

**From:** [jacinta@canditt.com.au](mailto:jacinta@canditt.com.au)  
**To:** [TPC Enquiry](#)  
**Subject:** Hearing Submission - HVC and Cantwell  
**Date:** Tuesday, 18 July 2023 4:54:04 PM  
**Attachments:** [REPRESENTATION --- for 21 Steeles Road Nicholls Rivulet for D and J Cantwell.pdf](#)

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Hello,

Please find attached our submission in preparation of the upcoming TPC hearing scheduled for 2-4pm on July 25<sup>th</sup> 2023 in the Huonville Council Chambers.

This submission contains reference to attachments contained in links in a following email.

Kind regards,

Jacinta and Dennis Cantwell



**REPRESENTATION TO THE  
TASMANIAN PLANNING COMMISSION**

**By Dennis & Jacinta Cantwell**

**with regard to**

**PROPOSED REZONING OF 21 STEELES ROAD , NICHOLLS RIVULET**

**(CT-243642 / 1)**

**Date - 10/7/23**

## **CONTENTS**

- 1) Description of current use and current zoning**
- 2) The Proposed council rezoning from Environmental Living to Landscape Conservation (with a template as provided by the Huon Valley Zoning Association) and requested new zoning preference – Rural Living**
- 3) Current Subdivision Approval Permit, Conditions and Implications**
- 4) Current Ancillary Dwelling Approval and Implications**
- 5) Arguments for Rural Living Zone**
- 6) Arguments against Landscape Conservation Zone**
- 7) Protection of Existing and Future User Rights**

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### **Attachments –**

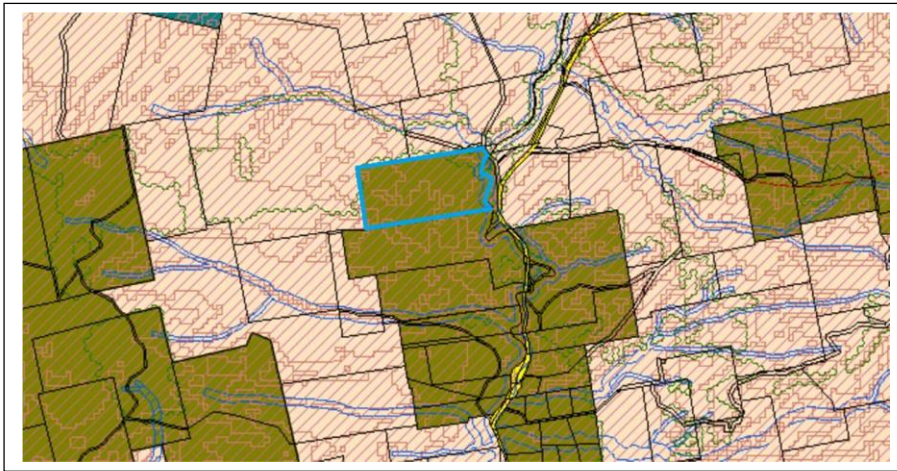
- A) Copy of Current approved sub- division SUB-5 -2022**
- B) Copy of Current planning approval to convert existing shed to ancillary dwelling DA-183 / 2021.**

## 1) Description of current use and current zoning and permits

The existing 20.66 hectare lot is currently zoned “Environmental Living”. Investigations indicate that prior to the 2015 Interim Planning Scheme, the property was “Rural B”.

The property is bounded on the eastern, northern and western sides by properties currently zoned “Rural Resource”.

To the south, the property adjoins the “Environmental Living” used for educational purposes by the Peregrine School.



The property has had a dwelling for an estimated 35 years and has been owned by the current owners for approximately 12 years.

An approved shed was constructed by the current owners approximately 10 years ago and the property has been used by the current owners for over 10 years for the rural activity of equestrian training, with a horse ring and arena. See photos below.







## 2) The Proposed zoning change to Landscape Conservation

On the following page is a template provided by the Huon Valley Zoning Association, which shows the proposed new “Landscape Conservation” zoning for the lot, plus proposed zoning of surrounding lots.

Disclaimer: This Huon Valley Zoning Association Template is to be used to assist the landowner in structuring their position to the Planning Authority. It is not to be understood as planning or legal advice and whilst the information provided in this template is within our best efforts as being correct, these details need to be verified by the landowner, themselves.

Owner / Representor: <b>Jacinta and Dennis Cantwell</b>			Location address: 21 Steeles Road, Nicholls Rivulet		
CT	PID	Area Size	IPS	Council LPS (Post 35F)	Requested Zone/s
7255428	243642/1	22.4ha	14.0 Environmental Living	Landscape Conservation	To be determined

Location of Title.



**LEGEND**

General Residential	Light Industrial	Community Purpose
Low Density Residential	General Industrial	Recreation
Rural Living	Rural	Open Space
Village	Agriculture	Future Urban
Local Business	Landscape Conservation	Particular Purpose
General Business	Environmental Management	Split*

\*Split Zones please consult Draft-HVC-LPS data Appendix 61 and later 35F documentation.

### 3) Current Subdivision Approval Permit, Conditions and Implications

The property has recently been granted approval for a 3 lot sub-division (SUB-5 / 2022).

As a condition of this permit, work has commenced with the owner's solicitors to create a Part 5 agreement with council to preserve 3.2 hectares of the property with high environmental values.

**See accompanying copy of the planning permit and endorsed plans.**

It is important to state here that the process of obtaining this sub-division involved the provision of:-

- 1) an extensive Natural Values Report by Lark & Creese
- 2) a report by EcoSouth42 which:
  - a. studied the Raptor habitat as identified in the Lark & Creese report
  - b. assessed the impact to Grey Goshawk, Tasmanian Masked Owl and Swift Parrot habitat
  - c. located and mapped trees with a DBH > 70cm inside and within 15m of the proposed building envelopes, access routes and bushfire management areas
  - d. made recommendations to minimise impacts from the proposed development on habitat for the listed species.

These reports, along with the Part 5 Agreement condition contributed to the successful sub-division permit approval.

The Part 5 Agreement protecting, in perpetuity, the 3.2 hectares of environmentally valuable assets is wholeheartedly embraced by the owners.

Note that :-

- 1.6 hectares of the Part 5 will protect raptor habitat in the lower lot
- The remaining 1.6 hectares will, by the owner's choice, protect the highest back corner of the property as a measure to protect any scenic and landscape values, despite the Huon Valley Zoning Association Viewshed Analysis showing that the property cannot be seen, with 0% viewshed coverage.

**4) Additional current Ancillary Dwelling planning permit.**

In September 2021, a planning approval (DA-183 / 2021) was granted to convert the existing shed to an ancillary dwelling.

Subsequent building & plumbing approvals have also been granted.

A Department of State Growth Ancillary Dwelling Grant was obtained.

This grant is designed to increase the number of rentable dwellings available to help meet housing demand.

Work on this conversion is currently underway with an estimated completion date of early October this year.

**See accompanying copy of the planning permit and endorsed plans.**



## 5) Arguments for Rural Living Zone

- that the properties on 3 of the four sides adjoining this property are to retain a Rural Zoning,
- that the properties to the south make up a cluster of Rural Living Zoning,
- that the endorsed subdivision plans provide particularly strong evidence that proves that the Planning Authority's intent to have the property used for Rural Living or residential use as a priority,
- that this priority and the subdivided lot sizes best reflect the Rural Living Zone criteria,
- that the planning authority's endorsement of the subdivision indicates that there is an intent to expand the Rural Living Zone community to include this property,
- that there has been rural activity by way of equestrian training for 10 years including within the last two years,
- that any intended rural use would be made possible including transition to small scale but intensive rural / agricultural use  
eg
  - bee-keeping within the blue gum forest,
  - small scale production facilities within already cleared areas eg hydroponic hot-house seedling production etc.,
  - production and harvesting of ingredients required for an existing off site family organic skincare business
  - market gardens and small food stall
  - community permaculture education
- that the above activities would allow contribution to the HVC's recently announced Food Resilience Strategy
- that all measures to protect the property in an environmental sense are already being undertaken as required by the subdivision permit conditions and the owner's own willingness to commit to the protective measures in a Part 5 agreement,

## 6) Arguments against Landscape Conservation Zoning

- that there is no obvious scenic/landscape value afforded by the change to LCZ,
- that the Planning Authority have not undertaken any Ground Truthing or otherwise rigorously assessed and identified Landscape Values,
- that the lack of definition of “Landscape Value” and the criteria required to meet the “protection, conservation and management of landscape values” delivers an undefined impact from which we are unable to defend ourselves,
- that there would be a subsequent loss of value of the property with a LCZ zoning
- that Resource Processing would not be allowed under LCZ,
- that Manufacturing and Processing would not be allowed under LCZ,
- that General Retail (stall) would not be allowed under LCZ,
- that, in essence, the ability to earn an income from the property, which is afforded to most landholders, would be denied under LCZ

## 7) Protection of Existing and Future User Rights

Advice obtained from Red Seal Planners indicates that under Section 12 of the planning act, our existing user rights should be maintained despite any zoning changes. (See below)

“Section 12 of the *Land Use Planning and Approvals Act 1993*, that states:

### **12. Existing uses and developments**

*(1) Subject to [subsections \(5\)](#), [\(6\)](#) and [\(7\)](#), nothing in a provision of a planning scheme, or of the Tasmanian Planning Scheme, in relation to a municipal area is to be taken (including by virtue of requiring a permit to be obtained) to –*

*(a) prevent the continuance of the use, of any land, in the municipal area, upon which buildings or works are not erected, for the purposes for which the land was being lawfully used immediately before the provision came into effect; or*

*(b) prevent –*

*(i) the use, of any building in the municipal area that was erected before that provision came into effect in relation to the municipal area, for any purpose for which the building was lawfully being used immediately before the provision came into effect in relation to the municipal area; or*

*(ii) the maintenance or repair of such a building; or*

*(c) prevent the use, of any works constructed in the municipal area before the provision came into effect in relation to the municipal area, for any purpose for which the works were being lawfully used immediately before the provision came into effect in relation to the municipal area; or*

*(d) prevent the use of any building, or works, in the municipal area, for any purpose for which it or they were being lawfully erected, or carried out, immediately before the provision came into effect in relation to the municipal area; or*

*(e) require the removal or alteration of any lawfully constructed buildings, or works, in the municipal area.*

That is, regardless of what the new zone is you have existing rights under the Act. The new scheme cannot take your rights to the subdivision or existing approved activity from you. A hypothetical situation may occur with a use becoming prohibited, but even then if you have existing rights the Scheme accepts this under Non-conforming Use Provisions”

The dilemma is that while the lot is still one lot until the sub-division process is complete, and 3 separate titles are issued, the existence of the sub-division permit in particular gives us rights that should be maintained during the re-zoning process.

We, therefore, wish to receive formal acknowledgement of the retention of these current rights. We wish to protect the right, **not only** to subdivide but also, to build within the designated building envelope as will be shown on the three subsequent sealed plans.

***Obtaining absolute confirmation of retention of these rights will then determine the appropriate zone preference sought so that a resolution to have all uses achievable is reached.***

We seek to protect any existing and future rights as outlined in Point 5.

Therefore, our requested zoning, is yet to be determined after seeking advice from the Tasmanian Planning Commission during our scheduled hearing of July 25<sup>th</sup>,2023.

**Thank you for your consideration of the above.**

**Yours sincerely**

**Dennis & Jacinta Cantwell**





# HUON VALLEY COUNCIL

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ph: (03) 6264 0300  
ABN: 77 602 207 026

Mr D P Cantwell  
PO Box 200  
WOODBRIDGE TAS 7162

Our Ref: SUB-5/2022 & 7255428  
Enquiries To: Planning

17 July 2023

Dear Mr Cantwell

**MINOR AMENDMENT TO PERMIT SUB-5/2022  
21 STEELES ROAD, NICHOLLS RIVULET (CT-243642/1)**

I refer to your proposed application for a Minor Amendment to the Planning Permit SUB-5/2022 issued on 6 April 2023.

I am pleased to advise that your request for an Amendment to the Planning Permit has been approved and I enclose the Amended Planning Permit.

Please note the Planning Permit now comprises all previously approved Planning Permit documents, and plans and documents approved by the Amendment.

If you propose to appeal the decision that has been made regarding the Minor Amendment, then an appeal must be lodged with the Tasmanian Civil and Administrative Tribunal within 14 days from the date of this letter. Further details about the appeal process are available from the Appeal Tribunal website: <https://www.tascat.tas.gov.au>.

Please also note the permit should not be acted on until the expiration of the appeal period that applies because adjoining owners and occupiers and any person who made a representation (submission) regarding the Planning Permit also have a right of appeal to the Tasmanian Civil and Administrative Tribunal about this decision.

Please Council's Customer Service Officers on (03) 6264 0300 if you require clarification of any of these matters.

Yours sincerely

**JENNA HODGE  
DEVELOPMENT SERVICES SUPPORT OFFICER**

**AMENDMENT TO PERMIT REQUEST REPORT (SECTION 55)**

**TITLE:** **AMENDMENT TO PERMIT – SUB-5/2022**

**AUTHOR:** Development Services Support Officer –  
Jenna Hodge

**RESPONSIBLE OFFICER:** Manager Development Services

**APPLICATION:** Amendment to Permit Section 55 of LUPPA  
(SUB-5/2022)

**PID:** 7255428

**PLANNING SCHEME:** Huon Valley Interim Planning Scheme 2015

**ZONING:** Environmental Living

**APPLICATION NUMBER:** SUB-5/2022

**APPLICANT:** Mr D P Cantwell

**OWNER:** Mr D P Cantwell and Mrs J M Cantwell

**APPLICATION STATUS:** Discretionary

**Was the original permit subject to TasWater Conditions?** No

**BACKGROUND**

A planning permit was issued for 3 lot subdivision (2 new lots and balance) at 21 Steeles Road, Nicholls Rivulet (CT-243642/1), Permit SUB-5/2022 on 06/04/2023.

**DESCRIPTION OF PROPOSAL**

An amendment to the Permit is required regarding Condition 17 and Condition 18.



## DISCUSSION

### Legislation Section 55. Correction of mistakes

#### *Land Use Planning and Approvals Act 1993 (LUPPA)*

Section 55 of LUPPA is as follows:

*A planning authority may correct a permit granted by it if the permit contains –*

- (a) a clerical mistake or an error arising from any accidental slip or omission; or*
- (b) an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the approval.*

In accordance with 55(a) of the LUPPA, Condition 17 and 18 of the permit set out below are to be amended to provide clarification on Council's requirements set out in those conditions on the permit such as numbers of trees to be retained and specific tree protection measures.

17. *Clearing and disturbance of native vegetation within the Bushfire Hazard Management Areas must be the minimum required to achieve the objectives of the approved Bushfire Hazard Management Plan.*

*Native trees with a diameter at breast height (DBH) of more than 70cm (habitat trees) are to be retained. During the construction period, temporary exclusion fencing must be erected around these trees to create tree protection zone areas (Tree Protection Zone - a circular zone around the tree with a radius from the centre of trunk equal to 12 times the DBH, up to a maximum radius of 15m) of all habitat trees that are to be retained.*

*All native vegetation (including dead trees and trees with damaged crowns, shrubs, grasses, and other groundcover species) outside of the road access, development/building site, and Bushfire Hazard Management Areas on the respective lots are not approved for clearing and conversion, removal or disturbance without prior written permission from Council, unless otherwise exempt from assessment under the Act.*

18. *The landowner must enter into an Agreement under section 71 the Land Use Planning and Approvals Act 1993 (Part 5 Agreement) with Council that provides for the retention and protection of native vegetation communities and habitat values on relevant lots in accordance with the recommendations in the endorsed Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report in Condition 1.*

*(a) The Part 5 Agreement is to apply to those areas of land outside the respective Hazard Management Areas on the lots and outside areas used for access road purposes on a lot in accordance with the endorsed Bushfire Hazard Report and Hazard Management Plan in Condition 1.*

*(b) The Part 5 Agreement is to include as covenants relevant requirements for Lot 1, Lot 2 and Lot 3 for the subdivision in accordance with the Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report that must:*

- verify the extent of the conservation zone (conservation zone) applicable to relevant lots which is to encompass at least 3.2ha including a grey goshawk conservation zone areas as identified in Figure 2 of the Raptor and Swift Parrot Assessment Report to offset clearing and disturbance of 10,700m<sup>2</sup> of native vegetation for development of building envelopes, accesses, and Bushfire Hazard Management Areas on Lots 2 and 3 at a 3:1 replacement ratio;*
- provide for the protection for all native vegetation and habitat values within the relevant conservation zones on lots;*



- *set out management prescriptions to ensure that identified habitat values in the reports for the lots are managed and protected for their long-term survival. These management and protection prescriptions are to be drafted by a suitably qualified environmental consultant and include timeframes and details for each action or prescription;*
- *establish in accordance with the Raptor and Swift Parrot Assessment Report a grey goshawk nest conservation zone with measures to avoid vegetation removal (i.e. firewood collection or general clearing) and to minimise vegetation disturbance within the zone area in the future. Prescriptions are to be included (but are not limited to) for the following:*
  - I. *A conservation zone (50m radius) that applies to the grey goshawk nest sites and provides for no vegetation to be disturbed or removed within the grey goshawk nest site conservation zone.*
  - II. *For the proposed house site and Bushfire Hazard Management Area on Lot 2 to be moved to an alternate approved location on the lot;*
  - III. *Prior to any works commencing, for grey goshawk nests to be checked for evidence of breeding prior to the 2023/24 breeding season (September 2023 is recommended) by a suitably qualified raptor ecologist. If any of the nests are active, works must cease until breeding is completed. Noted in report: juvenile goshawks disperse usually by the end of January/early February.*

#### **CONCLUSION:**

The changes are consistent with Section 55 of the Act and do not require amendment under Section 56 of the Act. Therefore the request for an Amendment is considered to satisfy Section 55 of the Act.

#### **RECOMMENDATION:**

- (a) **That the Report for an Amendment to the planning permit for SUB-5/2022 under Section 55 of the *Land Use Planning and Approvals Act 1993* be noted.**
- (b) **That the request for an Amendment to the planning permit for SUB-5/2022 under Section 55 of the *Land Use Planning and Approvals Act 1993* be granted in the following terms:**
  - i. **Amend Condition 17 to read as follows:**
    17. *Clearing and disturbance of native vegetation within the Bushfire Hazard Management Areas must be the minimum required to achieve the objectives of the approved Bushfire Hazard Management Plan.*

*This permit allows for the removal of 30 native trees with a diameter at breast height (DBH) of more than 70cm (habitat trees) as identified on Subdivision Proposal Plan – Sheet Number DWG-02/G (Prepared by Canditt Building Design and Documentation and dated 28 February 2022).*

*Habitat trees that do not require removal must be protected from damage during the construction period by the erection of temporary exclusion fencing to restrict vehicle*



*movement through the tree protection zones and construction of the driveway so as to ensure that the tree protection zones are not encroached upon.*

*(Tree Protection Zone - a circular zone around the tree with a radius from the centre of trunk equal to 12 times the DBH, up to a maximum radius of 15m).*

*All native vegetation (including dead trees and trees with damaged crowns, shrubs, grasses, and other groundcover species) outside of the road access, development/building site, and Bushfire Hazard Management Areas on the respective lots are not approved for clearing and conversion, removal or disturbance without prior written permission from Council, unless otherwise exempt from assessment under the Act.*

**ii. Add the following note below Condition 17:**

**Note:** *Condition 17 amended on 14 July 2023 in accordance with Section 55 of the Land Use Planning and Approvals Act 1993.*

**iii. Amend Condition 18 to read as follows:**

18. *The landowner must enter into an Agreement under section 71 the Land Use Planning and Approvals Act 1993 (Part 5 Agreement) with Council that provides for the retention and protection of native vegetation communities and habitat values on relevant lots in accordance with the recommendations in the endorsed Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report in Condition 1.*

*(a) The Part 5 Agreement is to apply to those areas of land outside the respective Hazard Management Areas on the lots and outside areas used for access road purposes on a lot in accordance with the endorsed Bushfire Hazard Report and Hazard Management Plan in Condition 1.*

*(b) The Part 5 Agreement is to include as covenants relevant requirements for Lot 1, Lot 2 and Lot 3 for the subdivision in accordance with the Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report that must:*

- verify the extent of the conservation zone (conservation zone) applicable to relevant lots which is to encompass at least 3.2ha including a grey goshawk conservation zone - as identified in Figure 2 of the Raptor and Swift Parrot Assessment Report to offset clearing and disturbance of 10,700m<sup>2</sup> of native vegetation for development of building envelopes, accesses, and Bushfire Hazard Management Areas on Lots 2 and 3 at a 3:1 replacement ratio;*
- provide for the protection for all native vegetation and habitat values within the conservation zones;*
- set out management prescriptions to ensure that identified habitat values in the reports for the lots are managed and protected for their long-term survival. These management and protection prescriptions are to be drafted by a suitably qualified environmental consultant and include timeframes and details for each action or prescription;*
- establish in accordance with the Raptor and Swift Parrot Assessment Report a grey goshawk nest conservation zone with measures to avoid vegetation removal (i.e. firewood collection or general clearing) and to minimise vegetation disturbance within the zone area in the future. Prescriptions are to be included (but are not*

limited to) for the following:

- I. A conservation zone (50m radius) that applies to the grey goshawk nest sites and provides for no vegetation to be disturbed or removed within the grey goshawk nest site conservation zone.
- II. Prior to any works commencing, for grey goshawk nests to be checked for evidence of breeding prior to the 2023/24 breeding season (September 2023 is recommended) by a suitably qualified raptor ecologist. If any of the nests are active, works must cease until breeding is completed. Noted in report: juvenile goshawks disperse usually by the end of January/early February.

**iv. Add the following note below Condition 18:**

**Note:** Condition 18 amended on **14 July 2023** in accordance with Section 55 of the Land Use Planning and Approvals Act 1993.

**APPROVAL**

Approved under delegation 152506



**MICHAEL BARTLETT**  
**MANAGER DEVELOPMENT SERVICES**  
**DATE: 14 JULY 2023**





# HUON VALLEY COUNCIL

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Mr Dennis Paul Cantwell  
PO Box 200  
WOODBIDGE TAS 7162

**Our Ref:** SUB-5/2022 & 7255428  
**Your Ref:**  
**Enquiries To:** Planning

14 April 2023

Dear Mr Cantwell

**PROPOSED DEVELOPMENT/USE – 3 LOT SUBDIVISION (2 NEW LOTS AND BALANCE) AT 21 STEELES ROAD, NICHOLLS RIVULET (CT-243642/1)**

Your Planning Application dated 1 March 2022 for the above proposal, has now been approved by Council.

I enclose the Permit containing the conditions under which the approval was granted. The Permit relates to the development/use of the land or buildings irrespective of the applicant or subsequent occupants and whoever acts on it must comply with all conditions attached thereto. ***Please read the permit carefully to ensure that all conditions are complied with.***

**Condition (18) of the permit requires you to enter into a planning agreement with the Council. Section 53(6) of the *Land Use Planning and Approvals Act 1993* states that “if under a permit an agreement is required to be entered into, the permit does not take effect until the day the agreement is executed”.**

You should now arrange for the drafting of the agreement, which must be signed by all owners and if the property is subject to a mortgage, the relevant Mortgagee(s). Once signed, the agreement should be lodged as an application with Council for sealing. It will be necessary for the agreement to be registered on the title to the subject land. Lodgement with the Recorder of Titles for registration and any costs associated with this process are the responsibility of the developer.

Any person who has made representations in response to the public notification has been advised of Council's decision and of their right to lodge an appeal. Consequently, although the Development/Use Permit is enclosed, the development should not proceed until after the two week period in which an appeal may be lodged has lapsed and no appeals have been lodged.

If you are not satisfied with the conditions of the permit, you have a right to appeal the Planning Authority's decision. Appeals must be lodged with the Tasmanian Civil and Administrative Tribunal within 14 days of the date of this letter and be accompanied by the fee for lodgement of the appeal. For further information, please refer to the Tasmanian Civil and Administrative Tribunal website, [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).

If you have concerns regarding Council's decision or any of the permit conditions please do not hesitate to contact Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V. Fox', written in a cursive style.

**VICTORIA FOX**  
**ADMINISTRATION OFFICER**



## PLANNING PERMIT

Applicant: Mr D P Cantwell  
Permit number: SUB-5/2022  
Application date: 1 March 2022  
Approval date: 6 April 2023  
Permit for: 3 lot subdivision (2 new lots and balance)  
Site: 21 Steeles Road, Nicholls Rivulet (CT-243642/1)  
Property ID: 7255428  
Planning Scheme: Huon Valley Interim Planning Scheme 2015

Approval is granted in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* subject to the following conditions:

### Conditions

1. Except as otherwise required by this Permit, subdivision of the land must be substantially in accordance with Subdivision Application No. SUB-5/2022 and the following documentation:
  - (a) Council Plan Reference No. P5 submitted on 7 December 2022 including:
    - Natural Values Assessment Report prepared by Lark and Creese and dated November 2022;
  - (b) Council Plan Reference No. P7 submitted on 23 February 2023 including:
    - Bushfire Hazard Report and Bushfire Hazard Management Plan prepared by Lark and Creese and certified by Mr Nicholas Creese (BFP-118) and dated 15 February 2023;
    - Raptor and Swift Parrot Assessment Report prepared by ECOsouth42° dated 31 January 2023;
  - (c) Council Plan Reference No. P8 submitted on 4 April 2023 including:
    - Subdivision Proposal Plans (Sheet Number DWG-02/G and DWG-05/B) prepared by Canditt Building Design and Documentation and dated 28 February 2022.

All endorsed to form part of this planning permit.

2. This Permit relates to the subdivision of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

Note: In accordance with Section 53 of the *Land Use Planning and Approvals Act 1993* (Act) this permit will not commence until the Part 5 Agreement referred to in Condition 18 is completed in accordance with Part 5 of the Act.

3. In accordance with the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey for the subdivision.

The cash contribution amount is to be equal to 5% of the value of the area described as Lot 2 and 3 in the plan of subdivision at the date of lodgement of the Final Plan.

The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* at the landowner's expense.

4. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Director Infrastructure, Climate and Environmental Services. The cost of locating the pipes and creating the easements must be at the landowner's full cost.
5. All easements, covenants and Council notifications on the current titles are to be carried forward to the titles of lots approved by this permit.
6. Survey pegs must be stamped with the lot number and marked for easy identification.

### **Engineering Conditions**

7. Prior to sealing of the final plan, vehicular access must be provided for all lots from the carriageway of Steeles Road onto each lot, and also the full length of the access to the existing house. Any new or existing accesses must comply with *Tasmanian Standard Drawing TSD-R03* and *TSD-R04* and the standards required as per the Bushfire Hazard Management Plan as required by Council's Director Infrastructure, Climate and Environmental Services.

No works are to occur within the road reserve until a works permit has been granted by Council's Director Infrastructure, Climate and Environmental Services.

8. The landowner is to provide minimum 3.6 metres wide Right of Way over Lot 2 in favour of Lot 1 and 3 as required by Council's Director Infrastructure, Climate and Environmental Services. This Right of Way must be shown as "Right of Way (Private)" on the Final Plan of Survey.

Prior to sealing the Final Plan of Survey, compliance with this condition must be demonstrated by pegging the full extent of the Right of Way within the site.

9. Prior to the commencement of works, engineering design drawings prepared by a suitably qualified person, must be submitted for approval by Council's Director Infrastructure, Climate and Environmental Services. The drawings must be prepared in accordance with Australian Standard AS1100 and show:

- All accesses required by this permit;
- Structurally certified design for the bridge in accordance with loadings as required by Tasmanian Fire Service;
- All existing and proposed services required or associated with this permit;
- All vegetation to be retained and removed for the subdivision works;
- All other work required by this permit.

