32-34 Georges Bay Esplanade
St Helens Tasmania 7216
T: 03 6376 7900 | ABN 96 017 131 248

Break O'Day COUNCIL

Development Applications

Notice is hereby given under Section 57(3) of the *Land Use Planning & Approvals Act 1993* that an application has been made to the Break O' Day Council for a permit for the use or development of land as follows:

DA Number	DA 2025 / 00226
Applicant	Binalong Bay Holdings Pty Ltd
Proposal	Subdivision – Two (2) Lot Subdivision
Location	31 Felmingham Street, Binalong Bay (C/T 185711/1)

Plans and documents can be inspected at the Council Office by appointment, 32 – 34 Georges Bay Esplanade, St Helens during normal office hours or online at www.bodc.tas.gov.au.

Representations must be submitted in writing to the General Manager, Break O'Day Council, 32 -34 Georges Bay Esplanade, St Helens 7216 or emailed to admin@bodc.tas.gov.au, and referenced with the Application Number in accordance with section 57(5) of the abovementioned Act during the fourteen (14) day advertised period commencing on Saturday 10th January 2026 **until 5pm Monday 2nd February 2026.**

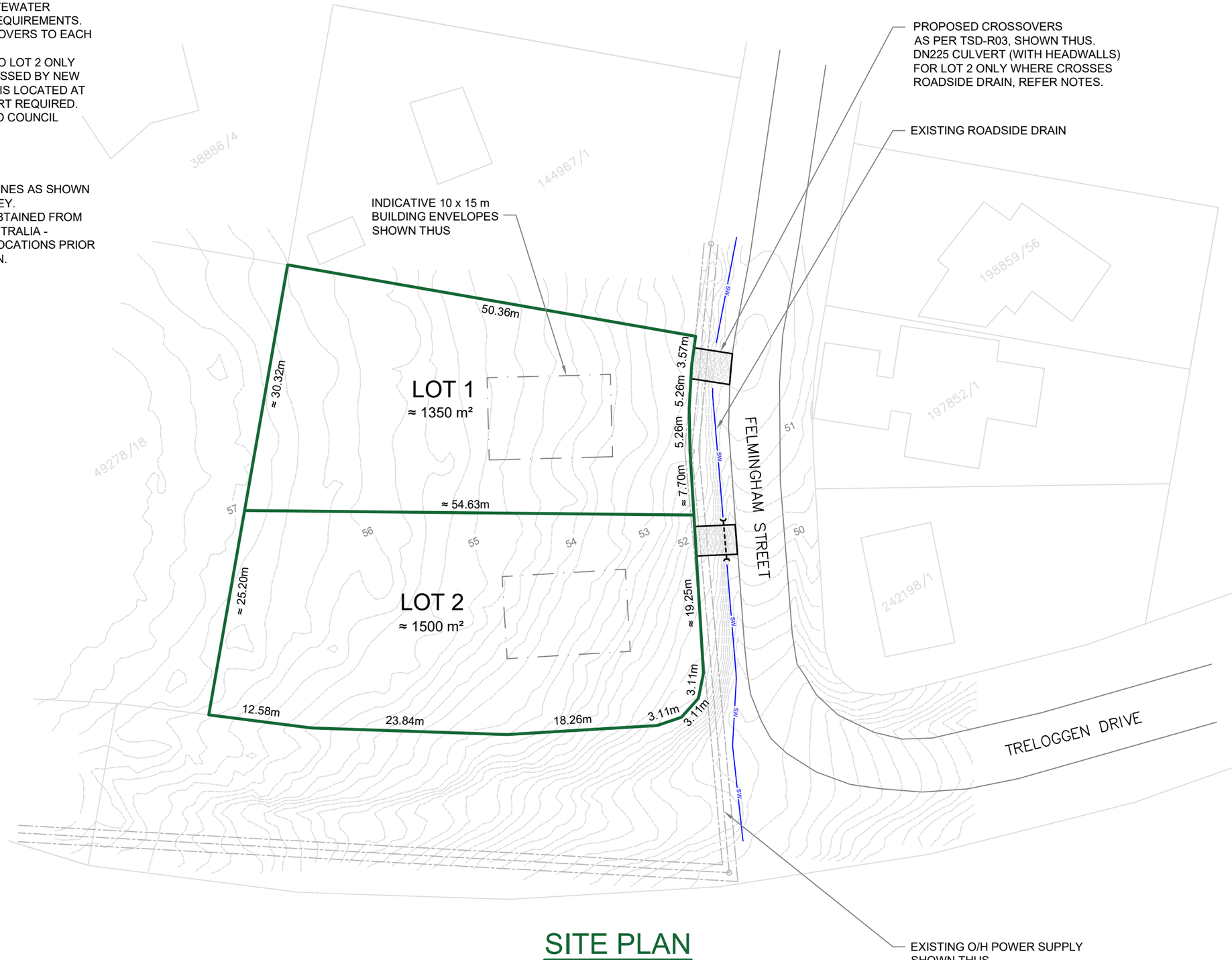
John Brown
GENERAL MANAGER

GENERAL NOTES:

1. REFER TO HYDRODYNAMICA ON-SITE WASTEWATER DISPOSAL REPORT FOR DETAILS OF LOT REQUIREMENTS.
2. PROVIDE NEW 4 m WIDE DRIVEWAY CROSSOVERS TO EACH LOT AS PER TSD-R03.
3. DN225 RCP CLASS 4 DRIVEWAY CULVERT TO LOT 2 ONLY WHERE EXISTING ROAD SIDE DRAIN IS CROSSED BY NEW DRIVEWAY. PROPOSED LOT 1 CROSSOVER IS LOCATED AT EXISTING DRAIN HIGH POINT SO NO CULVERT REQUIRED.
4. PROVIDE WINGED CULVERT HEADWALLS TO COUNCIL SPECIFICATION.

SURVEY NOTES

5. PROPOSED SUBDIVISION LOT BOUNDARY LINES AS SHOWN TO BE CONFIRMED BY FINAL SEALED SURVEY.
6. EXISTING INFRASTRUCTURE LOCATIONS OBTAINED FROM THE LIST MAP ASSET DATABASE & BYD AUSTRALIA - CONTRACTOR TO CONFIRM ALL SERVICE LOCATIONS PRIOR TO ANY WORKS. NOT ALL SERVICES SHOWN.
7. SITE CONTOURS FROM LIDAR SURVEY.



SITE PLAN

SCALE 1:500 @ A3

500 10 5 0 10 20m

ISSUED FOR DA

VINCENT BUTLER CONSULTING CHARTERED ENGINEER 0407 327 698	PROJECT DETAILS:	DATE:	09 JUNE 2025
	31 FELMINGHAM STREET, BINALONG BAY (TITLE REF: 185711/1) PROPOSED 2 LOT SUBDIVISION SITE PLAN	REVISION:	A
		DRAWN:	VB
		SHEET:	C01

PLANNING ASSESSMENT

Subdivision

31 Felmingham Street, Binalong Bay

Land Use Planning and Development Tasmania Pty Ltd
ACN: 689 376 378
Authored by Peter Coney, Grad Dip Env Planning - November 2025
Peter.coney@outlook.com.au

Land Use Planning and Development Tasmania Pty Ltd ACN: 689 376

To the General Manager, Break O'Day Council

Land Use Planning and Development Tasmania Pty Ltd has been engaged by Mr Vincent Butler, to prepare a planning assessment for a subdivision of land at 31 Felmingham Street, Binalong Bay.

This assessment has been made with regard for the provisions of the Low Density Residential Zone, C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C13.0 Bushfire Prone Areas Code, and the BRE-S2.0 Stormwater Management Specific Area Plan of the Tasmanian Planning Scheme – Break O'Day

This report has been prepared by references to the following documents to be included in any application lodged with the Break O Day Council.

- Plan of Subdivision – Rev . A 09-06-2025
- Natural Assets Code Overlays letter, dated 30 June 2025
- Bushfire Hazard Management Report, dated 30 June 2025 – V1
- Onsite Wastewater Assessment, dated, July 2025
- No Permit Required Certificate – DA2025/162 – November 2025

PROPOSAL

The proposal is for the subdivision of the site into two lots (see Figure 1). Broadly, Lot 1 is proposed as a 1350m² ordinary lot with frontage to Felmingham Street, inclusive of vehicle access. Lot 2 is proposed as a 1500m² corner lot with frontages to both Felmingham Street and Coffey Drive. Due to Coffey Drive being unformed, the location of the access for Lot 2 is sited at Felmingham Street.

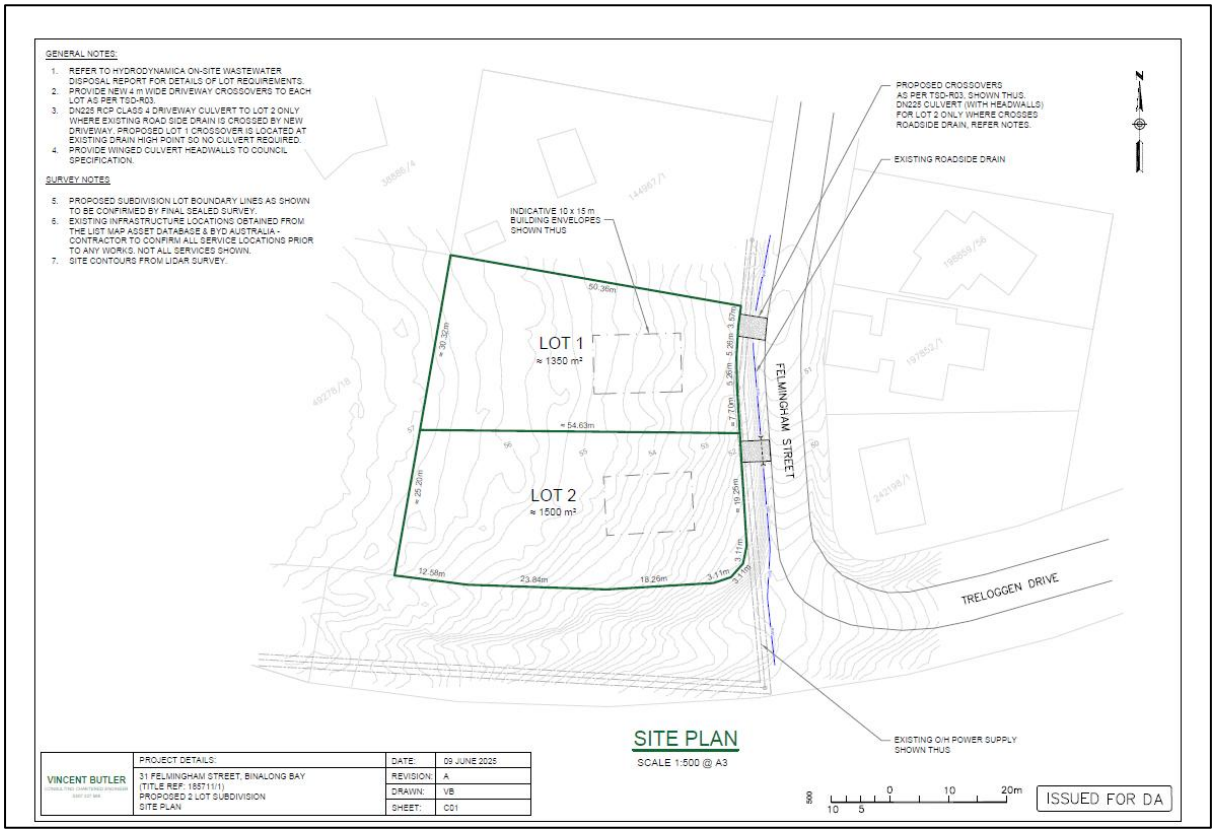


FIGURE 1. EXTRACT OF SITE PLAN SHOWING LOTS TO BE CREATED AS WELL AS INDICATIVE BUILDING AREA, AND EXISTING SERVICE LOCATIONS.

Each lot contains a minimum building area of 10 x 15, and is proposed to be serviced by onsite systems for water and sewer. Each lot however is capable of discharging stormwater to the public system via the swale drain within Felmingham Street.

SITE AND LOCALITY

The site is an undeveloped 2850m² allotment at 31 Felmingham Street, Binalong Bay. The land is set out as a corner lot with frontages to Felmingham Street, and an unformed section of Coffey Drive. Principally, the lot is reliant on access to Felmingham Street which is a road administered by Council.

Situated at the south east of Binalong Bay, the site is adjacent to a number of undeveloped and vegetated lots. These lots are somewhat of an interface between the Humbug Point Nature Recreation Area to the south, and the suburban area of Binalong Bay to the north along Felmingham Street, and Treloggen Drive.

The site therefore is at the edge of the urban part of Binalong Bay, with characteristics which are conducive to further residential development, compatible with the surrounding area.

FIGURE 2. SITE (HIGHLIGHTED) WITH RESPECT TO THE SURROUNDING AREA (LISTMAP - ANNOTATED).

ZONE

The site is within the Low Density Residential Zone, which has been applied to much of the town of Binalong Bay. The zoning pattern of the area is reflective of the residential focus for the town, whilst recognising it is surrounded by land with significant cultural and ecological values.

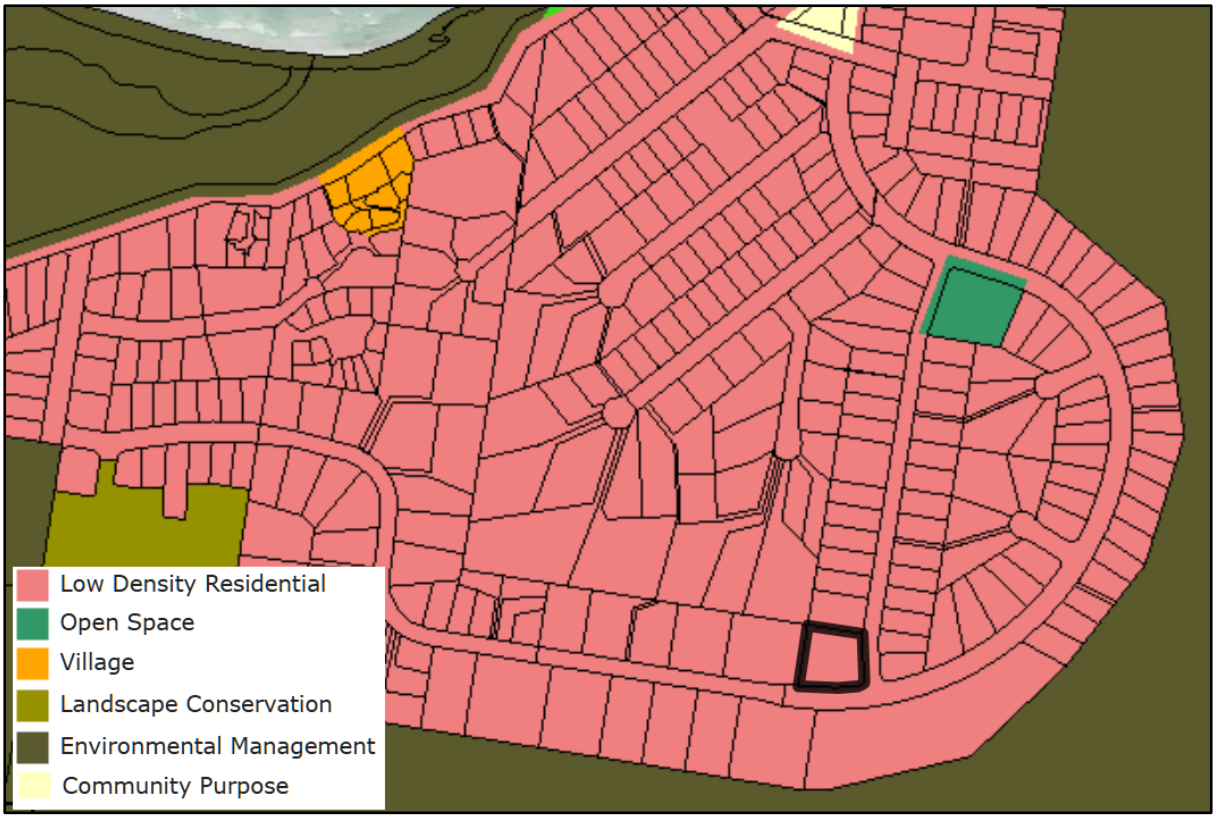


FIGURE 3. APPLICATION OF ZONES WITHIN THE LOCALITY, WITH SITE SHOWN HIGHLIGHTED (LISTMAP – ANNOTATED).

TASMANIAN PLANNING SCHEME – BREAK O DAY

6.0 ASSESSMENT OF AN APPLICATION FOR USE AND DEVELOPMENT

6.2 CATEGORISING USE OR DEVELOPMENT

Pursuant to clause 6.2.6; notwithstanding clause 6.2.1, development which is for subdivision does not need to be categorised into a use class.

6.8 DISCRETIONARY USE OR DEVELOPMENT

The proposal is reliant on the Performance Criteria of the following standards.

- 10.6.1 Lot Design (P1), and
- 10.6.3 Services (P2) and (P3).
- C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
- C7.7.2 Subdivision within a priority vegetation area (P1.1) and (P1.2)

As such, the planning authority has discretion to refuse or permit the development under clause 6.8.1 (b).

Further and pursuant to clause 6.8.2, the planning authority has discretion under clause 7.10 to refuse to permit a development that is not required to be categorised into a use class under sub-clause 6.2.6 (subdivision) of the planning scheme if:

(a) there are no applicable standards that apply to the development; or
(b) the use or development relies on any Performance Criteria to demonstrate compliance with an applicable standard; and
(c) the development is not Prohibited under any other provision of this planning scheme.

As there are applicable development standards for subdivision within the Low Density Residential Zone, and the proposal is reliant on the Performance Criteria for those standards, the planning authority has discretion under clause 7.10.

7.0 GENERAL PROVISIONS

7.10 DEVELOPMENT NOT REQUIRED TO BE CATEGORISED INTO A USE CLASS.

Where clause 6.8.2 applies, the planning authority has discretion under clause 7.10 to refuse or permit a development that is not required to be categorised into a use class.

In considering a proposal under this provision, the purpose of the applicable zone and codes is relevant. For the Low Density Zone, the purpose is:

> 10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
>
> 10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
>
> 10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

Invariably a subdivision to provide lots in a residential zone intended for future residences fulfills this purpose. These lots can provide for future residences despite a constraint of access to the full suite of utilities services, and despite the constraint of bushfire hazard. These constraints are addressed by way of the areas being sufficiently large to accommodate onsite services, and provision of bushfire hazard management areas.

For the relevant codes; the proposed access is entirely useable for residential development. The design and siting is considered to comply with each of the applicable standards of the C2.0 Parking and Sustainable Transport Code, and the C3.0 Road and Railway Assets Code, and so accords to the purpose of those codes.

For C7.0 Natural Assets Code, the proposal is supported by a statement from an environmental consultant which considers the compliance of the proposal against the applicable standards of that code and the impact to natural assets of the proposed subdivision. Through compliance with the applicable standards of that code, it is considered the code purpose is fulfilled.

For C13.0 Bushfire-Prone areas Code, the proposal is supported by a Bushfire Hazard Management Report which provides there is sufficient area on lots to provide for BAL 19 construction with a reduced area available at BAL 12.5. In complying with the applicable standards of this code, it can be concluded that the proposal accords with its purpose.

In considering the proposal against the requirements of the General Provision as outlined above, it is supportable.

10.0 LOW DENSITY RESIDENTIAL ZONE

10.6 DEVELOPMENT STANDARDS FOR SUBDIVISION

10.6.1 Design

Acceptable Solutions	**Performance Criteria**
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 1500m² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 10.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; (b) be required for public use by the Crown, a council or a State authority;	**P1** Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; and (f) any constraints to development, and must have an area not less than 1200m².

(c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	

The proposal consists of two lots: Lot 1, which is 1350m², and Lot 2, which is 1500m². Lot 1 therefore does not comply with the requirements of A1(a), and so the proposal is reliant on the Performance Criteria.

Generally, the lots each demonstrate sufficient useable area by virtue of containing an indicative 10m x 15m building area on land which has a grade not exceeding 20%, and is clear of relevant setbacks. This is specifically relevant for criteria (a), (b), (c) and (d).

For (e), the area for the purpose of this criterion is considered to be defined by both the existing residential properties within Felmingham Street and Treloggen Drive toward Fletchers Court, as well as those undeveloped lots adjacent to the Humbug Nature Reserve (see Figure 4). Within this area, there are two distinct forms of which the site sits between. The existing residential properties are all ordinary in shape and have frontages to the Council administered road, typical of suburban development. Undeveloped lots are however relatively large, covered in vegetation, and some have limited access. These undeveloped lots are quite unestablished for their residential purpose, and serve more as a reserve for future development rather than an example of the pattern of development to benchmark new development against. Therefore, in considering criterion (e), the relevance of these undeveloped lots is low.

Within Felmingham Street and Treloggen Drive, the lot sizes of properties with established residential use provide a range between 810m² and 2022m² (26 and 17 Felmingham respectively). The proposed lot sizes subject to this application fit within this range of lot sizes of established properties per (e).

For (f), the only relative constraint to development is bushfire hazard, and this has been sufficiently managed through the provision of bushfire hazard management areas as provided in the appended report.

Finally, the lots are not less than 1200m².

Having regard for the above, the proposal is considered to comply with the Performance Criteria.

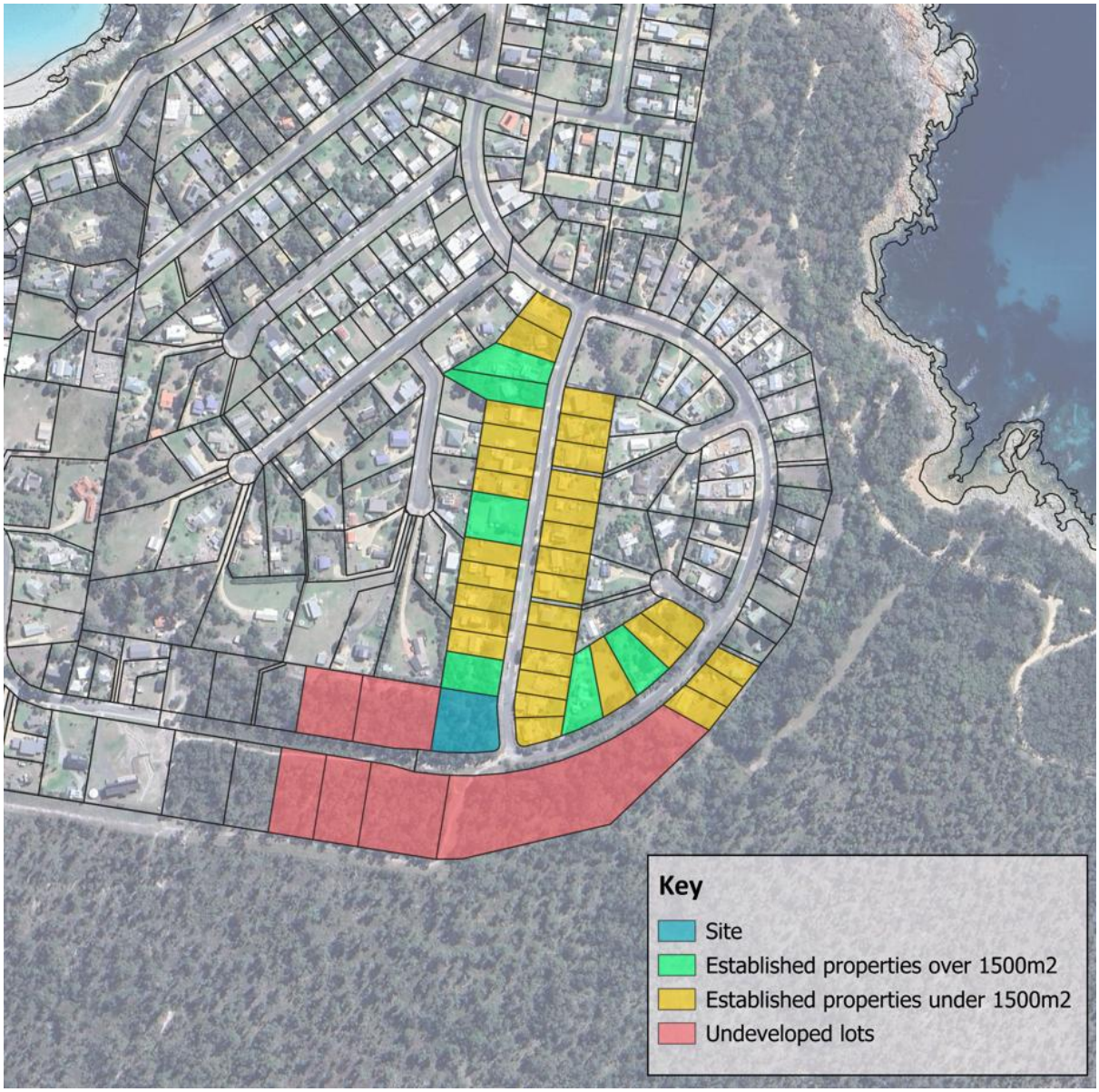


FIGURE 4. LOT SIZES WITHIN THE AREA DEFINED (LISTMAP BASE DATA),

A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.	**P2** *Not reliant on the Performance Criteria.*

Lot 1 has a frontage to Felmingham Street of 20m and Lot 2 has a frontage to Felmingham Street of 21m. Further, excluding truncations at the corner, lot 2 has a frontage to the unformed road at Coffey Drive of approximately 54m.

