

FILE NO PSA-2018-3
DATE 29 JANUARY 2019
OFFICER DUSTIN MOORE – STRATEGIC PLANNER
ENDORSED BY TASHA TYLER-MOORE – MANAGER DEVELOPMENT SERVICES

PSA-2018-3 – PLANNING SCHEME AMENDMENT REQUEST – KINGBOROUGH INTERIM PLANNING SCHEME 2015 – REZONING OF GENERAL RESIDENTIAL AND LOW DENSITY RESIDENTIAL (AREA B) TO GENERAL RESIDENTIAL, LOW DENSITY RESIDENTIAL (AREA C) AND PUBLIC OPEN SPACE AND REMOVAL OF THE LANDSLIDE HAZARD AREA OVERLAY FOR THE LAND AT ‘PRESENTATION SISTERS’, 15 HOME AVENUE, BLACKMANS BAY

Application Number:	PSA-2018-3
Applicant:	JMG Pty Ltd
Owner:	Presentation Sisters Property Association
Proposal in brief:	<p>The proposed amendment seeks to rezone:</p> <ul style="list-style-type: none"> • Approximately 1.78 hectares of the site from Low Density Residential (Area B) to General Residential; • Approximately 1.03 hectares of the site from Low Density Residential (Area B) to Low Density Residential (Area C); • 0.070 hectares of the site from Low Density Residential (Area B) to Open Space; and • 0.2043 hectares of the site from General Residential to Open Space. <p>A secondary component of the proposed amendment is to remove the landslide hazard area overlay from being applicable to the subject land.</p>
No. of Representations:	This report is pre-public exhibition, and therefore the proposed amendment has not been advertised yet. Draft amendments are advertised for a minimum period of 28 days for public comment following initiation by the Planning Authority.
Recommendation:	Not initiate the amendment in accordance with section 11 of this report.

1 PURPOSE

- 1.1 The purpose of this report is to consider the application made for a planning scheme amendment at ‘Presentation Sisters’, 15 Home Avenue, Blackmans Bay (see Figure 1).
- 1.2 The proposal is an application to amend the Kingborough Interim Planning Scheme 2015 (KIPS 2015) in accordance with section 33(1) of the former provisions of the Land Use Planning and Approvals Act 1993 (LUPAA). The application is made by JMG Pty Ltd on behalf of Presentation Sisters Property Association, and is accompanied by a planning submission in support of the proposal.
- 1.3 Section 43A of the former provisions of LUPAA provides a mechanism for the planning authority to consider an application for a combined permit for a use or development that cannot be approved unless the planning scheme is amended.

Accordingly, a development application for subdivision and associated works has been submitted to Council concurrently with the amendment proposal and should the planning authority decide to initiate and certify the amendment, the request for a combined permit is able to be subsequently considered at the same time. This report relates to the proposed amendment, whilst a separate report has been prepared for the development application (DAS-2018-15).



Figure 1: Land affected by this planning scheme amendment

2 BACKGROUND

2.1 This report considers a proposed amendment to KIPS 2015 to rezone land at 15 Home Avenue, Blackmans Bay from General Residential and Low Density Residential (Area B) to General Residential, Low Density Residential (Area C) and Open Space, and removal of the landslide hazard area overlay. The assessment takes into account the following matters:

- the ability of the subject land to facilitate residential development to a standard required by KIPS 2015;
- environmental and landscape values;
- strategic justification for the rezoning;
- consistency with the Southern Tasmania Regional Land Use Strategy;
- consistency with the Kingborough Land Use Strategy;
- consistency with the Kingborough Council Strategic Plan 2015-2025; and
- compliance with the requirements of the former provisions of LUPAA.

2.2 Listed above are the core issues assessed in order to determine whether the proposed amendment is strategically justified.

2.3 The following comprehensive assessment of the relevant strategic matters provides sufficient evidence on which to base a decision on whether to initiate and certify the amendment as suitable for public exhibition. As a result of the assessment, it is considered there is not sufficient strategic justification for the proposed amendment.

The proposal

- 2.4 The application to amend KIPS 2015 comprises the rezoning of the land at 15 Home Avenue, Blackmans Bay from General Residential and Low Density Residential (Area B) to General Residential, Low Density Residential (Area C) and Open Space (see Figure 2).
- 2.5 The amendment proposes to extend the General Residential Zone, rezone the Low Density Residential Zone from Area B to Area C, as well as contract the size of the Low Density Residential Zone. The amendment also proposes to introduce two areas of Open Space Zone within the subject site and remove the landslide hazard area overlay.

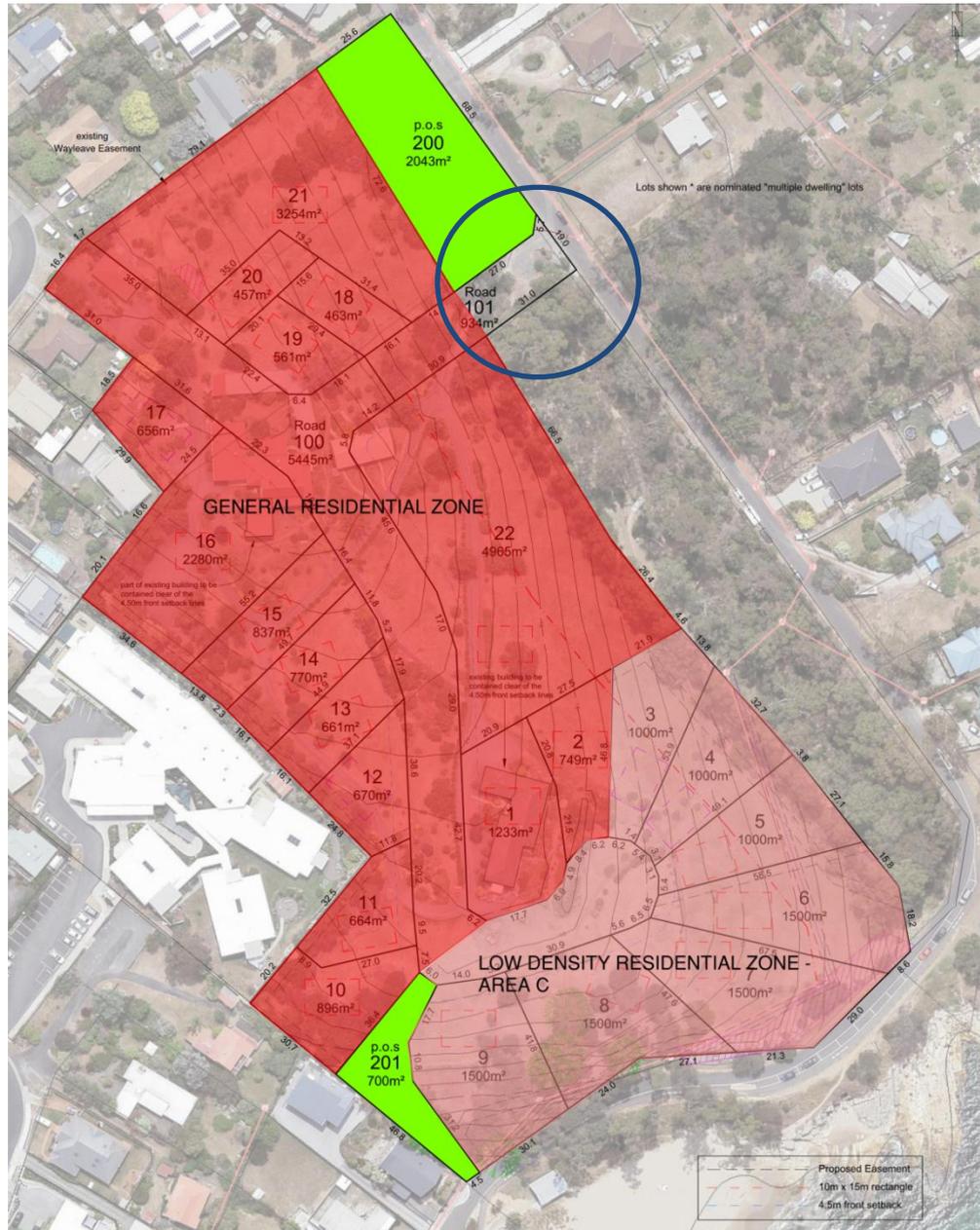


Figure 2: Proposed rezoning

*** NOTE:** The area within the blue circle in the above figure was not included in the revised, proposed rezoning by the proponent. The original rezoning request proposed to rezone this portion of the subject site as General Residential Zone, therefore it is assumed that this land would be identified as General Residential Zone if the amendment was to be initiated.

Site details

2.6 15 Home Avenue, Blackmans Bay is a private landholding located at the northern end of Blackmans Bay Beach. The land comprises four land titles as follows:

Address	Certificate of Title	Area of land
15 Home Avenue, Blackmans Bay	34279/1	2.871 ha
15 Home Avenue, Blackmans Bay	199874/1	0.3786 ha
15 Home Avenue, Blackmans Bay	55854/84	0.2378 ha
15 Home Avenue, Blackmans Bay	55854/85	0.2378 ha

2.7 The site area is 3.7 hectares, which includes 2.871 hectares of land zoned Low Density Residential (Area B) and 0.8542 hectares of land zoned General Residential. The site is irregularly shaped and generally hilly and sloping. The site has frontages to Blowhole Road on the northeast and south, and access to Home Avenue/ Derwent Avenue on the northwest.

2.8 Existing development consists of the Maryknoll Retreat and Conference Centre near the north western corner of the site and a residential dwelling at the southern portion of the site. The remainder of the site is lawns with stands of trees, as well as established bush at the north of the site. See Figure 3 through to Figure 7.



Figure 3: Existing development



Figure 4: Existing development



Figure 5: Existing development



Figure 6: Existing vegetation



Figure 7: Outlook from subject site and existing vegetation

Location

Context

2.9 The site is located in Blackmans Bay, a beachside suburb in the municipality of Kingborough. Blackmans Bay is an established residential area and the beach lies immediately to the south. Kingston Beach lies approximately 1.5 kilometres to the north of the site (see Figure 8).



Figure 8: Site context

Surrounding development

2.10 The surrounding development is typically characterised by residential development, with a mix of lot sizes.

North / Northwest

2.11 To the immediate north / northwest of the site is general residential of mostly single storey dwellings. Lot sizes vary from 560 square metres to 2,628 square metres, with the average lot size being approximately 1,000 square metres.

East / Northeast

2.12 To the immediate east / northeast of the site is the Mary Knoll Reserve and Blowhole Road. On the other side of Blowhole Road is a series of single and two-storey residential dwellings. Mary Knoll Reserve is zoned Environmental Management. The lots on the other side of Blowhole Road are zoned Low Density Residential (Area B), which is reflected in the lot sizes. Lot sizes vary from 627 square metres to 5,385 square metres, with the average lot size being approximately 1,800 square metres.



Figure 9: Mary Knoll Reserve

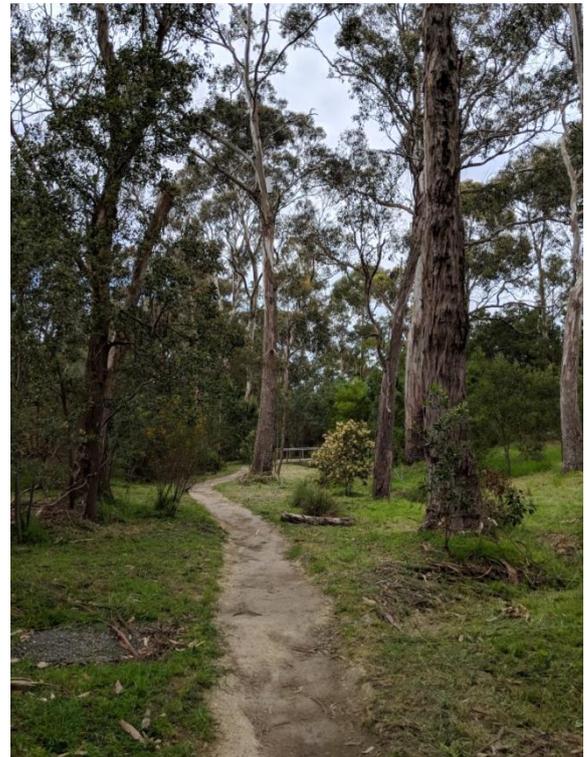


Figure 10: Trail through Mary Knoll Reserve



Figure 11: Example surrounding dwelling (E/NE)



Figure 12: Example surrounding dwelling (E/NE)



Figure 13: Example surrounding dwelling (E/NE)



Figure 14: Example surrounding dwelling (E/NE)

South / Southeast

2.13 To the immediate south / southeast of the site is Blowhole Road. On the other side of Blowhole Road is a shared pedestrian and bicycle path, as well as northern end of Blackmans Bay Beach. This section of Blowhole Road is one-way for vehicular access travelling south/southwest.



Figure 15: Blowhole Road and Blackmans Bay (S/SE)



Figure 16: View through existing vegetation to Blowhole Road and the beach (S/SE)

West / Southwest

2.14 To the immediate west / southwest of the site is the Christian Homes Tasmania Hawthorn Village Aged Care Home, as well as a series of single and two-storey residential dwellings. Lot sizes vary from 486 square metres to 1,303 square metres (not including the Christian Homes Tasmania site which is 8,558 square metres), with the average lot size being approximately 760 square metres (again not including the Christian Homes Tasmania site).

Existing planning controls

- 2.15 KIPS 2015 contains the zoning and development standards for the site.
- 2.16 The site is zoned General Residential and Low Density Residential (Area B).
- 2.17 The local area objective of the General Residential Zone for Blackmans Bay in KIPS 2015 is to maintain the area as an established residential area with a high level of amenity associated with its coastal location, views and lifestyle. The desired future character statement for the General Residential Zone is that Blackmans Bay should continue as a predominantly low-density residential area with larger lot sizes that enable reasonable setbacks, the retention of native vegetation and gardens. The zone permits a range of uses, with residential a key component, including multi-unit residential a permitted use. However, the implementation strategy for the desired future character statement for Blackmans Bay specifically states that multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct. The Opal Drive commercial precinct is west of the subject site, near the intersection of Algona Road and Opal Drive, and is greater than 800 metres from the subject site via the existing road network.
- 2.18 The local area objective of the Low Density Residential Zone for Blackmans Bay in KIPS 2015 is for the area to be developed so that both visual landscape and natural environmental values are protected. The desired future character statement for the Low Density Residential Zone is that the existing neighbourhood character that is associated with the area's settlement pattern, landscape and environmental values should be protected. The zone permits a range of uses, with residential (single dwelling or home-based business) permitted, as well as retirement village being a discretionary use if located in Area B.
- 2.19 The adjacency of the site to Mary Knoll Reserve, a bushland reserve zoned Environmental Management, also results in additional planning controls. These planning controls require that development of the site is set back from the boundary of Mary Knoll Reserve to ensure there is no reliance on bushfire hazard management within the Environmental Management zone and no encroachment into the tree root protection zones of trees located within the reserve.
- 2.20 Existing zoning can be seen at Figure 17.

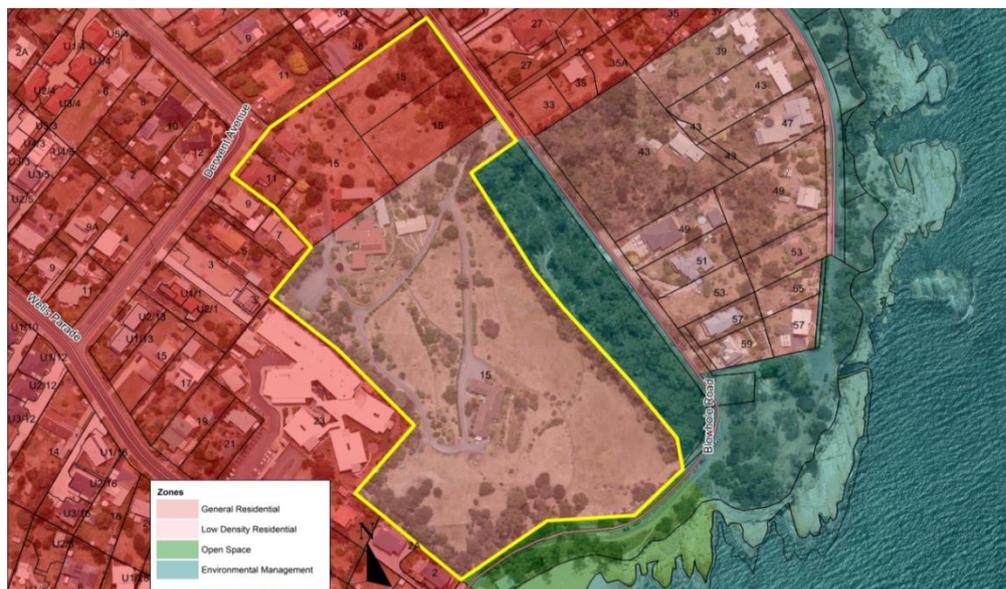


Figure 17: Zoning map, Kingborough Interim Planning Scheme 2015

2.21 The site is affected by the following overlays:

- Bushfire-Prone Area (not shown in figure below as Bushfire-Prone Areas Overlay map not present in KIPS 2015);
- Landslide Hazard Area;
- Biodiversity Protection Area; and
- Waterway and Coastal Protection Area (see Figure 18).

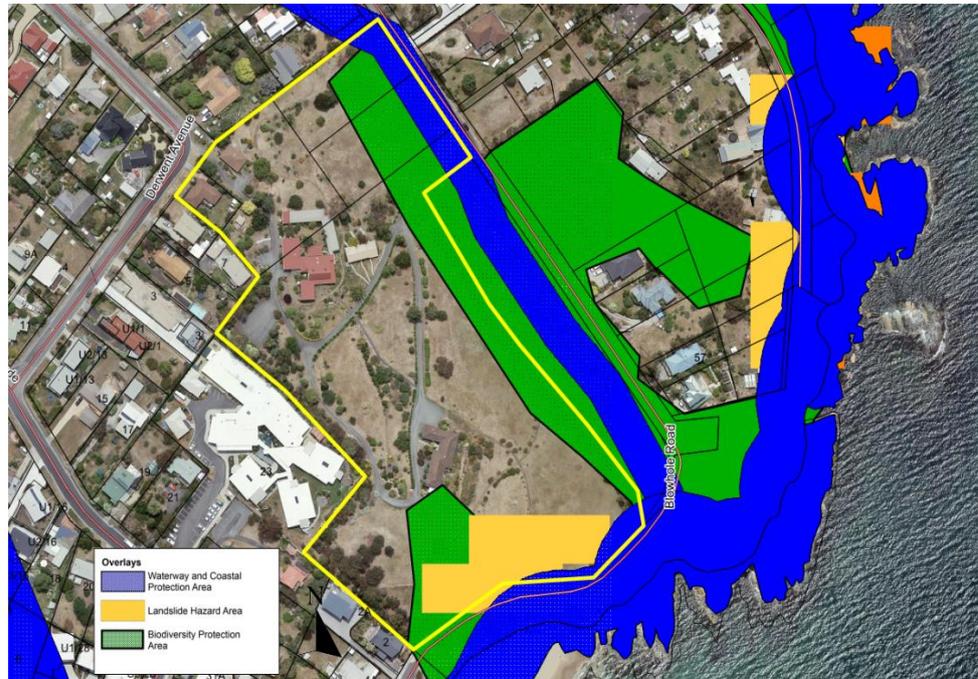


Figure 18: Overlays, Kingborough Interim Planning Scheme 2015

2.22 These overlays and their effect on the site are discussed further below in section 4 of this report.

Request to amend the planning scheme

2.23 In May 2018, the proponent submitted a planning scheme amendment request to Council, along with a development application for subdivision and associated works. Concerns were raised by Council staff regarding the extent of the General Residential Zone, lot sizes of the Low Density Residential Zone and road layout.

2.24 Further discussions and requests for information occurred during the initial assessment. A total of three requests for further information were undertaken. The third further request for information did not result in any further changes by the proponent in the proposed amendment.

2.25 The final request seeks to amend Kingborough Interim Planning Scheme 2015, comprising two components. The first is the proposed rezoning of:

- Approximately 1.78 hectares of the site from Low Density Residential (Area B) to General Residential;
- Approximately 1.03 hectares of the site from Low Density Residential (Area B) to Low Density Residential (Area C);

- 0.070 hectares of the site from Low Density Residential (Area B) to Open Space; and
- 0.2043 hectares of the site from General Residential to Open Space (see Figure 2).

2.26 A secondary component of the proposed amendment is to remove the landslide hazard area overlay from being applicable to the subject land.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993

3.1 Amendments to the Land Use Planning and Approvals Act 1993 (LUPAA) came into effect on 17 December 2015. Section 3(2)(b) of Schedule 6 of LUPAA provides for a planning scheme amendment application to the planning instrument (i.e. Kingborough Interim Planning Scheme 2015 (KIPS 2015)) to be considered under the former provisions of LUPAA.

3.2 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it.

3.3 This report considers a proposed amendment request to KIPS 2015.

3.4 Pursuant to section 33(2B) of the former provisions of LUPAA, *before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –*

(a) whether the requested amendment is consistent with the requirements of section 32; and

(ab) any representation made under s30I, and any statements in any report under section 30J as to the merit of the representation, that may be relevant to the amendment; and

(b) any advice referred to in section 65 of the Local Government Act 1993 received by it.