The design and construction of the property access, access road to the property, the provision for water storage for fire-fighting purposes and associated hardstand area, and hazard management area are to be in accordance with the requirements of the relevant *Director's Determination – Requirements for Building in Bushfire-Prone Areas* applicable to the development under the *Building Act 2016*, the Bushfire Hazard Report and Bushfire Hazard Management Plan.

A fee equal to 2% of the contract fee of the civil construction works or where no contract is let, an estimate of this fee prepared by a registered consulting engineer is payable to the Council prior to commencement of the works. If required by the Council the landowner is to provide the schedule of costed civil construction works or other documentation setting out the contracted amount.

10. All works must be carried out under the direct supervision of an approved practising civil engineer engaged by the landowner and approved by the Council's Director Infrastructure, Climate and Environmental Services.

The engineer must provide certification that all work has been completed in accordance with the approved design plans.

11. Erosion and sedimentation during construction must be controlled in accordance with a soil and water management plan (SWMP) that is to form part of the engineering drawings. The plan is to be submitted to and approved by the Council's Director Infrastructure, Climate and Environmental Services prior to commencement of the works. The SWMP must incorporate best practise to prevent the transfer of soil and silt from the land consistent with the Soil and Water Management on Building and Construction Sites Guidelines available at <http://www.derwentestuary.org.au/stormwater-factsheets/>. Particular attention is to be paid to ensure that no material is tracked onto roads or footpaths or enters the Council's drainage system.
12. Prior to sealing of the Final Plan of Survey, all disturbed and unsealed surfaces must be covered with topsoil, stabilised and vegetated to the satisfaction of Council's Director Infrastructure, Climate and Environmental Services.
13. The cost of any repair work or any alterations to and/or reinstatement of existing services including roads or private property incurred ("remedial works") required as a result of the development is to be at the expense of the landowner.  
  
Remedial works are to be undertaken by the appropriate authority concerned or alternatively undertaken with the written consent of the appropriate authority.
14. At the time of lodging the Final Plan of Survey, the subdivider must ensure that all conditions of approval have been completed and provide a written statement to this effect. If further inspections are required to inspect substandard, faulty or incomplete work Council will charge a fee for additional inspections required in accordance with Council's adopted fee schedule
15. Covenants or other controls must not be included in the Schedule of Easements for the lots created by the subdivision where they are in conflict with any provisions of the *Huon Valley Interim Planning Scheme 2015* or subsequent planning scheme that is applicable to the land or seek to prohibit any use provided for within the relevant planning scheme applying to the lots.

### **NRM Conditions**

16. Prior to the start of works, a Weed Hygiene and Management Plan identifying methods to control any infestations of declared weed species and to prevent the spread of weeds and soil based pathogens to and from your property during the period of works prepared by a suitably qualified person must be submitted to and approved by Council's NRM Coordinator.  
  
As a minimum, the plan must include.
  - the location and density of environmental and declared weeds,
  - objectives of the management plan,
  - time framed management actions to achieve the objectives of the plan,
  - monitoring and response measures for post-construction weed emergence,
  - hygiene procedures and measures, as described in the *Tasmanian washdown guidelines for weed and disease control: machinery, vehicles, and equipment*, to limit the importation of weed species to the site during the construction and operational phases.
17. Clearing and disturbance of native vegetation within the Bushfire Hazard Management Areas must be the minimum required to achieve the objectives of the approved Bushfire Hazard Management Plan.

Native trees with a diameter at breast height (DBH) of more than 70cm (*habitat trees*) are to be retained. During the construction period, temporary exclusion fencing must be erected



around these trees to create tree protection zone areas (*Tree Protection Zone* - a circular zone around the tree with a radius from the centre of trunk equal to 12 times the DBH, up to a maximum radius of 15m) of all habitat trees that are to be retained.

All native vegetation (including dead trees and trees with damaged crowns, shrubs, grasses, and other groundcover species) outside of the road access, development/building site, and Bushfire Hazard Management Areas on the respective lots are not approved for clearing and conversion, removal or disturbance without prior written permission from Council, unless otherwise exempt from assessment under the Act.

18. The landowner must enter into an Agreement under section 71 the *Land Use Planning and Approvals Act 1993* (Part 5 Agreement) with Council that provides for the retention and protection of native vegetation communities and habitat values on relevant lots in accordance with the recommendations in the endorsed Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report in Condition 1.
- (a) The Part 5 Agreement is to apply to those areas of land outside the respective Hazard Management Areas on the lots and outside areas used for access road purposes on a lot in accordance with the endorsed Bushfire Hazard Report and Hazard Management Plan in Condition 1.
- (b) The Part 5 Agreement is to include as covenants relevant requirements for Lot 1, Lot 2 and Lot 3 for the subdivision in accordance with the Natural Values Assessment Report and Raptor and Swift Parrot Assessment Report that must:
- verify the extent of the conservation zone (*conservation zone*) applicable to relevant lots which is to encompass at least 3.2ha including a *grey goshawk conservation zone* areas as identified in Figure 2 of the Raptor and Swift Parrot Assessment Report to offset clearing and disturbance of 10,700m<sup>2</sup> of native vegetation for development of building envelopes, accesses, and Bushfire Hazard Management Areas on Lots 2 and 3 at a 3:1 replacement ratio;
  - provide for the protection for all native vegetation and habitat values within the relevant conservation zones on lots;
  - set out management prescriptions to ensure that identified habitat values in the reports for the lots are managed and protected for their long-term survival. These management and protection prescriptions are to be drafted by a suitably qualified environmental consultant and include timeframes and details for each action or prescription;
  - establish in accordance with the Raptor and Swift Parrot Assessment Report a *grey goshawk nest conservation zone* with measures to avoid vegetation removal (i.e. firewood collection or general clearing) and to minimise vegetation disturbance within the zone area in the future. Prescriptions are to be included (but are not limited to) for the following:
    - I. A *conservation zone* (50m radius) that applies to the grey goshawk nest sites and provides for no vegetation to be disturbed or removed within the *grey goshawk nest site conservation zone*.
    - II. For the proposed house site and Bushfire Hazard Management Area on Lot 2 to be moved to an alternate approved location on the lot;
    - III. Prior to any works commencing, for grey goshawk nests to be checked for evidence of breeding prior to the 2023/24 breeding season (September 2023 is recommended) by a suitably qualified raptor ecologist. If any of the nests are active, works must cease until breeding is completed.  
Noted in report: *juvenile goshawks disperse usually by the end of January/early February.*

- IV. The proposed access to Lot 3 to be restricted to existing tracks and not the proposed route as a significant number of large *E. globulus* trees will otherwise be impacted.  
Noted in report: *Although these trees are not hollow bearing currently, they provide foraging habitat and will provide recruitment trees for swift parrot breeding in the future.*
- V. Large trees (DBH > 70cm) within the proposed building envelopes and Bushfire Hazard Management Areas to be retained to provide foraging habitat for swift parrots and to provide potential recruitment trees for breeding purposes.
- (c) The Part 5 Agreement is to include covenants for the construction of the access, access road on a lot, the provision for water storage for fire-fighting purposes and associated hardstand area, and hazard management area for the respective lots to be in accordance with the requirements of the relevant *Director's Determination – Requirements for Building in Bushfire-Prone Areas* applicable to the development under the *Building Act 2016*, and the Bushfire Hazard Report and Bushfire Hazard Management Plan referred to in Condition 1 (or any revised Determination or bushfire report or plan) and for these requirements to be completed prior to the issue of an Occupancy Permit by a building surveyor for a residential dwelling constructed on any lot. The Part 5 Agreement is to also include covenants for the following:
- In accordance with E1.6.1 Subdivision: Provision of hazard management areas, each lot to contain a building area with separation distances equal to, or greater than that required for BAL-19.
  - In accordance with E1.6.2 Subdivision: Public and firefighting access, the access to the existing Class 1a building within Lot 1 must be constructed in accordance with Table E2 Standards for property access prior to the sealing of the Final Plan by Council. The access to Lot 2 and Lot 3 are to be constructed from the edge of Steeles Road to the lot boundary prior to the sealing of the Final Plan by Council.
  - In accordance with E1.6.3 Subdivision: Provision of water supply for firefighting purposes, a static water supply consistent with the requirements of Table E5 Static water supply for firefighting must be provided on Lot 1 prior to the sealing of the Final Plan by Council.
  - The existing access to the existing Class 1a building within Lot 1 to be reconstructed in a new location and completed in accordance with Table E2 prior to the sealing of the Final Plan by Council (unless an alternative timeframe is approved in writing by Director Infrastructure, Climate and Environmental Services).
  - The accesses to Lot 2 and 3 are to be constructed from the edge of Steeles Road to the lot boundaries and completed in accordance with Table E2 prior to the sealing of the Final Plan by Council.
- (d) The Part 5 Agreement is to incorporate as an attachment to the agreement the following documents:
- a. Raptor and Swift Parrot Assessment Report prepared by ECOsouth42° dated 31 January 2023;
  - b. Bushfire Hazard Management Report prepared by Lark & Creese dated 15 February 2023 and Bushfire Hazard Management Plan;
  - c. Natural Values Assessment prepared by Lark & Creese dated November 2022;
  - d. Weed Hygiene and Management Plan (Condition 16).
- (e) The Part 5 Agreement is to be completed and executed prior to the sealing of the Final Plan and is to be registered on the relevant property titles.

- (f) All costs associated with drafting and registering the Part 5 Agreement on the relevant property titles are to be met by the landowner.
- (g) The Part 5 Agreement must be in a form required by the Council.
- (h) The landowner must ensure the covenants and requirements of the Part 5 Agreement are met in accordance with that Agreement.
- (i) The Part 5 Agreement is to incorporate any other relevant requirements in the endorsed Natural Values Assessment Report and the Raptor and Swift Parrot Assessment Report that the Council requires to be included or referenced in the Part 5 Agreement.

**Advice**

- A. This approval is in respect of development/use under the Planning Scheme and does not imply any other approval by the Council or any other body. It is the developer's responsibility to ensure that all necessary approvals, including but not limited to building and plumbing permits, demolition permits, engineering certification or any other relevant approvals are obtained.
- B. In accordance with the *Land Use Planning and Approvals Act 1993*, this permit shall lapse at the expiration of two (2) years from the date of approval if the approved use and development has not substantially commenced.



**JASON BROWNE  
GENERAL MANAGER**



# HUON VALLEY COUNCIL

40 Main Street, Huonville  
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ABN: 77 602 207 026

Mr Dennis Paul Cantwell  
PO Box 200  
WOODBIDGE TAS 7162

**Our Ref: SUB-5/2022 & 7255428**  
Your Ref:  
Enquiries To: Planning

14 April 2023

Dear Mr Cantwell

**PROPOSED DEVELOPMENT/USE – 3 LOT SUBDIVISION (2 NEW LOTS AND BALANCE) AT 21 STEELES ROAD, NICHOLLS RIVULET (CT-243642/1)**

Your Planning Application dated 1 March 2022 for the above proposal, has now been approved by Council.

I enclose the Permit containing the conditions under which the approval was granted. The Permit relates to the development/use of the land or buildings irrespective of the applicant or subsequent occupants and whoever acts on it must comply with all conditions attached thereto. ***Please read the permit carefully to ensure that all conditions are complied with.***

**Condition (18) of the permit requires you to enter into a planning agreement with the Council. Section 53(6) of the *Land Use Planning and Approvals Act 1993* states that “if under a permit an agreement is required to be entered into, the permit does not take effect until the day the agreement is executed”.**

You should now arrange for the drafting of the agreement, which must be signed by all owners and if the property is subject to a mortgage, the relevant Mortgagee(s). Once signed, the agreement should be lodged as an application with Council for sealing. It will be necessary for the agreement to be registered on the title to the subject land. Lodgement with the Recorder of Titles for registration and any costs associated with this process are the responsibility of the developer.

Any person who has made representations in response to the public notification has been advised of Council’s decision and of their right to lodge an appeal. Consequently, although the Development/Use Permit is enclosed, the development should not proceed until after the two week period in which an appeal may be lodged has lapsed and no appeals have been lodged.

If you are not satisfied with the conditions of the permit, you have a right to appeal the Planning Authority’s decision. Appeals must be lodged with the Tasmanian Civil and Administrative Tribunal within 14 days of the date of this letter and be accompanied by the fee for lodgement of the appeal. For further information, please refer to the Tasmanian Civil and Administrative Tribunal website, [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).

If you have concerns regarding Council's decision or any of the permit conditions please do not hesitate to contact Council.

Yours sincerely

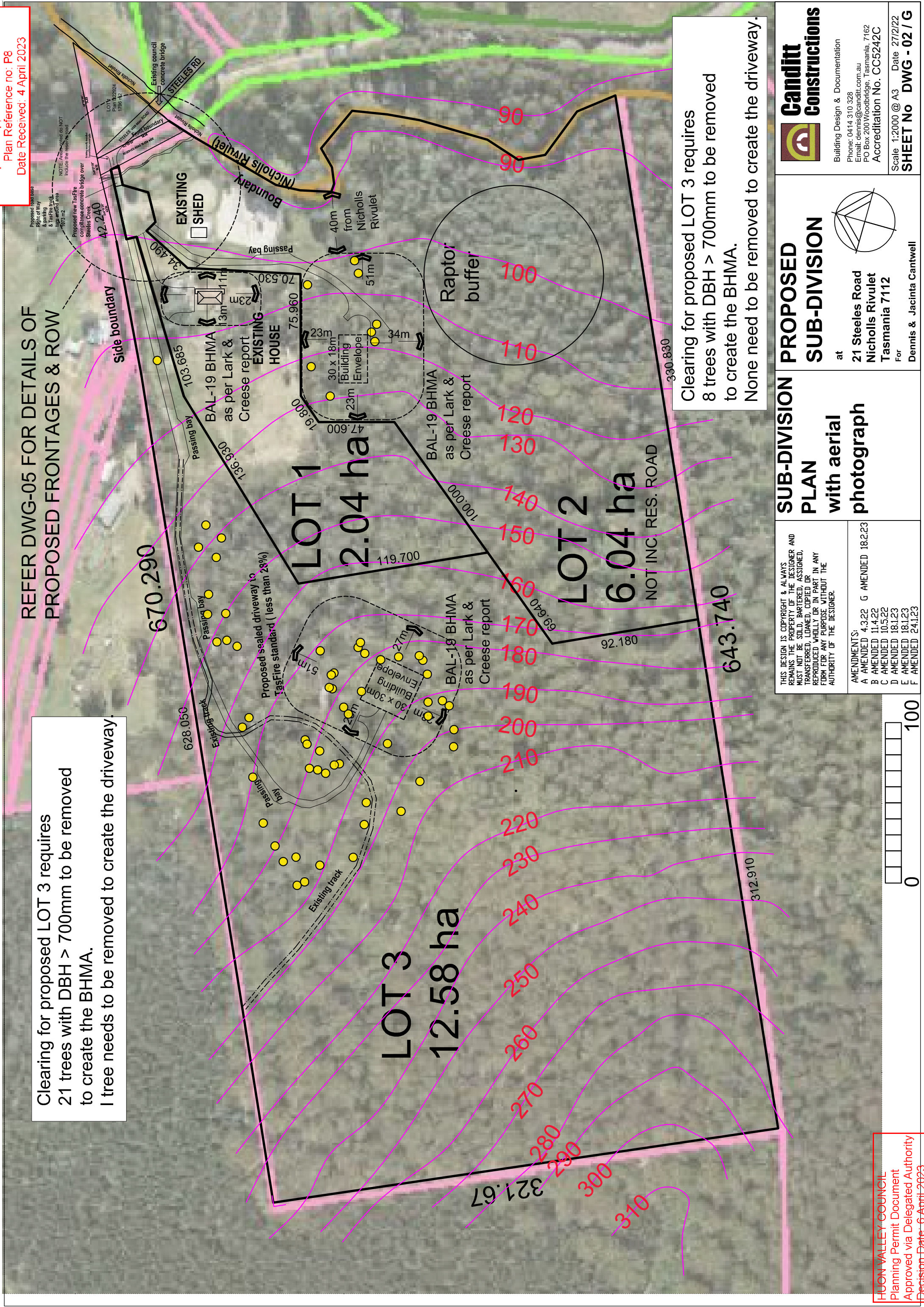
A handwritten signature in black ink, appearing to read 'V. Fox', written in a cursive style.

**VICTORIA FOX**  
**ADMINISTRATION OFFICER**

REFER DWG-05 FOR DETAILS OF PROPOSED FRONTAGES & ROW

Clearing for proposed LOT 3 requires 21 trees with DBH > 700mm to be removed to create the BHMA.  
 1 tree needs to be removed to create the driveway.

Clearing for proposed LOT 3 requires 8 trees with DBH > 700mm to be removed to create the BHMA.  
 None need to be removed to create the driveway.



**Canditt Constructions**  
 Building Design & Documentation  
 Phone: 0414 310 328  
 Email: dennis@canditt.com.au  
 PO Box 200 Woodbridge, Tasmania, 7162  
 Accreditation No. CC5242C  
 Scale 1:2000 @ A3 Date 27/2/22  
**SHEET No DWG - 02 / G**

**PROPOSED SUB-DIVISION PLAN**  
 with aerial photograph  
 at  
 21 Steeles Road  
 Nicholls Rivulet  
 Tasmania 7112  
 For  
 Dennis & Jacinta Cantwell

THIS DESIGN IS COPYRIGHT & ALWAYS REMAINS THE PROPERTY OF THE DESIGNER AND MUST NOT BE SOLD, BARTERED, ASSIGNED, TRANSFERRED, LOANED, COPIED OR REPRODUCED, WHOLLY OR IN PART IN ANY FORM FOR ANY PURPOSE WITHOUT THE AUTHORITY OF THE DESIGNER.

AMENDMENTS:  
 A AMENDED 4.3.22 G AMENDED 18.2.23  
 B AMENDED 11.4.22  
 C AMENDED 10.5.22  
 D AMENDED 18.1.23  
 E AMENDED 18.1.23  
 F AMENDED 24.1.23

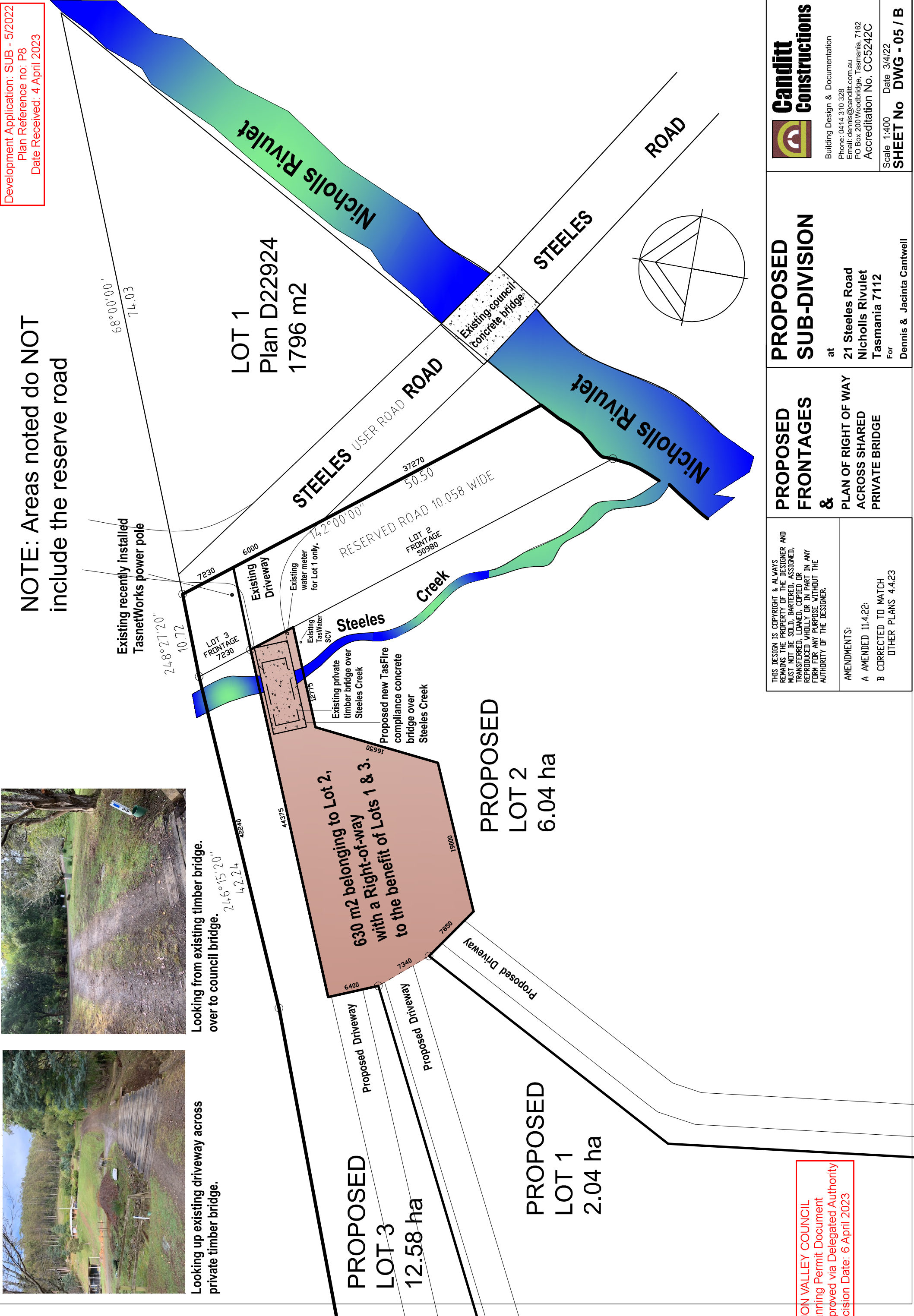




Looking up existing driveway across private timber bridge.



Looking from existing timber bridge over to council bridge.





# NATURAL VALUES ASSESSMENT



For

**D. & J. CANTWELL**

NOVEMBER 2022

D. Summers (BAppSc)

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## 1. Summary

The following report is a natural values assessment within 21 Steeles Road, Nicholls Rivulet (C.T 243642/1) for D. & J. Cantwell. Currently the property is zoned Environmental Living under the Huon Valley Interim Planning Scheme 2015 (HVIPS2015). This report assesses potential short and long term residual impacts to natural values and ecological functions resulting from future development associated with a proposed 3 Lot subdivision to assist local government and where necessary State and Commonwealth agencies. The study site was assessed by Doug Summers in October 2022.

### *Legislative Implications*

#### Vegetation communities

- Ground based assessment found vegetation within the allotment was generally consistent with TASVEG 4.0 however, flora assessment found:
  - Vegetation community on the southern side of the ridgeline is consistent with wet *Eucalyptus globulus* forest (WGL) and wet *Eucalyptus regnans* forest (WRE),
  - Vegetation on the northern side of the ridgeline is consistent with wet *Eucalyptus globulus* forest (WGL) however, *Eucalyptus obliqua* is codominant canopy species with sections consistent with wet *Eucalyptus obliqua* forest over broadleaf shrubs (WOB),
  - Poorly drained area adjacent to the eastern boundary is consistent wet *Eucalyptus obliqua* forest over *Leptospermum* (WOL),
- No vegetation communities are listed as threatened under Schedule 3A of Tasmania's *Nature Conservation Act 1995*. It is unlikely further assessment or referral required under Tasmania's *Nature Conservation Act 2002* or *Land Use Planning and Approvals Act 1993*.

#### Threatened flora

- No threatened plant species, listed under schedule 3, 4 or 5 of Tasmania's *Threatened Species Protection Act 1995* or Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* have previously been recorded or were recorded during the survey,
- The proposed development sites represent potential habitat for threatened flora species recorded within 5km. However, assessment indicates the proposed development envelopes will not result in a significant loss of potential habitat for threatened flora,
- No further assessment or permit required under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* is required.

#### Threatened fauna

- The proposed development envelope and associated 4735m<sup>2</sup> bushfire hazard management area (BHMA) and 950m<sup>2</sup> access for Lot 2 within WOL vegetation community could impact potential nesting habitat for the Grey Goshawk, listed as endangered under Tasmania's *Threatened Species Protection Act 1995*. Assessment indicates the anticipated impacts associated with future construction will result in a loss of potential habitat for this species,
- *Eucalyptus globulus* recorded within the allotment represent potential foraging habitat for the endangered Swift Parrot with mature eucalypt species exceeding 70cm diameter at breast height (dbh) are considered as potential nesting habitat. The proposed development site and 5793m<sup>2</sup> BHMA and 800m<sup>2</sup> access for Lot 3 within WGL veg community will impact potential foraging habitat, but only marginal nesting habitat. Assessment indicates the anticipated impacts associated with future development will not result in a significant loss of potential habitat. No further assessment or referral regarding this potential issue is required under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*,
- Assessment indicates the study area is within range boundaries Tasmanian Devils, Eastern Quolls, Spotted-tailed Quolls, and the Eastern-barred bandicoot. Assessment indicates the proposal will impact potential habitat but is unlikely to result in a significant loss of foraging or denning habitat for

Quolls and Devils. No further assessment or referral is required under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*,

- Eucalypt species exceeding 70cm dbh represent potential habitat for the endangered Masked Owl, including potential nesting habitat for Swift parrots. Future development in Lot 3 will result in the loss of potential foraging habitat but unlikely to result in a significant loss. No further assessment or referral is required under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*
- Future development within proposed subdivision will result in a loss of potential habitat and displacement for some threatened fauna species recorded within 5km of the site. However, it is not anticipated the impacts will result in a significant loss and therefore unlikely to require further assessment or referral under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*.

#### Weed Management

- At the time of assessment Blackberry, Elisha's tears and Spanish heath were recorded within the property. These species are listed as 'Declared' weed species under Tasmania's *Weed Management Act 1999*. Additional management prescriptions under Tasmania's *Weed Management Act 1999* require Title owners to implement the Statutory Weed Management Plans for these species. Management priority is to control the 0.45ha Spanish heath and removal of the single Elisha's tears plant to prevent further proliferation within adjacent native vegetation and neighbouring properties.

#### Planning implications

##### Huon Valley Interim Planning Scheme 2015 - Biodiversity Code

New subdivisions are required demonstrate allotments have the capacity to support appropriate development using a BAL-19 construction standard BHMA. The study site is within Huon Valley Council's Biodiversity Protection Area and generally removal of vegetation requires offsetting in accordance with '*Guidelines for the use of Biodiversity Offsets in the local planning approval process*'. In accordance with Table E10.1, the site is classified as supporting 'Moderate' biodiversity priority values. Assessment indicates the new allotments have the capacity to accommodate in-situ, same for same, biodiversity offsets.

#### Conclusion

Wet sclerophyll vegetation occupying the proposed access and development site for Lot 2 constitutes potential 'Suitability Category 2' nesting habitat and will impact potential Grey Goshawk habitat. The removal of vegetation to facilitate development in Lot 3 will impact potential Swift parrot foraging habitat however, it is unlikely the proposal will result in significant loss of potential foraging and nesting habitat.

Despite the associated impacts associated with the subdivision, it is anticipated future development will not result unnecessary or unacceptable negative impacts on surrounding biodiversity and natural values identified or compromise the existing ecological systems and functions within the allotment and surrounding environs support.



## 2. Proposal

### *Site description*

This report has been undertaken as part of a development application to the Huon Valley Council to assess potential environmental impacts associated with future development associated with the proposed 3 Lot subdivision at No. 21 Steeles Road, Nicholls Rivulet. The allotment is currently zoned Environmental Living Survey methodology based on ‘Site Examination for Threatened and Endangered Plant Species’ supported by methodology outlined in “Manual for Assessing Vegetation Condition in Tasmania”.

LISTmap indicates the underlying geology is identified as Tasmanian Dolerite (tholeiitic) with locally developed granophyre. A survey found no geomorphic conservation features or geoconservation sites within the property. A desktop assessment of the Aboriginal or cultural heritage database found no documented findings within the study site. Database search indicted no documented cases of *Phytophthora cinnamomi* (Pc) Myrtle rust, or animal disease such as frog Chytrid disease, have previously been recorded within the property.

