

**COUNCIL MEETING**  
**MONDAY 26 JUNE 2022**

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**BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE**

**COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL'S WEBSITE**

**1. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor will:

- make the following statement:

*“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.*

*I pay respect to Elders past and present.”*

- invite those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

**2. APOLOGIES**

Cr Goyne (Leave of Absence)

**3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE**

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

**4. OMNIBUS ITEMS****4.1 CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 5 June 2023 and the Special Council Meeting held on 19 June 2023, as circulated, be taken as read and confirmed.

**4.2 MAYOR'S COMMUNICATION****4.3 COUNCIL WORKSHOPS**

In addition to the Councillor's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

<b>PURPOSE</b>	<b>DATE</b>
Presentation – TasWater	
Presentation – Water Pipeline Drilling Algona Street	
Tasmanian Planning Policies	
Financial Policies and Strategies	13 June
Skylands Discussion	
Local Government Review	19 June

**RECOMMENDATION:**

That Council notes the workshops conducted.



#### **4.4. TABLING OF PETITIONS**

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

**4.5 REPORTS FROM OUTSIDE BODIES**

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

**REPORTS FROM SINGLE AND JOINT AUTHORITIES**

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**  
Representative: Cr James Walker

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed its Quarterly Summary of its Meetings for the period ending 31 May 2023 (refer Attachment 1).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period ending 31 March 2023.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

**Representative Reporting**

- **TASWATER CORPORATION**
- **GREATER HOBART COMMITTEE**

**REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**



## Copping Refuse Disposal Site Joint Authority

5 June 2023

Mr Ian Nelson  
General Manager  
Clarence City Council  
PO Box 96  
ROSNY PARK 7018

Mr Robert Higgins  
General Manager  
Sorell Council  
P O Box 126  
SORELL 7072

Mr Gary Arnold  
General Manager  
Kingborough Council  
Locked Bag 1  
KINGSTON 7050

Mr Blake Repine  
General Manager  
Tasman Council  
1713 Main Road  
NUBEENA 7184

Dear General Manager

### **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORT: March 2023 Quarter**

Participating Councils and the Director, Local Government agreed to establish consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your routine report to your Council.

#### **Authority meeting held on 6 March 2023 (Unscheduled)**

- The CEO and Board of Southern Waste Solutions briefed the Authority on the review of pricing for the Lutana waste transfer station, and the need to achieve sustainable pricing.

Material matters addressed in the closed meeting:

- No closed session held

Other matters of note:

- Nil to report.

#### **Authority meeting held on 25 May 2023**

Material matters addressed in the open meeting:

- Endorsed the March 2023 Quarterly Report (attached) for distribution to Participating Councils
- Approved repayment of Clarence City Council's overpaid gate fees for \$161,778 for the March 2023 quarter
- Adopted the certified, amended Rules
- Approved the Authority's Strategic Plan 2023/24 – 2027/28
- Approved Southern Waste Solutions' Business Plan 2023/24 – 2025/26, including the Annual Budget 2023/24 and Forward Estimates
- Reviewed the Board's report on compliance with statutory and contractual obligations and endorsed it for distribution to Participating Councils (report attached)
- Received an update on commissioning of the BeneVap equipment under the leachate management strategy
- Approved the Authority's Professional Development Policy applicable to Representatives and Deputy Representatives and Board Directors.

- Received an update on the Southern Tasmanian Regional Waste Authority
- Received an update on major operational matters from the CEO
- Received an update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd from the Board Chair

Material matters addressed in the closed meeting:

- No closed session held

Other matters of note:

- An induction session for Representatives and Deputy Representatives was presented before the Authority meeting. A site visit to Copping also occurred that day.
- The Authority approved a Professional Development Policy at its May meeting. As this Policy refers to the role of Participating Councils in the process for Representatives and Deputy Representatives, a copy of the Policy is attached. The policy includes an application form for Representatives and Deputy Representatives to apply for financial support for qualifying activity.

#### **Matters considered by the Boards of Southern Waste Solutions and C Cell Pty Ltd as Trustee**

- Summaries of the material matters considered by both Boards are attached.

Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are commercial in confidence, it is requested that these be held on file for perusal by Aldermen/Councillors but not tabled at Council meetings.

#### **Annual Report on Legal and Statutory Obligations 2021-22**

In April each year, the Authority's Rules require the Board to review and report to the Authority on compliance with the Authority's contractual and legal obligations for the prior financial year. The Board's report for 2021-22 has been authorised for distribution to Participating Councils.

Under the newly amended Rules, this Report will not be produced in future years. Compliance with obligations will continue to be reported in the Quarterly Report. SWS's Audit & Risk Committee will continue to receive a formal compliance report each year so the matter is appropriately monitored. Under this approach, any issue arising can be addressed in a more timely manner. Any material matters noted will be reported to the Authority.

#### **Amended Rules of the Authority March 2023**

All Participating Councils have now adopted the newly amended, certified Rules. The Authority also adopted these at its May meeting. The Rules are in the process of being executed by each Participating Council and a copy has been provided to the Director, Local Government as required under the Act.

A copy of the signed Rules will be provided as soon as they are ready. In the meantime, the new Rules, dated March 2023, are now in effect.

#### **Professional Development Activity Undertaken**

While the Policy was approved at the May meeting, it refers to the need to report to Participating Councils on activities undertaken. As the Authority Chair mentioned in the general meeting, at the invitation of the Board, he attended *Waste 2023*, the major Australian waste management

conference, held in Coffs Harbour at the beginning of May, along with the SWS Directors and the CEO.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C Pillans', is positioned above the printed name and title.

Carolyn Pillans  
**Secretary**

- Attachment 1: Quarterly Report to the Authority March 2023**
- Attachment 2: Summary of SWS Board meetings**
- Attachment 3: Summary of C Cell Board meetings**
- Attachment 4: Annual Report on Legal and Statutory Obligations 2021-22**
- Attachment 5: Strategic Plan 2023/24 – 2027/28**
- Attachment 6: Business Plan 2023/24 – 2025/26 incl Budget 2023/24**
- Attachment 7: Professional Development Policy**

#### **4.6 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 5, 12 and 19 June 2023 have been circulated to Councillors.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 5, 12 and 19 June 2023 be noted.

**5. PUBLIC QUESTION TIME**

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request a Councillor or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

**5.1 PUBLIC QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a member of the public may give written notice to the Chief Executive Officer of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Nil.

**5.2 ANSWERS TO QUESTIONS ON NOTICE**

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

**5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**5.4 QUESTIONS WITHOUT NOTICE**

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

## **6. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)



<b>7 PLANNING AUTHORITY MATTERS</b>
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In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**7.1 SECTION 40T COMBINED SCHEME AMENDMENT APPLICATION - DEVELOPMENT APPLICATION – PROPOSED REZONING AND 8 LOT SUBDIVISION (PDPSPAMEND -2021/019004) – 30 HOLLAND COURT, HOWRAH****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council’s decision of 6 February 2023 in response to the representations received during the public exhibition period in accordance with the requirements of Section 40G and Section 40Z of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

The representations relate to a Section 37 request to amend the Clarence Local Provision Schedule (LPS) and Section 40T combined planning permit application for an 8 Lot subdivision at 30 Holland Court, Howrah.

The Planning Authority’s assessment of the representations and impact to the proposal must be provided to the Tasmanian Planning Commission (the Commission) under Section 40K and Section 42 of LUPAA.

**RELATION TO PLANNING PROVISIONS**

The site is located at 30 Holland Court, Howrah (CT 35660/1) and has an area of 1.52ha and is currently zoned Community Purpose Zone; and subject to the Parking and Sustainable Transport Code, Road and Railway Assets Code, Natural Assets Code, Flood-Prone Areas Hazard Code, the Bushfire-Prone Areas Code, the Landslip Hazards Code, and the Safeguarding of Airports Code.

The proposed residential subdivision for the purpose of providing future single or multiple dwellings, is currently Prohibited under the Scheme. The only residential use permitted in the Community Purpose zone, is “*if for a residential care facility, respite centre, retirement village or assisted housing; or for accommodation for staff or students of a use on the site.*”

**LEGISLATIVE REQUIREMENTS**

The proposal was submitted to the Planning Authority for a decision in accordance with Section 38 (2) and Section 40Y of LUPAA for a combined amendment to the LPS and planning permit application. The certified amendment and draft permit were advertised in accordance with the statutory requirements of Section 40G and Section 40Z. Council is now required to consider the merits of any representation received.

This report provides details of the representations received, and the justification for the recommendations. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the Local Government (Meeting Procedures) Regulations 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and seven representations were received, raising the following issues:

- Proposed General Residential Zone inappropriate,
- Proposed rezoning of footpath to Utilities is inappropriate,
- Proposed Public Open Space zone areas are inadequate,
- Loss of trees/ management of vegetation,
- Stormwater impacts on Rokeby Road,
- Lack of Bushfire-Prone Areas Code compliance,
- Lack of Traffic Impact Assessment,
- Proposed lot sizes too small or too large,
- Proposed lots within landslip areas,
- Loss of residential amenity,
- Proposed Right-of-Way locations inappropriate,
- Request to clarify detailed design condition,
- Public Open Space contribution permit condition not aligned with approved plans, and
- Final amended plans not advertised.

**RECOMMENDATION:**

- A. That the Clarence City Planning Authority, after considering the merits of the representations, resolves that:
1. Pursuant to section 40K(1) of the *Land use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that four representations were received during the exhibition of draft amendment PDPSPAMEND-2021/019004 and permit application, that related to the draft amendment.
  2. Pursuant to section 42(a) of the *Land use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that seven representations were received during the exhibition of the draft amendment PDPSPAMEND-2021/019004 and permit application, that related to the permit application.
  3. Pursuant to section 40K (2)(a) and 42(a) of the *Land use Planning and Approvals Act 1993*, provides to the Tasmanian Planning Commission a copy of the representations that were received during the advertising of the draft amendment and permit application PDPSPAMEND-2021/019004.

4. Pursuant to section 40K(2)(c) of the *Land use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representations received during advertising warrant modification to the certified LPS amendment PDPSPAMEND-2021/019004 as detailed in this report and shown in Attachment 3 of the Associated Report.
  5. Pursuant to section 42 (b) and (c) of the *Land use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representations received during advertising warrant that the Planning Authority support for the modified draft permit PDPSPAMEND-2021/019004 is withdrawn due to non-compliance with the Bushfire-Prone Areas Code and therefore the draft permit is not supported. It is noted that the Clarence Planning Authority supports the granting of the draft subdivision permit, in the event that the applicant demonstrates compliance with the Bushfire-Prone Code requirements, prior to the Commission making a determination.
  6. Pursuant to Section 40K and Section 42 of the *Land use Planning and Approvals Act 1993* that this report and relevant attachments, be provided to the Tasmanian Planning Commission as detailed in this report.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

There is no background relevant to the consideration of this report.

A copy of the previously certified draft LPS amendment and granted draft planning permit documents are included in Attachment 1 and Attachment 2 respectively.

### **2. PROPOSAL IN DETAIL**

#### **2.1. The Site**

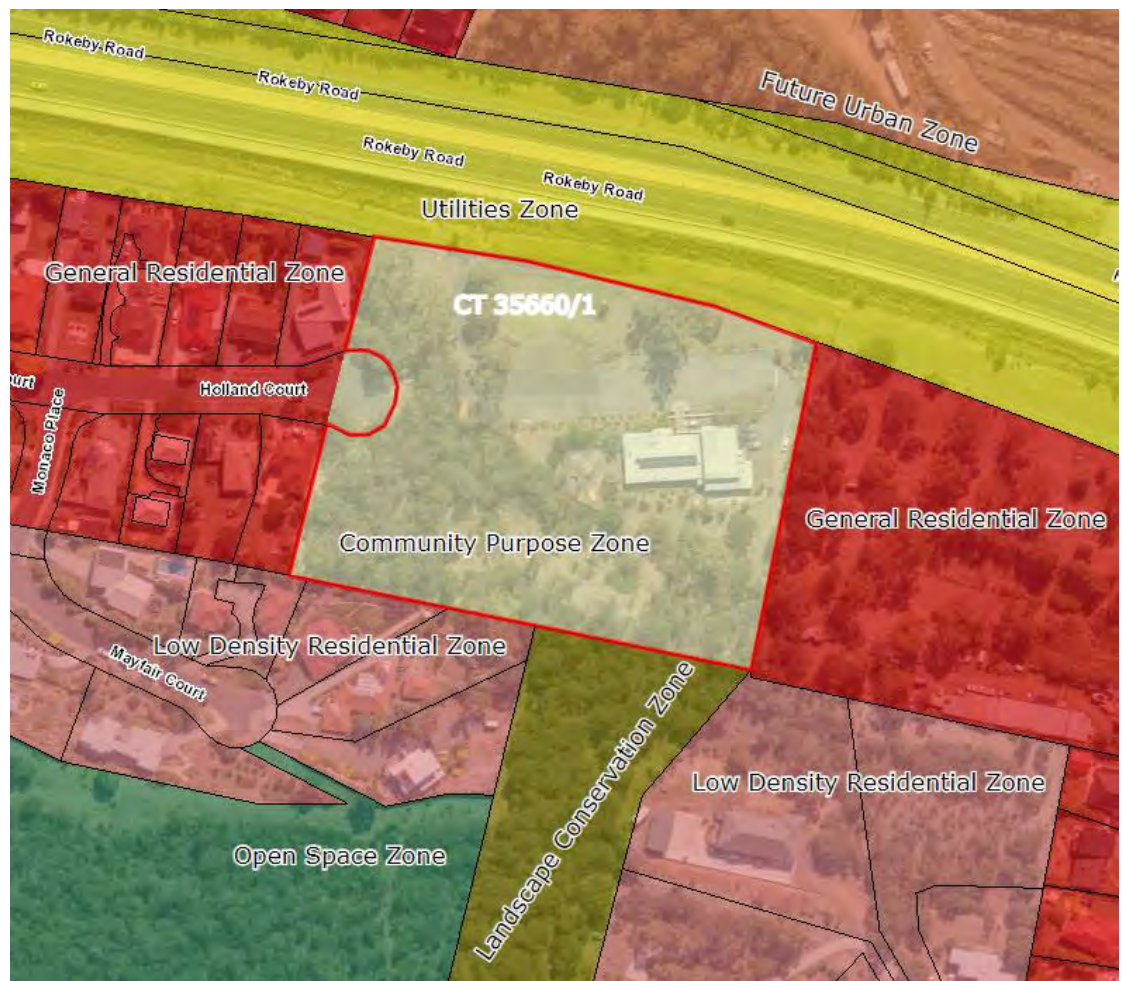
The site is located at 30 Holland Court, Howrah (CT 35660/1) and has an area of 1.52ha as shown in Figure 1.



*Figure 1 Aerial image of subject site outlined in red (Source LIST map)*

The site currently contains a church building, associated car parking, and landscaping. While the area around the church building is generally cleared and landscaped there is remnant native vegetation located in the southern and western area of the site.

The subject site is surrounded by General Residential zoned land to the east and west, Low Density Residential zoned land to the south-east and south-west, Landscape Conservation zoned land to the south, and Utilities zoned land to the north, as shown in Figure 2 below.



*Figure 2- Showing zoning of the subject site (outlined in red), adjoining and nearby land (Source LIST map)*

The area is generally residential in character and is adjacent to Rokeby Road (aka South Arm Highway) with a pedestrian walkway located along its northern boundary and partially within the subject site. Adjoining the southern boundary is Council owned public open space, Kunyah Reserve.

The property to the east at 38 Buckingham Drive, currently contains a single dwelling, but has a planning permit approval for a 30-lot residential subdivision PDPLANPMTD-2021/017703. The subdivision was approved in stages with the engineering works completed for stage one, which created a “super lot”. The remaining two stages facilitate the construction of a road and the transfer of the public open space lot, which adjoins the subject site at its eastern boundary.

The previously approved 38 Buckingham Drive open space lot, is intended to provide a pedestrian link from the future subdivision road to Rokeby Road and the Kunyah Reserve.

Approximately 20m from 30 Holland Court frontage, an informal access leads from the internal driveway to the walkway along Rokeby Road and provides connectivity to Holland Court.

## **2.2. The Draft LPS Amendment**

On 6 February 2023, the Planning Authority resolved to certify an amendment that:

- Rezoned the land at 30 Holland Court from Community Purpose Zone to part General Residential Zone, Open Space Zone and Utilities Zone as shown in Attachment 1.

## **2.3. The Subdivision Application**

The draft planning permit agreed to by the Planning Authority at the 6 February 2023 meeting, included subdivision plans for the subject site to create seven new residential lots (Lots 1 to 7), a balance lot (Lot 8) containing the existing church and its car parking area, a road lot (Lot 200) which extends Holland Court, and an open space lot (Lot 101) in the south-east corner of the site.

These agreed draft plans, differ from the applicant's submitted plans, in that they were amended in accordance with section 40F(2)(b) of LUPAA to align with the certified and agreed draft LPS amendment, including the following changes:

- Rezoning the applicants proposed Open Space Zone (lot 100) to General Residential zone and combining it into residential Lot 1, and
- Rezoning portions of the applicant's proposed Open Space Zone (lot 100), the proposed residential lot (Lot 2), and the proposed balance lot (Lot 8) along the north-west area of the site to a new road lot (no number allocated) to encompass the existing Rokeby Road pedestrian path and rezoning to the Utilities zone.



Furthermore, the agreed draft permit subdivision plan was modified to show two public rights-of-way (ROW); one leading from the proposed road lot (Lot 200), and one leading from the proposed open space lot (Lot 101) to the north-east corner of the site, to provide pedestrian connectivity to the existing footpath in Rokeby Road, as shown in Attachment 2.