3.5 The above initiation requirements for the proposed scheme amendment have been assessed and are detailed in section 5 of this report.

4 DISCUSSION

Existing planning scheme provisions

4.1 The subject land is zoned General Residential and Low Density Residential (Area B) under KIPS 2015.

4.2 The zone purpose statements for the General Residential Zone under section 10.1 of KIPS 2015 are to:

10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*

10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*

10.1.1.3 *To provide for the efficient utilisation of services.*

- 10.1.1.4 *To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.*
- 10.1.1.5 *To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.*
- 10.1.1.6 *To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.*

- 4.3 The purpose statements for the General Residential Zone are supportive of residential use, especially where residential development assists in implementing the Regional Settlement Strategy and the Greater Hobart Residential Strategy. However, noting that development is also to respect the neighbourhood character and natural landscape of an area.
- 4.4 The Local Area Objectives and Desired Future Character Statements for Blackmans Bay in the General Residential Zone under sections 10.1.2 and 10.1.3 of KIPS 2015 are:

Table 1: 10.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
Blackmans Bay	
(a) Blackmans Bay should be maintained as an established residential area with a high level of amenity associated with its coastal location, pleasant views and lifestyle.	(a) The natural landscape and setting is an important issue when considering new development proposals.

Table 2: 10.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
Blackmans Bay	
(a) Blackmans Bay should continue as a predominantly low-density residential area with larger lot sizes that enable reasonable setbacks, the retention of native vegetation and gardens.	(a) New development should respect the amenity of surrounding residences and the natural landscape. Multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct.

- 4.5 Both the local area objective and the desired future character statement emphasise the importance of maintaining a high level of amenity, whether that is through 'pleasant views' or low-density / larger lots sizes and retention of native vegetation. Additionally, the implementation strategy for the desired future character statement for Blackmans Bay specifically states that multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct. The Opal Drive commercial precinct and the multi-unit housing which has been developed is greater than 800 metres away, via the existing road network, from the subject site.
- 4.6 The zone purpose statements for the Low Density Residential Zone under section 12.1 of KIPS 2015 are:

- 12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*
- 12.1.1.2 *To provide for non-residential uses that are compatible with residential amenity.*
- 12.1.1.3 *To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by provided for adequate buffer areas.*
- 12.1.1.4 *To provide for existing low density residential areas that usually do not have reticulated services and have limited further subdivision potential.*

- 4.7 The purpose statements for the Low Density Residential Zone are supportive of residential use but at a lower density where there are development constraints. In this instance, the portion of the site proposed to be zoned Low Density Residential Zone (Area C) is a visually prominent site and contains four environmental constraints in the form of a Bushfire-Prone Area, a Biodiversity Protection Area, a Waterway and Coastal Protection Area and a Landslip Hazard Area. While not a planning scheme matter, there are also registered Aboriginal relics on this part of the site.
- 4.8 The Local Area Objectives and Desired Future Character Statements for Blackmans Bay in the Low Density Residential Zone under sections 12.1.2 and 12.1.3 of KIPS 2015 are:

Table 3: 12.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
Blackmans Bay	
(a) Areas within Blackmans Bay that are zoned Low Density Residential are to be developed so that both visual landscape and natural environmental values are protected.	(a) Existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity.

Table 4: 12.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
Blackmans Bay	
(a) The existing neighbourhood character that is associated with the area's landscape and environmental values should be protected.	(a) The visual amenity of hillsides and skylines is retained by providing for larger lots that are able to retain sufficient native vegetation. In some cases these areas also provide a buffer or transition between more closely settled urban areas and other areas with high natural values.

- 4.9 Both the local area objective and the desired future character statement emphasise the importance of the existing neighbourhood character, which includes the visual landscape and environmental values. Retaining larger lot sizes is integral to maintain the existing desired landscape and natural amenity.

Proposal

4.10 The proposal seeks to rezone a portion of the land at 15 Home Avenue, Blackmans Bay from:

- Low Density Residential (Area B) to General Residential;
- Low Density Residential (Area B) to Low Density Residential (Area C);
- Low Density Residential (Area B) to Open Space; and
- General Residential to Open Space.

4.11 In summary, the proposal seeks to extend the General Residential Zone, contract the Low Density Residential Zone and change the Low Density Residential Zone from Area B to Area C which would ultimately allow for multi-unit residential development to be a discretionary use. Additionally, two small areas of land are proposed to be zoned Open Space.

4.12 The proposed rezoning is considered inappropriate in its current state in that the proposed rezoning would allow for a potential, future over development of the site. The proposed rezoning is also counter to the local area objectives and desired future character statements for Blackmans Bay for both the General Residential Zone and Low Density Residential Zone. The objectives and statements for both zones aim to maintain an area with a high level of amenity associated with its coastal location, views and lifestyle. Large lots sizes are emphasised and multi-unit dwellings are encouraged to the area around the Opal Drive commercial precinct, which is greater than 800 metres from the subject site. The proposed amendment will allow for the opposite – relatively small lot sizes for the area, multi-unit dwellings in specific lots (if the associated development application were to be approved) and displacement of landscape and scenic values from the Blackmans Bay Beach end of the development. Additionally, due to the proposed subdivision and road layout in DAS-2018-15, plus bushfire hazard management requirements, future, potential development would be clustered along the crest of the hill. This would ultimately create large visual impacts from Blackmans Bay Beach.

4.13 The following describes the potential environmental impacts of the proposed amendment.

Consideration of environmental impacts

Codes

4.14 The relevant codes which affect the site are as follows:

- E1.0 Bushfire-Prone Areas Code;
- E3.0 Landslide Hazard Area;
- E11.0 Waterway and Coastal Protection Area; and
- E10.0 Biodiversity Code.

Bushfire Risk

4.15 The subject land is within 100 metres of an area of over 1 hectare of contiguous unmanaged vegetation and is therefore within a bushfire-prone area as defined under Clause E1.3 of KIPS 2015. This bushfire-prone vegetation occurs both

within and external to the site, with woodland vegetation within the northern and southern corners of the site and forest vegetation to the east in Mary Knoll Reserve and private land (

- 4.16 This bushfire-prone vegetation contains important environmental values, including a threatened native vegetation community (*Eucalyptus ovata* forest and woodland or DOV), potential foraging habitat for the critically endangered swift parrot (*Lathamus discolor*) and potential habitat for the endangered forty-spotted pardalote (*Pardalotus quadragintus*) and eastern barred bandicoot (*Perameles gunnii*).
- 4.17 Future development of the site must comply with both bushfire-hazard requirements under the Bushfire Prone Areas Code (E1.0) and biodiversity protection requirements under the Biodiversity Protection Code (E10.0). A Bushfire Report submitted with the proposal demonstrates that this can be achieved by ensuring sufficient separation distances between the bushfire-prone vegetation and future development on lots, in conjunction with provision of appropriate access and water. While vegetation within the proposed public open space lot 200 and the adjacent Mary Knoll Reserve does not require removal to comply with bushfire hazard management requirements, complying with these requirements relies upon a minimum hazard management area of 27 metres between the Mary Knoll Reserve and adjacent habitable buildings in order to achieve BAL-19. This setback will result in development being concentrated along the ridgeline. In addition, complying with bushfire hazard requirements relies upon the woodland vegetation at the southern end of the site being established and maintained as a hazard management area.

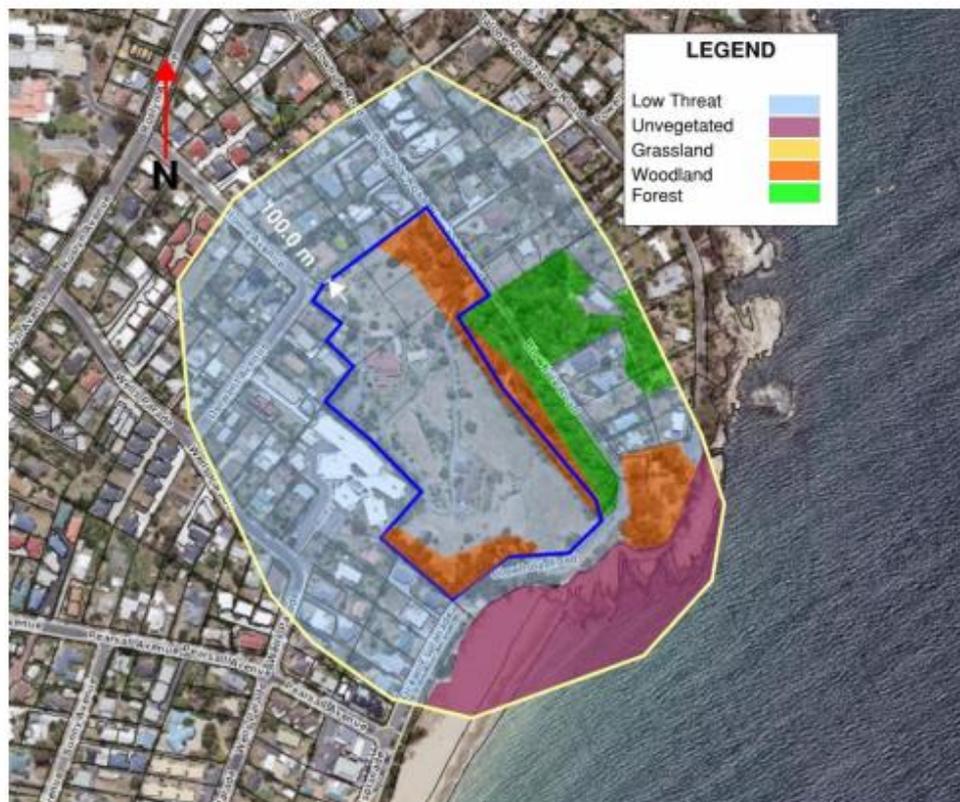


Figure 19: Bushfire-prone vegetation within 100m of the site (source: Bushfire Report, JMG, September 2018)

Visual Impacts

- 4.18 If approved, the proposed amendment would result in significantly higher densities of development on the subject land than is possible under the current zoning, including multi-unit housing. Previous proposed multi-unit and higher density development has been met with objections from the local community, including a concerted effort by the Blackmans Bay Progress Association.
- 4.19 Furthermore, with bushfire hazard management requirements concentrating development along the ridge and relying upon management of the vegetation at the southern end of the site, the visual impacts of the loss of part of the vegetated backdrop to Blackmans Bay and an increase in housing density has the potential to be considerable when viewed from Blackmans Bay Beach and Ocean Esplanade (Figure 20 and Figure 21).



Figure 20: View to subject site from Blackmans Bay Beach



Figure 21: View to subject site from Ocean Esplanade

Environmental Values

- 4.20 The site contains a number of moderate priority biodiversity values listed under Table E10.1 of the Biodiversity Code, including:
- individual blue gums (*Eucalyptus globulus*) potential foraging habitat for the critically endangered swift parrot (*Lathamus discolor*);
 - individual white gum (*Eucalyptus viminalis*) trees, which provide potential habitat for the endangered forty-spotted pardalote (*Pardalotus quadragintus*); and
 - potential habitat for the eastern barred bandicoot (*Perameles gunnii*).
- 4.21 The Waterway and Coastal Protection Area also extends on to the site.
- 4.22 There is also other native vegetation on the site which is not protected under the Biodiversity Code (E10.0) but contributes to the landscape values of the area by providing an important visual screen between the development site and Blackmans Bay Beach.
- 4.23 The environmental values within the proposed Open Space Zone at the northern end of the site and within the adjacent Mary Knoll Reserve are not impacted by the proposed amendment providing future development is in accordance with the Bushfire Report, engineering concept plan and associated arborist advice submitted with the application.
- 4.24 One white gum (*Eucalyptus viminalis*) tree located within the existing General Residential zoned portion of the site but proposed to be rezoned to Open Space, will require removal for future development of the subject land. The loss of this tree is unavoidable and it will require removal irrespective of the proposed amendment. The works associated with the proposed subdivision will also encroach into the tree root protection zones of a number of trees located within the Mary Knoll Reserve. This encroachment is also unavoidable and will result from future development of the land irrespective of the proposed amendment.
- 4.25 However the proposed amendment will increase the potential density of development across the site, including areas potentially containing swift parrot. While this habitat is not identified for removal, the Natural Values Assessment submitted with the application (North Barker, 17 August 2018) indicates the long-term prognosis of trees in proximity to future dwellings is compromised. Furthermore, bushfire hazard management requirements may also require removal of some of these trees and other native vegetation within the proposed Open Space Zone at the southern end of the site for the purposes of bushfire hazard management. Therefore, future development at increased densities has the potential to result in the loss of up to five blue gum trees for dwellings and associated bushfire hazard management. In addition to providing potential foraging habitat, these trees contribute to the vegetated back drop of the Blackmans Bay bluff area and their loss would impact on landscape amenity as well as priority biodiversity values.
- 4.26 The proposed amendment therefore fails to adequately recognise the importance of the area's landscape and environmental values. If the lot sizes proposed in the southeast portion of the site were increased, this would provide for larger lots that are able to retain sufficient native vegetation as well as provide space for further vegetation planting.

Landslide Risk

- 4.27 The south eastern portion of the site is subject to the Landslide Hazard Code (E3.0) and the proposed amendment includes the removal of the Landslide Hazard Overlay from subject land.
- 4.28 A Geotechnical Site Investigation submitted with the application (GES, January 2018) concludes that the site is suitable for residential development and the geotechnical assessment is generally rated as low. Notwithstanding, the investigation includes a range of recommendations in relation to future construction requirements. These recommendations are generally able to be addressed at the building stage.
- 4.29 However, the geotechnical investigation also includes recommendations relevant to the subdivision stage and identifies the risk related to dispersive soils as low-medium. To address the risk of tunnel or subsoil erosion, the investigation recommends that a dispersive soil assessment be undertaken once infrastructure plans are developed to ensure any excavations for infrastructure do not cause unnecessary erosion.
- 4.30 In the event that the Landslide Hazard Overlay is removed from the subject land, there would be no planning controls to address landslide hazard and erosion issues and no head of power to implement a number of the recommendations in the geotechnical assessment, including the dispersive soil assessment.
- 4.31 In addition, as part of the transition from KIPS 2015 to the new planning scheme (i.e. the Kingborough LPS via the Tasmanian Planning Scheme), there is a requirement that the landslide mapping prepared by the Department of Premier and Cabinet, Office of Security and Emergency Management is implemented as per the four landslip hazard bands depicted in the 'Landslide Planning Map – Hazard Bands 20131022' layer published on the LIST. This landslip hazard area overlay may be modified, but only in accordance with a report which justifies the changes. As discussed above, the geotechnical investigation report is not definitive enough to justify modifying the 'Landslide Planning Map – Hazard Bands 20131022' layer. Consequently, the removal of this overlay is not supported.

Stormwater

- 4.32 A concept services report has been submitted in support of the application. The site has access to existing council stormwater mains and services located adjacent to the site. An existing council reserve is located between the site and Blowhole Road. The reserve is heavily vegetated and an open creek / drainage system runs along the reserve and connects to a culvert system under Blowhole Road. This culvert system controls stormwater flows from Blowhole Road to the discharge point at the northern end of Blackmans Bay Beach within the Blowhole cliffs area.
- 4.33 The reserve has existing Council stormwater reticulation discharge connections from residential areas immediately upstream adjacent to Blowhole Road. Part of the development is able to be connected to this reticulation. A significant portion of the site falls to the reserve area and proposed road stormwater and lot reticulation in the cul-de-sac is proposed to connect to the Blowhole Road culvert system. The services report includes a preliminary stormwater treatment analysis as per the requirements of the stormwater management code. The concept road design details include on-street rain gardens for stormwater quality treatment. This rain gardens treatment system has been used in other recent subdivisions including Spring Farm and Whitewater Estates. The preliminary analysis indicates the stormwater discharge from the development will satisfy the quality requirements of the code.

- 4.34 The proposed lots on the west side of the site fall to the west to existing development and a stormwater reticulation extension is proposed from existing reticulation at the north end of Ocean Esplanade. The proposed reticulation extension will adequately service these lots although the existing outfall main under Ocean Esplanade to Blackmans Bay Beach may require upgrading. This can be determined at the detailed design stage. This proposed reticulation extension also includes a stormwater quality treatment system within the Open Space Zone (proposed Lot 201) prior to connection to Ocean Esplanade system.

Sewerage and Potable Water

- 4.35 The concept services report indicates the site can be serviced with sewerage and potable water services. Discussions with TasWater indicate that spare capacity is available in the existing systems without required major upgrades. The report proposes extensions of existing reticulation mains to service the proposed development which would be made possible via the rezoning.

Power & Telecommunications

- 4.36 The concept services report indicates the site can be serviced with power and telecommunications through discussions with authority service providers. The report proposes extensions of existing reticulation mains in Home Avenue and Blowhole Road to service the proposed development which would be made possible via the rezoning.

Road networks, traffic management and drainage

- 4.37 The site is proposed to have road frontage access from Home Avenue and Blowhole Road. The proponent has submitted a Traffic Impact Assessment (TIA) in support of the application. The site is located at the end of Home Avenue at the point that Home Avenue turns through 90 degrees and becomes Derwent Avenue.
- 4.38 The TIA estimates that the proposed 22 lot subdivision will generate in the order of 200 vehicles per day and 20 vehicles per hour during peak traffic periods. The TIA also indicates that the additional traffic generated from the proposed subdivision will not create any operational issues on the surrounding road network including the Home Avenue / Roslyn Avenue and Blowhole Road / Roslyn Avenue intersections.
- 4.39 The proposed subdivision road layout consists of an internal cul-de-sac extending from the Home Avenue access with a joining road link from Blowhole Road. The proposed road reserve access from Home Avenue is restricted in width to approximately 16.4 metres. This is not in compliance with the required road reserve standard of 18 metres, however there is sufficient width for the road pavement width and the entrance intersection requires specific design including kerb indentation to control traffic speed and vehicle priority at the access point and bend with Derwent Avenue. This can be achieved with detailed engineering design and is a relative standard type intersection used in these situations to control vehicle movements.
- 4.40 The remainder of the proposed road reserves are in accordance with the required Local Government Association of Tasmania standard. The road link to Blowhole Road is 18 metres and the Home Avenue extension (once past the restricted width initial access) is also 18 metres in accordance with the road class standard. The Home Avenue extension transitions in width from midway along Lot 22 down to 15 metres adjacent to Lot 1 and the bend into the cul-de-sac. Lot 1 contains the existing house on the site that is proposed to be retained.

4.41 The proposed cul-de-sac complies with the road standard, however the proposed retention of the existing house and proposed Lot 1 results in an unusual road layout towards the southern end of the site. The road adjacent to Lot 1 turns through greater than 90 degrees in this location. It can be argued that without the retention of the existing house and proposed Lot 1, there would be an opportunity to design an efficient and orderly road and services reticulation layout with less resultant restrictions.

Strategic alignment – Southern Tasmania Regional Land Use Strategy

4.42 The Southern Tasmania Regional Land Use Strategy (STRLUS) has been implemented to provide guidance and direction for future development and use in the southern region. Section 30O of the former provisions of LUPAA requires that a proposed amendment must be consistent with the STRLUS.

4.43 The STRLUS contains a number of regional policies that are in place to support strategic directions for the southern region. The following policies are considered the most relevant to the proposed amendment.

Settlement and Residential Development

4.44 The STRLUS identifies the importance of the Greater Hobart area in providing for meeting the housing needs of Southern Tasmania. Specifically the STRLUS addresses the relevant issues regarding the need for new residential growth and infill across the area. The STRLUS seeks to provide a sustainable and compact network of settlements with Greater Hobart at its core, which is capable of meeting projected demand (SRD 1).

4.45 The Greater Hobart Residential Strategy found in the STRLUS recognises that most new dwelling construction has occurred through greenfield development, and at relatively low densities. The strategy also recognises that greater efficiency is needed in the use of land for residential development through balancing the ratio of greenfield development to infill development. There are clear benefits of infill development, some including:

- more efficient use of physical and transport infrastructure;
- reduced ecological footprint of urban development and reduction in loss of biodiversity;
- better utilisation and revitalisation of other public infrastructure, including parks and open space; and
- provision of a greater range of housing options to suit the decreasing size of households and ageing population.

4.46 The STRLUS adopts a 50/50 greenfield to infill ratio with a minimum net residential density of 15 dwellings per hectare.

4.47 The subject land is situated within the Urban Growth Boundary identified by the STRLUS, and is considered an infill development opportunity. However it is noted that the STRLUS officially identifies nominated “urban infill areas” as being in central Kingston and along the Channel Highway, not the subject site in Blackmans Bay.

4.48 The STRLUS also aims to distribute residential infill growth across the existing urban areas for the 25 year planning period (2010-2035), with Kingborough

municipality to contribute 5% or 662 dwellings of the target set for the whole of Southern Tasmania (SRD 2.7).

