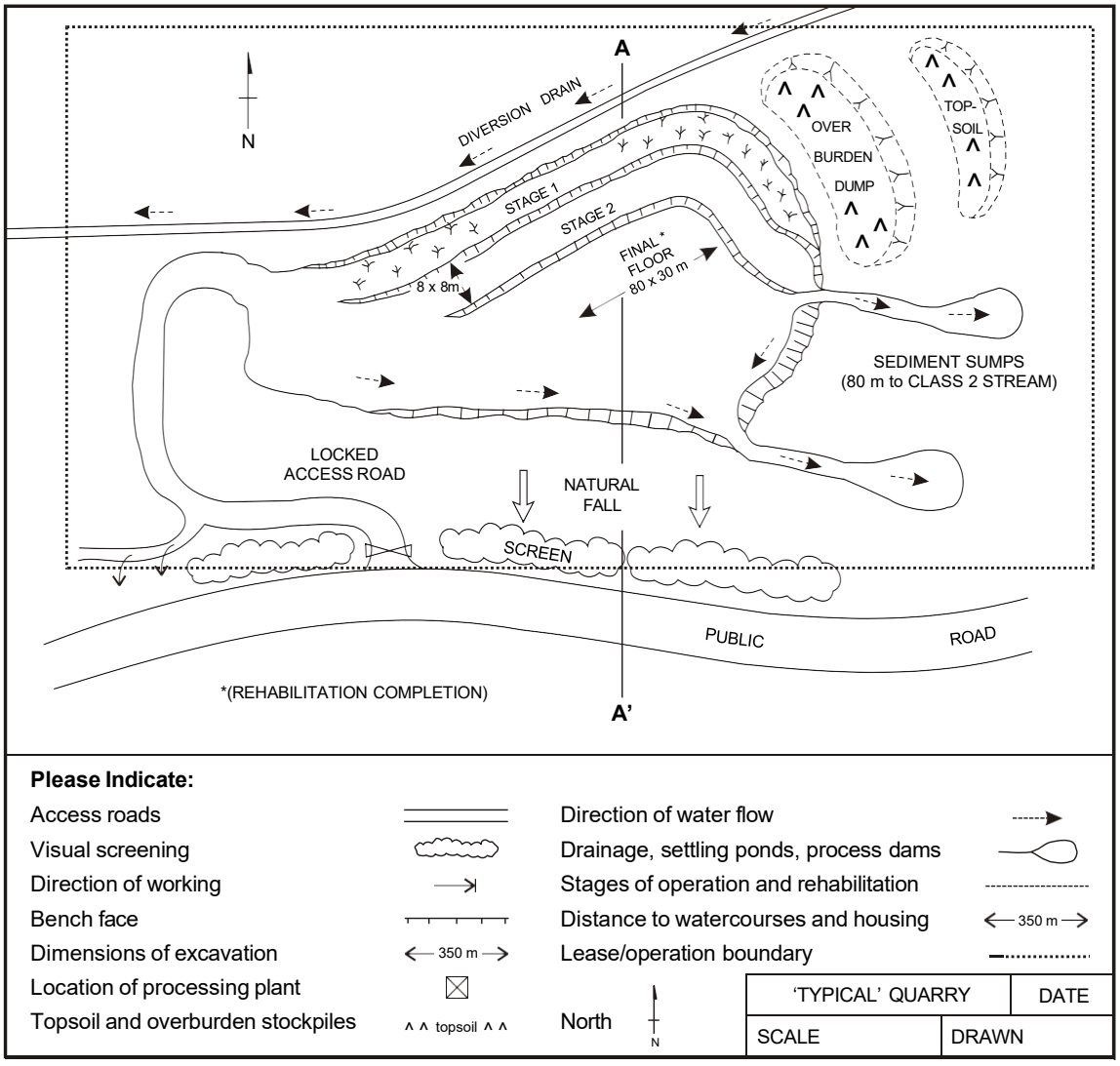
SPARE SITE PLAN

Please Indicate:

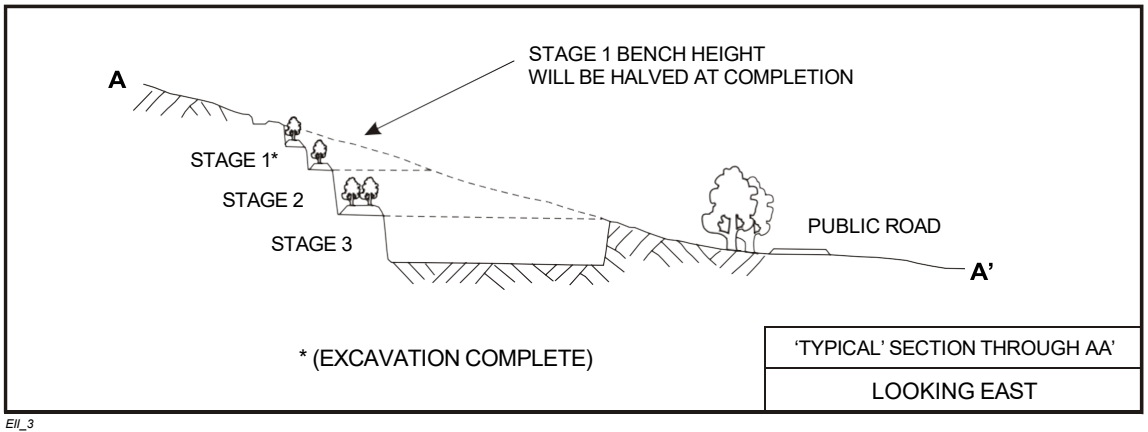
Access roads		Direction of water flow	
Visual screening		Drainage, settling ponds, process dams	
Direction of working		Stages of operation and rehabilitation	--- 2002 ---
Bench face		Distance to watercourses and housing	← 350 m →
Dimensions of excavation	← 350 m →		
Location of processing plant	☒	North	N
Topsoil and overburden stockpiles	^ ^ topsoil ^ ^		

QUARRY	DATE
SCALE	DRAWN

SAMPLE SITE PLAN



SAMPLE SECTION



EII_3

***CONSTRUCTION MATERIALS (CONMAT) REGISTER:**
(Please attach materials testing results if available)

What is the rock type? *Dolerite/quartzite/basalt/shale/granite/other* .....

What is the material? *Fresh rock/weathered rock/gravel/sand/clay/fines*

What is the overburden depth? .....

What *is/will be* the average annual production in m^3? .....

What *is/will be* the average amount crushed per annum in m^3? .....

Extraction *Loader (free digging)/Excavator (hard digging)/Dozer (ripping required)*
Drill and blast (hard rock)

Sizing *Crushed (maximum size ..... mm)/Screened (maximum size .....mm)*
As extracted (maximum size .....mm)

Use *Aggregate/road base/road blending/road sheeting/road sealing/ general road material/crushed stone/concrete sand/building sand/ general sand/silica/building stone/bricks/other*.....

Reserves *Less than 10 000 m^3/10 000–100 000 m^3/100 000–1 000 000 m^3*
Greater than 1 000 000 m^3/not determined

*****Office Use: Forward this page to Mineral Resources Tasmania,
PO Box 56, Rosny Park, Tasmania 7018

ECOtas
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0407 008 685
ABN 83 464 107 291

Whisky Down Under Pty Ltd trading as Killara Distillery
ATTENTION: **Kristy Lark**
PO Box 155
32 Ogilvie Lane
Richmond TAS 7025

27 April 2026

Dear Kristy

RE: Brown Marsh Road, London Lakes (PID 5475056)

Proposed Development: Extractive Industry – Sub-soil (Peat) for Use in Whisky Production [Mining Lease 9M/2024]

DA 2025/01

Preamble

Environmental Consulting Options Tasmania (ECO*tas*) was engaged to provide information on the application of Natural Assets Code of the *State Planning Provisions* (*Tasmanian Planning Scheme – Central Highlands*) for the proposal to excavate sub-soil (peat) for the use in whisky production from Crown land at Brown Marsh Road, London Lakes (PID 5475056), which is subject to Mining Lease Application 9M/2024.

