DISCRETIONARY APPLICATION

For Public Display

Applicant:
Charlie Ellis Architecture

Location:
2246 Tunbridge Tier Road, Interlaken

Proposal:
Boat Shed & Jetty

DA Number:
DA 2024/17

Date Advertised:
13 February 2025

Date Representation Period Closes:
27 February 2025

Responsible Officer:
Louisa Brown (Planning Officer)

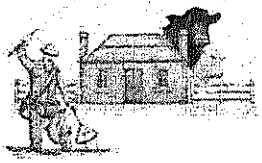
Viewing Documents:
The relevant documents may be viewed at Council's website www.centralhighlands.tas.gov.au or at Council's Offices 19 Alexander Street, Bothwell & 6 Tarleton Street, Hamilton during normal office hours.

Representations to:

General Manager
19 Alexander Street
BOTHWELL TAS 7030

Email:
development@centralhighlands.tas.gov.au

central highlands COUNCIL



Development & Environmental Services
19 Alexander Street
BOTHWELL TAS 7030

Phone: (03) 6259 5503
Fax: (03) 6259 5722

www.centralhighlands.tas.gov.au

OFFICE USE ONLY

Application No.: _____

Property ID No.: _____

Date Received: _____

Application for Planning Approval
Use and Development

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

Applicant / Owner Details:

Applicant Name Charlie Ellis

Postal Address L2 52-54 (Holyman House)
Brisbane St, Launceston 7250

Phone No: 0407355489

Fax No:

Email address cellisarchitecture@bigpond.com

Owner/s Name (if not Applicant) Highlanrn Investments Pty Ltd

Postal Address 2246 Tunbridge Tier Rd
Interlaken 7030

Phone No: 0419363747

Fax No:

Email address: erin@elconveyancing.com.au

Description of proposed use and/or development:

Address of new use and development: 2246 Tunbridge Tier Rd, Interlaken

Certificate of Title No: Volume No 171405 Lot No: 3

Description of proposed use or development: Boat Shed + Jetty

ie: New Dwelling /Additions/ Demolition / /Shed / Farm Building / Carport / Swimming Pool or detail other etc.

Current use of land and buildings: Existing dwelling / Farm

Eg. Are there any existing buildings on this title?
If yes, what is the main building used as?

Proposed Material

What are the proposed external wall colours: natural timber

What is the proposed roof colour: Basalt

What is the proposed new floor area m². 28.4 m²

What is the estimated value of all the new work proposed: $ 50,000.00

Is proposed development to be staged:	*Yes* ☐	*No* ☑	Tick ✓
Is the proposed development located on land previously used as a tip site?	*Yes* ☐	*No* ☑	
Is the place on the Tasmanian Heritage Register?	*Yes* ☐	*No* ☑	
Have you sought advice from Heritage Tasmania?	*Yes* ☐	*No* ☑	
Has a Certificate of Exemption been sought for these works?	*Yes* ☐	*No* ☑	

Signed Declaration

I/we hereby apply for a planning approval to carry out the use or development described in this application and in the accompanying plans and documents, accordingly I declare that:

1. The information given is a true and accurate representation of the proposed development. I understand that the information and materials provided with this development application may be made available to the public. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Central Highlands Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

2. In relation to this application, I/we agree to allow Council employees or consultants to enter the site in order to assess the application.

3. I am the applicant for the planning permit and I have notified the owner/s of the land in writing of the intention to make this application in accordance with Section 52(1) of the *Land Use Planning Approvals Act 1993* (or the land owner has signed this form in the box below in "Land Owner(s) signature);
Applies where the applicant is not the Owner and the land is not Crown land or owned by a council, and is not land administered by the Crown or a council.

Applicant Signature (if not the Owner)	Applicant Name *(Please print)*	Date
	Charlie Ellis	4/3/2024

Land Owner(s) Signature	Land Owners *Name (please print)*	Date
	Ian Sims Director Highlawn.	4/3/24
Land Owner(s) Signature	Land Owners *Name (please print)*	Date
	Richard Sims	4/3/24

Tasmanian Government

Department of Natural Resources and Environment Tasmania

GPO Box 44, Hobart, TAS 7001 Australia
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308
www.parks.tas.gov.au

Enquiries: Tanya Simm
Phone: 6165 4691
Email: Tanya.Simm@parks.tas.gov.au
Our ref: 24/3979

18 September 2024

Mr Charlie Ellis
C/- Erin Sims
PO Box 5356
LAUNCESTON TAS 7250

E: cellisarchitecture@bigpond.com
erin@elconveyancing.com.au

Dear Mr Ellis,

LODGEMENT OF PLANNING APPLICATION
CHARLIE ELLIS
BOAT SHED AND JETTY
TUNBRIDGE TIER ROAD, INTERLAKEN

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993*, is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment Tasmania.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact the officer nominated at the head of this correspondence.

Yours sincerely,

Jesse Walker
Unit Manager (Assessments)

Instrument of Revocation and Delegation

DELEGATION OF THE DIRECTOR-GENERAL OF LANDS' FUNCTIONS UNDER THE *LAND USE PLANNING AND APPROVALS ACT 1993*

I, JASON JACOBI, being and as the Director-General of Lands appointed under section 7 of the *Crown Lands Act 1976*, hereby revoke any previous delegation made pursuant to section 52(1E) of the *Land Use Planning and Approvals Act 1993* ("the Act") and, acting pursuant to section 52(1E) of the Act, I hereby delegate the functions described (by reference to the relevant provision of the Act and generally) in Schedule 1, to the persons respectively holding the offices of Deputy Secretary (Parks and Wildlife Service) (position number 700451), General Manager (Park Operations and Business Services) (position number 708581), Manager (Property Services) (position number 707556), Unit Manager (Operations) (position number 702124) and Unit Manager (Assessments) (position number 334958) in accordance with the functions delegated to me by the Minister administering the *Crown Lands Act 1976,* by instrument dated 9 November 2023.

SCHEDULE 1

Provision	**Description of Functions**
Section 52(1B)	Signing, and providing written permission for, applications for permits in relation to Crown land.

Dated at HOBART this 29 day of July. 2024

.....

Jason Jacobi

DIRECTOR-GENERAL OF LANDS

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
171405	3
EDITION	DATE OF ISSUE
2	30-Nov-2020

SEARCH DATE : 05-Mar-2024
SEARCH TIME : 02.02 PM

DESCRIPTION OF LAND

Parish of ANSTEY Land District of SOMERSET
Lot 3 on Plan 171405
Derivation : Part of Lot 1503, 640 Acres Granted to George Carr Clarke
Prior CT 168930/3

SCHEDULE 1

M854811 TRANSFER to HIGHLAURN INVESTMENTS PTY LTD
Registered 30-Nov-2020 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER P.P. WOODLAND PTY. LTD.

FOLIO REFERENCE 168930 – 3 & 4

GRANTEE
PART OF 1000 ACRES GTD. JOHN FRANKS
PART OF LOT 1503, 640 ACRES GTD. TO GEORGE CARR CLARKE

PLAN OF TITLE

LOCATION J.B. MEDBURY P/L., SURVEYORS OF 159 CILWEN ROAD, CAMBRIDGE

LAND DISTRICT OF SOMERSET
PARISH OF ANSTEY

CONVERTED BY PLAN No. P.168930

COMPILED BY J.B. MEDBURY

NOT TO SCALE LENGTHS IN METRES

REGISTERED NUMBER
P171405

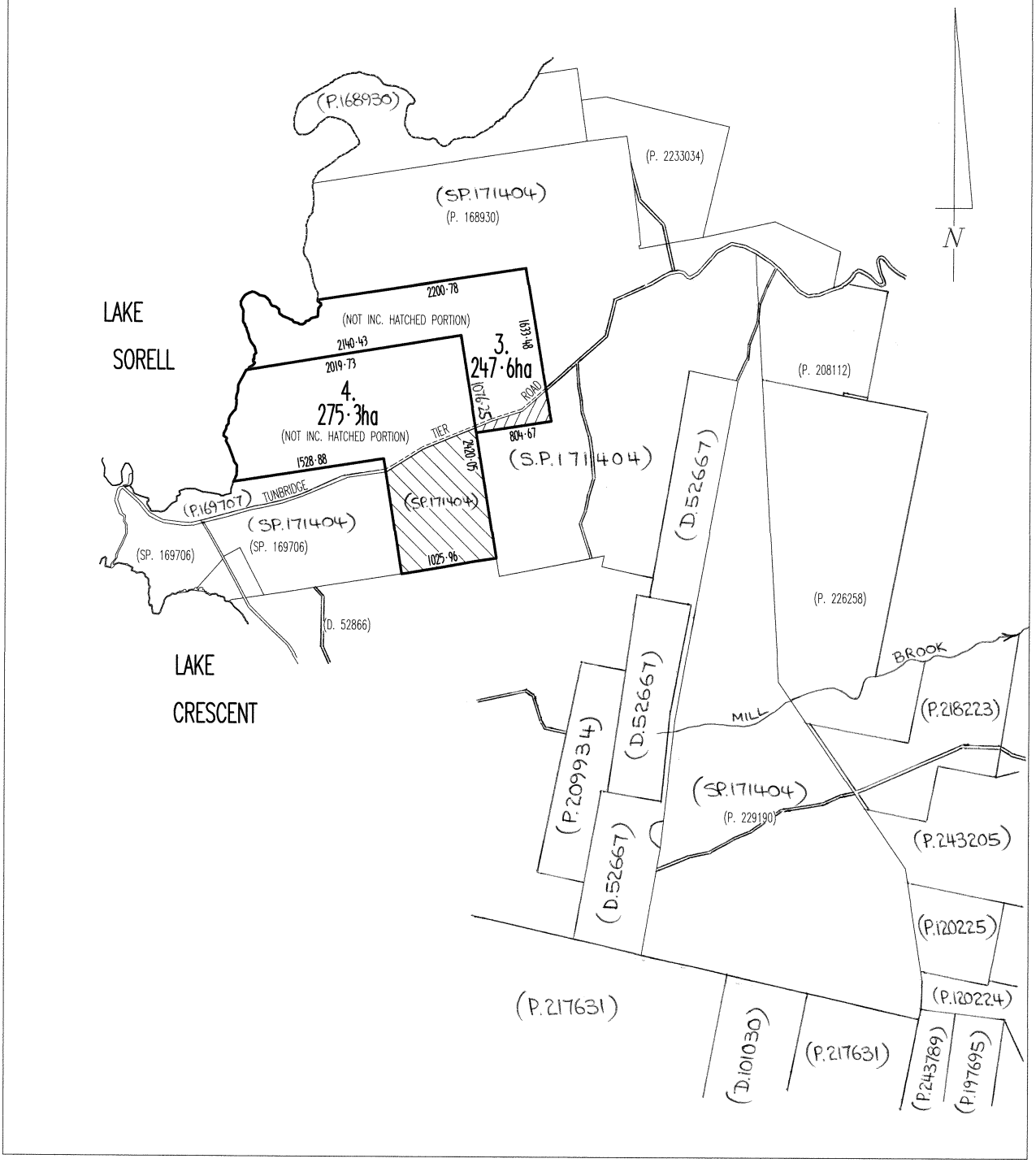
APPROVED 22 JUN 2016
Alice Kawa
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 105 (5033)	LAST UPI No	LAST PLAN No. P.168930	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN

SKETCH BY WAY OF ILLUSTRATION ONLY

BALANCE PLAN

"EXCEPTED LANDS"
11·42ha, SP 171404 – (Lot 3)
124·6ha, SP 171404 – (Lot 4)



N

P.171404
LOT 2

LAKE SORELL

BLACK POINT

DIAMOND BEACH

TITLE BOUNDARY 2200.78m

P.171405
LOT 3

TITLE BOUNDARY 1633.48m

PROPOSED BOAT SHED & JETTY

EXISTING HOUSE LOCATION

EXISTING SHED LOCATION

TITLE BOUNDARY 2140.43m

TITLE BOUNDARY 1076.25m

EXISTING GRAVEL ACCESS ROAD

EXISTING GRAVEL ACCESS ROAD

P.171405
LOT 4

TUNBRIDGE TIER ROAD

EXISTING STEEL GATED ACCESS

STOCK YARDS OPPOSITE ENTRANCE

0 100 200 300 400 500 M

BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Locality Plan-SK01 SCALE 1:1000@A3 MAR / 2024

CHARLIE ELLIS
ARCHITECTURE
0407355489 mail.ellisarchitecture@bigpond.com

LAKE SORELL

N

PROPOSED JETTY

PROPOSED BOAT SHED & DECK

GRAVEL PATH

EXISTING 400m2 RESIDENCE
(CURRENTLY UNDER CONSTRUCTION)

0 10 20 30 40 50 M

BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Site Plan-SK01 SCALE 1:1000@A3 MAR / 2024

CHARLIE ELLIS
ARCHITECTURE
0407255489 mail.ellisarchitecture@bigpond.com

N

PROPOSED 30m TIMBER JETTY

HIGH WATER MARK

804m

804.5m

EXISTING SANDY BEACH

MATURE GUM TREES

805m

805.5m

806m

NATIVE SHRUBS

MATURE GUM TREES

NATIVE SHRUBS

806.5m

NATURAL SAND PATH

DECK

ROOF

LEAN-TO

NATIVE GRASSED AREA

28.4m2 BOAT SHED

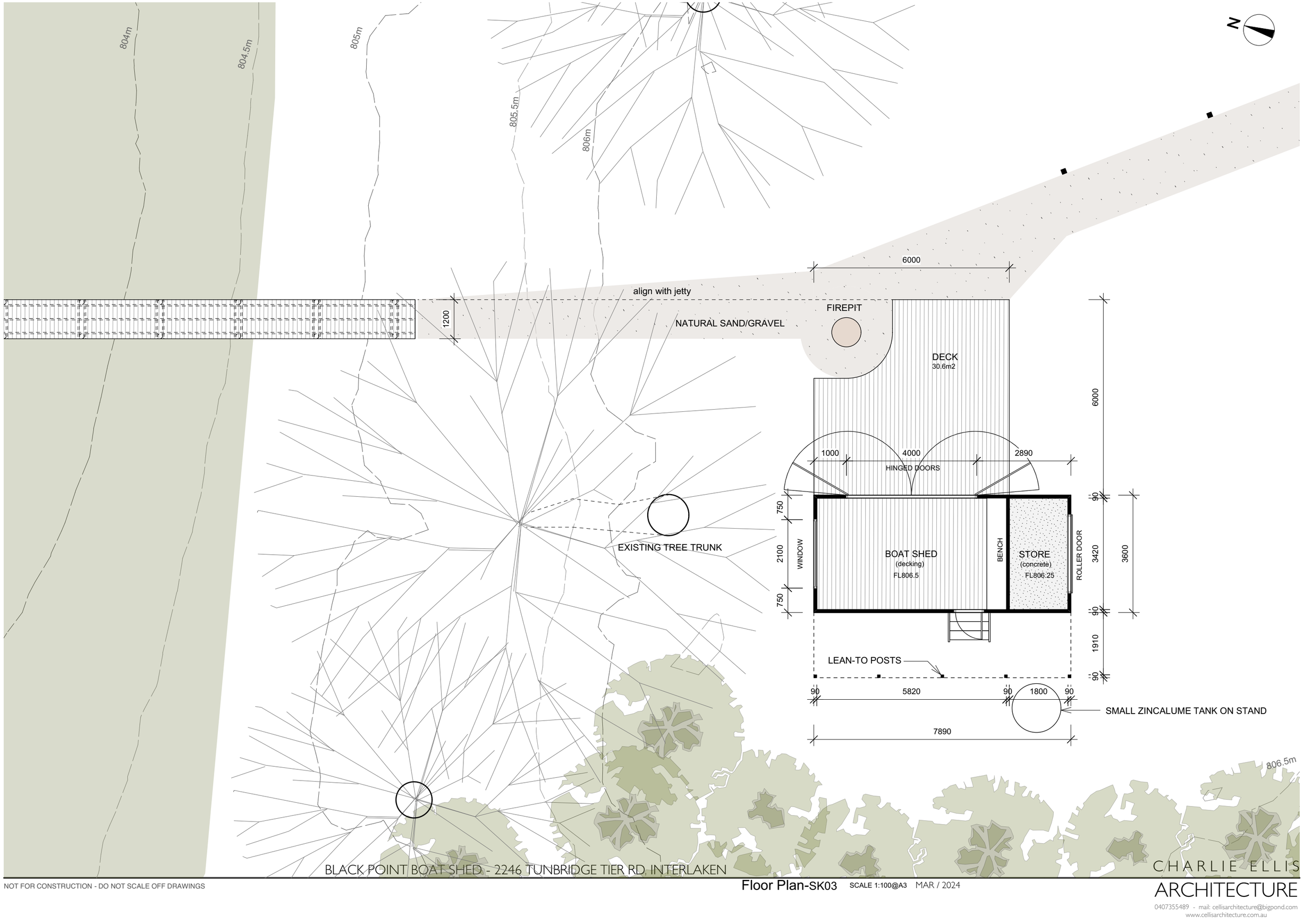
TANK

BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Site Plan-SK02 SCALE 1:500@A3 MAR / 2024