- 4.49 For the years 2010-2018 there have been approximately 575 new infill dwellings approved within the Kingborough municipality. This is the equivalent of approximately 86% of the infill target for Kingborough achieved within 8 years of the 25 year planning period. This indicates that there is an understanding of the need for appropriate infill development within the Kingborough municipality, including multi-unit development, to help alleviate housing supply pressures. This statistic also allows Council to consider the proposed amendment holistically, rather than in isolation, specifically with regards to appropriate densities.
- 4.50 The STRLUS suggests that residential dwellings of 15 dwellings per hectare in suburban areas and 25 dwellings per hectare for inner urban areas are most appropriate. Blackmans Bay is considered a suburban area. The level of future potential development for the proposed, extended General Residential Zone at the subject site is almost at the level of inner urban areas (i.e. capable of developing at about 22 dwellings per hectare). For the whole site, the planning scheme would allow for up to about 60 dwellings to be constructed if the rezoning were to happen as per the amendment request, or approximately 18 dwellings per hectare when calculating densities and using the size of the General Residential Zone and Low Density Residential Zone combined. This is out of character for the Blackmans Bay area and beyond what the STRLUS aims to achieve.
- 4.51 It is considered that the site can facilitate some further development but not to the extent and density proposed. Council staff provided the proponent with a proposal more aligned with the STRLUS (including densities), local area objectives and community sentiment, however this was disregarded.
- 4.52 It is therefore considered that the proposed development does not further the regional policy 19. Settlement and Residential Development found in STRLUS.

Land Use and Transport Integration

- 4.53 The STRLUS identifies the importance of developing and maintaining an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner (LUTI 1).
- 4.54 The STRLUS also encourages higher density residential and mixed use developments within 400, and possibly up to 800 metres of integrated transit corridors (LUTI 1.1). The implementation strategy for the desired future character statement for Blackmans Bay found in KIPS 2015 aims to further LUTI 1.1 in that it specifically states that multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct. The Opal Drive commercial precinct is Blackmans Bay's main commercial/retail district, acting as a pseudo-transit-oriented development site in that it provides for a relatively more compact mixed-use community.
- 4.55 The Opal Drive commercial precinct is greater than 800 metres away, via the existing road network, from the subject site.
- 4.56 It is therefore considered that the proposed development does not further the regional policy 13. Land Use and Transport Integration found in STRLUS.

Strategic alignment – Kingborough Land Use Strategy

- 4.57 The Kingborough Land Use Strategy specifically addresses Blackmans Bay. The strategy acknowledges that most of the areas at Blackmans Bay contain residential development at the General Residential Zone densities. However, it also notes that the Powell, Talone and Blowhole Road area (the area of the subject site) is one where the land parcels are slightly larger, road infrastructure is less developed and there is more native vegetation. The area provides for a vegetated backdrop to Blackmans Bay at its northern edge.
- 4.58 The strategy also acknowledges that this area is fully serviced, but that the lower density zone is utilised to protect local landscape values (visual, heritage and native vegetation).
- 4.59 With regards to the discussions in the previous sections, the proposed amendment is not considered to be consistent with the Kingborough Land Use Strategy. The proposed amendment fails to recognise the importance of Blackmans Bay’s low-density characteristics by seeking to extend the General Residential Zone beyond an appropriate level, potentially negatively affecting the vegetated backdrop to Blackmans Bay, and through the related subdivision application seeks to provide smaller lot sizes than the surrounding area.

Strategic alignment – Kingborough Council Strategic Plan 2015-2025

- 4.60 The Kingborough Council Strategic Plan 2015-2025 (the Strategic Plan) acknowledges “the challenges within the current economic climate and expectations of continued population growth” that Kingborough faces over the next 20 years. According to the Strategic Plan, “Over the next 20 years, Kingborough is predicted to have the greatest increase in population compared to all other municipalities in Tasmania”.
- 4.61 The Strategic Plan includes a number of Strategic Outcomes that are listed under six Key Priority Areas. One of the key priority areas is Key Priority Area 2.0 *Sustainable land use and infrastructure management*. Of particular relevance to the proposed amendment is Strategic Outcome 2.0 which includes the below strategies.

Key Priority Area	2.0	Sustainable land use and infrastructure management
Strategic Outcome	2.0	Strategic plans provide the necessary guidance to manage future development and infrastructure needs
Strategy	2.1.1	Ensure sound strategic land use planning and asset management provides the basis for sustainable future development and infrastructure investments.
Strategy	2.1.3	Assess long term accommodation needs within the community and support housing diversity and choice.

- 4.62 As per the previous sections, while it is acknowledged the proposed amendment would facilitate an increase in dwelling stock within the municipality, the amendment is considered inappropriate in its current state. The potential, allowable future densities are considered an over development of the land and not considered sound strategic land use planning.

5 STATUTORY ASSESSMENT

Section 32 of LUPAA

5.1 Pursuant to section 32(1) of the former provisions of LUPAA, a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) -

(a)

(b)

(c)

(d)

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 300; and

(f) must have regard to the impact the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

5.2 The proposed amendment is assessed against section 32(1) of the former provisions of LUPAA 1993 below.

Potential land use conflicts

5.3 Section 32(e) of the former provisions of LUPAA requires that planning scheme amendments must avoid the potential for land use conflicts in adjacent planning scheme areas.

5.4 The proposed amendment results in an extension of the General Residential zone and a reduction in the Low Density Residential zone. This will not lead to land use conflicts as the land to the north and west of the site is zoned General Residential, and to the north east is zoned Low Density Residential.

5.5 Future development will be consistent with the surrounding land use pattern and will not create any potential for conflict with regards to zoning or land use.

5.6 A potential for land use conflict does exist if the General Residential Zone is significantly extended, and multi-unit development is permitted. Multi-unit development is a land use which will inherently change the nature of this area of Blackmans Bay (i.e. disrupt the predominately low-density residential development with larger lot sizes, reasonable setbacks and retainment of native vegetation and gardens).

Section 300

5.7 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 300 of the former provisions of LUPAA.

5.8 Section 300 of the former provisions of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy.

- 5.9 Strategic alignment, or lack therefore, with the Southern Tasmania Regional Land Use Strategy is addressed in section 4 of this report.
- 5.10 It is considered that the proposed amendment is not consistent with the regional land use strategy and local land use strategy, and therefore does not meet the requirements of section 30O of LUPAA.

Impact on the use and development of the region

- 5.11 Section 32(f) of the former provisions of LUPAA require that planning scheme amendments must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
- 5.12 The STRLUS sets out a strategy to meet the ongoing housing demands for the region. The proposed zoning of General Residential and Low Density Residential (Area C) for the site is not considered to be consistent with the strategy. This is discussed in section 4 of this report.
- 5.13 It is considered the proposed amendment will result in an overdevelopment of the site and will have cumulative, adverse impact on use and development in the region, and therefore does not meet the requirements of section 32(f) of the former provisions of LUPAA.

Sections 30I and 30J of LUPAA

- 5.14 Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered.
- 5.15 During the exhibition period for KIPS 2015, Council received a large number of representations relating to the part of Blackmans Bay which overlooks the northern end of Blackmans Bay Beach, which includes the subject site. Many of the representations identified that this part of Blackmans Bay was distinct to other parts of Blackmans Bay and neighbouring Kingston. The community submitted representations that described the character of the area and justification for its difference. These characteristics included the vegetated backdrop to Blackmans Bay Beach, the larger less formal gardens, fewer front fences, older housing and a less formal road network.
- 5.16 Due to the level of community sentiment for the area and the submissions received during the exhibition of KIPS 2015, a community survey was undertaken by Council into the preferred future development of a specific area of Blackmans Bay – Blackmans Bay Bluff. The subject site was included in the investigation area. The survey results are to be used to create a Specific Area Plan (SAP) for Blackmans Bay Bluff in the Kingborough Local Provisions Schedule (LPS) (part of the Tasmanian Planning Scheme) in the near future.
- 5.17 The proposed amendment has failed to fully appreciate or consider the results of this survey or Council staff recommendations.
- 5.18 As multiple representations were received during the exhibition of KIPS 2015 which are relevant to the proposed amendment and Council intends to introduce a Blackmans Bay Bluff SAP in the future Kingborough LPS, it is considered that sections 30I and 30J have not been satisfied.

Section 65 Local Government Act 1993

- 5.19 Pursuant to section 65 of the *Local Government Act 1993*, Council must take into account the advice provided by a person with the necessary qualifications and experience necessary to give such advice.
- 5.20 This report is prepared by such persons and provides the appropriate advice and recommendations.

Objectives of Schedule 1 of LUPAA

- 5.21 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA.
- 5.22 The objectives of the former provisions of LUPAA require use and development to occur in a fair, orderly and sustainable manner and for the planning process to facilitate economic development in accordance with the other Schedule 1 objectives.
- 5.23 The following table assess the proposed amendment against the objectives of Schedule 1 of the former provisions of LUPAA.

**Objectives of Schedule 1 of the former provisions of the
Land Use Planning and Approvals Act 1993**

Part 1 Objectives		
Objective	Proponent response	Comment
<p>(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i></p>	<p>Initial desktop assessments have identified no forest groups or significant vegetation contained in the area. This was expected given the previous use of a site as a retreat and accommodation, therefore the grounds were cleared.</p> <p>The amendment will have minimal impact with regards to ecological processes and genetic diversity, and accordingly satisfies Objective (a) of Part 1.</p>	<p>It is considered that the proposed amendment does not satisfy Objective (a) of Part 1 in that the proposed rezoning to Low Density Zone (Area C) would allow for the site to be subdivided into 1,000 square metre lots under KIPS 2015. This would in turn put increased pressure on the area of the site where the Biodiversity Protection Area is present, as significant portions of the land would need to be further cleared to allow for a building envelope that satisfies the development standards for buildings and works.</p> <p>It is acknowledged that a significant portion of the site has been cleared or altered. A more appropriate proposal would be retain the Low Density Zone as Area B, rather than rezone to Area C, and introduce a site specific qualification to allow for lot sizes of 1,500 square metres. A minimum lot size of 1,500 square metres would be in line with the Tasmanian Planning Scheme's State Planning Provisions.</p>
<p>(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water</i></p>	<p>The proposed rezoning will facilitate housing developments within the area of Blackmans Bay. The site is surrounded by residential development with an existing suburb. The area is serviced with mains sewer and water infrastructure.</p> <p>The subdivision has been designed to minimise potential conflict with adjoining land uses and services. The amendment is considered to satisfy Objective (b) of Part 1.</p>	<p>The objective is addressed, in that the proposed rezoning will facilitate further housing development within Blackmans Bay.</p> <p>It is not considered that the proposed rezoning is a fair, orderly and sustainable use of the subject site as per the discussion in section 4.</p> <p>Therefore it is considered Objective (c) of Part 1 has not been sufficiently addressed.</p>

Part 1 Objectives		
Objective	Proponent response	Comment
(c) <i>to encourage public involvement in resource management and planning</i>	A public notification period will be conducted in accordance with the requirements of the Land Use Planning and Approvals Act 1993.	<p>The objective is addressed in that a public notification period would allow for the public to be involved in resource management and planning.</p> <p>However, it is noted that the public has been engaged in resource management and planning through a previous survey regarding preferred future development of a specific area of Blackmans Bay – Blackmans Bay Bluff. The subject site was included in the investigation area.</p> <p>The proposed amendment has failed to fully appreciate the results of this survey or Council staff recommendations which stem from public involvement in planning. Therefore Objective (c) of Part 1 has not been sufficiently addressed.</p>
(d) <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)</i>	<p>The likely increase in population resulting from the amendment in conjunction with the site's close proximity to Kingston, a principal activity centre, will result in a positive impact on the economic development of the area.</p> <p>Furthermore, the construction phases of the subdivision will create employment and economic stimulation in the local community in the short term. It is considered that this will be undertaken in accordance with objectives set out in (a), (b) and (c).</p>	It is considered that Objective (d) of Part 1 has only been partially addressed, in that the objectives set out in paragraphs (a), (b) and (c) have not all been satisfied.
(e) <i>to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State</i>	n/a	n/a

Part 2 Objectives		
Objective	Proponent response	Comment
(a) <i>to require sound strategic planning and co-ordinated action by State and Local Government</i>	<p>The proposal has been considered against the Southern Tasmania Regional Land Use Strategy. The development is located within the Urban Growth Boundary, and is serviced by existing services and infrastructure. The proposed rezoning and subdivision will provide housing in an area with existing services and public amenities.</p> <p>The proposed rezoning has also been considered against the relevant strategic documents for the Kingborough municipality under section 4 of this report.</p>	As discussed in section 4 of this report, the existing strategic framework in place under the STRLUS and Kingborough Land Use Strategy has not been appropriately addressed. Therefore Objective (a) of Part 2 has not been satisfactorily addressed.
(b) <i>to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land</i>	<p>The amendment will modify the uses and development that may occur on the site. The uses and development will be similar to, and compatible with, the adjoining residential zoned land to the west, north and south. The implications of this have been addressed in Section 7 of this report*, and are considered to be acceptable.</p> <p>The proposed amendment is considered to achieve Objective (b) of Part 2.</p> <p><i>* Council officer note: Section 7 relates to the planning submission report prepared by the proponent.</i></p>	The proposed amendment does not affect the established system of planning instruments and allows for future development to be considered against the planning scheme. Therefore Objective (b) of Part 2 has been satisfactorily addressed.
(c) <i>to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land</i>	<p>The site is vacant of any listed buildings, however the southern wing of the existing conference centre has some local heritage value and thus will be retained. The Aboriginal Heritage Report undertaken for the site found five registered Aboriginal sites within 1 km radius of the study area, including two on the subject site. The report notes that the scientific significance for this site is low-medium, and has negligible historic significance. The report advises that the area should</p>	<p>The objective has not been satisfactorily addressed.</p> <p>The proposed amendment avoids impacts within the proposed Public Open Space Zone at the northern end of the site and on the adjacent Mary Knoll Reserve, subject to future development being undertaken in accordance with the Bushfire Report, engineering concept plan and associated arborist advice submitted with the application.</p>

Part 2 Objectives		
Objective	Proponent response	Comment
	<p>not be impacted. One area is located in the proposed public open space Lot 201* and the other in the lower portion of Lots 6-8 which is unlikely to be affected by buildings or in-ground services.</p> <p>A building on site has been identified by Council as having a potential significance in terms of building heritage (existing building on Lot 16). The southern wing of this building will be retained.</p> <p>It is considered that the proposal is consistent with objective (f) of Part 2.</p> <p><i>*Council officer note: the reference to public open space Lot 201 is incorrect. The proponent was reluctant to update the planning submission report after the second further request for information, and therefore the planning submission does not accurately portray the final application. The reference to public open space Lot 201 should refer to residential Lot 21.</i></p>	<p>However the proposed amendment will increase the potential density of development across the site, with future development at increased densities having the potential to result in the loss of potential swift parrot habitat and compromise the vegetated back drop of the Blackmans Bay bluff area.</p> <p>The proposed amendment in its current form therefore fails to adequately recognise the importance of the area's landscape and environmental values.</p> <p>It is noted that the proposed zoning of the northeast corner of the site as Open Space would have a positive effect on the natural environment. This part of the rezoning would allow for the extension of the Mary Knoll Reserve.</p>
<p>(d) <i>to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;</i></p>	<p>The amendment is consistent with State Policies and municipal policy. The amendment will not conflict with neighbouring planning schemes.</p> <p>The amendment is consistent with Objective (d) of Part 2.</p>	<p>It is considered that Objective (d) of Part 2 has not been satisfactorily addressed.</p> <p>The associated subdivision application seeks to provide for lots of 1,000 square metres, rather than 1,500 square metres as per the Tasmanian Planning Scheme's State Planning Provisions. This discrepancy was advised to the proponent.</p> <p>Not aligning lot sizes with the incoming Tasmanian Planning Scheme does not allow for easy integration across various policies at State, regional and municipal levels.</p>

Part 2 Objectives		
Objective	Proponent response	Comment
(e) <i>to provide for the consolidation of approvals for land use or development and related matters and to co-ordinate planning approvals with related approvals</i>	The amendment is linked with a development application for a residential subdivision through Section 43A of the [<i>former provisions of the</i>] Land Use Planning and Approvals Act [<i>*1993</i>]. <i>*Council officer addition</i>	The objective has been satisfactorily addressed.
(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania</i>	The development of the site will contribute to the viability and expansion of community facilities, shops and public transport. The site lends itself to an area for residential development that will provide for housing. The rezoning will also contribute to the recreational environment by providing new public open space for casual recreation and beach access.	It is considered that Objective (f) of Part 2 has only been partially addressed. The proponent's response to the objective is agreeable, however the proposed amendment does not appropriately secure a pleasant living environment for those that currently reside in Blackmans Bay. As per previous discussions in section 4 of this report, the proposed amendment has failed to fully appreciate or consider the results of Blackmans Bay Bluff Planning Survey or Council staffs' recommendations. The characteristics of Blackmans Bay that make the area a pleasant place to live include the larger lots sizes and the vegetated backdrop to Blackmans Bay Beach. The proposed amendment potentially affects both of these characteristics negatively.
(g) <i>to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</i>	The site is vacant of any listed buildings, however the southern wing of the existing conference centre has some local heritage value and thus will be retained. The Aboriginal Heritage Report undertaken for the site found five registered Aboriginal sites within 1 km radius of the study area, including two on the subject site. The report notes that the scientific significance for this site is low-medium, and has negligible historic significance. The report advises that the area should not be impacted. One area is located in the proposed	The objective has been satisfactorily addressed.

Part 2 Objectives		
Objective	Proponent response	Comment
	<p>public open space Lot 201* and the other in the lower portion of Lots 6-8 which is unlikely to be affected by buildings or in-ground services.</p> <p>A building on site has been identified by Council as having a potential significance in terms of building heritage (existing building on Lot 16). The southern wing of this building will be retained.</p> <p>It is considered that the proposal is consistent with objective (g) of Part 2.</p> <p><i>*Council officer note: The reference to public open space Lot 201 is incorrect. The proponent was reluctant to update the planning submission report after the second further request for information, and therefore the planning submission does not accurately portray the final application. The reference to public open space Lot 201 should refer to residential Lot 21.</i></p>	
<p>(h) <i>to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community</i></p>	<p>As detailed in the Services Report (Appendix K), connections into the existing stormwater, sewer and water networks have been shown and volumes / demands have been determined.</p> <p>The stormwater treatment is provided through the use of rain gardens/bio-retention swales positioned within the road verge. A high priority has been placed on the quality of the stormwater outflow in consideration of the proximity of Blackmans Bay Beach. The majority of the stormwater outflow is shown to connect into the stormwater system in the gully north east of the subdivision. It is acknowledged that in a 1% ARI event, the system in the gully is expected to be overwhelmed and an overland flow path over blowhole road will be established. The subdivision will</p>	<p>The objective has been satisfactorily addressed.</p>

Part 2 Objectives		
Objective	Proponent response	Comment
	<p>contribute to the flow volumes, however, the additional volume is not expected to contribute to the ineffectiveness of the public utility (road) any more than in its current state.</p> <p>The Stormwater connection to the beach side of the subdivision is to make use of the existing outflow infrastructure. No additional volume of water is anticipated as a result of the detention systems.</p> <p>As detailed under section 2.2 of this report the subsequent increase in population will assist in the viability of public transport, schools and the like, whilst providing opportunity for housing supply. The rezoning is considered to have an overall benefit for the community. The proposal is therefore considered to be consistent with objective (h) of Part 2.</p>	
<p><i>(i) to provide a planning framework which fully considers land capability</i></p>	<p>The site is located within an existing urban area. The site has no agricultural value given its size and isolation from agricultural areas.</p> <p>The rezoning proposed is considered to be consistent with objective (i) of Part 2.</p>	<p>It is considered that Objective (i) of Part 2 is partially addressed, in that the proposed amendment does not affect attainment of the objective. However, the proposed amendment is considered to be an over development in its current form and therefore the proposed rezoning, if it were to be initiated, would be contrary to the objective. See discussion in section 4 of this report.</p>

State Policies

- 5.24 LUPAA requires that planning scheme amendments must be prepared in accordance with State Policies.
- 5.25 State Policies are made under the *State Policies and Projects Act 1993* (SPPA). As specified by section 13C of SPPA, the Council is bound by State Policies and under section 13(1), if a Planning Scheme is inconsistent with a State Policy; the Planning Scheme is void to the extent of that inconsistency. The proposed amendment is assessed against the provisions of the relevant State Policies as follows:

State Coastal Policy 1996

- 5.26 The *State Coastal Policy 1996* applies to the proposal in relation to all of the subject properties as they are located within 1km of the coast. This policy seeks to protect natural and cultural values of the coastal zone, ensure the sustainable development of coastal areas and resources and share responsibility for integrated management of coastal areas and resources. The subject sites are wholly located within 1km of the coast and accordingly assessment against this policy is required.
- 5.27 There are three main principles that guide Tasmania's *State Coastal Policy 1996*:
- Natural and cultural values of the coast shall be protected.
 - The coast shall be used and developed in a sustainable manner.
 - Integrated management and protection of the coastal zone is a shared responsibility
- 5.28 There are a number of outcomes contained within the Policy that seek to achieve the objectives. Outcome 2.4 particularly relates to urban and residential development and is defined as follows:
- 2.4.1 Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.*
- 2.4.2 Urban and residential development in the coastal zone will be based on existing townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.*
- 2.4.3 Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.*
- 5.29 The subject land is located within an existing residential area and does not result in expansion of an urban area, therefore is considered infill in this case. Further development of the subject land does not create a need for the provision of significant additional infrastructure. Therefore outcomes 2.4.1 and 2.4.2 are satisfactorily addressed.
- 5.30 However, the proposed level of potential development of the subject site does not satisfy or facilitate outcome 2.4.3, specifically the objectives of the *State Coastal Policy 1996*. The objectives of the *State Coastal Policy 1996* are the same as the objectives found in Schedule 1 of the former provisions of LUPAA, and as detailed

in the table immediately above, the proposed amendment has not sufficiently addressed these objectives.