### *Limitations*

The Natural Values Assessment of the proposed development area and access footprint identified by designers/proponents was undertaken in September 2022. Every effort was made to sample the range of habitats within the study site. Many plant species have seasonal growth and flowering, patchy distribution. During the flora and fauna survey it is possible some species were missed, particularly grass species, and not recorded at time of survey. The survey was also limited to vascular plant species and did not include mosses, lichens and fungi. Surveys for threatened fauna were limited to the likelihood of species the study site represented potential range habitat and the identification of tracks, scats and other signs.



Figure 1 - Locality map, 21 Steeles Road, Nicholls Rivulet (C.T 243642/1) (REF: LISTmap)

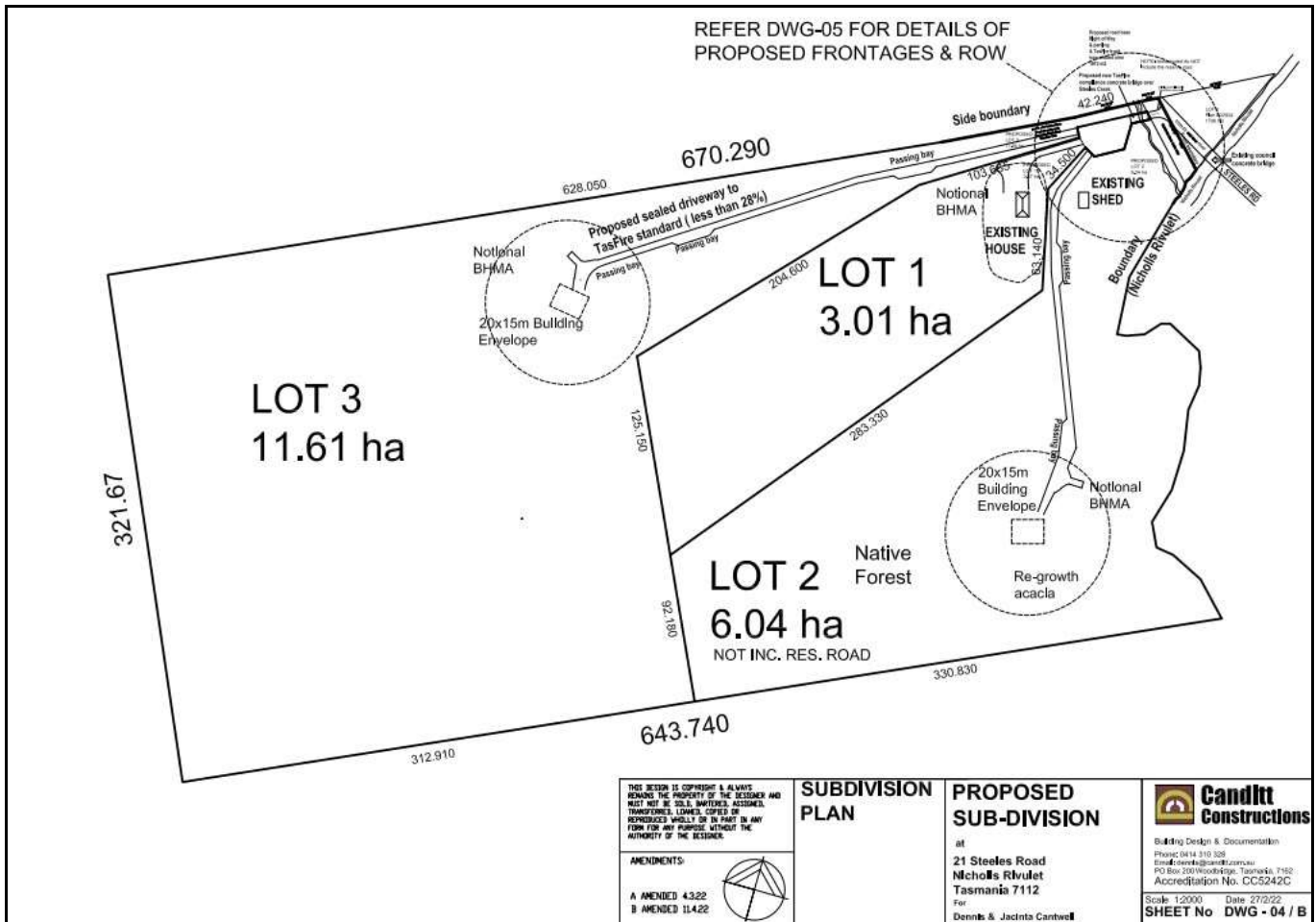


Figure 2 – Site plan showing the proposed 3 Lot subdivision configuration for 21 Steeles Road, Nicholls Rivulet.

HUON VALLEY COUNCIL  
Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 6 April 2023

### 3. Native Vegetation

Existing development within the 22.42ha allotment is contained to the north-eastern corner consisting of a single dwelling and large shed. Existing land use includes a horse exercise area and storage area on the level area adjacent to Nicholls Rivulet including the maintenance of cleared land adjacent to Nicholls Rivulet. Previous land use / management has resulted in a 4500m<sup>2</sup> clearing to the west of the existing dwelling that has been colonised almost entirely by Spanish heath. The shallow ridgeline located in the western and central section results in aspects varying from north-east to south-east with gradients in the order of 10-20° in the western and central section with low gradients on the eastern boundary adjacent to Nicholls Rivulet.

Natural Values Atlas database indicates not threatened flora species listed under Tasmania's *Threatened Species Protection Act 1995* or the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* has previously been recorded on site or at the time of assessment. Assessment indicates the native vegetation within the allotment supports potential habitat for a few threatened flora species recorded within 5km.

#### *Vegetation communities*

TASVEG 4.0 classify the bushland within the allotment as:

- Agricultural / Modified land (FAG),
- Wet *Eucalyptus globulus* forest (WGL),
- Wet *Eucalyptus obliqua* forest undifferentiated (WOU),
- Wet *Eucalyptus regnans* forest (WRE).

TASVEG 4.0 vegetation assessment is generally undertaken on a broad scale using aerial images and range of spectral analysis. However, it is accepted such limitations and can lead to errors in classification and accuracy of boundaries with on-ground assessment required.



Figure 3 – TASVEG 4.0 classification of native bushland within and surrounding the allotment.

Distribution of vegetation communities within the allotment are significantly influenced by the shallow west to east ridgeline centrally located. Vegetation occupying the south facing slopes is consistent with a vegetation TASVEG 4.0 classification wet *Eucalyptus globulus* forest (WGL) however *Eucalyptus regnans* present in the canopy indicates there could be a transitioning between WGL and wet *Eucalyptus regnans* forest (WRE). Harris and Kitchener: *Forest to Fjaeldmark* general descriptions indicates WGL occurs mainly within lower slopes and gullies in moderate rainfall areas on well-drained sites. They also indicate that *Eucalyptus regnans* is sometimes present and the WGL intersects with part of the



distribution of WRE from which superficially it can be difficult to distinguish with a diffuse boundary. Wet *Eucalyptus globulus* is usually dominated by *E. globulus* although in some situations *E. obliqua* can be codominant. Secondary trees can either be absent or include a prominent component of *Acacia melanoxyton* or *A. dealbata*.

The section of native vegetation occupying the flatter, humid, poorly drained land in the eastern section of the allotment adjacent to Nicholls Rivulet appears to be consistent with wet *Eucalyptus obliqua* forest over *Leptospermum* (WOL). Assessment indicates this area has previously been impacted by land use or harvesting practices. *Acacia dealbata* can be present as canopy species but is also a successional species replacing wet forests after disturbance. However, it also occurring on stream banks and riparian corridors subject to flooding disturbance and other situations with reliable water sources. *Eucalyptus obliqua* dominates the canopy species with *E. globulus* and *E. regnans* co to subdominant. The understorey is significantly disturbed in areas and recolonised by ground ferns including *Blechnum watsii*, *Polystichum proliferum* and sparse *Pteridium esculentum*. The shrub layer consists of *Bauera rubioides*, *Acacia verticillata*, *Pomaderris apetala*, *Leptospermum scoparia*, *Coprosma quadrifida*, *Lepidosperma sp*, *Gahnia grandis*. Unfortunately, Spanish heath and lesser extent Blackberry is well established in this previously disturbed site.

Vegetation occupying land north of the ridgeline is consistent with TASVEG 4.0 wet *Eucalyptus obliqua* forest with broadleaf shrubs (WOB) and WGL. *Eucalyptus obliqua* dominates the canopy occupying the south-east facing slope with *E. globulus* sub-dominant and *E. regnans* sparse. *Eucalyptus globulus* appears to dominate the gully area adjacent to the northern boundary but most likely represents a transitioning community.



Figure 4 – Aerial image showing the approx. distribution of vegetation communities within the allotment based on site flora assessment.

#### Riparian vegetation

The Conservation of Freshwater Ecosystem Values (CFEV) database identifies the watercourse as Class 4 with an associated 20m wide WCPA. See Conservation Values section for comment. Flora assessment indicates the vegetation within the WCPA has typical vegetation structure and species composition however, Blackberry is well established consisting of a moderate size infestation but not dominating. Vegetation cover within the WCPA is assessed as poor to moderate due to presence of Blackberry and previous level of disturbance/modification.





Figure 5 – Image looking north-west at wet *Eucalyptus globulus* forest occupying the gully near the northern boundary.



Figure 6 – Image of typical understorey structure within wet *Eucalyptus obliqua* forest over broadleaf shrubs.





Figure 7 – Image looking north at understorey associated with wet *Eucalyptus obliqua* forest over broadleaf forest.



Figure 8 - Image looking south at understorey associated with wet *Eucalyptus obliqua* forest over broadleaf forest (WOB).





Figure 9 – Image looking at transitioning wet *Eucalyptus obliqua* over broadleaf WOB / wet *Eucalyptus globulus* forest (WGL) vegetation community located centrally within the allotment.



Figure 10 – Image of existing vegetation structure and species composition within the wet *Eucalyptus obliqua* over *Leptospermum* forest (WOL) in the south-east corner of the allotment.





Figure 11 – Image looking west at previously disturbed site adjacent to the eastern boundary and Nicholls Rivulet Waterways and Coastal Protection Area showing high stem density of *Acacia dealbata* & *Eucalyptus obliqua* (WOL).



Figure 12 - Image looking east at previously disturbed wet *Eucalyptus obliqua* over *Leptospermum* forest (WOL) adjacent to the eastern boundary and Nicholls Rivulet Waterways and Coastal Protection Area.

#### 4. Introduced Plants

Surveys recorded Spanish heath, Blackberry, and Elisha’s tears within the allotment. All species are listed as ‘Declared’ weed species under the Tasmanian *Weed Management Act 1995* (WMA) and landowners are obligated to manage and control to prevent proliferation within the allotment, adjacent native vegetation communities and neighbouring properties. Management priority is to control the 0.45ha Spanish heath to prevent further proliferation within adjacent native vegetation and neighbouring properties.

A search of the Natural Values Atlas biosecurity database indicates no plant pathogens, such as *Phytophthora cinnamomi*, *Chytrid fungus* and fungal *Mucormycosis* within the site.

The 4500m<sup>2</sup> cleared site to the west of the dwelling supports a major Spanish heath infestation. Assessment indicates Spanish heath have become established in adjacent fringing bushland to the west and south. A single Elisha’s tears was recorded on the northern boundary. The riparian zone for Nicholls rivulet within the allotment is significantly altered will only scattered native shrubs and trees occupying the stream banks including exotics such as Poplars and Silver birch.

##### *Phytophthora cinnamomi* (Pc)

Despite the presence of Declared weed species on site, any future works and development should implement best practice hygiene protocols prior to commencement of any works to prevent the accidental importation of additional weeds, including plant pathogens such as *Pc*. This requires all vehicles, machinery and equipment is washed down or shaken down offsite in accordance with ‘*Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment: Edition 1*’. *Pc* is an introduced mould that attacks the roots of susceptible plant species causing the roots to rot. Dieback, caused by *Pc* and other factors, is a listed “Key Threatening Process” under both the Federal *Environment Protection and Biodiversity Conservation Act 1999* and Tasmanian *Threatened Species Protection Act 1995*. *Pc* cannot be eradicated from an area once it has become infested.

Forest Practices Authority Technical Note No. 8 indicates wet sclerophyll vegetation communities are not considered susceptible to *Phytophthora cinnamomi*. However, individual species present such as *Pultenaea spp.*, *Leucopogon spp* and *Epacris* species are susceptible to *Pc* <sup>6</sup>. Recent survey of the Natural Values Database indicated no *Pc* infestation within the EMZ or within 1km of the property <sup>6</sup>.

Table 1 - Weed species present on site. (Excludes exotic grass, century plant and Plantago species).

Weed Species	Status <sup>7</sup>	Distribution / Action
<i>Erica lusitanica</i> Spanish heath	<ul style="list-style-type: none"> <li>Declared weed under Tas <i>Weed Mgt Act 1999</i>,</li> <li>Zone B, Priority 4 – Control</li> </ul>	<ul style="list-style-type: none"> <li>Core distribution .45ha infestation within clearing, established in fringing vegetation</li> <li>Widespread in Nicholls Rivulet riparian vegetation,</li> <li>Implement statutory weed management plan to contain and control</li> </ul>
<i>Leycesteria formosa</i> Elisha’s tears	<ul style="list-style-type: none"> <li>Declared weed species under Tas <i>Weed Mgt Act 1999</i>,</li> <li>Kingborough Council Weed Mgt Strategy and Action Plan 2017-2027 identifies as significant weed,</li> <li>Zone A, Priority 1 – Eradicate within 10yrs</li> </ul>	<ul style="list-style-type: none"> <li>Single plan on the eastern boundary.</li> <li>Remove</li> </ul>



<p><i>Rubus fruticosus</i> Blackberry</p>	<ul style="list-style-type: none"> <li>• Declared weed species &amp; Weed of National Significance under Tas <i>Weed Mgt Act 1999</i>,</li> <li>• Kingborough Council Weed Mgt Strategy and Action Plan 2017-2027 identifies as significant weed,</li> </ul>	<ul style="list-style-type: none"> <li>• Distribution sparse,</li> <li>• Recorded within Nicholls Rivulets riparian zone and fringing vegetation,</li> <li>• Implement statutory weed management plan to contain and control</li> </ul>
<p><i>Salix sp</i> Willow</p>	<ul style="list-style-type: none"> <li>• Declared weed species &amp; Weed of National Significance under Tas <i>Weed Mgt Act 1999</i>,</li> <li>• Kingborough Council Weed Mgt Strategy and Action Plan 2017-2027 Zone B, Rank 3.</li> </ul>	<ul style="list-style-type: none"> <li>• One mature tree within Nicholls Rivulet riparian zone,</li> <li>• One mature tree in open site adjacent to the northern boundary.</li> </ul>



Figure 13 – Image looking south-west at the extent of Spanish heath infestation in the 4500m<sup>2</sup> cleared area.



Figure 14 – Image showing the extent of Spanish heath encroachment to adjacent bushland.





Figure 15 – Image of Elisha’s tears, Blackberry and flowering Spanish heath on the northern boundary.



## 5. Conservation values

No threatened plant species listed under Schedule 3, 4 or 5 of the Tasmanian *Threatened Species Protection Act 1995* have previously been recorded within 5km. Assessment indicates the existing vegetation community represents potential habitat for a limited number of threatened flora species that could potentially occupy the type of vegetation within the allotment, including orchids.

### *Flora*

A search of the Natural Values Database indicates the site represents potential habitat for a number of threatened plant species that have been recorded within the 5km search area. The fringes of modified bushland to west of the dwelling represent potential habitat for *Westringia angustifolia* (Narrowleaf westringia). *Pterostylis pedunculata* was recorded near the northern boundary however, it is unlikely to suit other orchid species recorded to the south including *Caladenia caudata* (Tailed spider-orchid), *Prasophyllum apoxychilum* (Tapered leek-orchid).

### *Vegetation community*

WGL, WOB and WOL identified within the allotment are not listed under Schedule 3A of Tasmania's *Nature Conservation Act 2002*.

### *Riparian vegetation community*

The Conservation of Freshwater Ecosystem Values (CFEV) program classifies this river section of Steeles Creek as a minor tributary with attributes including:

- River section Stream Order 2,
- River section naturalness score - 0.90 (0-1),
- River section naturalness category - High,
- River section representative conservation values - C (A-D),
- River section conservation management priority – Medium.

The Conservation of Freshwater Ecosystem Values (CFEV) program classifies this river section of Nicholls Rivulet with attributes including:

- River section Stream Order 4,
- River section naturalness score - 0.1(0-1),
- River section naturalness category - High,
- River section representative conservation values - C (A-D),
- River section conservation management priority – Medium.

The above qualities/values are attributed to a water course as a broad classification, such as the naturalness of the river section. Ground assessment of the two water courses within the allotment indicates Steeles Creek crosses the allotment in the north-eastern corner and joins Nicholls Rivulet on the eastern boundary. Land use and vegetation management practices has resulted in the removal of Steeles Creek riparian vegetation. Exotic species including Birch, Poplar and Willow represent the riparian vegetation for the first 50m of Nicholls Rivulet. The remaining riparian vegetation community downstream before the bend generally comprises of native species but is significantly modified with Spanish heath and Blackberry occupying the community. Following the impacted section, riparian vegetation becomes more typical of wet sclerophyll vegetation structure and species composition.

**Fauna**

Geographically, the allotment is within the Swift Parrot Important Breeding Area (SPIMA) with *Eucalyptus globulus* recorded throughout the allotment representing potential foraging habitat for the Swift parrot with eucalypt species with dbh that exceed 100cm constituting potential nesting habitat. Table 2: Potential foraging habitat density for ground based assessment within Forestry Practice Authority Fauna Technical Note No. 3: Identifying swift parrot breeding habitat, indicates the vegetation within WGL / WRE site is classified a ‘High’ foraging habitat as >50% of stems over 40cm dbh in any one hectare are foraging trees. Potential nesting habitat in wet sclerophyll is considered to comprise of eucalypt forests that contain hollow-bearing eucalypt trees of any species with a large trunk diameter (>100cm dbh and have signs of dead wood). Table 1: Ecological definition of potential breeding habitat provides a broad classification of the relationship between foraging and breeding habitat. Table 3: Potential nesting habitat density for ground based assessment, within Forestry Practice Authority Fauna Technical Note No. 3: Identifying swift parrot breeding habitat, indicates WGL / WRE is classified as ‘Moderate’ as there are at least 8 trees/ha that exceed 100cm dbh.

Table 2 - Ground based classification of potential Swift parrot foraging and nesting habitat (Ref - Forestry Practice Authority Fauna Technical Note No. 3)

Veg Comm.	Potential foraging habitat classification	Potential breeding habitat classification
FAG	Nil	Nil
WGL	High	Medium
WRE	High	Medium
WOB	Low to Medium	Medium



Figure 5 – Image showing distribution of recorded Swift parrot observations within 5km of proposed development site (red) (Ref: LISTmap).

Mature eucalypts exceeding 70cm dbh also provide potential nesting habitat for the endangered Masked Owl. This species will forage in a diverse range of habitats from forests, woodland and non-forest vegetation including agricultural and forest mosaics, with nesting habitat generally below 600m in elevation and generally within old growth trees with suitably large hollows that can be either within a forest setting or as isolated old growth trees. These birds’ mate for life occupying permanent territory and estimated only 500 breeding pairs left in the wild. Major threats are the clearing of mature forest, including single and isolated hollow-bearing trees and secondary poisoning.

The site is within range boundaries of the endangered Mt Mangana Stag Beetle (*Lissotes menalcas*) with wet sclerophyll vegetation communities occupying gullies on the southern side of the ridgeline supporting large logs in an intermediate state of decay.

Vegetation communities and cleared areas within the allotment represent potential habitat for endangered Devils and Quolls and the Eastern-barred bandicoot. Devils and quolls inhabit a diverse range of habitats with both utilising hollow logs, caves, rock piles and disused rabbit or wombat burrows. Eastern Quolls prefer dry grassland and forest mosaics which are bounded by agricultural land, particularly where pasture grubs are common. Wet sclerophyll communities within the allotment represent preferred habitat for Spotted-tailed Quolls where they prey on small mammals and insects. Tasmanian Devils remain widespread in Tasmania from the coast to the mountains. Devils range from coastal heath, open dry sclerophyll and mixed sclerophyll-rainforest where shelter and food are available. During the day the Devil will hide in dens but at night it can roam up to 16 km and although not territorial, have a home range.

Habitat nesting modelling for potential Tasmanian Wedge-tailed eagle nesting sites below 850 metres indicates the WGL / WRE occupying the southern side of the shallow ridgeline represents the best likelihood of suitable or potential nesting habitat for the Tasmanian Wedge-tailed eagle and White-bellied sea-eagle. It is not anticipated the scale and location of future development will impact potential nesting sites or future breeding activities for the Tasmanian Wedge-tailed eagle and White-bellied sea-eagle as they generally require  $\geq 10$  ha of relatively undisturbed forest is preferred.

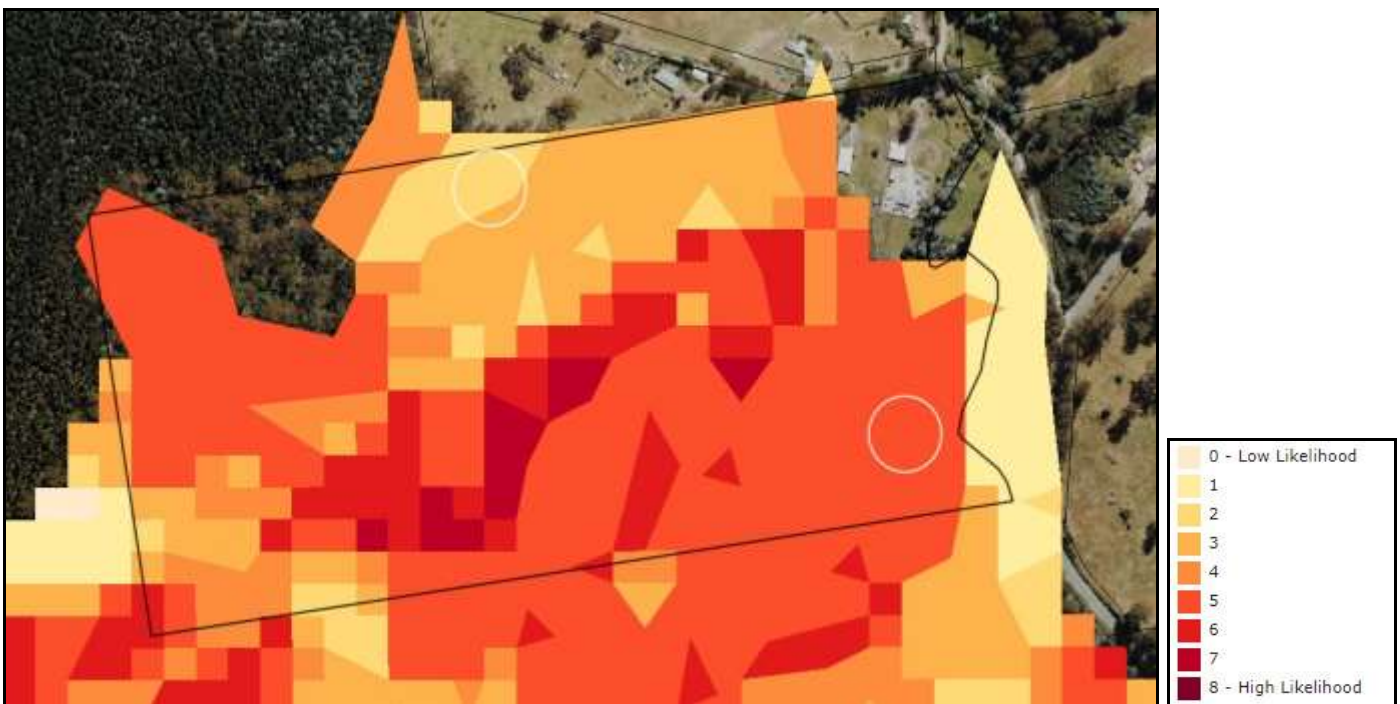


Figure 16 – Image showing location of proposed development envelopes (white circles) against the modelling assessing the likelihood of suitable Wedge-tailed eagle nesting habitat for sites under 850m in elevation (REF: LISTmap).

The site is within range boundaries of the Grey Goshawk, that is listed a ‘Vulnerable’ under the Tasmanian *Threatened Species Protection Act 1995*. Fauna Technical Note No 12: Goshawk habitat categories, comments the categories were developed for use in forest patch assessment by Forestry Practices Officers for coupes in the north-west of the state. Ground assessment indicates the WOB vegetation community adjacent to the Nicholls Rivulet represents potential nesting habitat classified as Suitability category #2 with south-east facing site supporting WGL/WRE and classified as Suitability category #2. WOB vegetation on the northern side of the ridgeline is classified as Suitability category #3 (foraging habitat).



Table 3 – Grey Goshawk foraging and nesting habitat suitability categories.

Suitability categories: 1 = high priority; 2 = medium priority; 3 = lower priority, mainly foraging habitat		
Suitability	Habitat type	Features
1	Priority nesting habitat and foraging habitat.	Mature blackwood swamp forest, wet forest (particularly in riparian areas) with a closed canopy, low stem density and open understorey. Dense stands of <i>Leptospermum</i> or <i>Melaleuca</i> nearby (within 500m).
2	Primarily foraging habitat but some nesting habitat.	Wet eucalypt forest and rainforest with a closed canopy but dominated by regrowth or poles (medium stem density). Open understorey but dense stands of <i>Leptospermum</i> or <i>Melaleuca</i> nearby (within 500m).
3	Primarily foraging habitat.	Forest with a closed canopy but dominated by regrowth and poles (medium stem density) and a dense understorey, e.g. dense <i>Melaleuca</i> patches or; forest with an open canopy but with a dense understorey suitable for prey species or; young regrowth or predominantly dense <i>Melaleuca</i> regrowth.

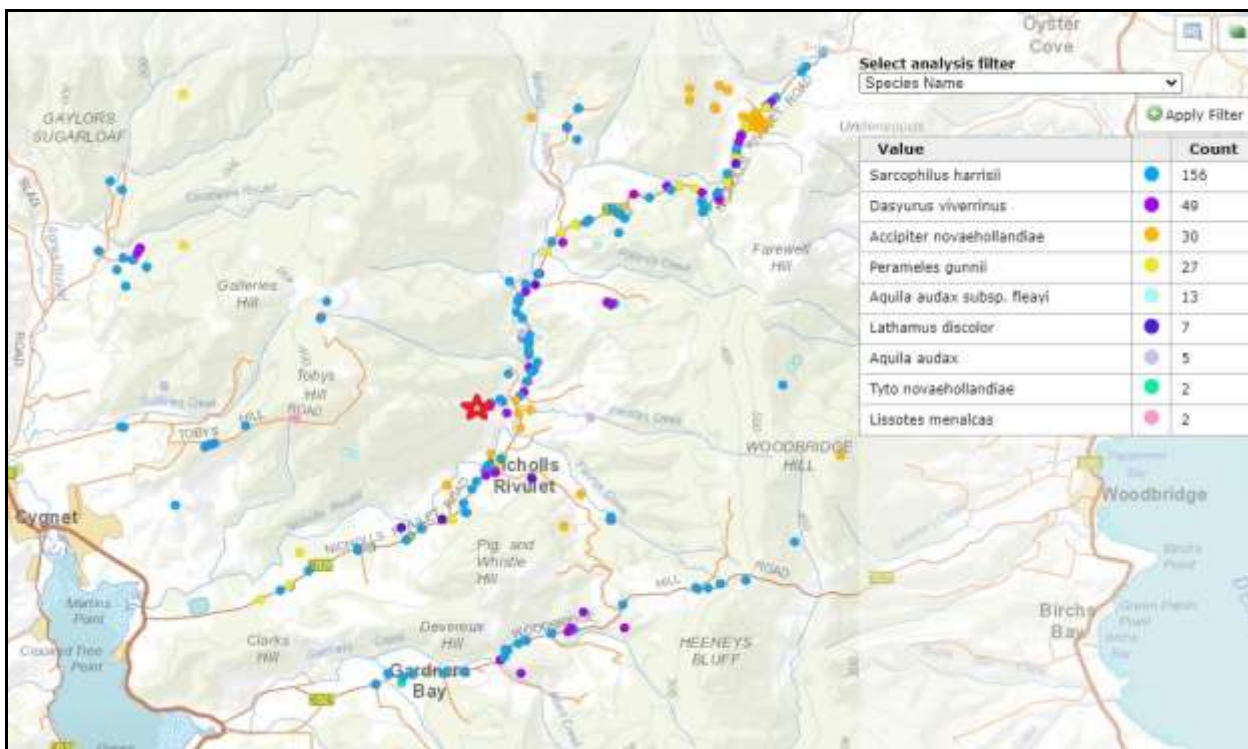


Figure 17 – Image showing distribution of threatened fauna within 5km of site (red star) REF: Natural Values Atlas.



