28 Suncrest Avenue
Lenah Valley, TAS 7008
mark@ecotas.com.au
www.ecotas.com.au
(03) 62 283 220
0407 008 685
ABN 83 464 107 291

West Tamar Council
ATTENTION: **Karin Van Straten** (Senior Statutory Planner)
PO Box 16
Riverside TAS 7250

14 May 2020

Dear Karin

RE: Ecclestone Road: PA-2019-014 (22 lot subdivision)
Expert natural values advice

Preamble

Environmental Consulting Options Tasmania (ECO*tas*) has been engaged by West Tamar Council to provide an external expert review of planning documentation related to a proposed 22 lot subdivision at Ecclestone Road (referred to as PA-2019-014), with specific reference to advice in relation to the original natural values report, representations and the addendum natural values report, and to appear as an expert witness should this matter proceed to an appeal before the Resource Management & Planning Appeals Tribunal (RMPAT).

Qualifications

Mark has a Bachelor of Science (Hons.) with a major in zoology from the University of Tasmania. He spent over 10 years working as an ecologist at the Forest Practices Authority. Mark's contribution to the forest practices system was recognised in 2007 with an award for excellence in research, advice and services to forest managers.

Mark has several areas of scientific interest including the taxonomy and ecology of native species of *Senecio* (fireweeds and groundsels), the ecology of *Thismia rodwayi* (fairy lanterns), the ecology and conservation management of native orchids (co-authored most recent *Orchid Recovery Plan*), the management of hollow-bearing trees in wood production forests, and adaptive management of threatened flora and fauna. Mark has authored numerous scientific and technical reports on many subjects and continues to write books on Tasmanian plants. He has described two new species of Tasmanian plants and is actively involved with the Tasmanian Herbarium and national/international colleagues in further taxonomic research.

Mark was a member (for two 3-year terms) of the Scientific Advisory Committee (SAC) and the Community Review Committee (CRC) under the Tasmanian *Threatened Species Protection Act 1995*, the Royal Society of Tasmania, Birdlife Tasmania, Australian Network for Plant

Conservation Inc., and the Tasmanian Field Naturalists Club (and until recently edited the club's journal *The Tasmanian Naturalist*).

I have undertaken 100s of natural values assessments throughout Tasmania since 2006, covering all land tenures, development types and ecological conditions. I have assessed numerous proposed residential subdivisions in various municipalities. I have been involved in several RMPAT matters regarding the same.

Disclosure

Prior to engagement by West Tamar Council, I was aware of this planning application. On 10 October 2019 I made a comment on the public FB group Field Naturalists of Tasmania to a post by Allison Marshall, which stated "Some more pretties from the Riverside area. Photographed flowering alongside the forest block scheduled for subdivision Ecclestone Rd. If you could ID them I'd be very grateful", to which I responded with "The special orchid to watch for at about this time of year is *Chiloglottis trapeziformis*. It has been collected from this area decades ago but presumed lost to housing. Any bush blocks with dry forest are well worth a look in October". This prompted some email and SMS exchanges requesting I become involved. At the time I downloaded the available natural values report (but did not save it to my system) and reviewed it very informally and indicated I had no intention to become involved with a local group. I have also had very informal discussions with staff of North Barker about the eagle nest while on totally unrelated and non-commercial field work. I do not feel that either of these exchanges compromises my ability to objectively review the natural values assessment but it is now on record in case other parties raise this matter.

To the best of my knowledge, I have never entered upon the subject title, although I am broadly familiar with the natural values of the Ecclestone Road area through previously mentioned experience.

Review process

West Tamar Council has provided me with electronic copies of the following documents:

- "Aboriginal Heritage Email.pdf"

  Email from Aboriginal Heritage Tasmania to West Tamar Council dated 25 October 2019.

  Not considered relevant to the present review as wholly regards Aboriginal heritage values.

- "Water Main Extension Plan.pdf"

  Plan of subdivision by 6ty°.

  Of general relevance only.

- "Letter to West Tamar Council – 3-12-2019.pdf"

  Correspondence from 6ty° to West Tamar Council dated 3 December 2019 regarding discovery of wedge-tailed eagle nest.