- 5.31 Accordingly, the proposed amendment is considered to be partially in accordance with the *State Coastal Policy 1996*.

State Policy on Water Quality Management 1997

5.32 There are provisions contained within specific codes under KIPS 2015 to mitigate any detrimental issues associated with wastewater disposal and the protection of water quality upon future subdivision. The subject land is located within an area serviced by reticulated infrastructure.

5.33 The implications specific to on-site wastewater management have been discussed earlier under the 'wastewater' assessment by Council's Development Engineer in section 4 of this report.

5.34 It is considered there are sufficient provisions contained within KIPS 2015 to manage the impacts on water quality, and accordingly the proposed amendment is consistent with the *State Policy on Water Quality Management 1997*.

State Policy on the Protection of Agricultural Land 2009

5.35 The existing zoning of the subject land (i.e. General Residential and Low Density Residential (Area B)) effectively acknowledges there is no agricultural potential for the site. It is therefore considered the proposed amendment does not have any implications under the *State Policy on the Protection of Agricultural Land 2009*.

National Environmental Protection Measures

5.36 There are no National Environmental Protection Measures relevant to the assessment of the draft amendment.

6 FINANCE

6.1 The planning scheme amendment does not have any current or future financial implications.

7 ENVIRONMENT

7.1 The environmental implications are discussed in section 4 of this report.

8 PUBLIC CONSULTATION

8.1 If Council chooses to initiate the proposed amendment, contrary to the officer's recommendation, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA. Section 38 of the former provisions of LUPAA requires that the proposal be advertised for a period of between 3 weeks and 2 months, as determined by the planning authority.

8.2 If Council were to initiate the proposed amendment, the proposed planning scheme amendment would be publicly exhibited for a minimum period of 28 days with notification:

- (a) on the Kingborough Council website;
- (b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and

(c) in writing to owners and occupiers for the property and adjoining properties.

- 8.3 A full package of exhibition material would be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston, including the planning submission report and associated investigation reports provided by the proponent. This package includes:

Attachment A: Planning submission: PSA-2018-3 – 15 Home Avenue

Attachment B: Revised rezoning plan: PSA-2018-3 – 15 Home Avenue

Attachment C: Revised bushfire report: PSA-2018-3 – 15 Home Avenue

All attachments have previously been provided to Council electronically.

- 8.4 Council would review all submissions to the planning scheme amendment and report them to the Tasmanian Planning Commission. The report would include the planning authority's views on the merit of each representation, whether the amendment should be modified and the impact of the representation on the amendment as a whole.

9 CRITICAL DATES / TIME FRAMES

- 9.1 If Council supports the amendment and initiates and certifies the amendment for public exhibition, contrary to the officer's recommendation, it must advise the Tasmanian Planning Commission (the Commission) within seven days.
- 9.2 Post-public exhibition, Council has 35 days from the close of the notification period to forward its report to the Commission. The Commission may grant an extension of time if requested.
- 9.3 The Commission must complete its consideration and decision process within three months of receiving Council's report on the representations, unless an extension of time has been agreed by the Minister.
- 9.4 If the Commission approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

10 CONCLUSION

- 10.1 While the proposed amendment for the land at 15 Home Avenue, Blackmans Bay provides an opportunity to increase dwelling supply within the Kingborough municipality, there are myriad concerns which have not been addressed by the proponent. These relate to future development applications and associated 'unknowns', inappropriate density levels for the area, visual impacts and non-alignment with State Planning Provisions with specific regards to lot size in the Low Density Residential Zone.
- 10.2 The planning submission received with the application contains many unknowns, including incidences which rely on additional assessments and designs to occur after an assumed approval of the planning scheme amendment. The planning submission was also not updated to reflect revised plans after requests for further information, despite Council staff recommending the document be updated to reflect changes. The aim of strategic planning and planning scheme amendments is to positively facilitate future development. A planning scheme amendment process should permit future development to progress without undue delay and ensure future development is feasible. With a non-updated planning submission

unknowns are amplified, making it challenging to ensure future development is feasible. Additionally, the proposed amendment in its current state relies heavily on future development potentially meeting Performance Criteria rather than undertaking good, initial design which allows future development to meet Acceptable Solutions. It is therefore considered that these unknowns do not follow good planning principles.

- 10.3 It is acknowledged the subject site lies within the Urban Growth Boundary identified in the STRLUS and Council staff are of the opinion that the subject land is capable of handling an increase in dwelling capacity through a slight extension of the General Residential Zone. However the proposed level of potential future densities, through the extent of the proposed General Residential Zone, is seen as inappropriate and an overdevelopment of the site. The strategic assessment that has occurred via the planning scheme amendment request can be utilised to investigate rezoning of the land at 15 Home Avenue through the drafting of the Kingborough Local Provisions Schedule to be more consistent with the views of the community, the STRLUS, the Kingborough Land Use Strategy and the proposed Blackmans Bay Bluff SAP.
- 10.4 The locality and subject site is one which provides a prominent, vegetated backdrop for Blackmans Bay, especially from Blackmans Bay Beach. The landscape values of the site are acknowledged in the Blackmans Bay local character statements and desired future character statements for both the General Residential Zone and the Low Density Residential Zone. Bushfire hazard management requirements would concentrate future development along the ridge of the subject site and would rely upon management of the vegetation at the southern end of the site. Because of this, the visual impact of the loss of part of the vegetated backdrop to Blackmans Bay and increase in housing density has the potential to be considerable when viewed from Blackmans Bay Beach and Ocean Esplanade.
- 10.5 The proposed lot sizes in the contracted Low Density Residential Zone, found in the associated DAS-2018-15, are not aligned with the State Planning Provisions. Specifically the minimum lot size for Low Density Residential Zone in the State Planning Provisions is 1,500 square metres. Council staff provided recommendations to the proponent to include larger lot sizes in the proposed Low Density Residential Zone to align with the State Planning Provisions (1,500 square metres rather than 1,000 square metres).
- 10.6 With the above considered and additional concerns described in the report, the proposal is not considered to be consistent with the objectives of Part 1 and Part 2 of the former provisions of LUPAA, the planning principles or strategic directions of STRLUS or the Kingborough Land Use Strategy, or the State Planning Provisions. It is therefore recommended that the proposed amendment to KIPS 2015 not be initiated.
- 10.7 If Council supports the recommendations put forward in this report, Council staff will investigate rezoning the land at 15 Home Avenue, Blackmans Bay during the drafting of the Kingborough Local Provisions Schedule. This drafting is to occur in the immediate future. Potential rezoning would more closely align with the results of the Blackmans Bay Bluff Planning Survey, yet still allow for the land to be developed further than currently permissible.

11 RECOMMENDATION

MOVED
SECONDED

That Council resolves that the report of the Manager Development Services be received and that:

- (a) Council resolve to not initiate Amendment PSA-2018-3 to the *Kingborough Interim Planning Scheme 2015*; and
- (b) Council staff are directed to investigate rezoning of the land at 15 Home Avenue, Blackmans Bay through the drafting of Kingborough Local Provisions Schedule to be more consistent with the views of the community and results of the previous Blackmans Bay Bluff Planning Survey.

	For	Against		For	Against
Cr Atkinson			Cr Street		
Cr Bastone			Cr Wass		
Cr Fox			Cr Westwood		
Cr Grace			Cr Winter		
Cr Midgley					

FILE NO DAS-2018-15
 DATE 16 JANUARY 2019
 OFFICER SAMUEL MCCROSSEN – SENIOR PLANNING OFFICER
 ENDORSED BY TASHA TYLER-MOORE – MANAGER DEVELOPMENT SERVICES

DAS-2018-15 - DEVELOPMENT APPLICATION FOR SUBDIVISION OF 22 RESIDENTIAL LOTS, 2 PUBLIC OPEN SPACE LOTS AND 2 ROAD LOTS AT 'PRESENTATION SISTERS', 15 HOME AVENUE, BLACKMANS BAY, COUNCIL LAND CT 33869/1, ROAD RESERVATIONS CT 175556/1 AND CT 14/6163 FOR JMG ENGINEERS & PLANNERS

Application Number:	DAS-2018-15
Applicant:	JMG Engineers & Planners
Owner:	Presentation Sisters
Zoning:	General Residential, Low Density Residential C and Open Space (Proposed Rezoning)
Discretions:	Lot Size, Building Areas, Frontage, Number of Lots, Roads, Public Open Space, Landslide, Traffic Generation, Trees/Biodiversity
Existing Land Use:	Conference Centre, Accommodation and 2 Dwellings
No. of Representations:	Not applicable.
Planning Issues:	Lot Size, Roads, Public Open Space, Traffic Generation, Natural Values
Recommendation:	Conditional Approval in the event that the Council decides to initiate and certify draft amendment PSA-2018-3.

1 THE PROPOSAL IN DETAIL

1.1 The Proposal

This application seeks approval for a 22 lot subdivision of land at 15 Home Avenue, Blackmans Bay. The application has been submitted in conjunction with a request for a partial rezoning of the land.

The subdivision would involve a new road being constructed between Home Avenue and Blowhole Road with part of the road extending to the south of the site ending in a cul-de-sac. The northern section of the road would have a minimum reservation width of 18m narrowing to 15m on approach to the cul-de-sac and through the link to Blowhole Road. All lots would have frontage and vehicle access to the proposed road. Some roadworks would be required within the Council road reservations on Home Avenue and Blowhole Road to provide appropriate junctions.

The lots would be serviced with reticulated sewer and water services. Lots would be drained to the Council stormwater system in Blowhole Road.

Lots 1, 2 and 10-22 would be within the General Residential Zone and would range in area from 457m² (Lot 20), to 4965m² (Lot 22). Lots 10, 16, 21 and 22 would be designated as lots for the development of multiple dwellings as required by the General Residential Zone standards. All lots within the General Residential Zone would be standard frontage lots with frontages ranging from 6.5m (Lot 6) to 30.9m (Lot 22).

Lot 1 would have an area of 1233m² and would contain an existing dwelling. The dwelling would have minimum setbacks of 1.3m from the proposed side boundaries and 4.6m from the proposed frontage boundary. The southern wing of the conference centre would be retained and located on Lot 16. The building would have minimum setbacks of 7.5m from the boundaries of the lot. The remainder of the conference centre, the several accommodation cabins and the remaining dwelling on the northern side of the site would be demolished to make way for the proposed road.

Lots 3 to 9 would be within the Low Density Residential Area C Zone and would range in area from 1000m² to 1500m². The lots would also be standard frontage lots (i.e. no internal lots) with frontages ranging from 7.5m (Lot 10) to 30.9m (Lot 8).

Two public open space (POS) lots are proposed. Lot 200 would be located alongside Blowhole Road on the northern side of the site, and would have an area of 2043m². Lot 201 would be located on the south of the site and would be intended to provide a land for a linkage and footway between the proposed cul-de-sac and Blowhole Road/Blackmans Bay Beach. A pathway would be constructed to connect the proposed road with Blowhole Road. Lot 201 would have an area of 700m² bringing the total amount of POS to 2743m², which equates to 7.3% of the total area of the property. Both POS lots would be zoned Open Space.

A bushfire hazard management plan has been submitted with the application demonstrating how the proposal would satisfy the requirements of the Bushfire-Prone Areas Code.

CT 33869/1 (Mary Knoll Reserve) would be affected by a stormwater connection from the corner of proposed Lot 6 into the existing stormwater connection in the south east corner of the Mary Knoll Reserve lot. Under Clause 9.6.1 of the Scheme, where the connection of services runs through a different zone to the land upon which the use is proposed to take place, the use status of the application is to be determined disregarding the use status of the access or services in the different zone. Accordingly, while Mary Knoll is zoned Environmental Management and a residential use is prohibited in this zone, this use status is to be disregarded and the Low Density Residential zone use status of discretionary applied.

The applicant proposes to stage the development as follows:

- Stage 1 - lots 1 - 17, Lots 19, 20, 22, Road 100 & POS 201; and
- Stage 2 - Lots 18, 21, Road 101 & POS. 200.

1.2 The Site

The property is comprised of four land titles with a combined area of 3.724ha. The land has a 16.4m frontage to Home Avenue at its northern boundary, and frontage to Blowhole Road on its east and south. Vehicle access is provided to both roads at the same points where the proposed road would connect to the site.

The land contains the Maryknoll Retreat and Conference Centre. The land also contains several accommodation cabins and two dwellings (on separate titles).

The northern half of the land has an average slope of approximately 1 in 10, while the southern half of the land has a slope of approximately 1 in 7. Some smaller parts of the land adjacent to Blowhole Road on the outer edges of the site have a slope up to 1 in 4. The land contains scattered native vegetation, while the areas

around the existing buildings contain domestic plantings. The most substantial area of native vegetation is located around the southern end of the site near Blackmans Bay Beach, and alongside the existing access to Blowhole Road. This area contains a canopy of drooping she-oaks (*Allocasuarina verticillata*) and blue gums (*Eucalyptus globulus*) over predominantly exotic species. The eastern boundary of the land adjoins Council-owned land containing a small pathway and watercourse and a large amount of native vegetation.

An aboriginal heritage assessment submitted with the application indicates that the land contains two areas of aboriginal heritage significance – an area of approximately 41m² in the north of the land, and an area of approximately 500m² on the southern boundary of the land adjacent to Blowhole Road. Future boundary fencing of lots 6, 7 and 8 would be located within one of the affected areas and may disturb Aboriginal Cultural Material. Consequently, any disturbance of these areas caused by boundary fencing or any other works may require a permit in accordance with the provisions of section 14 of the *Aboriginal Relics Act 1975*.

The surrounding area to the north and west of the site is zoned General Residential and contains a variance of single and multiple dwelling developments. To the immediate east of the site is a Council-owned reserve - a bushland reserve zoned Environmental Management. The area to the east opposite the site on Blowhole Road (part of Blackmans Bay Bluff) is zoned Low Density Residential Area B and contains properties with single dwellings on large allotments.

The whole site is within 400m of public transport corridor – a metro bus route, which travels along Roslyn Avenue to Pearsall Avenue and Wells Parade.

1.3 Background

The application is combined with a request for an amendment to the Kingborough Interim Planning Scheme 2015 (the Scheme) to partially rezone the land from General Residential and Low Density Residential Area B to General Residential, Low Density Residential C and Open Space. The planning scheme amendment request also proposes the removal of the Landslide Hazard Area from the land.

2 PLANNING ASSESSMENT

2.1 Statutory Implications

The application has been lodged in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act) – a combined planning scheme amendment and development application.

References to provisions of the Act are references to the former provisions as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*. The commencement day was 17 December 2015.

43A. Application for a permit when amendment requested

- (1) *A person who requests a planning authority to amend a planning scheme may also request the planning authority to consider, in accordance with this Division, an application for a permit which would not be allowed if the planning scheme were not amended as requested.*

- (2) *Where a planning authority has decided to initiate an amendment under section 33(3), it may consider the application for a permit under section 43A(1) concurrently with the preparation of the requested amendment to the planning scheme.*
- (3) *An application may be made for a permit under this section even if it could not be granted under the existing planning scheme.*

In accordance with Section 43A, this application is assessed on the basis that the land subject to the application is zoned General Residential, Low Density Residential Area C and Open Space. Subdivision requires discretionary planning assessment under Clause 9.7 the Scheme.

The relevant parts of the Scheme are:

- Clause 9.7 – Subdivision;
- Section 10.0 – General Residential Zone;
- Section 12.0 – Low Density Residential Zone;
- Section 19.0 – Open Space Zone;
- Code E1.0 – Bushfire-Prone Areas Code;
- Code E5.0 – Road and Railway Asset Code;
- Code E6.0 – Parking and Access Code;
- Code E7.0 – Stormwater Management Code;
- Code E10.0 – Biodiversity Code; and
- Code E11.0 – Waterway and Coastal Protection Code.

The application requires discretionary assessment against the performance criteria of the following clauses:

- (a) General Residential Zone Clause 10.6.1 P1 – Lot Size;
- (b) General Residential Zone Clause 10.6.1 P2 – Building Areas;
- (c) General Residential Zone Clause 10.6.1 P3 – Lot Frontage;
- (d) General Residential Zone Clause 10.6.1 P5 – Number of Lots;
- (e) General Residential Zone Clause 10.6.2 P1 – Roads;
- (f) Low Density Residential Zone Clause 12.1.1 P2 – Building Areas;
- (g) Low Density Residential Zone Clause 12.5.1 P3 – Lot Frontage;
- (h) Open Space Zone Clause 19.5.1 P2 – Lot Frontage;
- (i) Open Space Zone Clause 19.5.1 P2 – Public Open Space;
- (j) Open Space Zone Clause 19.5.1 P5 – Impact on Trees;

- (k) Road and Railway Assets Code Clause E5.5.1 P3 – Existing Road Accesses and Junctions;
- (l) Biodiversity Code Clause E10.8.1 P1 – Subdivision in Biodiversity Protection Area;
- (m) Waterway and Coastal Protection Code Clause E11.7.1 P1 – Buildings and works within a Waterway and Coastal Protection Area; and
- (n) Waterway and Coastal Protection Code Clause E11.8.1 P1 – Subdivision in the Waterway and Coastal Protection Area.

The outcomes of any relevant State Policies and the objectives of the Resource Management and Planning System are also relevant to the assessment of this application.

2.2 Public Consultation

In the event that the Council decides to initiate and certify the draft planning scheme amendment, the proposal, including any draft planning permit issued for the proposed subdivision would be advertised in accordance with section 38 and 43A of the Act. If representations are received during the public exhibition period, a separate report to the Council would be made detailing the issues raised.

2.3 Strategic Planning

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application:

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the General Residential Zone

The relevant purpose statements of the zone are:

- 10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*
- 10.1.1.3 *To provide for the efficient utilisation of services.*
- 10.1.1.4 *To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.*
- 10.1.1.5 *To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.*
- 10.1.1.6 *To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.*

Local Area Objectives and Desired Future Character Statements of the General Residential Zone:

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area

Objectives and Desired Future Character Statements are relevant to the assessment of this application:

10.1.2 Local Area Objectives

Local Area Objectives		Implementation Strategy	
BLACKMANS BAY			
(a)	<i>Blackmans Bay should be maintained as an established residential area with a high level of amenity associated with its coastal location, pleasant views and lifestyle.</i>	(a)	<i>The natural landscape and setting is an important issue when considering new development proposals.</i>

10.1.3 Desired Future Character Statements

Desired Future Character Statements		Implementation Strategy	
BLACKMANS BAY			
(a)	<i>Blackmans Bay should continue as a predominantly low-density residential area with larger lot sizes that enable reasonable setbacks, the retention of native vegetation and gardens.</i>	(a)	<i>New development should respect the amenity of surrounding residences and the natural landscape. Multi-unit housing should be encouraged to locate in the area surrounding the Opal Drive commercial precinct.</i>

The proposed subdivision would provide for future residential use or development of varying types and densities and would make use of land that is serviced with reticulated sewer, water and stormwater services, and serviced with sealed roadways. Furthermore the land is close to shops and other services in Blackmans Bay and Kingston. As discussed below, the proposal satisfies the relevant development standards of the Scheme (as assessed against the proposed General Residential Zone standards), and by extension, is consistent with the Zone Purpose Statements.

It is noted that the Local Area Objectives and Desired Future Character Statements for Blackmans Bay refer to 'high level amenity' and 'low-density residential area', which do not necessarily translate to the standards of the General Residential Zone. Nevertheless, the proposal satisfies the relevant development standards of the Scheme, which given the way the Scheme operates, is taken to mean that the proposal is consistent with the Local Area Objectives and Desired Future Character Statements.

Notwithstanding, the above, the application forms part of a request for a planning scheme amendment and there are concerns about the potential density of future development on the site, which is not considered to be consistent with the Desired Future Character Statements. This is predominantly the basis for recommending the amendment is not initiated by Council. However, as discussed in section 2.1, the subdivision application requires assessment against the Scheme provisions as if the Scheme has been amended as proposed.

Zone Purpose Statements of the Low Density Residential Zone

The relevant purpose statement of the zone is:

12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

Local Area Objectives and Desired Future Character Statements of the Low Density Residential Zone:

12.1.2 *Local Area Objectives*

Local Area Objectives		Implementation Strategy	
BLACKMANS BAY			
(a)	<i>Areas within Blackmans Bay that are zoned Low Density Residential are to be developed so that both visual landscape and natural environmental values are protected.</i>	(a)	<i>Existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity.</i>

12.1.3 *Desired Future Character Statements*

Desired Future Character Statements		Implementation Strategy	
BLACKMANS BAY			
(a)	<i>The existing neighbourhood character that is associated with the area's landscape and environmental values should be protected.</i>	(a)	<i>The visual amenity of hillsides and skylines is retained by providing for larger lots that are able to retain sufficient native vegetation. In some cases these areas also provide a buffer or transition between more closely settled urban areas and other areas with high natural values.</i>

The proposed subdivision would provide for larger lots of between 1000m² – 1500m² in the Low Density Residential Zone. Taking into consideration the requirements for bushfire hazard management and future development on the lots, the larger lots would not necessarily allow for the retention of the area's landscape and environmental values (zoning subject to scheme amendment assessment). However, as discussed below, the proposal satisfies the relevant development standards of the Scheme (as assessed against the proposed scheme requirements), and by extension, is therefore consistent with the Zone Purpose Statements, and the Local Area Objectives and Desired Future Character Statements for Blackmans Bay.