CHARLIE ELLIS
ARCHITECTURE
0407355489 - mail: cellisarchitecture@bigpond.com
www.cellisarchitecture.com.au

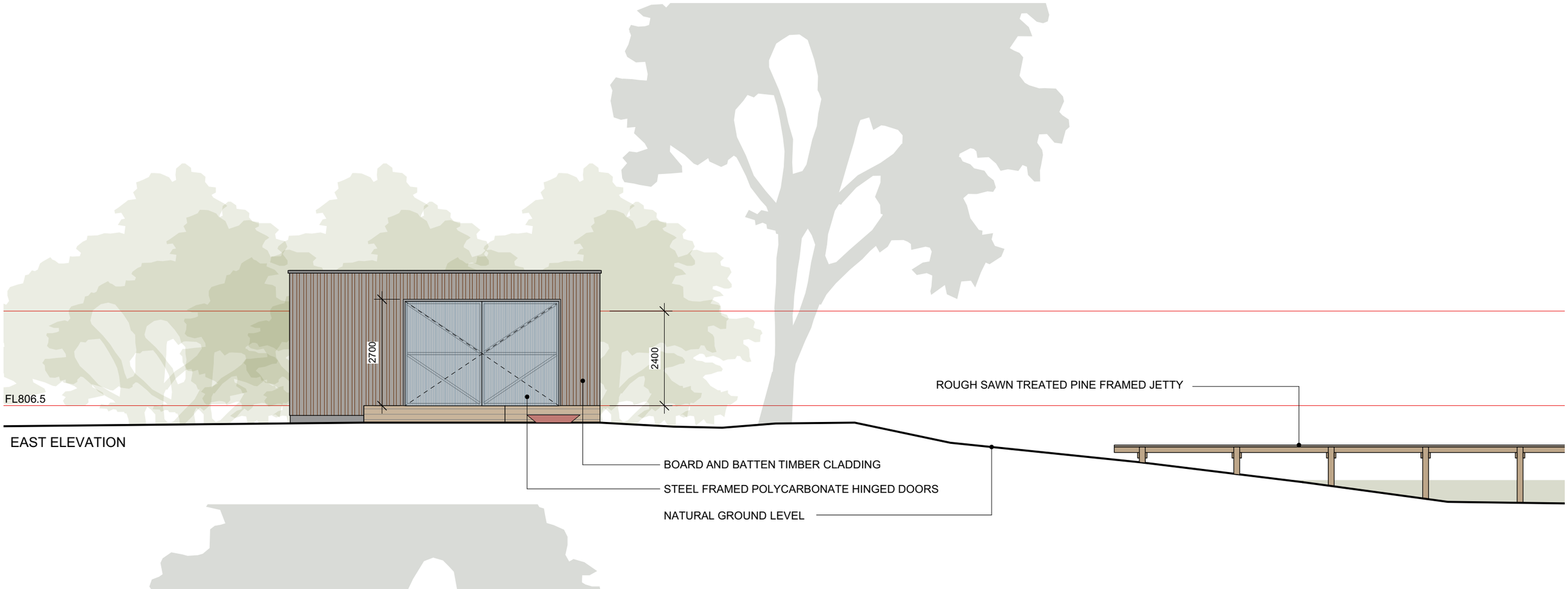


BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

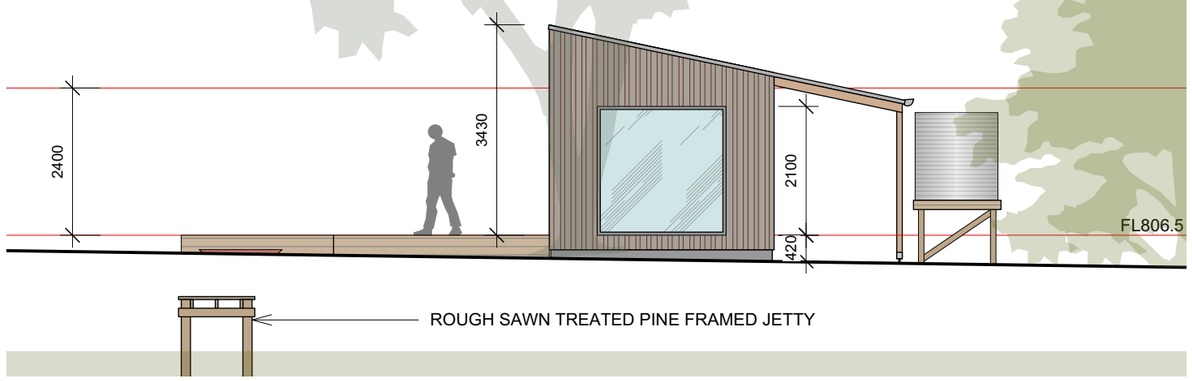
NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Floor Plan-SK03 SCALE 1:100@A3 MAR / 2024

CHARLIE ELLIS
ARCHITECTURE
0407355489 - mail: cellisarchitecture@bigpond.com
www.cellisarchitecture.com.au



EAST ELEVATION



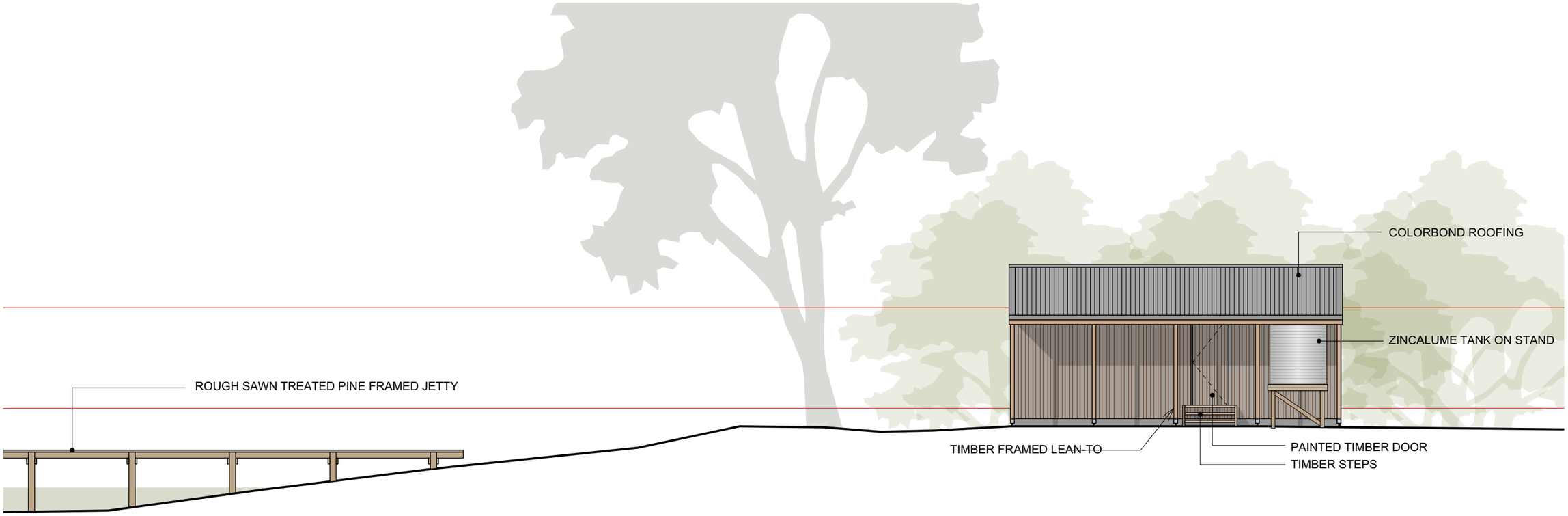
NORTH ELEVATION

BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Elevations 1 -SK04 SCALE 1:100@A3 MAR / 2024

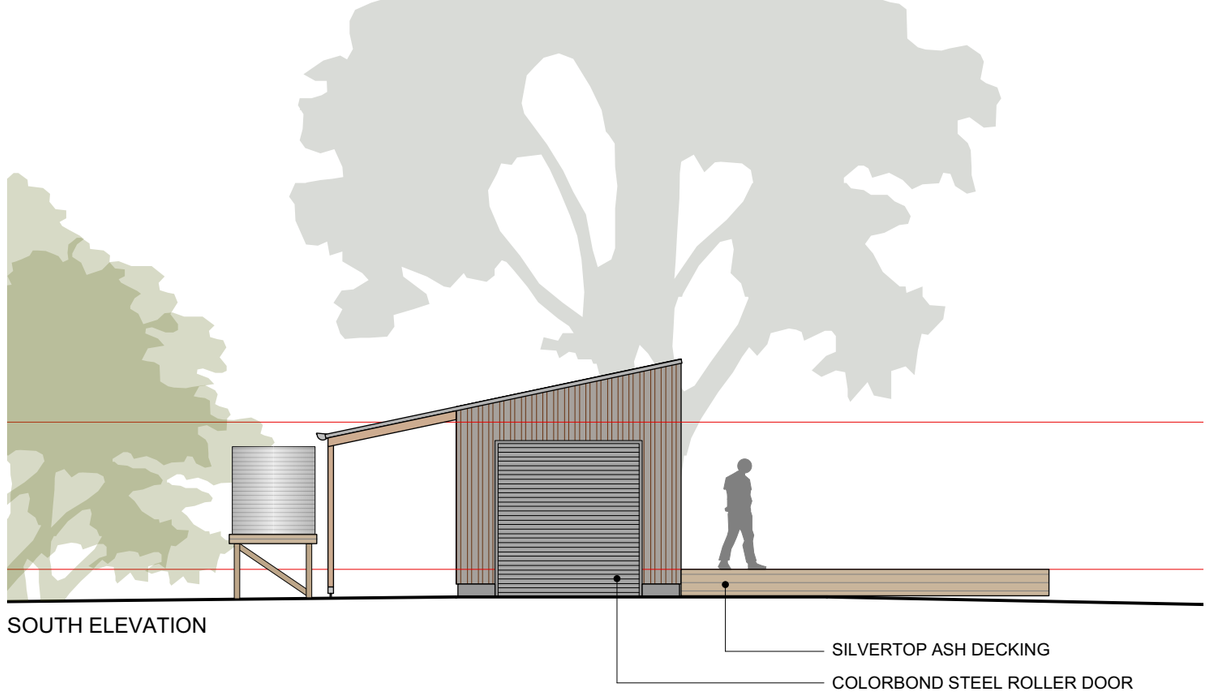
CHARLIE ELLIS
ARCHITECTURE
0407355489 - mail: cellisarchitecture@bigpond.com
www.cellisarchitecture.com.au



WEST ELEVATION

MATERIALS

COLORBOND BASALT ROOF | ROUGH SAWN CLADDING | SILVERTOP ASH DECKING



SOUTH ELEVATION

BLACK POINT BOAT SHED - 2246 TUNBRIDGE TIER RD, INTERLAKEN

NOT FOR CONSTRUCTION - DO NOT SCALE OFF DRAWINGS

Elevations 2-SK05 SCALE 1:100@A3 MAR / 2024

CHARLIE ELLIS
ARCHITECTURE
0407355489 - mail: cellisarchitecture@bigpond.com
www.cellisarchitecture.com.au

AllUrbanPlanning PTY LTD

23 October 2024

The General Manager
Central Highlands Council
PO Box 20
HAMILTON 7140

Attention Grant Finn

Dear Grant,

Development Application DA 2024/17 - 2246 Tunbridge Tier Road, Interlaken

All Urban Planning has been engaged by the applicant to prepare a response in relation to Council's request for further information dated 19 March 2024.

I respond to each matter as follows:

1. Discretionary Use in the Rural Zone

The proposed jetty extends from the Rural zoned land of the private title to the waters of Lake Sorell that are zoned Environmental Management. The proposed jetty falls within the Pleasure Boat Facility Use Class.

Council's request for information relates to the Rural Zone Use Standard and therefore is assumed to relate to the proposed boatshed component of the proposal and the landward end of the jetty that is located on land within the Rural Zoned private title.

The proposed boatshed including store, deck and firepit are considered directly associated with and subservient to the existing residential use of the property. The proposed boat shed is a habitable outbuilding equivalent to a studio. The use table states that alterations or extensions to an existing dwelling are a Permitted use in the Rural Zone. Noting that the definition of dwelling meaning:

> *… a building, or part of a building, used as a self-contained residence and which includes food preparation facilities, a bath or shower, laundry facilities, a toilet and sink, **and any outbuilding and works normally forming part of a dwelling**.*

The proposed boatshed is considered an extension to the existing dwelling under construction and therefore as a Permitted Use in the Rural Zone.

It is considered that the Discretionary Use Standard under Clause 20.3.1 only applies to the landward section of the proposed jetty.

Discretionary Uses (20.3.1)

Objective:

That the location, scale and intensity of a use listed as Discretionary:

(a) is required for operational reasons;

(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;

(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and

(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.

Acceptable Solution	***Performance Criteria***
A1 *A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:* *(a) the gross floor area does not increase by more than 30% from that existing at the effective date; and* *(b) the development area does not increase by more than 30% from that existing at the effective date.*	***P1*** *A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:* *(a) the nature, scale and intensity of the use;* *(b) the importance or significance of the proposed use for the local community;* *(c) whether the use supports an existing agricultural use;* *(d) whether the use requires close proximity to infrastructure or natural resources; and* *(e) whether the use requires separation from other uses to minimise impacts.*
Assessment: The proposed jetty is to be assessed as a new use under P1. The proposal is considered to satisfy P1 in that it is: • required to provide access to the natural resources of the waters of Lake Sorell • the jetty is of modest and domestic scale such that it will not impact on the characteristics of the rural area • there are no nearby uses that will be impacted by the proposal	
A2 *No Acceptable Solution*	***P2*** *A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:* *(a) the location of the proposed use;*

	(b) the nature, scale and intensity of the use; *(c) the likelihood and nature of any adverse impacts on adjoining uses;* *(d) whether the proposed use is required to support a use for security or operational reasons; and* *(e) any off site impacts from adjoining uses.*
Assessment: The proposed modest jetty is to be located well clear of any adjoining properties and therefore will in no way confine or restrict existing use on adjoining properties. It is considered that the proposal comfortably satisfies P2.	
A3 *No Acceptable Solution*	***P3*** *A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:* *(a) the nature, scale and intensity of the use;* *(b) the local or regional significance of the agricultural land; and* *(c) whether agricultural use on adjoining properties will be confined or restrained.*
Assessment: The proposed jetty is to be sited at the periphery of the site at the waters edge and will not affect the limited agricultural potential of the Class 6 land as shown in Figure 1 below.	