The proposal complies with A2.

A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.	**P3** *Not reliant on the Performance Criteria.*

The proposal includes a single vehicle access for each lot, to be designed to a typical standard, befitting a sealed road with open swale drain. Such a design is considered in accordance with the requirements of the road authority.

The proposal complies with A3.

10.6.2 Roads

Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	**P1** *Not reliant on the Performance Criteria.*

The subdivision creates lots with frontage to existing roads, thereby compliant with A1.

10.6.3 Services

Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must: (a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or (b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.	**P1** No Performance Criterion.

The lot is unable to be connected to a water supply service. On referral, the regulated entity can advise as such. The proposal therefore complies with A1.

A2	P2
Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

There is no sewer infrastructure within Felmingham Street, therefore the proposal is reliant on the Performance Criteria. The proposal is for onsite systems to be utilised for each lot. The lots are of an adequate size to be able to accommodate wastewater treatment as supported by the appended onsite assessment.

The proposal is considered to comply with the Performance Criteria.

A3	P3
Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.

Each lot has frontage to Felmingham Street which has a drain within it. The lots therefore are capable of connecting to the public stormwater system in accordance with A3.

BRE-S2.0 STORMWATER MANAGEMENT SPECIFIC AREA PLAN

The site is within an area designated as Stormwater Management Specific Area Plan on the overlay maps. The development standards of this Specific Area Plan are therefore applicable.

BRE-S2.7 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

Acceptable Solutions	Performance Criteria
A1 Development must be: (a) capable of connecting to the public stormwater system; or (b) permitted by the General Manager to discharge stormwater to a system other than the public stormwater system	P1 Development must be capable of accommodating an on-site stormwater management system adequate for the development, having regard to: (a) topography of the site; (b) the size and shape of the site; (c) soil conditions; (d) any existing buildings and any constraints imposed by existing development on the site; (e) any area of the site covered by impervious surfaces; (f) any watercourses on the land; (g) stormwater quality and quantity management targets identified in the State Stormwater Strategy 2010; and (h) any advice from a suitably qualified person on the seasonal water table at the site, risks of inundation, land instability or coastal erosion.

Each lot has frontage to Felmingham Street which has a drain within it. The lots therefore are capable of connecting to the public stormwater system and so comply with A1 (a).

C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE

C2.5 USE STANDARDS

As the proposal is for subdivision, there are no applicable use standards.

C2.6 DEVELOPMENT STANDARDS

Though the Parking and Sustainable Transport Code applies to all use and development there are limited number of applicable standards for a subdivision which is providing only vehicle accesses. These are:

C2.6.1 Construction of parking areas

Acceptable Solutions	**Performance Criteria**
A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.	**P1** *Not reliant on the Performance Criteria.*

The proposal is for sealed vehicle crossovers to be constructed in accordance with TSD-R03, with drainage directed to the existing swale within Felmingham Street.

The proposal complies with A1.

C2.6.2 Design and layout of parking areas

Acceptable Solutions	Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with *Australian Standard AS 2890 - Parking facilities, Parts 1-6*; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or	**P1** *Not reliant on the Performance Criteria.*

(b) comply with *Australian Standard AS 2890-Parking facilities, Parts 1-6.* **A1.2** Parking spaces provided for use by persons with a disability must satisfy the following: (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.*[35]	

The vehicle cross over is to be constructed in accordance with A1(a), where the grade will not exceed 20%, and is of a sufficient width to satisfy the Table C2.2. Paragraphs (ii) and (iv)-(vii) of subclause (a) are not considered relevant for a vehicle crossover. There are no specific design requirements for the access as required by the Bushfire Hazard Management Report.

The proposal complies with A1.1.

A1.2 is not relevant.

C2.6.3 Number of accesses for vehicles

Acceptable Solutions	Performance Criteria
A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	**P1** *Not reliant on the Performance Criteria.*

The proposal is for each lot to have a single vehicle cross over.

C3.0 ROAD AND RAILWAY ASSETS CODE

C3.5 USE STANDARDS

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Acceptable Solutions	Performance Criteria
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. **A1.2**	**P1** Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road;

For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. **A1.3** For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority. **A1.4** Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the *Roads and Jetties Act 1935* in respect to a limited access road. **A1.5** Vehicular traffic must be able to enter and leave a major road in a forward direction.	(f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

Of the Acceptable Solutions provided, only A1.2 is relevant. On this, the proposal does not have the written consent presently, and so strictly is reliant on the Performance Criteria.

In addressing the Performance Criteria, the proposal provides for single vehicle cross over for a future residential use, to a public road with a 50km/h posted speed limit. The design of the crossovers will meet TSD-R03.

As crossovers for residential uses in an urban environment designed to standard, the proposal is considered to meet the requirements of the road authority. The proposal is considered to comply.

C3.6 DEVELOPMENT STANDARDS FOR BUILDINGS OR WORKS

There are no applicable development standards for the proposal.

C7.0 NATURAL ASSETS CODE

Pursuant to clause C7.2.1, the Natural Assets Code is an applicable code owing to the proposal being for subdivision within a priority vegetation area. The proposal is supported by a statement from an environmental consultant who finds that the proposal complies with the Performance Criteria of the applicable standards of the C7.0 Natural Assets Code.

Of note, vegetation removal undertaken at the site earlier in the year has been confirmed by the Break O'Day Council as not requiring a planning permit, and so that removal is not associated with this application.

C13.0 BUSHFIRE-PRONE AREAS CODE

Pursuant to clause C13.2.1, the Bushfire-Prone Areas Code is an applicable code owing to the proposal being for subdivision within a bushfire-prone area. The proposal is supported by a Bushfire report, authored by an accredited person who certifies that that the proposal complies with each of the Acceptable Solutions of the applicable standards of the C13.0 Bushfire-Prone Areas Code.

CONCLUSION

The proposal provides for an additional residential lot within a residential area, fulfilling the purpose of the Low Density Residential Zone.

The proposal complies with each of the applicable standards of the relevant standards for Low Density Residential Zone, the Parking and Sustainable Transport Code, Road and Railway Assets Code, and is supported by detail relating to the compliance of the proposal against the Natural Assets Code and the Bushfire-Prone Areas Code.

With regard for the relevant sections of Part 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP), it is considered the subdivision should be approved by Council, and relevant conditions will be imposed for the provision of easements, and for a payment instead of the provision of public open space, in accordance with section 117 of the LGBMP Act.

Importantly, as only one additional lot is being created, it is considered the area of land valued for the purpose of reconciling the amount to be paid in lieu of public open space should only be based off Lot 2 (being the larger). This recognises that the public open space demand of the existing lot would already be accounted for.

Yours faithfully,

Peter Coney - GradDip Env Planning

Director, Land Use Planning and Development Tasmania Pty Ltd

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

Tasmanian Government

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
185711	1
EDITION	DATE OF ISSUE
2	14-May-2025

SEARCH DATE : 26-Jun-2025
SEARCH TIME : 01.45 PM

DESCRIPTION OF LAND

Town of BINALONG BAY
Lot 1 on Plan 185711 (Section 27A of the Land Titles Act.)
Derivation : Whole of Lot 1 on Plan 185711, 2850m2, The Crown

SCHEDULE 1

N251311 TRANSFER to VINCENT ARTHUR BUTLER Registered 14-May-2025 at noon

SCHEDULE 2

N160168 Land is limited in depth to 15 metres, excludes minerals and is subject to reservations relating to drains sewers and waterways in favour of the Crown
N251311 Land is limited in depth to 15 metres, excludes minerals and is subject to reservations relating to drains sewers and waterways in favour of the Crown
N251311 FENCING PROVISION in Transfer
E412384 MORTGAGE to Commonwealth Bank of Australia Registered 14-May-2025 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER: THE CROWN

FOLIO REFERENCE: SEC 27A APPN (N160168)

GRANTEE:
WHOLE OF LOT 1 (2850m²) THE CROWN (P185711)

PLAN OF SURVEY

BY SURVEYOR: AARON RONALD DENNE
(OFFICE OF THE SURVEYOR GENERAL)

LOCATION: TOWN OF BINALONG BAY

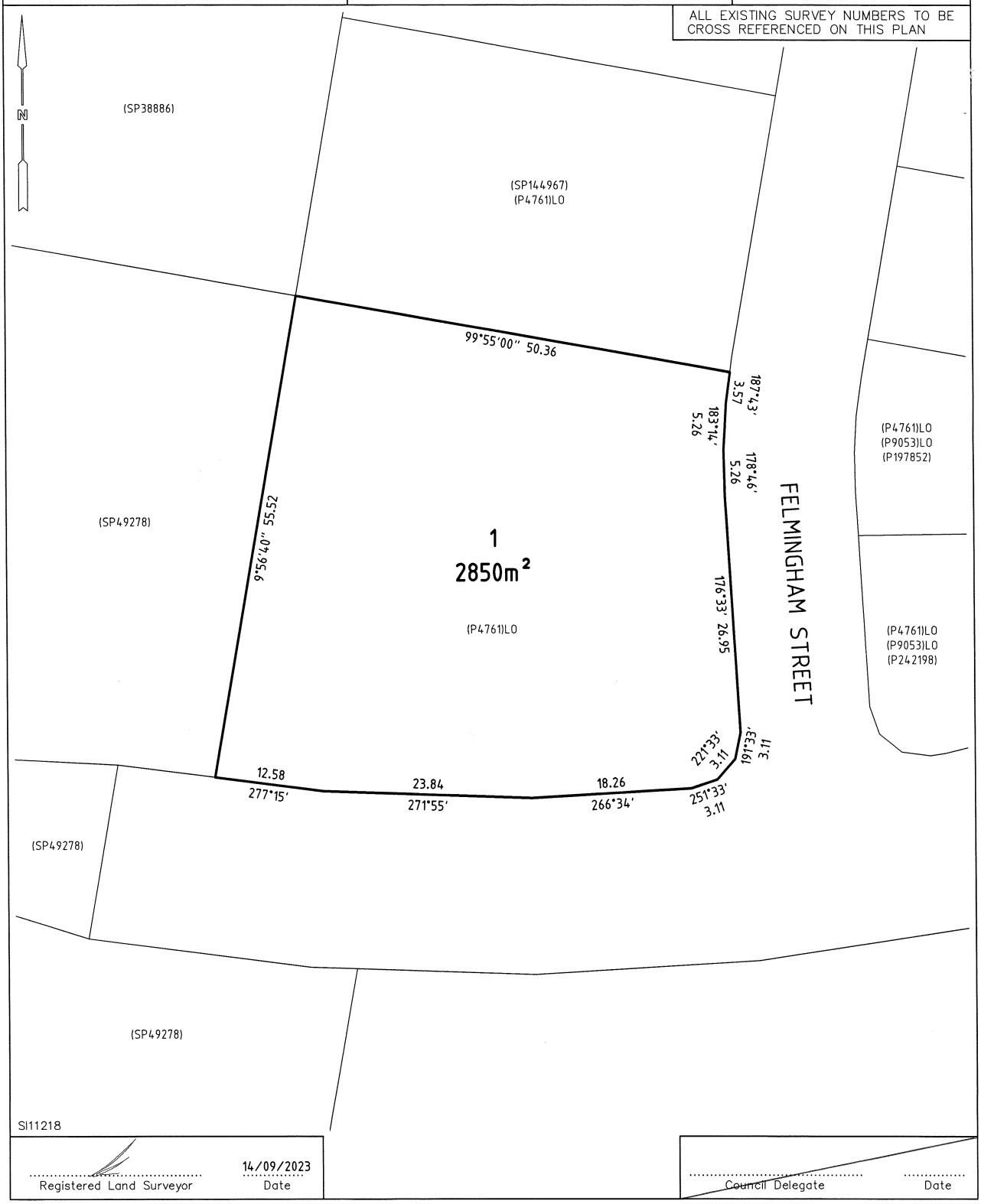
SCALE 1: 400 LENGTHS IN METRES

Registered Number
P185711

APPROVED 31 OCT 2023
~~EFFECTIVE FROM~~ .....

Recorder of Titles

ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



SI11218

Registered Land Surveyor 14/09/2023 Date

Council Delegate Date

HYDRODYNAMICA

ONSITE WASTEWATER SUITABILITY ASSESSMENT

31 FELMINGHAM STREET, BINALONG BAY

JULY 2025

HYDRODYNAMICA
44 PENQUITE ROAD LAUNCESTON TAS 7250
T 0431 208 450 E cameron.oakley@h-dna.com.au

Project: 31 Felmingham Street, Binalong Bay, Onsite Wastewater Suitability Assessment

Authors: Cameron Oakley
B.Eng (Hons), B.Tech (Env.), MBA
Licensed Building Services Provider No. 949718126

DATE	NATURE OF REVISION	REVISION NUMBER	PREPARED BY
18/07/2025	FINAL	1	Cameron Oakley

This document has been prepared in accordance with the scope of services agreed upon between Hydrodynamica (H-DNA) and the Client. To the best of H-DNA's understanding, this document represents the Client's intentions at the time of printing of the document.

In preparing this document H-DNA has relied upon data, surveys, analysis, designs, plans, and other information provided by the client, and other individuals and organisations referenced herein. Except as otherwise stated in this document, H-DNA has not verified and gives no warranty of the accuracy, completeness or reliability of such data, surveys, analysis, designs, plans, and other information.

CONTENTS

1. INTRODUCTION

Hydrodynamica was engaged to prepare an onsite wastewater disposal assessment for the proposed subdivision of 31 Felmingham Street, Binalong Bay. The existing property is zoned 'Low Density Residential' within the Tasmanian Planning Scheme – Break O'Day Local Provisions Schedule.

The proposed subdivision is shown in Figure 1:

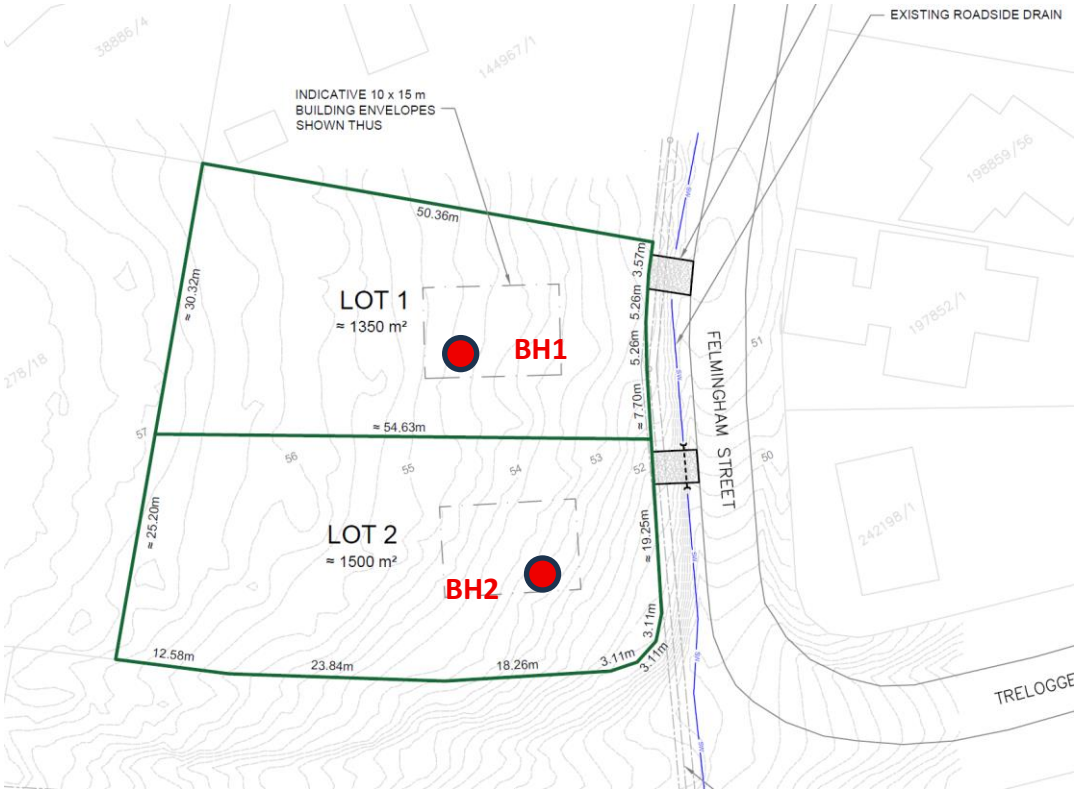


Figure 1. Proposed Subdivision (from Vincent Butler Consulting Chartered Engineer drawing 09/06/25), & soil test hole locations

The existing property is a 2850 m^2 block of vacant land fronting Felmingham Street along its eastern boundary. The property falls gently, generally from the west towards the east.

This report demonstrates that proposed Lots 1 and 2 can accommodate onsite wastewater disposal for typical 4-bedroom residential dwellings and the parent block is therefore suitable for subdivision.

This report has been prepared in accordance with the requirements of AS/NZS 1547:2012 On-site Domestic Wastewater Management, the Tasmanian Director of

Building Control's Guidelines for On-site Wastewater Management Systems, and the findings from our field investigations undertaken on the 19th of April 2025.

2. PROJECT CRITERIA

The following criteria have been considered in our waste water assessment of the Lots:

Municipality	Break O'Day
Survey Plan	None
Climate	Mean annual rainfall for the area is approx. 709 mm (Ref. BOM station no. 92120 St Helens Aerodrome
Proposed Lot sizes	Lot 1: 1350 m^2, Lot 2: 1500 m^2
Date of inspection	19 April 2025
Desktop study	17 July 2025
Water supply	Tank
Land use	Low Density Residential – Tasmanian Planning Scheme
Land history	31 Felmingham Road – vacant land
Power Supply	Mains
Method of testing	2 no. test hole excavations by hand auger. The excavations were completed to identify the distribution and variation in soil material

Table 1. Project Criteria

3. SITE EVALUATION

From our site and desktop investigations, the key findings were:

Site Gradient	Average 6% slope (3.5 degrees) trending west to east
Exposure	The site has exposure to winds from all directions
Slope Stability	Stable. Not located within Landslide Planning Map Hazard Bands
Boulder/ rock outcrops	Some surface rock and boulders present.
Land Surface shape	Linear planar to slightly waxing divergent – refer Figure C2 AS/NZS 1547:2012.
Soil Maps of Tasmania Classification	N/A
Karst Sensitivity	None
Vegetation	Partially cleared bush, with native grasses, shrubs, and trees
Waterways	Approximately 32m from ephemeral tributary to Skeleton Creek
Fill	None

Stormwater run-on and upslope seepage	A small amount of upslope runoff from the western boundary
Channelled (concentrated) runoff	None
Salinity Hazard	Low
Ground Water Table Depth	No groundwater encountered from 2 boreholes to depths of 1000mm
Water wells/ bores	The nearest recorded bore is 567 metres northeast
Available disposal areas	Lots 1 and 2 have no specific limitations, other than the required offsets from boundaries and future dwellings

Table 2. Site Evaluation

4. SOIL ASSESSMENT & EVALUATION

The soil evaluation for this site was carried out in accordance with AS/NZS 1547:2012 with two bore logs. These are presented in Tables 3 and 4:

Typical soil texture and profile	Depth (mm)	Description	Soil Category
	0-500	Brown-grey loamy sand with very few fine gravel fragments	2
	500-1100	Brown-orange fine sandy loam/loam	3
	1100+	Refusal. Borehole terminated	N/A
Soil structure	Weakly structured - refer Table 5.1 AS/NZS 1547:2012		
Adopted Soil Category	Category 2 - refer Table 5.1 AS/NZS 1547:2012		
Indicative Permeability (Ksat)	>3.0 m/d - refer Table 5.1 AS/NZS 1547:2012		

Table 3. Soil evaluation summary (test hole 1)

Typical soil texture and profile	Depth (mm)	Description	Soil Category
	0-200	Brown-orange sandy loam with very few fine gravel fragments	2
	200-700	Brown-orange loamy sand	2
	700+	Refusal. Borehole terminated	N/A
Soil structure	Weakly structured - refer Table 5.1 AS/NZS 1547:2012		

Adopted Soil Category	Category 2 - refer Table 5.1 AS/NZS 1547:2012
Indicative Permeability (Ksat)	>3.0 m/d - refer Table 5.1 AS/NZS 1547:2012

Table 4. Soil evaluation summary (test hole 2)

The natural soils are generally Category 2, perhaps trending to Category 3 at greater depths. The main risk associated with Category 2 soils is achieving even distribution of effluent over the full design surface. The modest clay content within the samples was found to be dispersive.

The Director's Guideline has the following Acceptable Solutions and Performance Criteria for new dwellings:

1.1 Objective (PCA FP1.5)

To ensure sufficient land is available for sustainable onsite wastewater management for buildings.

Acceptable Solutions	Performance Criteria
A1 A new dwelling must be provided with a land application area that complies with Table 3.	P1 A new dwelling must be provided with a land application area that meets all of the following: a) The land application area is sized in accordance with the requirements of AS/NZS 1547; and b) A risk assessment in accordance with Appendix A of AS/NZS 1547 has been completed that demonstrates that the risk is acceptable.

These requirements are specific to buildings and not subdivisions. However, to show that Lots 1 and 2 can accommodate onsite disposal, an indicative secondary treated effluent with a drip irrigation system has been sized in Sections 5 and 6 of this report in accordance with P1a above and AS1547. Consideration of P1b above is provided in Section 6.

5. INDICATIVE DESIGN IRRIGATION RATES (DIR)

Table M1 of ASNZS1547:2012 provides the following recommended DIR values for drip irrigation secondary treated effluent. Therefore, the following parameters were adopted:

Soil category	Soil texture	Structure	Indicative Permeability (K_{sat})	DIR (mm/d)
2	Sandy loam	Weakly structured	>3.0 m/d	5

Table 4. DIR for drip irrigation disposal

6. INDICATIVE WASTEWATER SYSTEM DESIGN & RECOMMENDATIONS

A typical 4-bedroom house with tank water supply will generate the following daily loading:

Assumed number of proposed bedrooms	4 bedrooms
Number of equivalent persons (AS/NZS 1547:2012 T. J1)	6 persons
Water source	Tank
Daily Loading (L/per person / per day) (AS/NZS 1547:2012 T. H1)	120
Total Loading per day (L/D)	720 max.

Table 5. Daily loading

Indicative drip irrigation area requirements are as follows for secondary treated wastewater from a 4-bedroom dwelling on mains water are therefore:

Adopted Soil Category (AS/NZS 1547:2012 T. M1)	2
Indicative K_{sat} (m/d) (AS/NZS 1547:2012 T. M1)	>3.0 m/d
Indicative DIR (mm/d) (AS/NZS 1547:2012 T. M1)	5
Total Irrigation Area required (m^2) (AS/NZS 1547:2012 L4.2 & T. M1)	144

Table 6. Drip irrigation disposal area requirements

A minimum disposal area of 144 m^2 (e.g.12m x 12m) is required for the disposal of secondary treated effluent sized in accordance with AS1547:2012. A reserve area of the same size could also be accommodated.