I refer to correspondence from Central Highlands Council dated 16 Jan. 2025, which refers to the application as DA 2025/01), and makes the following request for further information (Item 1):

> **Priority Vegetation (Threatened Native Vegetation Community on Schedule 3A of the Nature Conservation Act 2002)**
>
> The location of the property is located within a mapped area of Priority Vegetation, including Threatened Native Vegetation Communities. Sphagnum Peatland – is listed as a threatened native vegetation community on Schedule 3A of the *Nature Conservation Act 2002*. Therefore a written response, prepared by a suitably qualified person, is required to respond to Clause C7.6.2 Clearance within a Priority Vegetation Area, Performance Criteria P1.1, P1.2 as attached.
>
> Please provide a Natural Values Assessment and Report prepared by a suitably qualified person to identify the location and amount of priority vegetation to be removed, the type of vegetation being removed, and any mitigation measures implemented to minimise the residual impacts on priority vegetation.

I have been engaged to respond to this item.

Application of Natural Assets Code

The application of the Natural Assets Code in the *State Planning Provisions* is as follows:

> C7.2 Application of this Code
>
> C7.2.1 This code applies to development on land within the following areas:
>
> (c) a priority vegetation area only if within the following zones:
>
> (ii) Rural Zone.

The site proposed for extractive activities is zoned as Rural such that if other parts of C7.2.1(c) were satisfied, the Code could have application. However, no part of the site where extractive activities are proposed (viz. Mining Lease Application 9M/2024) is subject to the Priority Vegetation Area overlay (Figure 1).