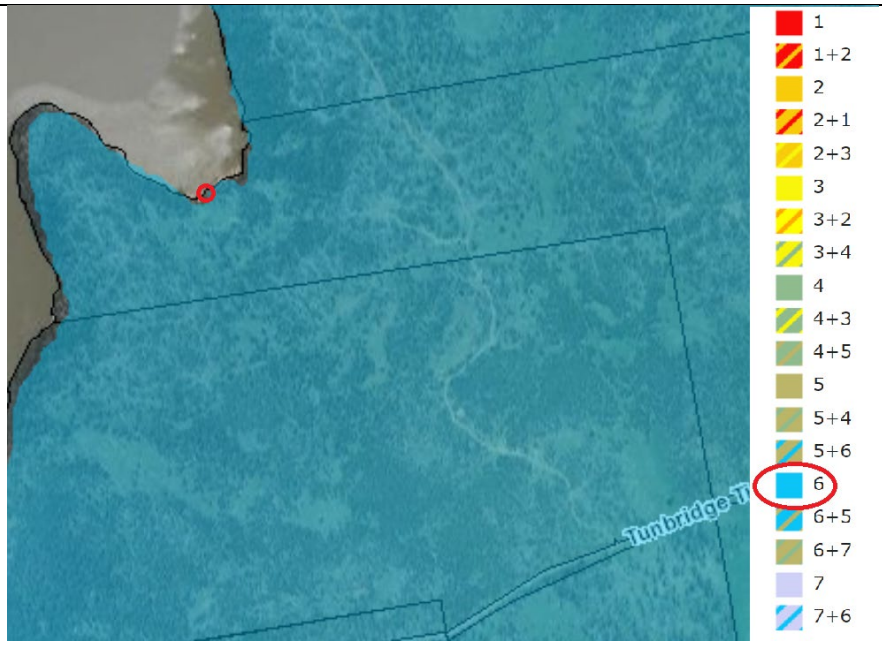


Figure 1 – Land Capability (theList)

The Guidelines for Classification of Agricultural Land in Tasmania, DPIPWE 1999, describe Class 6 land as follows:

> *CLASS 6 Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.*

It is considered that the low-level domestic use of the proposed jetty will have negligible impact on the agricultural productivity of the land identified as having marginal grazing capability and therefore satisfies P3.

A4	***P4***
No Acceptable Solution	*A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:* *(a) the nature, scale and intensity of the proposed use;* *(b) whether the use will compromise or distort the activity centre hierarchy;* *(c) whether the use could reasonably be located on land zoned for that purpose;*

	(d) the capacity of the local road network to accommodate the traffic generated by the use; and *(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.*
Assessment: The proposed modest jetty for domestic use is considered appropriate for the rural location. It will not generate additional traffic movements to the residential property and will cause no emissions that will impact the amenity of the surrounding area. The proposal is considered to satisfy P4.	

2. Priority Vegetation Area

Please see attached a Natural Values Assessment addressing the proposed development.

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Objective:

That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

Acceptable Solutions	**Performance Criteria**
A1 *Buildings and works within a waterway and coastal protection area must:* *(a) be within a building area on a sealed plan approved under this planning scheme;* *(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or* *(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20%*	***P1.1*** *Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:* *(a) impacts caused by erosion, siltation, sedimentation and runoff;* *(b) impacts on riparian or littoral vegetation;* *(c) maintaining natural streambank and streambed condition, where it exists;*

of the area of the facility existing at the effective date.	*(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;* *(e) the need to avoid significantly impeding natural flow and drainage;* *(f) the need to maintain fish passage, where known to exist;* *(g) the need to avoid land filling of wetlands;* *(h) the need to group new facilities with existing facilities, where reasonably practical;* *(i) minimising cut and fill;* *(j) building design that responds to the particular size, shape, contours or slope of the land;* *(k) minimising impacts on coastal processes, including sand movement and wave action;* *(l) minimising the need for future works for the protection of natural assets, infrastructure and property;* *(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and* *(n) the guidelines in the Tasmanian Coastal Works Manual.*

Assessment:

Page 37 of the accompanying NVA assess the proposal under this standard and concludes the proposal meets the relevant provisions of P1.1 as follows:

(a) impacts caused by erosion, siltation, sedimentation and runoff will be mitigated by best practice guidelines as outlined in the Wetlands and Waterways Works Manual specifically, Module 2. Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands will be implemented;

(b) littoral and riparian vegetation will not be impacted (absent) as the proposed jetty site is a beach with sandy benthic substrate present for the entirety of the jetty length;

(c) see (b) above;

(i) no cut and fill will be required for either the jetty (all piers) and the boat shed is an above ground structure with only minimal disturbance for the ca. 1.8 m x 3.4 m concrete footing for the storage area. For both structures, only minimal disturbance is required for the footings; *(j) see (i) above. No alteration to the size, shape, contours or slope of the land is required by the proposal;* *(k) whilst the proposal is obviously not within a coastal zone, this criteria is considered due to the processes that are akin to coastal processes of wave action and sand movement that has formed Diamond Beach. P1.1(a), (b), (c), (i), (j), & (m) are applicable as the proposal will not alter wind or wave processes and/or the ongoing depositional formation of Diamond Beach; and* *(m) see (a) above.* *A formal soil and water management plan is not recommended due to the small footprint of the proposal. However, it is recommended that any disturbed soil be managed to avoid movement into the adjacent Lake Sorell during works. The simplest solution to this is usually sediment traps/fences where necessary placed at an appropriate distance from the works and the lake and consideration of a drainage plan for the works.*	
A3 *Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.*	***P3*** *Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:* *(a) the need to minimise impacts on water quality; and* *(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.*
Assessment: The proposal does not involve a new stormwater discharge and complies with A3.	

3. Waterway & Coastal Protection Area

C7.6.2 Clearance within a priority vegetation area

Objective:

That clearance of native vegetation within a priority vegetation area:

(a) does not result in unreasonable loss of priority vegetation;

(b) is appropriately managed to adequately protect identified priority vegetation; and

(c) minimises and appropriately manages impacts from construction and development activities.

Acceptable Solutions	**Performance Criteria**
A1 *Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.*	***P1*** *Clearance of native vegetation within a priority vegetation area must be for:* *(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;* *(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;* *(c) subdivision in the General Residential Zone or Low Density Residential Zone;* *(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;* *(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.* ***P1.2***

	Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to: *(a) the design and location of buildings and works and any constraints such as topography or land hazards;* *(b) any particular requirements for the buildings and works;* *(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;* *(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;* *(e) any on-site biodiversity offsets; and* *(f) any existing cleared areas on the site.*

Assessment:

As discussed in Page 40 of the accompanying NVA, the fact that P1.1 (a) through (f) are linked by the disjunctive "or" means that only one of these provisions needs to be satisfied. The project is for a boat shed and jetty such that P1.1(f) is satisfied (assuming that the vegetation is considered as priority vegetation), meaning that P1.1 is satisfied.

In relation to 1.2 the NVA states that:

To address this provision, it must be assumed that the proposed development site supports "priority vegetation", which has been identified as absent because the site has been demonstrated to not support "priority vegetation".

Further to this opening phrase of P1.2, reference is made to the concept of "minimise adverse impacts". First, the use of the term "minimise" contemplates that some level (albeit undefined) of impact is contemplated as being acceptable. Second, the use of the phrase "adverse impact" implies that works must have an "adverse" impact – this being an undefined concept in the *Scheme*.

With respect to the phrase "…having regard to…", this is considered in the manner referred to in *S and S McElwaine and A Hamilton v West Tamar Council and Growth Developments Pty Ltd [2021] TASCAT 4 (17 November 2021)*, where TASCAT stated: "the requirement to 'have regard to' does not elevate P2.1(a) to (f) to mandatory requirements that the proposal must satisfy. The tribunal need only consider those subparagraphs in ascertaining whether the proposal complies with clause E8.6.1 P2.1".

Below the sub-criteria of P1.2 are addressed in turn.

(a) the design and location of buildings and works and any constraints such as topography or land hazards;

We accept that the selected development site is a reasonable balance between site constraints and environmental values. It is noted that the proposed development site is "better" in terms of "minimising adverse impacts" because the boatshed avoids unnecessary vegetation clearing.

(b) any particular requirements for the buildings and works;

Uncertain application in relation to the identified natural values, except perhaps to indicate machinery and vehicle hygiene protocols in relation to weed and hygiene management to minimise the risk of introducing such to the site (but even these should not be necessary given access will be from the fully-formed, well-maintained Tunbridge Tier Road, and then via the well-formed and drained internal access (weed-free), such that the risk of construction vehicles introducing weeds and disease to the area is considered very low.

(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;

Subsection P1.2(c) does not have relevance as the proposal is not for a habitable building requiring bushfire hazard management.

(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;

It has been demonstrated that the site and surrounds does not support "priority vegetation".

(e) any on-site biodiversity offsets; and

No such offsets have been identified as necessary.

(f) any existing cleared areas on the site.

While there are some parts of the area mapped as modified land (i.e. TASVEG FRG) and these could be construed as "existing cleared areas on the site", we accept that the selected development site is a reasonable balance between site constraints and environmental values. It is noted that the proposal site is "better" in terms of "minimising adverse impacts" because of the natural opening through to the beach from the old pasture area.

On the basis of the above review, in our opinion, the relevant performance criteria of C7.6.1 and C7.6.2 are satisfied without the need for specific permit conditions.

4. Land Owners Consent

The owner has consulted with Parks and Wildlife Service in relation to the proposal and will follow up with a view to provide the Section 52(1B) consent as soon as possible.

I trust the above satisfies Council's questions in relation to the provisions of the planning scheme. I would be pleased to discuss or clarify anything as necessary.

Yours sincerely,

Frazer Read
Principal
All Urban Planning Pty Ltd

Environmental **C**onsulting **O**ptions **Tas**mania

NATURAL VALUES ASSESSMENT OF PROPOSED BOATSHED AND JETTY, 2246 TUNBRIDGE TIER ROAD (PID 9165650; C.T. 171405/3; LPI 6000205), INTERLAKEN, TASMANIA

Environmental Consulting Options Tasmania (ECO*tas*) for Highlaurn Investments Pty Ltd

8 July 2024

Mark Wapstra

28 Suncrest Avenue

Lenah Valley, TAS 7008

ABN 83 464 107 291

email: mark@ecotas.com.au

web: www.ecotas.com.au

mobile: 0407 008 685

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AUTHORSHIP

Field assessment: Brian French

Report production: Brian French & Mark Wapstra

Habitat and vegetation mapping: Brian French

Base data for mapping: LISTmap

Digital and aerial photography: Brian French, LISTmap, ESRI World Imagery

ACKNOWLEDGEMENTS

Charlie Ellis (Charlie Ellis Architecture) provided information on the proposed land use and facilitated access to the site.

QUALIFICATIONS

Except where otherwise stated, the opinions and interpretations of legislation and policy expressed in this report are made by the author and do not necessarily reflect those of the relevant agency. The client should confirm management prescriptions with the relevant agency before acting on the content of this report. This report and associated documents do not constitute legal advice.

Note that any reference to the Department of Primary Industries, Parks, Water & Environment (DPIPWE) now refers to the Department of Natural Resources and Environment Tasmania.

COVER ILLUSTRATION

View northeast from Diamond Beach across Lake Sorell.

Please note: the blank pages in this document are deliberate to facilitate double-sided printing.

CONTENTS

SUMMARY

General

Highlaurn Investments Pty Ltd (owners) engaged Environmental Consulting Options Tasmania (ECO*tas*) to undertake a natural values assessment of a proposed boatshed and associated jetty at Diamond Beach, Lake Sorell, 2246 Tunbridge Tier Road (PID 9165650; C.T. 171405/3; LPI 6000205), Interlaken, Tasmania, primarily to ensure that the requirements of the identified natural values are appropriately considered during any further project planning under local, State and Commonwealth government approval protocols.

Site assessment

A natural values assessment of the study area was undertaken by Brian French (ECO*tas*) on 20 Jun. 2024.

Summary of key findings

Threatened flora

- No plant species listed as threatened on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) and/or the Tasmanian *Threatened Species Protection Act 1995* (TSPA) are known from database information, or were detected as a consequence of site assessment, from the study area.

Threatened fauna

- No fauna species listed as threatened on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) and/or the Tasmanian *Threatened Species Protection Act 1995* (TSPA) are known from database information, or were detected as a consequence of site assessment, from the study area.
- The study area supports potential habitat of several species (to different degrees), as follows:
  - *Sarcophilus harrisii* (Tasmanian devil);
  - *Dasyurus maculatus* subsp. *maculatus* (spotted-tailed quoll);
  - *Dasyurus viverrinus* (eastern quoll);
  - *Perameles gunnii* subsp. *gunnii* (eastern barred bandicoot);
  - *Galaxias auratus* (golden galaxias);
  - *Aquila audax* subsp. *fleayi* (Tasmanian wedge-tailed eagle);
  - *Haliaeetus leucogaster* (white-bellied sea-eagle);
  - *Tyto novaehollandiae* subsp*. castanops* (Tasmanian masked owl); and
  - *Neophema chrysostoma* (blue-winged parrot).
- The part of the proposal area does not support "significant habitat for a threatened fauna species", at any reasonable scale or interpretation of the concept, such that this part of the

site should not be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(c) of the *State Planning Provisions*.

Vegetation types

- The study area and immediate surrounds support the following TASVEG mapping units:
  - *Leptospermum lanigerum* scrub (TASVEG code: SLL);
  - *Eucalyptus delegatensis* dry forest and woodland (TASVEG code: DDE);
  - *Eucalyptus rodwayi* forest and woodland (TASVEG code: DRO);
  - regenerating cleared land (TASVEG code: FRG);
  - water, sea (TASVEG code: OAQ); and
  - sand, mud (TASVEG code: OSM).
- Of the communities present, none equate to a native vegetation community listed as threatened on Schedule 3A of the Tasmanian *Nature Conservation Act 2002*.
- Of the communities present, none equate to a threatened ecological community listed under the Commonwealth *Environment Protection and Biodiversity Protection Act 1999*.
- The absence of "native vegetation [that] forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*" from the part of the proposal area means that this part of the site should not be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(a) of the *State Planning Provisions*.

Weeds

- No plant species classified as declared weeds within the meaning of the Tasmanian *Weed Management Act 1999* were detected from the area.

Plant disease

- No evidence of *Phytophthora cinnamomi* (PC, rootrot) was recorded within the study area.
- No evidence of myrtle wilt was recorded within the study area.
- No evidence of myrtle rust was recorded within the study area.

Animal disease (chytrid)

- The study area does support particular habitats conducive to frog chytrid disease.

Recommendations

The recommendations provided below are a summary of those provided in relation to each of the natural values described in the main report. The main text of the report provides the relevant context for the recommendations.

Vegetation types

In general terms, minimising the extent of "clearance and conversion" and/or "disturbance" to native vegetation is recommended.

Threatened flora

Apart from the generic recommendation to minimise the extent of "clearance and conversion" and/or "disturbance" to native vegetation (with acknowledged constraints), specific management in relation to threatened flora is not recommended (none located).

Threatened fauna

Apart from the generic recommendation to minimise the extent of "clearance and conversion" and/or "disturbance" to native vegetation (with acknowledged constraints), specific management in relation to threatened fauna is not recommended.

Weed and disease management

Longer-term special management (e.g. a complex weed management plan) is not considered warranted because owner occupation is considered the most appropriate (and realistic) means of achieving control of any declared species (should they become established), where vigilance and immediate control are practical.

Legislative and policy implications

A formal referral to the relevant Commonwealth agency under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) is not considered required.

The proposal will require a planning permit pursuant to the provisions of the applicable planning scheme but specific permit conditions in relation to natural values to satisfy P1.1 & P1.2 of C7.6.1 and C7.6.2 of the Natural Assets Code of the *Tasmanian Planning Scheme – Central Highlands* are not recommended.

INTRODUCTION

Purpose

Highlaurn Investments Pty Ltd (owners) engaged Environmental Consulting Options Tasmania (ECO*tas*) to undertake a natural values assessment of a proposed boatshed and associated jetty at Diamond Beach, Lake Sorell, 2246 Tunbridge Tier Road (PID 9165650; C.T. 171405/3; LPI 6000205), Interlaken, Tasmania, primarily to ensure that the requirements of the identified natural values are appropriately considered during any further project planning under local, State and Commonwealth government approval protocols.

It is usual for development proposals to be subject to highly detailed ecological assessments, followed by reporting that complies with the Department of Natural Resources and Environment's *Guidelines for Natural Values Surveys – Terrestrial Development Proposals* (DPIPWE 2015), a document that outlines the various natural values that need to be assessed. However, in our opinion, in the case of the current land use proposal a detailed report is not warranted because the proposal is for a proposal with a small disturbance footprint.

Having said this, the attached report on the natural values of the subject area addresses the various items covered by the *Guidelines* and additional information can be provided to planning authorities if needed.

Scope

This report relates to:

- flora and fauna species of conservation significance, including a discussion of listed threatened species (under the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*) potentially present, and other species of conservation significance/interest;
- vegetation types (forest and non-forest, native and exotic) present, including a discussion of the distribution, condition, extent, composition and conservation significance of each community;
- plant and animal disease management issues;
- weed management issues; and
- a discussion of some of the policy and legislative implications of the identified natural values.