The risks identified for future onsite wastewater disposal, as per Directors Guidelines 1.1 P1b are the noted soil dispersity of the modest clay content and rocks or a rock layer which is, in some areas, less than 1 metre deep. These issues, if necessary, can be addressed by selecting the right areas for disposal, and/or increasing soil depth, and/or having a reserve area, and/or and managing sodium inputs. The indicative drip irrigation system is appropriate for sites where there are shallow soil depths.

3.1 Objective - PCA FP1.5 (a)-(c) in the Director's Guidelines has the following solutions for land application areas:

Acceptable Solutions	Performance Criteria
A1 Horizontal separation distance from a building to a land application area must comply with one of the following: be no less than 6m; or be no less than: (i) 3m from an upslope building or level building; (ii) If primary treated effluent to be no less than 4m plus 1m for every degree of average gradient from a downslope building; (iii) If secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a downslope building.	P1 a) The land application area is located so that: (i) the risk of wastewater reducing the bearing capacity of a building's foundations is acceptably low; and (ii) is setback a sufficient distance from a downslope excavation around or under a building to prevent inadequately treated wastewater seeping out of that excavation.

- A1 (b) (i) and A1 (b) (iii) are applicable for secondary treated effluent. These parameters can easily be met of the 50+ metre long x 25+ metre wide lots. Acceptable.

Acceptable Solutions	Performance Criteria
A2 Horizontal separation distance from downslope surface water to a land application area must comply with (a) or (b) (a) be no less than 100m; or (b) be no less than the following: (i) if primary treated effluent 15m plus 7m for every degree of average gradient to downslope surface water; or (ii) if secondary treated effluent and subsurface application, 15m plus 2m for every degree of average gradient to down slope surface water.	P2 Horizontal separation distance from downslope surface water to a land application area must comply with all of the following: a) Setbacks must be consistent with AS/NZS 1547 Appendix R; b) A risk assessment in accordance with Appendix A of AS/NZS 1547 has been completed that demonstrates that the risk is acceptable.

- A2 (a) The nearest surface water is approximately 32m south, however this is not downslope. The contours are due east so the ephemeral water course is greater than 100 metres downstream from the lot frontage. Acceptable.

A3	P3
Horizontal separation distance from a property boundary to a land application area must comply with either of the following: (a) be no less than 40m from a property boundary; or (b) be no less than: (i) 1.5m from an upslope or level property boundary; and (ii) If primary treated effluent 2m for every degree of average gradient from a downslope property boundary; or (iii) If secondary treated effluent and subsurface application, 1.5m plus 1m for every degree of average gradient from a downslope property boundary.	Horizontal separation distance from a property boundary to a land application area must comply with all of the following: (a) Setback must be consistent with AS/NZS 1547 Appendix R; and (b) A risk assessment in accordance with Appendix A of AS/NZS 1547 has been completed that demonstrates that the risk is acceptable.

- A3 (b) (i) and (iii) are applicable for secondary treated effluent. These parameters can easily be met of the 50+ metre long x 25+ metre wide lots. Acceptable.

A4	P4
Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must be no less than 50m and not be within the zone of influence of the bore whether up or down gradient.	Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must comply with all of the following: (a) Setback must be consistent with AS/NZS 1547 Appendix R; and (b) A risk assessment completed in accordance with Appendix A of AS/NZS 1547 demonstrates that the risk is acceptable

- A4 is not applicable as there are no downslope bores, wells or similar within 50 metres of the lots. Acceptable.

A5	P5
Vertical separation distance between groundwater and a land application area must be no less than: (a) 1.5m if primary treated effluent; or (b) 0.6m if secondary treated effluent	Vertical separation distance between groundwater and a land application area must comply with the following: (a) Setback must be consistent with AS/NZS 1547 Appendix R; and (b) A risk assessment completed in accordance with Appendix A of AS/NZS 1547 that demonstrates that the risk is acceptable

- A5 is not applicable. No groundwater present. Acceptable.

A6	P6
Vertical separation distance between a limiting layer and a land application area must be no less than: (a) 1.5m if primary treated effluent; or (b) 0.5m if secondary treated effluent.	Vertical setback must be consistent with AS/NZS1547 Appendix R.

- A6 (b) is applicable. There is rock present onsite which varies in depth. From the two holes dug there are obvious areas where 0.5m or greater vertical separation can be achieved. If needed boulders/rocks can be removed and/or high quality soil imported to ensure disposal areas are 0.5m or greater in depth. Acceptable.

A7	P7
nil	A wastewater treatment unit must be located a sufficient distance from buildings or neighbouring properties so that emissions (odour, noise or aerosols) from the unit do not create an environmental nuisance to the residents of those properties *Note: Part 6 of the Building Act 2016 specifies requirements for protection work which apply to plumbing work including a wastewater treatment unit.*

P7 is applicable. An Envirocycle treatment system with drip irrigation will achieve this requirement. Acceptable.

7. CONCLUSION

An indicative drip-irrigation disposal system and area and reserve area (if necessary) for a four bedroom home can be accommodated within the proposed 1350m^2 and 1500m^2 lots. Any site risks, such as rock and dispersity can be overcome through routine methods.

The selection and design of any treatment and disposal system needs to be formalised when development within the lot is formally proposed. Land application systems in Category 2 soils require design by a suitably qualified and experienced person, and distribution techniques need to achieve an even distribution of effluent across the design surface area.

All works associated with the wastewater disposal for any future dwellings should be carried out by an accredited and registered plumber in accordance with the relevant sections of AS3500, AS1547:2012 and the Director's Guidelines.

Bushfire Hazard Management Report: Subdivision

Report for: **Vince Butler**

Property Location: **31 Felmingham Street, Binalong Bay**

Prepared by: Scott Livingston
Livingston Natural Resource Services

Date: 30th June 2025
Version: 1

Summary

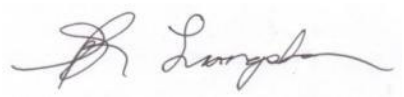
Client: Vince Butler

Property identification: Current zoning: Low Density Residential, *Tasmanian Planning Scheme- Break O'Day*

31 Felmingham Street, Binalong Bay, CT 185711/1, PID 2663000

Proposal: A 2 lot subdivision is proposed from 1 existing title at 31 Felmingham Street, Binalong Bay.

Assessment by:



_____

Scott Livingston,
Master Environmental Management,
Natural Resource Management Consultant.
Accredited Person under part 4A of the Fire Service Act 1979:
Accreditation # BFP-105.

Version	Date	Notes
1	30/6/2025	

Contents

LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

DESCRIPTION

A 2 lot subdivision is proposed from 1 existing title at 31 Felmingham Street, Binalong Bay. The area is mapped as bushfire prone in planning scheme overlays.

The existing title is partially clear and contains no buildings. Land to the north and east are developed residential lots. Land to the south and west is crown land with a mosaic of forest and woodland. The area is not serviced by a reticulated water supply. Lots have frontage to Felmingham Street and an unmade road reserve.

See Appendix 1 for maps and site plan, and appendix 2 for photographs.

BAL AND RISK ASSESSMENT

The land is mapped as Bushfire Prone in Planning Scheme Overlays.

VEGETATION AND SLOPE

1	Vegetation, within 100m of lot boundary	0-100m low threat	0-100m low threat	0-39m low threat, 39-45m scrub, 45-100m forest / woodland mosaic	0-100m forest / woodland mosaic
	Slope (degrees, over 100m)	Down slope 5-10°	Down slope 0-5°	Flat /upslope	Flat /upslope
	BAL rating existing vegetation	BAL Low	BAL Low	BAL 12.5	BAL FZ
	BAL rating with setbacks and HMA	BAL 12.5 / BAL19			
2	Vegetation, within 100m of lot boundary	0-100m low threat	0-100m low threat	0-13m low threat, 13-19m scrub, 19-100m forest / woodland mosaic	0-100m forest / woodland mosaic
	Slope (degrees, over 100m)	Down slope 5-10°	Down slope 0-5°	Flat /upslope	Flat /upslope

	BAL rating existing vegetation	BAL Low	BAL Low	BAL 29	BAL FZ
	BAL rating with setbacks and HMA	BAL 12.5 / BAL19			

BUILDING AREA BAL RATING

Setback distances for BAL Ratings have been calculated based on the vegetation that will exist after the development and management of land within the subdivision and have also considered slope gradients.

Where no setback is required for fire protection other Planning Scheme setbacks may need to be applied, other building constraints such as topography have not been considered.

The BAL ratings applied are in accordance with the Australian Standard AS3959-2018, *Construction of Buildings in Bushfire Prone Areas*, and it is a requirement that any habitable building, or building within 6m of a habitable building be constructed to the BAL ratings specified in this document as a minimum.

Bushfire Attack Level (BAL)	**Predicted Bushfire Attack & Exposure Level**
BAL-Low	Insufficient risk to warrant specific construction requirements
BAL-12.5	Ember attack, radiant heat below 12.5kW/m²
BAL-19	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 12.5-19kW/m²
BAL-29	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 19-29kW/m²
BAL-40	Increasing ember attack and burning debris ignited by windborne embers together with increasing heat flux between 29-40kW/m²
BAL-FZ	Direct exposure to flames radiant heat and embers from the fire front

Figure 1: BAL Building Areas

HAZARD MANAGEMENT AREAS

All land with both lots to be maintained as low threat from sealing of titles and maintained in perpetuity.

ROADS

No roads are proposed for the subdivision; all lots will have access from Felmingham Street.

PROPERTY ACCESS

Access to bushfire prone lots must comply with the relevant elements of Table C13.2. Access to the water supply point must be in place prior to commencement of construction of a habitable building on a lot.

able C13.2: Standards for Property Access

Element		Requirement
A.	Property access length is less than 30m; or access is not required for a fire appliance to access a fire fighting water point.	There are no specified design and construction requirements.
B.	Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.	The following design and construction requirements apply to property access: (a) all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads; and (j) terminate with a turning area for fire appliances provided by one of the following: (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead "T" or "Y" turning head 4m wide and 8m long.
C.	Property access length is 200m or greater.	The following design and construction requirements apply to property access: (a) the requirements for B above; and (b) passing bays of 2m additional carriageway width and 20m length provided every 200m.
D.	Property access length is greater than 30m, and	The following design and construction requirements apply to property access: (a) complies with requirements for B above; and

	access is provided to 3 or more properties.	(b)	passing bays of 2m additional carriageway width and 20m length must be provided every 100m.

FIRE FIGHTING WATER SUPPLY

The subdivision is not serviced by a reticulated water supply.

A static water supply compliant with table C13.5 must be in place and accessible prior to commencement of construction of a habitable building on a lot.

Table C13.5 Static Water Supply

E		**R**
A.	Distance between building area to be protected and water supply	The following requirements apply: a) The building area to be protected must be located within 90 metres of the water connection point of a static water supply; and b) The distance must be measured as a hose lay, between the water point and the furthest part of the building area.
B.	Static Water Supplies	A static water supply: a) May have a remotely located offtake connected to the static water supply; b) May be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; c) Must be a minimum of 10,000 litres per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; d) Must be metal, concrete or lagged by non-combustible materials if above ground; and e) If a tank can be located so it is shielded in all directions in compliance with Section 3.5 of AS 3959-2009, the tank may be constructed of any material provided that the lowest 400 mm of the tank exterior is protected by: (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6 mm thickness.

	E	**R**
C.	Fittings, pipework and accessories (including stands and tank supports)	Fittings and pipework associated with a water connection point for a static water supply must: (a) Have a minimum nominal internal diameter of 50mm; (b) Be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) Be metal or lagged by non-combustible materials if above ground; (d) Where buried, have a minimum depth of 300mm (compliant with *AS/NZS 3500.1-2003 Clause 5.23);* (e) Provide a DIN or NEN standard forged Storz 65 mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) Ensure the coupling is accessible and available for connection at all times; (g) Ensure the coupling is fitted with a blank cap and securing chain (minimum 220 mm length); (h) Ensure underground tanks have either an opening at the top of not less than 250 mm diameter or a coupling compliant with this Table; and (i) Where a remote offtake is installed, ensure the offtake is in a position that is: (i) Visible; (ii) Accessible to allow connection by fire fighting equipment; (iii) At a working height of 450 – 600mm above ground level; and (iv) Protected from possible damage, including damage by vehicles
D.	Signage for static water connections	The water connection point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must (a) comply with: Water tank signage requirements within AS 2304-2011 *Water storage tanks for fire protection systems; or* (b) comply with water tank signage requirements within *Australian Standard AS 2304-2011 Water storage tanks for fire protection systems*; or (c) comply with the Tasmania Fire Service Water Supply Signage Guideline published by the Tasmania Fire Service.
E.	Hardstand	A hardstand area for fire appliances must be provided: (a) No more than three metres from the water connection point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

CONCLUSIONS

A 2 lot subdivision is proposed from 1 existing title at 31 Felmingham Street, Binalong Bay. The area is mapped as bushfire prone in planning scheme overlays.

There is sufficient area on lots to provide for BAL 19 construction with a reduced area available at BAL 12.5. All areas of the lots must be maintained as low threat from sealing of titles and maintained in perpetuity. Access and water supply must be installed before commencement of construction of a habitable building.

REFERENCES

Department of Premier and Cabinet (Tasmania). (2017). *Building Act 2016.*

Department of Premier and Cabinet (Tasmania). (2017). Building Regulations 2016.

Standards Australia Limited. (2018). *AS 3959-2018 Construction of buildings in bushfire prone areas*

Tasmanian Planning Scheme- Break O'Day

APPENDIX 1 – MAPS

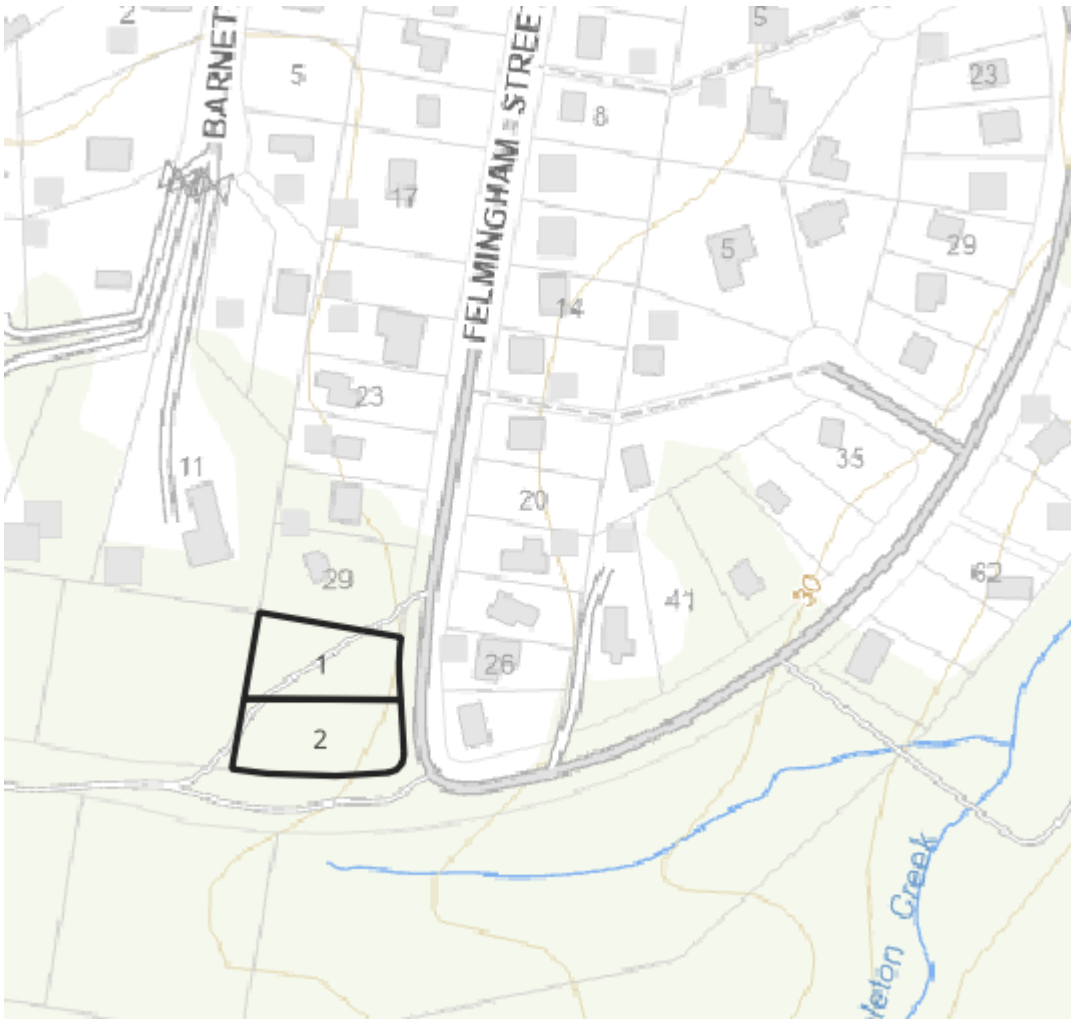


Figure 2: Location proposed lots

Figure 3: Aerial Image

GENERAL NOTES:

1. REFER TO HYDRODYNAMICA ON-SITE WASTEWATER DISPOSAL REPORT FOR DETAILS OF LOT REQUIREMENTS.
2. PROVIDE NEW 4 m WIDE DRIVEWAY CROSSOVERS TO EACH LOT AS PER TSD-R03.
3. DN225 RCP CLASS 4 DRIVEWAY CULVERT TO LOT 2 ONLY WHERE EXISTING ROAD SIDE DRAIN IS CROSSED BY NEW DRIVEWAY. PROPOSED LOT 1 CROSSOVER IS LOCATED AT EXISTING DRAIN HIGH POINT SO NO CULVERT REQUIRED.
4. PROVIDE WINGED CULVERT HEADWALLS TO COUNCIL SPECIFICATION.

SURVEY NOTES

5. PROPOSED SUBDIVISION LOT BOUNDARY LINES AS SHOWN TO BE CONFIRMED BY FINAL SEALED SURVEY.
6. EXISTING INFRASTRUCTURE LOCATIONS OBTAINED FROM THE LIST MAP ASSET DATABASE & BYD AUSTRALIA - CONTRACTOR TO CONFIRM ALL SERVICE LOCATIONS PRIOR TO ANY WORKS. NOT ALL SERVICES SHOWN.
7. SITE CONTOURS FROM LIDAR SURVEY.

SITE PLAN

SCALE 1:500 @ A3

VINCENT BUTLER CONSULTING CHARTERED ENGINEER 0407 327 698	PROJECT DETAILS:	DATE:	09 JUNE 2025
	31 FELMINGHAM STREET, BINALONG BAY (TITLE REF: 185711/1) PROPOSED 2 LOT SUBDIVISION SITE PLAN	REVISION:	A
		DRAWN:	VB
		SHEET:	C01

ISSUED FOR DA

Figure 4: Proposed Subdivision Plan

APPENDIX 2 – PHOTO

Figure 5: south along Felmingham Street

Figure 6: west along lot 2 southern boundary

Figure 7: east across Felmingham Street

Bushfire Hazard Management Plan:

Construction: BAL 12.5 / BAL 19

Buildings in Bushfire Prone Area to be built in accordance with the Building Code of Australia and Australian Standard AS3959.

Building setbacks / BAL ratings apply to habitable buildings (Class 1, 2 3, 8 or 9) and class 10a buildings within 6m of a habitable building

Proposed Development	2 lot subdivision from 1 title
Plan of Subdivision	Vince Butler
Owner	Vince Butler
Address	31 Felmingham Street, Binalong Bay
CT	185711/1
PID	2663000

Hazard Management Area

Hazard management areas include the area to protect the buildings as well as the access and water supplies.

All areas of all lots must be maintained as low threat vegetation in perpetuity. Low threat vegetation includes maintained lawns (mown to < 100mm), gardens and orchards.

Access and Water Supply

no specific design or construction requirements, see report for detail

This BHMP has been prepared to satisfy the requirements of the Tasmanian Planning Scheme –*Break O"Day*. This plan should be read in conjunction with the report titled: Bushfire Hazard Management Report 31 Felmingham Street Binalong Bay Livingston Natural Resource Services

Scott Livingston
Accreditation: BFP – 105: 1, 2, 3A, 3B, 3C

Date 30/6/2025

SRL25/39S

1

BUSHFIRE-PRONE AREAS CODE

CERTIFICATE[1] UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

1. Land to which certificate applies

The subject site includes property that is proposed for use and development and includes all properties upon which works are proposed for bushfire protection purposes.

Street address:	31 Felmingham Street, Binalong Bay
Certificate of Title / PID:	CT 185711/1, PID 2663000

2. Proposed Use or Development

Description of proposed Use and Development:	Subdivision, 2 lots from 1 lot
Applicable Planning Scheme:	Tasmanian Planning Scheme -Break O'Day

3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
Bushfire Hazard Management Report 31 Felmingham Street, Binalong Bay	Scott Livingston	30/6//2025	1
Bushfire Hazard Management Plan 31 Felmingham Street, Binalong Bay	Scott Livingston	30/6//2025	1
Plan of Subdivision	Vince Butler	9/6/2025	C01-A

4. Nature of Certificate

The following requirements are applicable to the proposed use and development:

☐	**E1.4 / C13.4 – Use or development exempt from this Code**	
	Compliance test	**Compliance Requirement**
☐	E1.4(a) / C13.4.1(a)	Insufficient increase in risk

[1] This document is the approved form of certification for this purpose and must not be altered from its original form.

☐	**E1.5.1 / C13.5.1 – Vulnerable Uses**	
	Acceptable Solution	**Compliance Requirement**
☐	E1.5.1 P1 / C13.5.1 P1	***Planning authority discretion required. A proposal cannot be certified as compliant with P1.***
☐	E1.5.1 A2 / C13.5.1 A2	Emergency management strategy
☐	E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan

☐	**E1.5.2 / C13.5.2 – Hazardous Uses**	
	Acceptable Solution	**Compliance Requirement**
☐	E1.5.2 P1 / C13.5.2 P1	***Planning authority discretion required. A proposal cannot be certified as compliant with P1.***
☐	E1.5.2 A2 / C13.5.2 A2	Emergency management strategy
☐	E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan

☒	**E1.6.1 / C13.6.1 Subdivision: Provision of hazard management areas**	
	Acceptable Solution	**Compliance Requirement**
☐	E1.6.1 P1 / C13.6.1 P1	***Planning authority discretion required. A proposal cannot be certified as compliant with P1.***
☐	E1.6.1 A1 (a) / C13.6.1 A1(a)	Insufficient increase in risk
☒	E1.6.1 A1 (b) / C13.6.1 A1(b)	Provides BAL-19 for all lots (including any lot designated as 'balance')
☐	E1.6.1 A1(c) / C13.6.1 A1(c)	Consent for Part 5 Agreement

☒	**E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access**	
	Acceptable Solution	**Compliance Requirement**
☐	E1.6.2 P1 / C13.6.2 P1	Planning authority discretion required. A proposal cannot be certified as compliant with P1**.**
☐	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
☒	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables

☒	**E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes**	
	Acceptable Solution	**Compliance Requirement**
☐	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
☐	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
☐	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective,
☐	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk
☒	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table
☐	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective

5. Bushfire Hazard Practitioner

Name:	Scott Livingston	**Phone No:**	0438 951 021
Postal Address:	PO Box 178, Orford, 7190	**Email Address:**	scottlivingston.lnrs@gmail.com
Accreditation No:	BFP – 105	**Scope:**	1, 2, 3A, 3B, 3C

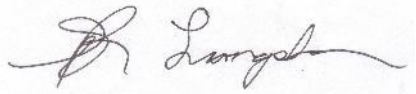
6. Certification

I certify that in accordance with the authority given under Part 4A of the *Fire Service Act 1979* that the proposed use and development:

☐ Is exempt from the requirement Bushfire-Prone Areas Code because, having regard to the objective of all applicable standards in the Code, there is considered to be an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures, or

☒ The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and compliant with the relevant **Acceptable Solutions** identified in Section 4 of this Certificate.