Zone Purpose Statements of the Open Space Zone

The relevant purpose statements of the zone are:

19.1.1.1 *To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

19.1.1.2 *To encourage open space networks that are linked through the provision of walking and cycle trails.*

There are no Local Area Objectives or Desired Future Character Statements for the Open Space Zone.

The Open Space Zone would provide for two POS lots. Lot 200 would be intended for passive recreational use and protection of natural and landscape values, while Lot 201 would be provided primarily as a POS linkage between the proposed road and Blowhole Road/Blackmans Bay Beach. Accordingly, it is considered that the proposed subdivision is consistent with the Zone Purpose Statements of the Open Space Zone. However, the Council will need to decide whether it accepts the POS as being needed, particularly provision of Lot 200.

2.4 Zone

General Residential Zone Standards:

The proposal is assessed against the applicable use and development standards of the General Residential Zone as follows:

Clause 10.6.1 – Lot Design

A1 – The size of each lot must comply with the minimum and maximum lot sizes specified in Table 10.1:

Table 10.1 Lot Size Requirements

	Minimum Lot Size* Not including any fee simple access strip	Maximum Lot Size* Not including any fee simple access strip and any balance lots or lots designated for multiple dwellings, retirement villages or residential aged care facilities, or non-residential uses
Ordinary lot (i.e. not otherwise specified below)	450m ²	1000m ²
Corner lots	550m ²	1000m ²
Internal lots	550m ²	1000m ²
Lots adjoining or opposite public open space, or Lots within 400m of a public transport corridor, or Lots within 200m walking distance of a business zone, local shop or school.	400m ²	600m ²

Lots 1 and 19 are corner lots of 1233m² and 561m² respectively. Lot 19 satisfies the Acceptable Solution, while Lot 1 would exceed the maximum lot size of 1000m².

The remaining lots within the General Residential Zone (lots 10 - 22) would all be within 400m of a public transport corridor or adjoining or opposite public open space and so the maximum lot size would be 600m². Accordingly, the applicable minimum lot size for the remaining lots is 400m², which is satisfied by all lots. However, the lots must also comply with the maximum lot size of 600m².

Lots 10, 16, 21 and 22 would be designated as lots for Multiple Dwelling development and may exceed the maximum lot size of 600m². In the event that the planning scheme amendment is initiated by the Council and draft planning permit granted for the subdivision, a condition would be required stating that the titles to lots 10, 16, 21 and 22 must include a covenant designating those lots for multiple dwelling development only.

Lots 1, 2, 11, 12, 13, 14, 15, and 17 would all exceed the maximum lot size of 600m².

Lot 18, with an area of 468m², would satisfy both the minimum and maximum lot size requirements.

Accordingly, the proposal requires assessment against the following Performance Criteria:

P1 - The size of each lot must satisfy all of the following:

- (a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;*
- (b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area.*

Lot 1 would contain the existing dwelling, which is an obvious site constraint. The area and shape of the lot is required to contain the dwelling and to satisfy the relevant standards of the General Residential Zone that ordinarily apply to single dwellings. The dwelling is larger than average and has a roofed area of approximately 350m².

Lots 2, 11, 12, 13, 14, 15 and 17 would not be physically constrained by factors such as steep slope, land instability or vegetation; however the land is constrained by the alignment of the proposed Home Avenue extension. The submitted preliminary engineering designs have determined the road alignment, which is based on engineering factors such as road design and drainage standards, should continue in a direct line towards the bottom of the site. Lots 12, 13, 14 and 15 are of a width and shape needed to provide a suitable building area on each lot, while lot 17 is constrained by the location of the proposed road and 3 existing residential properties on its western boundaries. It is therefore considered that site constraints warrant an excess of the maximum lot size requirements and that the proposed lot areas are acceptable.

The applicant has not proposed to designate lots 2, 11, 12, 13, 14, 15 and 17 as lots only available for development of multiple dwellings. Given the lots only marginally exceed the maximum lot size, designation of the lots as being available for multiple dwellings only is not considered necessary.

A2 – The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:

- (a) clear of the frontage, side and rear boundary setbacks;*
- (b) not subject to any codes in this planning scheme;*
- (c) clear of title restrictions such as easements and restrictive covenants;*
- (d) has an average slope of no more than 1 in 5;*

- (e) *the long axis of the building area faces north or within 20 degrees west or 30 degrees east of north;*
- (f) *is 10m x 15m in size.*
- (g) *no trees of high conservation value will be impacted.*

The subject site is located within a bushfire-prone area. Accordingly, all of the nominated building areas are subject to the Bushfire-Prone Areas Code. The long axis of the nominated building areas for lots 12, 15, 17, 18, 19, and 20 would not be within 20 degrees west or 30 degrees east of north. The nominated building areas would otherwise satisfy the requirements of the Acceptable Solution. The proposal requires assessment against the following Performance Criteria:

P2 – The design of each lot must contain a building area able to satisfy all of the following:

- (a) *be reasonably capable of accommodating residential use and development;*
- (b) *meets any applicable standards in codes in this planning scheme;*
- (c) *enables future development to achieve maximum solar access, given the slope and aspect of the land;*
- (d) *minimises the need for earth works, retaining walls, and fill and excavation associated with future development;*
- (e) *provides for sufficient useable area on the lot for both of the following:*
 - (i) *on-site parking and manoeuvring;*
 - (ii) *adequate private open space.*
- (f) *avoids, minimises, mitigates and offsets impacts on trees of high conservation value.*

It is considered that all lots would be provided with building areas large enough to reasonably accommodate residential use and development. The building areas satisfy the relevant standards of the applicable codes (as discussed below), including the Bushfire-Prone Areas Code. The relatively gentle slope of the land, and the shape and size of each lot would enable future development within the building areas to achieve reasonable solar access. The slope of the land would also mean that significant excavation or landfilling would not be essential for future development of the lots. All lots would be of a shape and area that would provide adequate opportunity for on-site parking and manoeuvring and adequate private open space areas. Council's Environmental Planner has advised that none of the nominated building areas impact on trees of high conservation value.

On this basis, the proposed subdivision satisfies the Performance Criteria.

A3 – The frontage for each lot must comply with the minimum and maximum frontage specified in Table 10.2, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.

Table 10.2 Lot Frontage Requirements

	Minimum Frontage	Maximum Frontage
All lots, unless otherwise specified below.	15m	Not applicable
Corner lots	15m with primary frontage on the higher order road and secondary frontage on lower order road. Where roads are of the same order orient frontages to optimise solar access.	Not applicable
Lots adjoining or opposite public open space, or Lots on a public transport corridor, or Lots within 200m walking distance of a business zone or local shop.	12m	15m, unless for a lot designated for multiple dwellings.

Lots 10 and 20 would all feature frontages less than the 15m requirement. All three corner lots proposed would satisfy the 15m frontage requirement; but would have primary frontage to the lower order roads (cul-de-sac and 15m wide link road between Home Avenue extension and Blowhole Road). The proposal therefore requires assessment against the following Performance Criteria:

P3 - The frontage of each lot must satisfy all of the following:

- (a) provides opportunity for practical and safe vehicular and pedestrian access;*
- (b) provides opportunity for passive surveillance between residential development on the lot and the public road;*
- (c) is no less than 6m.*

All lots would have minimum frontage of 6m and would have a gentle slope that would be provided with adequate opportunity for reasonable vehicle and pedestrian access. Likewise, Council's Development Engineer has advised that the road design would allow practical and safe vehicle and pedestrian access to the lots at the proposed frontages. The subdivision design and slope of the land would provide for good opportunity for passive surveillance between future residential development of the lots and the public road.

On this basis, it is considered that the proposed subdivision satisfies the Performance Criteria.

A4 – No lot is an internal lot.

There would be no internal lots. The Acceptable Solution is satisfied.

A5 - Subdivision is for no more than 3 lots.

A total of 15 lots are proposed within the General Residential Zone. The proposal therefore requires assessment against the following Performance Criteria:

P5 - Arrangement and provision of lots must satisfy all of the following;

- (a) have regard to providing a higher net density of dwellings along;
 - (i) public transport corridors;*
 - (ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;*
 - (iii) within 200 m of business zones and local shops;**
- (b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;*
- (c) staging, if any, provides for the efficient and ordered provision of new infrastructure;*
- (d) opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;*
- (e) is consistent with any applicable Local Area Objectives or Desired Future.*

The subdivision would result in new lots, 3 of which would be designated for multiple dwelling development, and a further 7 that would have potential to be developed for multiple dwellings, that would be within close proximity to public transport routes and public open spaces. Lots 10 and 11 would be within 200m (walking distance) of the Local Business Zone at Blackmans Bay Beach. Lot 10 would be designated as being for multiple dwelling development, while Lot 11 would also have sufficient area to potentially contain multiple dwellings; however it would not be designated for multiple dwelling development.

The subdivision would result in all of the land being developed. There would be no remaining balance lot. Council's Development Engineer has advised that the staging of the subdivision would be appropriate, ordered and efficient. The layout of the subdivision would allow good opportunity for passive surveillance between future residential development on the lots and public spaces, particularly as the layout does not include any internal lots.

As discussed, the proposal is consistent with the applicable Local Area Objectives and Desired Future Character Statements of the General Residential Zone that apply to Blackmans Bay. However, as noted in Section 2.3 of this report, there are concerns about the potential density of future development on the site, which is not considered to be consistent with the Desired Future Character Statements.

Clause 10.6.2 – Roads

A1 - The subdivision includes no new road.

A new road is proposed. The proposal therefore requires assessment against the following Performance Criteria:

P1 - The arrangement and construction of roads within a subdivision must satisfy all of the following:

- (a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;*
- (b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;*

- (c) *the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;*
- (d) *an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;*
- (e) *cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;*
- (f) *connectivity with the neighbourhood road network is maximised;*
- (g) *the travel distance between key destinations such as shops and services is minimised;*
- (h) *walking, cycling and the efficient movement of public transport is facilitated;*
- (i) *provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;*
- (j) *any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.*

Council's Development Engineer has advised that arrangement and construction of the road complies with the Performance Criteria for the following reasons:

- The route and standard of the proposed road would accord with relevant road construction standards;
- There is no applicable road network plan;
- There would be no balance lot and no neighbouring or nearby land with subdivision potential;
- An acceptable level of access, safety, convenience and legibility would be provided through a consistent road function hierarchy;
- There would no cul-de-sac within the General Residential Zone;
- The road would connect Home Avenue with Blowhole Road;
- The road would connect Home Avenue with Blowhole Road at points that would minimise the travel distance between key destinations;
- The road would connect with existing roads, with footpaths or with the provision of public open space footways that would promote walking, cycling;
- The land is not in a location where public transport routes through the land is required;
- There would be no new arterial or collector roads; and
- The proposed road would extend the existing alignment of Home Avenue.

Clause 10.6.4 – Services

A1 - Each lot must be connected to a reticulated potable water supply.

The proposed lots would be connected to the available reticulated water system in accordance with the Acceptable Solution.

A2 - Each lot must be connected to a reticulated sewerage system.

The proposed lots would be connected to the available reticulated sewerage system in accordance with the Acceptable Solution.

A3 - Each lot must be connected to a stormwater system able to service the building area by gravity.

The building areas identified on the proposed lots would be capable of being connected to the Council's stormwater system and drained by gravity. Compliance with the Acceptable Solution is therefore achieved.

A4 - The subdivision includes no new road.

A new road is proposed. The proposal therefore requires assessment against the following Performance Criteria:

P4 - The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.

The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply in accordance with the above Performance Criteria. In the event that the planning scheme amendment is initiated by the Council and planning permit ultimately granted for the subdivision, a condition is recommended that would require the installation of same.

Low Density Residential Zone Standards:

The proposal is assessed against the applicable use and development standards of the Low Density Residential Zone (Area C) as follows:

Clause 12.5.1 – Lot Design

A1 – The size of each lot must be no less than 1000m².

The lots would have a minimum area of 1000m², which satisfies the Acceptable Solution.

A2 – The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;

- (a) clear of the frontage, side and rear boundary setbacks;
- (b) not subject to any codes in this planning scheme;
- (c) clear of title restrictions such as easements and restrictive covenants;
- (d) has an average slope of no more than 1 in 5;
- (e) is a minimum of 20 m x 20 m in size.
- (f) No environmental values will be adversely impacted.

As discussed, the subject site is located within a bushfire-prone area. Accordingly, all of the nominated building areas are subject to the Bushfire-Prone Areas Code. Lots 3 – 7 would not achieve building areas of 20m x 20m. The nominated building areas would otherwise satisfy the requirements of the Acceptable Solution. The proposal requires assessment against the following Performance Criteria:

P2 – The design of each lot must contain a building area able to satisfy all of the following:

- (a) is reasonably capable of accommodating residential use and development;
- (b) meets any applicable standards in codes in this planning scheme;
- (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;
- (d) minimises the requirement for earth works, retaining walls, and cut & dill associated with future development;
- (e) avoids, minimises and mitigates environmental impact arising from future use and development;
- (f) offsets impacts on trees of high conservation value.

It is considered that all lots would be provided with building areas large enough to reasonably accommodate residential use or development. The building areas satisfy the relevant standards of the applicable codes (as discussed below), including the Bushfire-Prone Areas Code. The relatively gentle slope of the land would enable future development within the building areas to achieve reasonable solar access. The slope of the land would also mean that significant excavation or landfilling would not be essential for future development of the lots. Council's Environmental Planner has advised that the nominated building area for Lot 8 would impact on two trees of high conservation value, both blue gum (*Eucalyptus globulus*) trees with diameters greater than 70cm. Notwithstanding, the proposed building area has been located to minimise impacts on these trees to the extent practicable given the proposed lot layout (noting that the layout of the road and lots is awkward). There are also a further four high conservation value trees across lots 8 and 9 which may be impacted by the building areas on those lots. To ensure future development of the lots minimises, mitigates and offsets impacts on high conservation value trees it is recommended that a condition be included in any permit issued requiring a covenant or Part 5 Agreement on the titles of lots 8 and 9 to protect and retain these trees unless there is no feasible alternative design or location, and also to ensure that any loss of these trees is offset.

Providing the recommended conditions of approval are included in any permit issued, the proposed subdivision satisfies the Performance Criteria.

A3 – The frontage for each lot must be no less than 30m.

Lots 3 (7.6m), 4 (8.5m), 5 (8.5m), 6 (6.5m), 7 (12.1m), and 9 (19.2m) would have frontages less than 30m. The proposal therefore requires assessment against the following Performance Criteria:

P3 - The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than 6m.

All lots within the Low Density Residential Zone would have minimum frontages of 6m and would be provided with adequate opportunity for reasonable vehicle and pedestrian access. Council's Development Engineer has advised that the road design would allow practical and safe vehicular and pedestrian access to the lots at the proposed frontages.

On this basis, it is considered that the proposed subdivision satisfies the Performance Criteria.

A4 – No lot is an internal lot.

There would be no internal lots. The Acceptable Solution is satisfied.

A5 - Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.

None of the lots within the Low Density Residential Zone would contain buildings.

Clause 12.5.2 – Roads

A1 - The subdivision includes no new road.

A new road is proposed. The proposal therefore requires assessment against the following Performance Criteria:

P1 - The arrangement and construction of roads within a subdivision must satisfy all of the following:

- (a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;
- (b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;
- (c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;
- (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;
- (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;
- (f) connectivity with the neighbourhood road network is maximised;
- (g) the travel distance between key destinations such as shops and services is minimised;
- (h) walking, cycling and the efficient movement of public transport is facilitated;
- (i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;
- (j) multiple escape routes are provided if in a bushfire prone area.

Council's Development Engineer has advised that arrangement and construction of the road complies with the Performance Criteria for the following reasons:

- The route and standard of the proposed road would accord with relevant road construction standards;
- There is no applicable road network plan;
- There would be no balance lot and no neighbouring or nearby land with subdivision potential;
- An acceptable level of access, safety, convenience and legibility would be provided through a consistent road function hierarchy;
- A single cul-de-sac would be created within the Low Density Residential Zone as, due to the gradient of the land and the location of native vegetation, a connection with Blowhole Road at the south-eastern boundary of the site is not feasible. The use of cul-de-sac and other terminated roads has been kept to the minimum possible;
- The road would connect Home Avenue with Blowhole Road;
- The road would connect Home Avenue with Blowhole Road at points that would minimise the travel distance between key destinations;
- The road would connect with existing roads, with footpaths or with the provision of public open space footways that would promote walking, cycling;
- The land is not in a location where public transport routes through the land is required;
- There would be no new arterial or collector roads; and
- As the land is in a bushfire-prone area, multiple escape routes to Home Avenue and Blowhole Road would be provided.

Clause 12.5.4 – Services

A1 - Each lot must be connected to a reticulated potable water supply where such a supply is available.

The proposed lots would be connected to the available reticulated water system in accordance with the Acceptable Solution.

A2 - Each lot must be connected to a reticulated sewerage system where available.

The proposed lots would be connected to the available reticulated sewerage system in accordance with the Acceptable Solution.

A3 - Each lot must be connected to a stormwater system able to service the building area by gravity.

The building areas identified on the proposed lots would be capable of being connected to the Council's stormwater system and drained by gravity. Compliance with the Acceptable Solution is therefore achieved.

A4 - The subdivision includes no new road.

A new road is proposed. The proposal therefore requires assessment against the following Performance Criteria:

P4 - The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.

The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply in accordance with the above Performance Criteria. In the event that the planning scheme amendment is initiated by the Council and planning permit granted for the subdivision, a condition is recommended that would require the installation of same.

Open Space Zone Standards:

The proposal is assessed against the applicable use and development standards of the Open Space Zone as follows:

Clause 19.5.1 – Subdivision

A1 – Subdivision is for the purpose of providing lots for public open space, a riparian or littoral reserve or utilities.

Lots 200 and 201 would be dedicated as POS and transferred to Council ownership, which satisfies the Acceptable Solution.

A2 – The frontage for each lot must be no less than 15m.

Lot 201 would have a frontage of 6m to the proposed road and 4.5m to Blowhole Road - less than 15m. The proposal therefore requires assessment against the following Performance Criteria:

P2 - The frontage of each lot must be capable of adequately serving the intended purpose.

Council's Property Officer has advised that the 6m frontage for Lot 201 (if the lot is acceptable to the Council) would be of sufficient width to allow adequate opportunity for reasonable access for service vehicles, and for pedestrians. The 4.5m frontage to Blowhole Road would also allow reasonable access for pedestrians. Furthermore, it is considered that the width of the frontages would not compromise passive surveillance of the POS.

On this basis, it is considered that the proposed subdivision satisfies the Performance Criteria.

A3 - No Acceptable Solution.

The application therefore requires assessment against the following Performance Criteria:

P3 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:

- (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;
- (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;
- (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;

- (d) convenient access to local shops, community facilities, public open space and public transport routes is provided;
- (e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;
- (f) provides for a legible movement network;
- (g) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;
- (h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.
- (i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:
 - (i) the width of the way;
 - (ii) the length of the way;
 - (iii) landscaping within the way;
 - (iv) lighting;
 - (v) provision of opportunities for 'loitering';
- (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).

The proposed POS lots would provide connections between Blowhole Road and the proposed road. Lot 201 would provide a linkage between the proposed road and Blowhole Road that would not only serve the lots within the proposed subdivision; but would provide pedestrian access to Blackmans Bay Beach to residents to the north of the site in Home Avenue and beyond. Council's Property Officer has reviewed the POS arrangements and is supportive of the land being obtained by the Council. There are no adjoining ways or land with subdivision potential to which the POS could connect. The POS lots, in particular Lot 201, would provide convenient access to local shops/restaurants on Blackmans Bay Beach, and the beach itself. Lot 200 would contain a small watercourse and native vegetation broadening opportunity for pedestrian access along the side of Blowhole Road.

There are no pedestrian & cycle way or public open space plans, such as the Kingborough Tracks and Trails Strategic Action Plan 2017-2022, that identify a need for a linkage between Home Avenue and Blackmans Bay Beach. However, the proposed Lot 201 would provide for a link between the proposed road and Blackmans Bay Beach that is legible and in a sensible location. The layout of Lot 201, including its width, length, and proximity to adjacent lots, and location of proposed pathway, would minimise opportunities for entrapment or other criminal behaviour including loitering. The adjacent lots 9 and 10 would overlook parts of Lot 201, while the remaining parts would be visible from the proposed road and Blowhole Road/Blackmans Bay Beach. A pathway would be constructed to connect the proposed road with Blowhole Road.