**6. Discussion**

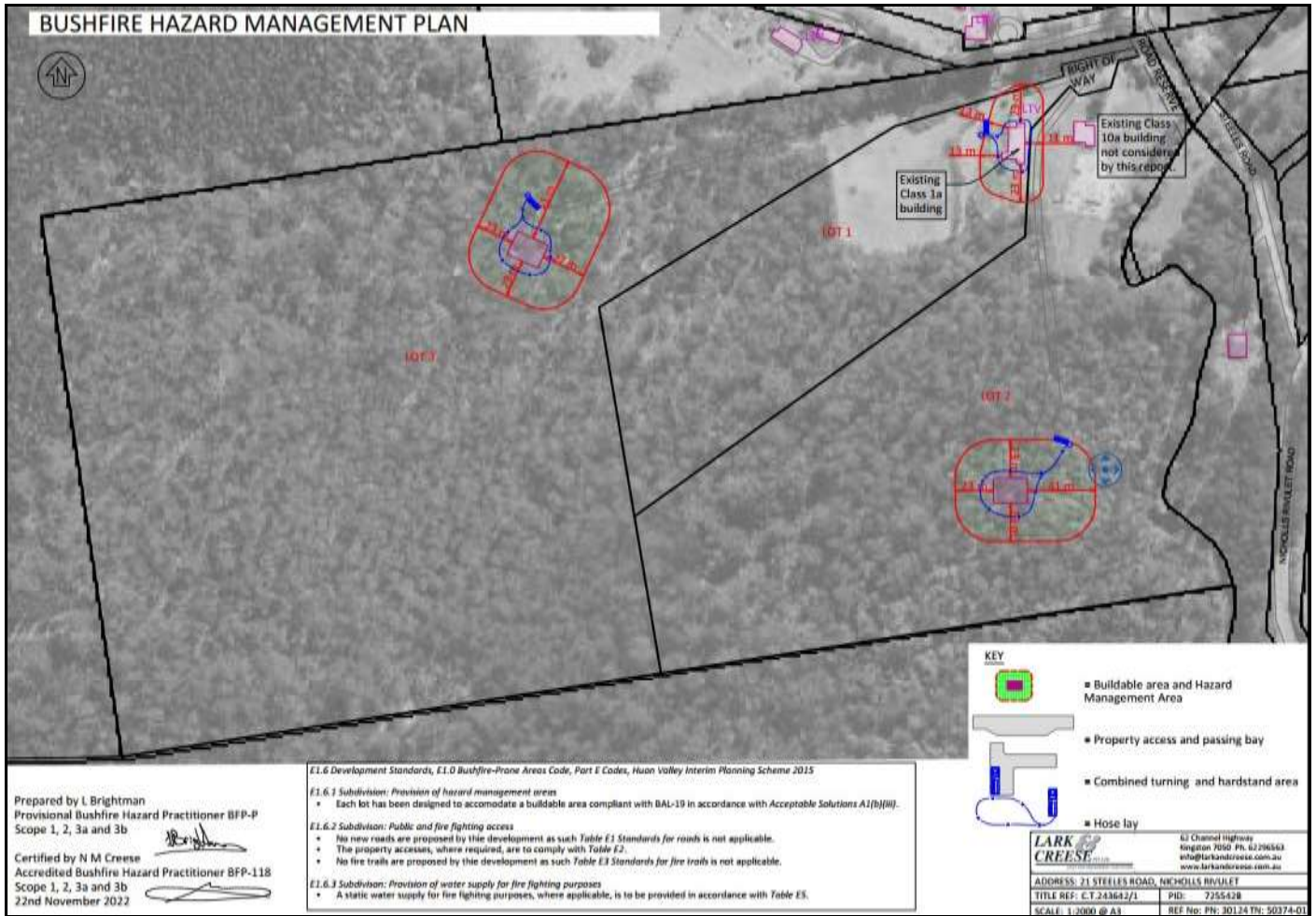


Figure 18 – Proposed 3 Lot subdivision design showing the proposed location of access and building envelopes for Lot 2 & 3 within native vegetation communities.

**Fauna**

The proposed 3 Lot subdivision allotment size and configuration is based entirely on the proponent’s conception and formal discussions with the Huon Valley Council planners. Subdivision site plans indicate approximately 4735m<sup>2</sup> of WOL veg community will require removal to facilitate establishment of the BAL-19 BHMA and 950m<sup>2</sup> to construct the access and development site in Lot 2. WOL vegetation is assessed as supporting potential nesting habitat for the Grey Goshawk. No core Swift parrot foraging habitat (*Eucalyptus globulus*) was recorded and only supports sparse potential nesting habitat (eucalypts exceeding >

Gradients in the order of 15-20° within the proposed development site for Lot 3 will required the clearance and conversion of approx. 5793m<sup>2</sup> of WOB/WGL to establish the BAL-19 BHMA and 800m<sup>2</sup> to construct the access. WOB/WGL vegetation community occupying the proposed development supports a mixed canopy including potential core foraging, *Eucalyptus globulus*, and nesting habitat (eucalypt species dbh > 70cm) for the Swift parrot. The proposal will also impact potential nesting habitat for the nationally endangered Masked Owl. However, despite the clearance and conversion associated with future development, it is unlikely future development will result in a significant loss of potential Swift parrot and Masked Owl habitat.

HUON VALLEY COUNCIL  
Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 6 April 2023

Table 3- Significant fauna species previously recorded within 5 km radius of the study area and likelihood of them occurring on site. TSPA - *Tasmanian Threatened Species Protection Act 1995*, EPBC - *Commonwealth Environmental Protection, Biodiversity Conservation Act 1999*

CONSERVATION STATUS			
Threatened Fauna within 500 metres			
SPECEIES	TSPA	EPBC	COMMENTS
<i>Accipiter novaehollandiae</i> Grey Goshawk	endangered	-	Not previously recorded or at time of assessment. WOL occupying the riparian zone in Lot 2 will impact Suitability category #2 nesting habitat. Lot 3 will impact Suitability category #3 foraging habitat.
<i>Dasyurus maculatus</i> Spotted-tailed Quoll	rare	Vulnerable	Not previously recorded or at time of assessment. Wet sclerophyll vegetation environs represent potential habitat. Proposal will result in disturbance and a minor loss of potential habitat; however, it is unlikely future development will result in significant loss of potential denning or foraging habitat. It is not anticipated further assessment or referral is required under the <i>TSPA 1995</i> or <i>Commonwealth EPBCA 1999</i> .
<i>Lathamus discolor</i> Swift parrot	endangered	Critically Endangered	Not previously recorded or at time of assessment. Site within Swift parrot Important Breeding Areas. <i>Eucalyptus globulus</i> recorded within allotment represent core foraging habitat. Eucalypts exceeding 700m dbh clear of future works represents potential nesting habitat. Proposed development envelop in Lot 3 will impact potential foraging and nesting habitat although, in the context of surrounding environs, the impact is not considered significant. No further assessment or referral is required under the <i>TSPA 1995</i> or <i>Commonwealth EPBCA 1999</i> .
<i>Perameles gunnii</i> Eastern-barred Bandicoot	-	Vulnerable	Not previously recorded on site or at time of survey. Cleared land in the north-east of the allotment juxtaposed to forest represents potential habitat. The proposal will result in a minor loss of potential habitat but unlikely to result in a significant loss of potential habitat. Occupation brings additional pressure from dogs and cats assessed as significant as habitat loss. It is not anticipated further assessment or referral is required under the <i>TSPA 1995</i> or <i>Commonwealth EPBCA 1999</i> .
<i>Sarcophilus harrisi</i> Tas Devil	endangered	Endangered	Not previously recorded or at time of assessment. Site within potential range boundaries for this species The proposal will result in a loss of potential habitat, but anticipated impacts will be limited to disturbance only. Unlikely development will result in a significant loss of potential habitat. It is not anticipated further assessment or referral is required under the <i>TSPA 1995</i> or <i>EPBCA 1999</i> .
Threatened Fauna within 5000 metres			
SPECEIES	TSPA	EPBC	COMMENTS
<i>Aquila audax fleayi</i> Tasmanian Wedge-tailed eagle	endangered	Endangered	Not previously recorded or at time of assessment. Habitat modelling indicates WGL / WRE occupying the south facing slopes represent a high likelihood of suitable nesting habitat but only marginal habitat in the south-east corner and north of the ridgeline. Anticipate the proposal will not result in a significant loss of priority nesting habitat or disturb breeding activities of nearby nesting. It is not anticipated further assessment or referral is required under the <i>TSPA 1995</i> or <i>EPBCA 1999</i> .
<i>Dasyurus</i>	-	Endangered	No previously recorded or at time of assessment. Native

<i>viverrinus</i> Eastern Quoll			vegetation adjacent to the grassy cleared areas constitute potential habitat. It is likely the proposal will impact potential habitat but unlikely to result in significant loss of habitat. It is not anticipated further assessment or referral is required under the <i>EPBCA 1999</i> .
<i>Pardalotus quadragintus</i> Forty-spotted pardalote	endangered	Endangered	No previously recorded or at time of assessment. No core habitat ( <i>Eucalyptus viminalis</i> ) recorded. No further assessment or referral is required under the <i>TSPA 1995</i> or Commonwealth <i>EPBCA 1999</i> .
<i>Haliaeetus leucogaster</i> White-bellied sea eagle	vulnerable	-	Not previously observed on site. Habitat modelling indicates the veg represents a low to moderate likelihood of finding a nest south on the ridgeline. Anticipate the proposal will not impact priority habitat, nesting or breeding activities of nearby nesting. It is not anticipated further assessment or referral is required under the <i>TSPA 1995</i> .
<i>Lissotes menalcas</i> Mt Mangana stag beetle	vulnerable	-	Not previously recorded or at time of assessment. Site within range boundaries. WGL / WRE potential habitat. Lot 2 proposed development supports marginal habitat. Proposal will not impact potential habitat and therefore not anticipated further assessment or referral is required under the <i>TSPA 1995</i> .
<i>Perameles gunnii</i> Eastern-barred Bandicoot	-	Vulnerable	Not previously recorded on site or at time of survey. Cleared land in the north-east of the allotment juxtaposed to forest and woodland represents potential habitat. The proposal will result in a minor loss of potential habitat but unlikely the proposal will result in a significant loss of potential habitat. Occupation brings additional pressure from dogs and cats that can be as significant as habitat loss. It is not anticipated further assessment or referral will be required under the <i>EPBCA 1999</i> .
<i>Tyto novaehollandiae</i> Masked Owl	endangered	Vulnerable	Not previously recorded within study site. Mature eucalypts with dbh >70cm represent potential nesting habitat for the Masked Owl. Assessment indicates the proposed development sites impacting WOB/WGL and WOL veg communities represent potential nesting habitat but anticipate future development will not result in a significant loss of habitat. No further assessment or referral is required under the <i>TSPA 1995</i> or Commonwealth <i>EPBCA 1999</i> .



*Flora*

The proposed development envelopes in Lot 2 & 3 represent potential habitat for threatened flora species recorded within 5km. It is anticipated the proposal will result in a loss of potential habitat however, it is unlikely the removal of native vegetation to facilitate development and associated BAL-19 BHMA will not result in a significant loss of potential habitat for these species.

Table 4 - Significant Plant species previously recorded within 5 km radius of the study area <sup>16</sup>  
(Threatened species Unit, NP&WS, Tasmanian *Threatened Species Protection Act 1995*, *Commonwealth Environmental Protection, Biodiversity Conservation Act 1999* and *Tasmanian Nature Conservation Act 1999*).

CONSERVATION STATUS			
SPECEIES	TSPA	EPBC	COMMENTS
<b>No Threatened Flora within 500 metres</b>			
<b>Threatened Flora within 5000 metres</b>			
<i>Allocasuarina duncanii</i> Conical sheoak	rare	-	Not previously recorded or at time of survey. Endemic to Tasmania, this species occupies rock plates or shallow soils over dolerite. Some areas within the allotment represent potential habitat but unlikely proposed development sites and associated BHMA will result in a loss of significant habitat for species recorded within 5km. No further assessment or referral is required under TSPA.
<i>Dryopoa dives</i> Tas giant mountain grass	rare	-	Not previously recorded or at time of survey. Reproductive material required to confirm the identity. Flowers Nov-Mar. Occurs on Snug Plains in wet damp sclerophyll forest, tea tree scrub, tosockland and sedgeland, often on the edge of animal or vehicular tracks. Typically occurs within clumps of <i>Gahnia grandis</i> in the ecotone between heathy moorlands and damp sclerophyll forest and disturbed sites. Proposed development site for Lot 2 represents potential habitat however, it is not anticipated the proposal will result in a significant loss of potential habitat. No further assessment or referral is required under TSPA.
<i>Westringia angustifolia</i> Narrow-leaf westringia (Endemic to Tas)	rare	-	Not recorded. Occurs predominantly in dry, shrubby understorey, often on dolerite 300-900 metres above sea level. Not anticipated future development will result in a loss of potential habitat. No further assessment or referral is required under <i>TSPA 1995</i> .

*Planning implications*

*Huon Valley Interim Planning Scheme 2015 - Biodiversity Code*

Subdivisions and new allotments are required demonstrate the proposed development envelopes have the capacity to support appropriate development and a BAL-19 construction standard bushfire hazard management area (BHMA). The study site is within Huon Valley Council’s Biodiversity Protection Area and generally removal of vegetation requires offsetting in accordance with '*Guidelines for the use of Biodiversity Offsets in the local planning approval process*'. In accordance with Table E10.1, the site is classified as supporting ‘Moderate’ biodiversity priority values. Assessment indicates the new allotments have the capacity to accommodate an in-situ, same for same biodiversity offset.

### E10.8 Biodiversity Code - Subdivisions Development Standards

The Biodiversity Codes subdivision objectives state:

- (a) Works associated with subdivision resulting in clearance and conversion or disturbance will not have an unnecessary or unacceptable impact on priority biodiversity values;
- (b) Future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority biodiversity values.

It appears the proposal does not satisfy E10.8.1 Acceptable Solutions A1. However, assessment indicates the proposal could comply with alternative solutions Performance Criteria P1, in that:

*'clearance and conversion or disturbance must satisfy the following:*

b) *If moderate priority biodiversity values:*

- (i) *Subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements for the subdivision – Moderate to steep gradients within the allotment has limited the availability of suitable development sites.*
- (ii) *Impacts resulting from the future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area – The proposed development site and future BAL-19 BHMA in Lot 2 has been positioned clear of Nicholls Rivulet WCPA,*
- (iii) *Moderate priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title – Prior to construction, implement a Soil Water Management Plan to mitigate mobilisation of sediments. Implement best practice hygiene mechanisms to mitigate the accidental introduction of additional Declared weed species and plant pathogens (*Phytophthora cinnamomi*). Implement post construction weed management and monitoring program within disturbed sites for declared weed species,*
- (iv) *Residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Scheme: Vegetation within the study site constitutes 'Moderate' priority biodiversity values (Table E10.1 HVIPS2015). Site assessment indicates Lots 2 & 3 have the capacity to support in-situ, biodiversity offsets.*

### E10.7 Biodiversity Code – Building and Development Standards

Assessment indicates removal of vegetation to facilitate development will trigger clauses within the Biodiversity Protection Code requiring a satisfactory biodiversity offset in accordance with the *Guidelines for the use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Authority 2013*. The proposal does not satisfy A1 Acceptable Solutions E10.7.1 Building and Works. The proposal could satisfy A1 Acceptable Solutions E10.7.1 Building and Works. However, it appears the proposed works complies with alternative solution Performance Criteria P1 (b) 'Moderate' biodiversity values, in that:

- (i) *Development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development. Assessment indicates steep gradients within the allotment has limited future development to proposed locations.*
- (ii) *Impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings. New allotments are required to demonstrate The considered positioning of the proposed future development sites within moderate gradients has mitigated impacts associated with the extent of the BHMA. Elevated BAL construction standard will mitigate impacts,*
- (iii) *Remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values. Best practice includes implementation of tree protection measures for high conservation eucalypts in accordance with AS4970-2009,*

implementation of hygiene protocols for construction sites and landscaping and an appropriate soil and water management plan,

- (iv) *Residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2016.* The proposal impacts 'Moderate' priority biodiversity valued vegetation. It is anticipated any loss can be satisfactorily offset in accordance with the *Guidelines for the use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Authority 2013.* Recommended biodiversity offsets for proposed development sites are within respective allotments in the form of an in-situ, same for same at a ratio of 3 or 4:1.

#### *E23.0 On-site Wastewater Management Code*

Providing the wastewater management system is positioned within the bushfire hazard management area, appropriately designed to geotechnical specifications by approved manufactures and implemented by certified operators, it is not anticipated the output of tertiary treated wastewater will result in any long-term residual impacts on native vegetation down-slope from the facility or surface or groundwater quality. Site plans indicate the land application area is of sufficient size to comply with the requirements of AS/NZ1547.

#### *E7.0 Stormwater Management Code*

Stormwater quantity requirements must always comply with requirements of the local authority including catchment-specific standards. All stormwater flow management estimates should be prepared according to methodologies described in Australian Rainfall and Runoff (Engineering Australia 2004) or through catchment modelling completed by a suitably qualified person. The proposal does not comply with Acceptable Solutions E7.7.1 A1 however, it appears the proposal satisfies alternative solution Performance Criteria P1 in that:

*'Stormwater from new impervious surfaces must be managed by any of the following'*

- b) *Collected for re-use on the site.* Site plans indicate the stormwater will be collected on-site for re-use in 225000L collection tanks. Overflow point will implement mechanisms to mitigate erosion and mobilisation of sediments.

#### *E11.0 Waterways Protection Area Code*

Previous land use and management practices has resulted in the absence of riparian vegetation adjacent to the Class 2 Steeles Creek and significantly modified a section of riparian vegetation associated with Class 2 Nicholls Rivulet. The proposed development envelope for Lot 2 is clear of Nicholls Rivulet Class 4 WCPA and therefore anticipated the proposal satisfies Acceptable Solutions A1 of E11.7.1 Buildings and Works that states,

*'building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme'*

However, it appears the proposal satisfies a number of alternative solutions in Performance Criteria P1 in that *'building and works within a Waterway and Coastal Protection Area must satisfy all of the following:'*

- a) *'Avoid or mitigate impacts on natural values'* - The dwelling and associated BAL-19 bushfire hazard management has been positioned clear of the Class 2 Nicholls Rivulet WCPA,
- b) *'Mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values'* - The proposed works will result in short term disturbance. Providing appropriate mechanisms to mitigate the mobilisation of sediments from the development site are implemented prior to commencement of works, it is anticipated the proposal will not result in additional erosion within the Class 2 WCPA or impact remaining natural values downstream such as water quality. Works should be undertaken in accordance with DPIPWE's guidelines in *'Soil and water management on building sites'*.
- c) *'Avoid or mitigate impacts on riparian or littoral vegetation'* - The BHMA for Lot 2 will not encroach into the Class 2 WCPA. Any works will be done in accordance with DPIPWE's guidelines in *Waterways and Wetland Works Manual 2003.* A BAL-29 would further mitigate impacts.



- d) *Maintain natural stream bank and streambed condition (where exists)* – It is anticipated management of the WCPA will not impact on the existing streambank formation,
- e) *Maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation* - The proposed BHMA will not impact the physical structures of the streambed or stream bed habitat preserving the naturalness downstream.
- f) *Avoid significantly impeding natural flow and drainage* - The proposal to manage the vegetation within the Class 2 watercourse will not impact the natural flow of the watercourse or impede drainage.
- g) *Maintenance of fish passage*- Not applicable.
- h) *Proposed works will not impact any recognised wetlands* - Proposed development not within a recognised wetland.
- i) *Works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' and 'Tasmanian Coastal Works Manual' and the unnecessary use of machinery within watercourses* - Prior to commencement of any works mitigation mechanisms are to be implemented in accordance with best practice outlined in *Environmental Best Practice Guidelines 1 - Legislative and Policy Requirements for Protecting Waterways and Wetlands when Undertaking Works and Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands*.



Figure 19 – Image showing the location of proposed development site within Lot 2 in proximity to Nicholls Rivulet Class 2 60m wide WCPA (Blue) (Ref: LISTmap)

It appears the proposal does not meet Acceptable Solutions A4 of E11.7.1 Buildings and Works Acceptable solutions A4, that states:

*'Development must not involve no new stormwater point discharge into a watercourse, wetland or lake.'*

However, it appears the proposal satisfies a number of alternative solutions in Performance Criteria P4 in that:

- a) *Risk of erosion and sedimentation is minimised:* Providing best practice erosion and sedimentation mechanisms outlined in DPIWWE's *Waterways and Wetlands Works Manual 2003* and engineers' recommendations contained within the site plan site plan are implemented prior to commencement of construction, it is anticipated these mechanisms will effectively mitigate the risk of erosion and sedimentation within the Class 2 WCPA,
- b) *Any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed:* Best practice erosion and sedimentation mechanisms outlined in engineers' site plan and the Environmental Management Plan will be installed prior to commencement of works to mitigate potential impacts,

- c) *Potential for significant adverse impact on natural values is avoided:* The Council approved development envelope and access has been located to mitigate and minimise significant impacts to the WCPA. Providing clearance and conversion of bushland within the Class 4 Watercourse is staged and does not result in broad scale clearing and exposed substrate it is anticipated significant impacts can be avoided. Implement best practice erosion and sedimentation mechanisms in *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* are implemented prior to commencement of works it is not anticipated the proposed works will result in significant adverse impacts on natural values.

## 7. Conclusions

### Fauna

Under the *Huon Valley Interim Planning Scheme 2015* proposed subdivisions are required to demonstrate that new allotments have the capacity to accommodate a maximum construction standard of bush fire attack level 19 (BAL-19). Assessment based on the current subdivision plan designed by the proponent indicates the proposed development site in Lot 2 will impact a total of 5650m<sup>2</sup> of wet *Eucalyptus obliqua* vegetation community over *Leptospermum* (WOL) including potential Suitability Category 2 nesting habitat for the Grey Goshawk.

Future development in Lot 3 is likely to result in the removal of a total of 6593m<sup>2</sup> of transitioning wet *Eucalyptus globulus* and wet *E. obliqua* over broadleaf shrubs veg communities WOB/WGL. However, assessment indicates future development, including construction of the access, is unlikely to result in a significant loss of foraging and/or nesting habitat for the Swift parrot. Assessment indicates it is unlikely the proposal will result in a significant loss of potential nesting habitat for the endangered Masked Owl. No further assessment or permit is required in relation to native fauna under Tasmania's *Threatened Species Protection Act 1995* or Commonwealth's *Environmental Protection Biodiversity Conservation Act 1999*.

### Flora

Whilst no threatened flora species have been recorded within 5km, the site potentially represents suitable but marginal habitat for threatened flora species. However, it is unlikely the proposal will result in a loss of significant area of potential habitat for threatened flora. No further assessment or referral is required under Tasmania's *Threatened Species Protection Act 1995* or Commonwealth's *Environmental Protection Biodiversity Conservation Act 1999*.

Vegetation communities WOB, WGL & WRE are not listed as threatened under Schedule 3A of Tasmania's *Nature Conservation Act 2002*. No further assessment or referral under Tasmania's *Nature Conservation Act 2002* or *Land Use Planning and Approvals Act 1993* is required.

### Weeds

Under the *Tasmanian Weed Management Act 1995*, the 0.45ha infestation of Spanish heath requires management to avoid additional encroachment and mitigate further loss of biodiversity values of adjacent native vegetation. Spanish heath and Blackberry within WOL occupying Nicholls Rivulet WCPA also require management.

### Planning

The study site is within Huon Valley Council's Biodiversity Protection Area and generally any removal of vegetation requires offsetting. Assessment found the new allotments have the capacity to accommodate in-situ, same for same biodiversity offsets in accordance with '*Guidelines for the use of Biodiversity Offsets in the local planning approval process*'.

Discussions indicate with the proponent indicate the current proposed subdivision configuration has been arrived at following extensive consultation with proponent and Huon Valley Council planners. A bushfire risk assessment and subsequent subdivision site plans indicate the removal of 5650m<sup>2</sup> of vegetation in Lot 2 and 6593m<sup>2</sup> in Lot 3 is required to establish the BHMA and construct the access. Whilst it is anticipated future development will impact potential habitat for the Swift parrot and Grey Goshawk, it is not anticipated the proposal will result in a significant loss of potential habitat for these species. I do not anticipate the proposal will compromise the existing ecological systems and functions within the allotment and surrounding environs support. No further assessment or referral regarding threatened flora species is required under Tasmania's *Threatened Species Protection Act 1995* or Commonwealth's *Environmental Protection Biodiversity Conservation Act 1999*.