Permit Condition 2 requires amended plans to be submitted to reflect the above changes.

### **3. STATUTORY IMPLICATIONS**

Section 40K(2) of LUPAA requires a Planning Authority to provide a report to the Commission comprising:

- “(a) a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
- (b) a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
- (c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to—*
  - (i) whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
  - (ii) the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
- (d) a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
- (e) any recommendations in relation to the draft amendment that the planning authority thinks fit.”*



Where the Local Provision Schedule amendment request has been combined with a planning permit application, the Planning Authority must also provide the Commission a report under s42 of LUPAA that indicates whether the representation justifies modification to the Planning Authority's decision on the application for the planning permit.

The Planning Authority has thirty-five days from the close of the public exhibition period to submit a report on the merits of any representations to the Commission. This timeframe closes on 3 July 2023 as extended by the Commission.

In considering the merits of the representations, the Planning Authority can make recommendations to the Commission that the amendment should be modified, abandoned, or remain unchanged. The Planning Authority can also make recommendations to the Commission that the permit is not granted, or to modify, include or remove conditions.

The Commission will take the Planning Authority's recommendations into account when making its decision.

#### **4. CONSULTATION**

The certified draft LPS amendment and draft planning permit were publicly notified from Monday 20 February 2023 to Thursday 30 March 2023. In response to a representation, the application was readvertised for 28 days with the modified agreed subdivision plans (clearly stamped) from Thursday 13 April 2023 to 10 May 2023.

The public notification involved; advertisements in "The Mercury" on Saturday 18 February 2023 and Saturday 6 March 2023. Readvertising in "The Mercury" on Wednesday 12 April 2023, Saturday 29 April 2023 and on Saturday 6 May 2023 (notifying an extension to the advertising period to 23 May 2023); a mailout of letters to landholders and occupants adjoining the subject site; and notification signs on the site.

All representors were individually advised of the readvertising and extension of time arrangements.

## **5. DISCUSSION ON THE MERITS OF THE REPRESENTATIONS**

The proposal was advertised in accordance with statutory requirements and seven representations were received. All seven representations raised concerns with the draft planning permit with four representors also raising concerns with the draft amendment. The following issues were raised by the representors.

### **5.1. Proposed General Residential Zone is Inappropriate**

One representor raised concerns that the proposed rezoning from Community Purpose Zone to General Residential Zone for the balance lot (Lot 8) would prevent the church use from continuing and would prevent new residents from being aware of the ongoing church use. Another representor observed that the General Residential Zone and proposed lot sizes would result in poor use of the land, and not be in keeping with nearby suburban densities. Instead, they recommended that the land be rezoned to Inner Residential Zone, which was stated to also retain the Natural Values Overlay on the site.

- **Comment**

The proposed zoning rationale was addressed in the Agenda Report of 6 February 2023. As previously shown in Figure 2, the adjoining land to the west and east, is zoned General Residential, noting that once the approved subdivision is finalised on 38 Buckingham Drive, there will be a strip of Public Open Space (POS) between the General Residential zoned land. The existing church uses will be considered to have pre-existing use rights, allowing for the ongoing operation of the use. The church building is clearly visible and any owners/occupants of the proposed lots, will be aware of the existing use. It is noted that if in the future substantial intensification of the use or development is proposed, it would require a discretionary planning permit application to be made, in which case the neighbouring properties would be notified of the proposal as part of the assessment process.

The lots sizes and designs respond to the topography of the site and the access requirements in the applicable subdivision standards. The lot sizes for Lots 2, 3, 4, 5 and 6, range in area from 792m<sup>2</sup> to 980m<sup>2</sup>, providing sufficient area for between one and three multiple dwellings subject to site constraints. The remaining larger lots, 1, 7 and 8 range in area from 1473m<sup>2</sup> to 5039m<sup>2</sup> and are constrained by natural values, existing uses and Bushfire Hazard Management requirements, but are likely to also be developed for multiple dwellings. Therefore, the proposed zoning is considered appropriate in the context of surrounding zoning and site constraints.

The Natural Assets Code does not apply to land within the Inner Residential Zone, therefore would not be a mechanism to protect the natural values of the site. Furthermore, because the Inner Residential Zone is intended for land that has been *identified for higher density development, and should not be applied to land that is highly constrained by hazards, natural cultural values or other impediments that will limit developing the land to higher densities, it is not considered appropriate.* (Emphasis added) (TPC, June 2019, Guideline No.1 -Local Provisions Schedule (LPS): zone and code application, Zone Application Guideline IRZ 3).

This matter is not considered of sufficient merit to warrant a modification to the certified draft LPS amendment.

## **5.2. Proposed Rezoning the Land containing the Footpath to Utilities is Inappropriate**

One of the representors stated that the proposed rezoning of the land from Open Space to Utilities is not warranted as it would result in the landowners having public infrastructure on their land. It is requested that Council purchases the land as part of the subdivision Public Open Space contribution.

- **Comment**

The proposed rezoning rationale was addressed in the 6 February 2023 Agenda Report. The subject land already contains public infrastructure, the proposed rezoning to Utilities does not change the existing situation, but rather allocates a more appropriate zone to the land. The intention is to create a road reserve lot for ultimate transfer to the Department of State Growth (State Growth).

It is noted that State Growth made no representation to the advertised documents, and the only feedback received by Council is the original referral response from June 2021. Further advice was sought from State Growth on 8 June 2023, and correspondence received on 14 June 2023 indicated in principle support for such a transfer, but that an official response would not be possible in the reporting timeframe.

Draft Permit condition 5, provides for the new road lot to be transferred to Clarence City Council as Road Authority on recommendation of council engineers. Transfer to State Growth can then be progressed at a later date via Council's Asset team, who already have an arrangement with State Growth for the maintenance of the sealed track.

This matter is not considered of sufficient merit to warrant a modification to the certified LPS amendment, but requires modifications to the draft planning permit as outlined below:

- Condition 2 Amended plans, to include the requirement to show the proposed road lot as per the area zoned Utilities in the certified draft LPS amendment, and
- Condition 9 Acoustic fence, to refer to the southern boundary of the proposed new road lot, rather than the northern boundary of Lots 1 and 2 to clarify requirements,

as shown in tracked changes to the draft planning permit in Attachment 4.

**5.3. Proposed Public Open Space Zone is Inadequate**

Two representors commented on the size and location of the Open Space area in the south-east corner (Lot 101), noting that the area is too small and the land too steep to allow for any future bike/walking trails.

- **Comment**

After the Planning Authority decision of 6 February 2023, the applicant requested a meeting to discuss their concerns with the amendments that were made to the proposed zoning and subdivision plans. A meeting was arranged for 22 February 2023 involving the applicant, representatives of their client (Churches of Christ), and relevant Council officers. A copy of the meeting minutes, and written Council response to the applicant's concerns, is provided in Attachment 5.

This matter is considered of sufficient merit to warrant a modification to the certified LPS amendment by increasing the size of Lot 101 to 754m<sup>2</sup> as shown in Attachment 3.

This matter is considered of sufficient merit to require modifications to the draft planning permit, including changes to:

- Condition 2 Amended Plans, modifying the description of the POS lot 101 to align with the changes to the draft certified amendment,
- Condition 2 Amended Plans, showing changes required to lots 6 and 7 due to the modified size of POS lot 101, and
- Condition 3 Private Open Space (POS) contribution, to be deleted in its entirety,

as shown in the tracked changed permit document in Attachment 4.

**5.4. Loss of Trees/Management of Vegetation**

Three representors were concerned with the proposed subdivision impact on the existing site vegetation. Two of these representors were concerned that the development would create negative externalities including:

- reducing the landscape and ecological values of the site,

- adversely impacting threatened species including black gums and swift parrot, and
- create adverse water absorption on the site leading to increased pooling of water in the highway road reserve, risking undermining of the highway.

One of these representors also queried the appropriateness of the Part 5 Agreement condition on the basis that it shifted the onus of protecting trees from Council to current and future landowners.

- **Comment**

The proposed rezoning rationale was addressed in the 6 February 2023 Agenda Report. While it is acknowledged that the land contains some environmental values, based on the Natural Values Assessment (North Barker, 6 January 2023), it is considered that the existing natural values can be managed through permit conditions. To that end, Condition 4 requires that the landowner enters into an agreement with Council under Part 5 of LUPAA to provide additional protection for the *Eucalyptus ovata* trees identified on combined Lots 1 and 100. Inclusion of such conditions are standard practice and are considered an accepted form of planning control.

The stormwater concerns are addressed in 5.5 Stormwater below.

The vegetation concerns raised are not considered of sufficient merit to warrant a modification to the certified draft LPS amendment, nor to the agreed draft planning permit.

## **5.5. Stormwater Impact on Rokeby Road**

One representor raised concerns relating to the development's adverse impact on the water table and overland flow into the highway road reserve.

- **Comment**

The proposed subdivision plan and concept services plans submitted were assessed as complying with Acceptable Solution A3 of clause 8.6.3 *Services*. Council engineers have included relevant conditions to ensure the development is in accordance with Council's Local Highways Standard Requirements By- Law and the State Stormwater Strategy.

The referral response from State Growth included advice that if any drainage discharge is required to the Highway, then prior approval is required from the Minister (or delegate) under Section 84(1) (c) of the *Local Government (Building and Miscellaneous Provisions) act 1993*. It is proposed to include this advice in the draft permit.

This matter is not considered of sufficient merit to warrant a modification to the certified LPS amendment but does warrant a modification to the draft approved permit to include the State Growth advice, as shown in the modified draft permit in Attachment 4.

#### **5.6. Lack of Bushfire-Prone Areas Code Compliance**

One representor raised the issue that although the subdivision application included a Bushfire Hazard Management plan, it did not include documentation from a suitably qualified person demonstrating that the proposal could satisfy the requirements of *C13.0 Bushfire-Prone Areas Code*.

- **Comment**

An assessment against the TPS-Clarence scheme provision was addressed in the 6 February 2023 Agenda Report, which considered that the Bushfire Hazard Management Plan demonstrated compliance with the provisions of C13.0 Bushfire-Prone Areas Code. It appears that Council's interpretation of the code differs to that of the Tasmania Fire Service, in that Council considered the Bushfire Hazard Management Plan and the supporting planning report, prepared by a suitably qualified person) to have met the exemption requirements of clause C13.4.1 (a), namely:

*The following use or development is exempt from this code:*

- (a) any use or development that the TFS or an accredited person, having regard to the objective of all applicable standards in this code, certifies there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures;...*

The Tasmania Fire Service advised that a comprehensive report is required and highlighted that the practitioner who submitted the information to Council, is not yet fully accredited.

The matter was directly raised with the applicant who advised that they have prepared a Bushfire Hazard Assessment (BHA) report, and are awaiting endorsement from the Tasmania Fire Service, advising that once endorsed the report would be provided to Council for inclusion with this agenda report.

At the time of writing, no such document has been received by Council.

This matter is not considered of sufficient merit to warrant a modification of the certified LPS amendment.

However, the lack of a Bushfire Hazard Assessment means that the proposed subdivision does not comply with TPS-Clarence requirements, and therefore Council support for the planning permit must be withdrawn. Therefore, the recommendation is that the Planning Authority do not grant the draft planning permit. Noting that, the Clarence Planning Authority supports the granting of the draft subdivision permit, in the event that the applicant demonstrates compliance with the Bushfire-Prone Code requirements, prior to the Commission making a determination.



**5.7. Lack of Traffic Impact Assessment**

One representor was concerned that no Traffic Impact Assessment (TIA) was provided with the proposal, considering the need for extension of Holland Court and the likely increase in traffic from future multiple dwelling developments.

- **Comment**

The proposed subdivision compliance was addressed in the 6 February 2023 Agenda Report. The subdivision proposal is assessed as complying with all relevant acceptable solutions of the Parking and Sustainable Access Code, and the Road and Railway Assets Code, with regard to traffic generation, access design, and car parking requirements for the existing church use. It is noted that most of the lots are shown with single building areas, that is, nominally intended for single dwelling development. Council engineers reviewed the application and considered that the local traffic network is able to accommodate the projected traffic increase from any future development, including multiple dwellings.

It is further noted that any future development on the proposed lots, will be subject to assessment against the provisions of the Parking and Sustainable Transport Code. Hence, there are further opportunities to consider any future traffic impacts based on actual proposed development.

This matter is not considered of sufficient merit to warrant a modification of the draft planning permit.

**5.8. Proposed Lot Sizes too Small or too Large**

Two representors were concerned that the proposed subdivision lots are not sufficiently large to protect natural values. One of the representors also opined that the rezoning to General Residential Zone means the Natural Values Code does not apply and the only way to protect the natural values would be to place restrictive covenants on the lots and limiting development to one dwelling per lot. One of the representors was also concerned that Lot 7 was very large and there is a lack of clarity on its future development and use.

- **Comment**

The proposed zoning and subdivision were assessed as outlined in the 6 February 2023 Agenda report.

Previous comments under Section 5.1 of this report, discussing the relevant zoning, consider the proposed lot sizes, and Section 5.4 above provides commentary in relation to the natural values concerns raised.

All future development would be in accordance with the General Residential Zone and applicable Code provisions. With regard to Lot 7, the proposed increase in size to POS Lot 101, will reduce Lot 7 in area, which in addition to the Bushfire Hazard Management Plan constraints, would impact on the design, location and extent of any future development.

Therefore, it is considered that the matters raised do not warrant changes to the certified draft LPS amendment or agreed draft planning permit.

## **5.9. Proposed Lots within Landslip Areas**

One representor was concerned that the lots within the Landslip hazard area of the site would need to have wider frontages to accommodate retaining structure and require the retention of trees on the site to reduce the risk of landslip.

- **Comment**

The proposed zoning and subdivision were assessed as outlined in the 6 February 2023 Agenda report and considered to comply with acceptable solutions of all applicable Code provisions. The applicant provided a Geological Report by Geo-Environmental Services, dated 01 March 2021, which concluded that the site investigation found “*no serious impediments to the proposed development*”.

LIST map identifies the risk overlay as “Low Risk”, which means that any future development on the lots created, may be exempt from the code, depending on the location and extent of the works.

Therefore, it is considered that the concern raised does not warrant changes to the draft certified amendment or planning permit.

#### **5.10. Loss of Residential Amenity**

One representor was concerned that the proposed subdivision and accompanying removal of trees, would remove the buffer between existing dwellings in Holland Court and the existing church uses. The representor was concerned that the noise report submitted with the application did not consider the impact of the church operation on the future residential uses.

- **Comment**

The proposed zoning and subdivision were assessed as outlined in the 6 February 2023 Agenda report. The Acoustic Report prepared by Noise Vibration Consulting (NVC) dated 21 December 2022, was provided to address the requirements of the Road and Railways Asset Code, specifically with regard to the future development of sensitive uses within the 50m road attenuation noise overlay.

Of the proposed seven residential lots, all are compliant with code requirements with the exception of proposed Lots 1 and 2, where the building areas are located within the 50m noise attenuation overlay area.

The NVC report provides several recommendations on page seven. Draft planning permit condition 4, includes the recommendation in relation to the façade treatment of future dwellings in the agreement with Council under Part 5 of LUPAA. The recommendation for a suitably constructed 2m high barrier fence along the northern boundary of the northern residential lots has been included in draft planning permit condition nine, modified as previously detailed in Section 5.2 above. The entire NVC report has been included in the draft planning permit stamped approved plans.

The code has no regard to noise propagated by existing non-road uses, therefore the concern raised has no determining weight.

Accordingly, this matter does not warrant changes to the certified draft LPS amendment or agreed draft planning permit.

#### **5.11. Proposed Right-of-Way Locations Inappropriate**

Two representors were concerned with the proposed rights-of-way (pedestrian paths) shown on the draft approved planning permit plans. The concerns related to the ROW locations preventing the church from future development of Lot 8, and their location made no sense as they would not provide safe pedestrian connectivity, given they traversed the existing car parking area. The other matter raised was more technical in nature, highlighting that there were multiple plans included in the approved permit which was confusing, and permit condition 2 did not align with the draft approved plans.

- **Comment**

The proposed zoning and subdivision were assessed as outlined in the 6 February 2023 Agenda report. As detailed in Section 5.3 a meeting was held on 22 February 2023 involving the applicant, representatives of their client (Churches of Christ), and relevant Council officers, to discuss a number of concerns, including the proposed rights-of-way (ROW) shown on the draft approved planning permit plans.

The confusion with regard to the draft approved plans and permit conditions is acknowledged as valid, given the changes made to the submitted application plans, detailed in the Agenda Report of 6 February 2023.

The ROW concerns raised are considered to have merit and modifications to the draft planning permit are recommended, including:

- Condition 2 amended plans, deleting the fourth dot point referring to the ROWs,
- Deleting Condition 8 - construction of pedestrian walkway prior to sealing of plans, and

- Removing the stamped plan “Agenda Attachments – Scheme Amendment and subdivision – 30 Holland Court, Howrah, Page 56 of 58” from the draft approved planning permit stamped plans.

A copy of the 22 February 2023 meeting and written Council response to the applicant’s concerns is provided in Attachment 5.

The matters raised do not warrant changes to the draft certified amendment but do warrant modification to the draft planning permit and approved plans as included in Attachment 4.

#### **5.12. Request to Clarify Detailed Design Condition**

One representor noted that with the alterations of the originally submitted subdivision plans, and requirement for amended plans, there may be consequential changes required to the design of the associated civil services, in particular, for proposed Lot 1. The representor considered that the need for revised civil drawings would be adequately addressed by planning permit condition seven, requiring detailed engineering design.