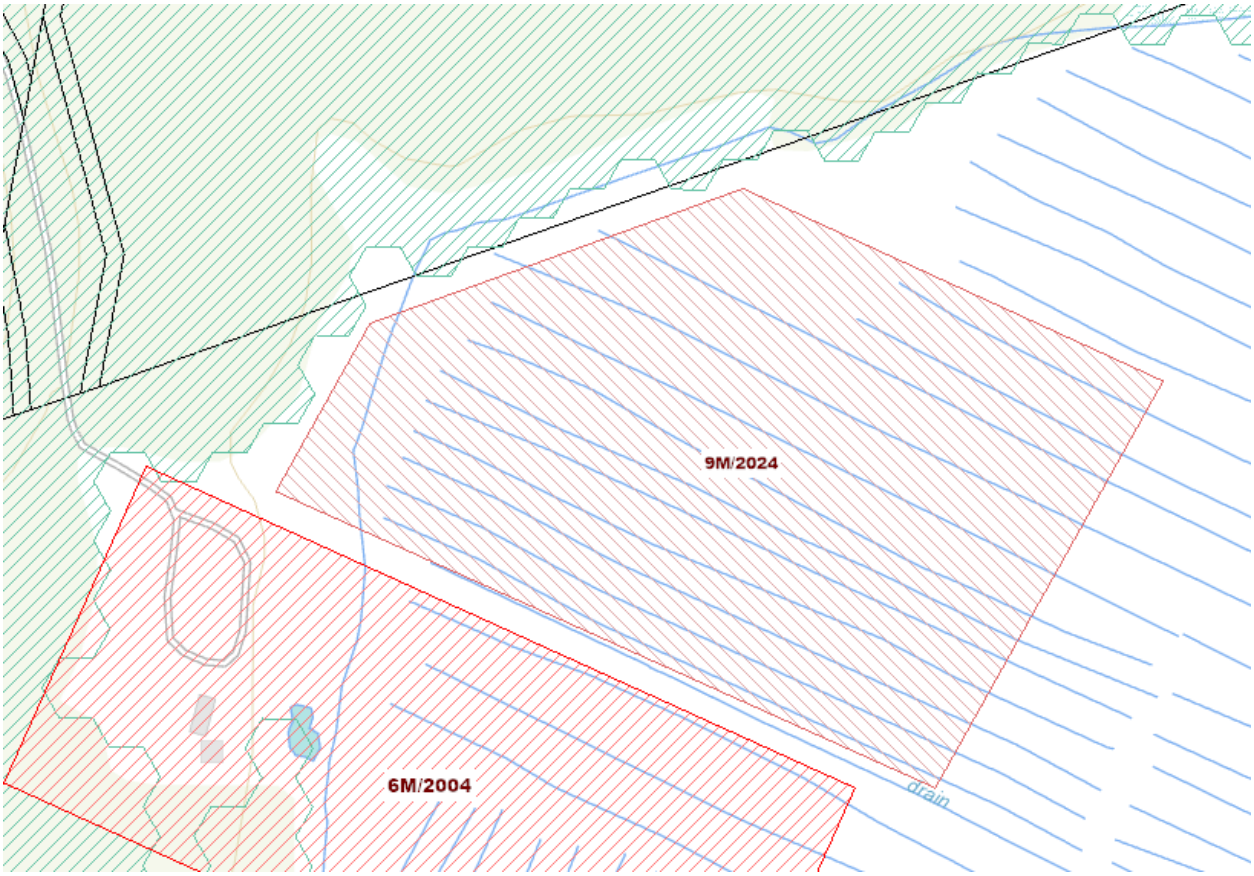

Figure 1. Extract from LISTmap [27 Apr. 2026] showing Mining Lease Application 9M/2024 relative to the extent of the Priority Vegetation Area overlay

On this basis, the Natural Assets Code cannot (does not) have application. Where the Code has no application, it becomes redundant to require "a written response, prepared by a suitably qualified person, is required to respond to Clause C7.6.2 Clearance within a Priority Vegetation Area".

The basis of the formal request for further information was in error. The statement provided was: "the location of the property is located within a mapped area of Priority Vegetation, including Threatened Native Vegetation Communities. Sphagnum Peatland – is listed as a threatened native vegetation community on Schedule 3A of the *Nature Conservation Act 2002*". That the site is mapped as *Sphagnum* peatland (TASVEG code: ASP) is not in dispute (refer to TASVEG Live Outline and Labels via LISTmap, Figure 2). The basis of the mapping is the TASVEG project SPHAGNUM_REVIEW-DPIPWE-2015 (i.e. 12 years out-of-date). TASVEG is widely

recognised as indicative only, requiring some level of "truthing" prior to accepting its veracity. In this case, examination of aerial imagery and topographic maps reveals an extensive history of *Sphagnum* harvesting, resulting in the absence of vegetation that can be properly assigned to ASP (Figure 2). Internally, NRE Tas may have made a decision to retain the coding of ASP, in favour of an at least temporarily more appropriate mapping unit such as extra-urban miscellaneous (TASVEG code: FUM), to reflect longer-term recognition of the original vegetation of the site.