Although the subject site has not been identified in any specific Council Strategy as containing land required for POS, the proposal would provide opportunity to secure POS consistent with guidelines expressed in Section 5.1 of the Council's Public Open Space Contribution Policy (Policy Number 6.3). Section 5.1 states that where land is provided, it must suit the future needs of the community and allow for a reasonable distribution of land that can be used for passive and active recreation. In this case, Lot 200 would provide an area that could be used for passive recreation (walking) and would also contain an existing watercourse. The land would link with existing Council-owned POS (CT33869/1) adjacent to Blowhole Road, which already contains the watercourse and provides a walking track to the beach in lieu of a sealed footpath.

Lot 201 would provide a link between the beach, local shops/ restaurants at Blackmans Bay Beach, and the proposed lots through to the existing part of Home Avenue to Roslyn Avenue and beyond. Notwithstanding, it is possible that the link unnecessarily duplicates the existing pathway through the Mary Knoll Reserve.

The amount of POS is in excess of 5% of the total area of the land. Given that there is a need for POS in this location and proposed POS represents an area greater than 5% of the site, it is not appropriate to require an additional cash contribution. If the proposed planning scheme amendment is initiated and certified and a draft planning permit granted for the subdivision, it should be on condition that the land be transferred to the Council at the suitable time and with appropriate title endorsements. Additionally, to ensure that a minimum of 5% of the land in stage 1 of the development is provided as POS, both POS lots would need to be created as part of stage 1 of the development.

A4 - Services capable of adequately serving the intended purpose must be connected to each lot.

No services are proposed to be provided to lots 200 and 201. Council's Development Engineer and Property Officer have advised that it would not be necessary to connect the lots to sewer, water and stormwater services. The proposal therefore satisfies the Acceptable Solution.

A5 - No trees of high conservation value will be impacted.

There are a number of high conservation value trees located in the proposed Open Space zone. An arborist assessment submitted with the application confirms that the proposed services and road installation would encroach into the tree root protection zones (TPZ) of two high conservation value trees located on the proposed POS lots. Accordingly, the proposal requires assessment against the following Performance Criteria.

P5 - The design of each lot must minimise, mitigate and offset impacts on trees of high conservation value.

The encroachment into the TPZ of the larger trees is greater than the 10% tolerance under AS 4970-2009. However the arborist considers these works would have minimal impact on one of the trees given previous excavation and compaction. The other impacted tree, a white gum (*Eucalyptus viminalis*) with a diameter >25cm would require removal for the installation of services. The arborist assessment concludes that the services and road infrastructure have been designed to avoid and minimise impacts on high conservation value trees to the extent practicable and there is no alternative design that would enable retention of the white gum. Providing conditions are included in the draft permit (if granted) requiring implementation of recommended tree protection measures and offsetting

the loss of the smaller white gum, the proposed development is assessed as complying with the above Performance Criteria.

2.5 Code Matters

Code E1.0 – Bushfire-Prone Areas Code

The applicant has provided a bushfire hazard assessment and bushfire management plan prepared by an accredited bushfire assessor stating that the proposal satisfies the Acceptable Solutions of the Bushfire-Prone Areas Code.

Code E3.0 - Landslide

A Geotechnical Site Investigation submitted with the application (GES, January 2018) identifies erosion issues on parts of the site and concludes that the site is suitable for residential development. The Geo-Technical Assessment generally rates the landslide risk as low, providing a number of recommendations are adopted. However, as the application must be assessed as if the planning scheme amendment was in place, the Landslide Hazard Code does not apply to the site and therefore this Code is not triggered. Therefore there are no relevant provisions in the Scheme against which to assess the erosion risk identified in the geotechnical assessment.

Code E5.0 – Road and Railway Assets Code

Clause E5.5.1 A3 - Existing Road Accesses and Junctions – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.

The development would result in traffic movements to and from the exceeding 20% of the current amount of traffic movements generated by the land, and would be well in excess of 40 vehicle movements per day. The application therefore requires assessment against the following Performance Criteria:

P3 – Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the nature and efficiency of the access or the junction;*
- (d) the nature and category of the road;*
- (e) the speed limit and traffic flow of the road;*
- (f) any alternative access to a road;*
- (g) the need for the use;*
- (h) any traffic impact assessment; and*
- (i) any written advice received from the road authority.*

Council's Development Engineer has assessed a traffic impact assessment submitted with the application. The traffic impact assessment considered the potential amount of traffic that would be generated, the frequency and likely direction of traffic movements, the attributes of the roads in the area adjacent to the site, and the speed of vehicles. Council's Development Engineer has advised that the proposed access points and junctions would be safe and would not unreasonably impact on the efficiency of the road.

Council's Development Engineer is otherwise satisfied that the proposal complies with the Acceptable Solutions of the Road and Railway Assets Code.

Code E6.0 – Parking and Access Code

Council's Development Engineer has advised that the proposal complies with the Acceptable Solutions of the Parking and Access Code, and has recommended a number of conditions in relation to the provision of vehicle access and road works. Although the corner leading into the proposed cul-de-sac does not appear to be an ideal road layout, the Development Engineer is satisfied that it complies with the relevant road standards.

Code E7.0 – Stormwater Management Code

Council's Development Engineer has advised that the proposal complies with the Acceptable Solutions of the Stormwater Management Code, and is satisfied that stormwater from the proposed development can be adequately disposed of by gravity to public stormwater infrastructure.

Code E10.0 – Biodiversity Code

Clause E10.8.1 – Subdivision in Biodiversity Protection Area

A1 - Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:

- (a) be for the purposes of separating existing dwellings;*
- (b) be for the creation of a lot for public open space, public reserve or utility;*
- (c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;*
- (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.*

The site contains a number of moderate priority biodiversity values listed under Table E10.1 of the Biodiversity Code, including:

- individual blue gums (*Eucalyptus globulus*) potential foraging habitat for the critically endangered swift parrot (*Lathamus discolor*);
- individual white gum (*Eucalyptus viminalis*) trees, which provide potential habitat for the endangered forty-spotted pardalote (*Pardalotus quadragintus*); and
- potential habitat for the eastern barred bandicoot (*Perameles gunnii*).

The vegetation adjacent to the site and located within Council's bushland reserve contains high priority biodiversity values, including a threatened native vegetation

community (*Eucalyptus ovata* forest and woodland or DOV), potential foraging habitat for the critically endangered swift parrot (*Lathamus discolor*) and potential habitat for the endangered forty-spotted pardalote (*Pardalotus quadragintus*) and eastern barred bandicoot (*Perameles gunnii*).

The building areas and bushfire hazard management area for a number of lots are located within the Biodiversity Protection Area and works additional to boundary fencing are proposed within this area. Impacts subject to assessment against the provisions of the Biodiversity Code include the removal of one high conservation value tree and encroachment into TPZ of a number of other high conservation value trees. The application therefore requires assessment against the following Performance Criteria:

P1 - Clearance and conversion or disturbance must satisfy the following:

- (a) not applicable;*
- (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 of the subdivision;*
 - (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;*
 - (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;*
 - (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 2013 and Council Policy 6.10.*
- (c) not applicable.*

Council's Environmental Planner has made the following assessment:

- (i) the subdivision works are designed and located to avoid and minimise impacts on the moderate priority biodiversity values with the alignment and design of road infrastructure and services avoiding and minimising impacts on moderate priority values to the extent practicable. The subdivision layout also indicates nominal building areas can be located predominantly outside the tree root protection zones of high conservation value trees to the extent feasible given the proposed subdivision design and lot layout. As future development of the lots is not limited to the indicative building areas, to ensure future development of the lots minimises, mitigates and offsets impacts on high conservation value trees it is recommended that a condition be included in any permit issued requiring a covenant or Part 5 Agreement on the titles of lots 8 and 9 to protect and retain these trees unless there is no feasible alternative design or location and any loss of these trees is offset. Conditions are also recommended on any permit issued requiring detailed engineering drawings are consistent with the arborist assessment to ensure trees are not further impacted;*

- (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable by ensuring the bushfire hazard management area is entirely contained within the boundaries of the General Residential and Low Density Residential lots and does not rely upon ongoing management of priority biodiversity values within the Open Space Zone or adjacent Mary Knoll Reserve;
- (iii) priority biodiversity values outside the area impacted by subdivision works are proposed to be retained. Providing subdivision works and future development of the lots are in accordance with the Bushfire Report, engineering concept plan and associated arborist advice submitted with the application, and the recommended conditions of approval are included in any permit, if issued, retention of the values is feasible; and
- (iv) the loss of one high conservation value tree would require offsetting in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and Council Policy 6.10. A condition should be included in any permit, if issued, requiring a financial offset for the loss of this tree.

Subject to the recommended conditions being included in any permit, if issued, the proposed subdivision is considered to comply with the performance criteria P1 (b).

Code E11.0 – Waterway and Coastal Protection Code

Clause E11.7.1 – Buildings and works within a Waterway and Coastal Protection Area

A1 - 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.

Lots 6, 7 and 8 are within the Waterway and Coastal Protection Area, as is part of the access road. Works within this area include the construction of the access road, installation of services and the connection to the existing stormwater pit within Mary Knoll Reserve. As there is no building area on a plan of subdivision, the proposal must be assessed against the following Performance Criteria.

P1 - Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:

- (a) *avoid or mitigate impact on natural values;*
- (b) *mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) *avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) *maintain natural streambank and streambed condition, (where it exists);*
- (e) *maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) *avoid significantly impeding natural flow and drainage;*
- (g) *maintain fish passage (where applicable);*
- (h) *avoid landfilling of wetlands;*

- (i) *works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.*

Council's Environmental Planner has made the following assessment:

- (a) the works are within a modified area and impacts are limited to encroachment into the tree root protection zones of trees and ground disturbance associated installation of services and road infrastructure. Remnant native vegetation is proposed to be retained and any impacts on natural values are capable of being minimised and adequately managed through implementation of soil and water management and tree protection measures;
- (b) as stormwater is being directed into existing pits and no new stormwater discharge points are proposed, adverse erosion, sedimentation and runoff impacts on natural values would be limited to the construction phase. This is most appropriately addressed through implementation of a soil and water management plan;
- (c) impacts on littoral vegetation are limited to encroachment into tree root protection zones, which can be managed via implementation of tree protection measures;
- (d) the proposal would not impact on the natural streambank or streambed condition and therefore this criteria is satisfied;
- (e) in-stream natural habitat would not be impacted and therefore this criteria is satisfied;
- (f) the development would not impede natural flow and drainage;
- (g) fish passage would not be impacted by the proposal;
- (h) no landfilling of wetlands is proposed;
- (i) the proposal complies with this criterion providing a condition is included in the permit requiring works are undertaken generally in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003).

Subject to the recommended conditions being included in any permit, if issued, the proposed works are considered to comply with the Performance Criteria.

Clause E11.8.1 – Subdivision in the Waterway and Coastal Protection Area

A1 - Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, must comply with one or more of the following:

- (a) *be for the purposes of separating existing dwellings;*
- (b) *be for the creation of a lot for public open space, public reserve or utility;*
- (c) *no works, other than boundary fencing works, are within the Waterway and Coastal Protection Area, Future Refugia Area or Potable Water Supply;*
- (d) *the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Refugia Area or Potable Water Supply.*

As parts of the site are within a Waterway and Coastal Protection Area and works within this area cannot comply with the Acceptable Solutions of Clause E11.8.1, the subdivision requires assessment against the following Performance Criteria.

E11.8.1 P1 - Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:

- (a) *minimise impact on natural values;*
- (b) *provide for any building area and any associated bushfire hazard management area to be either:*
 - (i) *outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or*
 - (ii) *able to accommodate development capable of satisfying this code.*
- (c) *if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.*

Council's Environmental Planner has made the following assessment:

- (a) impacts on natural values would be limited to encroachment into the tree root protection zones of trees and ground disturbance associated installation of services and road infrastructure. These impacts are considered minimal and can be adequately managed through implementation of soil and water management and tree protection measures. Conditions of approval requiring these mitigation measures are recommended for inclusion on any permit, if issued;
- (b) building areas and bushfire hazard management are located outside the Waterway and Coastal Protection Area; and
- (c) not applicable.

Subject to the recommended conditions being included in any permit, if issued, the proposed subdivision is considered to comply with the Performance Criteria.

3 REFERRALS AND REPRESENTATIONS

3.1 Internal Referrals

Internal referrals have been detailed above.

3.2 External Referrals

The application was referred to TasWater in accordance with the requirements of the *Water and Sewerage Industry Act 2008*. TasWater has provided its response to the Council Notice of Planning Application Referral including conditions of approval to be included in any permit issued for the development. A copy of the conditions from TasWater has been included in the attachments to this report.

4 STATE POLICIES AND ACT OBJECTIVES

As discussed in the associated report on the proposed planning scheme amendment, the proposal is considered to be partially, but not fully, in accordance with the *State Coastal Policy 1996*. The associated report also concludes that the combined planning scheme amendment and subdivision application is not consistent with all of the

objectives of the Resource Management and Planning System of Tasmania listed in Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

5 OTHER MATTERS

The land contains two areas of aboriginal heritage significance – an area of approximately 41m² in the north of the land, and an area of approximately 500m² on the southern boundary of the land adjacent to Blowhole Road. Although the Scheme is ordinarily not responsive to Aboriginal Heritage matters, the proponent has undertaken the assessment to understand how the identified sites would affect the layout of the subdivision. The applicant has submitted an aboriginal heritage assessment, which states that a permit to disturb Aboriginal Cultural Material may be required in accordance with the provisions of section 14 of the *Aboriginal Relics Act 1975* if any disturbance of these areas would be required.

6 CONCLUSION

The application seeks approval of a 22 lot subdivision of land at 15 Home Avenue, Blackmans Bay in association with a proposed rezoning of the land. The technical design and layout of the subdivision satisfies the relevant Acceptable Solutions and Performance Criteria of the Scheme as proposed to be amended.

In the event that the Council is satisfied that the proposed planning scheme amendment is consistent with the *State Coastal Policy 1996* and the objectives of the Resource Management and Planning System, and initiates the amendment, then a permit for the subdivision can be granted subject to conditions.

Otherwise, if the Council decides not to initiate the planning scheme amendment as it is proposed, then a permit for the subdivision cannot be granted and a decision on the application is not required.

7 RECOMMENDATION

MOVED
SECONDED

That the Planning Authority resolves that the report of the Manager Development Services be received and that in the event that the Council decides to initiate and certify draft amendment PSA-2018-3 under Section 33(3) & Section 35 of the *Land Use Planning and Approvals Act 1993* respectively the development application for a 22 lot subdivision of land at 15 Home Avenue, Blackmans Bay, Council Land CT 33869/1, road reservations CT 175556/1 and CT 14/6163, be approved and a draft planning permit granted subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2018-15 and Council Plan Reference No. P6 submitted on 17 September 2018 and P7 submitted on 4 October 2018. 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 Council.
2. A covenant must be included on the titles to lots 10, 16, 21 and 22 to the effect that the lots are designated for multiple dwelling development only.

3. All Public Open Space lots are to be shown as lots on the Final Plan of Survey and endorsed as "Public Open Space". In accordance with Section 83(1)(a) of the Local Government (Building and Miscellaneous Provisions) Act 1993, these areas must be sold to Council for a nominal consideration. The Final Plan submitted for sealing by the Council is to be accompanied by a signed transfer in respect of these areas and, where applicable, a partial discharge of mortgage, together with the payment of applicable Land Titles Office lodgement fees and payment of Stamp Duty.
4. The footpath on Lot 201 must be constructed prior to the sealing of the Final Plan of Survey for stage 1 of the development.
5. The subdivision may be developed in the following stages:
 - a) Stage 1 - lots 1 - 17, Lots 19, 20, 22, Road 100 & public open space lots 200 and 201; and
 - b) Stage 2 - Lots 18, 21, and Road 101.
6. The subdivision and any future use and development of the lots must only occur and be maintained in accordance with the endorsed bushfire hazard management plan - Council Plan Reference P6 submitted on 17 September 2018. Any variation must be supported by the written agreement of an accredited bushfire hazard assessor or the Tasmania Fire Service and be to the satisfaction of Council's Manager Development Services unless an alternative Bushfire Hazard Management Plan is approved by Council.
7. Prior to the commencement of site works a Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified engineer for the approved staged subdivision construction works to the satisfaction and approval of the Executive Manager – Engineering Services and in accordance with the following:
 - i) NRM South – Soil and Water Management of Construction Sites Guidelines.
 - ii) Prior to commencement of each stage of the subdivision the approved SWMP must be implemented and satisfactorily inspected by the Development Inspector.
 - iii) Suitable approved topsoil must be stockpiled on the site for future reinstatement of disturbed areas for each construction stage.
 - iv) All cleared vegetation must be removed from the site. Disposal by burying or burning is not permitted.
 - v) Prior to practical completion of each approved construction stage all disturbed surfaces on the land authorised by this permit, except for those areas set aside for roadways and footpaths, must be dressed to a minimum depth of 50mm with:
 - Approved local stockpiled topsoil;
 - Approved weed free imported topsoil; and
 - Revegetated with local plants, grasses and stabilised.
8. To ensure future development of Lots 8 and 9 retain and protect trees of high conservation value, prior to the permit coming in to effect the applicant must enter

into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to the effect that:

- a) no felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm can take place without the prior written consent of Council;
- b) development and works must be designed and located to avoid and mitigate impacts on trees identified for retention to the extent feasible, including buildings, access and stormwater.

Council will only approve impacts on these trees where it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because either:

- (a) the health and viability of the trees is such that they represent a danger; and/or,
- (b) there is no feasible alternative location and design which avoids or mitigate the impacts of the development on the health of these trees while also allowing the lot to be developed for its intended purpose; and
- c) Any loss of these trees is offset to the satisfaction of Council.

The Part 5 Agreement must also include a copy of the subdivision plan clearly showing the location of the trees to be retained and protected under this condition. This includes trees number 1-5 in Figure 6 of the Natural Values Assessment (North Barker, 17 August 2018).

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed prior to commencement of works. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

9. Prior to the commencement of site works engineering design drawings must be submitted to Council for approval. Engineering design drawings must be generally in accordance with the submitted concept overall and site works plans to the satisfaction and approval of the Executive Manager - Engineering Services and as follows:
 - (a) IPWEA Tasmanian standard construction drawings and specifications;
 - (b) Austroads standards;
 - (c) Australian Rainfall and runoff guidelines;
 - (d) Kingborough Council's standard testing methods and procedures;
 - (e) The plans must include, but not be limited to:

- i. The proposed stormwater drainage system must be sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow based on a possible future fully-developed catchment. The reticulated stormwater system itself must be sized to accommodate at least the estimated 5% AEP flow based on a possible future fully-developed catchment;
- ii. Water sensitive urban design principles must be incorporated to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015. Supporting documentation with associated hydraulic calculations and MUSIC modelling must be submitted;
- iii. Home Avenue entrance intersection design including kerb indentation to control traffic speed and vehicle priority at the access point and bend with Derwent Avenue;
- iv. Home Avenue and Blowhole Road link road pavement width of 8.9m incorporating kerb and channel with concrete footpath (or other alternative approved footpath construction) on both sides of road;
- v. Construction of the internal road network in accordance with the approved subdivision staging plan including channelisation, junctions, concrete footpaths, footways, flood ways, and associated stormwater system incorporating underground connections to all proposed lots;
- vi. Incorporating and demonstrating consistency with the tree plan required under condition 10.

The engineering plans and specifications must be prepared and certified by a professional Civil Engineer approved by the Executive Manager - Engineering Services.

10. The engineering design drawings required under condition 9 must be developed in consultation with a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment) and include a tree plan:
 - (a) identifying all native trees >25cm relative to the subdivision works, including road construction, services and utilities;
 - (b) demonstrating no further tree removal is required;
 - (c) demonstrating works are no closer than 5m to the trunk of the tree on proposed Lot 6 and are entirely outside the tree root protection zone of trees within Mary Knoll Reserve;
 - (d) demonstrating the road, services and utilities are designed, located and constructed to minimise impacts on high conservation value trees and trees located within CT 33869/1;
 - (e) incorporating mitigation and tree protection measures to be implemented to minimise the impacts of the development on the health of trees to be retained and avoid their loss within the scope of the approved development;
 - (f) consistent with the arborist assessments submitted with the application (Element Tree Services, 14 August 2018 and 3 October 2018); and

- (g) in accordance with Australian Standard 4970-2009 for the protection of trees on development sites; and
- (h) to the satisfaction of the Manager Development Services.

All mitigation and protection measures identified in the tree plan must be implemented to the satisfaction of the Manager Development Services. This includes but is not limited to establishing and maintaining a Tree Root Protection zone between any works and adjacent trees prior to commencement of any on site works in accordance with AS 4970-2009 to exclude:

- (a) Storing of building materials;
- (b) Vehicular traffic;
- (c) Placement of fill; and
- (d) Excavation works.

Evidence of satisfactory installation of this fencing is to be provided to Council prior to the commencement of any on-site works.

- 11. One white gum (*Eucalyptus viminalis*) tree identified for removal on Council Plan Reference P7 submitted on 4 October 2018 (Drawing No. C01, Revision P3) and submitted to Council on 4/10/2018 is approved for removal to accommodate the proposed development subject to an offset of \$300 being paid into Council's Environmental Fund, to be used to manage and conserve the habitat of the forty-spotted pardalote in the vicinity of Kingston.

This tree must not be removed prior to written approval of start of works and the payment of the conservation offset.