However, the representor requested specific clarification, via permit conditions, that it is not the developer’s responsibility to remove the existing cul-de-sac head of Holland Court, beyond the connection to the extended road.

- **Comment**

The proposed zoning and subdivision were assessed as outlined in the 6 February 2023 Agenda report. Council engineers reviewed this request and considered that permit conditions 14 and 15 were sufficiently clear on Council’s road construction requirements and were not supportive of providing more specific conditions as the final construction requirements will be in accordance with the approved detailed engineering design plans.

Therefore, it is considered that this matter does not warrant changes to the draft certified amendment or planning permit.

**5.13. Public Open Space Contribution not Aligned with Approved Plans**

Two representors raised concerns with regard to the inconsistency of the shown POS areas on the draft approved plans and the permit conditions for cash-in-lieu.

- **Comment**

It is considered that the concerns raised reflect the modifications made to the original application plans, in accordance with Section 40F (2)(b) of LUPAA, as detailed in the Agenda Report of 6 February 2023. It appears that the representors had difficulty distinguishing the subdivision plan versions within the attachments.

As noted in section 5.3 above, the POS location and size is recommended for modification as per the outcomes of the 22 February 2023 applicant/council officer meeting (Attachment 5).

Therefore, this matter is considered resolved by the recommended modification to the draft certified LPS amendment and agreed draft planning permit and plans as outlined in this report and shown in Attachment 3 and 4 respectively.

**5.14. Final Amended Plans not Advertised**

One representor raised this concern, stating that the information provided on the website, did not make it clear which plans were approved by the Planning Authority at the 6 February 2023 Council meeting.

- **Comment**

This matter was raised in response to the first public notification period between 20 February and 30 March 2023. A review of the advertised documentation identified that the draft planning permit included the expert reports, and site plan showing the recommended modification that had been included in Agenda Report Attachments 6, 7 and 8 respectively. However, the planning permit, plans and expert reports had not been stamped and this may have led to the confusion.

To remedy the matter, a stamped version of the planning permit, plus all the other required documentation was readvertised from 13 April to 23 May 2023.

The matter raised is not considered to warrant changes to the certified draft LPS amendment or the agreed draft planning permit.

## **6. EXTERNAL REFERRALS**

The original application was referred to the Department of State Growth (State Growth), TasNetworks and TasWater as outlined in the original report. No further representations were received from these agencies.

It is noted that the representor concerned about the stormwater runoff into Rokeby Road, had also copied the representation to State Growth, who responded that it was a matter for Council.

In response to the representations on the proposed Utilities zoning and creation of a road lot to contain the existing pedestrian footpath, further advice was sought from State Growth as outlined in 5.2 above.

## **7. STATE POLICIES AND ACT OBJECTIVES**

- 7.1.** The proposal, as modified is considered consistent with the outcomes of the State Policies, including those of the State Coastal Policy.
- 7.2.** The proposal, as modified is considered consistent with the objectives of Schedule 1 of LUPAA.
- 7.3.** The proposal, as modified is considered consistent with Section 34 LUPAA LPS requirements.

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

The proposal is consistent with Council's adopted Strategic Plan or any other relevant Council policy, including the following:

- Public Open Space Policy 2013,

- Stormwater Management in New Developments Procedure, and
- Clarence Tracks and Trails Action Plan 2015-2020.

## **9. OTHER MATTERS**

It is noted that the certified draft amendment included the existing Holland Court turning circle in the proposed rezoning from Community Purpose Zone to General Residential Zone.

It is noted that Holland Court is a Council-maintained road, and the rezoning was not requested by the Applicant, nor was Council landowner consent provided for such rezoning. Furthermore, the 6 February 2023 Agenda Report does not discuss the need for rezoning Holland Court, nor show it on the plans in Attachment 3, and therefore it appears that a clerical error occurred in the final preparation of the draft certified LPS map amendment. It is therefore recommended that the draft certified LPS amendment is modified as shown in Attachment 3 of this report to more accurately reflect the Clarence Planning Authority decision.

It is acknowledged that to do so would result in spot zoning, namely a section of Holland Court would be zoned Community Purpose Zone while all surrounding land is zoned General Residential Zone. The recommended modification is considered to be the procedurally correct solution although it would result in an undesired zoning outcome.

Specific direction is sought from the Commission on how to resolve this matter, so that the more appropriate zoning of General Residential Zone is applied to the Holland Court turning circle.

## **10. CONCLUSION**

The modified amendment is considered to meet the LPS criteria as required under Section 34 of LUPAA, and it is recommended for submission to the Commission with modification as outlined in this report and shown in Attachment 3.



The representations received to the draft planning permit warrant that Council withdraws support for the proposed subdivision and therefore advises the Commission that the draft permit is not granted but would be supported should the applicant demonstrate compliance with the Bushfire-Prone Areas Code.

The Planning Authority's resolution, as set out in this report, and the representations to the draft amendment and planning permit will be forwarded to the Commission.

The Commission may hold a public hearing prior to deciding on the certified draft amendment and the draft planning permit.

- Attachments:
1. Draft Certified LPS Rezoning Amendment as agreed 6 February 2023 (1)
  2. Draft Planning Permit and Plans as agreed on 6 February 2023 (60)
  3. Draft Certified LPS Rezoning Amendment with Modifications as recommended by this Report (1)
  4. Draft Planning Permit and Plans with Modifications as recommended by this Report (59)
  5. Minutes of meeting 22 February 2023 and Letter sent to Applicant on 15 March 2023 regarding Concerns to draft certified LPS Amendment (5)

Robyn Olsen  
**ACTING MANAGER CITY PLANNING**



### AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-2021/019004

To amend the Tasmanian Planning Scheme - Clarence Local Provision Map by rezoning 30 Holland Court, Howrah from Community Purpose zone to General Residential zone, Open Space zone and Utilities zone as shown.

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL HAS BEEN HEREUNTO AFFIXED THIS 15th DAY OF FEBRUARY 2023, PURSUANT TO A RESOLUTION OF THE COUNCIL PASSED THE 6th DAY OF FEBRUARY 2023 IN THE PRESENCE OF:

*C. O'neal*  
CORPORATE SECRETARY

Scale 1:1,000 (at A3)





## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

**Development No:** PDPSPAMEND-2021/019004

**Approval Date:** 6 February 2023

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**Description:** Rezoning to General Residential and 8 lot subdivision

**Address:** 30 Holland Court, Howrah

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This permit is granted, subject to the following conditions:

**General Conditions:**

- 1 The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
- 2 Amended plans showing the following changes:
  - deletion of POS Lot 100;
  - reconfiguration of the lot payout to incorporate Lot 100 into Lot 1;
  - the POS Lot 101 to extend further along the southern boundary towards 5 Mayfair Court for approximately 20m in length; and
  - a 10m wide Public Right of Way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway

must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development. When approved, the plans will form part of the permit.

- 3 As Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to 3.7% of the value of the area of land in the approved plan described as Lots 1-7 is

required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

The amount of the Contribution is to be based on a valuation ("the Valuation") of the specified lots. Unless otherwise specified in this condition, the Valuation is to be as at the date of lodgement of the final plan of the subdivision for sealing at which time Council will instruct its appointed valuer to provide the Valuation.

The landowner must pay the appointed valuer's fee for any Valuation before sealing of the final plan to which the Valuation relates.

The final plan will not be sealed until the Contribution has been paid.

Where a staged subdivision is proposed the landowner must elect in writing at the time of lodging the final plan for the first stage to either:

- have the Valuation done and pay the Contribution for the lots proposed in all stages of the subdivision in which such case the lots will be valued as at the date of lodgement of the final plan for the first stage, or alternatively
- have the Valuation done and pay the Contribution for the lots proposed in stage 1 only and to have a further Valuation done and pay a separate Contribution for each subsequent stage. In this case, the Valuation of the lots in stage 1 will be as at the date of lodgement of the final plan for that stage and the Valuation of the lots in any subsequent stage will be as at the date of lodgement for sealing of the final plan for that stage.

References in this condition to payment of a Contribution include the provision of security for the same in the form of a bond by the landowner to pay the Contribution which is supported by a bank guarantee. Each of the bond and the guarantee are to be in a form acceptable to Council.

**Note:** There may be a delay in the sealing of the final plan to facilitate the valuation process. This may be a consideration for landowners with staged subdivisions when electing to pay collectively as one lump sum or alternatively prior to the sealing of each stage.

- 4 The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:

- combined Lots 1 & 100 - the *Eucalyptus Ovata* trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
- Lots 1 & 2 dwelling must be designed with a minimum Rw on the western, northern and western facades in accordance with the Noise impact Assessment (NVC, 21 December 2022).

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

- 5 Any lots described as "public open space", "public access way", "road", "to be acquired by the Highway Authority" or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and

all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document. The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved, and the applicant must meet the costs of such requisitions.

- 6 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). This access must be inspected by Council's Development Works Officer prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

- 7 Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking);
- road stormwater drainage;
- lot accesses;
- stormwater drainage;
- pedestrian networks and connections

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Group Manager Engineering Services and must clearly describe what works are being undertaken for each approved stage of the development.

In accordance with Council's adopted fee schedule, a fee of 1% of the contract fee or certified construction cost will be charged for the approval of these plans and is payable upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid, and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

- 8 Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed, to the satisfaction of Council's Manager Environment and Recreation.
- 9 Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the northern boundary of lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by the Manager City Planning prior to its construction.

- 10 To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Engineering Services prior to installation.
- 11 An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Engineering Services prior to the commencement of works.
- 12 A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Engineering Services prior to commencement of works. The plan must:
- reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
  - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
  - include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Group Manager Engineering Services. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

- 13 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities' infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.
- 14 Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
- 15 The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
- 16 The owner must, at their expense, repair any Council services (e.g., pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of

any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

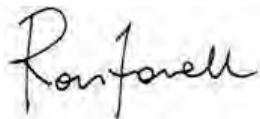
If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense

- 17 Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.
- 18 Stormwater reticulation is to be designed in accordance with the requirements of Council's Local Highways Standard Requirements By- Law and the State Stormwater Strategy to the satisfaction of Council's Group Manager Engineering Services. The design is to identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council). Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels and water quality characteristics of receiving waters are maintained or improved. The design must incorporate Water Sensitive Urban Design principles and be submitted for approval by Council's Group Manager Engineering Services prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
- 19 All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.
- 20 All services, including the street lighting system, must be underground and within the road reserve or subject by a suitable easement approved by the Group Manager Engineering Services.
- 21 Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.
- 22 The development must meet all required Conditions of Approval specified by TasWater notice, dated 17 May 2021 TWDA2021/00779-CCC.

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The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.



Ross Lovell

**MANAGER CITY PLANNING**

*THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 19 MAY 2003*



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	PDPSPAMEND-2021-019004	<b>Council notice date</b>	17/05/2021
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2021/00779-CCC	<b>Date of response</b>	31/05/2021
<b>TasWater Contact</b>	Phil Papps	<b>Phone No.</b>	0474 931 272
<b>Response issued to</b>			
<b>Council name</b>	CLARENCE CITY COUNCIL		
<b>Contact details</b>	cityplanning@ccc.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	30 HOLLAND CT, HOWRAH	<b>Property ID (PID)</b>	7276202
<b>Description of development</b>	8 Lot Subdivision		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Rogerson & Birch Surveyors	Plan of Subdivision / HOWCC01 12572-02	D	14/04/2021
JMG	Concept Services Plan / C01	P2	10/05/2021
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and 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.</li> <li>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.</li> <li>3. Prior to use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>5. Prior to applying for a Permit to Construct the 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.</li> <li>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.</li> <li>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.</li> <li>8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or</li> </ol>			

upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the concept servicing plan listed in the above schedule of drawings/documents, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.

9. After testing/disinfection, 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, 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. Work As Constructed drawings and documentation 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.
16. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:

- a. the exact location of the existing water/sewerage infrastructure,
- b. the easement protecting that infrastructure.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

#### DEVELOPMENT ASSESSMENT FEES

17. The applicant or landowner as the case may be, must pay a development assessment fee of \$351.28 and a Consent to Register a Legal Document fee of \$149.20 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.
18. 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>

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of this infrastructure as shown on the GIS is indicative only.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies.

#### Declaration

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

#### Authorised by



**Jason Taylor**

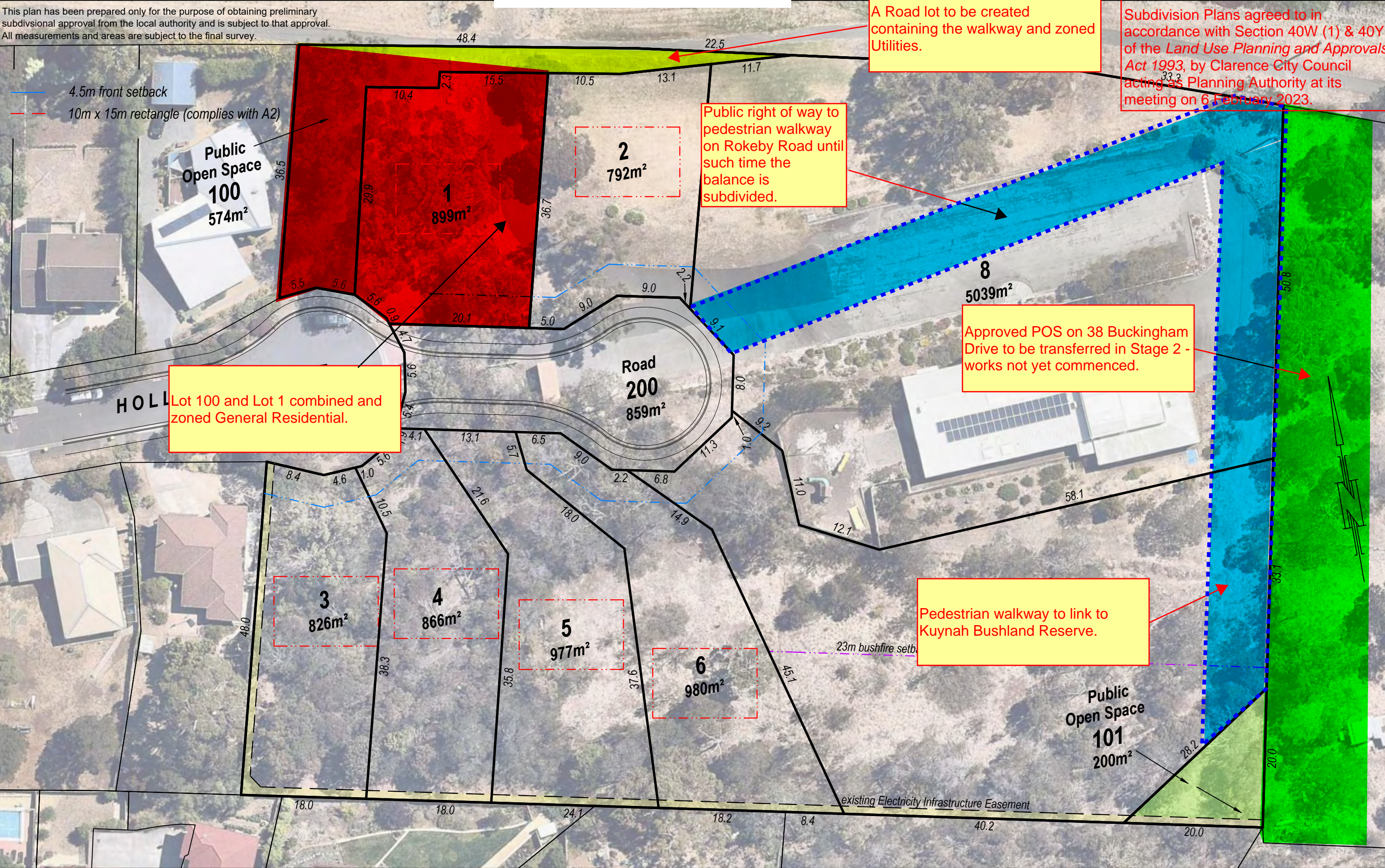
Development Assessment Manager

#### 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 subdivisional approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey.



		AB	15-11-21	AB
				AB
				AB
				AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB
REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.



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

OWNER: CHURCHES OF CHRIST  
TITLE REFERENCE: C.T.35660/1  
LOCATION: 30 HOLLAND COURT  
HOWRAH

Proposed Subdivision

Date: 12-8-2022	Reference: HOWCC01 12572-05
Scale: 1:500 (A3)	Municipality: CLARENCE



lot created for existing  
walkway and  
transferred to DSG

Public right of  
way to  
pedestrian  
walkway until  
such time the  
balance is  
subdivided.

6m pedestrian  
link to reserve

POS link

- A1- Lot sizes comply.
- A2- Complies.
- A3- Not all the frontages comply with A3, it does satisfy P3.
- A4- Complies. No internal lots.
- A5- Does not comply. Complies with P5.