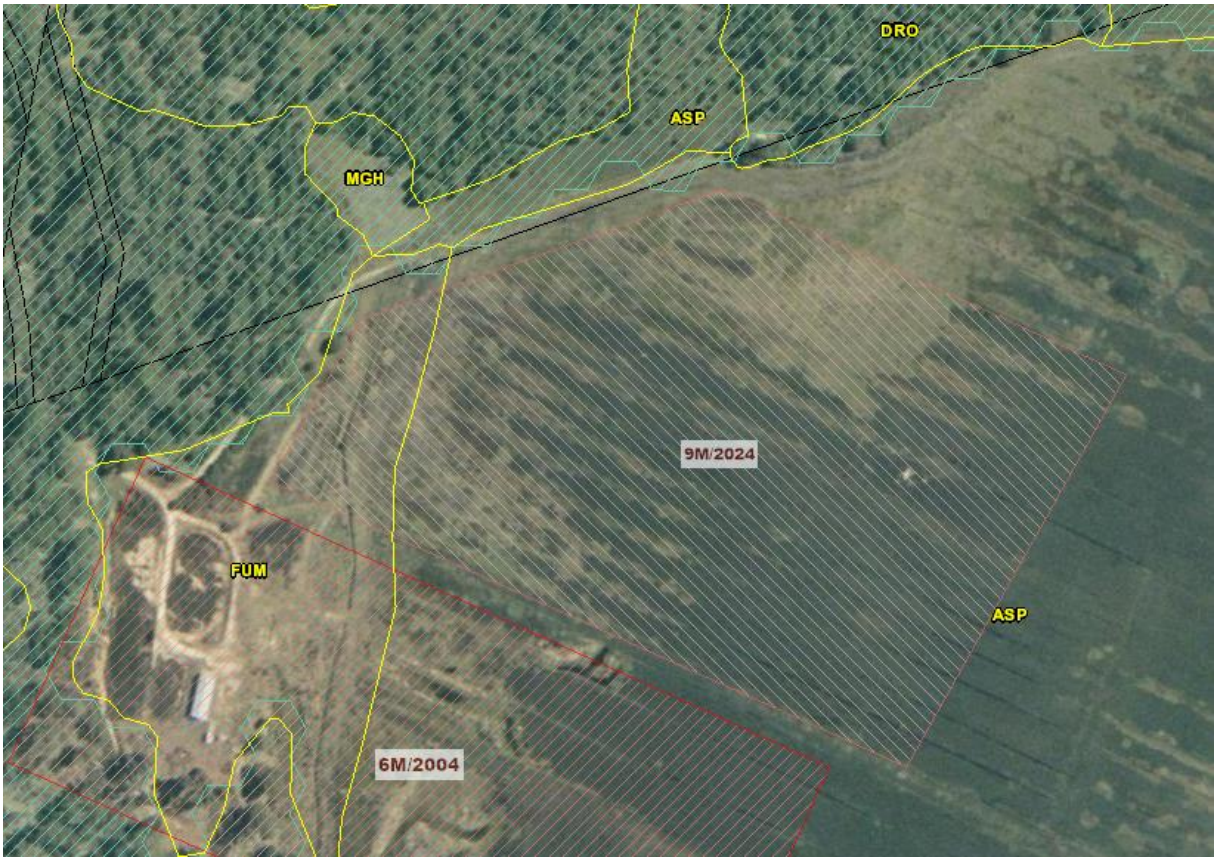

Figure 2. Extract from LISTmap [27 Apr. 2026] showing Mining Lease Application 9M/2024 relative to the extent of the Priority Vegetation Area overlay and ASP mapping (TASVEG Live)

The presence of a TASVEG mapping unit that equates to a native vegetation community listed as threatened on Schedule 3A of the Tasmanian *Nature Conservation Act 2002* does not in itself render a site as "priority vegetation". This concept is actually quite tightly defined under the *State Planning Provisions*, as follows:

> C7.3 Definition of Terms
>
> C7.3.1 In this code, unless the contrary intention appears:
>
> Priority vegetation:
>
> means native vegetation where any of the following apply:
>
> (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*;
>
> (b) is a threatened flora species;
>
> (c) it forms a significant habitat for a threatened fauna species; or
>
> (d) it has been identified as native vegetation of local importance.

Setting aside, sub-clauses (b), (c) and (d), which are not relevant to this site, sub-clause (a) importantly uses phrase "…forms an integral part of a threatened native vegetation

community…". This means that once the classification as a TASVEG native vegetation community that is equate-able to a threatened native vegetation community, it must then be "an integral part" of such a community. In this case, both "tests" are failed: first, the site ius much better classified as FUM, not ASP; second, eve if it were some form of ASP, to presume that it "forms an integral part" of the listed *Sphagnum* peatland is inappropriate. In this case, "truthing" reveals that the site cannot qualify as "priority vegetation" at C7.3.1.

While the above information has been provided, it is actually irrelevant to the application of the Code. Even if the site were properly classifiable as "priority vegetation", the Code would still not have application. This is a failing of the *State Planning Provisions* and could lead to some quite perverse outcomes. In this case, the outcome would be the same, even if the site were subject to a detailed natural values assessment. At the ends of a continuum, there are two outcomes: (1) site is determined to be FUM and definitely not "priority vegetation" or (2) site is determined to be high quality ASP and could be construed as "priority vegetation". Reiterating that outcome (1) is relevant in this case, irrespective of the outcome, C7.2.1(c) cannot have application because of the absence of the Priority Vegetation Area overlay. Oddly, even if a site assessment were to find natural values that met the criteria for "priority vegetation", there is no "simple" mechanism for a planning authority to adjust the Priority Vegetation Area overlay through the *State Planning Provisions* without formal application through the Tasmanian Planning Commission.

In this case, it seems quote obvious why the overlay was not applied. In fact, the configuration of the overlay appears to have been deliberately designed to avoid the area now mapped as ASP, the excising based on the mapped presence of numerous anthropogenic drains associated with *Sphagnum* and peat harvesting (Figure 3), which is also reflected in aerial imagery (Figure 2). The primary reason for this is that the Priority Vegetation Area overlay was designed by reference to the Regional Ecosystem Model (REM), one of the primary inputs for which was TASVEG 3.0. In that version of TASVEG, the area now mapped as ASP was in fact mapped as FUM, which, in my opinion, remains the most valid classification.