This report follows the government-produced *Guidelines for Natural Values Surveys – Terrestrial Development Proposals* (DPIPWE 2015) in anticipation that the report (or extracts of it) may be required as part of various approval processes.

The report format should also be applicable to other assessment protocols as required by the relevant Commonwealth agency (for any referral/approval that may be required under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*), which is unlikely to be required in this case.

More specifically, this assessment and report have been prepared to address specific provisions of the *Tasmanian Planning Scheme – Central Highlands Local Provisions Schedule*, with particular reference to the provisions within the Natural Assets Code.

Limitations

The natural values assessment was undertaken on 20 Jun. 2024. Many plant species have ephemeral or seasonal growth or flowering habits, or patchy distributions (at varying scales), and it is possible that some species were not recorded for this reason. However, every effort was made to sample the range of habitats present in the survey area to maximise the opportunity of recording most species present (particularly those of conservation significance). Late spring and into summer are usually regarded as the most suitable period to undertake most botanical assessments. While some species have more restricted flowering periods, a discussion of the potential for the site to support these is presented. In this case, the survey was appropriately timed to detect the species with a highest priority for conservation management in this part of the State.

The survey was also limited to vascular species: species of mosses, lichens and liverworts were not recorded. However, a consideration is made of threatened species (vascular and non-vascular) likely to be present (based on habitat information and database records) and reasons presented for their apparent absence.

Surveys for threatened fauna were largely limited to an examination of "potential habitat" (i.e. comparison of on-site habitat features to habitat descriptions for threatened fauna), and detection of tracks, scats and other signs.

Permit

Any plant material was collected under DNRET permit TFL 22382 (in the names of Mark Wapstra & Brian French). Relevant data will be entered into DNRET's *Natural Values Atlas* database by the authors. Some plant material may be lodged at the Tasmanian Herbarium by the authors.

No vertebrate or invertebrate material was collected. A permit is not required to undertake the type of habitat-level assessment described herein.

STUDY AREA

Land use proposal

It is proposed to construct a small boatshed (ca. 30 m^2), associated deck and a 30 x 1.2 m jetty on the western end of Diamond Beach, Lake Sorell (Figures 1-4).

Overview – cadastral details

The proposal is located at 2246 Tunbridge Tier Road (Figures 2-4), with the following cadastral details:

- PID: 9165650;
- C.T.: 171405/3; and
- LPI: 6000205.

Lake Sorell is classified as 'Onshore Water Body' (PID: 0, C.T. 985837, LPI: <Null>) with no other details given. It is assumed that Crown consent will be required if the State of Tasmania is the

administrator of the waterbody. The administrator/manager of this waterbody is not indicated on databases or is not indicated as 'Public Land' on the Tasmanian Government's LISTmap.

Current land tenure and other categorisations of the study area are as follows:

- private freehold title; and
- Central Highlands municipality, zoned as Rural with Lake Sorell zoned as Environmental Management pursuant to the *Tasmanian Planning Scheme – Central Highlands Local Provisions Schedule* (Figure 5), with the proposed development site subject to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays (Figure 6) – other overlays may be present but are not subject to assessment under the present report.

Other site features

The proposal area occurs on the western end of Diamond Beach (Figures 1-4, Plates 1-3), Lake Sorell, which has a gently sloping generally northerly aspect with the beach fringed on the southern margin by eucalypt woodland (Plates 2-4). A former pasture clearing is present on the southern margin of the beach, which now forms a 'marsupial lawn' with drains, fence posts and cut stumps present (Plates 5-7). Historical evidence suggests that the Diamond Beach area has had a long and colourful history of occupation and use as described by a visit to the beach in 1896:

> "The wind having sprung up from the westward, Dr Crampton soon had us sailing towards Diamond Beach, a favourite place for visitors, where beautiful camellias and other flowers are easily obtained. Close inshore, and near Diamond Beach, stood the ruins of the huts of the Irish exiles of days gone by. There may be seen the ruins of the erections in which Smith O'Brien and his fellow patriots once lived. I doubt very much if there are 20 Irishmen in Australia and New Zealand who know of this lovely spot" (excerpt from Otago Witness, Issue 1896, 23 March 1888, Page 15).

Without going into historical detail, the site was the home to a Thomas Francis Meagher who was exiled from Ireland for a political offence and was allowed to settle at Lake Sorell with his wife Catherine in around 1850 near Diamond Beach. The beach was frequented as a favoured tourist location after the departure of Thomas Meagher (see Plate 1 envelope/stamp), used for both sheep and cattle grazing and in recent decades, forestry activities with an extensive road network and evidence of several rotations of commercial selective harvest. There is a logging road that stops ca. 130 m to the south of the proposed boatshed, which accesses the pasture to the south of the beach. Recently a dwelling, shed and associated access road have been constructed immediately to the south of the old pasture area (see Figure 4).

Altitude of the Lake Sorell full supply level is 804 m a.s.l. with the boat shed at ca. 806 m a.s.l.

LISTmap's Fire History layer does not indicate any recent fire history within or surrounding the proposal area. This was confirmed by the survey with no evidence of recent fire noted.

The geology of the study area is mapped at a 1:250,000 scale (Figure 7) as Jurassic-age "dolerite (tholeiitic) with locally developed granophyre" (geocode: Jd) and Permian-age "upper glaciomarine sequences of pebbly mudstone, pebbly sandstone and limestone" (geocode: Pu). The geology is mentioned because it has a strong influence on the classification of vegetation and the potential occurrence of threatened flora (and to a lesser extent, threatened fauna). The dolerite geology was confirmed informally by reference to the exposed dolerite bedrock in the west at the site of the proposed jetty.

It should be noted that the beach has formed by the persistent northwesterly winds that has 'sorted' benthic material due to the shallow nature of the lake and the wave and wind action. The beach is characterised by a very shallow and sandy bay with Diamond Beach forming a steep profile of course sand that includes low dunes behind the beach. Historical aerial imagery suggests that the

beach formation is geomorphologically dynamic ,which has influenced the formation of the 'back beach' vegetation. Importantly, the course sandy soils associated with the beach are recent (Holocene <7-10k years) and well-drained. This is important to note as there are no wetlands present as indicated in Figure 3, which has implications under the *Tasmanian Planning Scheme – Central Highlands Local Provisions Schedule* Waterway and Coastal Protection Area overlay.

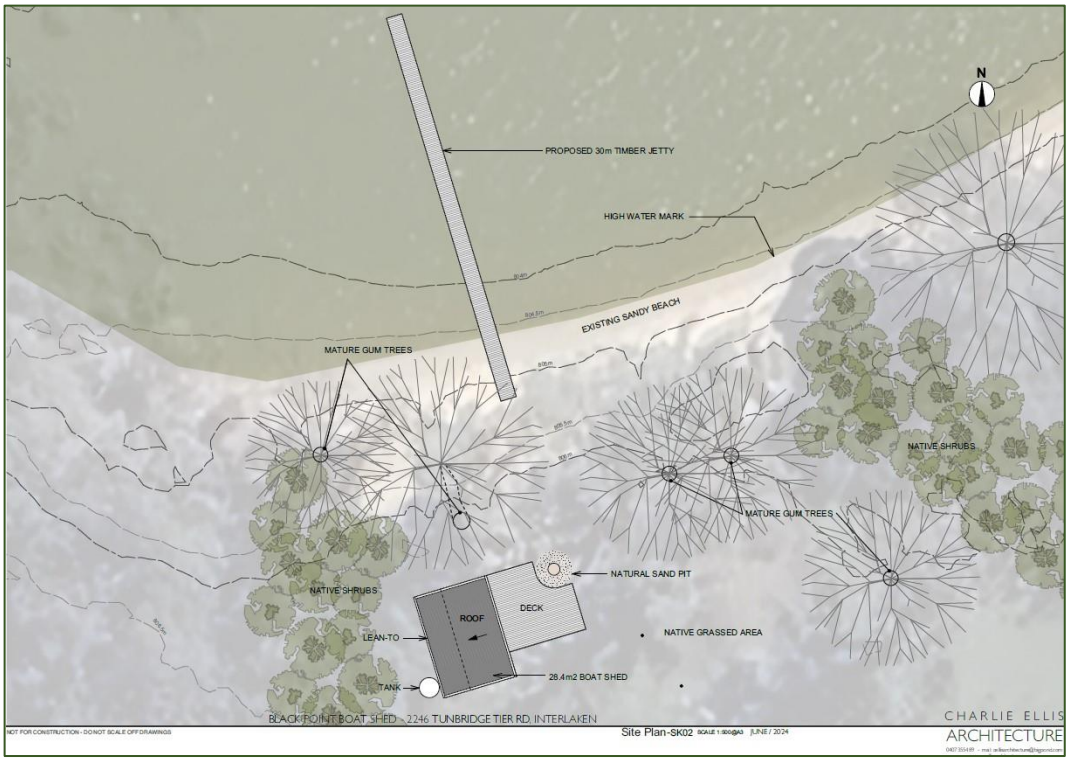

Figure 1. Proposed boatshed, deck and jetty at the western end of Diamond Beach, Lake Sorell [source: Charlie Ellis Architecture]

Plate 1. 1898 envelope and stamp noting "Lake Sorell from the Diamond Beach"

Figure 2. General location of study area

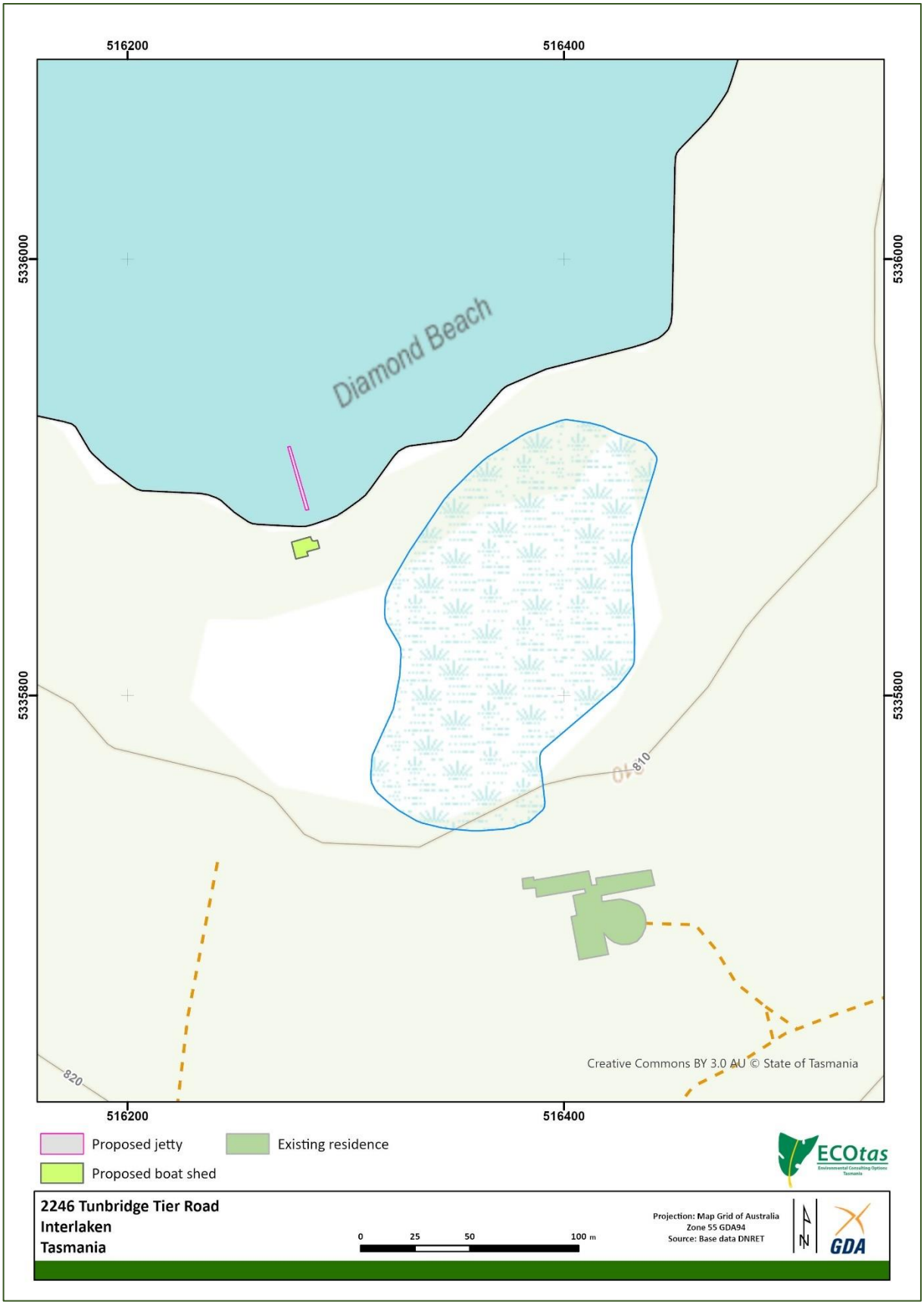

Figure 3. Detailed location of study area showing general topographic and cadastral features

Figure 4. Detailed location of study area showing recent aerial imagery, cadastral boundaries, contours, watercourses and roads/tracks

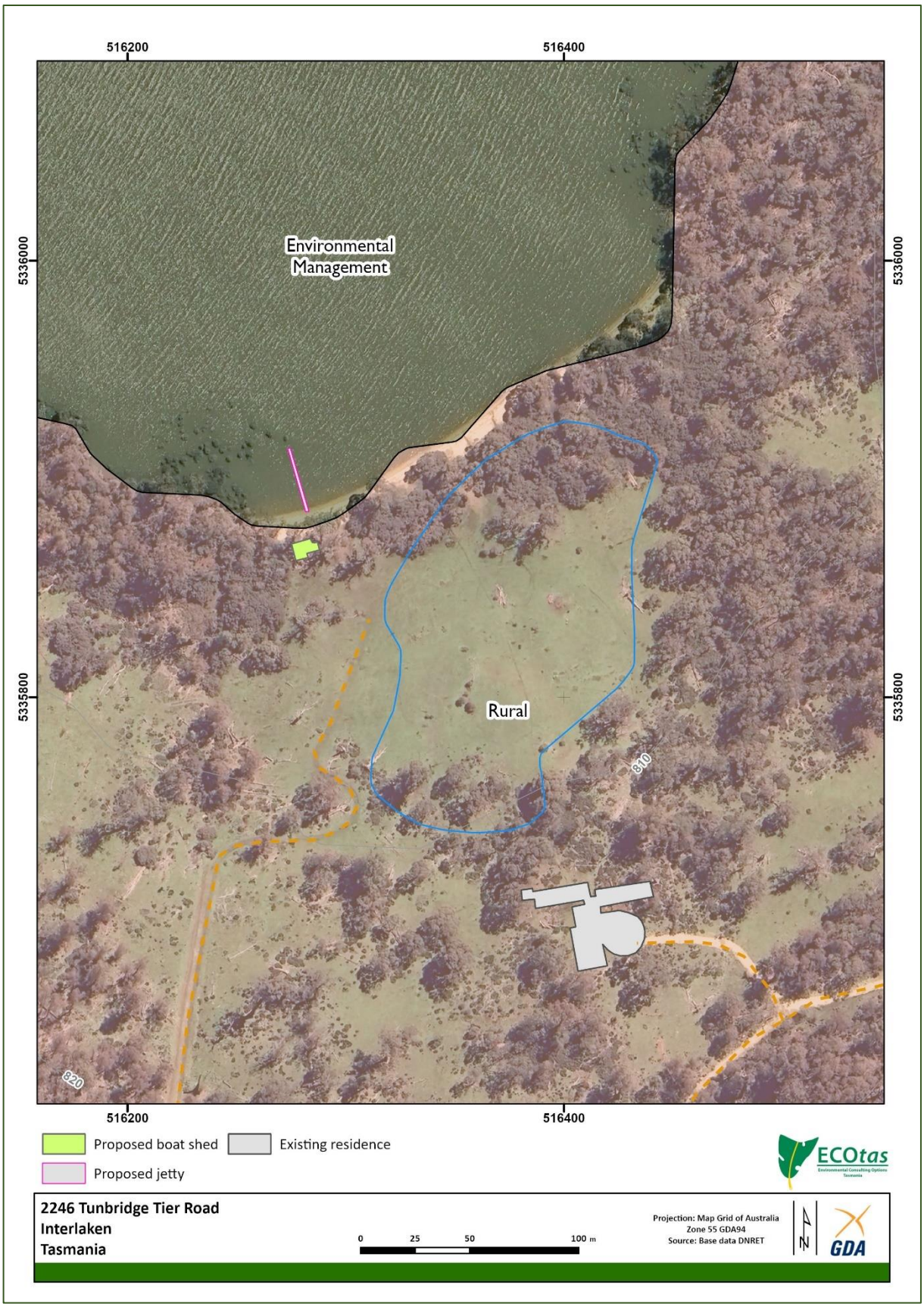

Figure 5. Zoning of study area and surrounds pursuant to *Tasmanian Planning Scheme – Central Highlands*