LOT No.	SLOPE	LOT No.	SLOPE	LOT No.	SLOPE
1	8.3	11	8.7	21	6.8
2	7.5	12	19.6	22	6.5
3	7.5	13	12.1	23	8.2
4	7.5	14	11.4	24	5.9
5	7.3	15	8.1	25	5.3
6	8.0	16	8.5	26	5.4
7	8.2	17	10.0	27	6.9
8	9.0	18	6.0	28	7.9
9	9.5	19	7.5	29	8.7
10	9.8	20	7.4	30	4.5

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



30 Holland Court,  
Howrah  
Rezoning and Subdivision

## Natural Values Assessment

06 January 2023

For JMG  
JMG026

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

Andrew North anorth@northbarker.com.au Philip Barker pbarker@northbarker.com.au  
163 Campbell Street Hobart TAS 7000 Telephone 03. 6231 9788 Facsimile 03. 6231 9877



Contributors:

Client Contact: Matthew Clark, Katrina Hill JMG

Field Assessment: Andrew North

Report and mapping: Andrew North

File Control

Version	Date	Author / Comment
First Draft 0.1	15/05/2020	Andrew North
0.2	01/06/2021	Andrew North
1.0	06/01/2023	Andrew North

**PDPSPAMEND-2021/019004**

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Address	30 Holland Court, Howrah, TAS 7018
PID	7276202
Volume/Folio	35660/1

**PDPSPAMEND-2021/019004**

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Tasmanian Planning Scheme	
Rezoning	8 General Residential
Current Zone	27 Community Purpose
Applicable Overlays	Priority Vegetation Area Relevant Code – Natural Assets
	Bushfire Prone Area Relevant Code – Bushfire E1
	Flood-prone Area Relevant Code – Flood-prone Hazard Areas Code
	Landslip Hazard Area - low Relevant Code – Landslip Hazard Code
Proposal	Subdivision to 8 lots, 2 parcels of public open space and road (extension to Holland Court)
Threatened flora	Cut leaf New Holland daisy – <i>Vittadinia muelleri</i> – Lot 1 <i>Rare Threatened Species Protection Act 1995</i>
Impact	<i>V. muelleri</i> - approx 20 plants (Lot 1)
Threatened fauna and habitat	9 x <i>Eucalyptus ovata</i> - black gums > 40cm DBH Foraging habitat for swift parrot
Impact	Lot 1 – 2 trees
Threatened vegetation	<i>E. ovata</i> dry forest (DOV) – 1111 sqm (0.1 ha) <i>Threatened Nature Conservation Act 2002</i>
Impact	Lot 1 – 675 sqm
	Lot 2 – 20 sqm
	Road – 20 sqm
	POS – 400 sqm
Native vegetation	<i>E. viminalis</i> dry forest (DVG) – 5140sqm
Impact	Lots 3-8 & Road – 495 sqm
	POS – 200 sqm



Natural Assets Code E27	<p>The Priority Vegetation Area extends over parts of Lots 3-7 and marginally in Lot 8. It does not include threatened vegetation, threatened fauna habitat or threatened flora all of which occur outside the PVA.</p> <p>Conforms to P1.1 (c) Subdivision in General Residential Zone.</p> <p>Partially conforms to P1.2 with adequate controls</p>
EPBC Act	No significant impact to MNES
TSP Act	A permit to take required for <i>Vittadinia muelleri</i>
NCA Act	No permit to take product of wildlife required
Weed Management Act	<p>Declared weeds present in project area including:</p> <p>Zone A</p> <ul style="list-style-type: none"> <li>• Patersons curse - A significant infestation in Lots 5-7</li> <li>• White weed - Lot 1</li> </ul> <p>Zone B –</p> <ul style="list-style-type: none"> <li>• Blackberry</li> <li>• Boneseed</li> <li>• Slender thistle</li> <li>• African boxthorn</li> </ul>

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

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**PDPSPAMEND-2021/019004**

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## 1 INTRODUCTION

### 1.1 Background

30 Holland Court is zoned as Community Purpose (Zone 27) under the Tasmanian Planning Scheme. The proponents propose to rezone the land to General Residential (Zone 8) to allow a subdivision of part of the land to form seven new residential lots, Public Open Space, Road Reserve as an extension to Holland Court and the balance that would retain the existing Church of Christ building. (Figure 1)

This report provides ecological assessment of the property and considers implications for the Natural Assets Code of the Tasmanian Planning Scheme to inform the appropriateness of the proposal.

### 1.2 Study area

The study area is in Howrah in south-eastern Tasmania (Figure 2). It is in the Tasmanian South East bioregion<sup>1</sup> in the Clarence City Council and is approximately 1.52ha in extent. The site is currently zoned as Community Purpose and is subject to the Natural Assets Code (E27) under the Tasmanian Planning Scheme.

The site is at 50-70 m above sea level and is located on the lower slopes of an unnamed drainage line immediately south of Rokeby Road.

Approximately a third of the site is developed with a church, car park and managed lawn. There are also the remnants of an abandoned vegetable garden.

There are remnants of native vegetation, albeit in a modified and degraded state which are connected by a narrow sliver of bushland to extensive native forested areas on the upper slopes of Rokeby Hills to the south.

The geology is Permian siltstone and sandstone to the north, with Jurassic dolerite to the south.

#### **PDPSPAMEND-2021/019004**

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<sup>1</sup> IBRA 7 (2012)

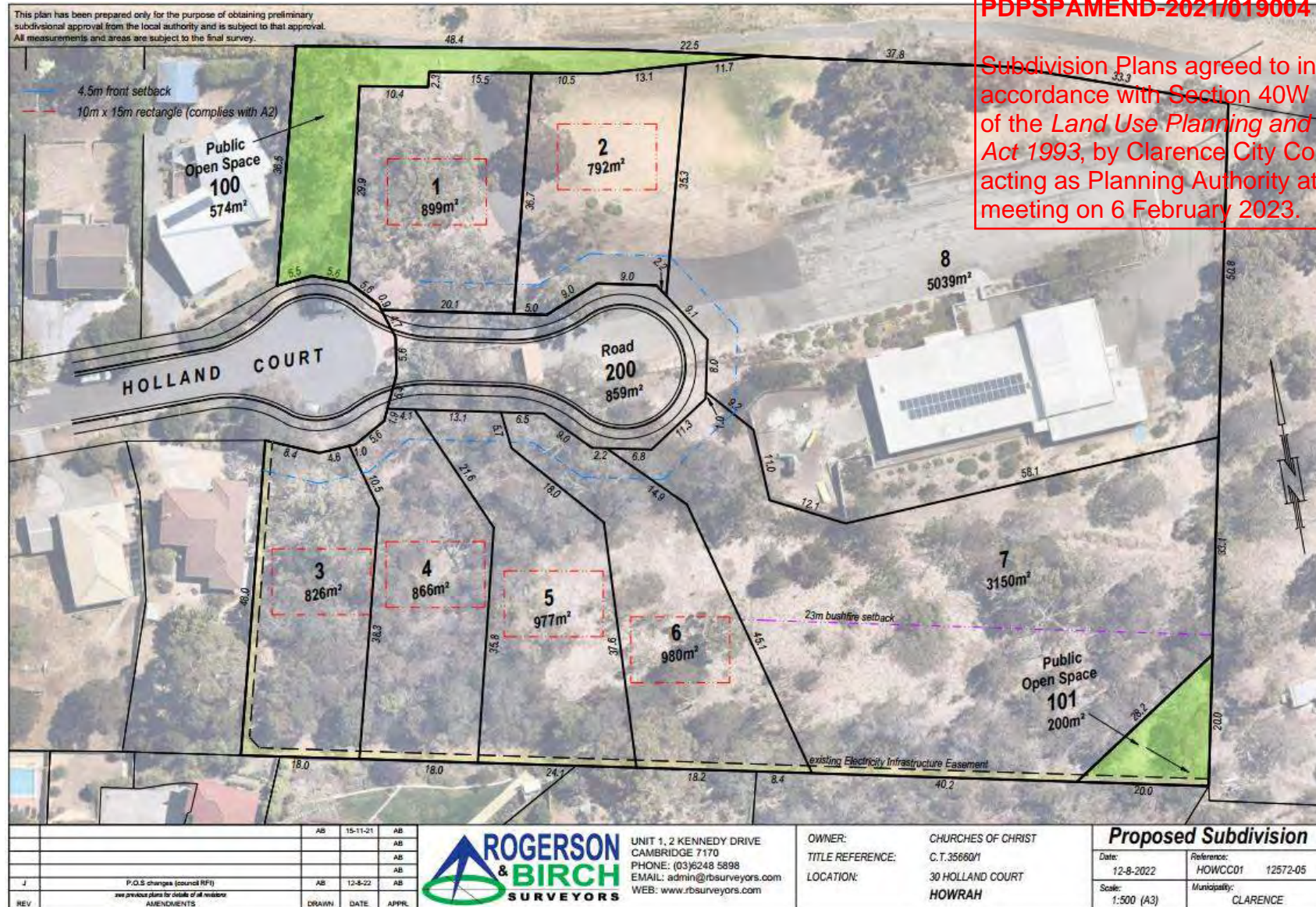


Figure 1: 30 Holland Court subdivision proposal



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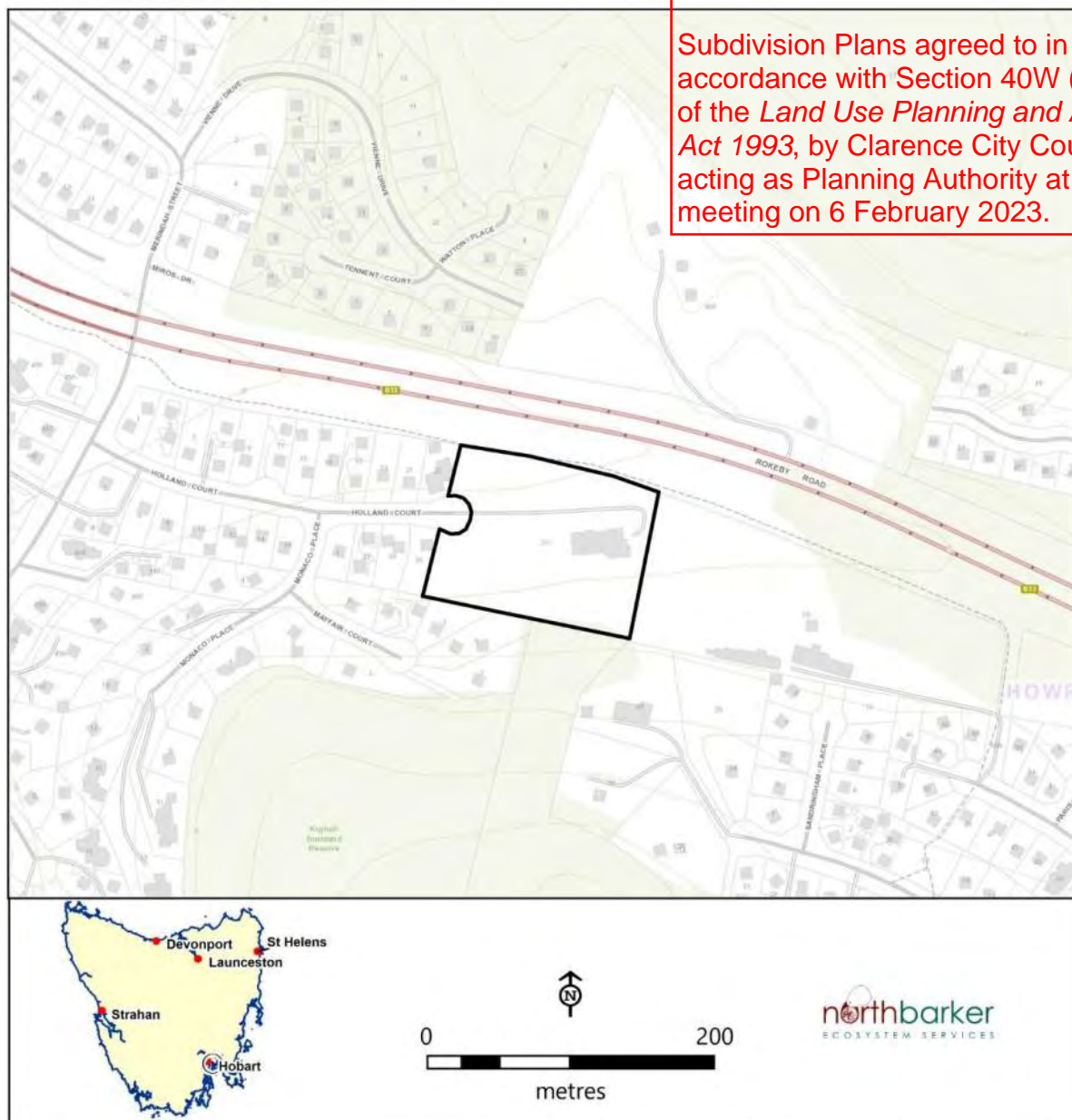


Figure 2: 30 Holland Court Location

## 2 METHODS

The following sources were used for biological records for the region:

- TASVEG version 4.0 digital layer<sup>2</sup>,
- Natural Values Atlas (NVA) - all threatened species records within 5 km of the study area and threatened fauna considered possible to occur in suitable habitat<sup>3</sup>,
- EPBCA Matters of National Environmental Significance database - a 5 km buffer was used to search for potential values<sup>4</sup>.

<sup>2</sup> DPIPWE (2020)

<sup>3</sup> DPIPWE Natural Values Atlas Report (2020) report #: nvr\_3\_29-Jan-2020

<sup>4</sup> Commonwealth of Australia, EPBC Protected Matters Search Tool Report (2020) report #: PMST\_L297YT

## 2.1 Botanical Survey

This assessment was undertaken in accordance with the 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'<sup>5</sup>. The survey was conducted over 2 visits in May 2020.

Native vegetation is mapped in accordance with units defined in TASVEG 4<sup>6</sup>. Vascular plants were recorded in accordance with the current census of Tasmanian plants<sup>7</sup>. The site was mapped using a meandering area search technique<sup>8</sup>. Particular attention was given to habitats suitable for threatened species under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA), and to 'declared' weeds under the Tasmanian *Weed Management Act 1999* (WMA)<sup>9</sup>.

## 2.2 Fauna survey

The survey was carried out in accordance with DPIPWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'<sup>10</sup>.

The study area was searched for the potential presence, habitat, and sign (e.g. scats, tracks, nests), threatened fauna concurrently with the botanical survey.

## 2.3 Limitations

Due to various limitations (e.g. variations in species presence and detectability), no biological survey can guarantee that all species will be recorded during a single visit. The field survey was undertaken in summer, so seasonal and ephemeral species/habitat may have been overlooked or are seasonally absent, including summer flowering species or winter ponds. However, we are confident the surveys sufficiently captured community level diversity. We compensate for survey limitations in part by considering all listed threatened species from data from the Tasmanian *Natural Values Atlas* (NVA) and Commonwealth's *EPBCA Protected Matters Search Tool* (MNES)<sup>11</sup>. These data include records of all threatened species known to occur, or with the potential to occur, up to 5 km from the study area.

# 3 RESULTS - BIOLOGICAL VALUES

A full inventory of all vascular plant species recorded on site is included in Appendix A.

A total of 73 species were recorded including (39 native and 34 introduced).

## 3.1 Vegetation communities

TASVEGv4.0 identifies the vast majority of the site as non-native (FUR – Urban Areas) with *E. viminalis* grassy forest (DVG) just extending across the southern boundary.

Our assessment has identified a much more extensive area of DVG plus a small patch of *E. ovata* forest (DOV) (Figure 3).

DOV is listed as a threatened community under the Tasmanian *Nature Conservation Act 2002*.

The northern portion of the site supporting DOV has been maintained in a low fuel state (Plate 1). It retains the canopy but has a cleared understorey. The ground surface is predominantly

<sup>5</sup> DPIPWE (2015)

<sup>6</sup> Kitchener and Harris (2013)

<sup>7</sup> de Salas and Baker (2019)

<sup>8</sup> Goff *et al.* (1982)

<sup>9</sup> Tasmanian State Government 1995; Commonwealth of Australia 1999; Tasmanian State Government 1999

<sup>10</sup> DPIPWE (2015)

<sup>11</sup> DPIPWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021

**PDPSAMEND-2021/019004**

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made up of grasses, native and exotic, with various prostrate native herbs persisting in the layer.

The southern DVG includes a denser secondary shrub layer and understorey although the latter is generally sparse due to shading from the shrubs, notably black wattle *Acacia mearnsii*, drooping sheoak *Allocasuarina verticillata* and hop bush *Dodonaea viscosa*. It also includes a range of native sedges, grasses and herbs.



Plate 1: POS - *Eucalyptus ovata* forest and swift parrot foraging habitat

**PDPSPAMEND-2021/019004**

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Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



**Plate 2: Understorey of *E. viminalis* forest DVG - Lot 3**



**Plate 3: Cleared land with remnant *E. viminalis* – Lots 5 & 6**



### 3.2 Threatened Plants

One species of threatened flora listed on the Tasmanian *Threatened Species Protection Act 1995* are present (Figure 3).

- Cut leaf new holland daisy *Vittadinia muelleri*

20 small plants are scattered over a small area close to the turning circle of the cul-de-sac. These are predominantly in Lot 1 although a small number may extend into the adjacent POS.

*Vittadinia muelleri* is not uncommon in Clarence. There are records of 15 separate observations within 500m of the study area and 158 within 5km. Some of these include very large numbers of plants measured in the thousands. The population at this site is not significant when considered in that context.

Twelve other species of threatened flora have been recorded within 500 m and over 40 within 5 km. These are reviewed in Appendix B. Of these all but nine are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

### 3.3 Threatened Fauna Habitat

There are nine black gums (*Eucalyptus ovata*) with trunk diameters (DBH) greater than 40 cm with the largest trees occurring in the large balance lot with DBH of 60 cm.

These provide a potential foraging resource for the endangered nectivorous swift parrot (*Lathamus discolor*). There are no trees supporting hollows likely to be utilised by this species for nesting.

Sixteen other species of threatened fauna have been recorded within 500 m and over 50 within 5 km. These are reviewed in Appendix C. Of these most are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

One other species is considered to have a moderate likelihood of occurrence. The eastern barred bandicoot *Perameles gunnii* favours the mixed complex of open grassy areas for foraging with vegetated shelter.