Signed:
certifier



Name: Scott Livingston **Date:** 30/6//2025

Certificate Number: SRL25/39S

(for Practitioner Use only)

CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE ITEM

Section 321

Form **55**

To: Vince Butler — Owner /Agent

3 Pinehurst Court — Address

Prospect Vale — 7250 — Suburb/postcod

Qualified person details:

Qualified person: Scott Livingston

Address: PO Box 178 — Phone No: 0438 951 021

Orford — 7190 — Fax No:

Licence No: BFP-105 — Email address: scottlivingston.lnrs@gmail.com

Qualifications and Insurance details: Accredited Bushfire Assessor — *(description from Column 3 of the Director of Building Control's Determination)*

Speciality area of expertise: Bushfire Assessment — *(description from Column 4 of the Director of Building Control's Determination)*

Details of work:

Address: 31 Felmingham Street — Lot No: 1,2

Binalong Bay — 7216 — Certificate of title No 185711/1

The assessable item related to this certificate: Bushfire Attack Level (BAL)

(description of the assessable item being certified)
Assessable item includes –
- *a material;*
- *a design*
- *a form of construction*
- *a document*
- *testing of a component, building system or plumbing system*
- *an inspection, or assessment, performed*

Certificate details:

Certificate type: Bushfire Hazard — *(description from Column 1 of Schedule 1 of the Director of Building Control's Determination)*

This certificate is in relation to the above assessable item, at any stage, as part of - *(tick one)*

building work, plumbing work or plumbing installation or demolition work: ✓

or

a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

- Bushfire Attack Level Assessment & Report

Relevant calculations:

References:

Australian Standard 3959

Building Amendment Regulations 2016

Director of Building Control (2024) Director's Determination for Bushfire Hazard Areas v1.2 2024

Substance of Certificate: (what it is that is being certified)

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959

Assessed as - BAL 19/ BAL 12.5

2. Bushfire Hazard Management Plan

Proposal is compliant with DTS requirements, Director's Determination for Bushfire Hazard Areas v1.2 2024

Scope and/or Limitations

Scope:

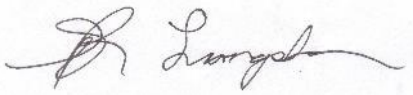
This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Tasmanian Planning Scheme Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code of Australia and Australian Standards, AS 3959-2018, Construction of buildings in bushfire-prone areas.

Limitations:

The inspection has been undertaken and report provided on the understanding that;-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

I certify the matters described in this certificate.

	Signed:	*Certificate No:*	*Date:*
Qualified person:		SRL 25/39S	30/6/2025

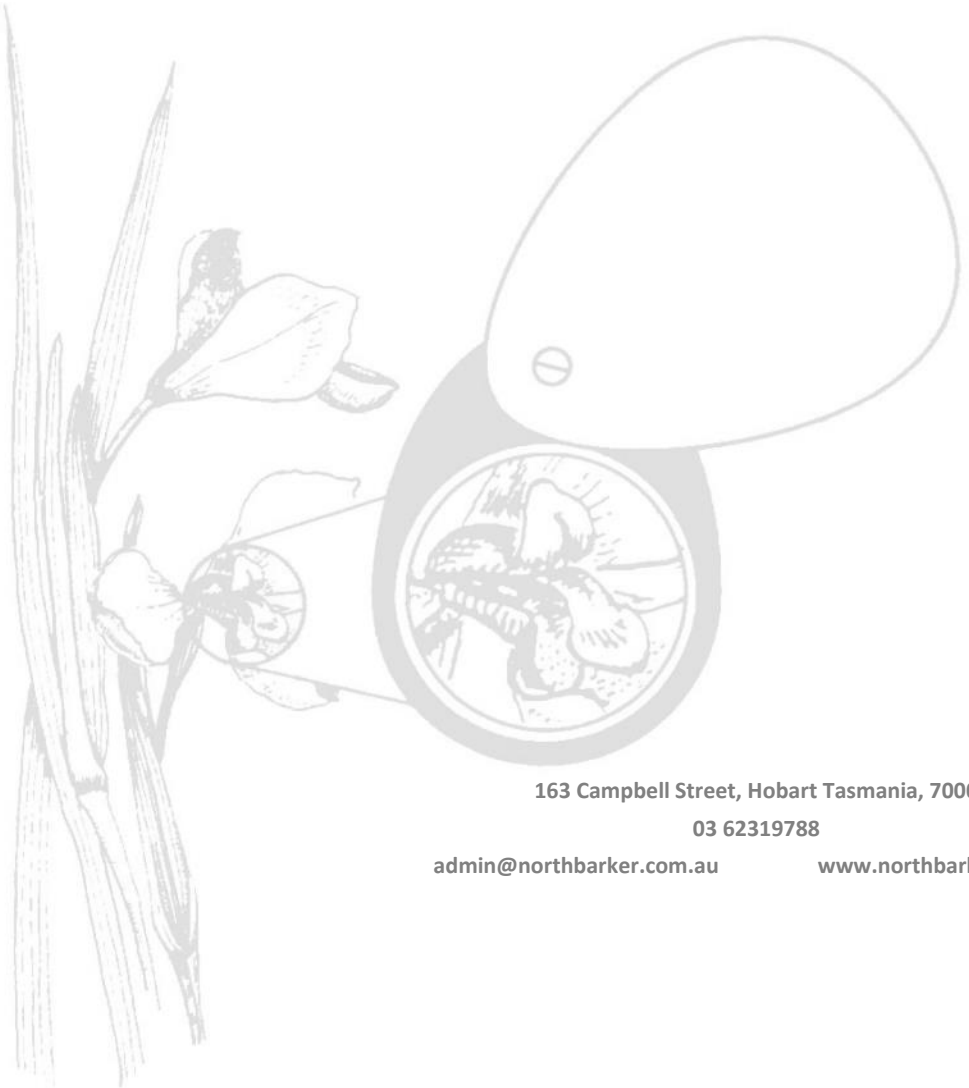
northbarker
ECOSYSTEM SERVICES

31 Felmingham St, Binalong Bay

Natural Values Assessment

15/11/2022

For Tasmanian Parks and Wildlife Service (PWS018)



163 Campbell Street, Hobart Tasmania, 7000
03 62319788
admin@northbarker.com.au www.northbarker.com.au

Acknowledgements

Date of Survey: 21st June 2022; 3rd November 2022

Surveyors: Cameron Geeves & Suyanti Winoto-Lewin; Andrew North

Report and Mapping: Suyanti Winoto-Lewin

Review: Jared Parry & Andrew North

SUMMARY

North Barker Ecosystem Services have completed a natural values assessment at 31 Felmingham Street, Binalong Bay for the purposes of informing the landowner (Tasmanian Parks & Wildlife Service) of the presence of any priority vegetation and habitat and the likely constraints they might present for future sale and development of the site for residential use.

Key findings and recommendations in relation to the onsite values are as follows:

- No threatened native vegetation communities are present on site.
- No threatened flora species are confirmed to be present or likely to occur.
- Site specific threatened fauna habitat of significance is limited to potential nesting hollows for swift parrot in three mature eucalypts.
- A white bellied sea eagle nest is located 380 m from the property. This is not within line of site but within a generalised 500 m eagle nest buffer used in by the forest industry and being more broadly adopted for other works.
- Considering the location being at the end of a residential street and the context of the site adjoining extensive forested areas, the future development of the site for residential use is likely achievable.
- A development proposal could meet the Development Standards of the of the Biodiversity Code of the Break O'Day Interim Planning Scheme 2013 although certain measures may need to be incorporated in the application to meet the Performance Solutions P2.1. Siting of infrastructure may be constrained to avoid impacting on trees in thon site and in the vicinity. Measures to limit impact to habitat values may need to include select tree retention and timing of removal and major works to avoid disturbing nesting of swift parrot or white-bellied sea eagles.

CONTENTS

Figures

1. INTRODUCTION

The Tasmanian Parks and Wildlife Service (PWS) has requested and independent investigation of natural values on a property proposed for public sale at 31 Felmingham Street, Binalong Bay. PWS have engaged North Barker Ecosystem Services to undertake surveys for threatened flora and fauna within the property to inform potential buyers of potential constraints to development on the site.

STUDY AREA

The study area (site) is located at 31 Felmingham Street, Binalong Bay (Figure 1), and is zoned as low-density residential under the *Break O'Day Interim Planning Scheme 2013*.

The property is a 2,851 m^2 block neighbouring a residential property to the north, vacant land with native vegetation to the west and a transmission line easement to the south. Native vegetation within the study area is contiguous with a row of vacant parcels (zoned as Future Potential Production Forest) to the west and south to the nearby Humbug Nature Recreation Area.

The site falls within a larger study area that was assessed previously by North Barker in 2004[1], during which one threatened flora species was observed outside of the current study area.

METHODS

This assessment has been undertaken in accordance with the *Guidelines for Natural Values Surveys*[2]. Fieldwork was undertaken on foot on the 21st June 2022. Vegetation was mapped at the community level according to TASVEG 4.0[3]. At the species level vegetation was recorded in accordance with the most recent census of Tasmanian flora[4] using an area search technique based on the Timed Meander Search Procedure[5]. Fauna habitat values were documented concurrently, with particular emphasis on species listed as threatened at the state and/or national level under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

A follow up survey targeting spring flowering orchid species, specifically *Caladenia caudata* was undertaken on November 3rd 2022.

The assessment includes a review of observations of threatened flora from the Tasmanian Natural Values Atlas[6].

LIMITATIONS

The initial survey was undertaken in winter. There may be some seasonal or discrete species overlooked. To compensate for this, the follow up spring survey also included an inventory of all species. Summer flowering grasses may have been overlooked or lacked material for species identification.

[1] North Barker Ecosystem Services (2004)
[2] DPIPWE (2015a)
[3] DPIPWE (2020)
[4] de Salas and Baker (2021)
[5] Goff *et al.* (1982)
[6] NRET (2022)

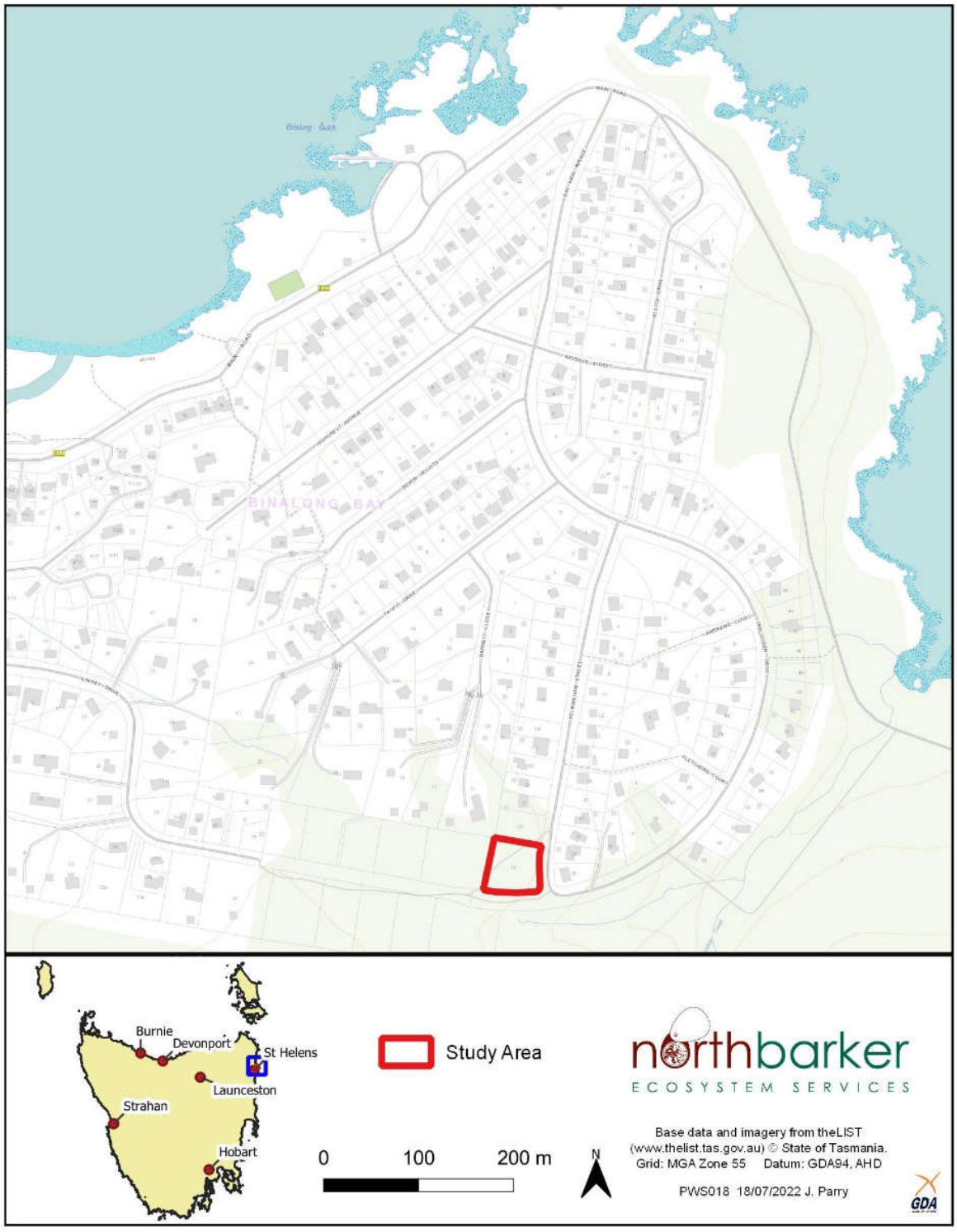


Figure 1: Location of the study area

2. BIOLOGICAL VALUES

VEGETATION

One TASVEG 4.0 vegetation unit was recorded in the study area.

EUCALYPTUS AMYGDALINA COASTAL FOREST AND WOODLAND (DAC)

This is the only vegetation unit that occurs on site. It continues into the vacant lots to the west and south. There is exposed granite on site and the soil are silicious.

The canopy is dominated by *Eucalyptus pulchella* which is hybridising with *Eucalyptus amygdalina.* There is also the occasional smaller *Eucalyptus viminalis.* The understory tree layer is dominated by *Allocasuarina littoralis*, *Exocarpos cupressiformis*, *Acacia longifolia*, *Olearia littoralis*, and *Leucopogon parviflorus*. Shrubs include including *Platylobium parvifolium*, *Pimelea linifolia* and on the edges of the forest *Kunzea ambigua*, *Olearia ramulosa*, *Acacia terminalis*. The ground layer is dominated by sedges *Lepidosperma viscidum* and *Gahnia radula* under the tree canopy and on disused vehicle tracks, along with diverse herb species such as *Wahlenbergia sp.*, *Glycine clandestina*, and *Drosera peltata*. Grasses dominate clearings; primarily *Microlaena stipoides*, *Poa* species and the introduced *Sporobolus africanus.*

Weeds are not prevalent at this site, with two occurrences of environmental weed *Billardiera heterophylla* and several plants of introduced watteles *Acacia pycnantha* and *A. howittii.*

Plate 1 – *Eucalyptus amygdalina* coastal forest and woodland showing tree with large basal hollow

FLORA OF CONSERVATION SIGNIFICANCE

A total of 87 species of vascular plant were recorded during the survey (Appendix A), including 16 introduced species, none of which are listed as declared weeds under the Tasmanian *Weed Management Act 1999* (WMA). No threatened species listed under the TSPA or the EPBCA were observed.

Previous surveys within 5 km of the property have identified a variety of threatened flora listed under the TSPA and EPBCA. These species are listed in Appendix B together with a description of their preferred habitat and an assessment of the likelihood of their occurrence on the property should they have been overlooked or seasonally absent.

Following the winter survey the likelihood of threatened flora occurring on site was considered low. A follow up spring survey targeting the nationally threatened tailed spider orchid *Caladenia caudata* and the state listed *Caldenia pusilla* (both recorded previously recorded in Humbug Point Nature Recreation Area) failed to locate either of these spcies although the common pink fingers orchid *Caladenia carnea* was observed to be present. The spring survey also identfied several ephemeral species not seen or expected to be seen in winter, but failed to locate evidence of any threatened species.

Plate 2 – Pink fingers *Caladenia carnea*

INTRODUCED PLANTS

Sixteen introduced plants we found on site including three environmental weeds.

- Bluebell creeper (*Billardiera heterophylla*);
- Golden wattle (*Acacia pycnantha*);
- Sweet pittosporum (*Pittosporum undulatum*).

FAUNA OF CONSERVATION SIGNIFICANCE (INCL. HABITAT TREES)

No threatened fauna species were directly or indirectly observed on site. No threatened fauna nests or dens were observed.

Table 1: Threatened fauna species known within a 5 km radius of the site[10]

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
Antipodia chaostola subsp. leucophaea	chaostola skipper	e	EN	e	1	05-Aug-2017
Aquila audax	wedge-tailed eagle	pe	PEN	n	2	12-Jan-2017
Arctocephalus forsteri	new zealand fur seal	r		n	3	30-Sep-2018
Balaenoptera borealis	sei whale		VU	m	1	23-Sep-2018
Calidris ferruginea	curlew sandpiper		CR	n	1	24-Oct-1998
Calidris tenuirostris	great knot		CR	n	1	06-Nov-1998
Charadrius mongolus	lesser sand plover		EN	n	8	28-Apr-2003
Charadrius rubricollis	hooded plover		PVU	n	5	28-Apr-2003
Dasyurus maculatus	spotted-tail quoll	r	VU	n	1	25-Sep-2020
Dasyurus maculatus subsp. maculatus	spotted-tail quoll	r	VU	n	3	04-Feb-1997
Dasyurus viverrinus	eastern quoll		EN	n	6	19-Dec-1996
Diomedea cauta	shy albatross	pv	PVU		1	08-Jan-1998
Diomedea epomophora	southern royal albatross		VU	n	1	10-Feb-2017
Eubalaena australis	southern right whale	e	EN	m	33	25-Jul-2021
Gazameda gunnii	Gunn's screw shell	v		ae	5	13-Apr-2012
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	23	18-Jun-2020
Hirundapus caudacutus	white-throated needletail		VU	n	6	19-Mar-2015
Lathamus discolor	swift parrot	e	CR	mbe	21	14-Dec-2017
Litoria raniformis	green and gold frog	v	VU	n	1	07-Sep-1993
Megaptera novaeangliae	humpback whale	e		m	24	26-Sep-2018
Mirounga leonina	southern elephant seal	e	VU	n	4	18-Apr-2017
Mirounga leonina subsp. macquariensis	southern elephant seal	pe	PVU	n	10	18-Sep-2018
Numenius madagascariensis	eastern curlew	e	CR	n	16	12-Dec-2014
Pseudemoia rawlinsoni	glossy grass skink	r		n	2	25-Sep-1978
Pseudomys novaehollandiae	new holland mouse	e	VU	n	2	01-Apr-2009
Pteropus poliocephalus	grey-headed flying-fox		VU	n	1	29-Dec-2010
Sarcophilus harrisii	tasmanian devil	e	EN	e	5	18-Mar-2019
Seriolella brama	Blue Warehou		CD	n	3	01-Jan-2002
Sterna albifrons subsp. sinensis	little tern	pe			1	01-Jan-1900
Sternula albifrons subsp. sinensis	little tern	e		n	6	07-Jan-2014
Sternula nereis subsp. nereis	fairy tern	v	VU	n	22	17-Dec-2001
Thalassarche cauta	shy albatross	v	EN	n	4	17-Feb-2016
Thalassarche melanophris	black-browed albatross	e	VU	n	1	10-Feb-2017
Theclinesthes serpentatus	chequered blue	pr			1	31-Jan-2021
Thinornis cucullatus	hooded plover		PVU	n	67	14-Nov-2020
Thinornis rubricollis	hooded plover		VU	n	186	23-Dec-2020
Thylacinus cynocephalus	thylacine	x	EX	ex	2	01-Jan-1972
Tyto novaehollandiae	masked owl	pe	PVU	n	1	05-Apr-2018

Six species of threatened fauna have been identified as potentially utilising or being impacted by development on site:

- *Lathamus discolor* (swift parrot) – TSPA: endangered, EPBCA: Critically endangered
- *Aquilla audax subs. fleayi* (Tasmanian wedge-tailed eagle) – TSPA: endangered, EPBCA endangered
- *Haliaeetus leucogaster* (white-bellied sea-eagle) – TSPA: endangered
- *Dasyurus maculatus* (spotted-tail quoll) – EPBCA: vulnerable, TSPA: Rare
- *Dasyurus viverrinus* (eastern quoll) – EPBCA: Endangered, TSPA: endangered
- *Pseudomys novaehollandiae* (new holland mouse) – EPBCA: vulnerable, TSPA: endangered

[10] NRET (2022)

These species are discussed in greater detail below. All other species recorded within 5 km of the site () have been considered, but have been determined to have no chance of occurring based on the habitat available on the site.

SWIFT PARROT (*LATHAMUS DISCOLOR*)

This species feeds mainly on the nectar of blue gum (*Eucalyptus globulus*), but in some years relies on black gum (*E. ovata*) due to its flowering period overlapping with the arrival of the species in early spring from migration. Swift parrots prefer to nest in trees with ample bush surrounds and prefer foraging trees with a DBH exceeding 40 cm[12].

The site is within the Binalong Swift Parrot Important Breeding Area (SPIBA) which has been identified for specific management of swift parrot habitat (Figure 2). Foraging habitat is absent from the study area, although two blue gum (*E. globulus*) trees were incidentally observed within 50 m of the site during the survey. Higher quality vegetation occurs in the vicinity primarily in the form of *Eucalyptus globulus* dry woodland and forest (DGL) along the margins of Boat Harbour Point to the north. Foraging habitat is plentiful within the neighbouring Humbug Point Nature Recreation Area. Foraging habitat areas are indicated in the GlobMap layer on Figure 2.

One swift parrot nest has been recorded 1.5 km from the study area, as well as three 10 km away north of Taylors Beach (Figure 2).

Three potential nesting habitat trees were observed within the study area (Figure 3). Two had signs of hollow forming processes such as senescence and basal hollows, though no hollows were visible from ground level. Two potential habitat trees were found within 10 m of the site. One of these had a small hollow visible (Plate 3).