  Of general relevance only.

- "PA2019014 – Application Documentation.pdf"

  Planning Submission 23 Lot Subdivision Ecclestone Road, Riverside (6ty° 11 Feb. 2019).

  This is the original planning application. The document includes the original natural values assessment by North Barker Ecosystem Services (NBES 2019a), which was titled *Ecclestone Road Subdivision Natural Values Assessment. North Barker Ecosystem Services for 6ty°, 6 February 2019*.

- "Conservation Assessment and Wildlife Management Section Email.pdf"

  Email from Clare Lond-Caulk (Section Head – Conservation Assessment and Wildlife Management Section, Policy and Conservation Advice Branch (PCAB), DPIPWE) to West Tamar Council dated 11 November 2019.

  This provides commentary on the NBES (2019a) report as well as commentary on particular matters especially as related to the Tasmanian devil, wedge-tailed eagle and swift parrot.

- "Representations.pdf"

  This is a compiled document of representations made in relation to PA-2019-014. The names and other personal details of representatives have been redacted in my copy so I am not aware of any particulars of any of the representors.

- "North Barker – Addendum Report.pdf"

  This is an addendum to NBES (2019a) titled *Ecclestone Road Natural Values Assessment – Response to Representations Addendum. North Barker Ecosystem Services for 6ty°, 31 December 2019* (NBES 2019b).

In addition to the above documents, I also examined LISTmap and the *Natural Values Atlas* as follows (all dated 11 May 2020), layers that I usually examine in relation to any proposed development as I believe they influence the level of assessment required and the natural values that may be present (guideline only):

- LISTmap – Cadastral Parcels (Owner Information)
- LISTmap – Tasmanian Interim Planning Scheme Zoning
- LISTmap – Tasmanian Interim Planning Scheme Overlay
- LISTmap – Fire History
- LISTmap – Raptor Nests
- LISTmap – Threatened Flora Point
- LISTmap – Threatened Fauna Point
- LISTmap – TASVEG Live Outline and Labels
- LISTmap – TASVEG 3.0 Outline and Labels
- LISTmap – Geological Polygons 250K
- LISTmap – Geological polygons 25K
- *Natural Values Atlas Report* (ECOtas_EcclestoneRoadReview)
- *Raptor Report* (ECOtas_EcclestoneRoadReview_RND).

I also created a GIS project that includes the above information, specifically to be able to more efficiently interrogate point locations of threatened flora and fauna, based on a layer I maintain up-to-date (current version April 2020 so includes all records listed in the *Natural Values Atlas Report*).

Critique of natural values assessment

The natural values assessment was undertaken by North Barker Ecosystem Services (herein NBES). Assessments of this nature should usually be undertaken in accordance with the *Guidelines for Natural Values Assessments – Terrestrial Development Proposals* (DPIPWE 2015).

I have reviewed the initial natural values assessment (NBES 2019a) and am entirely comfortable that it wholly meets the intent and specifics of DPIPWE (2015). In a later section of this review

I make more specific reference to the wedge-tailed eagle nest and threatened flora/fauna locations.

The DPIPWE (2015) guidelines are referred to in the Biodiversity Code (or equivalent code) of most interim planning schemes. However, the *West Tamar Interim Planning Scheme 2013* (the *Scheme*) describes a "flora and fauna report" as "a report prepared by a suitably qualified person that must include: a) a survey of the site identifying the extent, condition and connectivity of the habitat; and b) an assessment of the value of the habitat to contribute to the conservation and protection of species of significance in the bioregion; and c) an assessment of the full range of the impact that the proposed use or development will have on those values; and any mitigation or additional measures that should be incorporated to protect or enhance the values of the habitat". I am comfortable that NBES meet the intent of "a suitably qualified person" and that NBES (2019a) included all relevant matters required by a "flora and fauna report".

That is, it is my conclusion that NBES (2019a) provided sufficient information against which the provisions of the *Scheme*, particularly the provisions of the Biodiversity Code.

As a consequence of a report of a wedge-tailed eagle nest, and in response to various representations, NBES produced an addendum to the original report (NBES 2019b). It is not clear to me if any additional site assessments were undertaken as part of producing the addendum.