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**VASCULAR PLANT SPECIES LIST**  
**21 STEELES ROAD, NICHOLLS RIVULET**

I = Introduced; E = Endemic; D = Declared weed under Tas *Weed Management Act 1999*; e = Environmental weed

**DICOTYLEDON**

APIACEAE

*Hydrocotyle hirta*

ASTERACEAE

*Bedfordia salicina*

*Cassina aculeate*

I *Cirsium vulgare*

Spear thistle

e

*Euchiton sp*

*Lagenophora stipitata*

*Olearia argophylla*

*Olearia viscosa*

CLUSIACEAE

*Hypericum spp*

CONVOLVULACEAE

*Dichondra repens*

CYPERACEAE

*Gahnia grandis*

EPACRIDACEAE

*Astroloma humifusum*

Native cranberry

*Epacris impressa*

Common heath

*Lissanthe strigosa*

Peach berry

ERICACEAE

*Acrotriche serrulata*

I *Erica lusitanica*

Spanish heath

D

*Monotoca glauca*

EUPHORBIACEAE

*Beyeria viscosa*

FABACEAE

*Acacia dealbata*

Silver wattle

*Acacia leprosa*

*Acacia melanoxylon*

*Acacia verticillata*

*Aotus ericoides*

Golden pea

*Daviesia ulicifolia*

Native gorse

*Oxylobium ellipticum*

*Pultenaea juniperina*

GOODENEACEAE

*Goodenia ovata*

Hop-Native primrose



HALORAGACEAE

*Gonocarpus tetragynus*

MYRTACEAE

*Melaleuca pallida*

*Eucalyptus globulus*

*Eucalyptus obliqua*

*Eucalyptus regnans*

*Leptospermum scoparium*

OLEACEAE

*Notelaea lingustrina*

Native olive

ORCHIDACEAE

*Chiloglottis triceratopsmono*

*Pterostylis pedunculata*

PITTOSPORACEAE

*Pittosporum bicolor*

POLYGALACEAE

*Comesperma volubile*

PROTEACEAE

*Banksia marginata*

*Lomatia tinctoria*

RANUNCULACEAE

*Clematis aristata*

RHAMNACEAE

*Pomaderris apetala*

ROSACEAE

*Acaena novae-zelandiae*

RUBIACEAE

*Coprosma quadrifida*

RUTACEAE

*Nematolepis squamea*

*Zieria arborescens*

SANTALACEAE

*Exocarpos cupressiformis*

*Leptomeria drupacea*

Native cherry

SAPINDACEAE

*Dodonaea viscosa* subsp *spatulata*

URTICACEAE

I *Urtica urens*

THYMELAEACEAE

*Pimelea drupacea*

**MONOCOTYLEDONAE**

CYPERACEAE

*Gahnia grandis*

*Lepidosperma elatius*

Sword sedge

HEMEROCALLIDACEAE

*Dianella tasmanica*

*Dianella revoluta*

LAURACEAE

*Cassytha spp*

LOMANDRACEAE

*Lomandra longifolia*

Sagg

POACEAE

*Agrostis sp*

*Austrodanthonia sp*

*Ehrharta spp*

*Poa labillardierei*

**PTERIDOPHYTA**

DEMMSTAEDTIACEAE

*Histiopteris incisa*

*Pteridium esculentum*

*Polystichum proliferum*

Batswing fern

Bracken

Mother shieldfern

ECOsouth42°



*Raptor & Ecological Consultants*

Raptor & Swift Parrot Assessment Report – 21 Steeles Road, Nicholls  
Rivulet 31<sup>st</sup> January 2023



## Aims

- Determine the extent of impact to Grey Goshawk, Tasmanian Masked Owl and Swift Parrot habitat by the proposed development
- Conduct surveys to identify raptor nests
- Map the location of trees with a DBH >70cm inside and within 15m of the proposed building envelopes, access routes and bushfire hazard management areas
- Provide recommendations to minimise impacts from the proposed development on nesting habitat for the above-listed species

## Methods

Surveys were conducted over 2 days at the proposed development site in January 2023. Surveys were undertaken inside and within 15m of the proposed building envelopes, access routes and bushfire hazard management areas with a particular focus on areas of suitable habitat.

### Swift Parrot

#### *Tree hollow assessments*

Ground searches were conducted to locate trees with hollows suitable for swift parrot breeding (hollow entrance diameter > 4cm). Trees identified were checked for evidence of breeding or occupation (ie. whitewash, feathers etc) and the location was recorded with a handheld GPS.

Listening sessions were conducted to detect swift parrot calls.

### Masked Owl

#### Tree hollow assessments

Ground searches were conducted to locate trees with hollows suitable for Masked Owl (hollow entrance > 15cm). Trees identified were checked for evidence of occupation (ie. whitewash, regurgitated pellets etc) and the location was recorded with a handheld GPS.

## Grey Goshawk

Ground searches were conducted to locate grey goshawk nests/trees. Nests identified were assessed for their age/activity status and evidence of breeding (ie. whitewash, regurgitated pellets etc) and the location was recorded with a handheld GPS.

## Results

Six grey goshawk nests were identified at the proposed development site in Lot 2 (Figure 1 & 2). The nests identified appeared to be in-active at the time of the surveys and had not been used for breeding in the 2022/23 breeding season. However, three of the nests had evidence of activity (ie whitewash) beneath them, which suggests the breeding territory is still active and may be used again in the future. Tree species used by grey goshawks for nesting at the site included Silver Wattle *A. dealbata*, Blackwood *A. melanoxylon* and Stringybark *E. obliqua*.

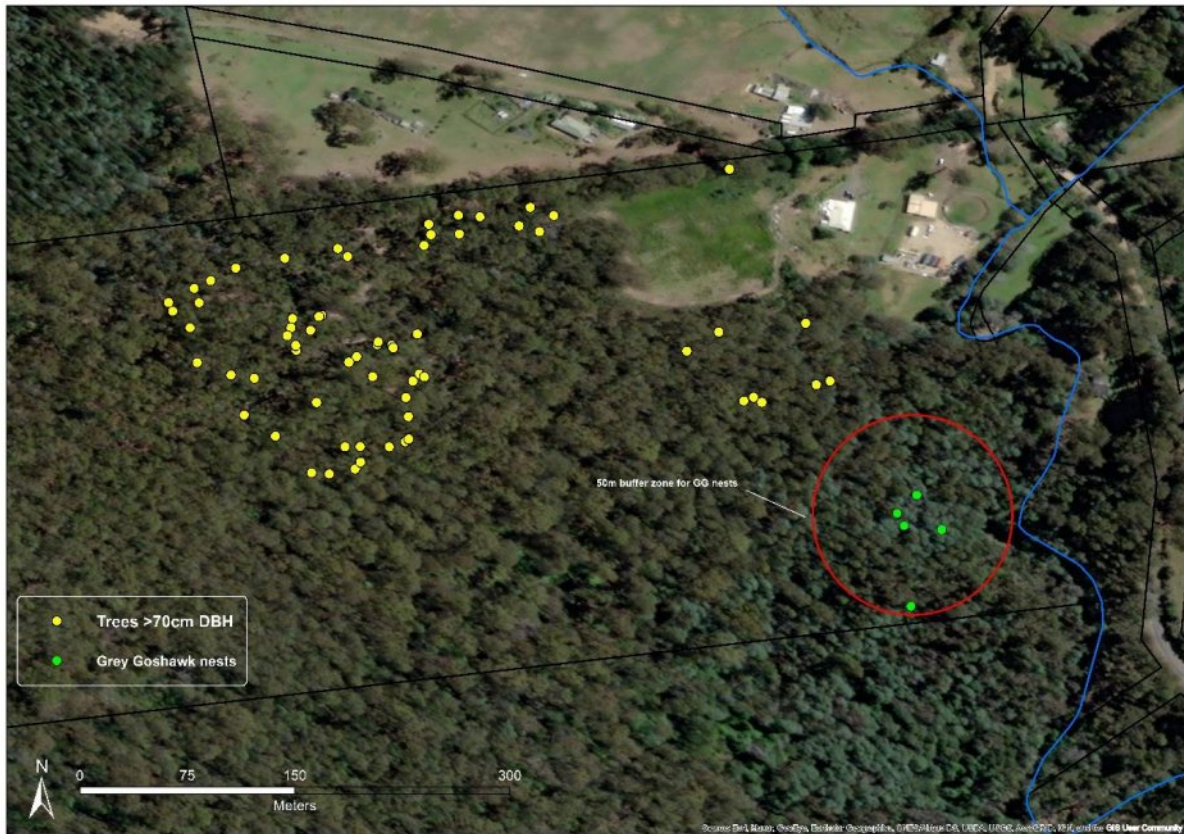
The surveys for swift parrot nesting habitat revealed a considerable number of trees with a dbh > 70cm (Figure 2), however only three of these trees contained hollows suitable for swift parrot nesting.

No suitable trees/hollows for Masked Owl were identified.



**Figure 1.** Two of the six grey goshawk nests identified during the surveys. These nests were in a Blackwood tree (*A. melanoxylon*).





**Figure 2.** Map of the site showing the location of grey goshawk nests, the grey goshawk conservation zone (recommended) and trees with a dbh >70cm inside and within 15m of the proposed building envelopes, access routes and bushfire hazard management areas.

## Recommendations

- A conservation zone (50m radius) should be applied to the grey goshawk nest sites and the proposed house site and BHMA in Lot 2 should be moved to an alternate location (the landowners have agreed and implemented this; see amended plans). No vegetation should be disturbed or removed within the grey goshawk nest site conservation zone.
- Prior to any works commencing, the grey goshawk nests should be checked for evidence of breeding prior to the 2023/24 breeding season (September 2023 is recommended) by a suitably qualified raptor ecologist. If any of the nests are active, works should cease until breeding is completed (ie juvenile goshawks have dispersed which usually occurs by the end of January/early February).

- A Part 5 Agreement or similar Conservation Covenant would be beneficial for the grey goshawk nest conservation zone to avoid vegetation removal (ie firewood collection or general clearing) and minimise disturbance in the future.
- The proposed access to Lot 3 should be restricted to existing tracks and not the proposed route as a significant number of large *E. globulus* trees will be impacted. Although these trees are not hollow bearing currently, they provide foraging habitat and will provide recruitment trees for swift parrot breeding in the future.
- Similarly, large trees (dbh > 70cm) within the proposed building envelopes and BHMA should be retained where possible as they provide foraging habitat for swift parrot and are potential recruitment trees for breeding in the near future.

Kind regards,

David Young

**BUSHFIRE HAZARD REPORT**  
**3 LOT SUBDIVISION**  
**21 STEELES ROAD, NICHOLLS RIVULET**



PREPARED BY L BRIGHTMAN

CERTIFIED BY N M CREESE

15<sup>th</sup> February 2023



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ATTACHMENT 1 - SUBDIVISION PLAN

ATTACHMENT 2 - BUSHFIRE HAZARD MANAGEMENT PLAN

ATTACHMENT 3 - PLANNING CERTIFICATE

Disclaimer:

AS 3959:2018 cannot guarantee that a habitable building will survive a bushfire attack, however the implementation of the measures contained within AS 3959:2018, this report and accompanying plan will improve the likelihood of survival of the structure. This report and accompanying plan are based on the conditions prevailing at the time of assessment. No responsibility can be accepted to actions by the landowner, governmental or other agencies or other persons that compromise the effectiveness of this plan. The contents of this plan are based on the requirements of the legislation prevailing at the time of report.

## 1. SUMMARY:

This Bushfire Hazard Report has been prepared to support the development of a new 3 lot rural subdivision at 21 Steeles Road, Nicholls Rivulet. The site is subject to a Bushfire Prone Areas Overlay under the relevant planning scheme and has also been deemed to be bushfire prone due to its proximity to the areas of bushfire prone vegetation surrounding the site.

This report identifies the protective features and controls that must be incorporated into the design and construction works to ensure compliance with the standards. Fire management solutions are as defined in *AS 3959:2018 Construction of Buildings in Bushfire-Prone Areas and E1.0, Bushfire-Prone Areas Code, Huon Valley Interim Planning Scheme 2015 (Code)*.

All lots have been designed to achieve a bushfire attack level of BAL-19 (or lower) of *AS 3959:2018* in accordance with *E1.0, the Code*. New habitable buildings on these lots are to be constructed to this level, or greater, with the establishment and maintenance of the specified Hazard Management Areas to ensure ongoing protection from the risk from bushfire attack. A reduced bushfire attack level may be permitted where the separation distance between the bushfire prone vegetation and the building exceeds that required for BAL-19, subject to a revised assessment at the time of application for building approval.

Compliance with the following provisions of the *E1.6 Development Standards, E1.0 Bushfire-Prone Areas Code, Part E Codes, Huon Valley Interim Planning Scheme 2015* will be required:

- *E1.6.1 Subdivision: Provision of hazard management areas*
- *E1.6.2 Subdivision: Public and fire fighting access*
- *E1.6.3 Subdivision: Provision of water supply for fire fighting purposes*

The effectiveness of the measures and recommendations detailed in this report and *AS 3959:2018* is dependent on their implementation and maintenance for the life of the development or until the site characteristics that this assessment has been measured from alter from those identified. No liability can be accepted for actions by lot owners, Council or governmental agencies which compromise the effectiveness of this report.

This report has been prepared by Liam Brightman and certified by Nick Creese, principal of Lark & Creese Surveyors. Liam is accredited by the Tasmania Fire Service to prepare Bushfire Hazard Management Plans. Nick is a registered surveyor in Tasmania and is accredited by the Tasmanian Fire Service to prepare Bushfire Hazard Management Plans.

Site survey was carried out on 17<sup>th</sup> October 2022.



**2. LOCATION:**

Property address: 21 Steeles Road, Nicholls Rivulet  
 Title owner: D.P. Cantwell & J.M. Cantwell  
 Title reference: C.T. 243642/1  
 PID N°: 7255428  
 Title area: Approximately 21 Ha  
 Municipal area: Huon Valley  
 Zoning: Environmental Living

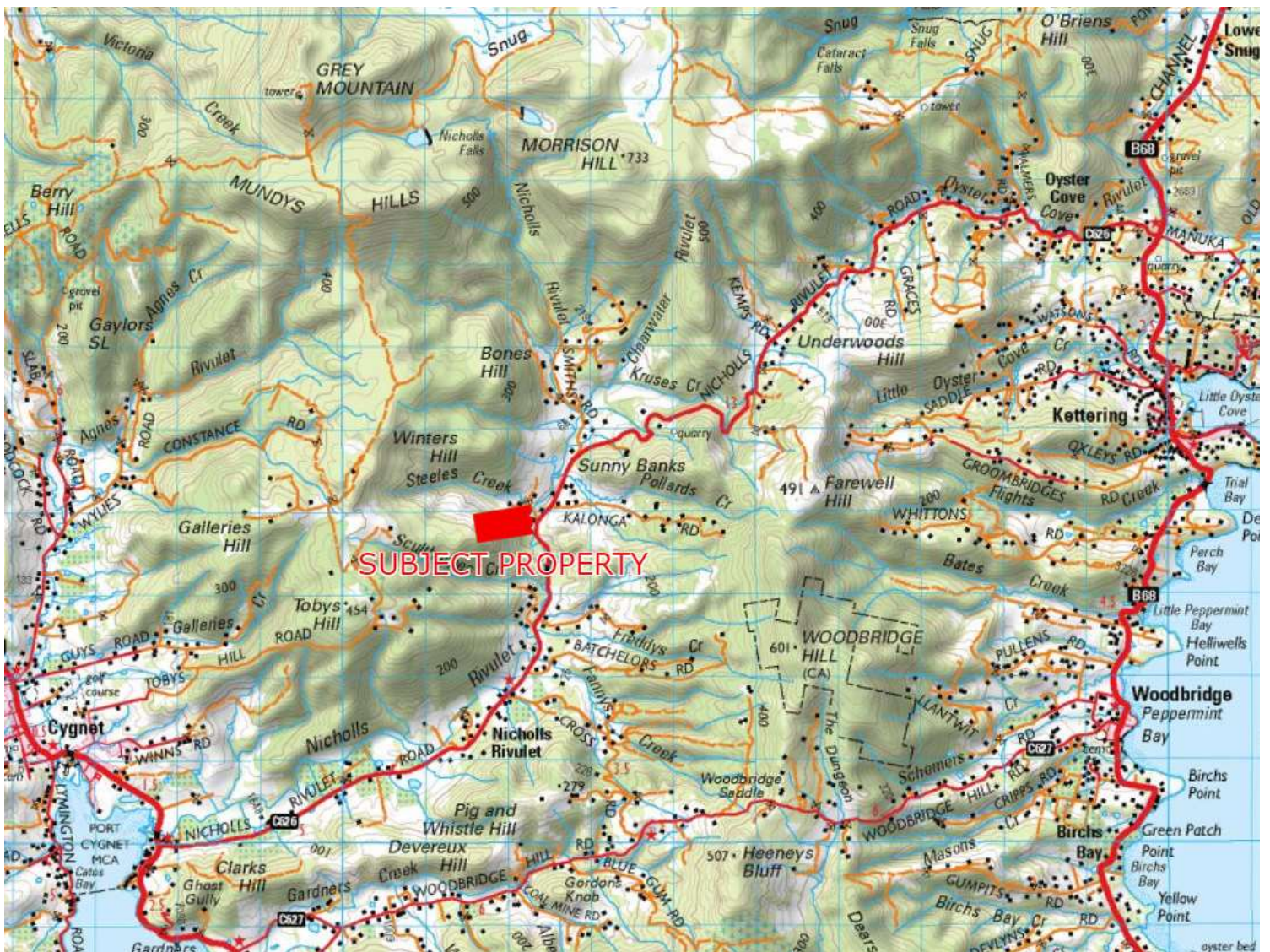


Image 1: Site location (Source *The LIST*)



### 3. SITE DESCRIPTION:

The site is located off Nicholls Rivulet Road, approximately 220 metres north of intersection of Nicholls Rivulet Road, Steeles Road, Nicholls Rivulet. The site is located at an elevation range of approximately 80-300 metres, with grades typically falling to the east in the order of 13°.

At the time of assessment, the site consisted of a gravel access from Steeles Road to the existing Class 1a and Class 10a buildings. The site was vegetated mostly by native trees and shrubs with cleared areas of grasses in the vicinity of the buildings.

North of the site were a mix of allotments that appeared to be utilized for farming purposes and extensive areas of native bushland. The farming allotments included dwellings, sheds, accesses, hardstand areas, gardens, and pasture areas.

The eastern boundary of the site follows Nicholls Rivulet beyond which were rural properties that have been developed for residential purposes that included dwellings, sheds, accesses, hardstand areas, gardens, and areas of native trees and shrubs. Also to the east were allotments that seemed to be used for farming purposes. These allotments included dwellings, sheds, accesses, hardstand areas, gardens, and pasture areas with scattered native trees. Adjacent to the north-eastern corner of the site was Steeles Road which consisted of a gravel carriageway and nature strips vegetated by trees and shrubs.

To the south are extensive areas of native bushland.

To the west were allotments that appeared to be used for forestry purposes and included gravel road and were vegetated by native trees and shrubs.

Reticulated water supply is available to the site with domestic water supply requirements reliant on Taswater mains supply.



Image 2: Aerial image of site and surrounds (Source: *The LIST*)

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Approved via Delegated Authority  
Decision Date: 6 April 2023





Image 3: Looking east towards the existing dwelling within Lot 1



Image 4: Looking east towards development site within Lot 2.

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Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 6 April 2023





Image 5: Looking north towards building area within Lot 3.

**Planning Controls:**

Planning controls are administered by the Huon Valley Council under the *Huon Valley Interim Planning Scheme 2015*. The site is subject to a Bushfire-Prone Area, Landslide Hazard Areas, Biodiversity Protection Area, Waterways and Coastal Protection Area Overlays and is zoned Environmental Living.



Image 6: Council zoning and overlays

Whole site:	Environmental Living zone
Whole site:	Bushfire-Prone Areas Overlay
Green:	Biodiversity Protection Areas Overlay
Blue:	Waterways and Coastal Protection Areas Overlay
Orange	Landslide Hazard Areas Overlay
Beige:	Rural Resource zone
Yellow:	Utilities zone



**Fire History:**

From the Fire History overlay detailed within *The LIST* map imagery, four bushfire events are mapped within a 2 km range of the site.

Year	Area	Cause	Name
1967	200,000 ha	Unknown	-
1980	31 ha	Unknown	Nicholls Rivulet
1984	153 ha	Unknown	Winters Hill
2013	26 ha	Unknown	Toby's Hill Road

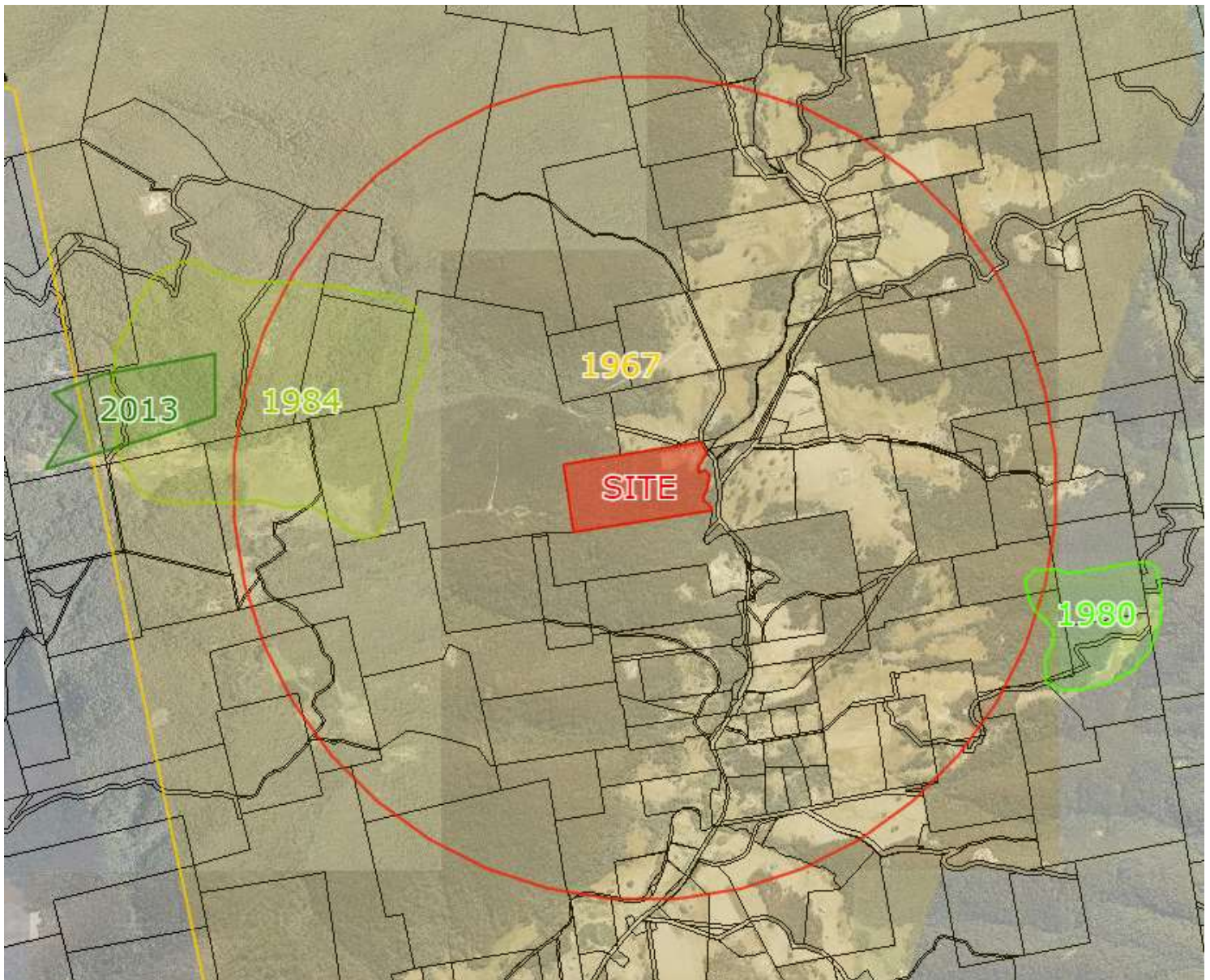


Image 7: Bushfire History (Source: *The LIST*)



**4. PROPOSED DEVELOPMENT:**

A three lot subdivision is proposed for the site. The existing dwelling is to be retained in Lot 1, and the existing shed being within Lot 2. Lot 3 is a vacant allotment. Access to all three lots will be via a common access point from Steeles Road.

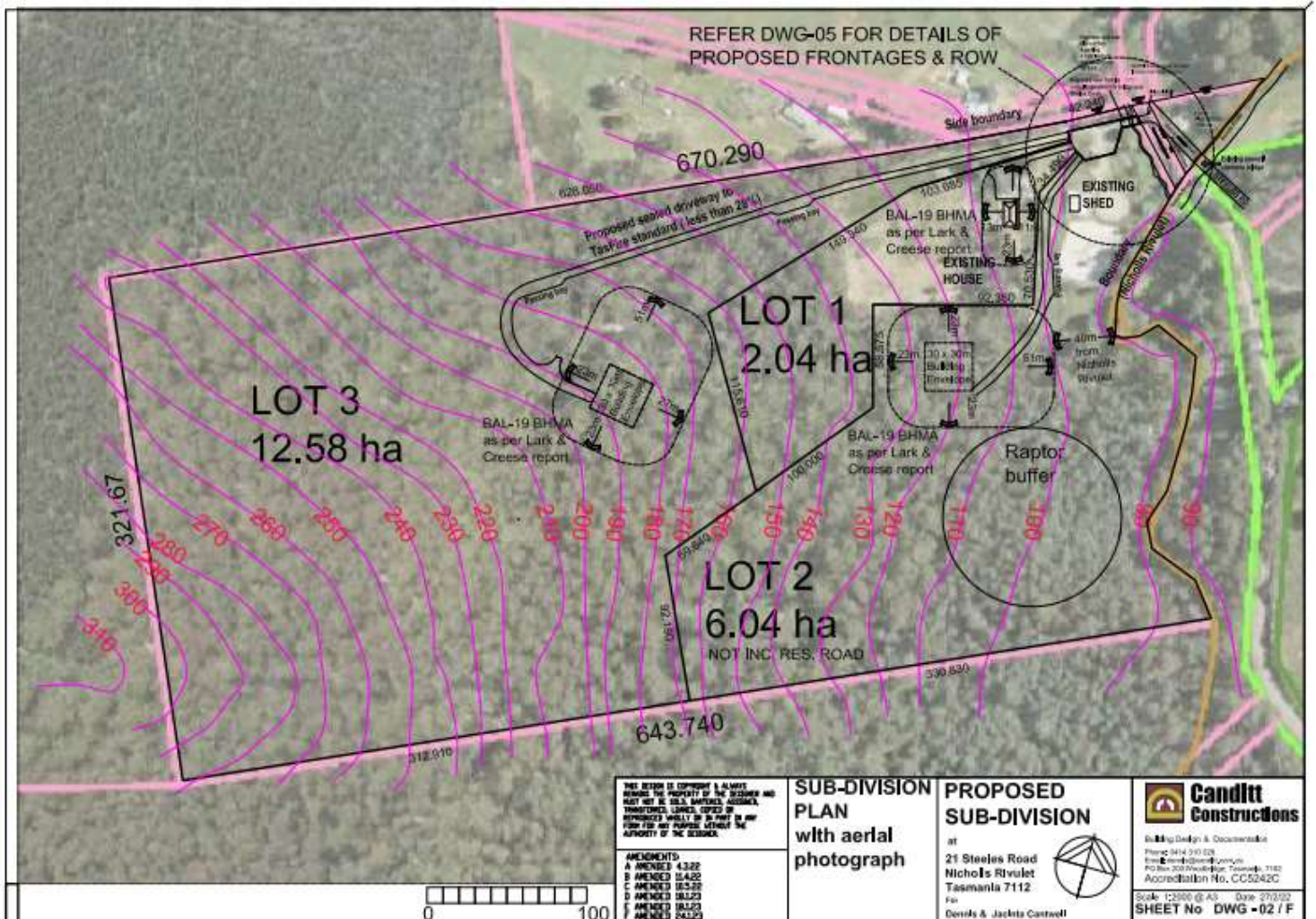


Image 8: Subdivision layout

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Planning Permit Document  
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Decision Date: 6 April 2023

**5. BUSHFIRE ATTACK LEVEL:**

Fire Danger Index (FDI): The Fire Index Rating for Tasmania is adopted as 50.

Vegetation Assessment:

Following assessment of the characteristics of the site, the vegetation types, separation distances from development site and slope under the vegetation have been identified as shown in Table 1 below:

Lot	Direction:	Vegetation type:	Distance (m):	Slope:
1 Existing dwelling	North:	Site: • garden Lot 3: • grasses • line of trees along boundary Neighbouring allotments: • dwellings, sheds, gardens, accesses, hardstand areas, pastures	0-23 23-35 35-40 40-100	Level
	East:	Site: • garden Lot 2: • existing shed, grasses • Steeles Creek • Nicholls Rivulet Neighbouring allotment: • grasses	0-11 11-100 72-75 76-90 90-100	10° down <5° down Level
	South:	Site: • garden • grasses, reeds Lot 2: • native trees & shrubs	0-11 11-40 40-100	Level
	West:	Site: • garden, gravel access • pasture area Lot 3: • pasture area	0-27 27-65 65-100	12° up
2	North:	Site: • native trees & shrubs Lot 1: • pasture area	0-30 30-100	Level
	East:	Site: • native trees & shrubs	0-100	17° down
	South:	Site: • native trees & shrubs	0-100	6° down

	West:	Site: • native trees & shrubs Neighbouring allotment: • native trees & shrubs	0-37 37-100	15° up
3	Northeast:	Site: • native trees & shrubs Neighbouring allotment: • native trees & shrubs • pasture	0-55 55-100* 88-100*	18° down
	Southeast:	Site: • native trees & shrubs Lot 1: • native trees & shrubs	0-43 40-100	<5° down
	Southwest:	Site: • native trees & shrubs	0-100	11° up
	Northwest:	Site: • native trees & shrubs	0-100	6° up

Table 1: Site Assessment

**NOTE:** \*The overlapping distances to the different vegetation types is due to an angular difference from the site to the assessed vegetation.