Plate 3: Hollow in tree 2.5 m outside of study area

[12] Brereton *et al.* (2004)

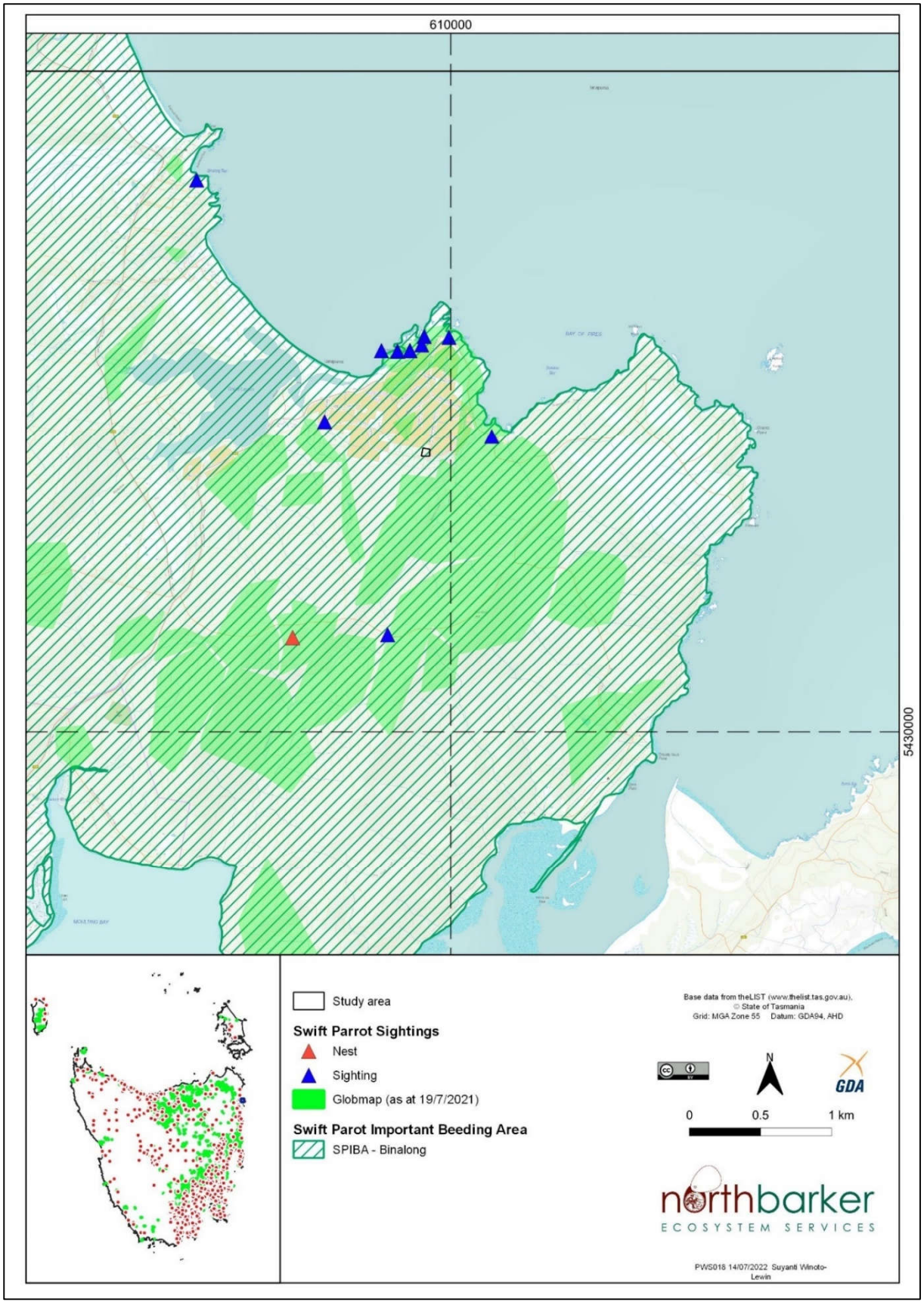


Figure 2: Swift parrot observations in the vicinity of site, showing foraging habitat (and the Binalong Swift Parrot Important Breeding Area

Figure 3: Potential habitat trees within and adjoining the study area

WHITE-BELLIED SEA EAGLE (*HALIAETUS LEUCOGASTER*) & TASMANIAN WEDGE-TAILED EAGLE (*AQUILA AUDAX* SUBSP. *FLEAYI*)

Eagles, particularly wedge-tailed eagles, are extremely sensitive to disturbance during the breeding season, and are liable to desert nests if disturbance reaches a certain threshold.

There is one white-bellied sea eagle nest record within 500 m of the study area, which was recorded in 1985, as well as one 522 m from the study area recorded in 2017. The latter was recorded as absent in 2017 (Figure 5).

Eagle nests are maintained over decades and can be used by either species. Nests are not necessarily utilised every year and should be presumed in use in a given year unless and activity search has confirmed otherwise.

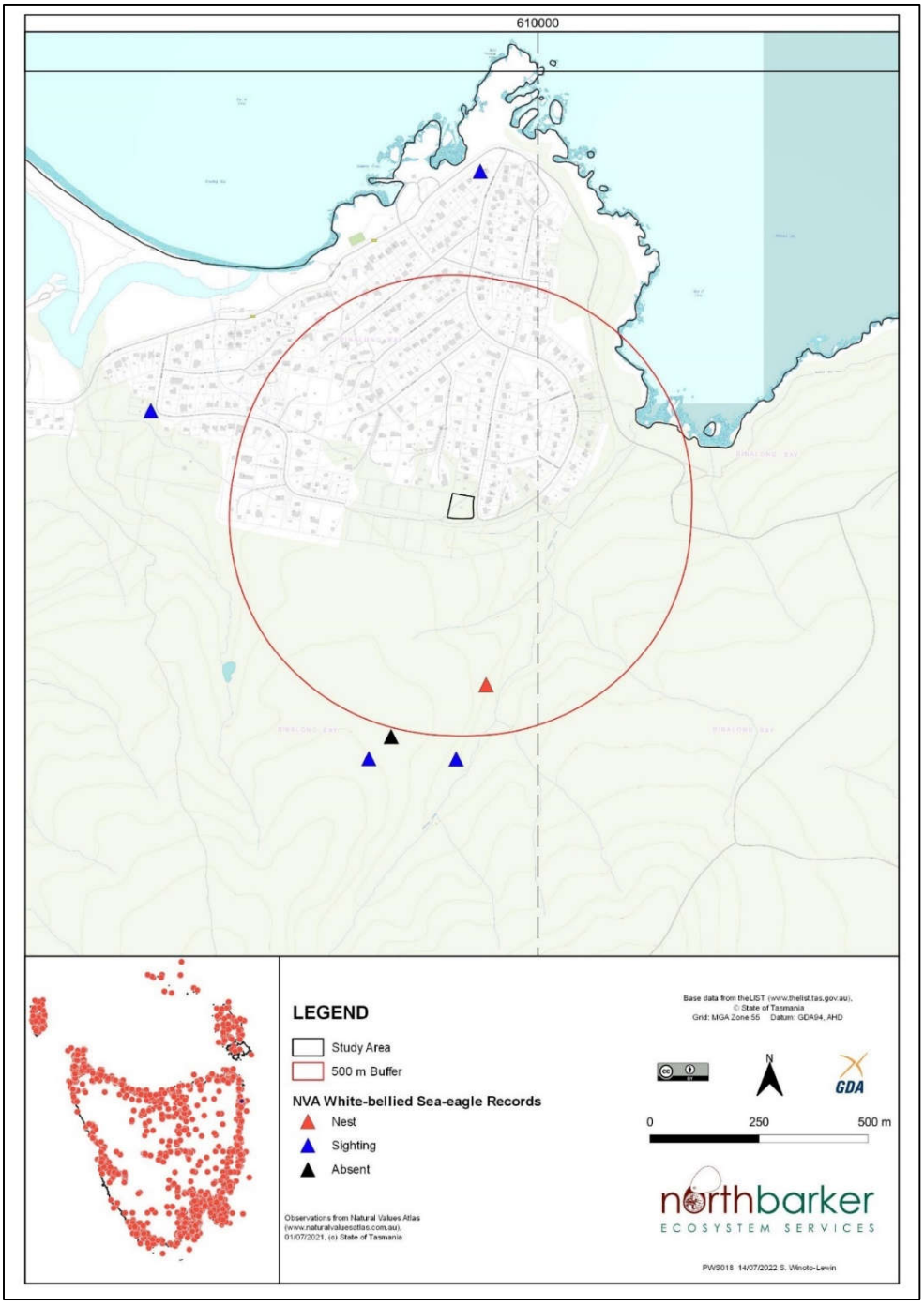


Figure 4: White-bellied sea-eagle nests and observations within 500 m of study area

EASTERN QUOLL (*DASYURUS VIVERRINUS*) & SPOTTED-TAIL QUOLL (*DASYURUS MACULATUS*)

The eastern quoll was previously widespread in mainland south-eastern Australia but is now restricted to Tasmania. Records from the Tasmanian Natural Values Atlas indicate that the eastern quoll occurs in most parts of Tasmania but is recorded infrequently in the wetter western third of the state. The species' distribution is positively associated with areas of low rainfall and cold winter minimum temperatures. Within this distribution, it is found in a range of vegetation types including open grassland (including farmland), tussock grassland, grassy woodland, dry eucalypt forest, coastal scrub, and alpine heathland, but is typically absent from large tracts of wet eucalypt forest and rainforest. Suitable habitat is present on site and there are six records of the species within 5 km, including two records within the adjoining Humbug Point NRA (Figure 6).

The spotted-tail quoll is a naturally rare forest-dweller that most commonly inhabits wet forest but also occurs in dry forest. It forages and hunts on farmland and pasture, travelling up to 20 km at night, and shelters in logs, rocks, or thick vegetation. There is a record of this species within 150 m of the study area, recorded in 2020 (Figure 6).

Though both species are likely to visit the site, no den or layover sites were found, and it is unlikely that the area is of particular importance to animals considering the large tract of neighbouring quality habitat.

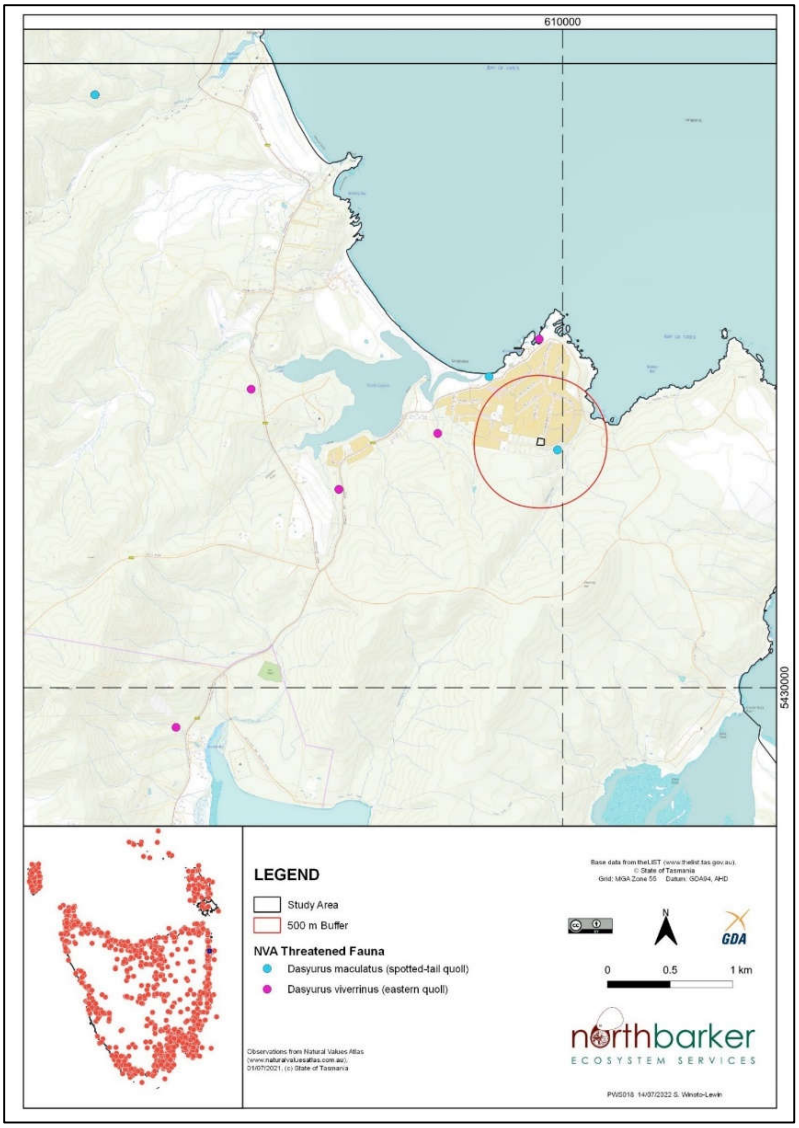


Figure 5: NVA records of the eastern quoll and the spotted-tail quoll withing 500 m of the study area

NEW HOLLAND MOUSE (*PSEUDOMYS NOVAEHOLLANDIAE*)

The habitat of this species is restricted to near coastal areas that support suitable heaths and heathy woodlands from Beaconsfield in the north of Tasmania to Coles Bay (and Flinders Island). Habitat across the species' known range includes open heathlands, open woodlands with a heathland understorey, and vegetated sand dunes. On mainland Australia this species has been found to peak in abundance during the early to mid-stages of vegetation succession, which is typically 2-3 years post fire. However, there are populations known in Tasmania that have been found in vegetation 16 years post-fire.

There are two records of this species within 5 km of the site in similar vegetation types. The closest records are 3 km away, so a population at the study area would be a distinct unrecorded population. The habitat on site is largely unsuitable for this species, and the likelihood of occurrence is very low.

3. ASSESSMENT OF IMPACT AND MITIGATION

VEGETATION

No NCA or EPBCA listed threatened vegetation communities occur within the study area, and as such, specific mitigation for future impacts is not warranted.

THREATENED FLORA

No threatened plant species are known from the site. The initial survey was conducted in winter, which may limit the detectability of two species of threatened orchid, *Caladenia caudata* and *Caladenia pusilla*. A spring survey was undertaken specifically to target these species during the confirmed flowering period. No evidence of either species or other threatened flora was found. No impact anticipated.

INTRODUCED PLANTS

Although no WMA listed weed species are present in the study area, as a measure of reducing the potential for introducing new weeds during any future development, all machinery must be clean upon entering the site and cleaned before exiting in accordance with best practice prescriptions in *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*[15].

THREATENED FAUNA HABITAT

SPOTTED-TAIL QUOLL AND EASTERN QUOLL

The property is likely to be visited occasionally by the EPBCA listed vulnerable spotted-tail quoll (EPBCA vulnerable and TSPA rare) and the EPBCA listed endangered eastern quoll (EPBCA and TSPA endangered). Low-density residential development is not considered to represent a threat to the survival of these species and do not require any targeted mitigation.

SWIFT PARROT

The property is likely to be utilised by the swift parrot as it is located in a SPIBA, there is breeding and foraging habitat in the vicinity and there are potential habitat trees on site. Residential developments in bushland are a threatening process to the conservation of this species through direct habitat loss (tree removal) and from increased mortality through collisions with human constructions.

There are four potential habitat trees which could be affected by development of the site. Three of these are within the site (Figure 3), and two are showing hollow forming processes such as senescence and basal hollows, though no hollows are visible from the ground. There is also a tree with a confirmed hollow 2.5 m from the site, which could be impacted by construction in its root zone.

[15] DPIPWE (2015b)

The best outcome would be for all trees to be retained when development occurs although it is likely to be impractical to retain all tees and develop the site. The two northern trees have the best habitat value.

Any development will increase risk to swift parrots from collision. The final design of any proposed development be designed in a manner that will minimise the collision risk, as outlined in the guidelines for minimising the swift parrot collision threat and the Tasmanian Bird Collision Code[16].

WHITE-BELLIED SEA-EAGLE

A white-bellied sea eagle nest record is located approximately 380 m southeast of the study area (Figure 4). White-bellied sea eagles are less sensitive to nesting disturbance than wedge-tailed eagles, but are still typically subject to nest protection measures and breeding season constraints on potentially disruptive activities. To protect from nest desertions and/or brood failure, seasonal constraints are typically applied within radii of 500 m direct distance and/or 1 km line of sight around active eagle nests (noting this is only enforced through legislation under the *Forest Practices Act 1985* or when specified in permit conditions, project guidelines, etc.). As white-bellied sea eagles are less sensitive, sometimes these radii are lessened. Based on the nest location, the project footprint is within 500 m and thus considered to be a moderate risk of direct disturbance in that radius. It is located on the far side of a east trending ridge behind mature forest and so would not be within line-of-sight of the study area.

Considering the location of the lot is within exiting residential area with dwelling to the east and north, any development (construction works) and use (occupancy by future owners) is not likely to constitute a novel disturbance and disturb nesting behaviour.

A conservative measure to prevent disturbance to the nest site, would further reduce any risk of disturbance.

- Time future construction works to commence outside of the breeding season (typically 1st June – 31st January[17]) and for major civil works (earthworks) and building up to lock up stage be complete prior to the start of the breeding season .
- Should it not be possible to commence works outside of the breeding season, a nest activity assessment may be appropriate. Nest activity assessments are undertaken annually from the air in October/November. Thus, constraints invariably apply from the beginning of the breeding season each year up until a point where a nest is concluded to be inactive for that season. If a nest is deemed inactive, the constraints will be lifted for the remainder of the breeding season (only to commence again the following breeding season). If a nest is found to be active, constraints should continue until the end of the season (either January or February depending on the season).

NEW HOLLAND MOUSE

It is unlikely that the property is used by the new holland mouse as there is no known population in the immediate area – the closest observations are more than 3 km away and separated by roads and low density development. Specific mitigation for impacts to this species is not warranted due to the lack of available habitat on site.

[16] Pfennigwerth (2008)
[17] Note the recommended start of constraints is in June for white-bellied sea eagles, rather than July for wedge-tailed eagles

5. LEGISLATIVE REQUIREMENTS

COMMONWEALTH *ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

the potential for significant impacts to Matters of National Environmental Significance (MNES) and thus the potential to be a 'controlled action', which, if confirmed, would require assessment and approval from the Commonwealth Minister.

Referral under the EPBC Act will be necessary if, as the Act states:

> *'An action has, will have, or is likely to have a significant impact on an endangered or vulnerable species if it does, will, or is likely to (amongst other things):*
>
> > *modify, destroy, remove, isolate, or decrease the availability or quality of habitat to the extent that the species is likely to decline.'*

The extent of impact associated with development of this site on site would is extremely unlikely constitute a significant impact under this legislation.

TASMANIAN *THREATENED SPECIES PROTECTION ACT 1995*

Under the TSPA, a person cannot knowingly without a permit 'take' a listed species. With the definition of 'take' encompassing actions that kill, injure, catch, damage, destroy and/or collect threatened species or vegetation elements that support threatened species, e.g., nests and dens.

No threatened species are known or thought likely to be present or to utilise the site.

Habitat is not protected under this legislation. A permit would only be required should a hollow be in active use with chicks or eggs. There is a remote possibility that swift parrots listed as endangered under the TSPA could use these hollows for nesting.

BREAK O'DAY INTERIM PLANNING SCHEME 2013

The property is in a Low Density Residential Zone. Section 12.4 Development standards for buildings and works does not provide any objectives pertaining to natural values, except if further sub-division is to take place.

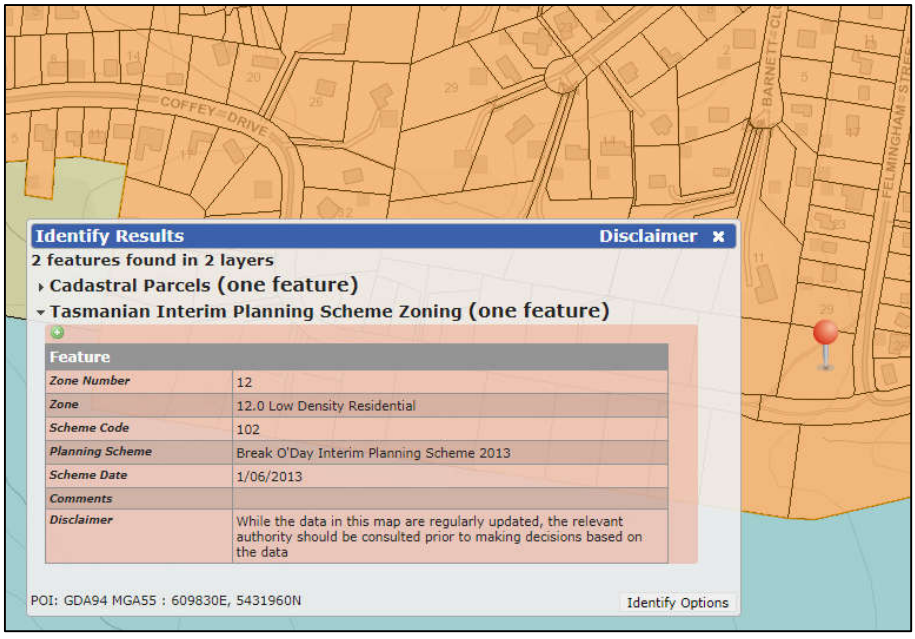


Figure 6: Zoning (low density highlighted in orange)

BIODIVERSITY CODE (E8.0)

The Biodiversity Code applies to development that would necessitate the removal of vegetation E8.2.1 (b).

E8.1 Purpose

E8.1.1 The purpose of this provision is to:

a) protect, conserve, and enhance the region's biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species; and

b) ensure that development is carried out in a manner that assists the protection of biodiversity by:

i) minimising vegetation and habitat loss or degradation; and

ii) appropriately locating buildings and works; and

iii) offsetting the loss of vegetation through protection of other areas where appropriate.

E8.2 Application of this Code

E8.2.1 This code applies to use or development of land:

a) within the area identified as priority habitat on the planning scheme maps; or

b) for the removal of native vegetation.

The property is outside the priority habitat area (Figure 7). So E8.2.1 (a) does not apply.

Any development requiring the removal of native vegetation, and so any development on site will trigger the provisions of the Code and so any development would need to be assessed against the Development Standards (E8.6).

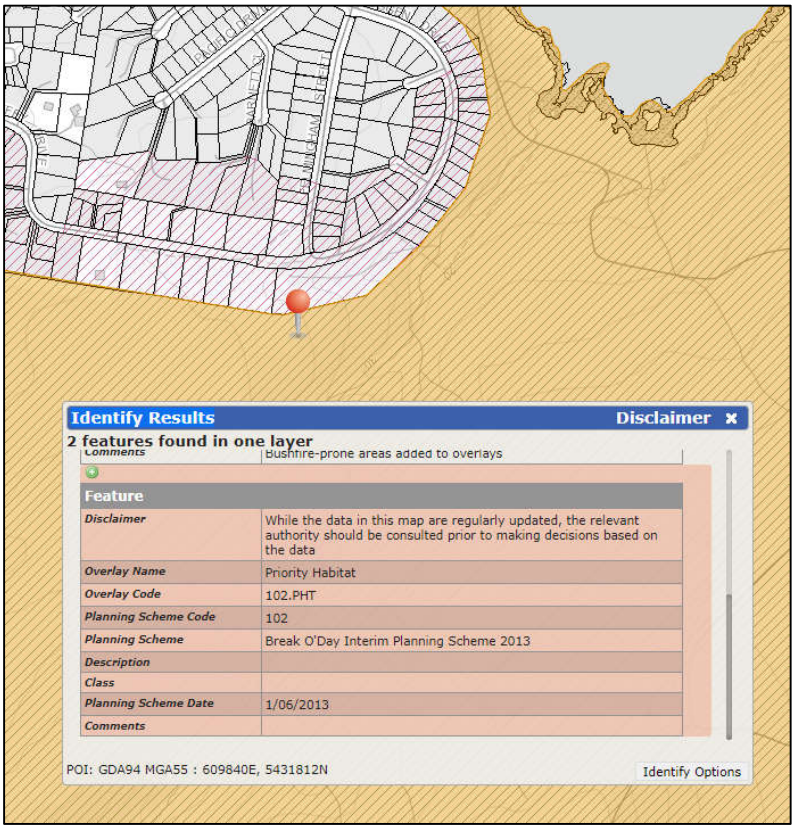


Figure 7: Priority habitat (highlighted in orange)

Development Standards E8.6

Acceptable Solutions	Performance Criteria
A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or; A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.	P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the: a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the *General Offset Principles* for the RMPS, Department of Primary Industries, Parks, Water and Environment.

The Acceptable Solution (A1.2) for development on site can be met as no priority habitat is identified on site (Figure 7).

A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.	P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the: a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the *General Offset Principles* for the RMPS, Department of Primary Industries, Parks, Water and Environment.

Residential development is exempt from requiring a Forest Practices Plan and so the Acceptable Solution (A2) cannot be met. Consequently, any development would need to be assessed against the Performance Criteria P 2.1:

Generally, there is nothing specific to the vegetation or habitat on site that is critical to maintaining representation of those values in the bioregion. The small size of the site means its extent relative to the same values in the vicinity is small and it does not serve purpose as a wildlife corridor as it is on the edge of a large expanse of native vegetation backed by residential development.

Anticipated residential development on site leaves limited opportunity for vegetation or habitat retention although consideration towards the retention of habitat trees on site would assist with meeting P 2.1. Things to consider would include opportunity to retain trees and buffering earthworks for buildings and all infrastructure to avoid damaging encroachment into root zones of retained trees and those in neighbouring properties.