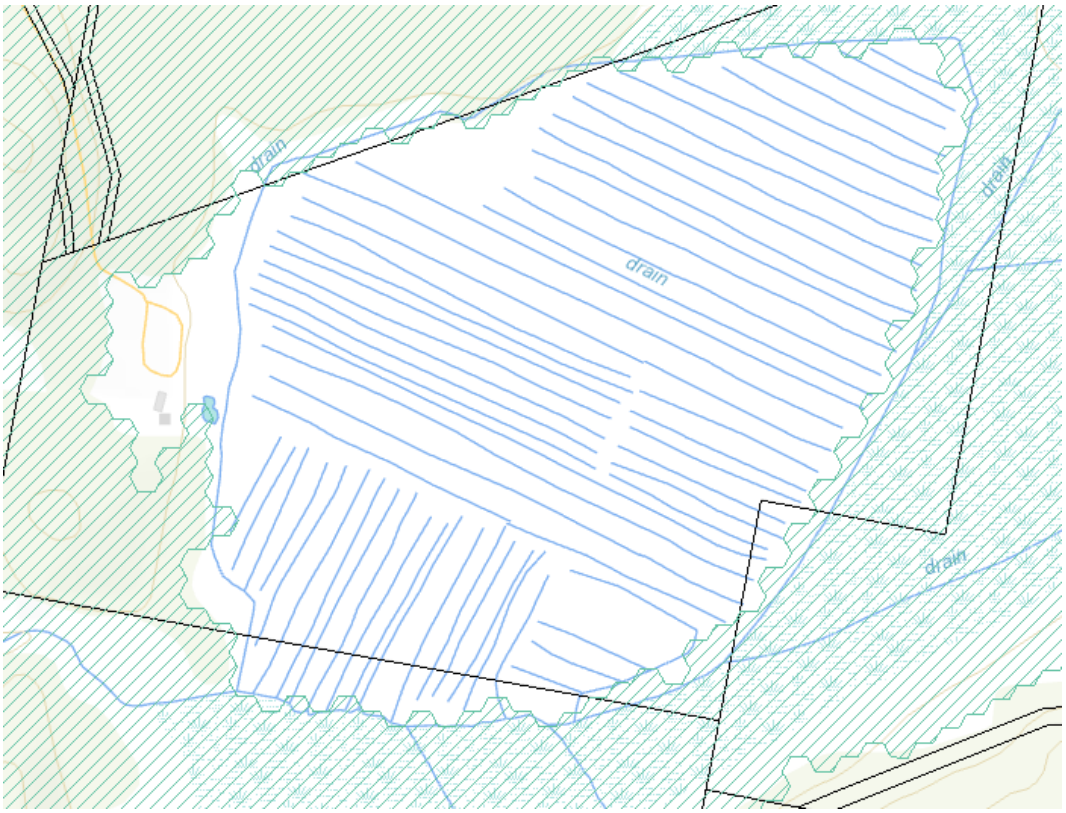

Figure 3a. Extract from LISTmap [27 Apr. 2026] showing extent of the Priority Vegetation Area overlay to anthropogenic drains