The eastern barred bandicoot is not listed under State legislation (TSPA). Its inclusion on the EPBC listing is due to its extreme rarity on mainland Australia where it has suffered predation to European foxes. Bandicoots are not uncommon in urban bushlands around Greater Hobart. Animals may stray onto the property and may also utilise cover in the upper slopes.

There are just two records from within 500 m, the last in 1985. The impact to this species resulting from the proposed subdivision is not significant.

**PDPSPAMEND-2021/019004**

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Plate 4: Threatened flora *Vittadinia muelleri* on Lot 1

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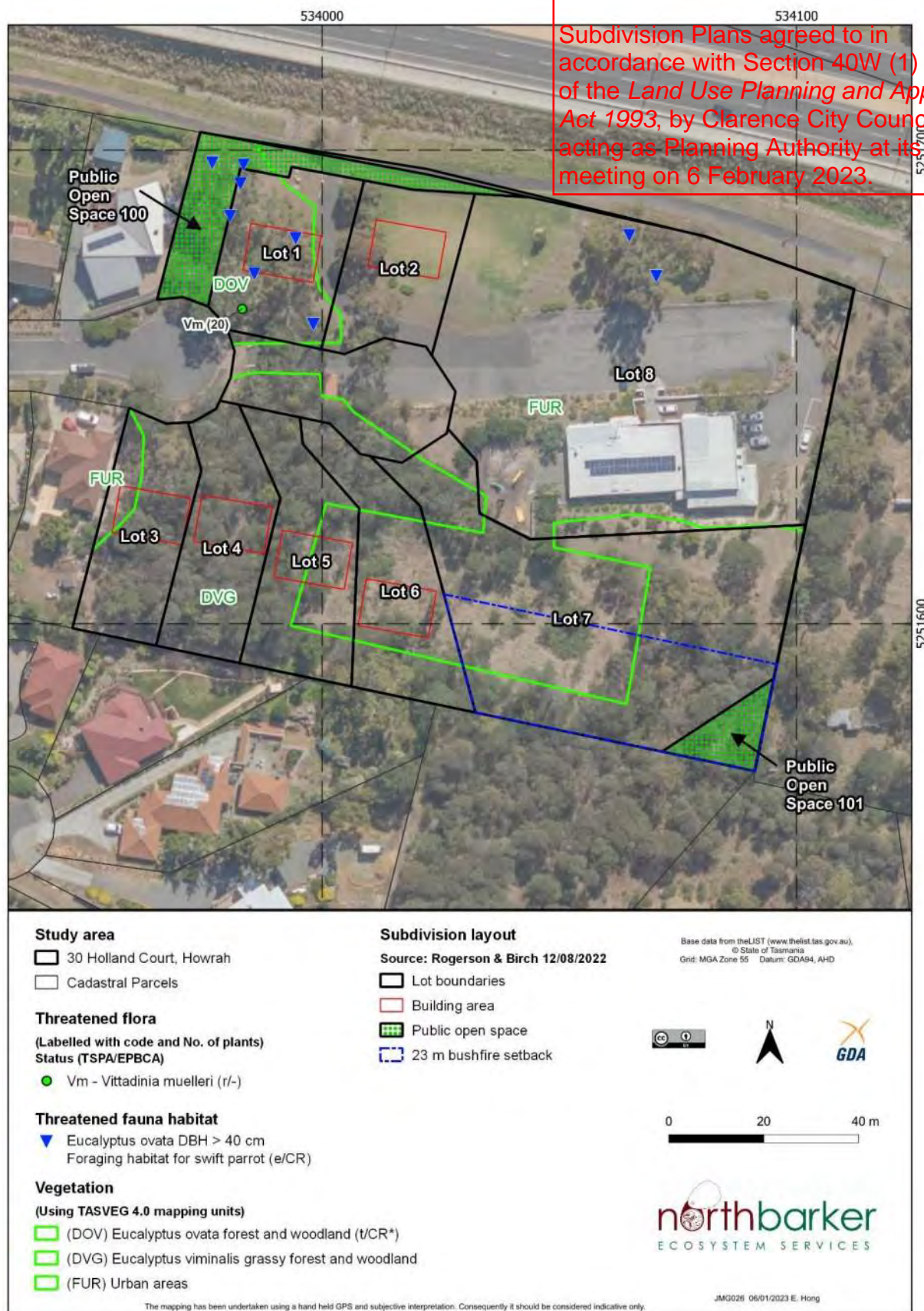


Figure 3: Natural Values



### 3.4 Declared weeds

Six species of declared weeds listed under the Tasmanian Weed management Act 1999 were recorded (Figure 4).

- African boxthorn *Lycium ferocissimum*

Occasional plant in edge of cleared land in DVG.

- Boneseed *Chrysanthemoides monillifera*

Scattered in bushland site. Most plants are seedlings and young plants. There is likely to be a significant seed bank in disturbed sections.

- Blackberry *Rubus fruticosus* agg.

Several dense patches throughout

- Slender thistle *Carduus pycnocephalus*

Seedlings in disturbed areas in DVG including one extensive patch.

- Patersons curse *Echium plantagineum*

One very dense infestation in old garden area surrounded by DVG. This is the most significant weed infestation on site.

- White weed *Lepidium draba*

Localised to grassland in POS.

The statutory weed management plans for these species identify Clarence as Zone A for Patersons curse and white weed for which the principal management objective is 'eradication'. It is listed as a Zone B for all others where the objective is 'control'.

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**Plate 5: Zone A weed: Paterson curse plant**



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**Plate 6: Zone A weed: Paterson curse infestation Lots 6 & 7**



**Plate 7: Zone A weed : white weed *Lepidium draba* POS**



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**Plate 8: Zone B weed blackberry *Rubus fruticosus* agg.**



**Plate 9: Zone B weed slender thistle *Carduus pycnocephalus***





Plate 10: Zone B weed: boneseed *Chrysanthemoides monilifera*

**PDPSPAMEND-2021/019004**

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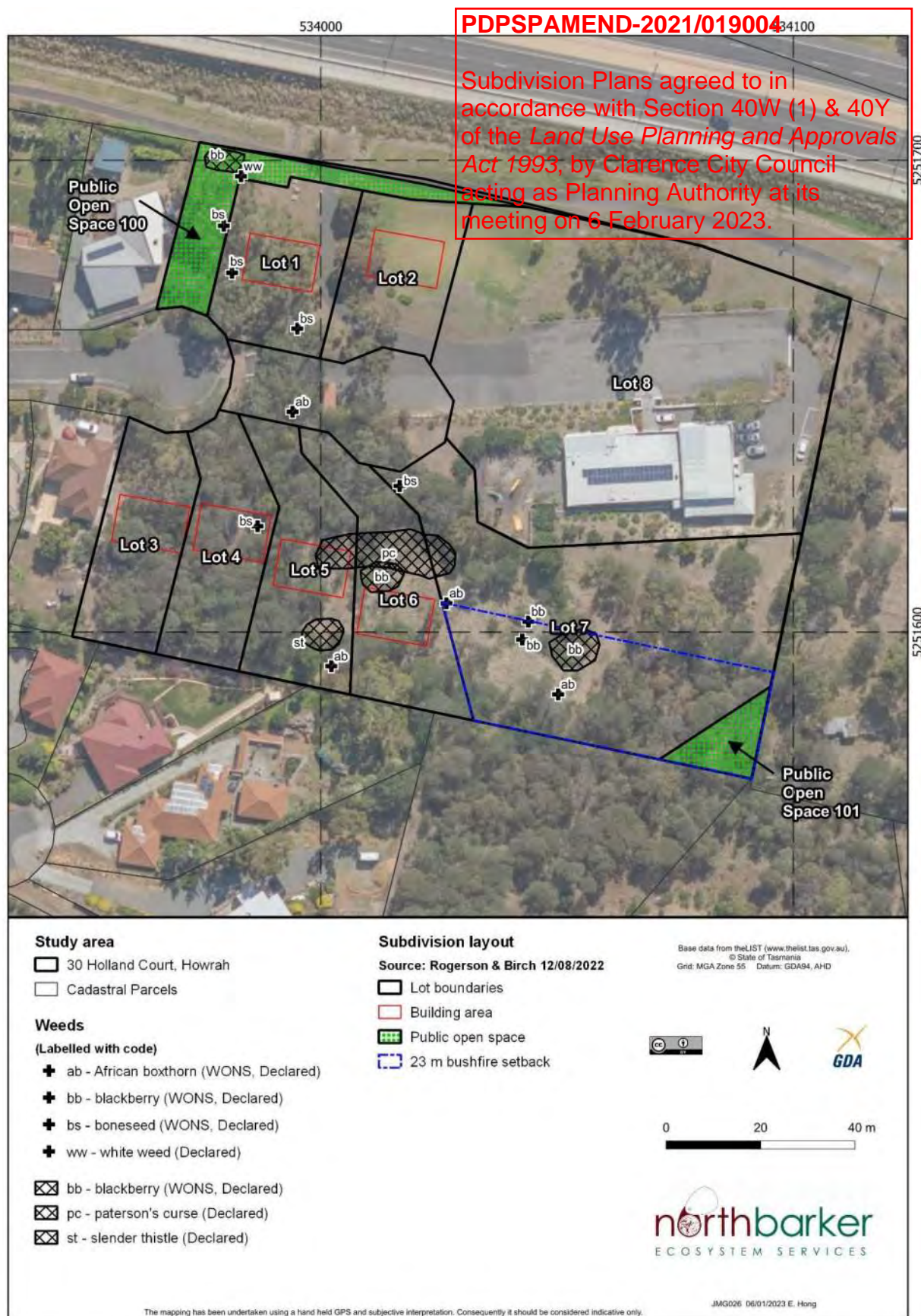


Figure 4: Weeds



## 4 IMPACT ASSESSMENT and MITIGATION

It is anticipated that the proposal will result in the loss of several habitat trees in Lot 1, although there may be opportunity to retain the trees close or on the boundary of the POS. Such an outcome is evident from the retention of occasional trees on residential lots to the west.

Limited potential for retention of vegetation is likely elsewhere other than large trees on Lot 8.

### 4.1 Vegetation communities

The high priority vegetation community *Eucalyptus ovata* forest (DOV) is confined to a small patch centred around Lot 1 and adjoining POS. This is highly modified through mowing of understorey but could potentially be retained in the POS.

The vegetation community in Lots 3-7 is not a priority vegetation. The *E. viminalis* grassy forest (DVG) is generally in moderate to poor condition. The central part of it was cleared and established as a vegetable garden resulting in the introduction of weeds that have spread into the surrounding bushland.

### 4.2 Threatened plants

One threatened plant species is present on Lot 1 where a localised patch of 20 or so plants of cut leaf new holland daisy (*Vittadinia muelleri*) were recorded. It should be expected that the persistence of these plants is very unlikely with anticipated intensification of use following the establishment of a residence and likely gardens.

### 4.3 Threatened fauna habitat

Black gums (*Eucalyptus ovata*) provide a potential foraging resource for the endangered swift parrot. There are seven *E. ovata* clustered in and around Lot 1. At least three are within the Lot are likely to be lost. One is in POS and three are on the boundary. These could be retained and ideally would be within the POS. The locations of these trees would need to be more accurately surveyed to determine which side of the boundary they occur. Two additional trees occur in the Balance (Lot 8) that need not be impacted.

### 4.4 Mitigation

There are limited opportunities to apply mitigation measures. Any trees within the POS can be retained subject to Council compliance. Controls could be placed through permit conditions or Part 5 Agreement to require retention of select habitat trees on Lots 1 and 8.

Any development approval would benefit from a weed management plan that:

- Treats all occurrences of declared weeds prior to works.
- Ensures best practice construction hygiene is practiced to prevent the spread of weed propagules in contaminated soil. This should involve cleaning all machinery before leaving the works area, as well as not bringing dirty machinery into the site.
- Follows up weed control implemented 6-12 months after works to treat any individuals that have colonised/recolonised the area.
- Includes provision to eradicate the Paterson's curse from Lots 5-7.

## 5 LEGISLATIVE REQUIREMENTS

### 5.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The EPBCA is structured for self-assessment; the proponent must determine whether or not the project is likely to have a significant impact on a matter of national environmental significance (MNES) such as a listed threatened species or community. If this is likely then the Department

of Environment and Energy may consider the proposed activity is a 'controlled action' which would require approval from the Commonwealth Minister.

Habitat for one MNES - the critically endangered swift parrot will be impacted should any *E. ovata* trees be removed as is expected. However, the scale of loss is not likely to constitute a significant impact.

#### 5.2 Tasmanian *Threatened Species Protection Act 1995*

A permit to take plants of the cut-leaf New Holland daisy (*Vittadinia muelleri*) from Lot 1 will be required. Considering the proximity to Holland Court there is potential risk of impact during civil works so the permit should be sought prior to the commencement of these activities.

#### 5.3 Tasmanian *Nature Conservation Act 2002*

Threatened vegetation communities are listed under Schedule 3A on the NCA.

*E. ovata* forest (DOV) is listed as a threatened community.

The NCA does not regulate impacts to these communities but informs relevant criteria in the Natural Assets Code of the Tasmanian Planning Scheme (refer 5.5).

#### 5.4 Tasmanian *Weed Management Act 1999*

Clarence is a Zone B municipality for four of the species of declared weed observed on site (blackberry, African boxthorn, slender thistle and boneseed). According to the provisions of the *Weed Management Act 1999*, Zone B municipalities are those which host widespread infestations where control and prevention of spread is the principle aim.

Clarence is Zone A for patersons curse and white weed for which the principle aim is eradication.

The *Clarence Weed Management Strategy*<sup>12</sup> provides a process and set of priorities for managing weeds throughout Clarence. This reflects the management priorities of the Weed Management Act. The Strategic Management objective 4 specifically relates to "strengthening assessment of weeds under the planning scheme" whereby permit conditions include measures to fund and implement weed management in alignment with the priorities of the Strategy.

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>12</sup> Clarence City Council 2016

## 5.5 Tasmanian Planning Scheme

The proposed rezoning has significant implications for the regulation of priority vegetation. Under the Tasmanian Planning Scheme the Natural Assets Code applies within the Community Purpose Zone for development. However for the General Residential Zone it only applies for subdivision (C7.2(c)xii).

It is therefore important to appreciate that the implications for future development need to be considered at the subdivision stage.

The application of the Natural Assets Code is severely constrained for 30 Holland Court by way that the priority vegetation overlay only covers small proportion of the property (Figure 4) completely missing the three types of priority vegetation that occur on the property.

A literal interpretation of the Natural Assets Code would therefore mean it does not apply to impacts to priority vegetation on the property thus failing to meet the Code Purpose. Considering the application is for a rezoning there would be good sense in having the overlay amended to capture all of the property to ensure it responds appropriately to the priority vegetation (threatened vegetation, threatened fauna habitat and threatened flora) that is present.

The following consideration of the Development Standards for Subdivision (C7.7) is based on the assumption that it is all within a priority vegetation area.

Natural C7.7.2 - Subdivision within a priority vegetation area

A1 – The Acceptable Solution - None of the criteria apply

P1.1 – Following rezoning to General residential clause (c) is met

P1.2 Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to all of the following:

(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards.

(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;

(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;

Adverse impact to threatened vegetation (DOV) is partly minimised through provision of POS100 which captures xx sq m representing xx %. The greatest loss of threatened vegetation is a result of Lot 1

Adverse Impact to threatened flora is not minimised with a very likely loss of *V. muelleri* which is located within Lt 1 and possibly the road extension. NB the population is barely viable at this site.

Adverse impact to Threatened fauna habitat (black gums) is partially minimised by capturing at least 2 trees in POS.

To further minimise adverse impacts the POS100 would need to be extended into much of Lot 1.

**PDPSPAMEND-2021/019004**

for Subdivision (C7.7) is based on

**Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the Land Use Planning and Approvals Act 1993, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.**

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

Mitigation could be achieved through controls to retain *E. ovata* trees in Lot 1 on POS/Lot 1 boundary and on Lot 8.

Weed management across the site will reduce risk of weed spread associated with intensification of activities on site but also reduce the threat weed pose ot retained vegetation on site and also to vegetation on adjoining reserve to the south.

(e) any on-site biodiversity offsets.

Opportunities for biodiversity offsets on site are limited. Some limited on-site biodiversity offset could be achieved through the establishment of strict management controls that would ensure any priority vegetation within the POS is managed and protected.

(f) any existing cleared areas on the site.

The consideration of this clause is really only applicable when dealing with large lots where building envelopes could be located in areas already cleared allowing the retention of priority vegetation within the surrounding land. This is not applicable at the scale of lot sizes created by the subdivision.