FOR ADVICE: All remaining native vegetation, including individual trees, is to be protected and retained during and after construction. No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

- 12. Vehicular accesses must be constructed in standard grey concrete with a broomed non slip finish to all lots from the back of the kerb crossing layback to the lot boundaries (or lot proper for internal lots) and be in accordance with TSD-R09 and TSD-E01 (Kingborough Council exclusion notes).
- 13. A "start works" notice must be lodged with Council fourteen (14) days prior to the commencement of any on-site works and works must not commence until this notice has been approved by Council.
- 14. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.
- 15. All existing and proposed water, sewer and stormwater pipelines must be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.

Specific easements as required by other authorities must also be provided and shown on the Final Plan of Survey lodged for sealing.

16. All existing sewer, water, stormwater, Tas Networks and telecommunication authorities supply infrastructure traversing newly created lots, must be removed and/or replaced as necessary so that they are contained wholly within the boundaries of the specific lot which they service with all associated costs borne by the applicant. The requirements of the relevant service authorities must be strictly complied with by the applicant.
17. All the downpipes, stormwater drains and subsoil drains from the existing buildings must be connected to an approved stormwater connection. The work must be carried out by a licensed plumbing contractor and inspected by a Council Plumbing Surveyor prior to backfilling. The work must be carried out prior to the sealing of the Final Plan of Survey.
18. All the water supply pipes from the existing buildings must be connected to the proposed new water connection by a licensed plumbing contractor and inspected by a Council Plumbing Surveyor prior to backfilling. The work must be carried out prior to the sealing of the Final Plan of Survey.
19. All the sewer connection drains from the existing buildings must be connected to the proposed new sewer connection by a licensed plumbing contractor and inspected by a Council Plumbing Surveyor prior to backfilling. The work must be carried out prior to the sealing of the Final Plan of Survey.
20. The water pipes, sewer and stormwater house connection drains from the buildings being demolished must be sealed and inspected to the satisfaction of Council Plumbing Surveyor. This work is to be carried out prior to the titles being issued.
21. Underground power and telecommunication services must be provided to all lots on the endorsed plan of subdivision in accordance with the requirements of TasNetworks and the telecommunications authority requirements. Services conduits must be provided to the lots proper at the developer's cost. Services conduits must be provided to the service authority requirements. The underground cabling and street lighting design including annual operating costs must be submitted to Council for approval prior to engineering plan approval.
22. Site filling that exceeds a depth of 300mm must be placed in accordance with AS3798 guidelines for commercial and residential developments 1996. Upon completion of the works, the supervising engineer must confirm in writing that the works have been carried out in accordance with AS 3798. The location of fill areas must be shown on the "as constructed drawings" and Final Plan of Survey submitted for sealing.
23. The supervising engineer must lodge a maintenance bond and bank guarantee of 10% of the total contract sum including GST to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period prior to the issue of Certificate of Practical Completion for each approved stage of the subdivision.
24. At practical completion and the satisfactory completion of all mandatory audit inspections for each approved stage of the subdivision works the supervising engineer must:
 - Request a joint on site practical completion inspection with the Council's authorised representative;

- Provide written confirmation that the works have been substantially completed in accordance with the Council approved plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
- Provide a copy of relevant documentation that all requirements have been carried out as applicable by the following:
 - o Telecommunication authorities
 - o TasNetworks
 - o TasWater;
- Provide supervising engineer's certification that site filling exceeding 300mm has been placed in accordance with AS3798 (guidelines on earthworks for commercial and residential developments). Fill areas must be shown on the 'As Constructed' drawings;
- Provide a signed checklist for 'As Constructed' drawings;
- Submit A1 size 'As Constructed' drawings in accordance with Council's Survey Brief, at a scale of 1:200 or 1:500 as appropriate, unless approved otherwise, certified as correct by a registered land surveyor in accordance with Council's Survey requirements for subdivisions, developments and capital works projects;
- Provide CCTV inspection and report (by Council approved contractor) of any new public stormwater infrastructure to be taken over by Council;

Council will issue a Certificate of Practical Completion including a minor defects list, upon the successful completion of:

- (a) All mandatory audit inspections;
 - (b) Provision of acceptable documentation;
 - (c) Practical completion inspection;
 - (d) Provision of Bond and Bank guarantees.
25. The satisfactory completion of all public infrastructure for each stage of the subdivision works will be considered achieved when:
- (a) A Certificate of Practical Completion has been issued;
 - (b) All defects and any defective works have been satisfactorily rectified at the completion of the 52 week maintenance period;
 - (c) Council will be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
 - (d) At the end of the statutory 52 week maintenance period, the supervising Engineer must request a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed;

- (e) Upon satisfactory completion of all outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council;
 - (f) After takeover of the works, it will be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.
26. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council for the respective stage. Quality assured contractors may lodge a notice of intent to Council requesting assessment and approval that security be accepted to cover the completion of any outstanding works to enable the sealing of the Final Plan of Survey. The assessment must be in accordance with Council's policy at the time, is subject to an onsite inspection and report by Council's officers. The follow must be confirmed in writing:
- (a) That all sewer, stormwater, water mains and associated house connections are constructed and capable of satisfactory operation; and
 - (b) That all requirements of the Electricity and Telecommunication agencies and other relevant service authorities have been satisfactorily completed.
- Acceptable "As Constructed" drawings must be provided.
27. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- C. This Permit does not constitute building approval. The developer must obtain building approval for the development prior to commencing any demolition or building modification works.
- D. A permit must be obtained in accordance with the provisions of section 14 of the Aboriginal Relics Act 1975 for disturbance of Aboriginal Cultural Material.
- E. The Developer should not allocate any property address numbers for the proposed lots.

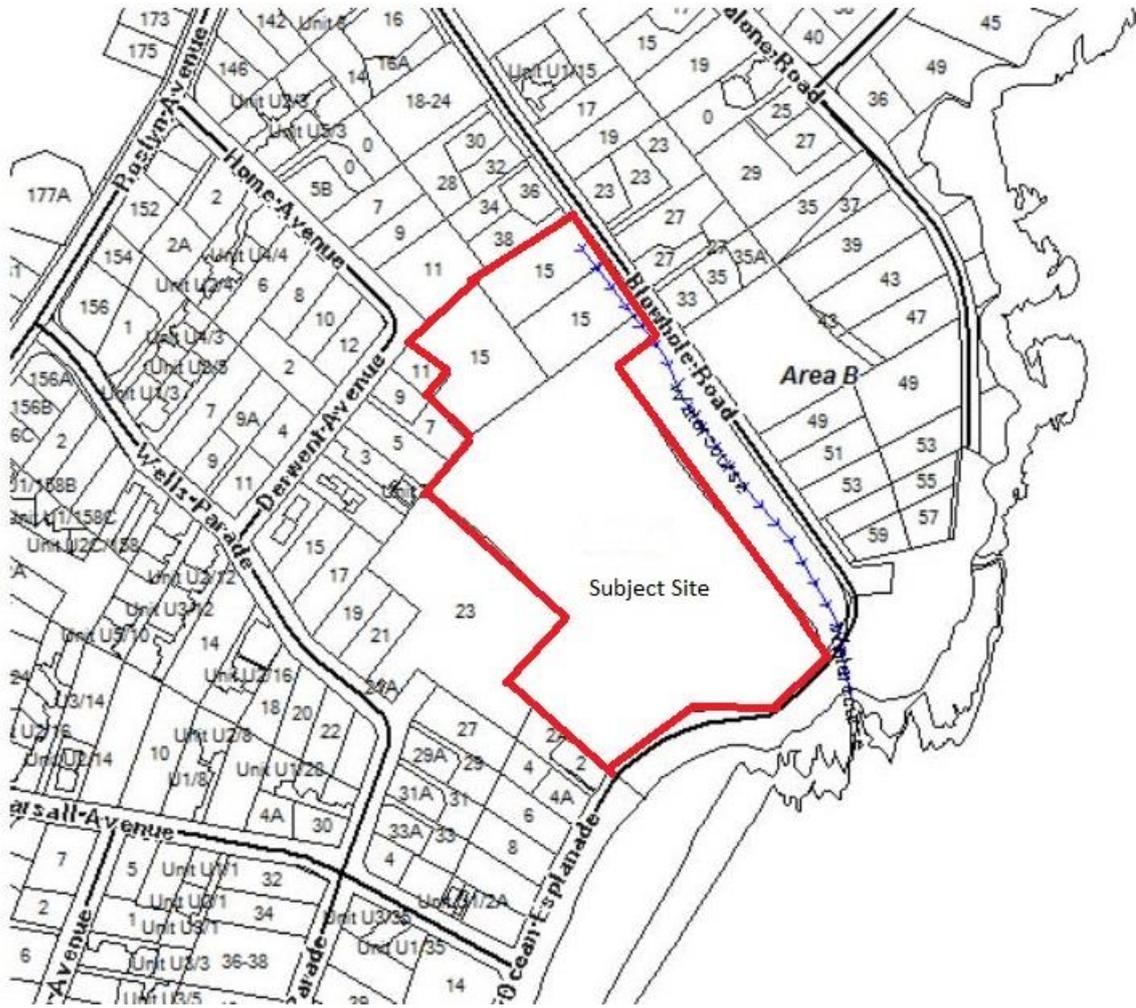
New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	35 Home Avenue, Blackmans Bay
2	37 Home Avenue, Blackmans Bay
3	39 Home Avenue, Blackmans Bay
4	41 Home Avenue, Blackmans Bay
5	43 Home Avenue, Blackmans Bay
6	45 Home Avenue, Blackmans Bay
7	47 Home Avenue, Blackmans Bay
8	42 Home Avenue, Blackmans Bay
9	38 Home Avenue, Blackmans Bay
10	32 Home Avenue, Blackmans Bay
11	30 Home Avenue, Blackmans Bay
12	26 Home Avenue, Blackmans Bay
13	24 Home Avenue, Blackmans Bay
14	22 Home Avenue, Blackmans Bay
15	20 Home Avenue, Blackmans Bay
16	18 Home Avenue, Blackmans Bay
17	14 Home Avenue, Blackmans Bay
18	3 Un-named Road
19	21 Home Avenue, Blackmans Bay
20	19 Home Avenue, Blackmans Bay
21	15 Home Avenue, Blackmans Bay
22	31 Home Avenue, Blackmans Bay

	For	Against		For	Against
Cr Atkinson			Cr Street		
Cr Bastone			Cr Wass		
Cr Fox			Cr Westwood		
Cr Grace			Cr Winter		
Cr Midgley					

Attachments:

- Location Plan (1)
- TasWater Conditions (3)
- Proposal Plans (7)



Submission to Planning Authority Notice

Council Planning Permit No.	DAS-2018-15	Council notice date	31/05/2018
TasWater details			
TasWater Reference No.	TWDA 2018/00885-KIN	Date of response	01/10/2018
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	15 HOME AVE, BLACKMANS BAY	Property ID (PID)	7540990
Description of development	Combined Rezoning and Subdivision		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
JMG	Concept Services Report	V02	September 2018
Conditions			
<p>SUBMISSION TO PLANNING AUTHORITY NOTICE OF DRAFT AMENDMENT TO PLANNING SCHEME <u>AND</u> PLANNING APPLICATION REFERRALS</p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater makes the following submission(s):</p> <p>TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.</p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>ASSET CREATION & INFRASTRUCTURE WORKS</p> <ol style="list-style-type: none"> 4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains. 5. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for 			

Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.

6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document / applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
 - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

14. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.
Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal

Document be issued directly to them on behalf of the applicant.

15. Pipeline easements, to TasWater’s satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater’s standard pipeline easement conditions.

DEVELOPMENT ASSESSMENT FEES

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:

- a. \$675.71 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

The payment is required within 30 days of the issue of an invoice by TasWater.

17. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

General

For information on TasWater development standards, please visit

<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

Declaration

The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.

Authorised by



Jason Taylor

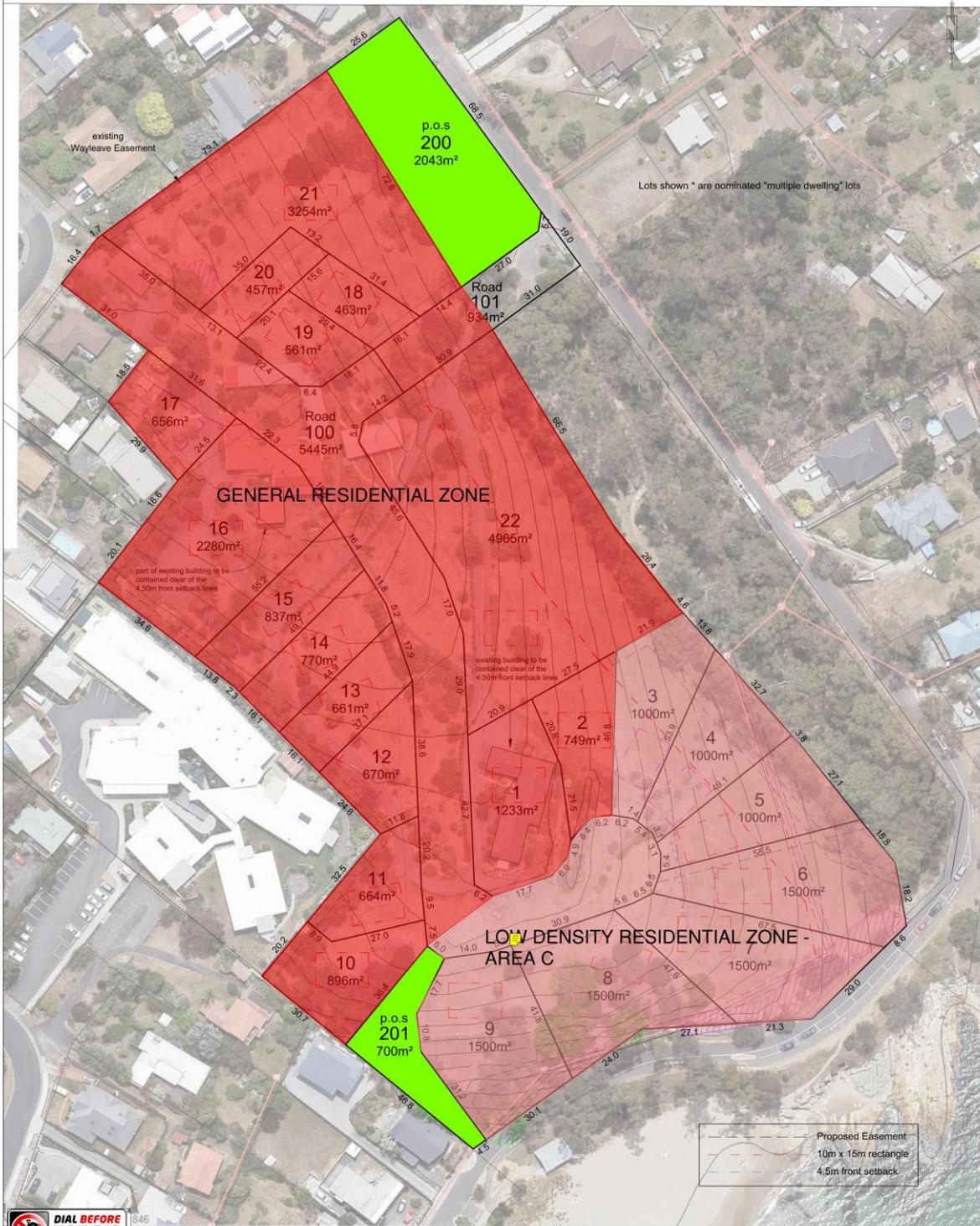
Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey. Base image by TAMSAP (www.tamsap.ie.gov.au). © State of Tasmania. Base data from the L501 (www.tas.gov.au). © State of Tasmania.

Development Application: DAS-2018-15
Plan Reference no.: P7
Date Received: 4/10/2018



Plan 2 of 2 - buildings to be retained

E				
D	Major Boundary Changes	AB	28-9-2018	AB
C	EASEMENTS MODIFIED	AB	1-8-2018	AB
B	MODIFY LOT 21	AB	31-7-2018	AB
A	COUNCIL LODGEMENT VERSION	AB	24-5-2018	AB
REV	AMENDMENTS	DRAWN	DATE	APPR.

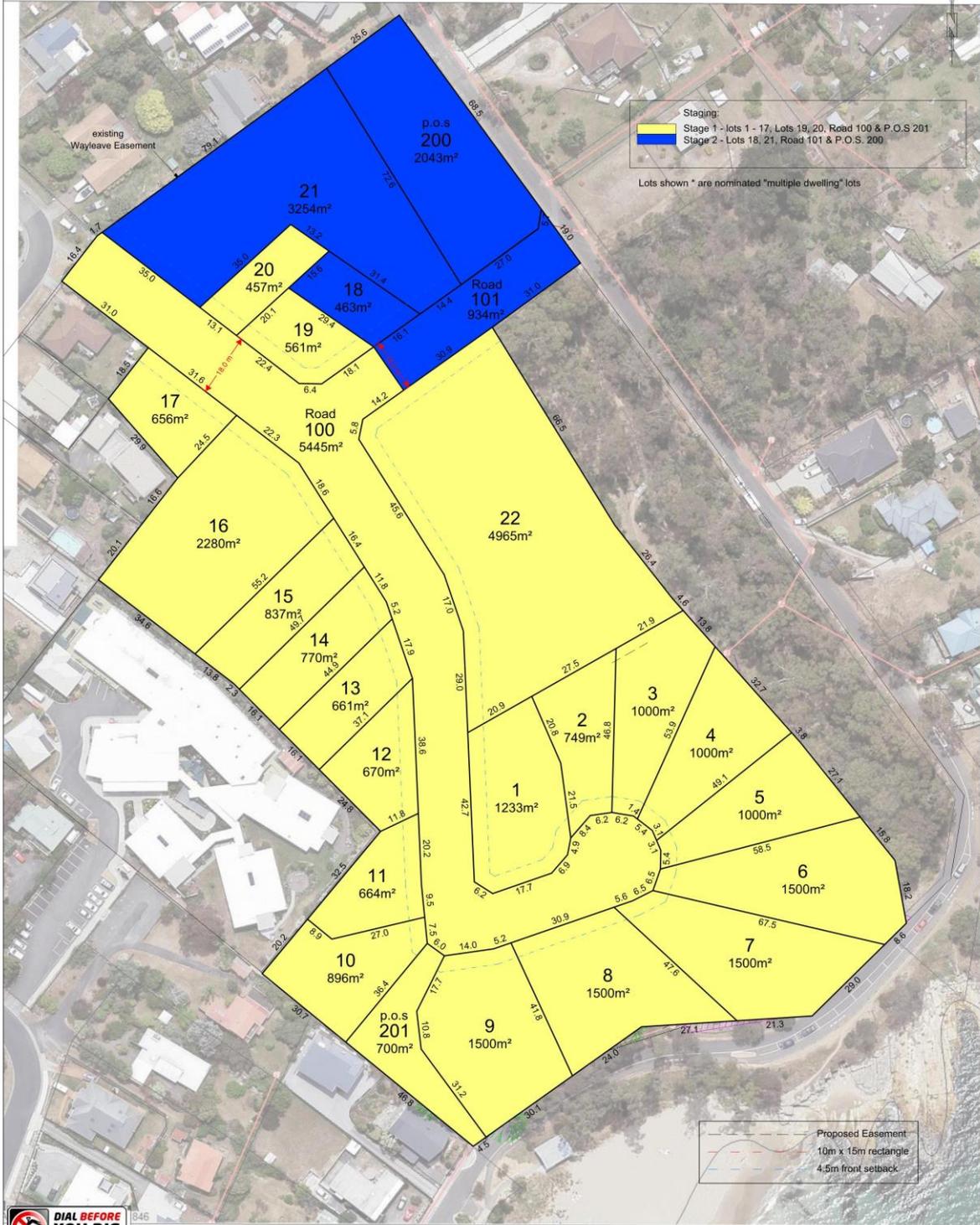
ROGERSON & BIRCH SURVEYORS
 UNIT 1, 2 KENNEDY DRIVE
 CAMBRIDGE 7170
 PHONE: (03)6248 5898
 EMAIL: admin@rbsurveyors.com
 WEB: www.rbsurveyors.com

OWNER: PRESENTATION SISTERS PROPERTY ASSOCIATION
TITLE REFERENCE: C.T.34279/1, C.T.199874/1, C.T.55854/84 & C.T.55854/85
LOCATION: 15 HOME AVENUE, BLACKMANS BAY

Proposed Subdivision
 Date: 28-9-2018
 Reference: JMG043 10651-08
 Scale: 1:500 (A1)
 1:1000 (A3)
 Municipality: KINGBOROUGH

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the local authority and is subject to their approval. All measurements and areas are subject to the final survey. Base image by TADMSP (www.tadmisp.nsw.gov.au). © State of Tasmania. Base data from the L501 (www.tas.gov.au). © State of Tasmania.