Specific matters related to NBES (2019a)

Timing of botanical survey

NBES (2019a) indicated that the botanical assessment was undertaken on 26 June 2018 and 13 November 2018. I am comfortable that this scheduling is appropriate to detect plant species with a priority for conservation management that mat occur within the study area.

Threatened flora – *Poa mollis*

NBES (2019a) reported that targeted surveys for *Poa mollis* (two database locations) were unsuccessful and that "given the survey effort and result, the likelihood of *Poa mollis* occurring on the site is considered low". I concur with this statement.

NBES (2019a,b) did not include detailed information on Poa mollis, which I now provide. The species was described in 1970 (Vickery 1970) as part of an Australian-wide review of the *Poa* genus. In the review, Vickery (1970) described both *Poa rodway*i and *Poa mollis* as novel taxa, the former recognised as occurring in both Tasmania and Victoria, the latter as endemic to Tasmania. The type location of *Poa mollis* is "rocky cliffs at Cataract Gorge, S. Esk River, Launceston". *Poa rodwayi* and *Poa mollis* are virtually identical in habit and overall appearance (Curtis & Morris 1994), both softly velvety to the touch (most species of *Poa* have rough foliage). For many years, *Poa mollis* was thought to be restricted to highly insolated dolerite-based steep rocky country in the greater Cataract Gorge area. *Poa rodwayi* has always been recognised as more widespread but generally also occupying dry insolated sites. In more recent years, records of *Poa mollis* have been recorded well outside the Launceston region. Many sites have voucher specimens held at the Tasmanian Herbarium. This is important because in my opinion, any database records that do not have supporting voucher material are difficult to confidently assign to either *Poa rodwayi* or *Poa mollis*. Using the key of Curtis & Marris (1994), fertile material is required to confirm identification because the apparent basal leaf-sheaths that are purplish in *Poa mollis* rapidly disappears on curation (and is often missing in field specimens) and the lemma is needed to confirm if pubescent in the lower half with a sparse or absent web (= *Poa rodwayi*) or glabrous without a web (= *Poa mollis*). In the most recent review of the genus (Walsh et al. 2009), *Poa mollis* is an accepted taxon but its separation from other species (including *Poa*

rodwayi) is largely on vegetative characters (leaf indumentum and colouring), which I find unreliable, and additionally it recognises that the intercostal regions of the lemma of *Poa mollis* can be "glabrous or rarely sparsely puberulous in the lower half" i.e. as per the description of *Poa rodwayi* in Curtis & Marris (1994).

There are now four database records of *Poa mollis* attributed to the Ecclestone Road site. One record is placed in the southeast of the title and is by Helen Morgan & Anna Povey on 8 July 2010 reported from "69 Ecclestone Road" with a note "potential subdivision". This title is opposite (southern side of Ecclestone Road) the subject title so the database record is considered to be mis-placed. In addition, the database record is unvouchered and it is indicated that only vegetative material was observed. In summary, I find this record unreliable. Another record is placed near the western boundary of the title (about halfway up the length of the title) and is by Helen Morgan on 8 July 2010, labelled as Ecclestone Road Riverside" with a note "Potential future subdivision but landowner considering covenant for habitat area". The record lacks precision data but notes only one individual was observed. No voucher material supports the observation. The fact that this record has the same date, one of the same observers, approximately the same location name and similar notes makes it somewhat dubious it is from the subject title rather than the title south of the road. However, the same observer on the same date created several records of *Brunonia australis* from the subject title so this adds veracity to the record of *Poa mollis*. The third record is by Allison Marshall on 21 October 2019 with the location given as "just beyond the south west corner of my paddock" with a precision of 20 m and no other notes (no evidence that the record is supported by a voucher held at the Tasmanian Herbarium or been confirmed in any other way is indicated in the database information).