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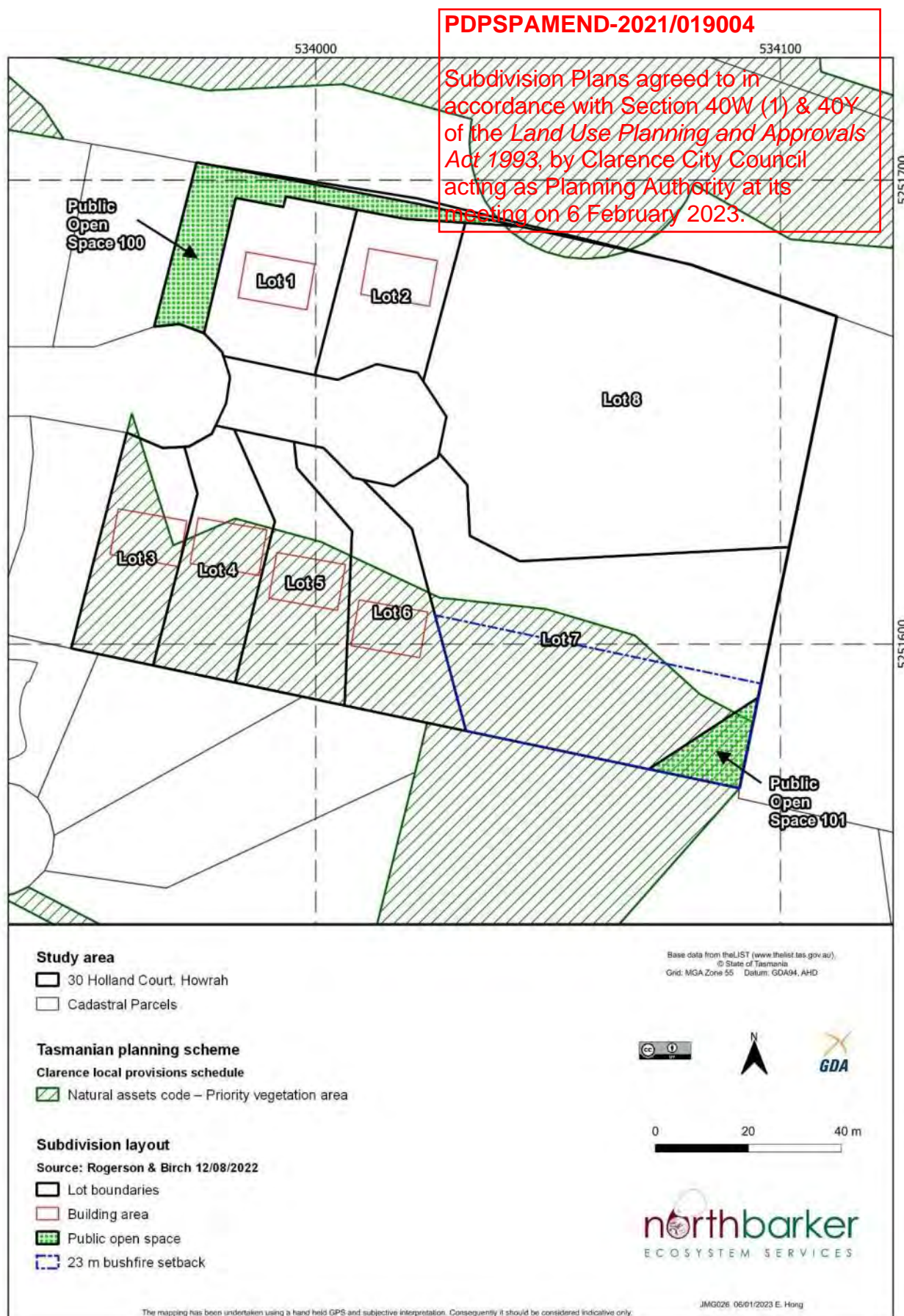


Figure 5: Priority Vegetation



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**PDPSPAMEND-2021/019004**

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## Appendix A: Vascular Plant Species List

### 30 Holland Court, Howrah

#### Status codes:

##### ORIGIN

i - introduced  
d - declared weed WM Act  
en - endemic to Tasmania  
t - within Australia, occurs only in Tas.

##### NATIONAL SCHEDULE

EPBC Act 1999  
CR - critically endangered  
EN - endangered  
VU - vulnerable

##### STATE SCHEDULE

TSP Act 1995  
e - endangered  
v - vulnerable  
r - rare

#### Sites:

1 DVG - E. viminalis dry forest - E533990, N5251620 4/05/2020 Andrew J. North  
2 DOV Eucalyptus ovata dry forest - E533980, N5251680 11/05/2020 Andrew J. North

Site	Name	Common name	Status
<b>DICOTYLEDONAE</b>			
<b>AIZOACEAE</b>			
1	<i>Carpobrotus rossii</i>	native pigface	
1	<i>Mesembryanthemum cordifolium</i>	heartleaf iceplant	i
<b>ASTERACEAE</b>			
1	<i>Carduus pycnocephalus</i>	slender thistle	d
2	<i>Cassinia aculeata</i> subsp. <i>aculeata</i>	dollybush	
2	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	d
2	<i>Chrysocephalum apiculatum</i>	common everlasting	
1	<i>Cirsium vulgare</i>	spear thistle	i
1 2	<i>Cotula australis</i>	southern buttons	
1 2	<i>Dimorphotheca fruticosa</i>	trailing daisy	i
1	<i>Leontodon saxatilis</i>	hairy hawkbit	i
2	<i>Senecio glomeratus</i>	shortfruit purple fireweed	
1	<i>Silybum marianum</i>	variegated thistle	i
1	<i>Sonchus asper</i>	prickly sowthistle	i
2	<i>Sonchus oleraceus</i>	common sowthistle	i
2	<i>Taraxacum officinale</i>	common dandelion	i
2	<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r
<b>BORAGINACEAE</b>			
1 2	<i>Cynoglossum suaveolens</i>	sweet houndstongue	
1	<i>Echium plantagineum</i>	patersons curse	d
<b>BRASSICACEAE</b>			
1	<i>Hirschfeldia incana</i>	hoary mustard	i
1	<i>Lepidium didymum</i>	lesser swinecress	i
2	<i>Lepidium draba</i>	hoary cress	d
2	<i>Lepidium pseudotasmanicum</i>	shade peppergrass	
<b>CARYOPHYLLACEAE</b>			
1	<i>Polycarpon tetraphyllum</i>	fourleaf allseed	i
1	<i>Stellaria media</i>	garden chickweed	i
<b>CASUARINACEAE</b>			
1 2	<i>Allocasuarina verticillata</i>	drooping sheoak	
<b>CHENOPODIACEAE</b>			
1 2	<i>Einadia nutans</i> subsp. <i>nutans</i>	climbing saltbush	
<b>CRASSULACEAE</b>			
1	<i>Crassula</i> sp.		i
<b>ERICACEAE</b>			
2	<i>Astroloma humifusum</i>	native cranberry	
1	<i>Lissanthe strigosa</i> subsp. <i>subulata</i>	peachberry heath	

<b>EUPHORBIACEAE</b>			
1	<i>Euphorbia peplus</i>	petty spurge	i
<b>FABACEAE</b>			
2	<i>Acacia howittii</i>	howitt's wattle	i
1 2	<i>Acacia mearnsii</i>	black wattle	
2	<i>Pultenaea pedunculata</i>	matted bushpea	
1	<i>Vicia tetrasperma</i>	smooth vetch	i
<b>FUMARIACEAE</b>			
1	<i>Fumaria sp.</i>	fumitory	i
<b>GERANIACEAE</b>			
1	<i>Erodium cicutarium</i>	common heron's bill	i
<b>HEMEROCALLIDACEAE</b>			
1 2	<i>Dianella revoluta</i>	spreading flaxlily	
<b>LINACEAE</b>			
2	<i>Linum marginale</i>	native flax	
<b>MALVACEAE</b>			
1	<i>Malva sp.</i>	mallow	i
<b>MYRTACEAE</b>			
1	<i>Eucalyptus amygdalina</i>	black peppermint	en
1 2	<i>Eucalyptus ovata</i> var. <i>ovata</i>	black gum	
1	<i>Eucalyptus viminalis</i> subsp. <i>viminalis</i>	white gum	
<b>OXALIDACEAE</b>			
1	<i>Oxalis perennans</i>	grassland woodsorrel	
<b>PITTOSPORACEAE</b>			
1	<i>Billardiera heterophylla</i>	bluebell creeper	i
1	<i>Bursaria spinosa</i> subsp. <i>spinosa</i>	prickly box	
2	<i>Pittosporum undulatum</i>	sweet pittosporum	i
1	<i>Pittosporum undulatum</i> subsp. <i>undulatum</i>	sweet pittosporum	i
<b>PLANTAGINACEAE</b>			
2	<i>Plantago lanceolata</i>	ribwort plantain	i
<b>RHAMNACEAE</b>			
1	<i>Pomaderris pilifera</i>	hairy dogwood	
<b>ROSACEAE</b>			
1 2	<i>Acaena echinata</i>	spiny sheeps burr	
1	<i>Rosa rubiginosa</i>	sweet briar	i
1 2	<i>Rubus fruticosus</i>	blackberry	d
<b>RUBIACEAE</b>			
2	<i>Galium gaudichaudii</i>	rough bedstraw	
<b>SANTALACEAE</b>			
1 2	<i>Exocarpos cupressiformis</i>	common native-cherry	
<b>SAPINDACEAE</b>			
1 2	<i>Dodonaea viscosa</i> subsp. <i>spatulata</i>	broadleaf hopbush	
<b>SOLANACEAE</b>			
1 2	<i>Lycium ferocissimum</i>	african boxthorn	d
1	<i>Solanum nigrum</i>	blackberry nightshade	i
<b>URTICACEAE</b>			
1	<i>Urtica incisa</i>	scrub nettle	
<b>MONOCOTYLEDONAE</b>			
<b>ASPARAGACEAE</b>			
1 2	<i>Lomandra longifolia</i>	sagg	

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<b>CYPERACEAE</b>		
2	<i>Carex breviculmis</i>	shortstem sedge
1	<i>Lepidosperma curtisiae</i>	little sword sedge
<b>JUNCACEAE</b>		
1	<i>Juncus pallidus</i>	pale rush
<b>POACEAE</b>		
1	<i>Anthosachne scabra</i>	rough wheatgrass
2	<i>Austrostipa flavescens</i>	yellow speargrass
1	<i>Austrostipa mollis</i>	soft speargrass
1	<i>Austrostipa sp.</i>	speargrass
1	<i>Dactylis glomerata</i>	cocksfoot
1 2	<i>Ehrharta erecta</i>	panic veldtgrass
2	<i>Poa rodwayi</i>	velvet tussockgrass
2	<i>Rytidosperma caespitosum</i>	common wallabygrass
1	<i>Rytidosperma sp.</i>	wallabygrass
1	<i>Themeda triandra</i>	kangaroo grass

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Appendix B: Flora species of conservation significance known to occur within a 5 km radius of the study area<sup>13</sup>

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
Known from within 500 m			
<i>Asperula scoparia</i> subsp. <i>scoparia</i> prickly woodruff	Rare/ -	Low	<i>Asperula scoparia</i> subsp. <i>scoparia</i> is widespread in Tasmania and is mainly found in native grasslands and grassy forests, often on fertile substrates such as dolerite-derived soils. Forested sites are usually dominated by <i>Eucalyptus globulus</i> and <i>E. viminalis</i> (lower elevations) and <i>E. delegatensis</i> (higher elevations).
<i>Atriplex suberecta</i> sprawling saltbush	Vulnerable/ -	None	<i>Atriplex suberecta</i> occurs in a wide range of habitats on most soil types, including saline areas, but is most commonly found in disturbed areas.
<i>Austrostipa bigeniculata</i> doublejointed speargrass	Rare/ -	Low	<i>Austrostipa bigeniculata</i> is found mainly in the south-east and Midlands in open woodlands and grasslands on fertile soils, where it is often associated with <i>Austrostipa nodosa</i> .
<i>Austrostipa blackii</i> crested speargrass	Rare/ -	None	The habitat of <i>Austrostipa blackii</i> is poorly understood because of confusion with other species. In its "pure" form (i.e. long coma), <i>A. blackii</i> is a species of very near-coastal sites such as the margins of saline lagoons, creek outfalls and vegetated dunes. Further inland, where it seems to grade into other species, it occurs in open grassy woodlands.
<i>Bolboschoenus caldwellii</i> sea clubssedge	Rare/ -	None	<i>Bolboschoenus caldwellii</i> is widespread in shallow, standing, sometimes brackish water, rooted in heavy black mud.
<i>Caladenia filamentosa</i> daddy longlegs	Rare / -	None	<i>Caladenia filamentosa</i> occurs in lowland heathy and sedgy eucalypt forest and woodland on sandy soils and finer grained sediments such as mudstones.
<i>Dianella amoena</i> grassland flaxlily	Rare / ENDANGERED	None	<i>Dianella amoena</i> occurs mainly in the northern and southern Midlands, where it grows in native grasslands and grassy woodlands.
<i>Eucalyptus risdonii</i> risdon peppermint	Rare / -	None	<i>Eucalyptus risdonii</i> is restricted to the greater Hobart area (particularly the Meehan Range), with an outlying population at Mangalore and on South Arm. It occurs on mudstone, with an altitudinal range from near sea level to 150 m above sea level. It can occur as a dominant in low open forest with a sparse understorey on dry, insolated ridgelines and slopes (e.g. with a north-west aspect), and individuals can extend into other forest types typically dominated by <i>E. tenuiramis</i> or <i>E. amygdalina</i> (but occasionally by other species) on less exposed sites.

<sup>13</sup> DPIPWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021<sup>14</sup> Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*

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Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Scleranthus fasciculatus</i> spreading knawel	Vulnerable/ -	Low	<i>Scleranthus fasciculatus</i> is only recorded from a few locations in the Midlands and south-east. The vegetation at most of the sites is Poa grassland/grassy woodland. <i>Scleranthus fasciculatus</i> appears to need gaps between the tussock spaces for its survival and both fire and stock grazing maintain the openness it requires. Often found in areas protected from grazing such as in the shelter of fallen trees and branches.
<i>Senecio squarrosus</i> leafy fireweed	Rare / -	Low	<i>Senecio squarrosus</i> occurs in a wide variety of habitats. One form occurs predominantly in lowland damp tussock grasslands. The more widespread and common form occurs mainly in dry forests (often grassy) but extends to wet forests and other vegetation types.
<i>Sirophysalis trinodis</i> three-node seaweed	Rare / -	None	Marine environments
<i>Stenopetalum lineare</i> narrow threadpetal	Endangered/ -	None	The prime habitat for <i>Stenopetalum lineare</i> appears to be grass-covered low dunes but it also extends to scrub-covered dunes (coast wattle) and there is one inland site on a rocky outcrop in dry sclerophyll forest.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	Rare / -	Present	<i>Vittadinia muelleri</i> occurs in dry native grasslands and grassy woodlands particularly in open areas with lighter grass cover and patches of bare ground such as rock plates. It freely colonises disturbed sites such as roadside cuttings. It is widely dispersed through the Midlands and South East.
Known from within 5 km and not listed above			
<i>Acacia ulicifolia</i> Juniper wattle	Rare/-	None	<i>Acacia ulicifolia</i> is found in sandy coastal heaths and open heathy forest and woodland in the north and east of Tasmania. Populations are often sparsely distributed and most sites are near-coastal but it can occasionally extend inland (up to 30 km).
<i>Austroparmelina whinrayi</i> lichen	Rare / -	None	Foliose lichen known from very few sites in scrub and woodland dispersed around coastal Tasmania
<i>Caladenia caudata</i> tailed spider-orchid	Vulnerable/ VULNERABLE	Low	<i>Caladenia caudata</i> has highly variable habitat, which includes the central north: <i>Eucalyptus obliqua</i> heathy forest on low undulating hills; the north-east: <i>E. globulus</i> grassy/heathy coastal forest, <i>E. amygdalina</i> heathy woodland and forest, <i>Allocasuarina</i> woodland; and the south-east: <i>E. amygdalina</i> forest and woodland on sandstone, coastal <i>E. viminalis</i> forest on deep sands. Substrates vary from dolerite to sandstone to granite, with soils ranging from deep windblown sands, sands derived from sandstone and well-developed clay loams developed from dolerite. A high degree of insolation is typical of many sites
<i>Calocephalus citreus</i> lemon beautyheads	Rare / -	None	<i>Calocephalus citreus</i> inhabits disturbed dry grasslands and is found from a few locations in the south-east of the State.

Subdivision 30 Holland Court Howrah: Subdivision  
 accordance with Section 40W (1) & 40Y  
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 acting as Planning Authority at its  
 meeting on 6 February 2023.