Figure 6. Extent of Priority Vegetation Area and Waterway and Coastal Protection Area overlays pursuant to *Tasmanian Planning Scheme – Central Highlands*

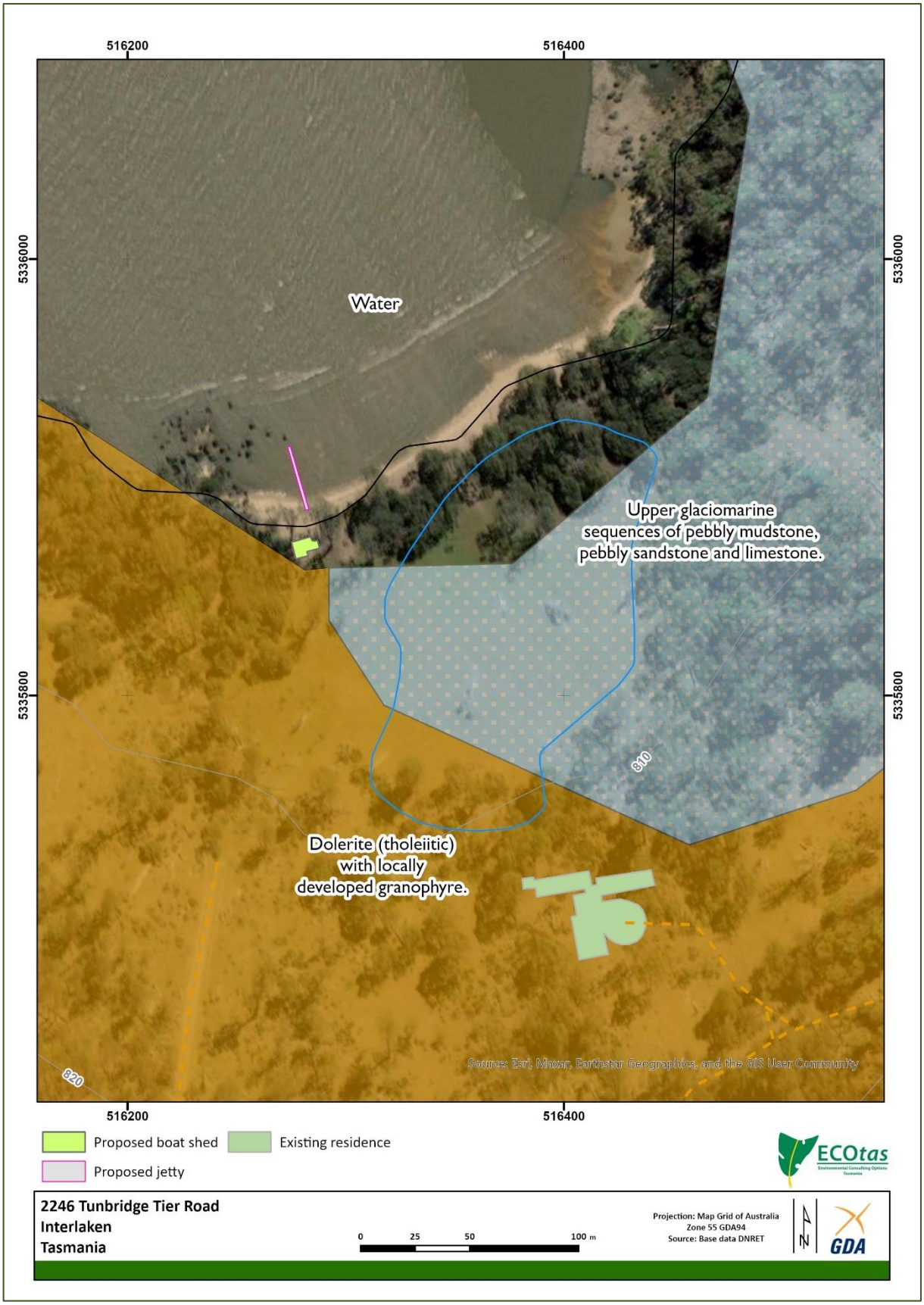

Figure 7. Geology (1:250,000 scale) of study area and surrounds

Plate 2. Diamond Beach with the location of proposed jetty (forground right) and boatshed location in the gap between the trees (background right)

Plate 3. Location of proposed boatshed – middleground left

Plate 4. View east along Diamond Beach with *Eucalyptus rodwayi* woodland over *Leptospermum lanigerum* (woolly teatree) fringing the southern margin of the beach

Plate 5. Former pasture area to the immediate south of the proposal site – note regrowth eucalypts and cut stumps (middleground left)

Plate 6. Former pasture area to the immediate south of the proposal site with new dwelling visible amongst the trees in the background right

Plate 7. Historical drain across old pasture area: new dwelling visible in background

METHODS

Nomenclature

All grid references in this report are in GDA94, except where otherwise stated.

Vascular species nomenclature follows de Salas & Baker (2023) for scientific names and Wapstra et al. (2005+) for common names. Fauna species scientific and common names follow the listings in the cited *Natural Values Atlas* report (DNRET 2024a).

Vegetation classification follows TASVEG 4.0, as described in *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation (*Kitchener & Harris 2013+).

Preliminary investigation

Available sources of previous reports, threatened flora records, vegetation mapping and other potential environmental values were interrogated. These sources include:

- Tasmanian Department of Natural Resources & Environment Tasmania's *Natural Values Atlas* records for threatened flora and fauna (GIS coverage maintained by the author current as at date of report);
- Tasmanian Department of Natural Resources & Environment Tasmania's *Natural Values Atlas* report ECOtas_2246TunbridgeTierRd for a polygon defining the study area (centred on 516274mE 5335863mN), buffered by 5 km, dated 28 May 2024 (DNRET 2024a) – Appendix E;
- Forest Practices Authority's *Biodiversity Values Database* report, specifically the species' information for grid reference centroid 516274mE 5335863mN (i.e. a point defining the approximate centre of the study area), buffered by 5 km and 2 km for threatened fauna and flora records, respectively, hyperlinked species' profiles and predicted range boundary maps, dated 28 May 2024 (FPA 2024) – Appendix F;
- Commonwealth *Protected Matters Report* for a polygon defining the study area, buffered by 5 km, dated 28 May 2024 (CofA 2024) – Appendix G;
- TASVEG vegetation coverages (as available through GIS coverage and via LISTmap);
- Google Earth, LISTmap orthoimagery and ESRI World Imagery; and
- other sources listed in tables and text as indicated.

Field assessment

The assessment was undertaken by Brian French (ECO*tas*) on 20 Jun. 2024. Cadastral data uploaded to the iGIS application guided the in-field assessment. Hand-held GPS was used to waypoint natural values features for future mapping purposes.

The survey was not limited by access due to the relatively simple configuration of the study area with existing access and easily-traversed vegetation.

Vegetation classification

Vegetation was classified by waypointing vegetation transitions for later comparison to aerial imagery. The structure and composition of the vegetation types was described using a nominal 30 m radius plot at a representative site within the vegetation types, and compiling a "running" species list for the balance of the assessment area.

Threatened (and priority) flora

With reference to the threatened flora, the survey included consideration of the most likely habitats for such species. Further details are not provided because no such species were recorded.

Threatened fauna

Surveys for threatened fauna were largely limited to an examination of "potential habitat" (i.e. comparison of on-site habitat features to habitat descriptions for threatened fauna), and detection of tracks, scats and other signs, signs.

Weed and hygiene issues

The study area was assessed with respect to plant species classified as declared weeds under the Tasmanian *Weed Management Act 1999* (*Biosecurity Act 2019*), Weeds of National Significance (WoNS) or "environmental weeds" (authors' opinion and as included in *A Guide to Environmental and Agricultural Weeds of Southern Tasmania*, NRM South 2017).

The study area was assessed with respect to potential impacts of plant and animal pathogens, by reference to habitat types and field symptoms.

FINDINGS

Vegetation types

Comments on TASVEG mapping

This section, which comments on the existing TASVEG mapping for the study area, is included to highlight the differences between existing mapping and the more recent mapping from the present study to ensure that any parties assessing land use proposals (via this report) do not rely on existing mapping. Note that TASVEG mapping, which was mainly a desktop mapping exercise based on aerial photography, is often substantially different to ground-truthed vegetation mapping, especially at a local scale. An examination of existing vegetation mapping is usually a useful pre-assessment exercise to gain an understanding of the range of habitat types likely to be present and the level of previous botanical surveys.

In this case, it is useful to examine TASVEG 3.0, 4.0 & Live mapping because while the latter two should be the most up-to-date, the former has been used to inform the *Tasmanian Planning Scheme* and specifically the Regional Ecosystem Model's mapping of the Priority Vegetation Area overlay developed as part of the *Tasmanian Planning Scheme*.

In this case, all versions of TASVEG are all identical and are based off a 1997 aerial image and the "PRE_TASVEG_1_2" dataset (likely 1997 *Regional Forest Agreement* mapping at 1:250,000 scale), which maps areas of grassland that is clearly eucalypt woodland. The TASVEG versions are largely incorrect for the project area and immediate surrounds highlighting the challenges of relying on existing vegetation mapping to inform land use planning without ground-truthing.

TASVEG 3.0, TASVEG 4.0 and TASVEG Live (Figure 8) identically map the study area as:

- *Eucalyptus delegatensis* dry forest and woodland (TASVEG code: DDE)

  All the forest areas are mapped as DDE.
- highland *Poa* grassland (TASVEG code: GPH)

  GPH is mapped across openings and the forest areas.
- water, sea (TASVEG code: OAQ)

  OAQ is mapped as the waterbody of Lake Sorell.

Vegetation types recorded as part of the present study

Vegetation types have been classified according to TASVEG 4.0, as described in *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation* (Kitchener & Harris 2013+). Table 1 provides information on the mapping units identified from the study area with images of the site's vegetation provided in Plates 2-7. Figure 9 shows the revised vegetation mapping for the proposal area.

Conservation significance of identified vegetation types

DDE, DRO and SLL do not equate to threatened ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

DDE, DRO and SLL do not equate to native vegetation communities listed as native vegetation communities listed as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002.*

Occurrences of DDE, DRO and SLL do not meet the intent of "priority vegetation" pursuant to the Natural Assets Code of the *State Planning Provisions*, which is defined as follows:

C7.3 Definition of Terms

C7.3.1 In this code, unless the contrary intention appears:

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.

That is, C7.3.1(a) has no application as DDE, DRO or SLL do not "form(s) an integral part of a threatened native vegetation community". The vegetation at the site does not meet the intent of "priority vegetation" pursuant to the Natural Assets Code of the *State Planning Provisions*, such that C7.3.1(a) should not be applicable to the current proposal.

Table 1. Vegetation mapping units present in study area

[conservation status: NCA – as per Schedule 3A of the Tasmanian *Nature Conservation Act 2002*, using units described by Kitchener & Harris (2013+), relating to TASVEG mapping units (DNRET 2024b); table headings are as per modules in Kitchener & Harris (2013+); EPBCA – as per the listing of ecological communities on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, relating to communities as described under that Act, but with equivalencies to TASVEG units]

TASVEG equivalent (Kitchener & Harris 2013+)	**Conservation priority** TASVEG *EPBCA*	**Comments**
Scrub, heathland and coastal complexes		
Leptospermum lanigerum scrub (SLL)	not threatened *not threatened*	SLL is restricted to a seasonally inundated point on the western end of Diamond Beach on an exposed dolerite rocky and muddy area. At the time of the survey, the point was exposed due to the low water level. The mapped area of SLL is characterised by a sparse low shrub layer of *Leptospermum lanigerum* (woolly teatree) over a high percentage of rock, mud and scattered semiaquatic herb species. SLL is in good condition with no introduced plant species recorded. The proposal will not disturb this community.
Dry eucalypt forest and woodland		
Eucalyptus delegatensis (tasmaniensis) dry forest and woodland (DDE)	not threatened *not threatened*	DDE dominates the vegetation within and surrounding the proposal area, occurring on relatively insolated and well-drained slopes. Structurally, DDE is characterised by an open woodland structure of mixed-age *Eucalyptus tasmaniensis* due to past selective logging with scattered *E. dalrympleana, E. pauciflora* and *E. rodwayi* present as drainage becomes slightly impeded or subject to periodical inundation during high lake levels. A sparse tree/tall shrub layer of *Acacia dealbata* is present over a generally uniform low shrub layer dominated by *Leptecophylla parvifolia*. DDE is gradational with DRO on lower slopes as drainage becomes impeded and or subject to cold air drainage (severe frosts). Disturbance was noted across the entire mapped area of DDE associated with successive rotations of selective logging with roads, cut stumps, log heaps, snig tracks and landings noted. DDE is in good ecological condition with few introduced plant species observed and no symptoms of plant disease noted. The proposal does not affect any areas mapped as DDE.
Eucalyptus rodwayi forest and woodland (DRO)	not threatened *not threatened*	DRO dominates the fertile lower slopes with well-developed soils on the southern margin of Diamond Beach and surrounding the previously cleared area (see FRG below). Floristically, DRO is characterised by a woodland structure dominated by *E. rodwayi* on the relatively well-drained areas with a sparse tree/tall shrub layer of *Acacia dealbata* present over a generally uniform low shrub layer dominated by *Leptecophylla parvifolia*. The area subject to periodical inundation behind Diamond Beach is characterised by the presence of *E. ovata* in the canopy over a tall shrub layer dominated by *Leptospermum lanigerum* with a depauperate ground layer. DRO is gradational with DDE as sites become rocky and insolated, FRG in the previously cleared area and forms a sharp ecological boundary with Diamond Beach.

TASVEG equivalent (Kitchener & Harris 2013+)	**Conservation priority** TASVEG *EPBCA*	**Comments**
		DRO is in excellent ecological condition with no introduced plant species observed or any symptoms of plant disease noted. The proposed boat shed occurs on the margin of the mapped area of DRO. The structure avoids larger trees and shrubs, and the footprint of the boatshed and deck is ca. 60 m^2, which occurs on a sparsely vegetated area on the disturbed margin of the previous pasture area.
Modified land		
regenerating cleared land (FRG)	not threatened *not threatened*	FRG is used to describe disturbed areas associated with past human disturbance activities such as clearing for grazing/agriculture where native plant species are regenerating. FRG has been mapped as the previously cleared area for pasture that is better described as 'marsupial lawn' due to the abundance of native grazing vertebrates. Evidence of historical disturbance within this area is widespread with several cut stumps, drains and vehicle tracks. Historically, this area was likely DRO that was targeted for clearing due to the fertility of the site. FRG is characterised by an open and low cover of largely moss species that cover ca. 70-90% of the ground with scattered herb and grass species. The abundant browsing native vertebrate population 'mows' any vascular plant species that dares to rise above the moss layer. Several regenerating individuals of *Eucalyptus rodwayi* are present and given time, this area will revert to DRO woodland. Scattered introduced pasture herb and grass species are persisting in this area; however, generally unpalatable native herb species are persisting amongst the moss. The proposal is on the margin of the mapped area of FRG.
Other natural environments		
water, sea (OAQ)	not threatened *not threatened*	OAQ maps the waterbody of Lake Sorell. The coverage of OAQ is variable depending on the level of the lake; however, at the time of the survey, the lake level was low ,which allowed the survey to extend well into the lake beyond the proposed jetty site. The dynamic, shallow and exposed nature of the site largely inhibits the colonisation of vascular plant species with the bay associated with Diamond Beach largely consisting of course sand. The only aquatic vascular plant species noted was occasional individuals of *Eleocharis acuta* (common spikesedge), mainly where stable dolerite substrate is exposed. The proposed jetty is largely within the mapped area of OAQ. The jetty will only have a minimal impact on the benthic zone due to the installation of the jetty piers and will not disturb any native vascular plant species.
sand, mud (OSM)	not threatened *not threatened*	OSM is mapped as the mobile sands associated with Diamond Beach. The area of sand varies depending on the water level of the lake. There are some scattered vascular plant species present such as *Scleranthus biflorus* (twin-flowered knawel) on the upper beach zone on the margin of the fringing DRO woodland. No weed species were recorded from the area mapped as OSM. A section of the proposed jetty occurs on the western end of Diamond Beach. Disturbance associated with the proposed jetty is limited to the installation of the piers that will not affect any vascular plant species.