Development Application: DAS-2018-15
Plan Reference no: P7
Date Received: 4/10/2018



Plan 1 of 2 - lot details & staging plan

E				
D	Major Boundary Changes	AB	28-9-2018	AB
C	EASEMENTS MODIFIED	AB	1-8-2018	AB
B	MODIFY LOT 21	AB	31-7-2018	AB
A	COUNCIL LODGEMENT VERSION	AB	24-5-2018	AB
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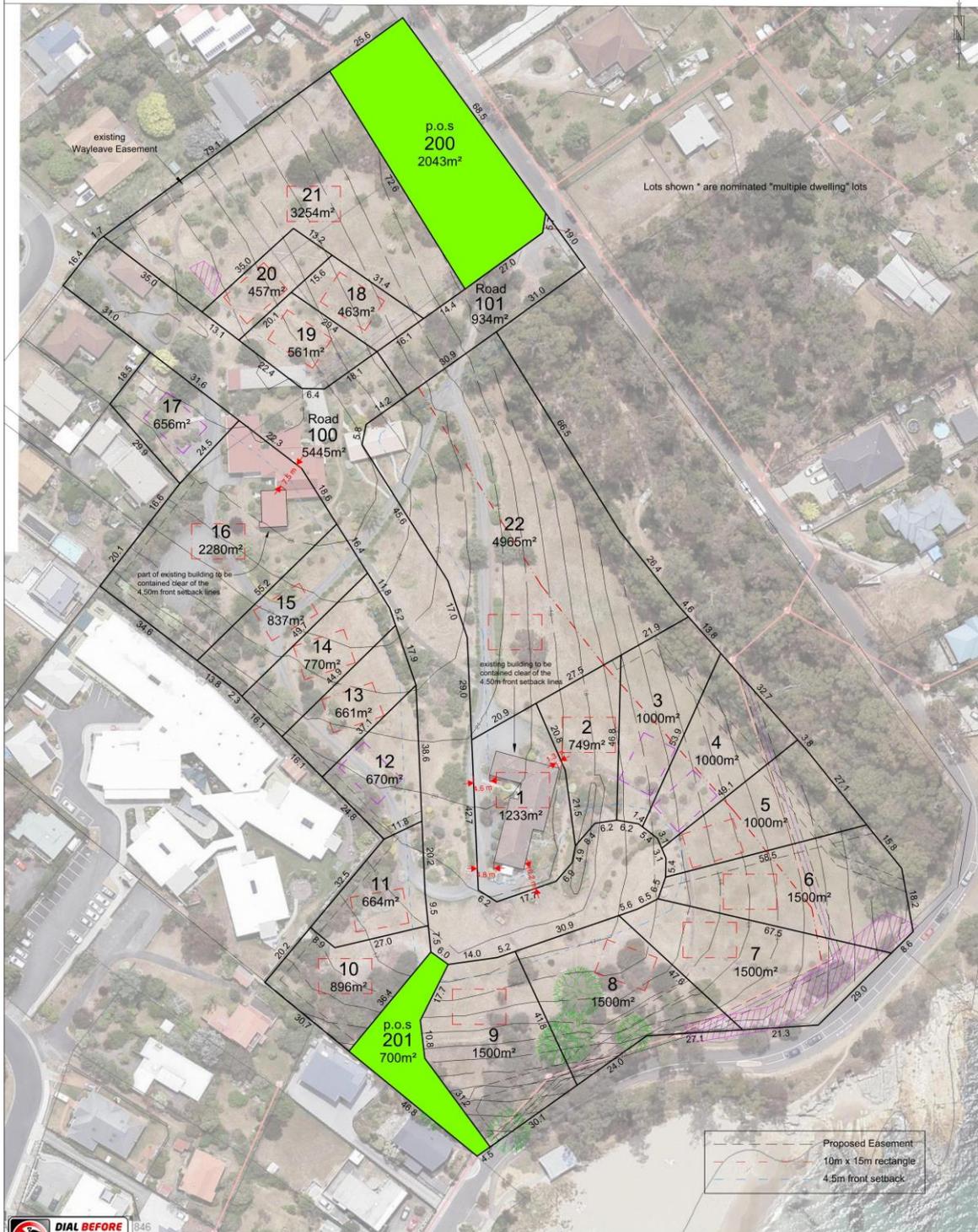


OWNER: PRESENTATION SISTERS PROPERTY ASSOCIATION
TITLE REFERENCE: C.T.34278/1, C.T.199874/1, C.T.55854/84 & C.T.55854/85
LOCATION: 15 HOME AVENUE, BLACKMANS BAY

Proposed Subdivision
Date: 28-9-2018
Scale: 1:500 (A1), 1:1000 (A3)
Reference: JMG043 10651-08
Municipality: KINGBOROUGH

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the local authority and is subject to their approval. All measurements and areas are subject to the final survey. Base image by TADMSP (www.tadmisp.tas.gov.au). © State of Tasmania. Base data from the L501 (www.tas.gov.au). © State of Tasmania.

Development Application: DAS-2018-15
Plan Reference no.: P7
Date Received: 4/10/2018



Plan 2 of 2 - buildings to be retained

E				
D	Major Boundary Changes	AB	28-9-2018	AB
C	EASEMENTS MODIFIED	AB	1-8-2018	AB
B	MODIFY LOT 21	AB	31-7-2018	AB
A	COUNCIL LODGEMENT VERSION	AB	24-5-2018	AB
REV	AMENDMENTS	DRAWN	DATE	APPR.

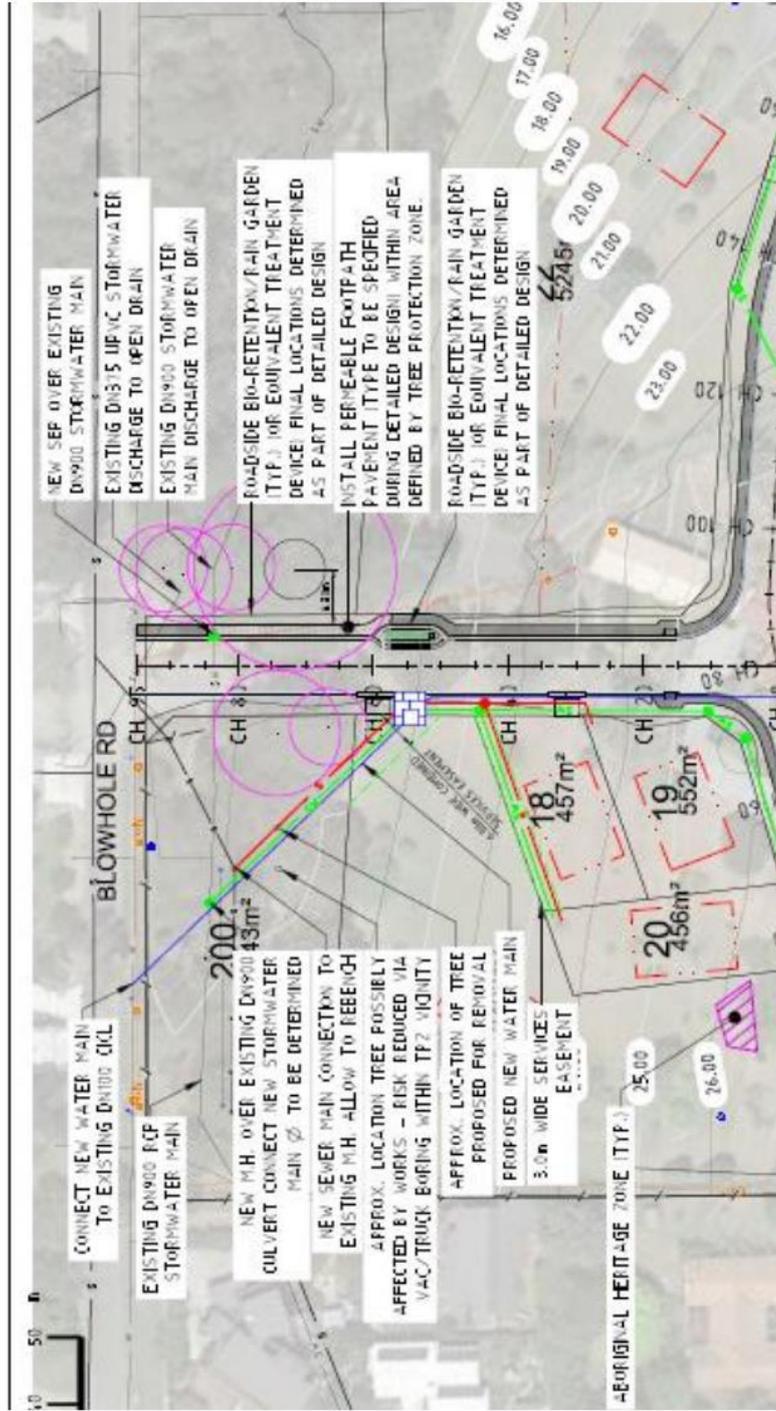


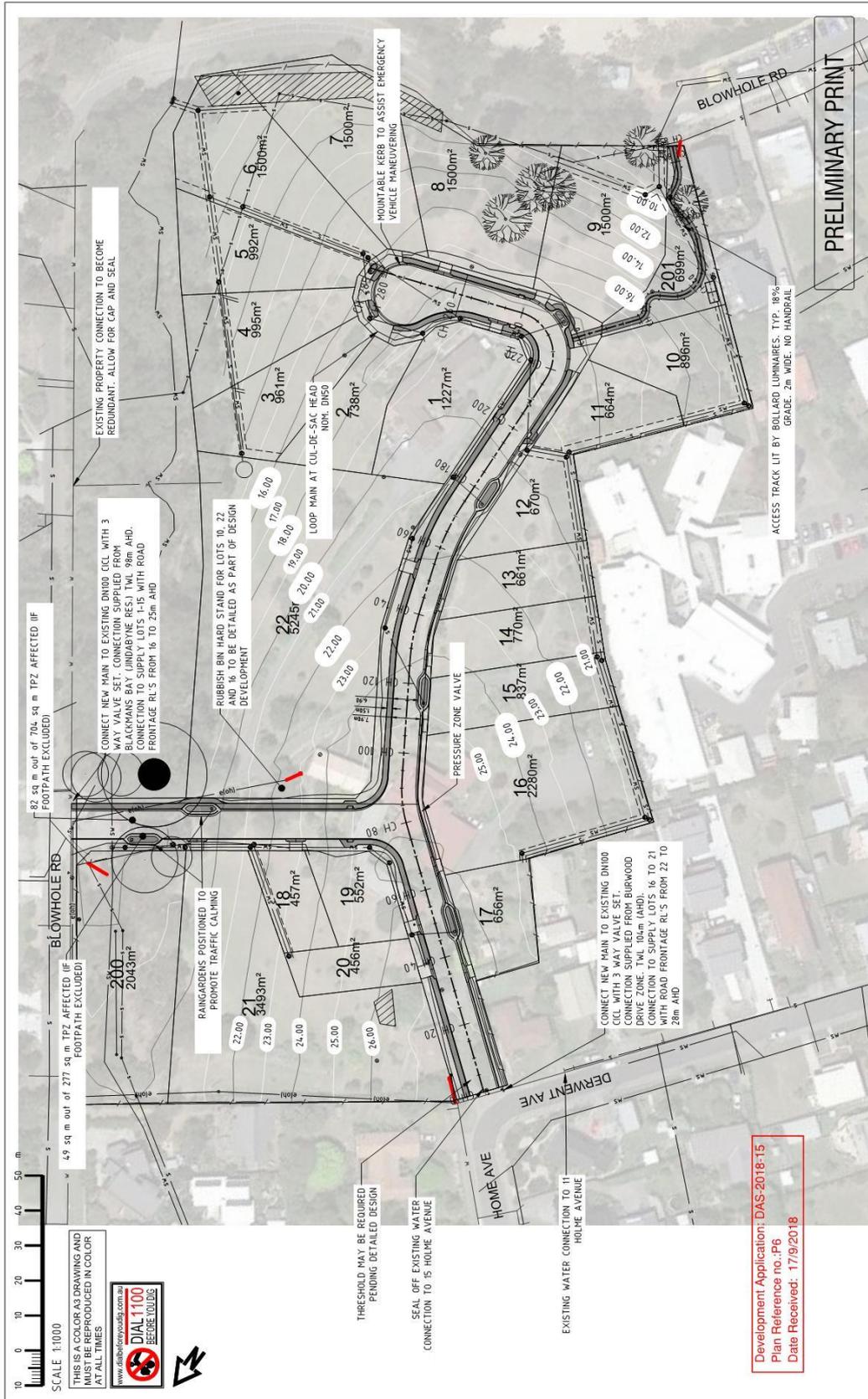
OWNER: PRESENTATION SISTERS PROPERTY ASSOCIATION
TITLE REFERENCE: C.T.34279/1, C.T.199874/1, C.T.55854/84 & C.T.55854/85
LOCATION: 15 HOME AVENUE, BLACKMANS BAY

Proposed Subdivision
Date: 28-9-2018
Scale: 1:500 (A1), 1:1000 (A3)
Reference: JMG043
Municipality: KINGBOROUGH

Development Application: DAS-2018-15
 Plan Reference no.: P7
 Date Received: 4/10/2018

Appendix 1 – Services Plan





Development Application: DAS-2018-15
 Plan Reference no. P6
 Date Received: 17/9/2018

P2 01/08/2018 REVISED TO ADDRESS T4SWATER RFI
 P1 16/07/2018 PRELIMINARY ISSUE

DATE	SCALE(S)	DESIGNED BY	DRAWN BY
01/08/2018	AS SHOWN	J. GIBLIN	J. BALDWIN
17/09/2018	1:1000	J. GIBLIN	J. BALDWIN

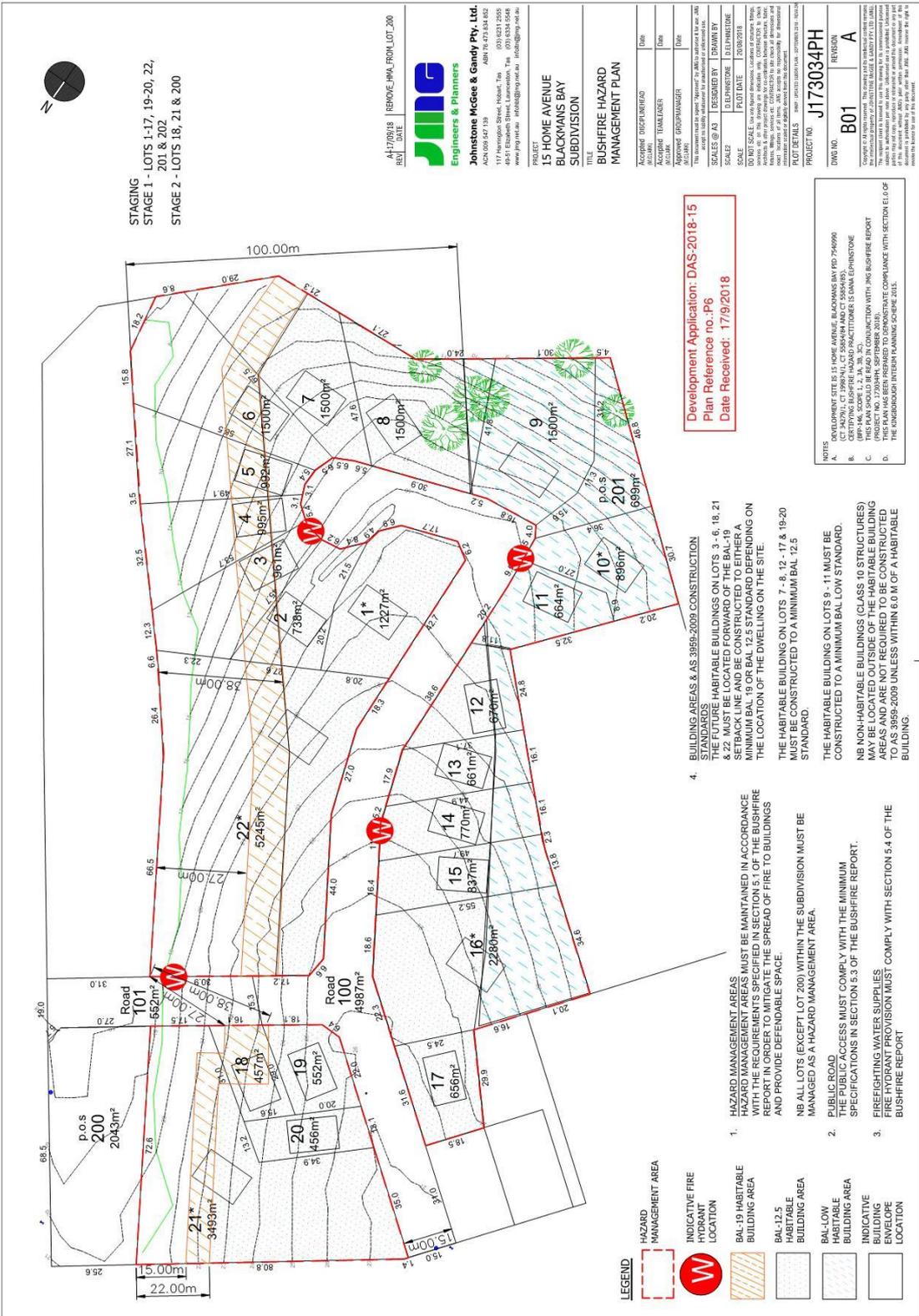
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 www.jmg.net.au info@jmg.net.au

TITLE
 SITE SERVICES PLAN
 ROAD & WATER

PROJECT NO. J173034PH
DWG NO. C02
REVISION P2
PLOT DETAILS P173034PH-C02 P1 DWG



STAGING
 STAGE 1 - LOTS 1-17, 19-20, 22,
 201 & 202
 STAGE 2 - LOTS 18, 21 & 200

AL173034PH | RENOVATION | FROM LOT_200
 REV | DATE

JMG
Engineers & Planners

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TITLE
 15 HOME AVENUE
 BLACKWAMS BAY
 SUBDIVISION
 BUSHFIRE HAZARD
 MANAGEMENT PLAN

ACCREDITED DISCIPLINE/HEAD	DATE
ACCREDITED TEAM LEADER	DATE
APPROVED GROUP MANAGER	DATE
DESIGNED BY	DATE
DRAWN BY	DATE
SCALE	DATE
SCALE @ A3	DATE
SCALE @ A4	DATE
SCALE @ A5	DATE
SCALE @ A6	DATE
SCALE @ A7	DATE
SCALE @ A8	DATE
SCALE @ A9	DATE
SCALE @ A10	DATE
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SCALE @ A29	DATE
SCALE @ A30	DATE

Development Application: DAS-2018-15
Plan Reference no. P6
Date Received: 17/9/2018

NOTES

- DEVELOPMENT SITE IS 15 HOME AVENUE, BLACKWAMS BAY (PD 7549996)
- GETTING BUSHFIRE HAZARD PRACTITIONER IS LANA (P) HUNTER
- (BPP) HAS SCORE 1, 2, 3A, 3B, 3C
- THIS PLAN HAS BEEN PREPARED TO DEMONSTRATE COMPLIANCE WITH SECTION 5.4 OF THE SUBDIVISION (SUBDIVISION) DURING STAGE 2018.

- LEGEND**
- HAZARD MANAGEMENT AREA
 - INDICATIVE FIRE HYDRANT LOCATION
 - BAL-19 HABITABLE BUILDING AREA
 - BAL-12.5 HABITABLE BUILDING AREA
 - BAL-LOW HABITABLE BUILDING AREA
 - INDICATIVE BUILDING ENVELOPE LOCATION

- HAZARD MANAGEMENT AREAS MUST BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS SPECIFIED IN SECTION 5.1 OF THE BUSHFIRE REPORT IN ORDER TO MITIGATE THE SPREAD OF FIRE TO BUILDINGS AND PROVIDE DEFENDABLE SPACE.
 NB ALL LOTS (EXCEPT LOT 200) WITHIN THE SUBDIVISION MUST BE MANAGED AS A HAZARD MANAGEMENT AREA.
- PUBLIC ROAD ACCESS MUST COMPLY WITH THE MINIMUM SPECIFICATIONS IN SECTION 5.3 OF THE BUSHFIRE REPORT.
 FIRE FIGHTING WATER SUPPLIES MUST COMPLY WITH SECTION 5.4 OF THE BUSHFIRE REPORT
- THE HABITABLE BUILDING ON LOTS 9, 11 MUST BE CONSTRUCTED TO A MINIMUM BAL LOW STANDARD.
 NB NON-HABITABLE BUILDINGS (CLASS 10 STRUCTURES) MAY BE LOCATED OUTSIDE OF THE HABITABLE BUILDING ENVELOPE PROVIDED THEY COMPLY WITH SECTION 5.4 OF THE BUSHFIRE REPORT.
- BUILDING AREAS AS 3859-2009 CONSTRUCTION STANDARDS
 THE FUTURE HABITABLE BUILDINGS ON LOTS 3 - 6, 18, 21 & 22 MUST BE LOCATED FORWARD OF THE BAL-19 SETBACK LINE AND BE CONSTRUCTED TO EITHER A MINIMUM BAL 12.5 STANDARD OR TO EITHER A MINIMUM BAL 19 STANDARD DEPENDING ON THE LOCATION OF THE DWELLING ON THE SITE.
 THE HABITABLE BUILDING ON LOTS 7 - 8, 12 - 17 & 19-20 MUST BE CONSTRUCTED TO A MINIMUM BAL 12.5 STANDARD.

PLANNING AUTHORITY SESSION ADJOURNS