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Carex longibrachiata</i> drooping sedge	Rare / -	None	<i>Carex longibrachiata</i> grows along riverbanks, in rough grassland and pastures, in damp drainage depressions and on moist slopes amongst forest, often dominated by <i>Eucalyptus viminalis</i> , <i>E. ovata</i> or <i>E. rodwayi</i> .
<i>Comesperma defoliatum</i> leafless milkwort	Rare / -	None	The habitat of <i>Comesperma defoliatum</i> includes wet heathland/sedgeland, buttongrass moorland, coastal low scrub and on the crests of dunes. It has also been recorded from flat alkaline pans. The predominant substrates include peat, quartzite and sand.
<i>Cotula vulgaris</i> var. <i>australasica</i> slender buttons	Rare / -	None	<i>Cotula vulgaris</i> var. <i>australasica</i> habitat includes saline herbfields, rocky coastal outcrops, and wet or brackish swamps.
<i>Cuscuta tasmanica</i> golden dodder	Rare / -	None	<i>Cuscuta tasmanica</i> is known from saline areas and brackish marshes often, but not exclusively, on plants of <i>Wilsonia backhousei</i> (narrowleaf wilsonia).
<i>Damasonium minus</i> starfruit	Rare / -	None	<i>Damasonium minus</i> occupies swampy habitat and farm dams and prefers slow-flowing or stationary water.
<i>Eryngium ovium</i> blue devil	Vulnerable/ -	None	<i>Eryngium ovium</i> occurs in a range of lowland vegetation types most often on fertile heavy clay soils derived from dolerite. Vegetation types include open grasslands usually dominated by <i>Themeda triandra</i> (kangaroo grass), grassy forests and woodlands on slopes, ridges and broad flats, and also roadside verges (representing remnant populations).
<i>Eucalyptus morrisbyi</i> morrisbys gum	Endangered/ ENDANGERED	None	<i>Eucalyptus morrisbyi</i> occurs in coastal, dry sclerophyll woodland on gentle to hilly slopes with poor drainage. It tends to be restricted to gullies that offer some relief in this drought-prone, low rainfall area. It is associated with poor soils. The Calverts Hill subpopulation and associated remnant stands occurring on recent sands overlying dolerite and the Risdon subpopulation on Permian mudstone.
<i>Eutaxia microphylla</i> spiny bushpea	Rare / -	None	On Flinders Island, <i>Eutaxia microphylla</i> mainly occurs in windswept coastal heathland on calcarenite. On mainland Tasmania, the species usually occurs in low open coastal shrubbery and on cliff edges (various substrates). The local record is of a historic collection – 1931 from Cambridge
<i>Haloragis heterophylla</i> variable raspwort	Rare / -	Low	<i>Haloragis heterophylla</i> occurs in poorly-drained sites (sometimes only marginally so), which are often associated with grasslands and grassy woodlands with a high component of <i>Themeda triandra</i> (kangaroo grass). It also occurs in grassy/sedgy <i>Eucalyptus ovata</i> forest and woodland, shrubby creek lines, and broad sedgy/grassy flats, wet pasture and margins of farm dams.
<i>Hyalosperma demissum</i> moss sunray	Endangered/ -	None	<i>Hyalosperma demissum</i> grows on rock pavements or shallow sandy soils in some of Tasmania's driest regions, and also in scalded patches in <i>Eucalyptus amygdalina</i> heathy/grassy woodland. The underlying substrate is mostly Jurassic dolerite, with occasional occurrences on

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Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
			Triassic sandstone and also Cainozoic sediments with a laterite lag. The elevation range of recorded sites in Tasmania is 30-470 m above sea level, with an annual rainfall range of less than 600 mm.
<i>Isolepis stellata</i> star clubsedge	Rare / -	None	<i>Isolepis stellata</i> has been recorded from near-coastal areas in the State's north and east, and also in the Northern Midlands near Conara. Habitat includes the margins of sedgy wetlands, wet soaks and seasonally inundated heathy sedgeland; the altitude of recorded sites in Tasmania ranges from close to sea level to elevations of 240 m above sea level.
<i>Lachnagrostis robusta</i> tall blowgrass	Rare / -	None	<i>Lachnagrostis robusta</i> occurs in saline situations such as the margins of coastal and inland saline lagoons.
<i>Lepidium hyssopifolium</i> soft peppergrass	Endangered/ ENDANGERED	Low	The native habitat of <i>Lepidium hyssopifolium</i> is the growth suppression zone beneath large trees in grassy woodlands and grasslands (e.g. over-mature black wattles and isolated eucalypts in rough pasture). <i>Lepidium hyssopifolium</i> is now found primarily under large exotic trees on roadsides and home yards on farms. It occurs in the eastern part of Tasmania between sea-level to 500 metres above sea level in dry, warm and fertile areas on flat ground on weakly acid to alkaline soils derived from a range of rock types. It can also occur on frequently slashed grassy/weedy roadside verges where shade trees are absent.
<i>Lepilaena patentifolia</i> spreading watermat	Rare / -	None	<i>Lepilaena patentifolia</i> occurs in coastal lagoons, creeks, inlets and estuaries and brackish inland lagoons.
<i>Lepilaena preissii</i> slender watermat	Rare / -	None	<i>Lepilaena preissii</i> occurs in fresh and brackish lagoons, and estuaries.
<i>Limonium australe</i> var. <i>australe</i> yellow sea-lavender	Rare / -	None	<i>Limonium australe</i> var. <i>australe</i> occurs in succulent or graminoid saltmarsh close to the high water mark, typically near small brackish streams.
<i>Lobelia pratioides</i> poison lobelia	Vulnerable/ -	None	<i>Lobelia pratioides</i> occurs in seasonally inundated to waterlogged soils at the margins of swamps, wetlands and drainage lines, and also in damp depressions within grassland and grassy woodland.
<i>Olearia hookeri</i> crimsontip daisybush	Rare / -	None	<i>Olearia hookeri</i> is found on dry hills around Hobart in the State's south and also along the central east coast. It grows within eucalypt woodlands with a mixed grassy-shrubby understorey, favouring north-north-westerly slopes on mudstone (except for an atypical occurrence on dolerite at Templestowe flats near Seymour). In the south of the State the habitat is dominated by <i>Eucalyptus amygdalina</i> , <i>Eucalyptus risdonii</i> or <i>Eucalyptus tenuiramis</i> ; in the central east near Mt Peter the habitat is dominated by <i>Eucalyptus sieberi</i> over a very sparse understorey.

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Poa mollis</i> soft tussockgrass	Rare / -	None	<i>Poa mollis</i> is relatively widespread in the eastern half of the State, in dry sclerophyll forest and woodland (often dominated by <i>Eucalyptus amygdalina</i> , <i>E. viminalis</i> or <i>Allocasuarina verticillata</i> ). Sites are often steep and rocky (e.g. Cataract Gorge).
<i>Pterostylis wapstrarum</i> fleshy greenhood	Endangered/ CRITICALLY ENDANGERED	None	<i>Pterostylis wapstrarum</i> is restricted to the Midlands and south-east of Tasmania where it occurs in native grassland and possibly grassy woodland. It has been reported from basalt soils.
<i>Ranunculus pumilio</i> var. <i>pumilio</i> ferny buttercup	Rare / -	None	<i>Ranunculus pumilio</i> var. <i>pumilio</i> occurs mostly in wet places (e.g. broad floodplains of permanent creeks, "wet pastures") from sea level to altitudes of 800-900 m above sea level.
<i>Ruppia megacarpa</i> largefruit seatassel	Rare / -	None	<i>Ruppia megacarpa</i> occurs in estuaries and lagoons along the east and south-east coasts, and brackish lagoons in the Midlands; there is also an historic record from the Tamar estuary in the States' north.
<i>Ruppia tuberosa</i> tuberous seatassel	Rare / -	None	<i>Ruppia tuberosa</i> has been recorded from the State's south-east at Ralphs Bay and Blackman Bay, where it grows in holes and channels in saltmarshes.
<i>Scleranthus diander</i> tufted knawel	Vulnerable/ -	None	<i>Scleranthus diander</i> is found from the Central Midlands area to Hobart with most of the records from the Ross and Tunbridge areas. This species inhabits grassy woodland and is associated with dolerite and basalt substrates. Local record is dubious - unsubstantiated observation from Mt Rumney
<i>Stuckenia pectinate</i> fennel pondweed	Rare / -	None	<i>Stuckenia pectinata</i> is found in fresh to brackish/saline waters in rivers, estuaries and inland lakes. It forms dense stands or mats, particularly in slow-flowing or static water. The species grows in water of various depth.
<i>Teucrium corymbosum</i> forest germander	Rare / -	Low	<i>Teucrium corymbosum</i> occurs in a wide range of habitats from rocky steep slopes in dry sclerophyll forest and <i>Allocasuarina</i> (sheoak) woodland, riparian flats and forest.
<i>Thelymitra bracteata</i> leafy sun-orchid	Endangered/ -	None	<i>Thelymitra bracteata</i> occurs in open grassy and heathy forest/woodland on mudstone and sandstone. At Rosny Hill site, <i>Thelymitra bracteata</i> is most abundant on the top of the hill on open ground with dense exotic grasses and sparse in a remnant patch of native grass close to <i>Allocasuarina verticillata</i> woodland. At Conningham, the species occurs in a canopy gap created by a rough track amongst heathy <i>Eucalyptus amygdalina</i> forest on Triassic sandstone.
<i>Triglochin minutissima</i> tiny arrowgrass	Rare / -	None	<i>Triglochin minutissima</i> inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas.
<i>Velleia paradoxa</i> spur velleia	Vulnerable/ -	Low	<i>Velleia paradoxa</i> is known from the Hobart and Launceston areas, and the Midlands and the Derwent Valley, where it occurs in grassy woodlands or grasslands on dry sites. It has been recorded up to 550 m above sea level at sites with an annual rainfall range of 450-750 mm.

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Vittadinia cuneata</i> var. <i>cuneata</i> fuzzy new-holland-daisy	Rare / -	Low	<i>Vittadinia cuneata</i> var. <i>cuneata</i> occurs in native grassland and grassy woodland on fertile soils, typically overlying basalt. It is confined to the Derwent Valley, Central Midlands and central East Coast on areas of lowest rainfall in Tasmania.
<i>Vittadinia gracilis</i> woolly new-holland-daisy	Rare / -	Low	<i>Vittadinia gracilis</i> occurs in dry grassy habitats, often in relatively degraded grasslands and grassy woodlands. It has been found to occur in low- rainfall areas, on a range of substrates.
<i>Wilsonia rotundifolia</i> roundleaf wilsonia	Rare / -	None	<i>Wilsonia rotundifolia</i> is found in coastal and inland saltmarshes in the eastern part of the State.
<i>Xerochrysum palustre</i> swamp everlasting	- (v pending)/ VULNERABLE	None	<i>Xerochrysum palustre</i> has a scattered distribution with populations in the north-east, east coast, Central Highlands and Midlands, all below about 700 m elevation. It occurs in wetlands, grassy to sedgy wet heathlands and extends to associated heathy <i>Eucalyptus ovata</i> woodlands. Sites are usually inundated for part of the year.

**PDPSPAMEND-2021/019004**

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Appendix C: Fauna species of conservation significance previously recorded, or which may potentially occur, within 5 km of the study area<sup>15</sup>

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
Known from 500 m			<b>PDPSPAMEND-2021/019004</b>
MAMMALS			
<i>Eubalaena australis</i> Southern right whale	Endangered/ ENDANGERED	None	Marine species
<i>Megaptera novaeangliae</i> Humpback whale	Endangered/ VULNERABLE	None	Marine species
<i>Mirounga leonina</i> subsp. <i>Macquariensis</i> Southern elephant seal	Endangered/ VULNERABLE	None	Marine species
<i>Perameles gunnii gunnii</i> Eastern-barred bandicoot	-/VULNERABLE	Moderate	Inhabits grassy woodlands, native grasslands, and mosaics of pasture and shrubby ground cover favouring open grassy areas for foraging with thick vegetation cover for shelter and nesting. It has a widely dispersed range with concentrations in SE, NE and NW Tasmania and some areas of the State from where it is absent or in very low densities. It extends into the urban fringe where it can survive in large gardens and bushland reserves. It favours a mosaic of open grassy areas for foraging and thick vegetation cover for shelter and nesting.
<i>Pteropus poliocephalus</i> Grey-headed flying-fox	-/VULNERABLE	None	Vagrant
BIRDS			
<i>Accipiter novaehollandiae</i> Grey goshawk	Endangered/ -	Low	Inhabits large tracts of wet forest and swamp forest, particularly patches with closed canopies above an open understorey, but with dense stands of prey habitat nearby. Mature trees provide the best nesting sites. Most nests have been recorded from blackwoods and occasional myrtle beech.
<i>Aquila audax fleayi</i> Wedge-tailed eagle	Endangered/ ENDANGERED	Low	Wedge-tailed eagles nest in a range of old growth native forests and the species is dependent on forest for nesting. Territories can contain up to five alternate nests usually close to each other but

<sup>15</sup> DPIPWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021

<sup>16</sup> Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, which includes ROKAMBA, JAMBA, CAMBA and Migratory species.

<sup>17</sup> Bryant & Jackson 1999



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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			may be up to 1 km apart where habitat is locally restricted. Wedge-tailed eagles prey and scavenge on a wide variety of fauna including fish, reptiles, birds and mammals.
<i>Haliaeetus leucogaster</i> White-bellied Sea Eagle	Vulnerable/-	Low	Requires large trees for nesting and is sensitive to disturbance during the breeding season. Occurs in coastal habitats and large inland waterways.
<i>Lathamus discolor</i> Swift parrot	Endangered/ CRITICALLY ENDANGERED	Moderate	The Swift Parrot spends its winter in south-eastern mainland Australian before migrating to Tasmania in late winter/early spring to breed. During the breeding season, nectar from Tasmanian blue gum ( <i>Eucalyptus globulus</i> ) and black gum ( <i>Eucalyptus ovata</i> ) flowers is the primary food source for the species. These eucalypts are patchily distributed and their flowering patterns are erratic and unpredictable, often leading to only a small proportion of Swift Parrot habitat being available for breeding in any one year. Swift Parrots breed in tree hollows in mature eucalypts within foraging range of a flower source.
<i>Podiceps cristatus</i> Great crested grebe	Vulnerable/-	None	The Great Crested Grebe inhabits wetlands, deep lakes, rivers and swamps and prefers a combination of open water and dense reedbeds. This species is relatively rare in Tasmania but can have minor irruptions and periods of regular sightings in some areas.
<i>Thinornis rubricollis</i> Hooded Plover	-/VULNERABLE	None	Widely distributed in Tasmania. Inhabits sandy ocean beaches. Nests on or near beaches, with nests located on flat beaches above the high tide mark, on stony terraces adjacent to beaches, or on the sides of sparsely vegetated dunes.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	Endangered/ VULNERABLE	None	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding, which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
REPTILE			
<i>Caretta caretta</i> Loggerhead turtle	Endangered/ ENDANGERED	None	Marine species.
FISH			

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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Brachionichtys hirsustus</i> Spotted handfish	Endangered/ CRITICALLY ENDANGERED	None	The Spotted Handfish is found in parts of the Derwent Estuary, as well as Frederick Henry, Ralphs and North West Bays. They occur in a limited number of colonies on soft substrates often in shallow depressions or near rocks or other projections. Found at depths of 2 to 30 m. Spawning from Sep-Oct.
<i>Seriotelella brama</i> Blue Warehou	-/Conservation Dependent	None	Known from Australian and New Zealand Waters. Occurs at depths between 3 and 550 m, though is more abundant in waters shallower than 200 m.
GASTROPOD			
<i>Gazameda gunnii</i> Gunn's Screwshell	Vulnerable/-	None	Lives subtidally and offshore on sand. Widespread in Tasmanian waters but only locally common as a beached shell.
Potential to occur based on habitat mapping only			
MAMMALS			
<i>Dasyurus maculatus maculatus</i> Spotted-tailed quoll	Rare /VULNERABLE	Very low	This naturally rare forest-dweller most commonly inhabits rainforest, wet forest and blackwood swamp forest. It forages and hunts on farmland and pasture, travelling up to 20 km at night, and shelters in logs, rocks or thick vegetation. Important habitat includes large patches of forest containing adequate denning sites and high densities of mammalian prey.
<i>Dasyurus viverrinus</i> Eastern quoll	-/ENDANGERED	Very low	This species was previously widespread in mainland south-eastern Australia, but is now restricted to Tasmania. Records from the Tasmanian Natural Values Atlas indicate that the eastern quoll occurs in most parts of Tasmania, but is recorded infrequently in the wetter western third of the state. The species' distribution is positively associated with areas of low rainfall and cold winter minimum temperatures. Within this distribution, it is found in a range of vegetation types including open grassland (including farmland), tussock grassland, grassy woodland, dry eucalypt forest, coastal scrub and alpine heathland, but is typically absent from large tracts of wet eucalypt forest and rainforest.
<i>Sarcophilus harissii</i> Tasmanian devil	Endangered/ ENDANGERED	Very low	The Tasmanian devil occupies a wide range of habitats across Tasmania and exploits landscapes with a mosaic of pasture and forest with elevated prey densities and is attracted to roadkill hotspots with concentrated scavenging resource. Populations have declined substantially since the first observations of the infectious cancer Devil Facial Tumour Disease (DFTD). DFTD has now spread across much of Tasmania. The reduced population is also likely to be more sensitive to additional threats such as death by roadkill, competition with cats and foxes, and loss or disturbance of areas surrounding traditional dens where young are raised. The protection of breeding opportunities is particularly important for the species due to the mortalities from demographic pressures.
BIRDS			
<i>Pardalotus quadragintus</i> Forty-spotted pardalote	Endangered/ ENDANGERED	Very low	The forty-spotted pardalote is endemic to Tasmania and occurs in only a few small areas within the State. It is relatively restricted to dry grassy forest and woodland along the east coast containing

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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			mature white gum ( <i>Eucalyptus viminalis</i> ). [1] Cooper and Clemens et al. (2012); Reid and Park (2003)
REPTILES			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
FISH			
<i>Prototroctes maraena</i> Australian Grayling	Vulnerable/ VULNERABLE	None	In Tasmania, the diadromous Australian Grayling has been found in northern, eastern, and western rivers. Little is known of the population size. The major threat to the species is the construction of barriers than prevent adult fish moving upstream and juveniles downstream.
INVERTEBRATES			
<i>Antipodia chaostola</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Chrysolarentia decisaria</i> Tunbridge looper moth	Endangered/-	None	Saltmarsh species
Known from 5 km			
MAMMALS			
<i>Arctocephalus forsteri</i> Long-nosed fur seal	Rare /-	None	Marine species
<i>Arctocephalus tropicalis</i> Subantarctic Fur Seal	Endangered/ VULNERABLE	None	Marine species
BIRDS			
<i>Botaurus poiciloptilus</i> Australasian bittern	-/ENDANGERED	None	Australasian bitterns are a highly cryptic species, utilising wetlands and lakes with a dense cover of vegetation. Whilst once common on Tasmania's north/east coasts, the numbers of Australasian bitterns in the state during the last two decades have declined significantly in both their range and numbers due to habitat loss and extended periods of dryness
<i>Calidris canutus</i> Red knot	-/ENDANGERED	None	Coastal species
<i>Calidris ferruginea</i> Curlew sandpiper	-/CRITICALLY ENDANGERED	None	The curlew sandpiper was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.