In my opinion, it is difficult to confidently state that there is a confirmed population of *Poa mollis* within the subject title because at least one of the older database records appears to be from a block on the opposite side of the road, another older database record appears to be an imprecise duplicate of the first, and the more recent record (like the older ones) are unconfirmed by voucher specimens. I am reluctant to recommend further surveys to confirm the presence (and if present, the extent and abundance) of *Poa mollis*. However, under Section 51 of the Tasmanian *Threatened Species Protection Act 1995*, a permit is required to "knowingly take a specimen of listed flora". On present information, I believe it is doubtful if PCAB (DPIPWE) would be in a position to confidently issue such a permit. At present, two database records technically fall within the proposed lots.

Threatened flora potentially present

NBES (2019a) includes a table of threatened flora from within 5 km of the study area (standard buffer applied to this type of analysis of database record) with an indication of whether potential habitat is present, and if present, the quality of such and reasons why the species may not have been detected. I concur with the findings in Table 1 of NBES (2019a) in relation to most species. However, the following notes are provided for some species.

Aphelia pumilio (dwarf fanwort)

NBES (2019a) stated that there is "no suitable habitat on site". Based on the images and descriptions of vegetation within the study area and my experience with this species, I do not concur with this finding. However, the survey of 13 November 2018 by NBES (2019a) was suitably timed to detect this annually-flowering herb and I accept that it was not detected.

Chiloglottis trapeziformis (broadlip bird-orchid)

NBES (2019a) stated that "while this species occurs in a range of habitats there are very few records from Tasmania and the chances of this species occurring in the study area are very low". I do not concur with this finding, although it is based on the then available published information and a statistically valid premise. While it is generally accepted that the species has a widespread but highly disjunct distribution in Tasmania and that the historical record of the species "in the Tamar Valley near Legana…appears to have become extinct because of housing development" (Jones et al. 1995), more recent evidence indicates that the species may have been more

widespread in the greater West Tamar region. I recently examined the herbarium of the Australian Native Plants Society (Northern Tasmania) donated to the Tasmanian Herbarium and this revealed a record from Bridgenorth Road from 1970 – this is the record referred to in Jones et al. (1995) as it is cited in Jones (1998) – and another from near Launceston from 1974. Jones (1998) also cites a specimen from Bridgenorth from October 1923 collected by Atkinson (held in the Melbourne Herbarium). At present, the only confirmed mainland Tasmanian extant population is at West Wynyard (and possibly near Railton but not seen since 2005 despite extensive searching) but the collection of records from 1923, 1970 and 1974 from the general Bridgenorth-Launceston-Legana area are indicative of a once wider distribution. In my opinion, it is unlikely that the species has been totally lost to development in the West Tamar. However, the survey of 13 November 2018 by NBES (2019a) was suitably timed to detect this annually-flowering herb (Wapstra 2018) and I accept that it was not detected. The only caveat to this statement is that that are "good" and "bad" orchid flowering seasons and it is possible that a one-off survey is inadequate to detect a species that may have a highly localised occurrence, only flower for a short period and only flower in response to particular seasonal conditions (but noting it was flowering at West Wynyard in 2018). However, it is not a realistic or practical requirement of the *Guidelines for Natural Values Assessments – Terrestrial Development Proposals* (DPIPWE 2015) to undertake repeated surveys on the basis of a statistically low likelihood of occurrence.

Veronica plebeia (trailing speedwell)

NBES (2019a) stated that "possible, but the dense sward of sedges in the riparian habitat reduces the chances of this species occurring". I do not concur with this finding. In my experience, this species tends to rarely occur in riparian habitats rather in dry sclerophyll forest. However, it is a distinctive perennial herb and I accept that the survey of NBES (2019a) only detected the similar *Veronica calycina*.

Wedge-tailed eagle nest

NBES (2019a) did not report the presence of a wedge-tailed eagle nest stating "no nests were observed in the study area and the aspect of the site is sub-optimal for nesting trees" and that "the species may forage in the area on occasion but the relatively closed nature of the forest across much of the study area is sub-optimal for this species". I concur with this findings.

Subsequent to their assessment, a nest site has been reported (RND #1207), and this is discussed in detail in NBES (2019b). I am comfortable that the initial survey did not detect the nest. This may be because it was overlooked (this happens) or that it was not present at the time of survey (i.e. constructed since the survey). That is, I do not find the initial no discovery result a failing of NBES (2019a). The subsequent reporting has clearly allowed for further consultation to be undertaken between NBES, 6ty° and PCAB (DPIPWE).