NOTE: The vegetation identified above has been assessed in consideration of *Table 2.3* and *Figures 2.4 (A)-(H)*, AS 3959:2018 as follows

**Lot 1** Existing Class 1a building

To the north of the existing Class 1a building is an area of garden that has been classified as **Low Threat Vegetation** (LTV) in accordance with *Part 2.2.3.2 (e) & (f)*, AS 3959:2018. Beyond the garden will be the access to Lot 3 which, at the time of assessment, included grasses, reeds, and a line of trees of trees along the boundary. The grasses and reeds were over 100 mm in height and have been classified as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*. The line of trees along the boundary had an understory of smaller trees and shrubs which appeared to have been established as a wind break. Due to the contiguous nature of the windbreak with extensive areas of bushfire prone vegetation to the west, the vegetation has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*. The area of the neighbouring allotment that is within the assessable area consisted of an existing Class 1a building, a Class 10a building, gravel access, hardstand areas, garden, and pasture used to graze sheep. The developed portion of the allotment has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f)*, AS 3959:2018. The grasses within the pasture area appeared to be short cropped due to grazing by animals and may at times in the future exceed 100 mm in height in the future. As a result, the grasses have been classified as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*.

Immediately to the east is an existing garden area which has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (e) & (f)*, AS 3959:2018. Beyond this area is part of the proposed Lot 2, which included an existing Class 10a building, a gravel access, hardstand area, grasses, reeds, Steeles Creek, Nicholls Rivulet, and a neighbouring allotment. The grasses appeared to be short due to grazing by animals and possibly environmental condition. It has been deemed appropriate to presume that the grassed may exceed 100 mm in height in the future and has been assessed as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*. The banks of Steeles Creek were vegetated by grasses and reeds. The banks of Nicholls Rivulet were vegetated by a mix of native and exotic trees and shrubs. Due to the contiguous nature of these areas vegetation with extensive areas Bushfire Prone vegetation to the north and south, the vegetation has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*. The neighbouring allotment consisted of a Class 1a building, access, hardstand area, garden, and was vegetated predominately by eucalypts with an understory of smaller trees and shrubs, and an area of grasses. The area of the neighbouring allotment that is within the assessable area was vegetated by grasses which appeared to be short due to grazing by animals and possibly environmental conditions. It has been deemed

appropriate to presume that the grasses may exceed 100 mm in height in the future and has been classified as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*.

South of the existing Class 1a building is an area of garden that has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (f)*, AS 3959:2018. Beyond this area was an area of grasses, reeds and sparse wattle trees which appeared to be periodically slashed. It has been assumed that the grasses and reeds may exceed 100 mm in height and has been classified as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*. Beyond the Grassland was an extensive area of eucalypts, 10-15 metre in height, with a dense understory of smaller trees and shrubs leading to an assessed foliage coverage of >30% leading to a vegetation classification as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*.

West of the site was an area of terraces garden that has been classified as **Low Threat Vegetation** in accordance with *Part 2.2.3.2 (f)*, AS 3959:2018. Beyond this area was an extensive area of Spanish Heath and grasses that appeared to be periodically slashed to less than 100 mm in height. As Spanish Heath can achieve heights of 1.5 - 2 metres in height it has been deemed appropriate to classify the vegetation as **C: Shrubland** in accordance with *Figure 2.4(D)* as *Closed Heath C-10*.

## Lot 2

The vegetation immediately surrounding the proposed development site within Lot 2 consisted of eucalypts, 10-15 metres in height, with a dense understory of smaller trees and shrubs leading to an assessed foliage of >30%. The vegetation has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*.

## Lot 3

The vegetation surrounding the proposed development site within Lot 3 consisted of eucalypts, 10-15 metres in height, with a dense understory of smaller trees and shrubs leading to an assessed foliage of >30% which has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*. One of the neighbouring allotments to the north appeared to be utilized for farming purposes and was vegetated by grasses with an area of eucalypts, 10-15 metres in height, along the southern and western boundaries that had a sparse understory of shrubs and reeds leading to an assessed foliage coverage of >30% which has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*. The area of grasses appeared to be short due to grazing by animals and possibly environmental conditions, it has been presumed that the grasses may exceed 100

mm in height in the future and has been classified as **G: Grassland** in accordance with *Figure 2.4(H)* as *Sown Pasture G-26*. The other neighbouring allotment appeared to be vacant and utilized for forestry purposes. This allotment consisted of eucalypts with an understory of smaller trees and shrubs leading to an assessed foliage coverage of >30% and has been classified as **A: Forest** in accordance with *Figure 2.4(B)* as *Open Forest A-03*.



Vegetation Classification:

In consideration of vegetation classifications under *Table 2.3* and *Figures 2.4 (A)-(H)*, AS 3959:2018 and as detailed above, the predominant vegetation, separation distances from development site and slope under the classified vegetation is assessed as shown in Table 2 below:

Direction:	Vegetation Type:	Distance (m):	Slope:	Exclusions:
<b>LOT 1 Existing Class 1a building</b>				
North	LTV	0-23	Level	2.2.3.2 (e) & (f)
	G: Grassland	23-35		No
	A: Forest	35-40		No
	LTV	40-100*		2.2.3.2 (e) & (f)
East	G: Grassland	40-100*	10° down <5° down Level	No
	LTV	0-11		2.2.3.2 (f)
	G: Grassland	11-100*		No
	A: Forest	76-90*		No
South	G: Grassland	90-100	Level	No
	LTV	0-11		2.2.3.2 (f)
	A: Forest	11-40		No
West	A: Forest	40-100	12° up	No
	C: Shrubland	0-27		2.2.3.2 (f)
		27-100		No
<b>LOT 2</b>				
North	A: Forest	0-30	Level	No
	C: Shrubland	30-100		No
East	A: Forest	0-100	17° down	No
South	A: Forest	0-100	6° down	No
West	A: Forest	0-100	15° up	No
<b>LOT 3</b>				
Northeast	A: Forest	0-100*	18° down	No
	G: Grassland	88-100*		No
Southeast	A: Forest	0-100	<5° down	No
Southwest	A: Forest	0-100	11° up	No
Northwest	A: Forest	0-100	6° up	No

**NOTE:** \*The overlapping distances to the different vegetation types is due to an angular difference from the site to the assessed vegetation.



Image 9: Aerial image of predominate vegetation (Source *The LIST*)





Image 10: Predominate vegetation to the north of existing Class 1a within Lot 1 – **A: Forest**  
(G: Grassland in foreground)



Image 11: Predominate vegetation to the east of existing Class 1a within Lot 1 – **G: Grassland**





Image 12: Predominate vegetation to the south of existing Class 1a within Lot 1 – **A: Forest**  
(Vegetation assessed as G: Grassland in foreground)



Image 13: Predominate vegetation to the west of existing Class 1a within Lot 1 – **C: Shrubland**





Image 14: Predominate vegetation to the north of building area within Lot 2 – **A: Forest**



Image 15: Predominate vegetation to the east of building area within Lot 2 – **A: Forest**





Image 16: Predominate vegetation to the south of building area within Lot 2 – **A: Forest**



Image 17: Predominate vegetation to the west of building area within Lot 2 – **A: Forest**





Image 18: Predominate vegetation to the north of building area within Lot 3 – **A: Forest**



Image 19: Predominate vegetation to the east of building area within Lot 3 – **A: Forest**





Image 20: Predominate vegetation to the south of building area within Lot 3 – **A: Forest**



Image 21: Predominate vegetation to the west of building area within Lot 3 – **A: Forest**

**Bushfire Attack Level (BAL):**

Based on the predominant vegetation detailed above, and the separation distances available between the predominant vegetation and the development, the BAL applicable for a compliant building area within each lot has been determined from Table 2.6, AS 3959:2018 as follows:

LOT No.	BAL	Direction	Vegetation Classification	Distance to veg	Slope	HMA per Table 2.6
1 (existing Class 1a)	19	North	LTV	0 m	Level	N/A
			G: Grassland	23 m		10-<14 m
			<b>A: Forest</b>	35 m		<b>23-&lt;32 m</b>
			LTV	40 m		N/A
		East	LTV	0 m	10° down	N/A
			<b>G: Grassland</b>	11 m	<5° down	<b>11-&lt;16 m</b>
			A: Forest	76 m	Level	23-<32 m
			G: Grassland	90 m	Level	10-<14 m
South	LTV	0 m	Level	N/A		
	G: Grassland	11 m		10-<14 m		
	<b>A: Forest</b>	40 m		<b>23-&lt;32 m</b>		
West	LTV	0 m	12° up	N/A		
	<b>C: Shrubland</b>	27 m		<b>13-&lt;19 m</b>		
2	19	North	<b>A: Forest</b>	0 m	Level	<b>23-&lt;32 m</b>
			C: Shrubland	30 m		13-<19 m
		East	<b>A: Forest</b>	0 m	17° down	<b>51-&lt;67 m</b>
		South	<b>A: Forest</b>	0 m	6° down	<b>34-&lt;46 m</b>
West	<b>A: Forest</b>	0 m	15° up	<b>23-&lt;32 m</b>		
	<b>A: Forest</b>	0 m	18° down	<b>51-&lt;67 m</b>		
3	19	Northeast	G: Grassland	88 m	18° down	17-<25 m
			<b>A: Forest</b>	0 m		<b>27-&lt;38 m</b>
		Southeast	<b>A: Forest</b>	0 m	<5° down	<b>27-&lt;38 m</b>
		Southwest	<b>A: Forest</b>	0 m	11° up	<b>23-&lt;32 m</b>
Northwest	<b>A: Forest</b>	0 m	6° up	<b>23-&lt;32 m</b>		

Table 2: Assessed Bushfire Attack Level for each lot

**NOTE:** Bold text indicates the vegetation assessed as posing the predominate bushfire threat to the buildable areas.



Lot	N	NE	E	SE	S	SW	W	NW
1	23 m	-	11 m	-	23 m	-	13 m	-
2	23 m	-	51 m	-	34 m	-	23 m	-
3	-	51 m	-	27 m	-	23 m	-	23 m

Table 3: Distances of HMA required for each buildable area

## 6. COMPLIANCE:

The site has been assessed as being within 100 metres of bushfire prone vegetation and compliance is assessed against the provisions of E1.0, *Bushfire Prone Areas Code* in the following manner:

### E1.6.1 Provision of Hazard Management Areas:

*This provision seeks to:*

- (a) *facilitate an integrated approach between subdivision and subsequent building on a lot;*
- (b) *provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and*
- (c) *provide protection for lots at any stage of a staged subdivision.*

<b>A1</b>	<b>Acceptable Solutions</b>
(a)	<i>TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</i>
(b)	<i>The proposed plan of subdivision;</i> <ul style="list-style-type: none"> <li>(i) <i>Shows all lots that are within of partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</i></li> <li>(ii) <i>Shows the building area for each lot;</i></li> <li>(iii) <i>Shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to or greater than, the separation distances required for BAL-19 in Table 2.6 of Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas; and</i></li> <li>(iv) <i>Is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL-19 in Table 2.6 of Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas; and</i></li> </ul>
(c)	<i>If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of the land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</i>

The proposed subdivision has been assessed as being compliant with the Acceptable Solutions (b) as follows

- (i) The plan of subdivision shows all lots within or partly within a bushfire-prone area.
- (ii) The plan of subdivision shows compliant building areas for all proposed allotments
- (iii) Each lot can comply with the hazard management requirements of at least those required for BAL-19.
- (iv) The attached hazard management plan shows hazard management areas for each lot that are equal to or greater than the distances required for BAL-19.

Lots assessed as **BAL-19** are:  
**LOTS: 1 - 3**

Provided the management practices as described below are implemented, they will achieve the required Hazard Management Areas, and the continuations of these practices are sufficient to comply with this assessment. Any alteration to the current management practices, or vegetation surrounding the site, within the prescribed management areas must comply with the following:

All lots are identified as containing building areas capable of compliance with the separation distances prescribed under *Table 2.6, AS 3959:2018*. Due to the proximity of the existing Class 1a building within Lot 1, an appropriate legal agreement will need to be established over part of Lot 2 and Lot 3 to accommodate the required HMA.



Maintenance Requirements of the Hazard Management Area				
HMA required Lot 1	23 metres N	11 metres E	23 metres S	13 metres W
HMA required Lot 2	23 metres N	51 metres E	34 metres S	23 metres W
HMA required Lot 3	51 metres NE	27 metres SE	23 metres SW	23 metres NW
HMA establishment recommendations	<ul style="list-style-type: none"> <li>Establishing non-flammable areas around the dwelling such as paths, patios, driveway, lawns etc.</li> <li>Locating dams, orchards, vegetable garden, effluent disposal areas etc on the bushfire prone side of the building.</li> <li>Providing heat shields and ember trap on the bushfire prone side of the dwelling such as non-flammable fencing, hedges, separated garden shrubs and small trees,</li> <li>Store flammable materials such as wood piles, fuels and rubbish heaps are stored away from the dwelling.</li> <li>Replace highly flammable vegetation with low flammability species. See Tasmanian Fire Service web site (<a href="http://www.fire.tas.gov.au">www.fire.tas.gov.au</a>) publications - Fire resisting garden plants.</li> <li>Provided separation between significant trees such that groups are no greater than 20 metres in width, and more than 20 metres of the other groups of significant trees. Note that the retention of some trees can screen a dwelling from windborne embers.</li> <li>Trim lower branches of retained trees to a minimum of 2 metres above ground level.</li> <li>Strips of vegetation less than 20 metres in width and not within 20 metres of the site or other areas of bushfire-prone vegetation may be beneficial as an ember trap, wind breaks etc.</li> <li>Removal of ground fuels such as leaves, bark, fallen branches etc.</li> </ul>			
Ongoing Management practices	<ul style="list-style-type: none"> <li>Slash or mow grasses to less than 100 mm.</li> <li>Remove dead and fallen vegetation including branches, bark, and leaves regularly.</li> <li>Trim any regrowth branches of retained trees within HMA that are less than 2m above ground level.</li> </ul>			

### E1.6.2 Subdivision: Public and fire fighting access

*This provision seeks to;*

- (a) Allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) Provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) Are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) Provide access to water supplies for fire appliances; and
- (e) Are designed to allow connectivity, and where needed, offering multiple evacuation points.

<b>A1</b>	<b>Acceptable solutions</b>
(a)	<i>TFS or an accredited person certifies that there is insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</i>
(b)	<i>A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that;</i> <ul style="list-style-type: none"> <li>(i) <i>Demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</i></li> <li>(ii) <i>Is certified by the TFS of an accredited person.</i></li> </ul>

The proposed subdivision has been assessed as being compliant with the Acceptable Solutions (b) as follows

- (i) The attached plan of subdivision shows the layout of roads, fire trails and the location of the property accesses to the building areas in compliance with *Table E1, Table E2 and Table E3*.
- (ii) This bushfire hazard report and attached bushfire hazard management area plan has been certified by N.M. Creese, an accredited bushfire practitioner BFP-118, scope 1 ,2 ,3a and 3b.

The development requires the construction of new private accesses to each lot from Steeles Road to provide safe access and egress for residents, fire fighters and emergency service personnel. Lots 2 and 3 are to be accessed via a Right Of Way over Lot 1. In accordance with *E1.6.2 A1(b)* the *Code* this private access is to comply with the requirements of *Table E2* from the edge of Steeles Road to the boundary of Lot 1.

The existing access to the existing Class 1a building within Lot 1 is proposed to be reconstructed in a new location and will need to be completed in accordance with *Table E2* prior to the sealing of the final plans by Council.

The accesses to Lot 2 and 3 are to be constructed from the edge of Steeles Road to the lot boundaries (see image below) and will need to be completed in accordance with *Table E2* prior to the sealing of the final plans by Council. Access to the building areas on Lots 2 & 3 is not required to be constructed at the time of subdivision however must be constructed in accordance with *Table E2* at the time of construction of a dwelling on these lots.

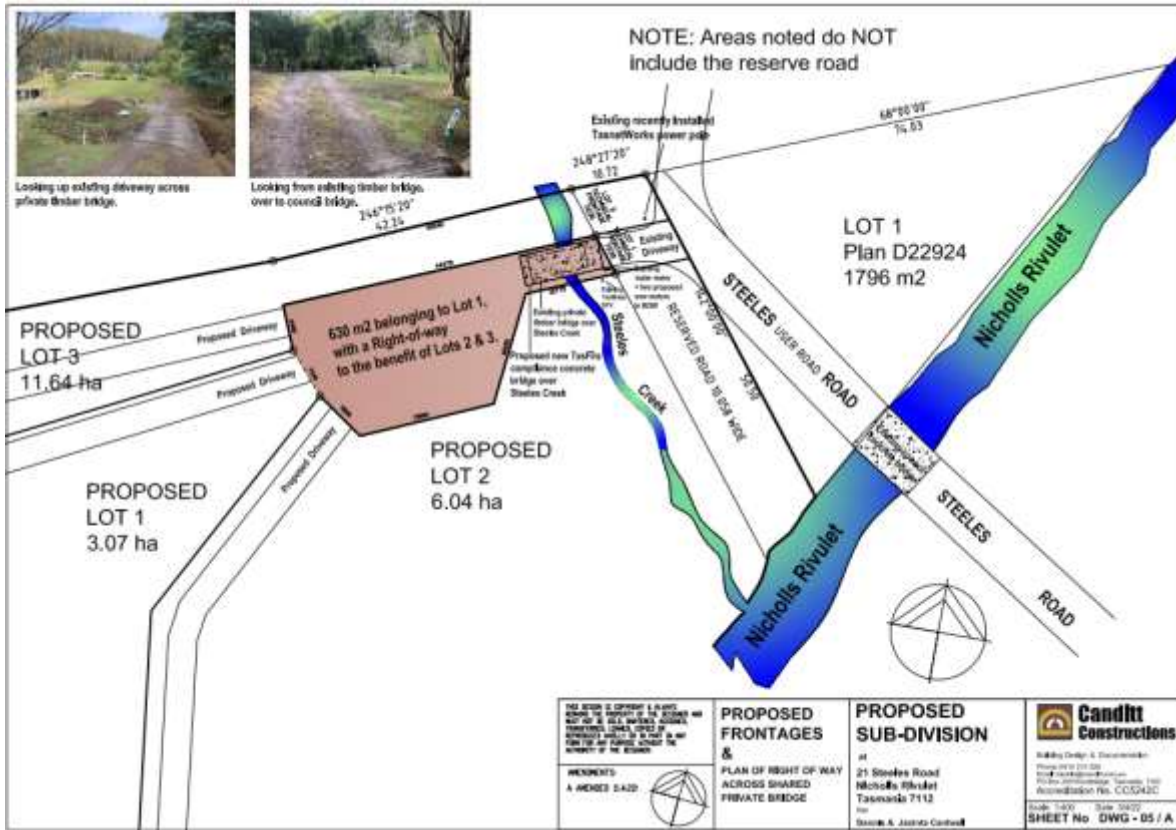


Image 22: Image showing the access to each lot via the Right of Way



<b>Table E2 Standards for property access</b>		
<b>Elements</b>		<b>Requirement</b>
A	Property access length is less than 30m; or access is not required for a fire appliance to access a firefighting 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; <ul style="list-style-type: none"> <li>(a) All-weather construction;</li> <li>(b) Load capacity of at least 20t, including for bridges and culverts;</li> <li>(c) Minimum carriageway width of 4m;</li> <li>(d) Minimum vertical clearance of 4m;</li> <li>(e) Minimum horizontal clearance of 0.5m from the edge of the carriageway;</li> <li>(f) Cross falls of less than 3 degrees (1:20 or 5%);</li> <li>(g) Dips less than 7 degrees (1:8 or 12.5%) entry and exit angles;</li> <li>(h) Curves with a minimum inner radius of 10m;</li> <li>(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</li> <li>(j) Terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> <li>(i) A turning circle with a minimum outer radius of 10m; or</li> <li>(ii) A property access encircling the building; or</li> <li>(iii) A hammerhead 'T' or 'Y' turning head 4m wide and 8m long.</li> </ul> </li> </ul>
C	Property access length is 200m or greater.	The following design and construction requirements apply to property access: <ul style="list-style-type: none"> <li>(a) The requirements of B above; and</li> <li>(b) Passing bays of 2m additional carriageway width and 20m length provided every 200m.</li> </ul>
D	Property access length is greater than 30m, and access is provided to 3 or more properties.	The following design and constructions requirements apply to property access: <ul style="list-style-type: none"> <li>(a) Complies with requirement b above; and</li> <li>(b) Passing bays of 2m additional carriageway width and 20m length must be provided every 100m.</li> </ul>

### E1.6.3 Subdivision: Provision of water supply for fire fighting purposes

*This provision seeks to:*

*Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life property associated with the subsequent use and development of bushfire-prone areas.*

<b><i>In areas serviced with reticulated water by the water corporation</i></b>	
<b>A1</b>	<b><i>Acceptable solutions</i></b>
(a)	<i>TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</i>
(b)	<i>A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</i>
(c)	<i>A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</i>

The site is serviced by reticulated water however, the closest fire hydrant is located adjacent to Nicholls Rivulet Road, approximately 360 metres from the site, as such the requirements of *Acceptable Solutions A2* have been applied.

<b><i>In areas that are not serviced by reticulated water by the water corporation</i></b>	
<b>A2</b>	<b><i>Acceptable solutions</i></b>
(a)	<i>The TFS or an accredited person certifies that there is insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purpose;</i>
(b)	<i>The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</i>
(c)	<i>A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risk to property and lives in the event of a bushfire.</i>

Where a reticulated supply of water is not available to the site, in accordance with Acceptable Solution A2(b), all lots are assessed as being within a bushfire prone area and must be provided with a firefighting supply of water from a static supply in compliance with the provisions of *Table E5, E1.6.2* as follows:

A static water supply for fire fighting purposes, compliant with *Table E5*, must be made provided Lot 1 prior to the sealing of the final plans by Council.

A static water supply for firefighting purposes within Lot 2 and Lot 3 will not be required at the time of subdivision but must be made available at the time of construction of a habitable building within those allotments.

<b>Table E5 Static water supply for fire fighting</b>		
<b>Element</b>	<b>Requirement</b>	
A	Distance between buildings area to be protected and water supply	The following requirements apply: (a) The building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and (b) The distance must be measured as a hose lay, between the fire fighting 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 for fire fighting water must be available at all times; (c) Must be a minimum of 10,000L per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinklers or spray systems; (d) Must be metal, concrete or lagged by non-combustible materials is above ground; and (e) If a tank can be located so it is shielded in all directions in compliance with section 3.5 of Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: (i) Metal; (ii) Non-combustible material; or (iii) Fibre-cement a minimum of 6mm thickness.
C	Fittings, pipework and accessories (including stands and tank supports)	Fittings and pipework associated with a fire fighting water 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) If buried, have a minimum depth of 300mm; (e) Provide a DIN or NEN standard forged Storz 65mm 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 220mm length); (h) Ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and (i) If a remote offtake is installed, ensure the offtake is in a position that is:



		<ul style="list-style-type: none"> <li>(i) Visible;</li> <li>(ii) Accessible to allow connection by fire fighting equipment;</li> <li>(iii) At a working height of 450-600mm above ground level; and</li> <li>(iv) Protected from possible damage, including damage by vehicles.</li> </ul>
D	Signage for static water connections.	<p>The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location.</p> <p>The sign must:</p> <ul style="list-style-type: none"> <li>(a) Comply with water tank signage requirements within Australian Standard AS 2304-2001 Water storage tanks for fire protection systems; or</li> <li>(b) Comply with the Tasmanian Fire Service Water Supply Guideline published by the Tasmanian Fire Service.</li> </ul>
E	Hardstand	<p>A hardstand area for fire appliances must be:</p> <ul style="list-style-type: none"> <li>(a) No more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like);</li> <li>(b) No closer than 6m from the building area to be protected;</li> <li>(c) A minimum width of 3m constructed to the same standard as the carriageway; and</li> <li>(d) Connected to the property access by a carriageway equivalent to the standard of the property access.</li> </ul>

## 7. CONCLUSIONS & RECOMMENDATIONS:

This Bushfire Hazard Report and Bushfire Hazard Management Plan have been prepared to support application for planning approval for a subdivision at 21 Steeles Road, Nicholl Rivulet. The report has reviewed the bushfire risks associated with the site and determined the fire management strategies that must be carried out to ensure the development on the site is at reduced risk from bushfire attack.

Provided the elements detailed in this report are implemented, the development on the site is capable of compliance with *AS 3959:2018* and *E1.0 Bushfire-Prone Areas Code* and any potential bushfire risk to the site is reduced.

The proposed lots have been assessed as compliant with bushfire attack levels (BAL) detailed in Table 2. The Council approval issued for the development should contain conditions requiring that the protective elements defined in this report and *E1.0, Bushfire-Prone Areas Code* be implemented during the construction phase. Any new building required to comply with this assessment must be constructed to the bushfire attack level described in Table 2, within the prescribed building areas noted on the Bushfire Hazard Management Plan. Should the extent or classification of the bushfire prone vegetation surrounding the site alters from that assessed by this report, building on the lots affected by this variation may be constructed to a lower level subject to the preparation of a revised assessment.

Lot No.	Compliant BAL
1 - 3	BAL-19

Table 4: Compliant BAL for each lot

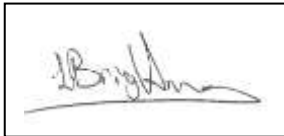
- In accordance with *E1.6.1 Subdivision: Provision of hazard management areas*, each lot contains a building area with separation distances equal to, or greater than that required for BAL-19.
- In accordance with *E1.6.2 Subdivision: Public and fire fighting access* the access to the existing Class 1a building within Lot 1 must be constructed in accordance with *Table E2 Standards for property access* prior to the sealing of the final plans by Council. The access to Lot 2 and Lot 3 is to be constructed from the edge of Steeles Road to the lot boundary prior to the sealing of the final plans by Council. The access to the buildable areas of Lot 2 and Lot 3 will not be required at the time of subdivision but must be constructed in accordance with *Table E2 Standards for property access* at the time of construction of a habitable building.
- In accordance with *E1.6.3 Subdivision: Provision of water supply for fire fighting purposes* a static water supply consistent with the requirements of *Table E5 Static water supply for fire fighting* must be provided on Lot 1 prior to the sealing of the final plans by Council. A static water supply for firefighting will not be required within Lot 2 and Lot 3 at the time of subdivision but must be made available at the time of construction of a habitable building within Lot 2 and Lot 3.

Although not mandatory, any increase in the construction standards above the assessed Bushfire Attack Level will afford improved protection from bushfire and this should be considered by the owner, designer and/or builder prior to construction commencing.

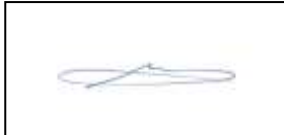
Hazard Management Areas must be established and maintained in a minimal fuel condition in accordance with this plan and the TFS guidelines. It is the owner's responsibility to ensure the long-term maintenance of the hazard management areas in accordance with the requirements of this report.

This report does not recommend or endorse the removal of any vegetation within or adjoining the site for the purpose of bushfire protection without the explicit approval of the local authority.