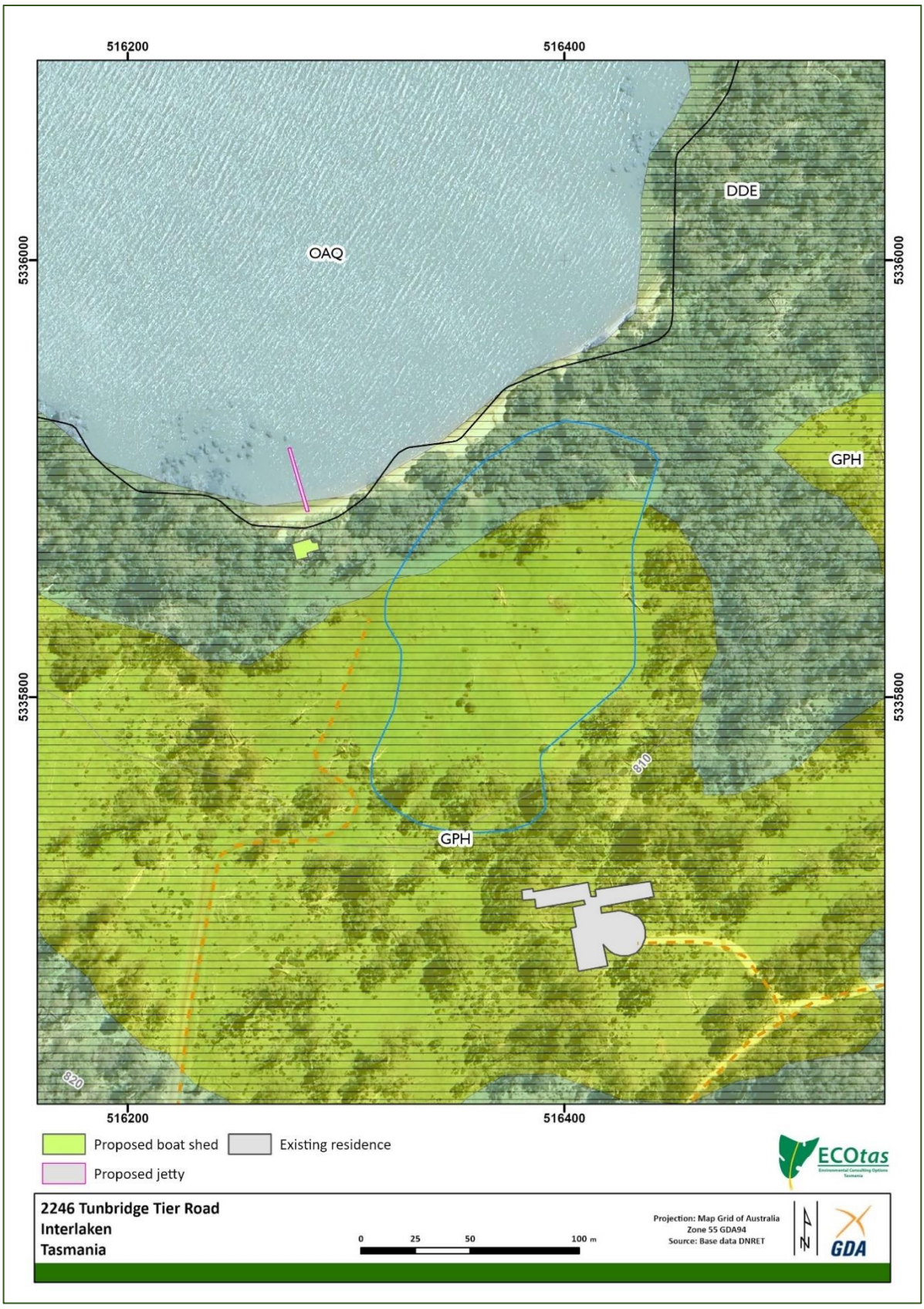

Figure 8. TASVEG 3.0, TASVEG 4.0 and TASVEG Live vegetation mapping for study area and surrounds (see text for codes)

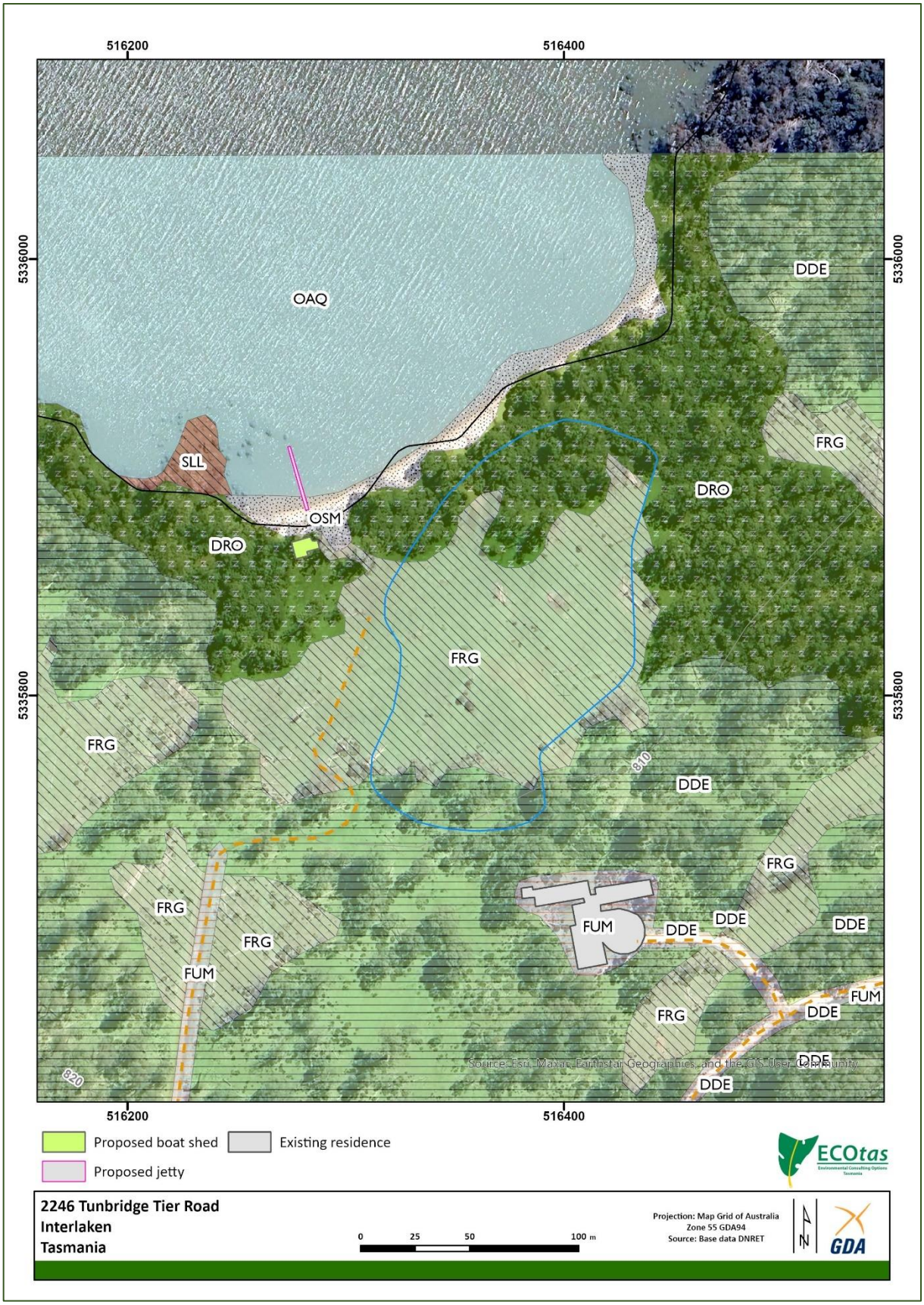

Figure 9. Revised vegetation mapping for study area (see text for codes)

Plant species

General information

Additional surveys at different times of the year may detect additional short-lived herbs and grasses but a follow-up survey is not considered warranted because of the low likelihood of species with a high priority for conservation management being present.

Threatened flora

Figure 10 indicates threatened flora species near the study area (Appendix A) provides a listing of threatened flora from within 5,000 m of the study area (nominal buffer width usually used to discuss the potential of a particular study area to support various species listed in databases).

Database information indicates that the proposal area does not support known populations of flora listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999* (Figure 10). The survey did not detect any plant species listed on either Act or given the small footprint of the proposal, it is highly unlikely that such species are present.

On this basis, the proposed development site cannot qualify as "priority vegetation" (previous citation of definition of "priority vegetation" at **FINDINGS *Vegetation types*** Conservation significance of identified vegetation types), specifically in that it is not "a threatened flora species". That is, C7.3.1(b) is not applicable.

Threatened fauna

Figure 11 indicates threatened fauna species near the study area and Appendix A provides a listing of threatened fauna from within 5,000 m of the study area (nominal buffer width usually used to discuss the potential of a particular study area to support various species listed in databases).

Database information indicates that the subject title does not support known populations of fauna listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Protection Act 1999* (EPBCA) (Figure 11). Site assessment did not detect any such species from the proposal area.

The site assessment indicated that the study area supports ubiquitous potential habitat for a suite of threatened fauna species. This includes potential habitat of species such as *Galaxias auratus* (golden galaxias), *Sarcophilus harrisii* (Tasmanian devil), *Dasyurus maculatus* subsp. *maculatus* (spotted-tailed quoll), *Dasyurus viverrinus* (eastern quoll), *Perameles gunnii* subsp. *gunnii* (eastern barred bandicoot), *Neophema chrysostoma* (blue-winged parrot), *Aquila audax* subsp. *fleayi* (Tasmanian wedge-tailed eagle), *Haliaeetus leucogaster* (white-bellied sea-eagle) and *Tyto novaehollandiae* subsp. *castanops* (masked owl). The small-scale development is not anticipated to have a significant impact on these species.

Under the *Tasmanian Planning Scheme*, priority vegetation can include the concept of "it forms a significant habitat for a threatened fauna species" (see previous citation of definition of "priority vegetation" at **FINDINGS *Vegetation types*** Conservation significance of identified vegetation types), where "significant habitat" is defined under the *Scheme* as follows:

> "the habitat within the known or core range of a threatened fauna species, where any of the following applies:

(a) is known to be of high priority for the maintenance of breeding populations throughout the species' range; or

(b) the conversion of it to non-priority vegetation is considered to result in a long-term negative impact on breeding populations of the threatened fauna species".

Problematically, the *Scheme* does not define the terms "known" or "core" range, which means this could rely on those used by other agencies such as the Forest Practices Authority and/or the Department of Natural Resources and Environment Tasmania, which are effectively presented in the relevant database reports (DNRET 2024a; FPA 2024). While the subject site is within the so-called "known or core range" of some listed fauna species, it is challenging to assign any part of the site as being of "high priority for the maintenance of breeding populations throughout the species' range" at any reasonable scale or be in any way construed as meeting the intent of a scenario in which "the conversion of it [i.e. "significant habitat"] to non-priority vegetation [could be] considered to result in a long-term negative impact on breeding populations of the threatened fauna species". With respect to the above species, none of the proposal area could be considered to be "significant habitat for a threatened fauna species" at any reasonable scale or interpretation of the concept, such that this part of the site should not be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(c) of the *State Planning Provisions*.

Other natural values

Weed species

No plant species classified as declared weeds within the meaning of the Tasmanian *Weed Management Act 1999* were detected from the study area.

Several planning manuals provide guidance on appropriate management actions, which can be referred to develop site-specific prescriptions for any proposed works in the proposal area. These manuals include:

- Allan, K. & Gartenstein, S. (2010). *Keeping It Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens*. NRM South, Hobart;
- Rudman, T. (2005). *Interim* Phytophthora cinnamomi *Management Guidelines*. Nature Conservation Report 05/7, Biodiversity Conservation Branch, Department of Primary Industries, Water & Environment, Hobart;
- Rudman, T., Tucker, D. & French, D. (2004). *Washdown Procedures for Weed and Disease Control*. Edition 1. Department of Primary Industries, Water & Environment, Hobart; and
- DPIPWE (2015). *Weed and Disease Planning and Hygiene Guidelines – Preventing the Spread of Weeds and Diseases in Tasmania*. Department of Primary Industries, Parks, Water & Environment, Hobart.

In this case, owner-occupation is considered the most appropriate means of achieving effective longer-term weed management where vigilance and immediate control of any detected species should be practical.

Myrtle wilt

Myrtle wilt, caused by a wind-borne fungus (*Davidsoniella* syn. *Chalara australis*), occurs naturally in rainforest where myrtle beech (*Nothofagus cunninghamii*) is present. The fungus enters wounds in the tree, usually caused by damage from wood-boring insects, wind damage and forest clearing. The incidence of myrtle wilt often increases forest clearing events such as windthrow and wildfire.

The study area does not support *Nothofagus cunninghamii*. No special management is required.

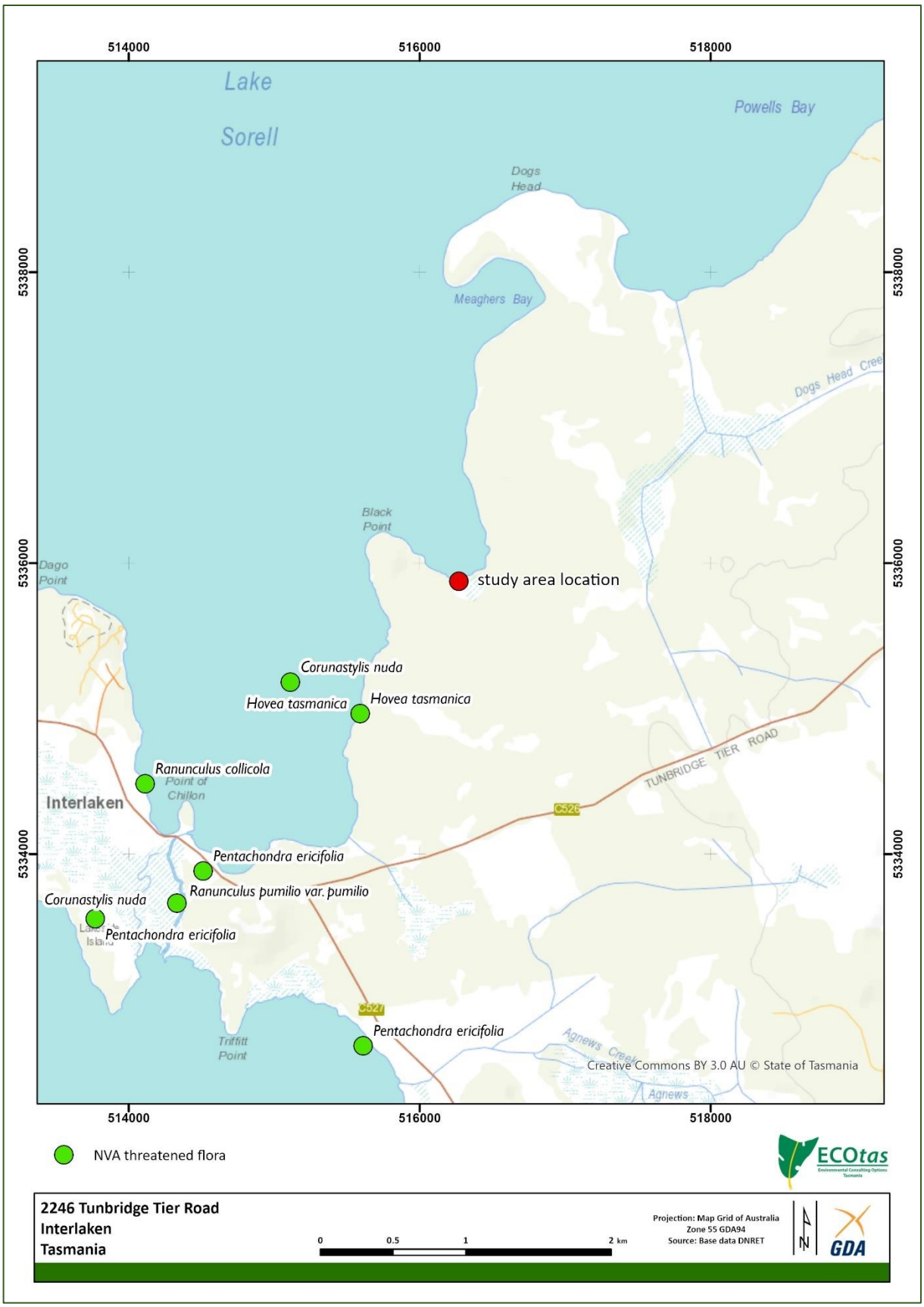

Figure 10. Distribution of threatened flora close to study area (overview)