Various representations make comment on the legislated status of the wedge-tailed eagle. I provide further commentary on this elsewhere in this document.

Vegetation communities

The vegetation mapping provided by NBES (2019a) is broadly similar to TASVEG 3.0/TASVEG Live (this high level of correlation between ground-truthed mapping and existing mapping is quite rare) and appears to be a reasonable reflection of my expectation for this site.

In relation to *Eucalyptus ovata* forest and woodland (TASVEG code: DOV), NBES (2019a) noted that "a decision on the listing of *Eucalyptus ovata* dominated forest under the EPBCA is pending" and "that listing is specifically attributed to forests dominated by *E. ovata*, and hence will not apply here as the DOV in the study area is dominated by *E. viminalis* (and not classed as DVG due to the absence of a grassy understorey)". Correspondence from PCAB (DPIPWE) observed that "the threatened native vegetation community *Eucalyptus ovata* forest and woodland (DOV)

is located within the balance of the property, adjacent to the creek which runs through the property" and that "this community may also be is [sic] listed under the EPBCA". In the updated natural values assessment, NBES (2019b) indicated that "DOV is listed as endangered [this should be Critically Endangered but is of no consequence] on the EPBCA and as threatened on the NCA" but that "the area is not affected by the proposal".

While there are some technicalities on whether the patch of vegetation mapped as DOV by NBES (2019a) qualifies as the EPBCA-listed entity (because the actual patch is locally dominated by *Eucalyptus viminalis* and not *Eucalyptus ovata*), in my opinion the patch meets the intent of the listing as described in the formal Conservation Advice for the threatened ecological community (CofA 2013).

Review of the various documents provided indicates that the area allocated to DOV is part of the proposed conservation area and will not be affected by the proposal. On this basis, the community (as a State- or Commonwealth-listed entity) should not require further consideration.

Consideration of legislative implications related to natural values

NBES (2019a) includes a section titled Legislative Requirements, which included a detailed consideration of the implications under various legislative instruments including the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA), Tasmanian *Threatened Species Protection Act 1995* (TSPA), Tasmanian *Nature Conservation Act 2002*, Tasmanian *Weed Management Act 1999* and the *West Tamar Interim Planning Scheme 2013*, specifically matters related to the Biodiversity Code. In the addendum (NBES 2019b) that included responses to matters raised in representations, further information was provided in relation to these legislative instruments, I deal with each in turn below.

Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA)

NBES (2019a) concluded that:

> "The EPBCA is structured for self-assessment; the proponent must indicate whether or not the project is considered a 'controlled action' which if confirmed would require approval from the Commonwealth Minister.
>
> The development of the subdivision will not have a "significant impact" on any of the nationally listed species with the potential to occur in the study area.
>
> The current impact footprint does not affect any vegetation communities listed under this Act".

Based on their initial findings, I concur with this conclusion. Subsequent to this, a wedge-tailed eagle nest was detected – this species is also EPBCA-listed. Various representations note that some species are listed on the EPBCA and imply that a referral to the Commonwealth government should be made. NBES (2019b) provided a detailed response in regard to all EPBCA-listed fauna species. I can provide no further relevant information on the species.

I am comfortable that the proposal does not require referral under the EPBCA. There is no requirement for the applicant to provide evidence to the planning authority that a self-assessment has or has not been undertaken or whether the Commonwealth Minister did or did not indicate whether a referral was considered warranted. Usually, the natural values report provides sufficient information to the person taking the action to make a decision. In this case, I do not believe that further information is required to make a decision of non-referral.

Tasmanian *Threatened Species Protection Act 1995* (TSPA)

NBES (2019a) concluded that:

> "The impact to the 50 *Brunonia australis* will require a 'permit to take' from the Policy and Conservation Advice Branch (PCAB) at the Department of Primary Industries, Parks, Wildlife and the Environment (DPIPWE)".

Based on their initial findings, I concur with this conclusion. Subsequent to this, evidence was presented that an additional threatened flora species may occur on the site, viz. *Poa mollis*.