It is difficult to conceive how the Code can be interpreted to need to consider disturbance to nesting sea eagle or swift parrot. Unless Clause (d) could be extended to include disturbance from excavations to habitat will "assist in the protection of biodiversity" as per Purpose E8.1.1(b). Recommendations on timing of works can address any risk here.

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APPENDIX A – VASCULAR PLANT SPECIES

Status codes:

ORIGIN	NATIONAL SCHEDULE	STATE SCHEDULE
i - introduced	EPBC Act 1999	TSP Act 1995
d - declared weed WM Act	CR - critically endangered	e - endangered
en - endemic to Tasmania	EN - endangered	v - vulnerable
t - within Australia, occurs only in Tas.	VU - vulnerable	r - rare

Sites:

1	Eucalyptus amygdalina coastal and woodland - E609810, N5431980	21/06/2022	Cameron Geeves
2	Eucalyptus amygdalina coastal and woodland - E609810, N5431980	3/11/2022	Andrew J. North

Site	Name	Common name	Status
	DICOTYLEDONAE		
	APIACEAE		
1	*Xanthosia pilosa*	woolly crossherb	
	ASTERACEAE		
2	*Cassinia aculeata subsp. aculeata*	dollybush	
2	*Coronidium scorpioides*	curling everlasting	
1	*Euchiton sp.*	cudweed	
2	*Euchiton sphaericus*	globe cottonleaf	
1 2	*Hypochaeris radicata*	rough catsear	i
2	*Lagenophora sp.*	daisy	
1	*Olearia lirata*	forest daisybush	
1	*Olearia ramulosa*	twiggy daisybush	
2	*Senecio glomeratus*	shortfruit purple fireweed	
1	*Senecio sp.*	groundsel	
2	*Vellereophyton dealbatum*	white cudweed	i
	CAMPANULACEAE		
2	*Wahlenbergia gracilis*	sprawling bluebell	
1	*Wahlenbergia sp.*	bluebell	
	CASUARINACEAE		
1 2	*Allocasuarina littoralis*	black sheoak	
	CLUSIACEAE		
2	*Hypericum gramineum*	small st johns-wort	
	CONVOLVULACEAE		
1 2	*Dichondra repens*	kidneyweed	
	CRASSULACEAE		
2	*Crassula decumbens var. decumbens*	spreading stonecrop	
2	*Crassula sieberiana*	stone-crop	
	DILLENIACEAE		
2	*Hibbertia empetrifolia subsp.*	scrambling guineaflower	
	DROSERACEAE		
2	*Drosera auriculata*	tall sundew	
1	*Drosera peltata*	pale sundew	

	ERICACEAE		
2	*Acrotriche serrulata*	ants delight	
1	*Epacris impressa*	common heath	
1 2	*Leucopogon parviflorus*	coast beardheath	
2	*Styphelia adscendens*	golden heath	
	EUPHORBIACEAE		
2	*Poranthera microphylla*	small poranthera	
	FABACEAE		
1 2	*Acacia genistifolia*	spreading wattle	
2	*Acacia howittii*	howitt's wattle	i
1	*Acacia longifolia*	coast wattle	
2	*Acacia longifolia subsp. longifolia*	sydney coast wattle	i
2	*Acacia longifolia subsp. sophorae*	coast wattle	
1 2	*Acacia pycnantha*	golden wattle	i
1 2	*Acacia terminalis*	sunshine wattle	
1 2	*Bossiaea prostrata*	creeping bossiaea	
1 2	*Glycine clandestina*	twining glycine	
1 2	*Platylobium parvifolium*	handsome flatpea	
	GENTIANACEAE		
1 2	*Centaurium erythraea*	common centaury	i
	GOODENIACEAE		
1 2	*Goodenia lanata*	trailing native-primrose	
	HALORAGACEAE		
1 2	*Gonocarpus tetragynus*	common raspwort	
2	*Gonocarpus teucrioides*	forest raspwort	
	LAURACEAE		
1	*Cassytha pubescens*	downy dodderlaurel	
	MYRTACEAE		
1 2	*Eucalyptus amygdalina*	black peppermint	en
1	*Eucalyptus viminalis subsp. viminalis*	white gum	
1 2	*Kunzea ambigua*	white kunzea	
2	*Leptospermum glaucescens*	smoky teatree	en
	OXALIDACEAE		
1 2	*Oxalis sp.*	woodsorrel	
	PITTOSPORACEAE		
1 2	*Billardiera heterophylla*	bluebell creeper	i
1 2	*Pittosporum undulatum*	sweet pittosporum	i
	POLYGALACEAE		
1 2	*Comesperma volubile*	blue lovecreeper	
	PRIMULACEAE		
2	*Lysimachia arvensis*	scarlet pimpernel	i
	PROTEACEAE		
2	*Grevillea sp.*	grevillea hybrid	i

	ROSACEAE		
2	*Acaena echinata*	spiny sheeps burr	
	SANTALACEAE		
1 2	*Exocarpos cupressiformis*	common native-cherry	
	STACKHOUSIACEAE		
1 2	*Stackhousia monogyna*	forest candles	
	THYMELAEACEAE		
1 2	*Pimelea humilis*	dwarf riceflower	
1	*Pimelea linifolia*	slender riceflower	
	MONOCOTYLEDONAE		
	ASPARAGACEAE		
1 2	*Lomandra longifolia*	sagg	
	CENTROLEPIDACEAE		
2	*Centrolepis strigosa*	hairy centrolepis, bristlewort	
	COLCHICACEAE		
2	*Burchardia umbellata*	milkmaids	
	CYPERACEAE		
2	*Carex breviculmis*	shortstem sedge	
1 2	*Gahnia radula*	thatch sawsedge	
2	*Isolepis sp.*	club rush	
1 2	*Lepidosperma concavum*	sand swordsedge	
	HEMEROCALLIDACEAE		
2	*Dianella revoluta*	spreading flaxlily	
	IRIDACEAE		
2	*Gladiolus communis subsp. byzantinus*	byzantine gladiolus	i
	JUNCACEAE		
2	*Juncus pallidus*	pale rush	
2	*Juncus planifolius*	broadleaf rush	
	LAXMANNIACEAE		
2	*Thysanotus patersonii*	twining fringelily	
	ORCHIDACEAE		
2	*Acianthus caudatus*	mayfly orchid	
1	*Acianthus sp.*	mosquito orchid	
2	*Caladenia carnea*	pink fingers	
1 2	*Chiloglottis sp.*	bird orchid	
	POACEAE		
2	*Aira caryophyllea*	silvery hairgrass	i
2	*Anthoxanthum odoratum*	sweet vernalgrass	i
2	*Austrostipa rudis subsp. australis*	southern speargrass	
1	*Austrostipa sp.*	speargrass	
2	*Briza maxima*	greater quaking-grass	i
1	*Deyeuxia quadriseta*	reed bentgrass	
1	*Distichlis distichophylla*	australian saltgrass	
2	*Holcus lanatus*	yorkshire fog	i
1 2	*Microlaena stipoides*	weeping grass	
1	*Poa sp.*	poa	

2	*Rytidosperma sp.*	wallabygrass	
1 2	*Sporobolus africanus*	ratstail grass	i
1 2	*Themeda triandra*	kangaroo grass	
	PTERIDOPHYTA		
	DENNSTAEDTIACEAE		
1 2	*Pteridium esculentum subsp. esculentum*	bracken	

APPENDIX B –PLANT SPECIES FLORA SPECIES OF CONSERVATION SIGNIFICANCE KNOWN WITHIN A 500 M AND 5 KM RADIUS OF THE SITE[23]

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
Known within 500 m			
Conospermum hookeri Tasmanian smokebush	v / VU	None	This shrub can be identified throughout the year so is unlikely to have been overlooked in surveys.
Desmodium gunnii southern ticktrefoil	v / -	Very low	This small herb was observed during previous North Barker surveys in a wet gully to the south of the site. The small herb occurs in 'dampish' sclerophyll forest[24]. The current site is much drier than where it has previously been found in the area, and the species is visible all year round so unlikely to have been overlooked.
Lepidosperma viscidum sticky swordsedge	r / -	None	The local record of this species is attributed to the 2004 North Barker survey of the subdivision. This is an erroneous record (Pers comm P. Barker) and will be removed from the NVA and redetted as *L. concavum*. Beyond this, the closest records are 60 km away at Ringarooma Bay and 100 km away at the Freycinet Peninsula. This species has distinctive characteristic traits and is unlikely to have been overlooked.
Known within 5 km			
Acacia ulicifolia juniper wattle	r / -	None	Sandy coastal heaths and open heathy forest and woodland in the north and east of Tasmania. Populations are often sparsely distributed, and most sites are near-coastal but it can occasionally extend inland (up to 30 km). This distinctive shrub grows to 2 m tall and is unlikely to have been overlooked.
Caladenia caudata tailed spider-orchid	v / VU	Very low	Highly variable habitat on a range of substrates. Typically found in heathy forest, and is best surveyed in the first three years post-fire. This species was not identified by a targeted spring survey during peak flowering period. It is extremely unlikely that the species occurs on site simply because it is very rare.
Caladenia pusilla tiny fingers	r / -	Very low	Occurs mostly in coastal and near-coastal areas up to 200 m elevation in heathland, shrubland, woodland and open eucalypt forest on sandy loam, sandy peat, granite

[23] NRET (2022)
[24] Threatened Species Section (2022)

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
			gravel and rocky ground. Most frequent on well-drained soils. This species was not identified by a targeted spring survey during peak flowering period. It is extremely unlikely that the species occurs on site simply because it is very rare.
Calystegia soldanella sea bindweed	r / -	None	Predominantly found on coastal sands and grasslands though has been found in granite soils. Site is not the primary habitat for this plant and distinctive leaves are unlikely to have been overlooked in survey.
Cyrtostylis robusta large gnat-orchid	r / -	None	Coastal and near coastal forest and heathland, prefers well drained soils. This is a winter flowering species with a large basal leaf, so is likely to have been detected if present during the June survey.
Gratiola pubescens Hairy brooklime	r / -	None	Permanently or seasonally damp, swampy ground, including the margins of farm dams. No suitable habitat available in study area and no chance of it occurring.
Gynatrix pulchella fragrant hempbush	r / -	None	Along rivers, drainage channels and floodplains. No suitable habitat available in study area and no chance of it occurring.
Hibbertia virgata twiggy guineaflower	r / -	None	Sandy heaths and open woodlands in the north-east. No hibbertias were found in the study area, so mistaken identity is unlikely.
Lepidosperma tortuosum twisting rapiersedge	r / -	None	*Lepidosperma tortuosum* occurs in heathland and heathy woodland, in lowland sites, mainly in eastern parts of the State. It often occurs in the sedgier (peatier) parts of dry heathland. It can occur on a range of substrates. No suitable habitat present.
Lepilaena patentifolia spreading watermat	r / -	None	Known only from a single incomplete specimen collected at Campbell Town in 1893, where it was recorded from fresh and brackish water up to 0.5 m in depth.
Liparophyllum exaltatum erect marshwort	r / -	None	Grows in stationary and slow flowing water or in seasonally inundated areas in Tasmania's northeast. No suitable habitat on site and no chance of it occurring.
Lotus australis Australian trefoil	r / -	None	Described as "local on sandy coasts" and has been recorded around the coast north from Macquarie Harbour to Bicheno with few records from offshore islands and the south-east coast. Habitat is described as *Poa* tussock

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
			grassland, low coastal shrubbery and on dunes. No suitable habitat on site.
Microtidium atratum yellow onion-orchid	r / -	None	Occurs in habitats subject to periodic inundation such as swamps, depressions, and soaks. The base of the plants is usually immersed in water and plants can be wholly submerged in wet years. No suitable habitat on site and no chance of it occurring.
Phyllangium divergens wiry mitrewort	v / -	None	Grows on wide variety of near-coastal habitats on a range of substrates, a common feature usually being bare ground (e.g. tracks) and rock exposures (e.g. outcrops, coastal cliffs, etc.). Unlikely to be overlooked due to habit of growing on exposed ground / rocks.
Plantago debilis shade plantain	r / -	None	Found in boulder crevices in forest (wet or dry) on in the east and north-east of the state. No suitable habitat on site and no chance of it occurring.
Scutellaria humilis dwarf skullcap	r / -	None	Moist, shady places in the north-east and south-east of the State. Recent sites have been associated with rocky slopes and rises. Minimal suitable habitat available on site.
Spyridium parviflorum var. *molle* soft dustymiller	r / -	None	Occurs in a range of vegetation types, mainly shrubby dry sclerophyll forests and woodlands. It can proliferate from soil-stored seed after disturbance. Conspicuous shrub unlikely to have been overlooked during surveys.
Spyridium parviflorum var. *parviflorum*	r / -	None	Mainly occurs in near-coastal areas in northern Tasmania. It occurs in a range of vegetation types, mainly shrubby dry sclerophyll forests and woodlands. It can proliferate from soil-stored seed after disturbance. Conspicuous shrub unlikely to have been overlooked during surveys.
Stenopetalum lineare narrow threadpetal	e / -	None	Occurs on low grass-covered dunes, coastal heathy woodland, and open grassy forest. No suitable habitat on site and no chance of it occurring.
Stuckenia pectinata fennel pondweed	r / -	None	Grows submersed in fresh to brackish/saline waters in rivers, estuaries, and inland lakes. No suitable habitat on site and no chance of it occurring.
Thelymitra antennifera rabbit ears	e / -	None	Occurs on the north and northeast coast on poorly or moderately drained peaty and

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
			sandy soils. No suitable habitat on site and no chance of it occurring.
Thelymitra malvina mauvetuft sun-orchid	e / -	None	Coastal heath and sedgeland on sandy/clay loams. No suitable habitat on site and no chance of it occurring.
Triglochin minutissima tiny arrowgrass	r / -	None	Inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas. No suitable habitat on site and no chance of it occurring.
Xanthorrhoea arenaria sand grasstree	v / VU	None	Coastal sandy heath. No suitable habitat on site. Highly unlikely to have been overlooked in surveys.
Xanthorrhoea bracteata shiny grasstree	v / EN	None	Very restricted range on sandy soils on northeast coast. Highly unlikely to have been overlooked in surveys.

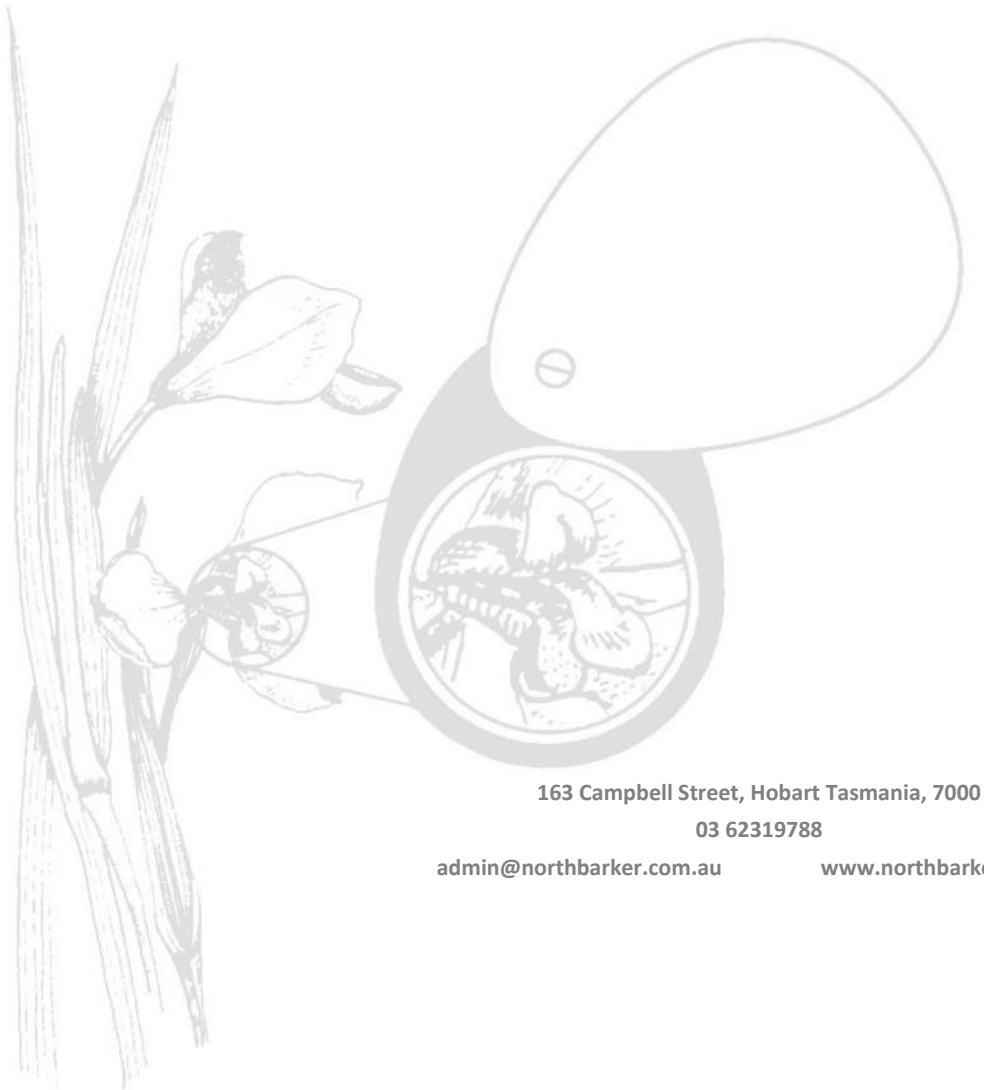
northbarker
ECOSYSTEM SERVICES

31 Felmingham St, Binalong Bay

Natural Values Determination

20/07/2022

For Tasmanian Parks and Wildlife Service (PWS018)



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Acknowledgements

Date of Survey: 21st June 2022.

Surveyors: Cameron Geeves & Suyanti Winoto-Lewin

Report and Mapping: Suyanti Winoto-Lewin

Review: Jared Parry & Andrew North

SUMMARY

North Barker Ecosystem Services have completed a natural values assessment at 31 Felmingham Street, Binalong Bay for the purposes of informing the landowner (Tasmanian Parks & Wildlife Service) of the presence of any priority vegetation and habitat and the likely constraints they might present for future sale and development of the site for residential use.

Key findings and recommendations in relation to the onsite values are as follows:

- No threatened native vegetation communities are present on site.
- No threatened flora species are confirmed to be present or likely to occur except for a remoter possibility of two spring flowering orchid spcies.
- Site specific threatened fauna habitat of significance is limited to potential nesting hollows for swift parrot in three mature eucalypts.
- A white bellied sea eagle nest is located 380 m from the property. This is not within line of site but within a generalised 500 m eagle nest buffer used in by the forest industry and being more broadly adopted for other works.
- Considering the location being at the end of a residential street and the context of the site adjoining extensive forested areas, the future development of the site for residential use is likely achievable.
- A development proposal could meet the Development Standards of the of the Biodiversity Code of the Break O'Day Interim Planning Scheme 2013 although certain measures may need to be incorporated in the application to meet the Performance Solutions P2.1. Siting of infrasstrcute may be constrained to avoid impacting on trees in thon iste and ithe vicinity. Measures to limit impact to habitat values may need to include select tree retention and timing of removal and major works to avoid disturbing nesting of swift parrot or white-bellied sea eagles.

CONTENTS

Figures

1. INTRODUCTION

The Tasmanian Parks and Wildlife Service (PWS) has requested and independent investigation of natural values on a property proposed for public sale at 31 Felmingham Street, Binalong Bay. PWS have engaged North Barker Ecosystem Services to undertake surveys for threatened flora and fauna within the property to inform potential buyers of potential constraints to development on the site.

STUDY AREA

The study area (site) is located at 31 Felmingham Street, Binalong Bay (Figure 1), and is zoned as low-density residential under the *Break O'Day Interim Planning Scheme 2013*.

The property is a 2,851 m^2 block neighbouring a residential property to the north, vacant land with native vegetation to the west and a transmission line easement to the south. Native vegetation within the study area is contiguous with a row of vacant parcels (zoned as Future Potential Production Forest) to the west and south to the nearby Humbug Nature Recreation Area.

The site falls within a larger study area that was assessed previously by North Barker in 2004[1], during which one threatened flora species was observed outside of the current study area.

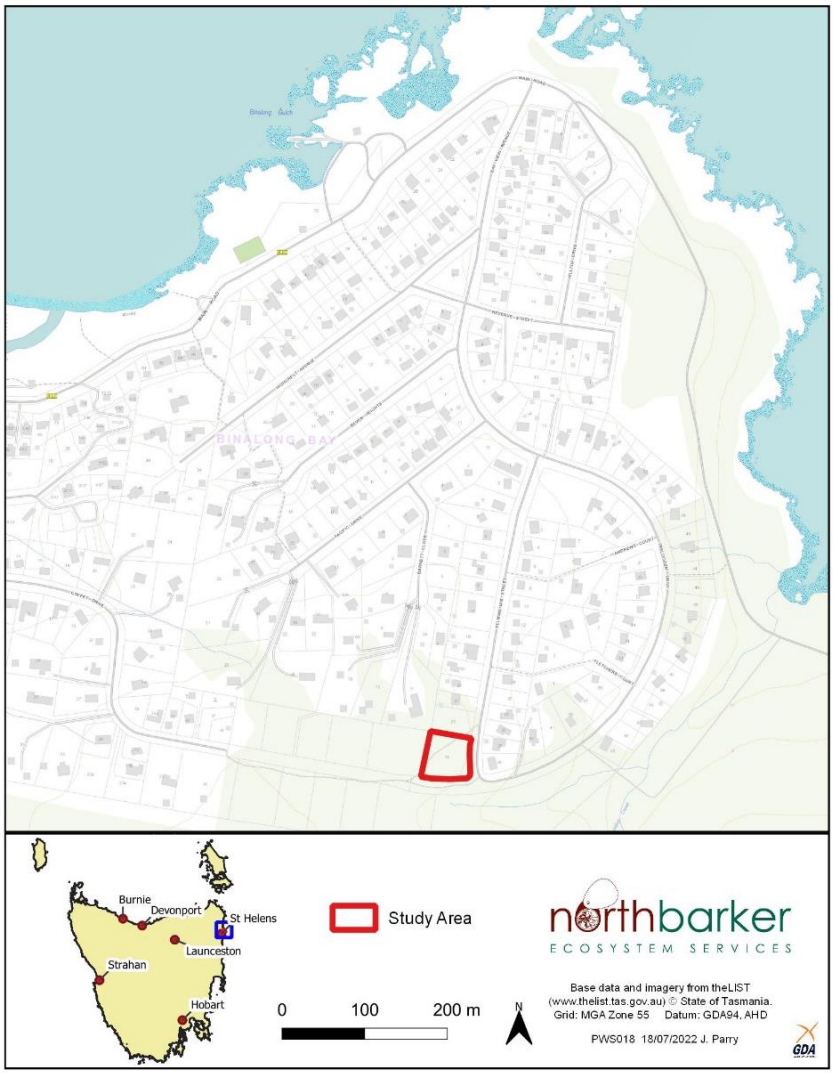

Figure 1: Location of the study area

[1] North Barker Ecosystem Services (2004)

METHODS

This assessment has been undertaken in accordance with the *Guidelines for Natural Values Surveys*[2]. Fieldwork was undertaken on foot on the 21st June 2022. Vegetation was mapped at the community level according to TASVEG 4.0[3]. At the species level vegetation was recorded in accordance with the most recent census of Tasmanian flora[4] using an area search technique based on the Timed Meander Search Procedure[5]. Fauna habitat values were documented concurrently, with particular emphasis on species listed as threatened at the state and/or national level under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).

LIMITATIONS

The survey was undertaken in winter. There may be some seasonal or discrete species overlooked. To compensate for this, field data are supplemented with observations from the Tasmanian Natural Values Atlas[6].

2. BIOLOGICAL VALUES

VEGETATION

One TASVEG 4.0 vegetation unit was recorded in the study area.