L Brightman  
Bushfire Hazard Practitioner BFP-164  
Scope 1, 2, 3a and 3b



N M Creese  
Bushfire Hazard Practitioner BFP-118  
Scope 1, 2, 3a and 3b



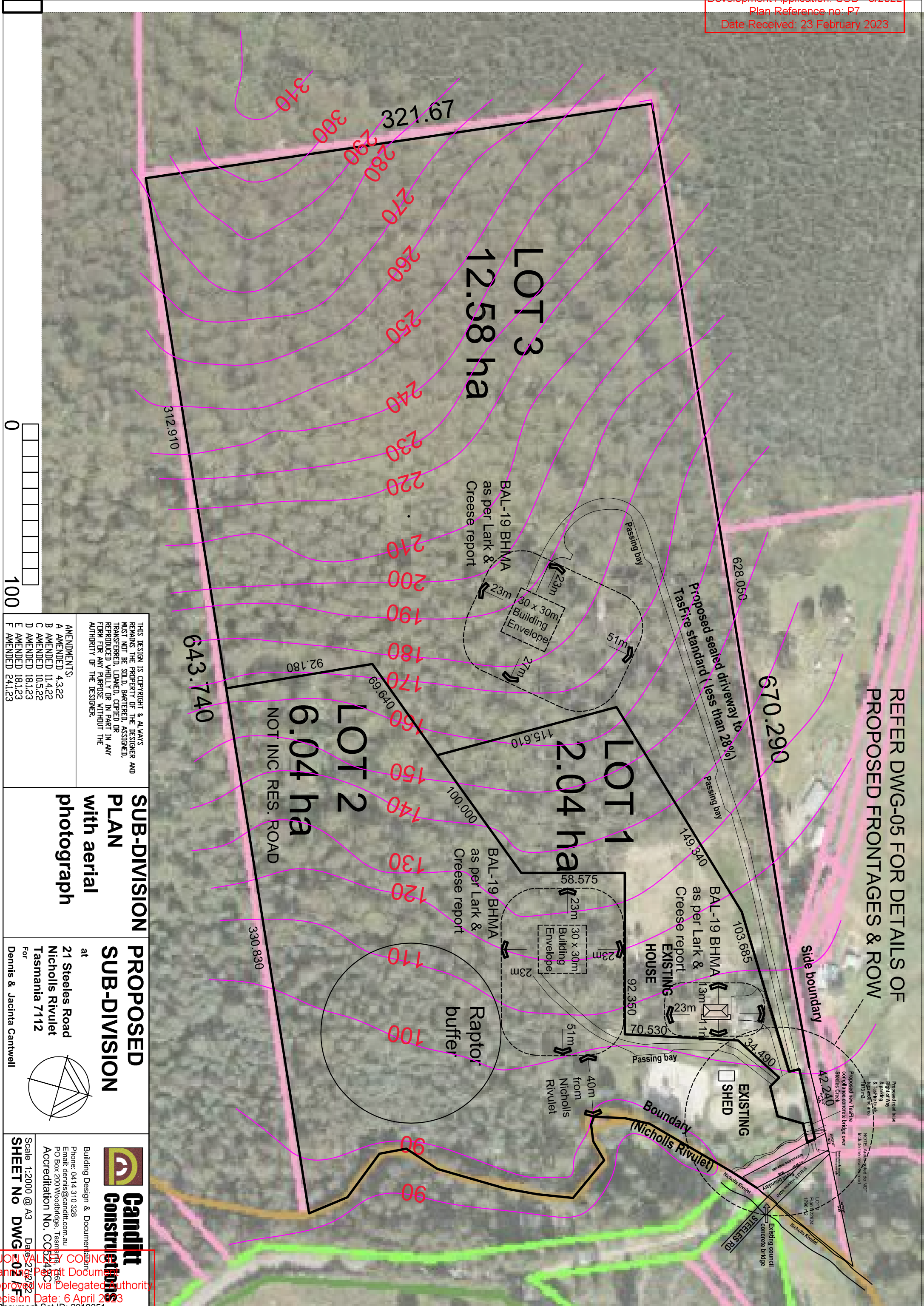


## 8. REFERENCES:

- *AS 3959:2018 - Construction of Buildings in Bushfire Prone Areas.*
- *Huon Valley Interim Planning Scheme 2015.*
- *Guidelines for Development in Bushfire Prone Areas - Tasmania Fire Service.*
- *The LIST - Department of Primary Industry Parks Water & Environment.*

## 9. GLOSSARY

<b>AS 3959:2018</b>	Australian Standards AS 3959:2018 <i>Construction of buildings in bushfire-prone areas.</i>
<b>BAL (Bushfire Attack Level)</b>	A means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire. The following BAL levels, based on heat flux exposure threshold are used within AS3959:2018; BAL-LOW, BAL-12.5, BAL-19, BAL-29, BAL-40, BAL-FZ.
<b>Bushfire</b>	An unplanned fire burning vegetation.
<b>Bushfire Hazard Management Plan</b>	A plan showing means of protection from bushfire in a form approved in writing by the Chief Officer.
<b>Bushfire-Prone Area</b>	An area that is subject to, or likely to be subject to, bushfire attack. Land that has been designated under legislation; or Has been identified under environmental planning instrument, development control plan or in the course of processing and determining a development application.
<b>Carriageway (also vehicular access)</b>	The section of the road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulder.
<b>Classified vegetation</b>	Vegetation that has been classified in accordance with Clause 2.2.3 of AS3959:2018.
<b>Distance to</b>	The distance between the building, or building area to the classified vegetation.
<b>FDI (Fire Danger Index)</b>	The chance of a fire starting, its rate of spread, its intensity and the difficulty of its suppression, according to various combinations of air temperature, relative humidity, wind speed and both long- and short-term drought effects.
<b>Fire Fighting Water Point</b>	Means the point where a fire appliance is able to connect to a water supply for fire fighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake or pool).
<b>Gradient under</b>	The slope of the ground under the classified vegetation.
<b>Hazard Management Area</b>	The area between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for fire fighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire.
<b>Hose lay</b>	The distance between two points established by a fire hose laid out on the ground, inclusive of obstructions.
<b>Predominate vegetation</b>	The vegetation that poses the greatest bushfire threat to the development site.
<b>Water supply - Reticulated (Fire hydrant)</b>	An assembly installed on a branch from a water pipeline, which provides a valved outlet to permit a supply of water to be taken from the pipeline for fire fighting.
<b>Water supply - Static</b>	Water stored on a tank, swimming pool, dam, or lake, that is available for fire fighting purposes at all times.



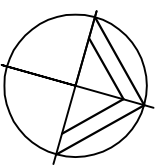
REFER DWG-05 FOR DETAILS OF  
 PROPOSED FRONTAGES & ROW

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- AMENDMENTS:
- A AMENDED 4.3.22
  - B AMENDED 11.4.22
  - C AMENDED 10.5.22
  - D AMENDED 18.1.23
  - E AMENDED 18.1.23
  - F AMENDED 24.1.23

**SUB-DIVISION  
 PLAN**  
 with aerial  
 photograph

**PROPOSED  
 SUB-DIVISION**  
 at  
 21 Steeles Road  
 Nicholls Rivulet  
 Tasmania 7112  
 For  
 Dennis & Jacinta Cantwell



**Canditt  
 Construction**

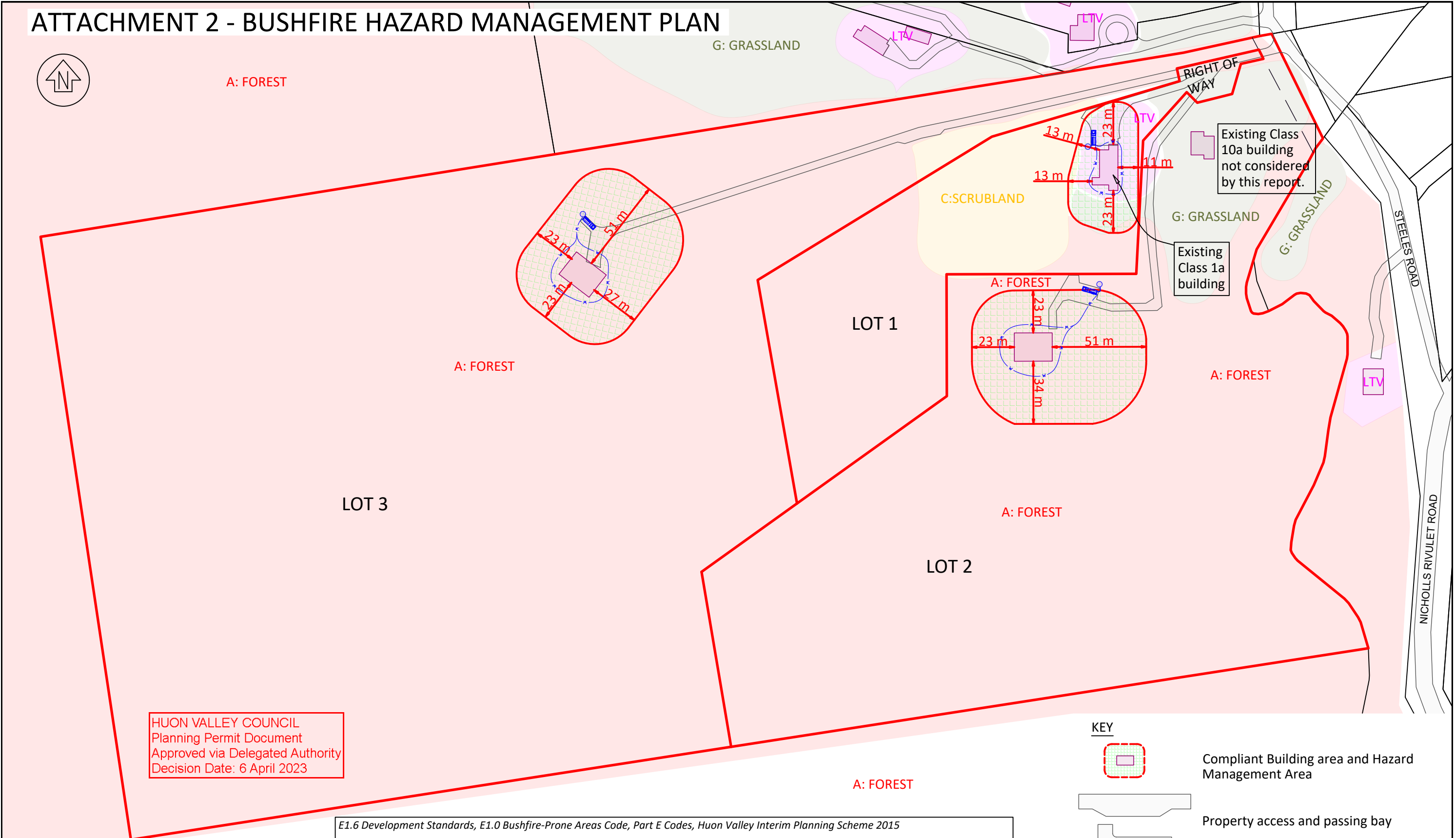
Building Design & Documentation  
 Phone: 0414 310 328  
 Email: dennis@canditt.com.au  
 PO Box 200 Woodbridge, Tasmania 7136  
 Accreditation No. CC5248C

Scale 1:2000 @ A3  
 SHEET No DWG -02 FF  
 Date 27/2/23

HUON VALLEY COUNCIL  
 Planning Permit Document  
 Approved via Delegated Authority  
 Decision Date: 6 April 2023  
 Document ID: 2019051



# ATTACHMENT 2 - BUSHFIRE HAZARD MANAGEMENT PLAN



HUON VALLEY COUNCIL  
 Planning Permit Document  
 Approved via Delegated Authority  
 Decision Date: 6 April 2023

**E1.6 Development Standards, E1.0 Bushfire-Prone Areas Code, Part E Codes, Huon Valley Interim Planning Scheme 2015**

- E1.6.1 Subdivision: Provision of hazard management areas**
- Each lot has been designed to accommodate a buildable area compliant with BAL-19 in accordance with *Acceptable Solutions A1(b)(iii)*. Location of building areas on Lots 2 & 3 may vary provided hazard management areas are wholly contained within the lot boundaries.
- E1.6.2 Subdivision: Public and fire fighting access**
- Property access is to comply with *Table E2*. Access to Lot 1 is to be constructed to the dwelling prior to Council sealing the final plan. Access to Lots 2 & 3 is only required to the lot boundaries for the purpose of subdivision. Access to the building site and on-site turning is to be constructed at the time of development of a dwelling on Lots 2 & 3.
- E1.6.3 Subdivision: Provision of water supply for fire fighting purposes**
- A static water supply for fire fighting purposes is to be provided in accordance with *Table E5*. Lot 1 is to have a water supply installed at the time of Council sealing the final plan. Lots 2 & 3 require water supply to be installed at the time of development of a habitable building.

**KEY**

- Compliant Building area and Hazard Management Area
- Property access and passing bay
- Combined turning and hardstand area
- Hose lay

Prepared by L Brightman  
 Provisional Bushfire Hazard Practitioner BFP-P  
 Scope 1, 2, 3a and 3b

Certified by N M Creese  
 Accredited Bushfire Hazard Practitioner BFP-118  
 Scope 1, 2, 3a and 3b  
 15th February 2023

**LARK & CREESE** PTY LTD  
 LAND AND ENGINEERING SURVEYORS

62 Channel Highway  
 Kingston 7050 Ph. 62296563  
 info@larkandcreese.com.au  
 www.larkandcreese.com.au

ADDRESS: 21 STEELES ROAD, NICHOLLS RIVULET	
TITLE REF: C.T.243642/1	PID: 7255428
SCALE: 1:2000 @ A3	REF No: PN: 30124 TN: 50374-02

## BUSHFIRE-PRONE AREAS CODE

### CERTIFICATE<sup>1</sup> 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:

21 STEELES ROAD, NICHOLLS RIVULET

Certificate of Title / PID:

C.T.243642/1, PID 7253428

#### 2. Proposed Use or Development

Description of proposed Use and Development:

SUBDIVISION OF THREE LOTS

Applicable Planning Scheme:

HUON VALLEY INTERIM PLANNING SCHEME

#### 3. Documents relied upon

This certificate relates to the following documents:

Title	Author	Date	Version
PROPOSED SUBDIVISION	CANDITT CONSTRUCTIONS	24/01/2023	-
BUSHFIRE HAZARD REPORT	N M CREESE	15 <sup>th</sup> Feb 2023	30124-02
BUSHFIRE HAZARD MANAGEMENT PLAN	N M CREESE	15 <sup>th</sup> Feb 2023	30124-02

<sup>1</sup> This document is the approved form of certification for this purpose and must not be altered from its original form.

#### 4. Nature of Certificate

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

<input type="checkbox"/> <b>E1.4 / C13.4 – Use or development exempt from this Code</b>	
Compliance test	Compliance Requirement
<input type="checkbox"/> E1.4(a) / C13.4.1(a)	Insufficient increase in risk

<input type="checkbox"/> <b>E1.5.1 / C13.5.1 – Vulnerable Uses</b>	
Acceptable Solution	Compliance Requirement
<input type="checkbox"/> E1.5.1 P1 / C13.5.1 P1	<b><i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i></b>
<input type="checkbox"/> E1.5.1 A2 / C13.5.1 A2	Emergency management strategy
<input type="checkbox"/> E1.5.1 A3 / C13.5.1 A2	Bushfire hazard management plan

<input type="checkbox"/> <b>E1.5.2 / C13.5.2 – Hazardous Uses</b>	
Acceptable Solution	Compliance Requirement
<input type="checkbox"/> E1.5.2 P1 / C13.5.2 P1	<b><i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i></b>
<input type="checkbox"/> E1.5.2 A2 / C13.5.2 A2	Emergency management strategy
<input type="checkbox"/> E1.5.2 A3 / C13.5.2 A3	Bushfire hazard management plan

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



<input type="checkbox"/> <b>E1.6.2 / C13.6.2 Subdivision: Public and fire fighting access</b>		
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.2 P1 / C13.6.2 P1	<b><i>Planning authority discretion required. A proposal cannot be certified as compliant with P1.</i></b>
<input type="checkbox"/>	E1.6.2 A1 (a) / C13.6.2 A1 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.2 A1 (b) / C13.6.2 A1 (b)	Access complies with relevant Tables

<input type="checkbox"/> <b>E1.6.3 / C13.1.6.3 Subdivision: Provision of water supply for fire fighting purposes</b>		
	<b>Acceptable Solution</b>	<b>Compliance Requirement</b>
<input type="checkbox"/>	E1.6.3 A1 (a) / C13.6.3 A1 (a)	Insufficient increase in risk
<input type="checkbox"/>	E1.6.3 A1 (b) / C13.6.3 A1 (b)	Reticulated water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A1 (c) / C13.6.3 A1 (c)	Water supply consistent with the objective
<input type="checkbox"/>	E1.6.3 A2 (a) / C13.6.3 A2 (a)	Insufficient increase in risk
<input checked="" type="checkbox"/>	E1.6.3 A2 (b) / C13.6.3 A2 (b)	Static water supply complies with relevant Table
<input type="checkbox"/>	E1.6.3 A2 (c) / C13.6.3 A2 (c)	Static water supply consistent with the objective

## 5. Bushfire Hazard Practitioner

**Name:** Nicholas Mark Creese **Phone No:** 6229 6563

**Postal Address:** PO Box 136  
Kingston TAS 7051 **Email Address:** nick@larkandcreese.com.au


**Accreditation No:** BFP-118 **Scope:** 1, 2, 3a, 3b

## 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:**

N M Creese

**Date:** 15/02/2023

**Certificate Number:** 30124-02

(for Practitioner Use only)



# HUON VALLEY COUNCIL

40 Main Street, Huonville  
PO Box 210, Huonville 7109  
hvc@huonvalley.tas.gov.au  
ph: (03) 6264 0300  
ABN: 77 602 207 026

Mr D P Cantwell and Mrs J M Cantwell  
PO Box 200  
WOODBIDGE TAS 7162

Our Ref: DA-183/2021  
PID 7255428  
Enquiries To: Planning

20 September 2021

Dear Mr Cantwell and Mrs Cantwell

**PROPOSED CHANGE OF USE FROM OUTBUILDING TO ANCILLARY DWELLING AT  
21 STEELES ROAD, NICHOLLS RIVULET (CT-243642/1)**

Your planning application dated 5 July 2021 for the above proposal has been approved.

The planning permit containing the conditions under which the approval was granted is attached. The permit relates to the use of the land or buildings irrespective of the applicant or subsequent occupants and whoever acts on it must comply with all conditions attached thereto. ***Please read the permit carefully to ensure that all conditions are complied with.***

You should now lodge a building and plumbing application in accordance with the conditions of approval of this permit and to comply with the Building Code of Australia. ***Works must not commence until a building and/or plumbing permit has been issued for the proposal.***

Any person who made representations in response to the public notification has been advised of the Planning Authority's decision and of their right to lodge an appeal. Consequently, although the planning permit is enclosed, the development should not proceed until after the two-week period in which an appeal may be lodged has lapsed and no appeals have been lodged.

Should you not be satisfied with the decision or the conditions of the permit you have a right to appeal the decision. Appeals must be lodged with the Resource Management and Planning Appeal Tribunal (the Tribunal) within 14 days of the date of this letter and be accompanied by the prescribed fee. For more information, please refer to the Resource Management and Planning Appeal Tribunal website, [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au).

If you have concerns regarding the decision or any of the permit conditions, please do not hesitate to contact Council's Planning Officer Robyn Bevilacqua on 6264 0300 or [hvc@huonvalley.tas.gov.au](mailto:hvc@huonvalley.tas.gov.au) who will be happy to assist.

Yours sincerely

**KATHRYN TUCKER  
SENIOR PLANNING OFFICER**





# HUON VALLEY COUNCIL

40 Main Street, Huonville  
PO Box 210, Huonville 7109  
hvc@huonvalley.tas.gov.au  
ph: (03) 6264 0300  
ABN: 77 602 207 026

## PLANNING PERMIT

Applicant: Mr D P Cantwell and Mrs J M Cantwell  
Permit number: DA-183/2021  
Application date: 5 July 2021  
Approval date: 14 September 2021  
Permit for: Change of use from outbuilding to ancillary dwelling  
Site: 21 Steeles Road, Nicholls Rivulet (CT-243642/1)  
Property ID: 7255428  
Planning Scheme: Huon Valley Interim Planning Scheme 2015

Approval is granted in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* subject to the following conditions:

### Conditions

1. Except as otherwise required by this permit, the change of use must be substantially in accordance with Development Application DA-183/2021 and Council Plan Reference No. P1 Plans submitted on 30 June 2021, endorsed on 14 September 2021, and attached to this permit.
2. This permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this permit. Any amendment, variation or extension of this permit requires further planning consent of the Planning Authority.

### Advice

- A. This approval is in respect of development/use under the Planning Scheme and does not imply any other approval by the Planning Authority, Council, or any other body.  
It is the developer's responsibility to ensure that all necessary approvals, including but not limited to building and plumbing permits, are obtained.
- B. In accordance with the *Land Use Planning and Approvals Act 1993*, this permit shall lapse at the expiration of two years from the date of approval if the approved use and development has not substantially commenced and an extension of time for a further two year period has not been sought and obtained from the Planning Authority.
- C. Under the *Building Act 2016* and Council's *Roads (Local Highways) By-Law 2014*, erosion/siltation/infiltration control measures will need to be applied during construction works to the satisfaction of Council's Director Infrastructure Services.

A series of Fact Sheets, Soil and Water Management on Buildings Sites, is available from the Environmental Protection Authority website at [Soil and Water Management on Building Sites - EPA Tasmania](#)

D. *Building Act 2016:*

Building work: A *change of use* application under the *Building Act 2016* will need to be lodged with Council for a building permit to be issued prior to the commencement of the residential use of the building.

Therefore, it is recommended advice from a building surveyor is obtained on the requirements for a change of use, and for an application for a building permit for any building work that is required to be carried out on the building.

Plumbing work: An application for plumbing work will need to be lodged with the Council for upgrading the existing onsite wastewater management system prior to the residential use of the building commencing.



**LACHLAN KRANZ**  
**ACTING DIRECTOR ENVIRONMENT AND DEVELOPMENT SERVICES**



**Aerial Photo of existing buildings**

# Applicaton to Convert an existing Colorbond Shed into an ANCILLARY DWELLING

at  
**21 STEELES ROAD  
NICHOLLS RIVULET  
TAS**  
for  
Dennis & Jacinta Cantwell

## Drawing Register

Cover sheet, Property ID, Zoning,	DWG-01	-
Aerial partial site plan, Drawing Register	DWG-02	1:16000
Site Plan	DWG-03	1:200
Drainage Plan		

**REAL PROPERTY DESCRIPTION**  
  
**LOT 1 on Plan 243642**  
**20.66 ha**  
**Local Authority: Huon Valley Council**

**PLANNING  
APPLICATION  
SET**

### AMENDMENTS:

Date placed on public exhibition: 25 August 2021

Development Application: DA - 183/2021  
 Plan Reference no: P1 Plans  
 Date Received: 30 June 2021

HUON VALLEY COUNCIL  
 Planning Permit Document  
 Approved via Delegated Authority  
 Decision Date: 14 September 2021

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### SITE PLAN

Plumbing Application for a  
**BATHROOM IN AN  
 EXISTING COLORBOND SHED**  
 at  
**21 STEELES ROAD  
 NICHOLLS RIVULET  
 TAS**  
 for Dennis & Jacinta Cantwell

**Dennis Cantwell** T/A  
 Canditt Constructions P/L  
 Building Design & Documentation  
 Phone: 0414 310 328  
 Email: dennis@canditt.com.au  
 PO Box 200 Woodbridge Tas 7162  
 Accreditation No CC5242 C  
 Scale: 1:10000 Date: 9/3/21  
**SHEET No 01**



321.87

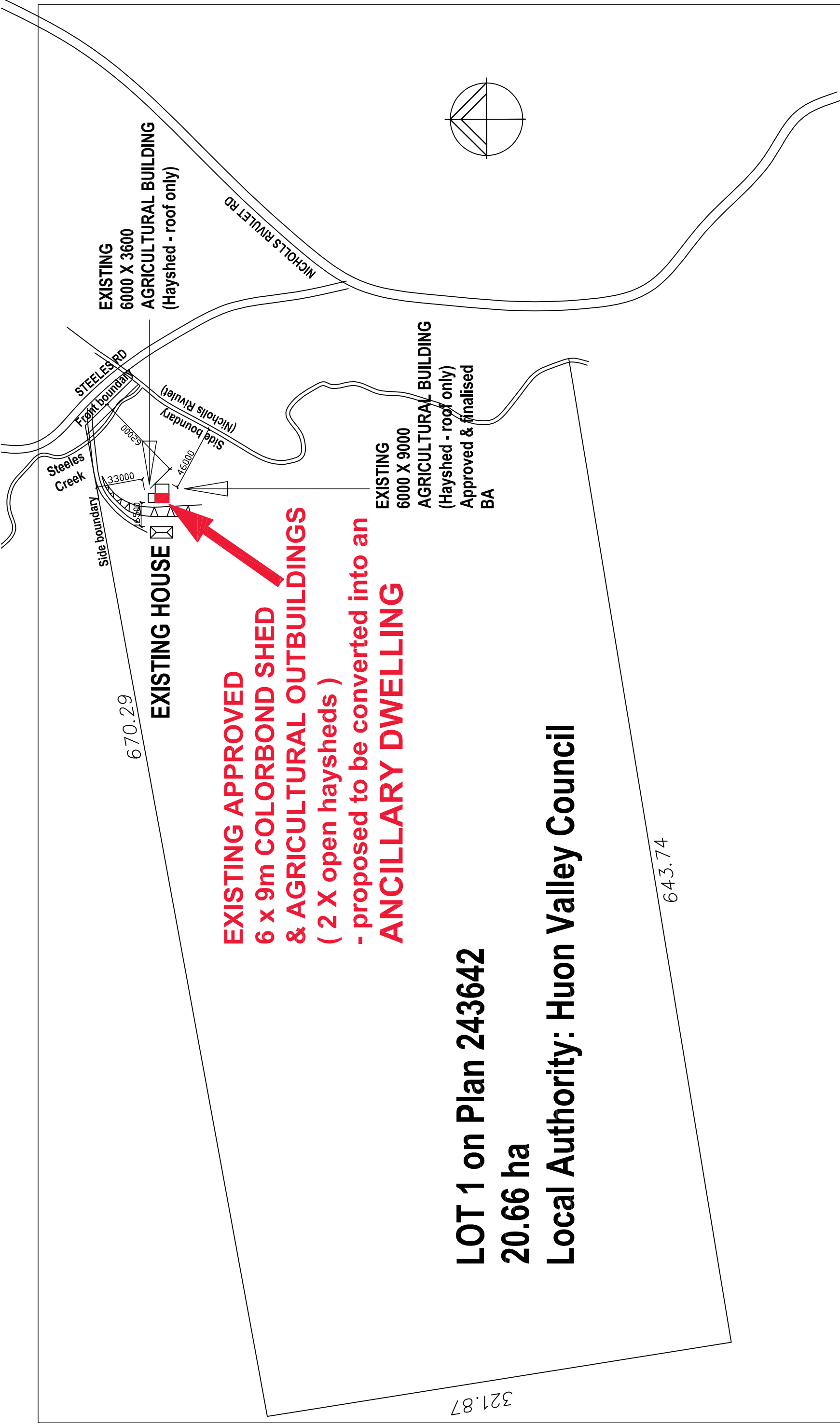
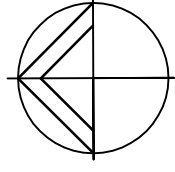
# LOT 1 on Plan 243642 20.66 ha Local Authority: Huon Valley Council