Based on my previous discussion of this species, I do not believe that there is sufficient evidence that Poa mollis is on the site. However, I believe that PCAB (DPIPWE) will take the view that the database locations will require a permit to "take". In my experience, the presence of *Brunonia australis* and *Poa mollis* is a matter for the developer and PCAB (DPIPWE) and does not require consideration under the *Scheme*. In my experience, while I cannot second-guess PCAB's decision on a permit application, it would be unusual for a permit to be refused or to include significant conditions related to these two species, especially in the current context.

PCAB (DPIPWE) have been quite explicit to me on previous occasions that they are the final stage of approval and are subsequent to a planning permit being issued (which avoids the need for variations). That said, they can sometimes provide preliminary advice (as per their email in this case), although rarely does this contain formal commitments. While the email states "it should be noted that the granting of a permit is not guaranteed but if a permit is granted, it may contain conditions to mitigate or potentially to offset the loss of threatened species". In this case, I do not believe that such mitigation and/or offsets would be warranted.

Tasmanian *Nature Conservation Act 2002*

NBES (2019a) concluded that:

> "Of the four vegetation communities on site, *Eucalyptus ovata* forest and woodland (DOV), is listed under the Act. No impact to this community is expected by the current subdivision proposal".

Based on their initial findings, I concur with this conclusion and have no further comments to make. I do not believe that the Act has any relevance to the planning approval process.

Tasmanian *Weed Management Act 1999*

NBES (2019a) concluded that:

> "West Tamar is a Zone B municipality for the species of declared weed observed on site (blackberry, slender thistle and gorse). According to the provisions of the *Weed Management Act 1999*, Zone B municipalities are those which host widespread infestations where control and prevention of spread is the principle aim. The containment principles of this Act should be sufficiently met with best practice construction hygiene that prevents the transport of contaminated material off site".

Based on their initial findings, I concur with this conclusion.

NBES (2019b) suggested that

> "A weed management plan will be developed to minimise the risk of weeds spreading to and from the development area".

I also concur that this is appropriate (although not formally required under the Act). I do not believe that the Act has any relevance to the planning approval process, although inclusion of a weed and hygiene management plan is not an unusual permit condition.

West Tamar Interim Planning Scheme 2013

NBES (2019a) provided a detailed review of each of the provisions of the Biodiversity Code of the *Scheme*. In my opinion, that analysis correctly concluded that Acceptable Solution A1 was not applicable (as no priority habitat is present as per the Priority Habitat overlay) and that Acceptable Solution A2 could not be met (as the development will require clearance or disturbance of native vegetation that will not be in accordance with a certified Forest Practices Plan).

At this juncture, I further explore the intent of A2, which is stated as:

> "A2
>
> Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan".

While I believe the intent of the *Forest Practices Regulations 2017* is to devolve responsibility of "land clearing" associated with residential developments to local planning authorities, development of a certified Forest Practices Plan for the clearing of native vegetation associated with the proposed development is not precluded under the *Regulations*.

In their review, NBES (2019a) concluded that the Performance Criteria P2.1 would need to be met. I concur with this view (provided that a Forest Practices Plan is not certified for the clearing of native vegetation).

Below I cite verbatim each of the sub-clauses of P2.1 and below state the information provided by NBES (2019a) and NBES (2019b) and my opinion on whether this provides sufficient information against which the planning authority can assess how the provision is satisfied.

> "P2.1
>
> Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:…"

NBES (2019a) not NBES (2019b) did not specifically address this opening statement of P2.1 and this should not actually be required because the manner in which the intent of the opening statement (i.e. "not unduly compromise the representation of species or vegetation communities of significance in the bioregion") should be dealt with by the subsequent sub-clauses (a) through (f). I continue to take that approach here as it is noted that the concepts of "species", "vegetation communities" and "bioregion" are effectively addressed in the sub-clauses.