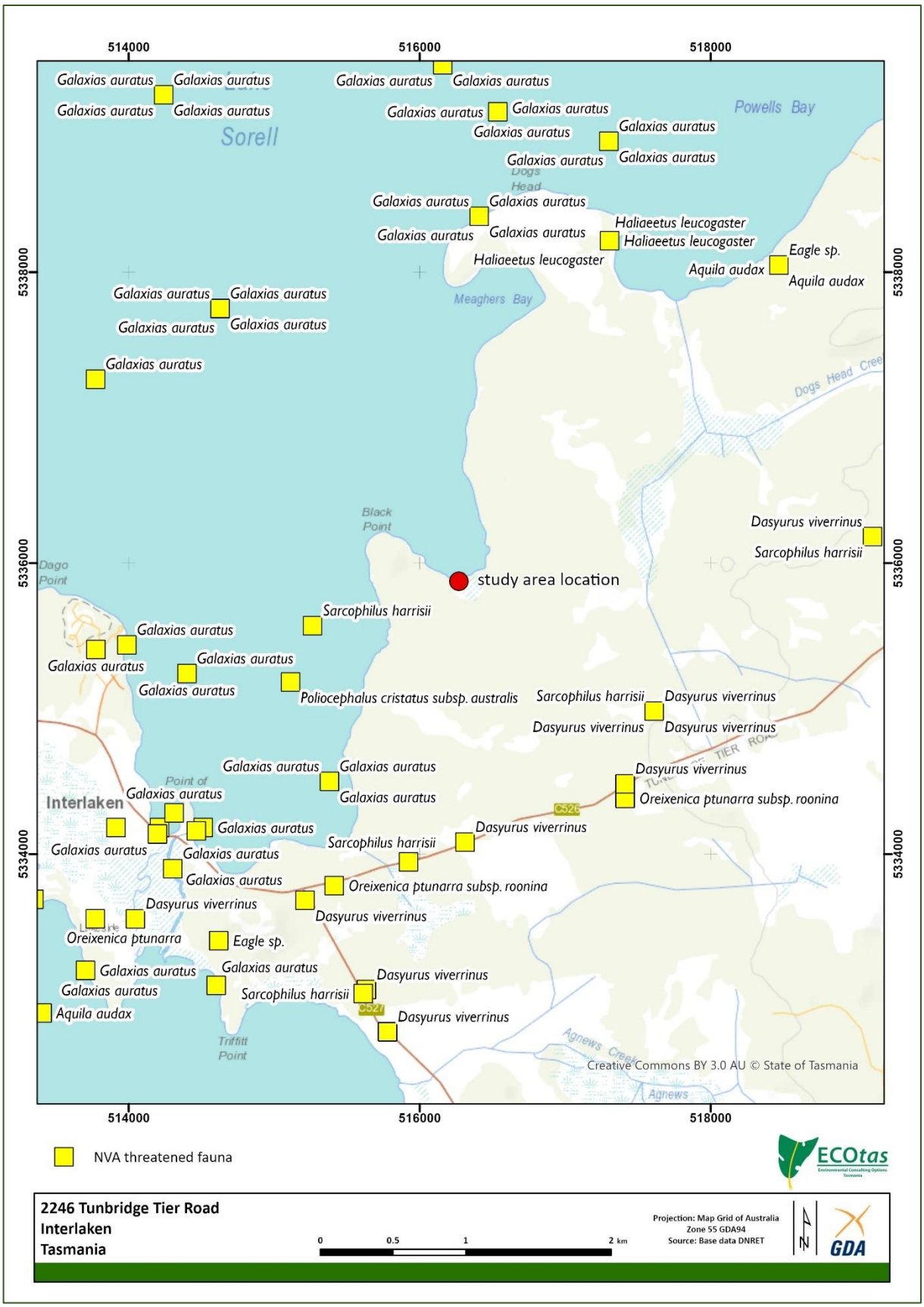

Figure 11. Distribution of threatened fauna close to study area (overview)

FINDINGS *Other natural values* continued…

Myrtle rust

Myrtle rust is a disease limited to plants in the Myrtaceae family. This plant disease is a member of the guava rust complex caused by *Austropuccinia psidii*, a known significant pathogen of Myrtaceae plants outside Australia. Infestations are currently limited to NSW, Victoria, Queensland and Tasmania (DPIPWE 2015).

No evidence of myrtle rust was noted (possible indicator species present). The longer-term management issue for the site is to ensure that any ornamental plantings source plants from a reputable nursery free from the pathogen (such businesses are already subject to strict biosecurity conditions).

Rootrot pathogen, *Phytophthora cinnamomi*

Phytophthora cinnamomi (PC) is widespread in lowland areas of Tasmania, across all land tenures. However, disease tends not to develop when soils are too cold or too dry. For these reasons, PC is not usually considered a threat to susceptible plant species that grow at elevations higher than about 700 m or where annual rainfall is less than about 600 mm (e.g. Midlands and Derwent Valley). Furthermore, disease is less likely to develop beneath a dense canopy of vegetation because shading cools the soils to below the optimum temperature for the pathogen. A continuous canopy of vegetation taller than about 2 m is usually sufficient to suppress disease. Hence PC is not usually considered a threat to susceptible plant species growing in wet sclerophyll forests, rainforests (except disturbed rainforests on infertile soils) and scrub e.g. teatree scrub (Rudman 2005; FPA 2009).

The vegetation types identified from the lease area is not usually recognised as being potentially susceptible to PC in most circumstances. Site assessment did not record any field symptoms (dead and/or dying susceptible plant species). It is probably quite reasonable to treat this area as *Phytophthora*-free. It should be noted that recent isolations of the pathogen in western Tasmania have been from areas >800 m in areas where it was assumed that PC would not persist due to cold conditions.

Management should be aimed at minimising the risk of introducing the pathogen. Refer to the section above (Weed species) for a list of planning manuals that provide appropriate guidelines for managing risks associated with PC.

Chytrid fungus and other freshwater pathogens

Native freshwater species and habitat are under threat from freshwater pests and pathogens including *Batrachochytrium dendrobatidis* (chytrid frog disease), *Mucor amphibiorum* (platypus mucor disease) and the freshwater algal pest *Didymosphenia geminata* (didymo) (Allan & Gartenstein 2010). Freshwater pests and pathogens are spread to new areas when contaminated water, mud, gravel, soil and plant material or infected animals are moved between sites. Contaminated materials and animals are commonly transported on boots, equipment, vehicles tyres and during road construction and maintenance activities. Once a pest pathogen is present in a water system it is usually impossible to eradicate. The manual *Keeping it Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens* (Allan & Gartenstein 2010) provides information on how to prevent the spread of freshwater pests and pathogens in Tasmanian waterways wetlands, swamps and boggy areas.

Lake Sorell is potential habitat for amphibian species. It is recommended to assume that the disease is absent and to manage operations as to minimise the risk of introducing the pathogen. At this site, the following specific actions are recommended:

- ensure that vehicles, machinery, equipment, materials and personnel adhere to the general hygiene protocols provided in *Keeping it Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens* (Allan & Gartenstein 2010)

Additional "Matters of National Environmental Significance" – Threatened Ecological Communities

CofA (2024) indicates that the following threatened ecological communities listed on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) are likely to occur within the area:

- Alpine Sphagnum Bogs and Associated Fens [Endangered];
- Tasmanian Forests and Woodlands dominated by Black Gum or Brookers Gum (*Eucalyptus ovata* / E*. brookeriana*) [Critically Endangered]; and
- Tasmanian White Gum (*Eucalyptus viminalis*) Wet Forest [Critically Endangered].

Existing vegetation mapping (Figure 8) and revised vegetation mapping (Figure 9) indicates that these communities are not present within or adjacent to the study area i.e. there are no implications under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* in relation to threatened ecological communities.

Additional "Matters of National Environmental Significance" – Wetlands of International Importance

CofA (2024) indicates that study area is within 10 km of a Ramsar site, namely:

- Interlaken (Lake Crescent).

The Ramsar site is ca. 3 km to the west-southwest of the proposal area, it is not within line-of-sight and is at the northern end of Lake Crescent, such that no part of the proposal will affect this area i.e. there should be no implications under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* in relation to wetlands of international importance.

DISCUSSION

Summary of key findings

Threatened flora

- No plant species listed as threatened on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) and/or the Tasmanian *Threatened Species Protection Act 1995* (TSPA) are known from database information, or were detected as a consequence of site assessment, from the study area.

Threatened fauna

- No fauna species listed as threatened on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) and/or the Tasmanian *Threatened Species Protection Act 1995* (TSPA) are known from database information, or were detected as a consequence of site assessment, from the study area.

- The study area supports potential habitat of several species (to different degrees), as follows:
  - *Sarcophilus harrisii* (Tasmanian devil);
  - *Dasyurus maculatus* subsp. *maculatus* (spotted-tailed quoll);
  - *Dasyurus viverrinus* (eastern quoll);
  - *Perameles gunnii* subsp. *gunnii* (eastern barred bandicoot);
  - *Galaxias auratus* (golden galaxias);
  - *Aquila audax* subsp. *fleayi* (Tasmanian wedge-tailed eagle);
  - *Haliaeetus leucogaster* (white-bellied sea-eagle);
  - *Tyto novaehollandiae* subsp*. castanops* (Tasmanian masked owl); and
  - *Neophema chrysostoma* (blue-winged parrot).
- The part of the proposal area does not support "significant habitat for a threatened fauna species", at any reasonable scale or interpretation of the concept, such that this part of the site should not be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(c) of the *State Planning Provisions*.

Vegetation types

- The study area and immediate surrounds support the following TASVEG mapping units:
  - *Leptospermum lanigerum* scrub (TASVEG code: SLL);
  - *Eucalyptus delegatensis* dry forest and woodland (TASVEG code: DDE);
  - *Eucalyptus rodwayi* forest and woodland (TASVEG code: DRO);
  - regenerating cleared land (TASVEG code: FRG);
  - water, sea (TASVEG code: OAQ); and
  - sand, mud (TASVEG code: OSM).
- Of the communities present, none equate to a native vegetation community listed as threatened on Schedule 3A of the Tasmanian *Nature Conservation Act 2002*.
- Of the communities present, none equate to a threatened ecological community listed under the Commonwealth *Environment Protection and Biodiversity Protection Act 1999*.
- The absence of "native vegetation [that] forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*" from the part of the proposal area means that this part of the site should not be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(a) of the *State Planning Provisions*.

Weeds

- No plant species classified as declared weeds within the meaning of the Tasmanian *Weed Management Act 1999* were detected from the area.

Plant disease

- No evidence of *Phytophthora cinnamomi* (PC, rootrot) was recorded within the study area.
- No evidence of myrtle wilt was recorded within the study area.
- No evidence of myrtle rust was recorded within the study area.

Animal disease (chytrid)

- The study area does support particular habitats conducive to frog chytrid disease.

Legislative and policy implications

Some commentary is provided below with respect to the key threatened species, vegetation management and other relevant legislation. Note that there may be other relevant policy instruments in addition to those discussed. The following information does not constitute legal advice and it is recommended that independent advice is sought from the relevant agency/authority.

Tasmanian *Threatened Species Protection Act 1995*

Threatened flora and fauna on this Act are managed under Section 51, as follows:

> 51. Offences relating to listed taxa
>
> (1) Subject to subsections (2) and (3), a person must not knowingly, without a permit –
>
> (a) take, keep, trade in or process any specimen of a listed taxon of flora or fauna; or
>
> (b) disturb any specimen of a listed taxon of flora or fauna found on land subject to an interim protection order; or
>
> (c) disturb any specimen of a listed taxon of flora or fauna contrary to a land management agreement; or
>
> (d) disturb any specimen of a listed taxon of flora or fauna that is subject to a conservation covenant entered into under Part 5 of the *Nature Conservation Act 2002*; or
>
> (e) abandon or release any specimen of a listed taxon of flora or fauna into the wild.
>
> (2) A person may take, keep or process, without a permit, a specimen of a listed taxon of flora in a domestic garden.
>
> (3) A person acting in accordance with a certified forest practices plan or a public authority management agreement may take, without a permit, a specimen of a listed taxon of flora or fauna, unless the Secretary, by notice in writing, requires the person to obtain a permit.
>
> (4) A person undertaking dam works in accordance with a Division 3 permit issued under the *Water Management Act 1999* may take, without a permit, a specimen of a listed taxon of flora or fauna.

The simplest interpretation of this is that any activity that results in a specimen (i.e. individual) of listed flora or fauna being "knowingly taken" would require a permit to be issued through Conservation Assessments, Department of Natural Resources and Environment Tasmania, through a formal application process. The Act does not make reference to the clearance or disturbance of "potential habitat" in relation to threatened flora or fauna.

In the absence of an identifiable known location of a specimen of a threatened fauna or flora species from the area proposed for development, the Act has no application. The Act does not make reference to the clearance or disturbance of "potential habitat".

Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* an action will require approval from the minister if the action has, will have, or is likely to have, a significant impact on a matter of national environmental significance.

Matters of national environmental significance considered under the EPBCA include:

- listed threatened species and communities
- listed migratory species;
- Ramsar wetlands of international importance;
- Commonwealth marine environment;
- world heritage properties;
- national heritage places;
- the Great Barrier Reef Marine Park;
- nuclear actions; and
- a water resource, in relation to coal seam gas development and large coal mining development.

The relevant Commonwealth agency provides a policy statement titled *Matters of National Environmental Significance: Significant Impact Guidelines 1.1* (CofA 2013, herein the *Guidelines*), which provides overarching guidance on determining whether an action is likely to have a significant impact on a matter protected under the EPBCA.

The *Guidelines* define a **significant impact** as:

> *"…an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts"*

and note that:

> *"…all of these factors [need to be considered] when determining whether an action is likely to have a significant impact on matters of national environmental significance".*

The *Guidelines* provide advice on when a significant impact may be likely:

> *"To be 'likely', it is not necessary for a significant impact to have a greater than 50% chance of happening; it is sufficient if a significant impact on the environment is a real or not remote chance or possibility.*
>
> *If there is scientific uncertainty about the impacts of your action and potential impacts are serious or irreversible, the precautionary principle is applicable. Accordingly, a lack of scientific certainty about the potential impacts of an action will not itself justify a decision that the action is not likely to have a significant impact on the environment".*

The *Guidelines* provide a set of Significant Impact Criteria (CofA 2013), which are "intended to assist…in determining whether the impacts of [the] proposed action on any matter of national environmental significance are likely to be significant impacts". It is noted that the criteria are "intended to provide general guidance on the types of actions that will require approval and the types of actions that will not require approval…[and]…not intended to be exhaustive or definitive".

When considering whether or not an action is likely to have a significant impact on a matter of national environmental significance it is relevant to consider all adverse impacts which result from the action, including indirect and offsite impacts. Indirect and offsite impacts include:

a. 'downstream' or 'downwind' impacts, such as impacts on wetlands or ocean reefs from sediment, fertilisers or chemicals which are washed or discharged into river systems;

b. 'upstream impacts' such as impacts associated with the extraction of raw materials and other inputs which are used to undertake the action; and

c. 'facilitated impacts' which result from further actions (including actions by third parties) which are made possible or facilitated by the action.