EUCALYPTUS AMYGDALINA COASTAL FOREST AND WOODLAND (DAC)

This is the only vegetation unit that occurs on site. It continues into the vacant lots to the west and south. There is exposed granite on site and the soil are silicious.

The canopy is dominated by *Eucalyptus pulchella* which is hybridising with *Eucalyptus amygdalina.* There is also the occasional smaller *Eucalyptus viminalis.* The understory tree layer is dominated by *Allocasuarina littoralis*, *Exocarpos cupressiformis*, *Acacia longifolia*, *Olearia littoralis*, and *Leucopogon parviflorus*. Shrubs include including *Platylobium parvifolium*, *Pimelea linifolia* and on the edges of the forest *Kunzea ambigua*, *Olearia ramulosa*, *Acacia terminalis*. The ground layer is dominated by sedges *Lepidosperma viscidum* and *Gahnia radula* under the tree canopy and on disused vehicle tracks, along with diverse herb species such as *Wahlenbergia sp.*, *Glycine clandestina*, and *Drosera peltata*. Grasses dominate clearings; primarily *Microlaena stipoides*, *Poa* species and the introduced *Sporobolus africanus.*

Weeds are not prevalent at this site, with two occurrences of environmental weed *Billardiera heterophylla* and one large *Acacia pycnantha*.

[2] DPIPWE (2015a)
[3] DPIPWE (2020)
[4] de Salas and Baker (2021)
[5] Goff *et al.* (1982)
[6] NRET (2022)

Plate 1 – *Eucalyptus amygdalina* coastal forest and woodland showing tree with large basal hollow

FLORA OF CONSERVATION SIGNIFICANCE

A total of 48 species of vascular plant were recorded during the survey (Appendix A), including 6 introduced species, none of which are listed as declared weeds under the Tasmanian *Weed Management Act 1999* (WMA). No threatened species listed under the TSPA or the EPBCA were observed.

Previous surveys within 5 km of the property have identified a variety of threatened flora listed under the TSPA and EPBCA. These species are listed in Appendix B together with a description of their preferred habitat and an assessment of the likelihood of their occurrence on the property should they have been overlooked or seasonally absent.

The likelihood of threatened flora occurring on site is considered low, at best. Two orchid species have a remote (but not zero) likelihood of occurring.

INTRODUCED PLANTS

Six introduced plants we found on site including two environmental weeds.

- Bluebell creeper (*Billardiera heterophylla*);
- Golden wattle (*Acacia pycnantha*);
- Sweet pittosporum (*Pittosporum undulatum*).

FAUNA OF CONSERVATION SIGNIFICANCE (INCL. HABITAT TREES)

No threatened fauna species were directly or indirectly observed on site. No threatened fauna nests or dens were observed.

Six species of threatened fauna have been identified as potentially utilising or being impacted by development on site:

- *Lathamus discolor* (swift parrot) – TSPA: endangered, EPBCA: Critically endangered
- *Aquilla audax subs. fleayi* (Tasmanian wedge-tailed eagle) – TSPA: endangered, EPBCA endangered
- *Haliaeetus leucogaster* (white-bellied sea-eagle) – TSPA: endangered
- *Dasyurus maculatus* (spotted-tail quoll) – EPBCA: vulnerable, TSPA: Rare
- *Dasyurus viverrinus* (eastern quoll) – EPBCA: Endangered, TSPA: endangered
- *Pseudomys novaehollandiae* (new holland mouse) – EPBCA: vulnerable, TSPA: endangered

These species are discussed in greater detail below. All other species recorded within 5 km of the site (Table 1) have been considered, but have been determined to have no chance of occurring based on the habitat available on the site.

Table 1: Threatened fauna species known within a 5 km radius of the site[9]

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
Antipodia chaostola subsp. leucophaea	chaostola skipper	e	EN	e	1	05-Aug-2017
Aquila audax	wedge-tailed eagle	pe	PEN	n	2	12-Jan-2017
Arctocephalus forsteri	new zealand fur seal	r		n	3	30-Sep-2018
Balaenoptera borealis	sei whale		VU	m	1	23-Sep-2018
Calidris ferruginea	curlew sandpiper		CR	n	1	24-Oct-1998
Calidris tenuirostris	great knot		CR	n	1	06-Nov-1998
Charadrius mongolus	lesser sand plover		EN	n	8	28-Apr-2003
Charadrius rubricollis	hooded plover		PVU	n	5	28-Apr-2003
Dasyurus maculatus	spotted-tail quoll	r	VU	n	1	25-Sep-2020
Dasyurus maculatus subsp. maculatus	spotted-tail quoll	r	VU	n	3	04-Feb-1997
Dasyurus viverrinus	eastern quoll		EN	n	6	19-Dec-1996
Diomedea cauta	shy albatross	pv	PVU		1	08-Jan-1998
Diomedea epomophora	southern royal albatross		VU	n	1	10-Feb-2017
Eubalaena australis	southern right whale	e	EN	m	33	25-Jul-2021
Gazameda gunnii	Gunn's screw shell	v		ae	5	13-Apr-2012
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	23	18-Jun-2020
Hirundapus caudacutus	white-throated needletail		VU	n	6	19-Mar-2015
Lathamus discolor	swift parrot	e	CR	mbe	21	14-Dec-2017
Litoria raniformis	green and gold frog	v	VU	n	1	07-Sep-1993
Megaptera novaeangliae	humpback whale	e		m	24	26-Sep-2018
Mirounga leonina	southern elephant seal	e	VU	n	4	18-Apr-2017
Mirounga leonina subsp. macquariensis	southern elephant seal	pe	PVU	n	10	18-Sep-2018
Numenius madagascariensis	eastern curlew	e	CR	n	16	12-Dec-2014
Pseudemoia rawlinsoni	glossy grass skink	r		n	2	25-Sep-1978
Pseudomys novaehollandiae	new holland mouse	e	VU	n	2	01-Apr-2009
Pteropus poliocephalus	grey-headed flying-fox		VU	n	1	29-Dec-2010
Sarcophilus harrisii	tasmanian devil	e	EN	e	5	18-Mar-2019
Seriolella brama	Blue Warehou		CD	n	3	01-Jan-2002
Sterna albifrons subsp. sinensis	little tern	pe			1	01-Jan-1900
Sternula albifrons subsp. sinensis	little tern	e		n	6	07-Jan-2014
Sternula nereis subsp. nereis	fairy tern	v	VU	n	22	17-Dec-2001
Thalassarche cauta	shy albatross	v	EN	n	4	17-Feb-2016
Thalassarche melanophris	black-browed albatross	e	VU	n	1	10-Feb-2017
Theclinesthes serpentatus	chequered blue	pr			1	31-Jan-2021
Thinornis cucullatus	hooded plover		PVU	n	67	14-Nov-2020
Thinornis rubricollis	hooded plover		VU	n	186	23-Dec-2020
Thylacinus cynocephalus	thylacine	x	EX	ex	2	01-Jan-1972
Tyto novaehollandiae	masked owl	pe	PVU	n	1	05-Apr-2018

[9] NRET (2022)

SWIFT PARROT (*LATHAMUS DISCOLOR*)

This species feeds mainly on the nectar of blue gum (*Eucalyptus globulus*), but in some years relies on black gum (*E. ovata*) due to its flowering period overlapping with the arrival of the species in early spring from migration. Swift parrots prefer to nest in trees with ample bush surrounds and prefer foraging trees with a DBH exceeding 40 cm[10].

The site is within the Binalong Swift Parrot Important Breeding Area (SPIBA) which has been identified for specific management of swift parrot habitat (Figure 2). Foraging habitat is absent from the study area, although two blue gum (*E. globulus*) trees were incidentally observed within 50 m of the site during the survey. Higher quality vegetation occurs in the vicinity primarily in the form of *Eucalyptus globulus* dry woodland and forest (DGL) along the margins of Boat Harbour Point to the north. Foraging habitat is plentiful within the neighbouring Humbug Point Nature Recreation Area. Foraging habitat areas are indicated in the GlobMap layer on Figure 2.

One swift parrot nest has been recorded 1.5 km from the study area, as well as three 10 km away north of Taylors Beach (Figure 2).

Three potential nesting habitat trees were observed within the study area (Figure 3). Two had signs of hollow forming processes such as senescence and basal hollows, though no hollows were visible from ground level. Two potential habitat trees were found within 10 m of the site. One of these had a small hollow visible (Plate 2).

Plate 2: Hollow in tree 2.5 m outside of study area

[10] Brereton *et al.* (2004)

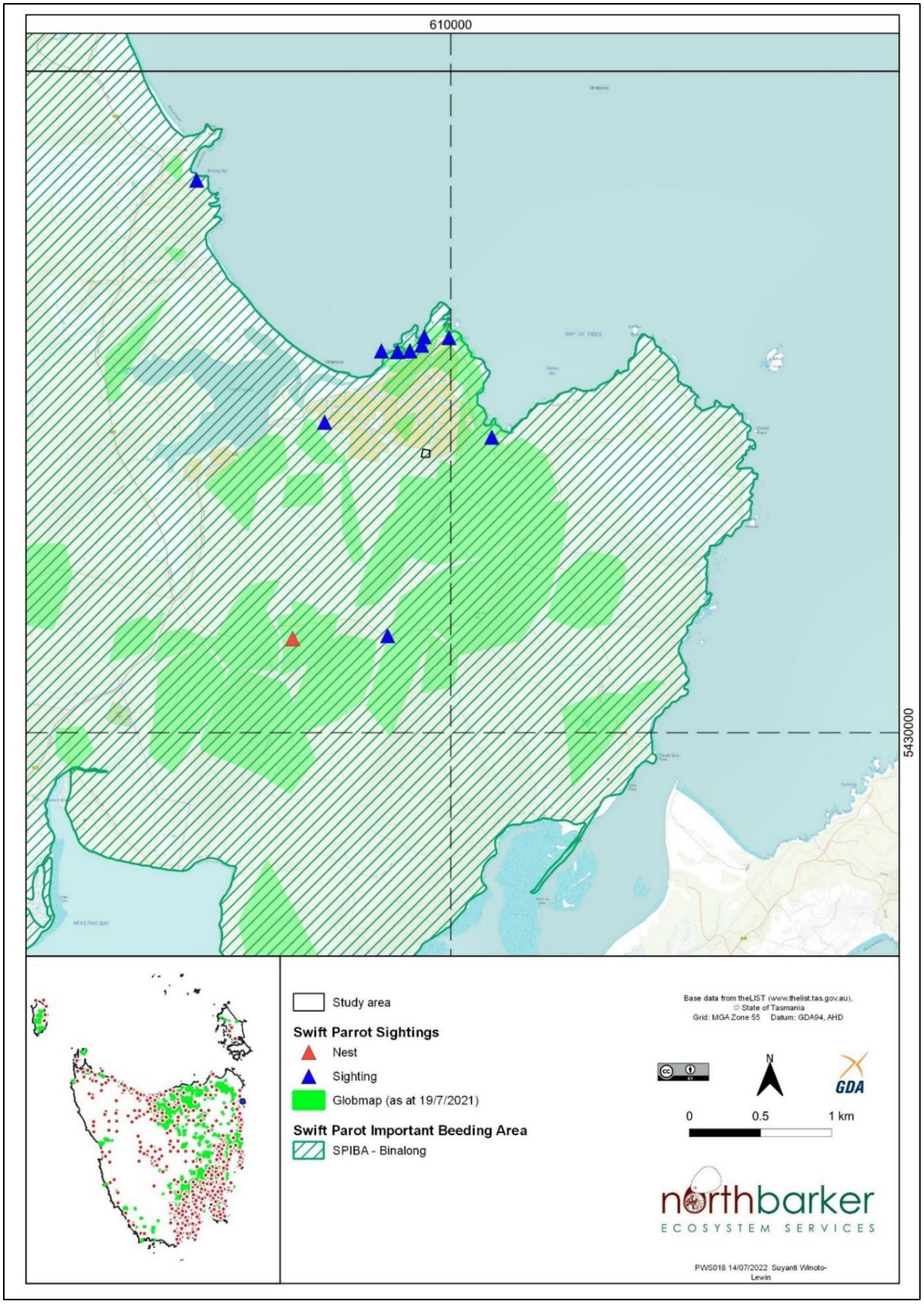

Figure 2: Swift parrot observations in the vicinity of site, showing foraging habitat (and the Binalong Swift Parrot Important Breeding Area

Figure 3: Potential habitat trees within and adjoining the study area

WHITE-BELLIED SEA EAGLE (*HALIAETUS LEUCOGASTER*) & TASMANIAN WEDGE-TAILED EAGLE (*AQUILA AUDAX* SUBSP. *FLEAYI*)

Eagles, particularly wedge-tailed eagles, are extremely sensitive to disturbance during the breeding season, and are liable to desert nests if disturbance reaches a certain threshold.

There is one white-bellied sea eagle nest record within 500 m of the study area, which was recorded in 1985, as well as one 522 m from the study area recorded in 2017. The latter was recorded as absent in 2017 (Figure 5).

Eagle nests are maintained over decades and can be used by either species. Nests are not necessarily utilised every year and should be presumed in use in a given year unless and activity search has confirmed otherwise.

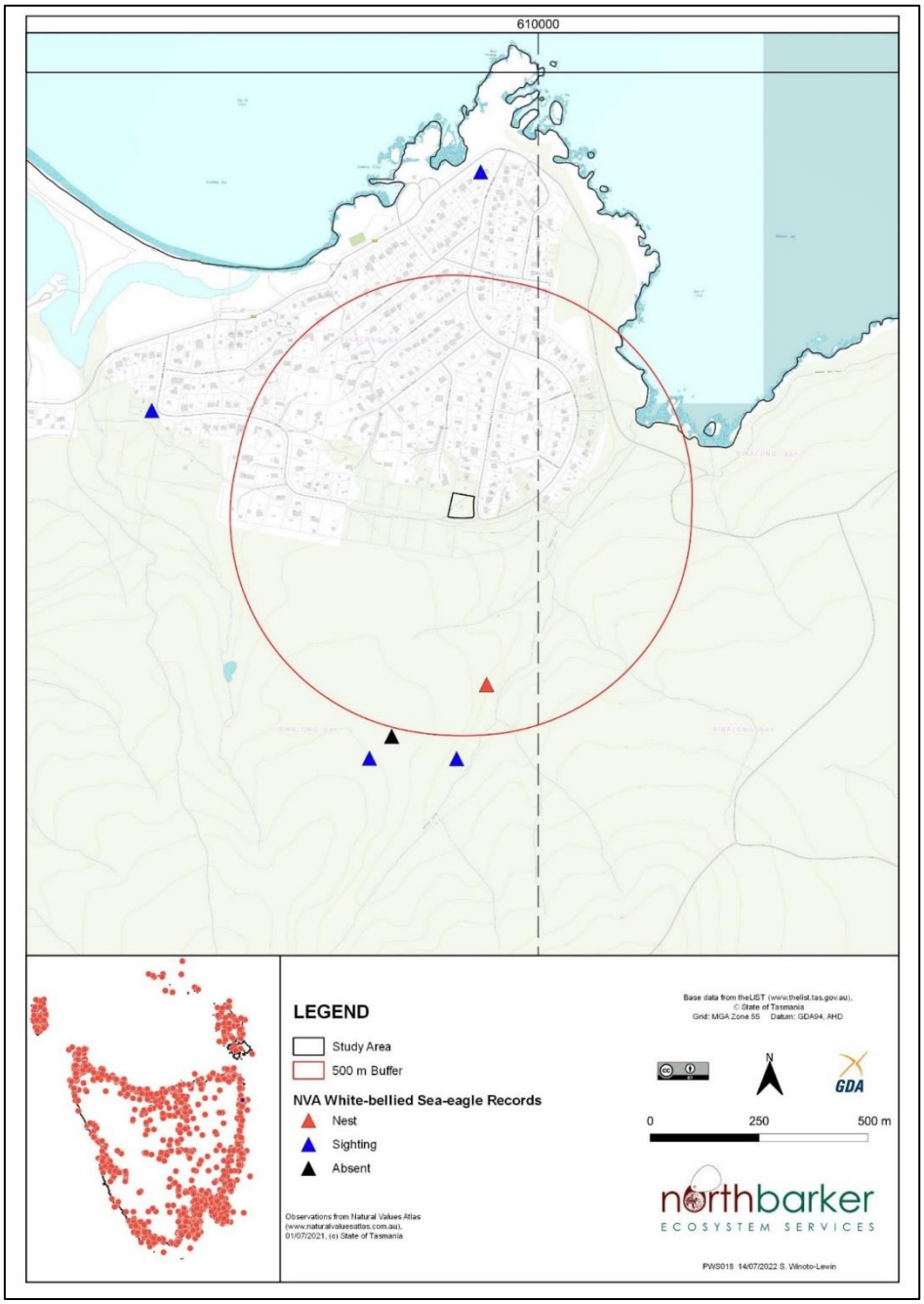

Figure 4: White-bellied sea-eagle nests and observations within 500 m of study area

EASTERN QUOLL (*DASYURUS VIVERRINUS*) & SPOTTED-TAIL QUOLL (*DASYURUS MACULATUS*)

The eastern quoll was previously widespread in mainland south-eastern Australia but is now restricted to Tasmania. Records from the Tasmanian Natural Values Atlas indicate that the eastern quoll occurs in most parts of Tasmania but is recorded infrequently in the wetter western third of the state. The species' distribution is positively associated with areas of low rainfall and cold winter minimum temperatures. Within this distribution, it is found in a range of vegetation types including open grassland (including farmland), tussock grassland, grassy woodland, dry eucalypt forest, coastal scrub, and alpine heathland, but is typically absent from large tracts of wet eucalypt forest and rainforest. Suitable habitat is present on site and there are six records of the species within 5 km, including two records within the adjoining Humbug Point NRA (Figure 6).

The spotted-tail quoll is a naturally rare forest-dweller that most commonly inhabits wet forest but also occurs in dry forest. It forages and hunts on farmland and pasture, travelling up to 20 km at night, and shelters in logs, rocks, or thick vegetation. There is a record of this species within 150 m of the study area, recorded in 2020 (Figure 6).

Though both species are likely to visit the site, no den or layover sites were found, and it is unlikely that the area is of particular importance to animals considering the large tract of neighbouring quality habitat.

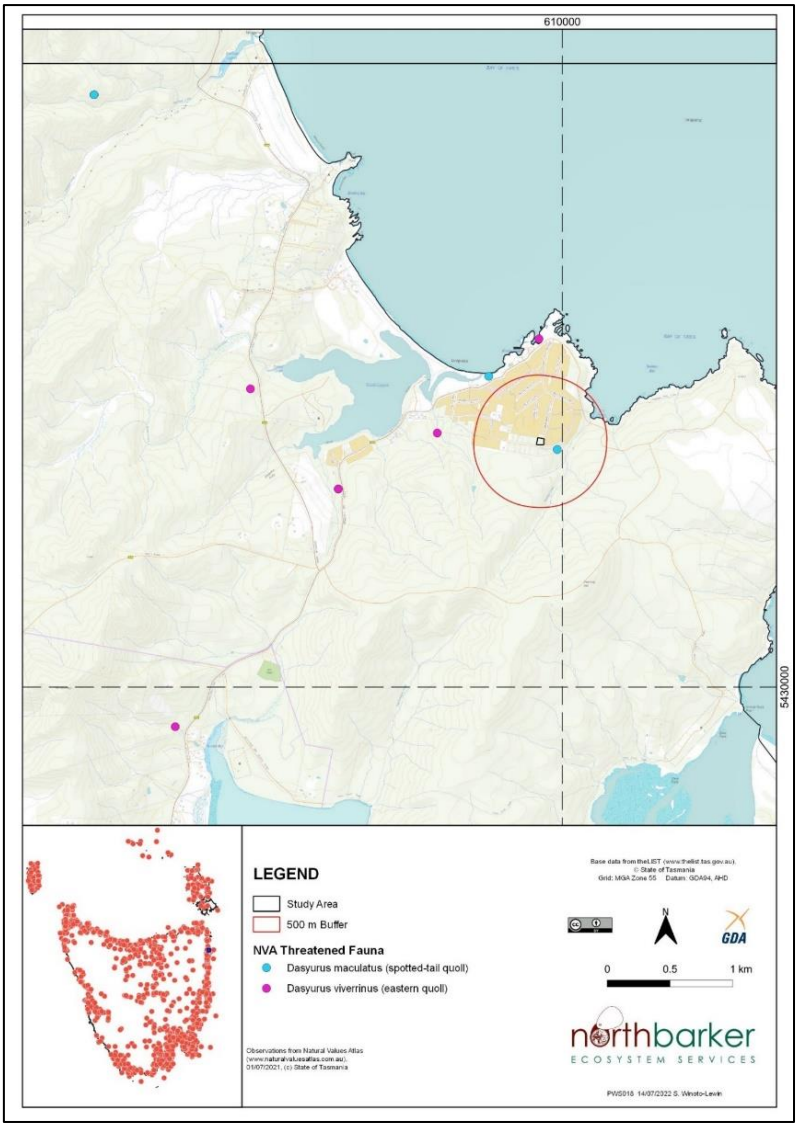

Figure 5: NVA records of the eastern quoll and the spotted-tail quoll withing 500 m of the study area

NEW HOLLAND MOUSE (*PSEUDOMYS NOVAEHOLLANDIAE*)

The habitat of this species is restricted to near coastal areas that support suitable heaths and heathy woodlands from Beaconsfield in the north of Tasmania to Coles Bay (and Flinders Island). Habitat across the species' known range includes open heathlands, open woodlands with a heathland understorey, and vegetated sand dunes. On mainland Australia this species has been found to peak in abundance during the early to mid-stages of vegetation succession, which is typically 2-3 years post fire. However, there are populations known in Tasmania that have been found in vegetation 16 years post-fire.

There are two records of this species within 5 km of the site in similar vegetation types. The closest records are 3 km away, so a population at the study area would be a distinct unrecorded population. The habitat on site is largely unsuitable for this species, and the likelihood of occurrence is very low.

3. ASSESSMENT OF IMPACT AND MITIGATION

VEGETATION

No NCA or EPBCA listed threatened vegetation communities occur within the study area, and as such, specific mitigation for future impacts is not warranted.

THREATENED FLORA

No threatened plant species are known from the site. The survey was conducted in winter, which may limit the detectability of two species of threatened orchid, *Caladenia caudata* and *Caladenia pusilla*. A spring survey (October is the optimal month to observe both species, although *C. caudata* may be detectable in September[12]). Likelihood of these occurring on site is low but cannot be entirely discounted.

INTRODUCED PLANTS

Although no WMA listed weed species are present in the study area, as a measure of reducing the potential for introducing new weeds during any future development, all machinery must be clean upon entering the site and cleaned before exiting in accordance with best practice prescriptions in *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*[13].

THREATENED FAUNA HABITAT

SPOTTED-TAIL QUOLL AND EASTERN QUOLL

The property is likely to be visited occasionally by the EPBCA listed vulnerable spotted-tail quoll (EPBCA vulnerable and TSPA rare) and the EPBCA listed endangered eastern quoll (EPBCA and TSPA endangered). Low-density residential development is not considered to represent a threat to the survival of these species and do not require any targeted mitigation.

SWIFT PARROT

The property is likely to be utilised by the swift parrot as it is located in a SPIBA, there is breeding and foraging habitat in the vicinity and there are potential habitat trees on site. Residential developments in bushland are a threatening process to the conservation of this species through direct habitat loss (tree removal) and from increased mortality through collisions with human constructions.

There are four potential habitat trees which could be affected by development of the site. Three of these are within the site (Figure 3), and two are showing hollow forming processes such as senescence and

[12] Wapstra (2018)
[13] DPIPWE (2015b)

basal hollows, though no hollows are visible from the ground. There is also a tree with a confirmed hollow 2.5 m from the site, which could be impacted by construction in its root zone.

The best outcome would be for all trees to be retained when development occurs although it is likely to be impractical to retain all tees and develop the site. The two northern trees have the best habitat value.

Any development will increase risk to swift parrots from collision. The final design of any proposed development be designed in a manner that will minimise the collision risk, as outlined in the guidelines for minimising the swift parrot collision threat and the Tasmanian Bird Collision Code[14].