> "a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and…"

NBES (2019a) concluded that P2.1(a) would be met because "The quality of the vegetation likely to be impacted (mostly DAD and a small area of NBA) is in moderate condition: there are infestations of blackberry on the southern and eastern boundaries, and there is evidence of selective harvesting of wood throughout. Several roads and tracks are also evident, permitting access for the dumping of waste; this is especially evident in the south-west. While there are occasional large trees (>100 cm DBH) in the impact area, most trees are < 80 cm DBH. The property is surrounded by modified land that has been partially or wholly cleared of native vegetation. The nearest block of native vegetation lies to ~1 km to the north west. Hence, the vegetation in the study area cannot be considered an important corridor. The impact of the development is not expected to reduce species diversity in the bioregion".

I concur with this finding and believe that their natural values assessment provided sufficient information for the planning authority to also draw this conclusion.

NBES (2019b) provided additional information on this provision noting that "As discussed above the notion of corridor can however be expanded to include a more diffuse "corridor" that includes low density development though no continuous one exists. The proposal would result in a portion of the land mirroring the same diffuse corridor that is adjacent and a portion retained undisturbed (see Mitigation section below)" and that "there is no reason why the implementation of the proposal would reduce species diversity in the bioregion".

As part of their updated report, NBES (2019b) included substantial information on the extent of the identified vegetation types at different scales, which clearly indicated that the proposal would not have a significant impact on vegetation communities at any reasonable scale. I concur with their finding that "there is no reason why the implementation of the proposal would reduce species diversity in the bioregion" as substantial parts of the land will remain undeveloped. As part of their more detailed analysis with respect to varius threatened fauna species, NBES (2019b) provided extensive information on concepts such as "wildlife corridors" and it is reasonable to conclude that the proposal would not impact on the "value as a wildlife corridor".

In my opinion, NBES (2019a) provided sufficient information for the planning authority to assess the proposal against P2.1(a) but the additional information provided in NBES (2019b) adds clarity to several matters.

"b) means of removal; and…"

NBES (2019a) and NBES (2019b) made no conclusions with respect to P2.1(b) because the "means of removal" was "unknown at this stage".

I struggle to understand the intent of P2.1(b) i.e. what does "means of removal" mean if P2.1(a) and other sub-clauses are satisfied i.e. if it is accepted that the clearing can proceed (with or without mitigation or offsets). Does it matter, in any real terms, if the area of non-threatened (or threatened) vegetation with or without threatened flora is removed by a person with a chainsaw who sells the wood as firewood or by a dozer that heaps and burns all vegetation debris? That said, I do not believe that further information is required for the planning authority to assess the proposal against P2.1(b).

"c) value of riparian vegetation in protecting habitat values; and…"

NBES (2019a) concluded that P2.1(c) would be met because "the riparian vegetation is in the south-east corner of the property, and this vegetation will not be impacted by this development".

I concur with this finding. In my opinion, NBES (2019a) provided sufficient information for the planning authority to assess the proposal against P2.1(c).

"d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, in proximity to habitat or vegetation; and…"

NBES (2019a) and NBES (2019b) concluded that P2.1(d) would be met because "Within the context of this development there are no alternatives regarding siting as the entire property is entirely native vegetation; the siting of the development will therefore unavoidably impact native vegetation. This native vegetation community (DAD and NBA) is however well-represented in the bioregion, and the development will not meaningfully compromise the representation of these communities or their species in the bioregion".

As part of their updated report, NBES (2019b) included substantial information on the extent of the identified vegetation types at different scales, which clearly indicated that the proposal would not have a significant impact on vegetation communities at any reasonable scale.

I concur with their finding. In my opinion, NBES (2019a) provided sufficient information for the planning authority to assess the proposal against P2.1(d) but the additional information provided in NBES (2019b) adds clarity to several matters.

> "e) need for and adequacy of proposed vegetation or habitat management; and…"

NBES (2019a) concluded that P2.1(e) would be met because "given the scale of this development it is not expected that a vegetation or habitat management plan is required". NBES (2019b) expanded on this, stating "given the nature of this development and the landscape context a weed management plan would be appropriate to minimise the risk of the introduction and spread of weeds that are present, particularly on the balance lot". They further recommended as part of mitigation that "a weed management plan will be developed to minimise the risk of weeds spreading to and from the development area".