For example, the construction of a dam for irrigation water facilitates the use of that water by irrigators with associated impacts. Likewise, the construction of basic infrastructure in a previously undeveloped area may, in certain circumstances, facilitate the urban or commercial development of that area.

Consideration should be given to all adverse impacts that could reasonably be predicted to follow from the action, whether these impacts are within the control of the person proposing to take the action or not. Indirect impacts will be relevant where they are sufficiently close to the proposed action to be said to be a consequence of the action, and they can reasonably be imputed to be within the contemplation of the person proposing to take the action.

Listed ecological communities

The study area does not support any such communities.

Threatened flora

The study area does not support any such species, nor significant potential habitat of such species.

Threatened fauna

The study area may support populations of threatened fauna listed on the Act, most notably the, Tasmanian devil, spotted-tailed quoll, eastern quoll, eastern barred bandicoot, although no specific evidence such as scats, diggings, dens, shelters or nesting hollows were noted. Note that the study area is within the range of several other species listed on the Act but it is unlikely that any proposal will result in a significant impact on these species (this includes widely-distributed species such as the wedge-tailed eagle, blue-winged parrot, masked owl but also species such as the golden galaxias) – refer to Appendix D for a more detailed consideration of these.

The relevant Commonwealth agency provides a *Significant Impact Guidelines* policy statement (CofA 2013) to determine if referral to the department is required. The *Guidelines* consider a "significant impact" to comprise loss that is likely to lead to a long-term decrease in the size of an important population of a species (unlikely to be the case); reduce the area of occupancy of an important population (also unlikely at any reasonable scale); fragment an existing important population into two or more populations (minor habitat loss will occur but not such that fragmentation will result); adversely affect habitat critical to the survival of a species ("critical habitat" has not been defined per se); disrupt the breeding cycle of an important population (unlikely); modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline (this seems unlikely – see previous commentary); result in invasive species that are harmful to a threatened species becoming established in the threatened species' habitat (unlikely); introduce disease that may cause the species to decline (unlikely to introduce and/or exacerbate Devil Facial Tumour Disease); or interfere substantially with the recovery of the species (unlikely at any reasonable scale).

It is highly unusual for a development within a small disturbance footprint, even within the range of the aforementioned species where potential habitat has been identified, to trigger a formal referral to the relevant Commonwealth agency.

Tasmanian *Forest Practices Act 1985* and associated *Forest Practices Regulations 2017*

The *Regulations* provide the following relevant circumstances in which a Forest Practices Plan is not required.

4. Circumstances in which forest practices plan, &c., not required

For the purpose of section 17(6) of the Act, the following circumstances are prescribed:

(a) the harvesting of timber or the clearing of trees, with the consent of the owner of the land, if the land is not vulnerable land and –

(i) the volume of timber harvested or trees cleared is less than 100 tonnes for each area of applicable land per year; or

(ii) the total area of land on which the harvesting or clearing occurs is less than one hectare for each area of applicable land per year –

whichever is the lesser;

(j) the harvesting of timber or the clearing of trees on any land, or the clearance and conversion of a threatened native vegetation community on any land, for the purpose of enabling –

(i) the construction of a building within the meaning of the *Land Use Planning and Approvals Act 1993* or of a group of such buildings; or

(ii) the carrying out of any associated development –

if the construction of the buildings or carrying out of the associated development is authorised by a permit issued under that Act.

On this basis, a proposal subject to a planning permit issued pursuant to the Tasmanian *Land Use Planning and Approvals Act 1993* (i.e. under the relevant planning scheme) should not require a Forest Practices Plan.

Tasmanian *Nature Conservation Act 2002*

Schedule 3A of the Act lists vegetation types classified as threatened within Tasmania. The study area does not support any communities listed on the Act.

Tasmanian *Weed Management Act 1999*

No plant species classified as declared weeds within the meaning of the Tasmanian *Weed Management Act 1999* were detected from the study area, such that the Act has limited direct application, except by reference to the *General Biosecurity Duty* under the Tasmanian *Biosecurity Act 2019* (https://nre.tas.gov.au/biosecurity-tasmania/general-biosecurity-duty-(gbd).

In this case, owner-occupation is considered the most appropriate means of achieving effective longer-term weed management where vigilance and immediate control of any detected species should be practical.

Tasmanian *Land Use Planning and Approvals Act 1993*

Below are addressed various provisions of the *Tasmanian Planning Scheme – Central Highlands* that relate to the management of natural values, with the emphasis on specifically addressing C7 of the Natural Assets Code to provide justification against C7.6.1-(P1) and C7.6.2-(P1), as requested in correspondence from Central Highlands Council, dated 19 Mar. 2024 for DA2024/17.

The applicable planning scheme for the study area is the *Tasmanian Planning Scheme – Central Highlands*. Note that the following is our interpretation of the provisions of the *Scheme* and may

not necessarily represent the views Central Highlands Council. The following does not constitute legal advice. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this statement.

The project area is subject to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays (Figure 6).

The purpose of the Natural Assets Code is stated below:

C7.1 The purpose of the Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The above purpose statements are essentially addressed through the relevant development standards. However, as a general statement, we do not believe that a small-scale project will compromise the intent of the purpose statements. Of the purpose statements, C7.1.1 and C7.1.4 are of greatest relevance to the present project with respect to the findings of this assessment and report. We do not believe that C7.1.2 or C7.1.3 are relevant. We do not believe that C7.1.5 is relevant at any reasonable scale (see previous consideration of the concept of "significant habitat").

The application of the Natural Assets Code is stated below:

C7.2 Application of this Code:

C7.2.1 This code applies to development on land within the following areas:

(a) a waterway and coastal protection area; [and]

(c) a priority vegetation area only if within the following zone:

(ii) Rural Zone

C7.2.2 This code does not apply to use.

The proposal area is zoned as Rural and is subject to the Priority Vegetation Area and Waterway and Coastal Protection Area overlays under the *Scheme* such that C7.2.1(a) and C7.2.1(c)(ii) may have application. The two overlays are discussed separately below.

Waterway and Coastal Protection Area

The objective of C7.6.1 is stated as:

C7.6 Development Standards for Buildings and Works

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Objective:

That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

Lake Sorell is a separate title (CT 985873; water/onshore water body) with the proposed jetty occurring entirely within this feature. Considering the small footprint of the proposal of jetty piers to prop a 30 m x 1.2 m structure, if machinery and vehicle (if machinery is being used) hygiene measures and soil and water management measures are implemented to mitigate unnecessary disturbance and sedimentation within Lake Sorell, impact is anticipated to be very low (and short-term). Sedimentation should be negligible due to the sandy nature of the benthic zone of Diamond Beach. The intent of the objective statement should be satisfied (see further below).

The relevant Acceptable Solutions of C7.6.1 are stated as:

A1

Buildings and works within a waterway and coastal protection area must:

(a) be within a building area on a sealed plan approved under this planning scheme;

(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or

(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.

It is unlikely that A1 will be satisfied.

The relevant Performance Criteria of C7.6.1 are stated as:

P1.1

Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

(a) impacts caused by erosion, siltation, sedimentation and runoff;

(b) impacts on riparian or littoral vegetation;

(c) maintaining natural streambank and streambed condition, where it exists;

(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;

(e) the need to avoid significantly impeding natural flow and drainage;

(f) the need to maintain fish passage, where known to exist;

(g) the need to avoid land filling of wetlands;

(h) the need to group new facilities with existing facilities, where reasonably practical;

(i) minimising cut and fill;

(j) building design that responds to the particular size, shape, contours or slope of the land;

(k) minimising impacts on coastal processes, including sand movement and wave action;

(l) minimising the need for future works for the protection of natural assets, infrastructure and property;

(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and

(n) the guidelines in the Tasmanian Coastal Works Manual.

The application of P1.1 in relation to the findings means that the relevant provisions considered are to be P1.1(a), (b), (c), (i), (j), (k), & (m). The buildings and works will satisfy P1.1 as:

(a) impacts caused by erosion, siltation, sedimentation and runoff will be mitigated by best practice guidelines as outlined in the *Wetlands and Waterways Works Manual* specifically, Module 2. *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* will be implemented;

(b) littoral and riparian vegetation will not be impacted (absent) as the proposed jetty site is a beach with sandy benthic substrate present for the entirety of the jetty length;

(c) see (b) above;

(i) no cut and fill will be required for either the jetty (all piers) and the boat shed is an above ground structure with only minimal disturbance for the ca. 1.8 m x 3.4 m concrete footing for the storage area. For both structures, only minimal disturbance is required for the footings;

(j) see (i) above. No alteration to the size, shape, contours or slope of the land is required by the proposal;

(k) whilst the proposal is obviously not within a coastal zone, this criteria is considered due to the processes that are akin to coastal processes of wave action and sand movement that has formed Diamond Beach. P1.1(a), (b), (c), (i), (j), & (m) are applicable as the proposal will not alter wind or wave processes and/or the ongoing depositional formation of Diamond Beach; and

(m) see (a) above.

A formal soil and water management plan is not recommended due to the small footprint of the proposal. However, it is recommended that any disturbed soil be managed to avoid movement into the adjacent Lake Sorell during works. The simplest solution to this is usually sediment traps/fences where necessary placed at an appropriate distance from the works and the lake and consideration of a drainage plan for the works.

Priority Vegetation Area

It is worth discussing the classification of the site with respect to the intention of the *Scheme*'s definition of "priority vegetation", which is:

C7.3 Definition of Terms

C7.3.1 In this code, unless the contrary intention appears:

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.

Under the Code, a "priority vegetation area" is defined to mean:

land shown on an overlay map in the relevant Local Provisions Schedule, as within a priority vegetation area.

Site assessment indicates that area proposed for development is classified as *Eucalyptus rodwayi* forest and woodland (TASVEG code: DRO), regenerating cleared land (TASVEG code: FRG), sand, mud (TASVEG code: OSM and water, sea (TASVEG code: OAQ), none of which are equivalent to any native vegetation communities classified as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002*, such that C7.2.1(a) should not be applicable to the proposal area.

The site does not support threatened flora, which means that none of the site is "a threatened flora species" [sic] such that it could be construed as "priority vegetation" (in relation to this value) pursuant to C7.3.1(b).

The part of the title proposed for development does not support "significant habitat for threatened fauna" such that C7.3.1(c) is not considered applicable.

We are not aware that any part of the site has been "identified as native vegetation of local importance", noting that this cannot simply refer to a site subject to the overlay as that would be circular argument based on false logic (given that the basis for the overlay through the Regional Ecosystem Model acknowledges the need to ground-truth all modelling).

On the basis of the above review, the development site does not support "priority vegetation".

The relevant development standards of the Natural Assets Code are C7.6.2 (Clearance within a priority vegetation area), and have the following objective:

C7.6 Development Standards for Buildings and Works

C7.6.2 Clearance within a priority vegetation area

Objective:

That clearance of native vegetation within a priority vegetation area:

(a) does not result in unreasonable loss of priority vegetation;

(b) is appropriately managed to adequately protect identified priority vegetation; and

(c) minimises and appropriately manages impacts from construction and development activities.

The above objective statements are essentially addressed through the relevant acceptable solutions or performance criteria. However, as a general statement, we do not believe that a small-scale proposal will compromise the intent of the objective statements. "Impacts from construction and development activities" should be "minimised and appropriately managed" will be mitigated by best practice guidelines as outlined in the *Wetlands and Waterways Works Manual* specifically, Module 2. *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* will be implemented.

The acceptable solution for C7.6.2 is stated as:

A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.

Solution A1 is presumed to not be applicable because the project site is not subject to a "sealed plan approved under this planning scheme" to our knowledge.

The performance criteria P1.1 are stated as:

P1.1

Clearance of native vegetation within a priority vegetation area must be for:

(a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;

(b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;

(c) subdivision in the General Residential Zone or Low Density Residential Zone;

(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;

(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.

The fact that P1.1 (a) through (f) are linked by the disjunctive "or" means that only one of these provisions needs to be satisfied. The project is for a boat shed and jetty such that P1.1(f) is satisfied (assuming that the vegetation is considered as priority vegetation), meaning that P1.1 is satisfied.

The performance criteria P1.2 are stated as:

P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

(a) the design and location of buildings and works and any constraints such as topography or land hazards;

(b) any particular requirements for the buildings and works;

(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;

(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;

(e) any on-site biodiversity offsets; and

(f) any existing cleared areas on the site.

To address this provision, it must be assumed that the proposed development site supports "priority vegetation", which has been identified as absent because the site has been demonstrated to not support "priority vegetation".

Further to this opening phrase of P1.2, reference is made to the concept of "minimise adverse impacts". First, the use of the term "minimise" contemplates that some level (albeit undefined) of impact is contemplated as being acceptable. Second, the use of the phrase "adverse impact" implies that works must have an "adverse" impact – this being an undefined concept in the *Scheme*.

With respect to the phrase "…having regard to…", this is considered in the manner referred to in *S and S McElwaine and A Hamilton v West Tamar Council and Growth Developments Pty Ltd [2021] TASCAT 4 (17 November 2021)*, where TASCAT stated: "the requirement to 'have regard to' does not elevate P2.1(a) to (f) to mandatory requirements that the proposal must satisfy. The tribunal need only consider those subparagraphs in ascertaining whether the proposal complies with clause E8.6.1 P2.1".

Below the sub-criteria of P1.2 are addressed in turn.

(a) the design and location of buildings and works and any constraints such as topography or land hazards;

We accept that the selected development site is a reasonable balance between site constraints and environmental values. It is noted that the proposed development site is "better" in terms of "minimising adverse impacts" because the boatshed avoids unnecessary vegetation clearing.

(b) any particular requirements for the buildings and works;

Uncertain application in relation to the identified natural values, except perhaps to indicate machinery and vehicle hygiene protocols in relation to weed and hygiene management to minimise the risk of introducing such to the site (but even these should not be necessary given access will be from the fully-formed, well-maintained Tunbridge Tier Road, and then via the well-formed and drained internal access (weed-free), such that the risk of construction vehicles introducing weeds and disease to the area is considered very low.

(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;

Subsection P1.2(c) does not have relevance as the proposal is not for a habitable building requiring bushfire hazard management.

(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;

It has been demonstrated that the site and surrounds does not support "priority vegetation".

(e) any on-site biodiversity offsets; and

No such offsets have been identified as necessary.

(f) any existing cleared areas on the site.

While there are some parts of the area mapped as modified land (i.e. TASVEG FRG) and these could be construed as "existing cleared areas on the site", we accept that the selected development site is a reasonable balance between site constraints and environmental values. It is noted that the proposal site is "better" in terms of "minimising adverse impacts" because of the natural opening through to the beach from the old pasture area.

On the basis of the above review, in our opinion, the relevant performance criteria of C7.6.1 and C7.6.2 are satisfied without the need for specific permit conditions.

Recommendations

The recommendations provided below are a summary of those provided in relation to each of the natural values described in the main report. The main text of the report provides the relevant context for the recommendations.

Vegetation types

In general terms, minimising the extent of "clearance and conversion" and/or "disturbance" to native vegetation is recommended.

Threatened flora

Apart from the generic recommendation to minimise the extent of "clearance and conversion" and/or "disturbance" to native vegetation (with acknowledged constraints), specific management in relation to threatened flora is not recommended (none located).

Threatened fauna

Apart from the generic recommendation to minimise the extent of "clearance and conversion" and/or "disturbance" to native vegetation (with acknowledged constraints), specific management in relation to threatened fauna is not recommended.

Weed and disease management

Longer-term special management (e.g. a complex weed management plan) is not considered warranted because owner occupation is considered the most appropriate (and realistic) means of achieving control of any declared species (should they become established), where vigilance and immediate control are practical.

Legislative and policy implications

A formal referral to the relevant Commonwealth agency under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) is not considered required.

The proposal will require a planning permit pursuant to the provisions of the applicable planning scheme but specific permit conditions in relation to natural values to satisfy P1.1 & P1.2 of C7.6.1 and C7.6.2 of the Natural Assets Code of the *Tasmanian Planning Scheme – Central Highlands* are not recommended.

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APPENDIX A. DNRET's *Natural Values Atlas* report for study area

Appended as pdf file.

APPENDIX B. Forest Practices Authority's *Biodiversity Values Atlas* report for study area

Appended as pdf file.

APPENDIX C. CofA's *Protected Matters* report for study area

Appended as pdf file.

ATTACHMENT

- .shp/.dwg file of revised vegetation mapping