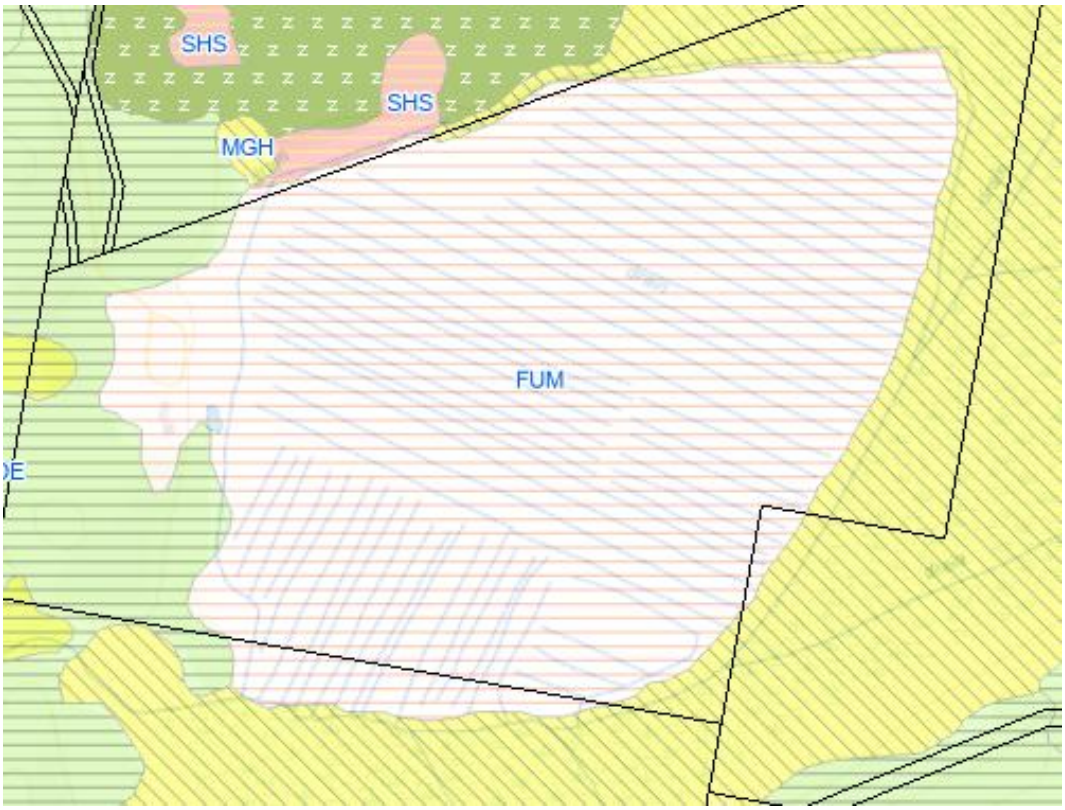

Figure 3b. TASVEG 3.0 vegetation mapping showing the clear (and correct) classification of the site defined by the anthropogenic drains as FUM

The request for further information specifically requested the following:

> Please provide a Natural Values Assessment and Report prepared by a suitably qualified person to identify the location and amount of priority vegetation to be removed, the type of vegetation being removed, and any mitigation measures implemented to minimise the residual impacts on priority vegetation.

Having demonstrated that the site cannot support "priority vegetation", it becomes a logical impossibility to be able to "identify the location and amount of priority vegetation to be removed" (because none will be removed because none is present), "the type of vegetation being removed" (as it is best classified as an F-coded TASVEG mapping unit) and therefore to suggest "any mitigation measures implemented to minimise the residual impacts on priority vegetation" (there will be no residual impact to priority vegetation because there is no priority vegetation).

The request for further information specifically required assessment against cl. C7.6.2 Clearance within a Priority Vegetation Area of the Natural Assets Code. Aside from the fact that is logically unnecessary as the Code has no application at C7.2.1(c), the absence of "priority vegetation" (and in fact "native vegetation" per se) from the proposed extraction site means that the specific provisions of P1 & P2 of C7.6.2 are impractical to address because they rely, almost wholly, on the presence of "priority vegetation". For example, the only sub-clauses of P1.1 that may be relevant to the present application is:

> (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
>
> (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

Both these sub-clauses rely on the presence of "native vegetation" (not reasonably present) and "priority vegetation" (also not present), rendering them redundant. This does not mean that P1.1 is not satisfied: it simply means it never had application because of C7.2.1(c). That is, the

Acceptable Solutions and Performance Criteria become immediately inapplicable by virtue of the absence of the overlay due to the absence of "priority vegetation".

For the record, the opening part of P1.2 is as follows:

> P1.2
>
> Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to…

There is no need to "have regard to" the sub-clauses because it is logically impossible to address P1.2 at all as it refers very specifically to the "priority vegetation area", which is not present. Notwithstanding this, it also refers to "clearance of native vegetation" within such an overlay (also logically impossible o two levels – there is no "native vegetation: and there is no overlay). It also then indicates that such "clearance…must minimise adverse impacts on priority vegetation" (there is no priority vegetation present such that no impact, adverse or otherwise, is possible).

Note that this statement does not constitute legal advice, and provides my interpretation of the provisions of the *State Planning Provisions*.

Please do not hesitate to contact me further if additional information is required.

Kind regards

Mark Wapstra
Senior Scientist/Manager