I concur with their finding. I believe that it is appropriate to condition a weed and hygiene management plan as part of the development planning permit.

I concur with this finding and believe that their natural values assessment provided sufficient information for the planning authority to also draw this conclusion. In my opinion, NBES (2019a) provided sufficient information for the planning authority to assess the proposal against P2.1(e) but the additional information provided in NBES (2019b) adds clarity a possible planning permit condition regarding weed management.

> "f) conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment".

NBES (2019a) made no conclusions with respect to P2.1(f) because the "it is not known if any [sic] the impact due to this development will require offset under these principles". The sub-clause refers to "conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment". This document is no longer available on DPIPWE's web site and in fact was only ever available as a draft policy. That is, in my opinion, it may be possible that this provision cannot have technical application.

However, if the intent of the provision is addressed (i.e. the notion of an "offset") then NBES (2019b) provide minor clarity on this matter, stating "the potential need for an offset would be dependant [sic] on the proposed outcome for threatened flora" and that "an offset may not be required". As part of suggested mitigation, NBES (2019b) note that "a conservation area is also illustrated and it supports the eagle nest, threatened and poorly reserved vegetation and the creek line…this land will be protected by Conservation Covenant if DPIPWE judge it to be worthy" and that "the conservation area maintains the minimum distance that already exists between the nest and existing development that was present when it was built" and that "the habitats of the threatened flora could be managed and protected in Part 5 Agreements".

I will respond to each of their mitigation suggestions in turn. In my experience (and in my professional opinion), the area suggested as a "conservation area" is unlikely to be "worthy" in its own right (i.e. based on vegetation types alone) for a conservation covenant under the Tasmanian *Nature Conservation Act 2002*. The vegetation types present are generally widespread and well-reserved with the area of threatened vegetation (i.e. the DOV) limited. The site is not particularly important (using the term deliberately loosely and generically) for threatened flora or fauna. It is acknowledged that the site supports a suite of such species but even the wedge-tailed eagle next is of only marginal consequence at any reasonable level. All

that said, if the area is nominated as a potential conservation covenant under the Tasmanian *Nature Conservation Act 2002*, there is a formal process to be followed through the Private Land Conservation Program at DPIPWE. In my opinion, a simpler management option would be a Part 5 Agreement through the Tasmanian *Land Use and Planning Approvals Act 1993*. If such an agreement were reached, it could include management actions related to the wedge-tailed eagle nest such as restricting construction activities to outside a nominated breeding season (although based on the detailed information provided on this nest, I do not believe this is even warranted).

The notion that "the habitats of the threatened flora could be managed and protected in Part 5 Agreements" is one that I accept in general terms but dismiss in this particular case. I simply do not find particular significance to the two "threatened" flora species present (see my previous discussion on the species) that would warrant lot-level active management through a Part 5 Agreement.

In conclusion with respect to P2.1(f), while I find that the conclusions of NBES (2019a) and NBES (2019b) are conceptually sound, in my opinion there may be a technical issue related to the provision (in that the "General Offset Principles for the RMPS, Department of Primary Industries, Parks, Water and Environment" may not be in existence) and that the values being lost may not warrant a high level of formal offsetting. However, I accept their notion of a "conservation area" and suggest that the most appropriate mechanism is a Part 5 Agreement not a conservation covenant.

In my opinion, NBES (2019a) provided sufficient information for the planning authority to assess the proposal against P2.1(f) but the additional information provided in NBES (2019b) adds clarity about a possible planning permit condition regarding a "conservation area". I would suggest that prior to a part 5 Agreement being provisioned as a planning permit condition that such documentation be fully drafted to the satisfaction of the applicant and the planning authority as this is likely to far more efficient than allowing it to be produced after the permit is issued (this process would also presumably allow for greater public transparency in the process).

Conclusion

In my opinion, the initial natural values assessment (NBES 2019a) provided sufficient information for the planning authority to assess the proposal against P2.1 of the Biodiversity Code of the *West Tamar Interim Planning Scheme 2013* but that the additional information provided in the addendum to the natural values assessment (NBES 2019b) adds clarity to several matters.

Mark Wapstra
Senior Scientist/Manager

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