**EXISTING APPROVED  
6 x 9m COLORBOND SHED  
& AGRICULTURAL OUTBUILDINGS  
( 2 X open haysheds )  
- proposed to be converted into an  
ANCILLARY DWELLING**

**EXISTING HOUSE**

**EXISTING  
6000 X 9000  
AGRICULTURAL BUILDING  
(Hayshed - roof only)  
Approved & finalised  
BA**

**EXISTING  
6000 X 3600  
AGRICULTURAL BUILDING  
(Hayshed - roof only)**



AMENDMENTS:

Date placed on public exhibition: 25 August 2021

Development Application: DA - 183/2021  
Plan Reference no: P1 Plans  
Date Received: 30 June 2021

HUON VALLEY COUNCIL  
Planning Permit Document  
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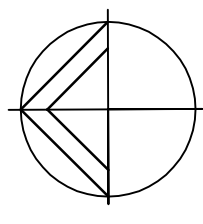
## SITE PLAN

**Applicaton to  
Convert an existing  
Colorbond Shed  
into an  
ANCILLARY DWELLING  
at 21 STEELES ROAD  
NICHOLLS RIVULET, TAS**

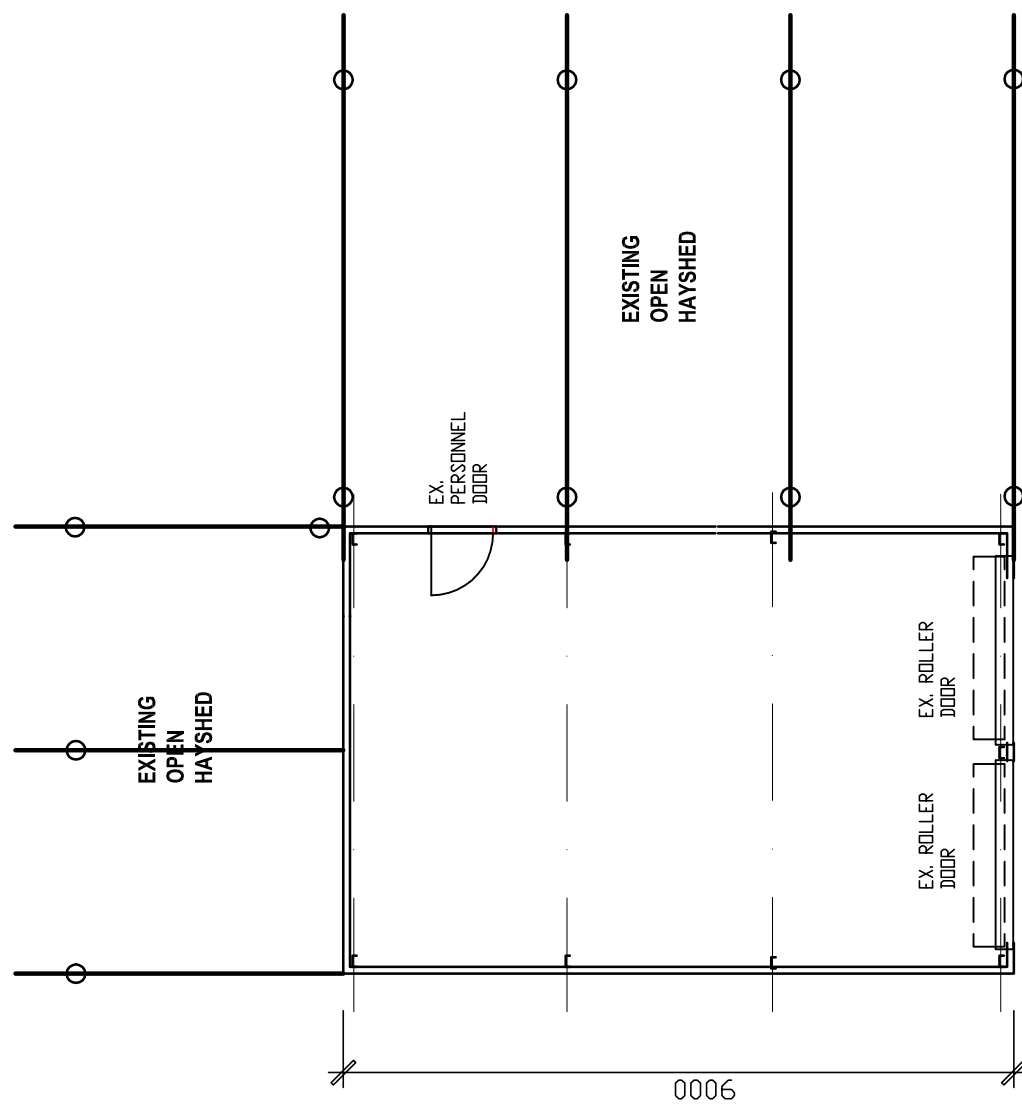


**Dennis  
Cantwell** T/A  
Cantwell Constructions P/L  
Building Design & Documentation  
Phone: 0414 310 328  
Email: dennis@cantwell.com.au  
PO Box 200 Woodbridge Tas 7162  
Accreditation No CC5242 C

Scale 1:10000 Date 9/3/21  
**SHEET No 02**

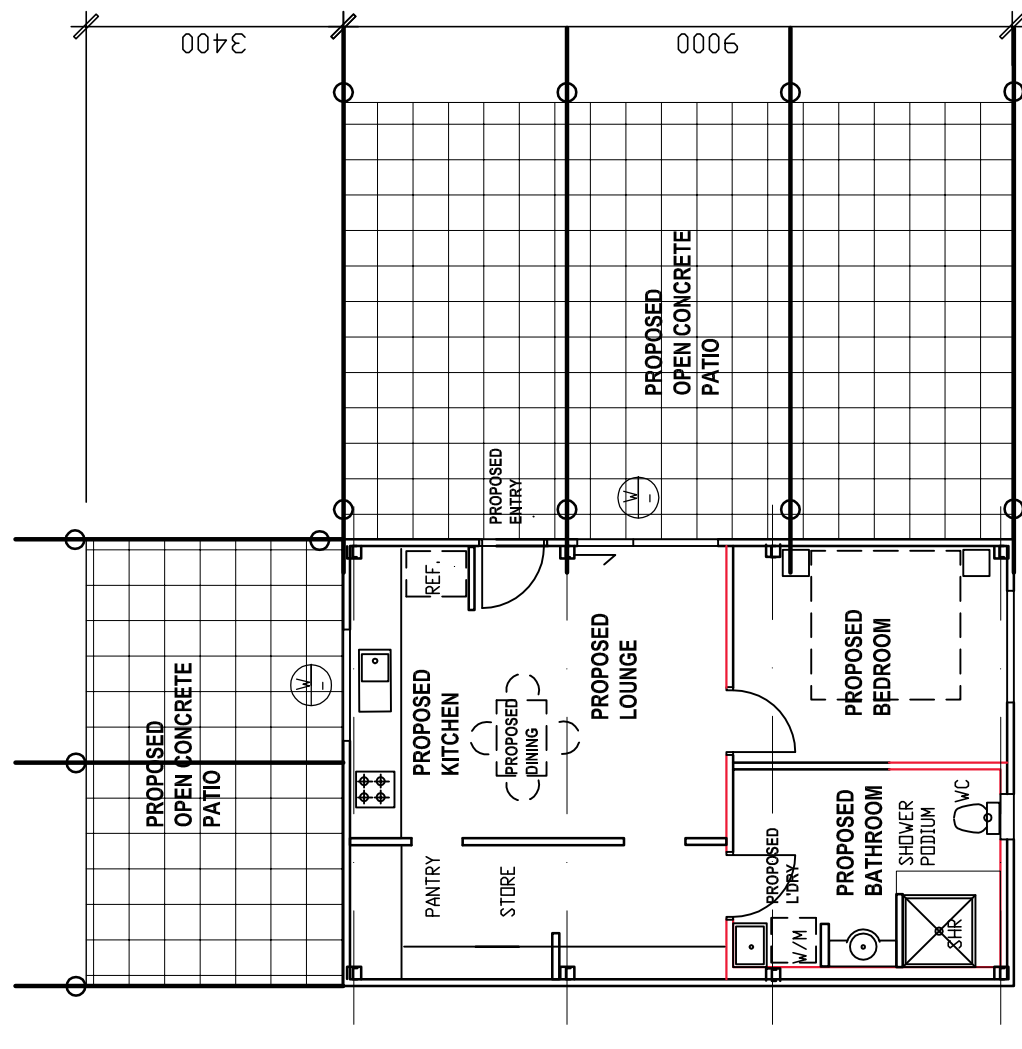


6000



**EXISTING FLOOR PLAN**  
6 x 9m  
3-bay steel portal shed

6000



**PROPOSED FLOOR PLAN**  
6 x 9m

AMENDMENTS:

Date placed on public exhibition: 25 August 2021

Development Application: DA - 183/2021  
Plan Reference no: P1 Plans  
Date Received: 30 June 2021

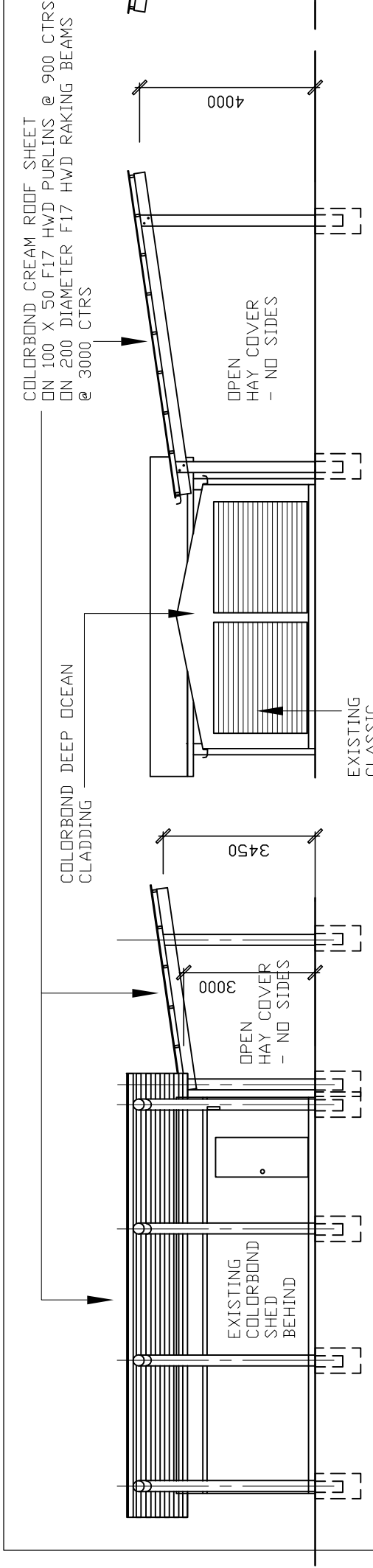
HUON VALLEY COUNCIL  
Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 14 September 2021

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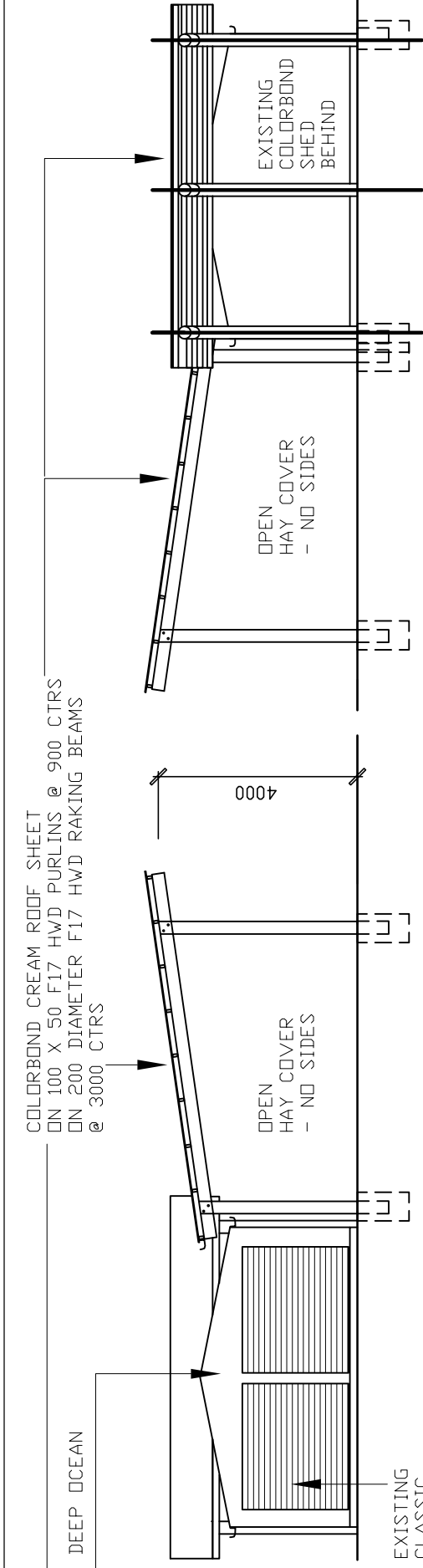
**EXISTING & PROPOSED FLOOR PLANS**

Application to  
**Convert an existing Colorbond Shed into an ANCILLARY DWELLING**  
at 21 STEELES ROAD  
NICHOLLS RIVULET, TAS

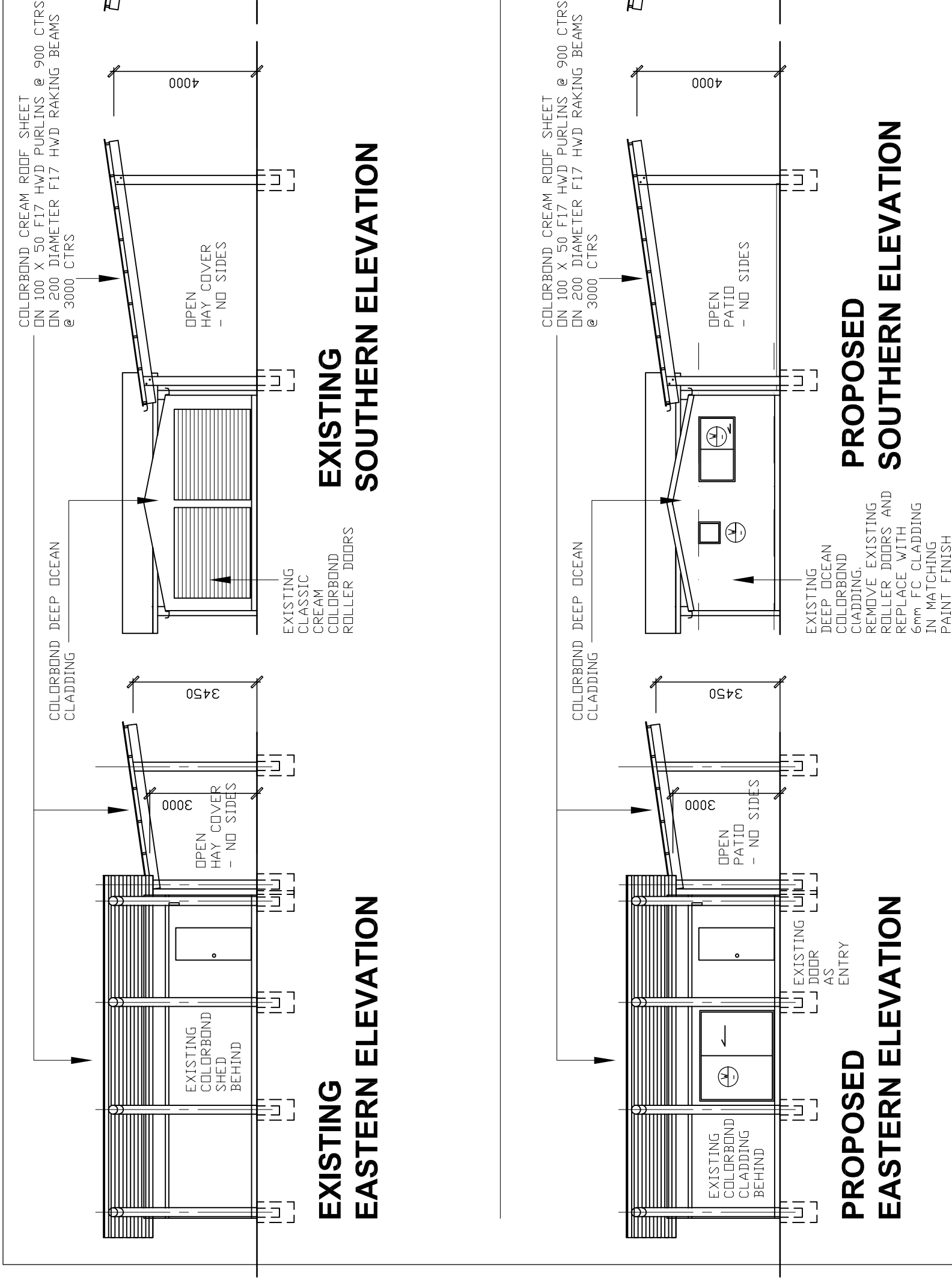
**Dennis Cantwell** T/A  
Canditt Constructions P/L  
Building Design & Documentation  
Phone: 0414 310 328  
Email: dennis@canditt.com.au  
PO Box 200 Woodbridge Tas 7162  
Accreditation No CC5242 C  
Scale 1:200 Date 9/3/21  
**SHEET No 03**



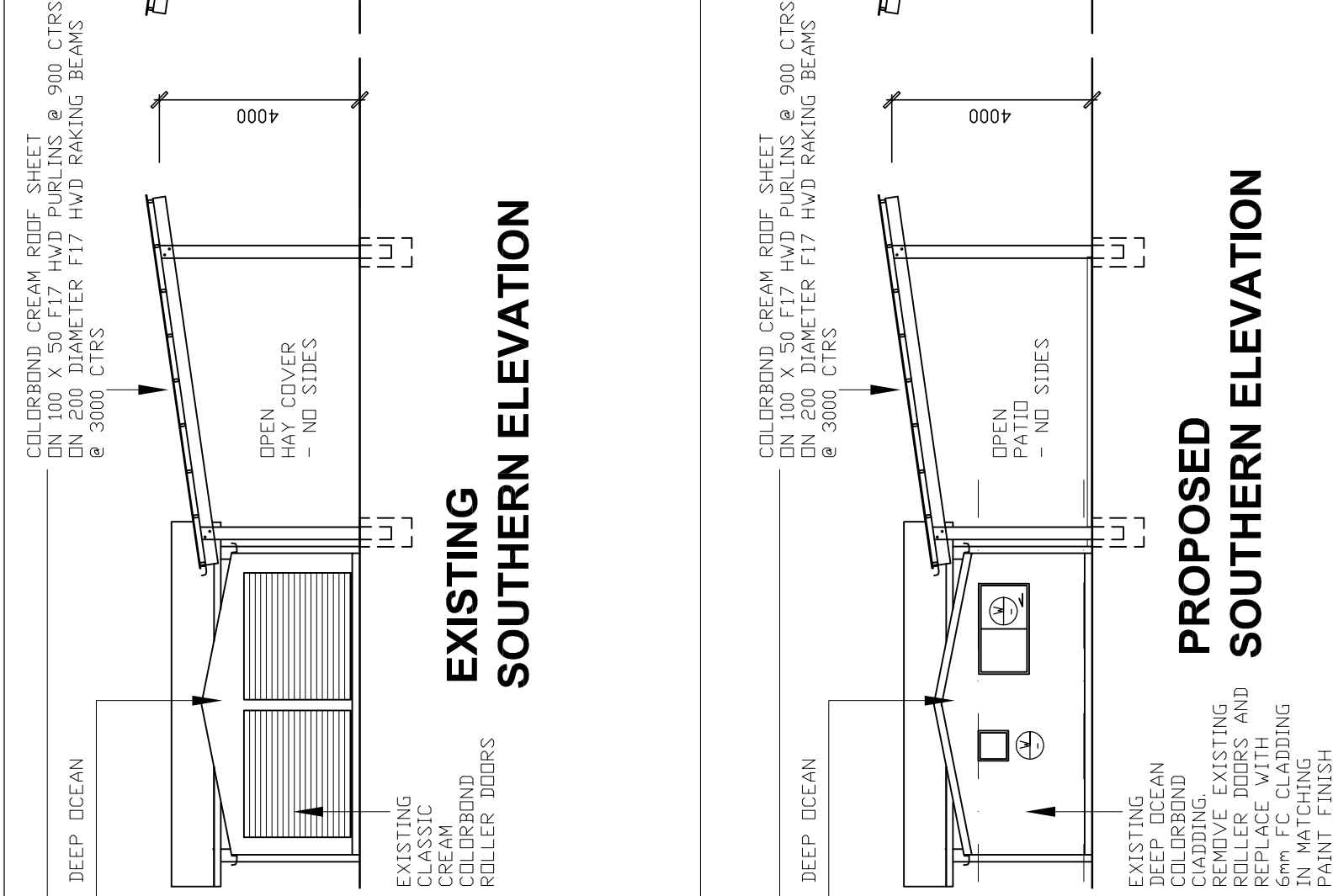
**EXISTING EASTERN ELEVATION**



**EXISTING NORTHERN ELEVATION**



**PROPOSED EASTERN ELEVATION**



**PROPOSED NORTHERN ELEVATION**

AMENDMENTS:

Date placed on public exhibition: 25 August 2021

Development Application: DA - 183/2021  
Plan Reference no: P1 Plans  
Date Received: 30 June 2021

HUON VALLEY COUNCIL  
Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 14 September 2021

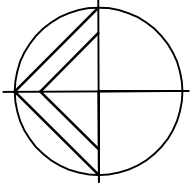
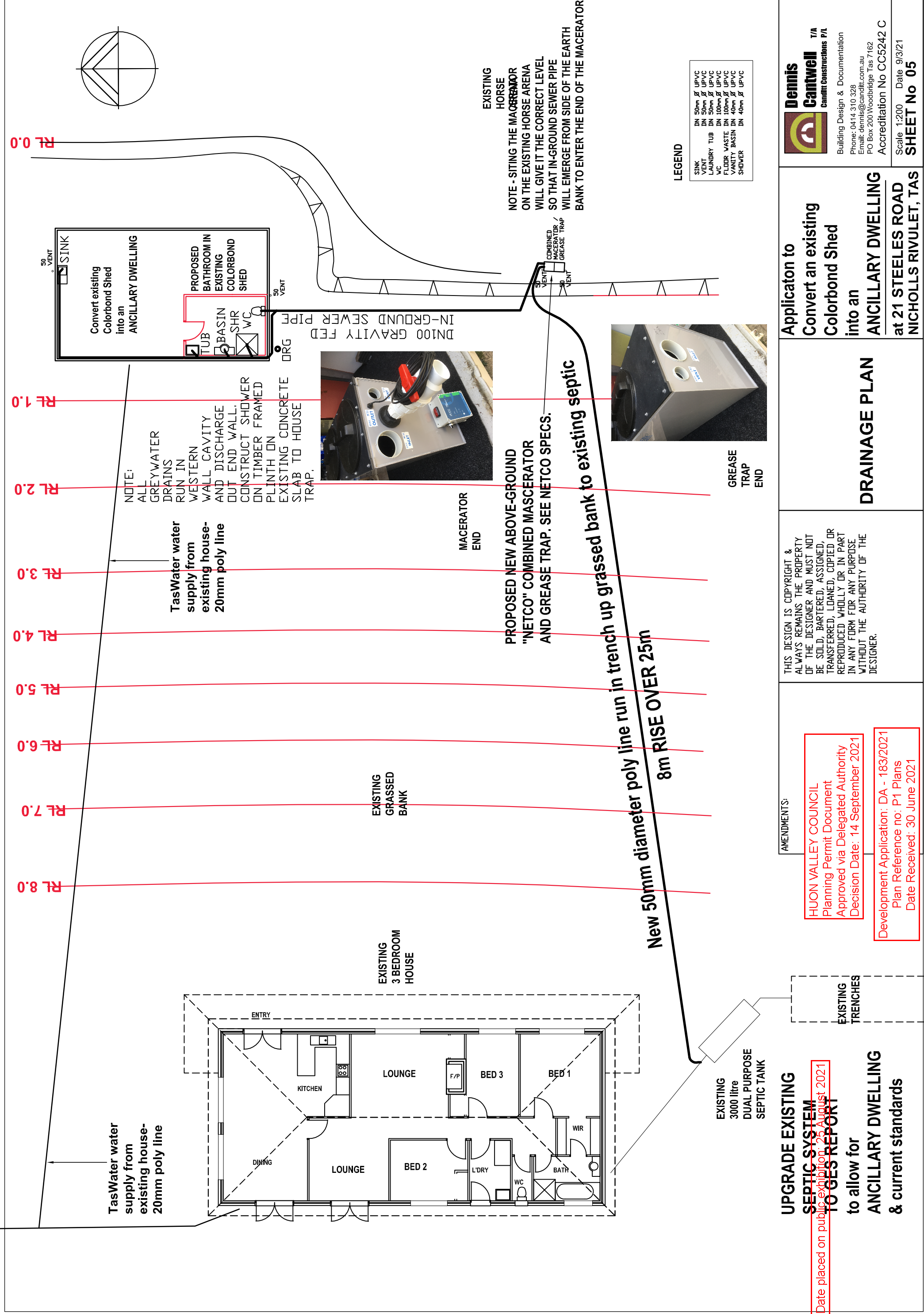
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**EXISTING AND PROPOSED ELEVATIONS**

Application to  
**Convert an existing Colorbond Shed into an ANCILLARY DWELLING**  
at 21 STEELES ROAD  
NICHOLLS RIVULET, TAS

**Dennis Cantwell** T/A Canlit Constructors P/L  
Building Design & Documentation  
Phone: 0414 310 328  
Email: dennis@candit.com.au  
PO Box 200  
Accreditation No CC-5242 C  
Scale 1:1000 Date 24/2/2010  
**SHEET No 04**





**LEGEND**

SINK	IN 50mm	UPVC
VENT	IN 50mm	UPVC
LAUNDRY TUB	IN 50mm	UPVC
WC	IN 100mm	UPVC
CLUB WASTE	IN 100mm	UPVC
VANITY BASIN	IN 40mm	UPVC
SHOWER	IN 40mm	UPVC

**EXISTING HORSE MACERATOR**  
NOTE - SITTING THE MACERATOR ON THE EXISTING HORSE ARENA WILL GIVE IT THE CORRECT LEVEL SO THAT IN-GROUND SEWER PIPE WILL EMERGE FROM SIDE OF THE EARTH BANK TO ENTER THE END OF THE MACERATOR



**NOTE:**  
ALL GREYWATER DRAINS RUN IN WESTERN WALL CAVITY AND DISCHARGE OUT END WALL. CONSTRUCT SHOWER ON TIMBER FRAMED PLINTH ON EXISTING CONCRETE SLAB TO HOUSE TRAP.

TasWater water supply from existing house- 20mm poly line

PROPOSED NEW ABOVE-GROUND "NETCO" COMBINED MACERATOR AND GREASE TRAP. SEE NETCO SPECS.

New 50mm diameter poly line run in trench up grassed bank to existing septic  
8m RISE OVER 25m

**UPGRADE EXISTING SEPTIC SYSTEM TO GES REPORT**  
to allow for ANCILLARY DWELLING & current standards

AMENDMENTS:

HUON VALLEY COUNCIL  
Planning Permit Document  
Approved via Delegated Authority  
Decision Date: 14 September 2021

Development Application: DA - 183/2021  
Plan Reference no: P1 Plans  
Date Received: 30 June 2021

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Applicaton to  
Convert an existing  
Colorbond Shed  
into an  
ANCILLARY DWELLING  
at 21 STEELES ROAD  
NICHOLLS RIVULET, TAS

**DRAINAGE PLAN**

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**SHEET No 05**