WHITE-BELLIED SEA-EAGLE

A white-bellied sea eagle nest record is located approximately 380 m southeast of the study area (Figure 4). White-bellied sea eagles are less sensitive to nesting disturbance than wedge-tailed eagles, but are still typically subject to nest protection measures and breeding season constraints on potentially disruptive activities. To protect from nest desertions and/or brood failure, seasonal constraints are typically applied within radii of 500 m direct distance and/or 1 km line of sight around active eagle nests (noting this is only enforced through legislation under the *Forest Practices Act 1985* or when specified in permit conditions, project guidelines, etc.). As white-bellied sea eagles are less sensitive, sometimes these radii are lessened. Based on the nest location, the project footprint is within 500 m and thus considered to be a moderate risk of direct disturbance in that radius. It is located on the far side of a east trending ridge behind mature forest and so would not be within line-of-sight of the study area.

Considering the location of the lot is within exiting residential area with dwelling to the east and north, any development (construction works) and use (occupancy by future owners) is not likely to constitute a novel disturbance and disturb nesting behaviour.

A conservative measure to prevent disturbance to the nest site, would further reduce any risk of disturbance.

- Time future construction works to commence outside of the breeding season (typically 1st June – 31st January[15]) and for major civil works (earthworks) and building up to lock up stage be complete prior to the start of the breeding season .
- Should it not be possible to commence works outside of the breeding season, a nest activity assessment may be appropriate. Nest activity assessments are undertaken annually from the air in October/November. Thus, constraints invariably apply from the beginning of the breeding season each year up until a point where a nest is concluded to be inactive for that season. If a nest is deemed inactive, the constraints will be lifted for the remainder of the breeding season (only to commence again the following breeding season). If a nest is found to be active, constraints should continue until the end of the season (either January or February depending on the season).

NEW HOLLAND MOUSE

It is unlikely that the property is used by the new holland mouse as there is no known population in the immediate area – the closest observations are more than 3 km away and separated by roads and low density development. Specific mitigation for impacts to this species is not warranted due to the lack of available habitat on site.

[14] Pfennigwerth (2008)
[15] Note the recommended start of constraints is in June for white-bellied sea eagles, rather than July for wedge-tailed eagles

5. LEGISLATIVE REQUIREMENTS

COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

the potential for significant impacts to Matters of National Environmental Significance (MNES) and thus the potential to be a 'controlled action', which, if confirmed, would require assessment and approval from the Commonwealth Minister.

Referral under the EPBC Act will be necessary if, as the Act states:

> *'An action has, will have, or is likely to have a significant impact on an endangered or vulnerable species if it does, will, or is likely to (amongst other things):*
>
> > *modify, destroy, remove, isolate, or decrease the availability or quality of habitat to the extent that the species is likely to decline.'*

The extent of impact on site would is extremely unlikely constitute a significant impact under this legislation.

TASMANIAN THREATENED SPECIES PROTECTION ACT 1995

Under the TSPA, a person cannot knowingly without a permit 'take' a listed species. With the definition of 'take' encompassing actions that kill, injure, catch, damage, destroy and/or collect threatened species or vegetation elements that support threatened species, e.g., nests and dens.

Habitat is not protected under this legislation. A permit would only be require should a hollow be in active use with chicks or eggs. There is a remote possibility that swift parrots listed as endangered under the TSPA could suse these hollows for nesting.

BREAK O'DAY INTERIM PLANNING SCHEME 2013

The property is in a Low Density Residential Zone. Section 12.4 Development standards for buildings and works does not provide any objectives pertaining to natural values, except if further sub-division is to take place.

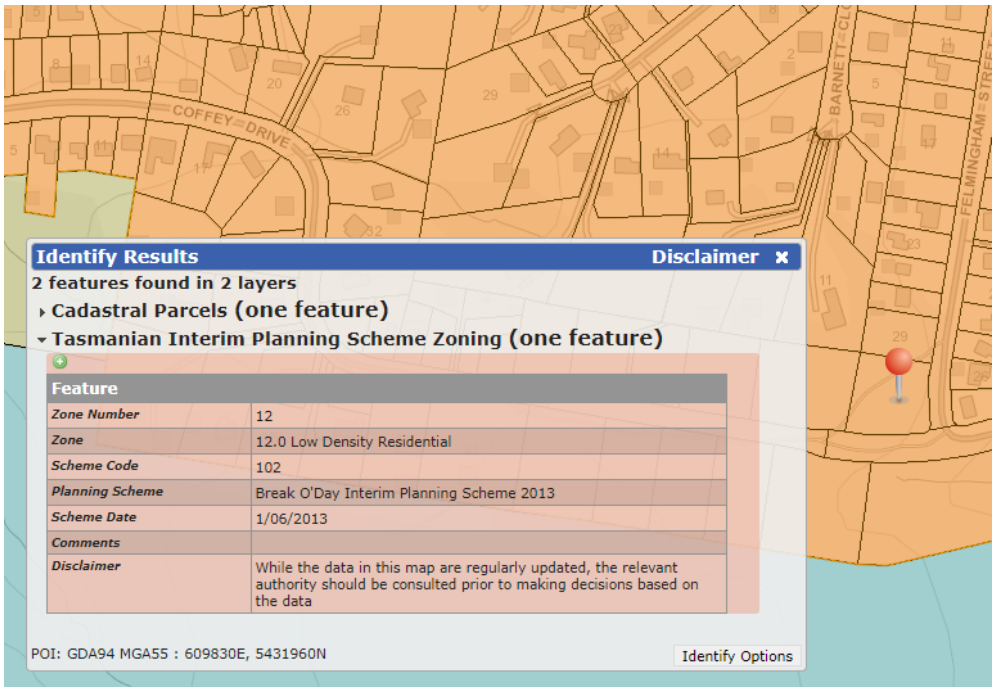

Figure 6: Zoning (low density highlighted in orange)

BIODIVERSITY CODE (E8.0)

The Biodiversity Code applies to development that would necessitate the removal of vegetation E8.2.1 (b).

E8.1 Purpose

E8.1.1 The purpose of this provision is to:

a) protect, conserve, and enhance the region's biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species; and

b) ensure that development is carried out in a manner that assists the protection of biodiversity by:

i) minimising vegetation and habitat loss or degradation; and

ii) appropriately locating buildings and works; and

iii) offsetting the loss of vegetation through protection of other areas where appropriate.

E8.2 Application of this Code

E8.2.1 This code applies to use or development of land:

a) within the area identified as priority habitat on the planning scheme maps; or

b) for the removal of native vegetation.

The property is outside the priority habitat area (Figure 7). So E8.2.1 (a) does not apply.

Any development requiring the removal of native vegetation, and so any development on site will trigger the provisions of the Code and so any development would need to be assessed against the Development Standards (E8.6).

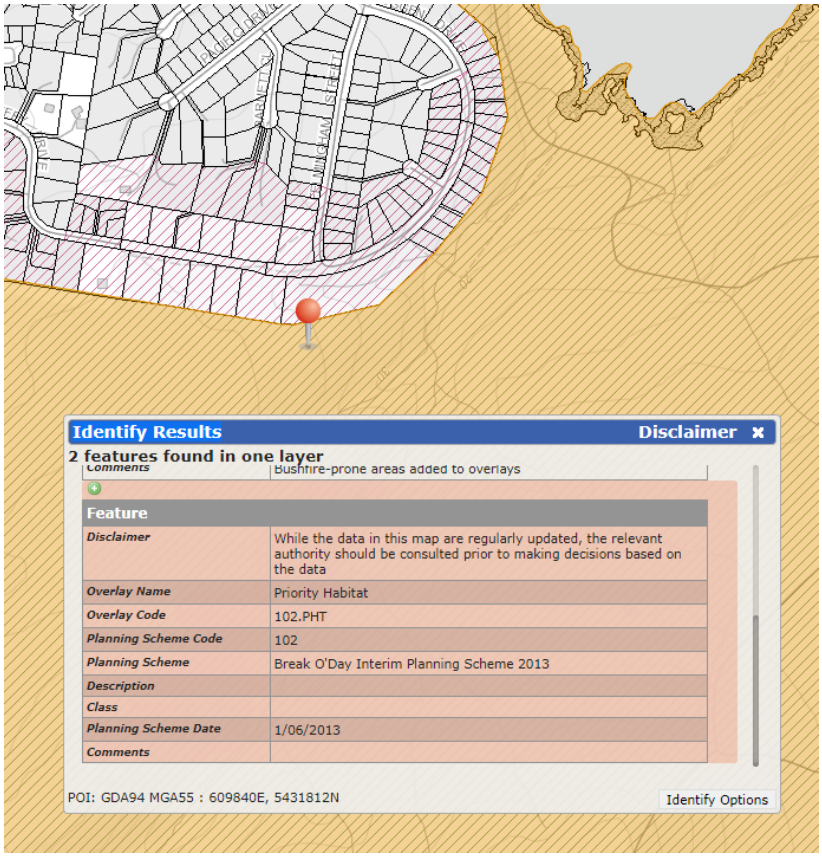

Figure 7: Priority habitat (highlighted in orange)

Development Standards E8.6

Acceptable Solutions	Performance Criteria
A1.1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan or; A1.2 Development does not clear or disturb native vegetation within areas identified as priority habitat.	P1 Clearance or disturbance of native vegetation within priority habitat may be allowed where a flora and fauna report prepared by a suitably qualified person demonstrates that development does not unduly compromise the representation of species or vegetation communities in the bioregion having regard to the: a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the *General Offset Principles* for the RMPS, Department of Primary Industries, Parks, Water and Environment.

The Acceptable Solution (A1.2) for development on site can be met as no priority habitat is identified on site (Figure 7).

A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.	P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the: a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and b) means of removal; and c) value of riparian vegetation in protecting habitat values; and d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and e) need for and adequacy of proposed vegetation or habitat management; and f) conservation outcomes and long-term security of any offset in accordance with the *General Offset Principles* for the RMPS, Department of Primary Industries, Parks, Water and Environment.

Residential development is exempt from requiring a Forest Practices Plan and so the Acceptable Solution (A2) cannot be met. Consequently, any development would need to be assessed against the Performance Criteria P 2.1:

Generally, there is nothing specific to the vegetation or habitat on site that is critical to maintaining representation of those values in the bioregion. The small size of the site means its extent relative to the same values in the vicinity is small and it does not serve purpose as a wildlife corridor as it is on the edge of a large expanse of native vegetation backed by residential development.

Anticipated residential development on site leaves limited opportunity for vegetation or habitat retention although consideration towards the retention of habitat trees on site would assist with meeting P 2.1. Things to consider would include opportunity to retain trees and buffering earthworks for buildings and all infrastructure to avoid damaging encroachment into root zones of retained trees and those in neighbouring properties.

It is difficult to conceive how the Code can be interpreted to need to consider disturbance to nesting sea eagle or swift parrot. Unless Clause (d) could be extend to include disturbance from excavations to habitat will "assist in the protection of biodiversity" as per Purpose E8.1.1(b). Recommendations on timing of works can address any risk here.

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APPENDIX A – VASCULAR PLANT SPECIES

Status codes:

ORIGIN	NATIONAL SCHEDULE	STATE SCHEDULE
i - introduced	EPBC Act 1999	TSP Act 1995
d - declared weed WM Act	CR - critically endangered	e - endangered
en - endemic to Tasmania	EN - endangered	v - vulnerable
t - within Australia, occurs only in Tas.	VU - vulnerable	r - rare

Sites:

1 Eucalyptus amygdalina coastal and woodland - E609810, N5431980 21/06/2022 Cameron Geeves

Site	Name	Common name	Status
	DICOTYLEDONAE		
	APIACEAE		
1	*Xanthosia pilosa*	woolly crossherb	
	ASTERACEAE		
1	*Euchiton sp.*	cudweed	
1	*Hypochaeris radicata*	rough catsear	i
1	*Olearia lirata*	forest daisybush	
1	*Olearia ramulosa*	twiggy daisybush	
1	*Senecio sp.*	groundsel	
	CAMPANULACEAE		
1	*Wahlenbergia sp.*	bluebell	
	CASUARINACEAE		
1	*Allocasuarina littoralis*	black sheoak	
	CONVOLVULACEAE		
1	*Dichondra repens*	kidneyweed	
	DROSERACEAE		
1	*Drosera peltata*	pale sundew	
	ERICACEAE		
1	*Epacris impressa*	common heath	
1	*Leucopogon parviflorus*	coast beardheath	
	FABACEAE		
1	*Acacia genistifolia*	spreading wattle	
1	*Acacia longifolia*	coast wattle	
1	*Acacia pycnantha*	golden wattle	i
1	*Acacia terminalis*	sunshine wattle	
1	*Bossiaea prostrata*	creeping bossiaea	
1	*Glycine clandestina*	twining glycine	
1	*Platylobium parvifolium*	handsome flatpea	
	GENTIANACEAE		
1	*Centaurium erythraea*	common centaury	i
	HALORAGACEAE		
1	*Gonocarpus tetragynus*	common raspwort	

	LAURACEAE		
1	*Cassytha pubescens*	downy dodderlaurel	
	MYRTACEAE		
1	*Eucalyptus amygdalina*	black peppermint	en
1	*Eucalyptus pulchella*	white peppermint	en
1	*Eucalyptus viminalis subsp. viminalis*	white gum	
1	*Kunzea ambigua*	white kunzea	
	OXALIDACEAE		
1	*Oxalis sp.*	woodsorrel	
	PITTOSPORACEAE		
1	*Billardiera heterophylla*	bluebell creeper	i
1	*Pittosporum undulatum*	sweet pittosporum	i
	POLYGALACEAE		
1	*Comesperma volubile*	blue lovecreeper	
	SANTALACEAE		
1	*Exocarpos cupressiformis*	common native-cherry	
	STACKHOUSIACEAE		
1	*Stackhousia monogyna*	forest candles	
	THYMELAEACEAE		
1	*Pimelea humilis*	dwarf riceflower	
1	*Pimelea linifolia*	slender riceflower	
	MONOCOTYLEDONAE		
	ASPARAGACEAE		
1	*Lomandra longifolia*	sagg	
	CYPERACEAE		
1	*Gahnia radula*	thatch sawsedge	
1	*Lepidosperma concavum*	sand swordsedge	
	ORCHIDACEAE		
1	*Acianthus sp.*	mosquito orchid	
1	*Chiloglottis sp.*	bird orchid	
	POACEAE		
1	*Austrostipa sp.*	speargrass	
1	*Deyeuxia quadriseta*	reed bentgrass	
1	*Distichlis distichophylla*	australian saltgrass	
1	*Microlaena stipoides*	weeping grass	
1	*Poa sp.*	poa	
1	*Rytidosperma sp.*	wallabygrass	
1	*Sporobolus africanus*	ratstail grass	i
1	*Themeda triandra*	kangaroo grass	
	PTERIDOPHYTA		
	DENNSTAEDTIACEAE		
1	*Pteridium esculentum subsp. esculentum*	bracken	

APPENDIX B –PLANT SPECIES FLORA SPECIES OF CONSERVATION SIGNIFICANCE KNOWN WITHIN A 500 M AND 5 KM RADIUS OF THE SITE[21]

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
Known within 500 m			
Conospermum hookeri Tasmanian smokebush	v / VU	None	This shrub can be identified throughout the year so is unlikely to have been overlooked in surveys.
Desmodium gunnii southern ticktrefoil	v / -	Very Low	This small herb was observed during previous North Barker surveys in a wet gully to the south of the site. The small herb occurs in 'dampish' sclerophyll forest[22]. The current site is much drier than where it has previously been found in the area, and the species is visible all year round so unlikely to have been overlooked.
Lepidosperma viscidum sticky swordsedge	r / -	None	The local record of this species is attributed to the 2004 North Barker survey of the subdivision. This is an erroneous record (Pers comm P. Barker) and will be removed from the NVA and redetted as *L. concavum*. Beyond this, the closest records are 60 km away at Ringarooma Bay and 100 km away at the Freycinet Peninsula. This species has distinctive characteristic traits and is unlikely to have been overlooked.
Known within 5 km			
Acacia ulicifolia juniper wattle	r / -	None	Sandy coastal heaths and open heathy forest and woodland in the north and east of Tasmania. Populations are often sparsely distributed, and most sites are near-coastal but it can occasionally extend inland (up to 30 km). This distinctive shrub grows to 2 m tall and is unlikely to have been overlooked.
Caladenia caudata tailed spider-orchid	v / VU	Low	Highly variable habitat on a range of substrates. Typically found in heathy forest, and is best surveyed in the first three years post-fire. This species would exist only as a basal leaf at the time of survey (early winter) and so could have been overlooked during survey. It is unlikely that the species occurs on site simply because it is very rare, with known populations covering less than 6 km^2. Spring surveys (September/October) would be required to determine the presence/absence of this species on the site.

[21] NRET (2022)
[22] Threatened Species Section (2022)

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
Caladenia pusilla tiny fingers	r / -	Low	Occurs mostly in coastal and near-coastal areas up to 200 m elevation in heathland, shrubland, woodland and open eucalypt forest on sandy loam, sandy peat, granite gravel and rocky ground. Most frequent on well-drained soils. Surveys were conducted at a time when the species would exist only as a small basal leaf, and if present would likely have been overlooked. Based on the available habitat on the site, there is a moderate chance that this species may occur. Spring surveys (October) are recommended to determine if this species is present/absent.
Calystegia soldanella sea bindweed	r / -	None	Predominantly found on coastal sands and grasslands though has been found in granite soils. Site is not the primary habitat for this plant and distinctive leaves are unlikely to have been overlooked in survey.
Cyrtostylis robusta large gnat-orchid	r / -	Low	Coastal and near coastal forest and heathland, prefers well drained soils. This is a winter flowering species with a large basal leaf, so is likely to have been detected if present during the June survey.
Gratiola pubescens Hairy brooklime	r / -	None	Permanently or seasonally damp, swampy ground, including the margins of farm dams. No suitable habitat available in study area and no chance of it occurring.
Gynatrix pulchella fragrant hempbush	r / -	None	Along rivers, drainage channels and floodplains. No suitable habitat available in study area and no chance of it occurring.
Hibbertia virgata twiggy guineaflower	r / -	None	Sandy heaths and open woodlands in the north-east. No hibbertias were found in the study area, so mistaken identity is unlikely.
Lepidosperma tortuosum twisting rapiersedge	r / -	None	*Lepidosperma tortuosum* occurs in heathland and heathy woodland, in lowland sites, mainly in eastern parts of the State. It often occurs in the sedgier (peatier) parts of dry heathland. It can occur on a range of substrates. No suitable habitat present.
Lepilaena patentifolia spreading watermat	r / -	None	Known only from a single incomplete specimen collected at Campbell Town in 1893, where it was recorded from fresh and brackish water up to 0.5 m in depth.

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
Liparophyllum exaltatum erect marshwort	r / -	None	Grows in stationary and slow flowing water or in seasonally inundated areas in Tasmania's northeast. No suitable habitat on site and no chance of it occurring.
Lotus australis Australian trefoil	r / -	None	Described as "local on sandy coasts" and has been recorded around the coast north from Macquarie Harbour to Bicheno with few records from offshore islands and the south-east coast. Habitat is described as *Poa* tussock grassland, low coastal shrubbery and on dunes. No suitable habitat on site.
Microtidium atratum yellow onion-orchid	r / -	None	Occurs in habitats subject to periodic inundation such as swamps, depressions, and soaks. The base of the plants is usually immersed in water and plants can be wholly submerged in wet years. No suitable habitat on site and no chance of it occurring.
Phyllangium divergens wiry mitrewort	v / -	None	Grows on wide variety of near-coastal habitats on a range of substrates, a common feature usually being bare ground (e.g. tracks) and rock exposures (e.g. outcrops, coastal cliffs, etc.). Unlikely to be overlooked due to habit of growing on exposed ground / rocks.
Plantago debilis shade plantain	r / -	None	Found in boulder crevices in forest (wet or dry) on in the east and north-east of the state. No suitable habitat on site and no chance of it occurring.
Scutellaria humilis dwarf skullcap	r / -	None	Moist, shady places in the north-east and south-east of the State. Recent sites have been associated with rocky slopes and rises. Minimal suitable habitat available on site.
Spyridium parviflorum var. *molle* soft dustymiller	r / -	None	Occurs in a range of vegetation types, mainly shrubby dry sclerophyll forests and woodlands. It can proliferate from soil-stored seed after disturbance. Conspicuous shrub unlikely to have been overlooked during surveys.
Spyridium parviflorum var. *parviflorum*	r / -	None	Mainly occurs in near-coastal areas in northern Tasmania. It occurs in a range of vegetation types, mainly shrubby dry sclerophyll forests and woodlands. It can proliferate from soil-stored seed after disturbance. Conspicuous shrub unlikely to have been overlooked during surveys.

Species	Status TSPA/EPBCA	Potential to occur	Observations and preferred habitat
Stenopetalum lineare narrow threadpetal	e / -	None	Occurs on low grass-covered dunes, coastal heathy woodland, and open grassy forest. No suitable habitat on site and no chance of it occurring.
Stuckenia pectinata fennel pondweed	r / -	None	Grows submersed in fresh to brackish/saline waters in rivers, estuaries, and inland lakes. No suitable habitat on site and no chance of it occurring.
Thelymitra antennifera rabbit ears	e / -	None	Occurs on the north and northeast coast on poorly or moderately drained peaty and sandy soils. No suitable habitat on site and no chance of it occurring.
Thelymitra malvina mauvetuft sun-orchid	e / -	None	Coastal heath and sedgeland on sandy/clay loams. No suitable habitat on site and no chance of it occurring.
Triglochin minutissima tiny arrowgrass	r / -	None	Inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas. No suitable habitat on site and no chance of it occurring.
Xanthorrhoea arenaria sand grasstree	v / VU	None	Coastal sandy heath. No suitable habitat on site. Highly unlikely to have been overlooked in surveys.
Xanthorrhoea bracteata shiny grasstree	v / EN	None	Very restricted range on sandy soils on northeast coast. Highly unlikely to have been overlooked in surveys.

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30th June 2025

Vince Butler
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7250

Via email: v_butler88@hotmail.com

Natural Assets Code Overlays: 31 Felmingham Street

The proposed subdivision into 2 lots of 31 Felmingham Street, Binalong Bay, CT 185711/1 is mapped as Priority Vegetation Area, in Planning Scheme Overlays.

North Baker Ecosystem Services undertook a Natural Values Assessment on the property and adjacent Crown Land (20/7/2022). The vegetation at that time was determined to be Eucalyptus amygdalina coastal forest and woodland. The study found no threatened flora or significant threatened fauna habitat, noting the report recorded the presence of 3 trees >80cm diameter within the lot, which had no visible hollows but potential to develop hollows.

The lot has been partly cleared for intended residential use, the Natural Assets Code priority vegetation area does not apply to that clearing under C7.2.1 (xii) as the lot is within the Low Density Zone. Clearing of vegetation required for Bushfire Hazard Management for a single dwelling on the existing lot would also be exempt from Planning Scheme if done as part of a certified Bushfire Hazard Management Plan, 4.4.1(c), any such plan is likely to require all areas of the current lot to be maintained as low threat.

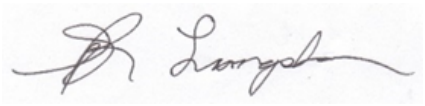
The vegetation within the lot is not considered to meet the definition of Priority Vegetation as defined in the Natural Assets Code as it does not contain a threatened vegetation community, threatened flora or significant habitat for threatened fauna. No impact on Natural Assets is anticipated by subdivision of the lot.

Likely facilitated works would also meet performance criteria for Building and works within a priority vegetation area C7.6.2 P1(c) as it is within the low density residential zone.

The proposed subdivision meets performance criteria for Subdivision within a priority vegetation area C7.7.2 P1(c) as it is within the low density residential zone.

The proposed subdivision meets performance criteria for Subdivision within a priority vegetation area C7.7.2 P2(b, c & f) as the required clearing for development including Bushfire Hazard Management Area is unchanged whether a single or multiple dwelling are to be constructed.

Yours sincerely



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