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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Charadrius leschenaultia</i> Greater sand plover	-/VULNERABLE	None	Coastal species
<i>Hirundapus caudacutus</i> White-throated needletail	-/VULNERABLE	None	The white-throated needletail is a migratory species, breeding in central and north-eastern Asia in Siberia, Mongolia, northern-eastern China and northern Japan. It migrates south through eastern China, Korea and Japan spending its non-breeding season in eastern and south-eastern Australia including Tasmania. This species is almost exclusively aerial, occurring over most types of habitat with a preference to wooded areas, open forests, heathland and rainforests.
<i>Limosa lapponica</i> subsp. <i>Baueri</i> Western Alaskan bar-tailed godwit	-/VULNERABLE	None	Coastal species
<i>Numenius madagascariensis</i> Eastern curlew	Endangered/ CRITICALLY ENDANGERED	None	Much like the curlew sandpiper, the eastern curlew was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.
<i>Pterodroma lessonii</i> White-headed Petrel	Vulnerable/-	None	The White-headed petrel breeds in colonies on subantarctic islands including Australia's Macquarie Island. They are a pelagic species foraging between the subantarctic and Antarctic convergence zones. At sea this species is mostly solitary.
<i>Sterna nereis nereis</i> Fairy Tern	Vulnerable/ VULNERABLE	None	The fairy tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation. It has been found in a variety of habitats including offshore, estuarine or lacustrine (lake) islands, wetlands and coastlines. The bird roosts on beaches at night.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	Endangered/ VULNERABLE	Very low	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
REPTILE			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding,

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
INVERTEBRATES			
<i>Amelora acoustica</i> Chevron looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Dasybela achroa</i> Saltmarsh looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Parvulastra vivipara</i> Live-bearing seastar	Vulnerable / VULNERABLE	None	Confined to rocky substrates on the upper littoral zone on low energy shores in south east Tasmania. Range from just below the highwater mark to 1.2m at high water. Recorded under both dolerite and sandstone rocks on gently sloping shores.
<i>Theclinesthes serpentata</i> subsp. <i>lavara</i> Chequered Blue	Rare/-	None	Coastal environments with larval foodplant coastal saltbush – <i>Rhagodia candolleana</i> and species of <i>Atriplex</i> .
Potential to occur in 5km based on habitat mapping only			
MAMMAL			
BIRD			
<i>Ceyx azures diemenensis</i> Tasmanian azure kingfisher	Endangered/ ENDANGERED	None	The azure kingfisher is found along rivers in the south, west, north and northwest of Tasmania with outlying occurrences in the northeast, east, centre and Bass Strait islands. This species occurs in the forested margins of major river systems where it perches on branches overhanging rivers waiting for prey items such as small fish, insects and freshwater crayfish to come down the river.
FISH			
<i>Thymichthys politus</i> Red Handfish	Endangered/ CRITICALLY ENDANGERED	None	
INVERTEBRATES			
<i>Antipodia chaostola</i> subsp. <i>Leucophaea</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Orphninostrichia maculata</i> Caddis fly (wedge river)	Rare/-	None	Aquatic habitats.

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Lissotes menalcas</i> Mount Mangana stag beetle	Vulnerable/-	None	This occurs in south east Tasmania including parts of the Wellington range, South Bruny and the Forester and Tasman Peninsulas. Confined to wet forest with large logs although much of potential habitat is unoccupied.
<i>Pseudalmenus chlorinda</i> <i>myrsilus</i> Tasmanian hairstreak (butterfly)	Rare/-	Low	Dry forest and woodland associated with species of wattle including <i>A. dealbata</i> and <i>A. mearnsii</i> . Confined to occasional sites in south east Tasmania. Habitat is present although scarcity of records suggest presence is very unlikely.
GASTROPOD			
Ammonite Pinwheel Snail <i>Discocharopa vicens</i>	Endangered/ CRITICALLY ENDANGERED	None	This snail has been recorded from the following seven locations in the Hobart metropolitan area: Mount Wellington, Mount Nelson, The Domain, Hillgrove, Grasstree Hill, South Hobart and Austins Ferry. Species is thought to be extinct from Mt Nelson. Habitat of the species includes dry and wet eucalypt forests below 400 m in altitude. To date the species has only been found under dolerite rocks.

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



JMG Engineers & Planners  
 117 Harrington Street  
 Hobart, TAS

21 December 2022

Ref: 6318\_01

Attention: Katrina Hill

## 30 HOLLAND COURT — NOISE IMPACT ASSESSMENT

A subdivision is proposed for 30 Holland Court, Howrah, to comprise nominally 8 lots. As the development is within 50m of Rokeby Road, it is within the road and railway attenuation area under the Tasmanian Planning Scheme, and thus requires a traffic noise assessment to determine its suitability for residential use. This letter presents such an assessment, conducted by NVC in December 2022.

### 1. BACKGROUND

The proposed site (white outline) is a large lot currently comprising the Howrah Church of Christ at its eastern end, with vegetation on the western portion. The land is zoned Community Purpose (white overlay in Figure 1.1), with General Residential zoning (red overlay) to the site's east and west, and Low Density Residential zoning to the south and south-east (pink overlay).

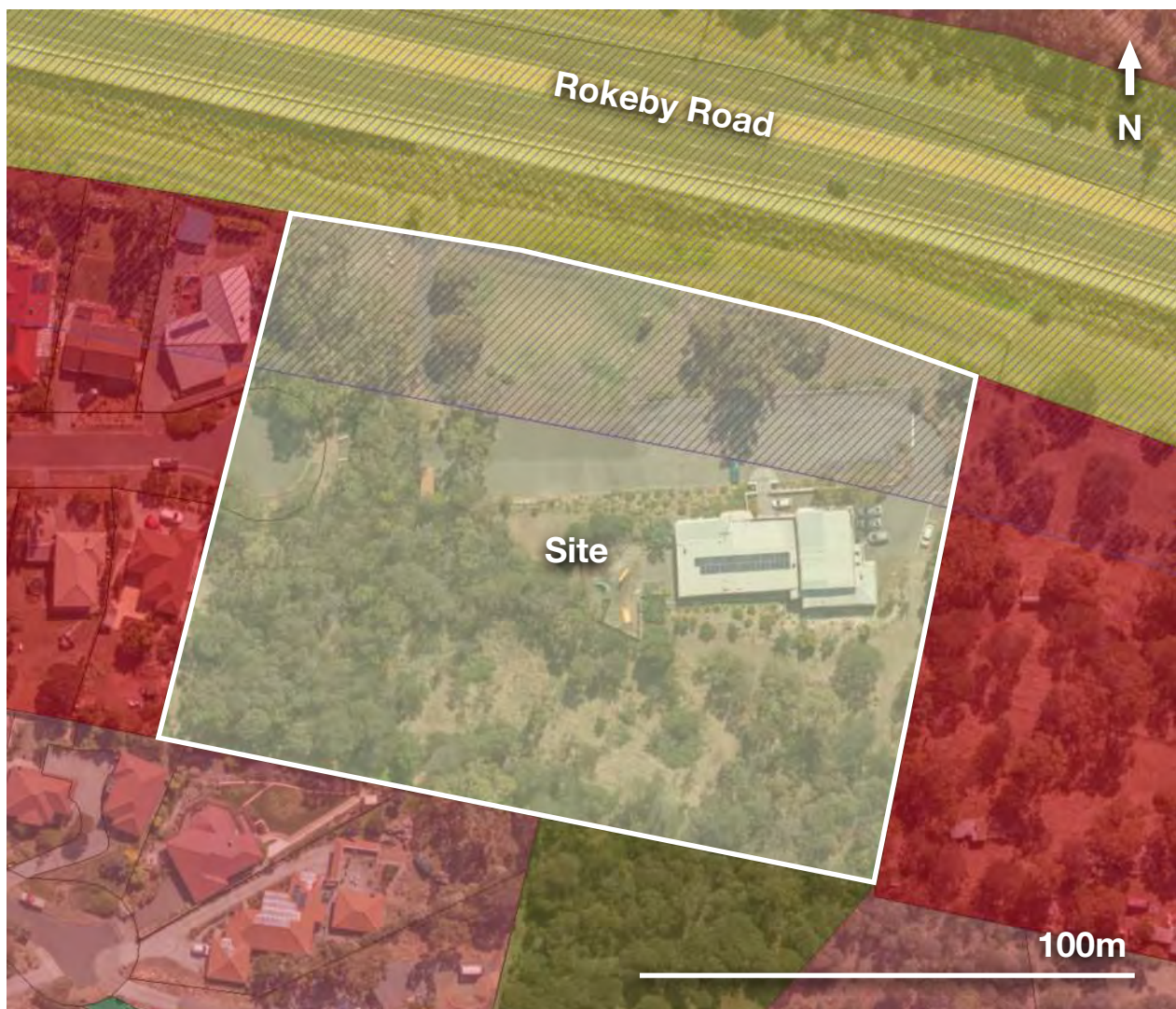
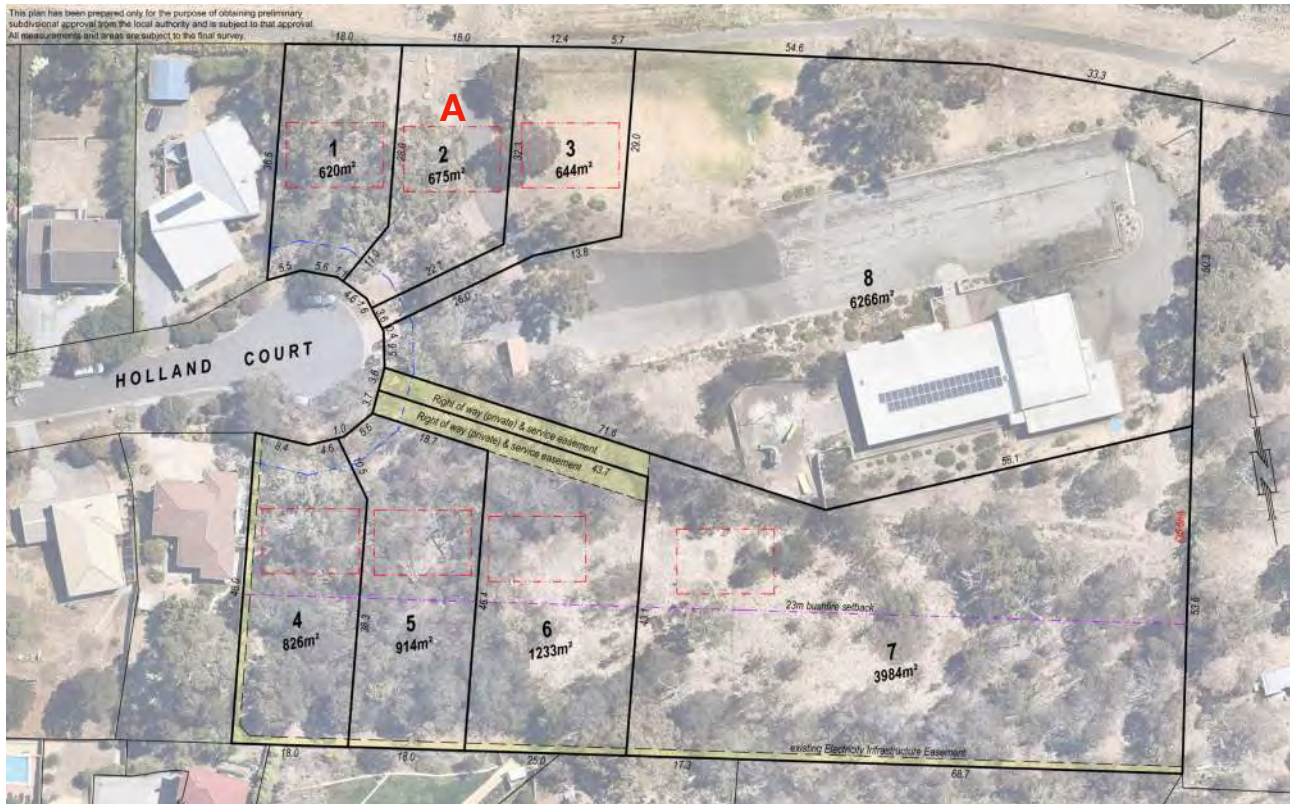


FIGURE 1.1: SITE AND SURROUNDING AREA

To the north of site is Rokeby Road, an 80km/h speed limited road that sees significant traffic volume. The associated Utilities zone is shown by the yellow overlay, with the purple hatching denoting the road and railway attenuation area.

Figure 1.2, below, shows the proposed development, comprising 7 residential lots with a balance lot (lot 8) to the site's north-east, with the existing church to remain.



**FIGURE 1.2: PROPOSED DEVELOPMENT**

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



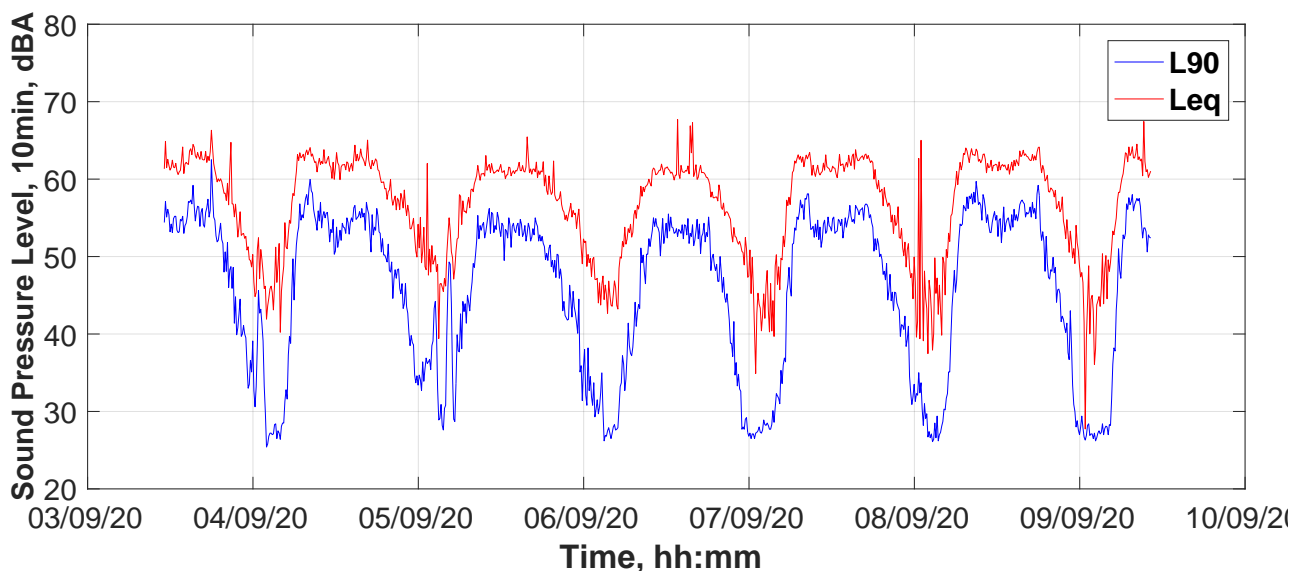
## 2. NOISE MEASUREMENTS

Noise measurements were conducted on an adjacent lot, to the east of site (38 Buckingham Drive, Howrah), over a 2 week period in September 2020, to quantify the existing traffic noise levels. The results of those measurements are summarised in Table 2.1 and Figure 2.1.

The sound level meter was located nominally 32m from the road verge for the measurements, with direct line of sight to the roadway. The microphone was at a similar or slightly higher height than the road surface, and thus fully exposed to traffic noise.

**TABLE 2.1: EXISTING NOISE LEVELS**

Time	Sound Pressure Level, dBA			
	L10	L90	Leq	L10 <sub>18hr</sub>
Day, 0600 - 2200 hrs	64	52	61	66
Night, 2200 - 0600 hrs	55	39	52	



**FIGURE 2.1: NOISE TREND - 38 BUCKINGHAM DRIVE**

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

### 3. CRITERIA

Section C3.0 of the Tasmanian Planning Scheme - Clarence contains criteria for ‘*subdivision for sensitive uses within a road or railway attenuation area*’. With regards to noise for such a development, clause C3.7.1, reproduced below, is relevant.

<b>Objective:</b> To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.	<b>P1</b>  A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) any buffers created by natural or other features;</li> <li>(c) the location of existing or proposed buildings on the site;</li> <li>(d) the frequency of use of the rail network;</li> <li>(e) the speed limit and traffic volume of the road;</li> <li>(f) any noise, vibration, light and air emissions from the rail network or road;</li> <li>(g) the nature of the road;</li> <li>(h) the nature of the intended uses;</li> <li>(i) the layout of the subdivision;</li> <li>(j) the need for the subdivision;</li> <li>(k) any traffic impact assessment;</li> <li>(l) any mitigating measures proposed;</li> <li>(m) any recommendations from a suitably qualified person for mitigation of noise; and</li> <li>(n) any advice received from the rail or road authority.</li> </ul>

For lots within the attenuation area (lots 1 to 3), the Acceptable Solution is not satisfied, and thus the Performance Criteria (C3.7.1-P1) must be addressed.

In Table 1 of the Noise EPP<sup>1</sup>, a list of Acoustic Environmental Indicator levels are given for which the environmental values specified in the Noise EPP “...will be protected for the majority of the human population where the acoustic environment indicator levels are not exceeded...” A section of that table is reproduced here in Table 3.1.

#### PDPSPAMEND-2021/019004

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>1</sup> Tasmanian Environmental Protection Policy (Noise) 2009 (the Noise EPP)

**TABLE 3.1: ACOUSTIC ENVIRONMENTAL INDICATOR LEVELS - TAS. EPP**

Specific Environment	Critical Health Effect	LAeq dBA	Time hrs	LAmx dBA
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

Given the data in Table 3.1, to preserve the future outdoor amenity of residential dwellings constructed on lots 1 to 3, a day time criterion of 55 dBA and a night time criterion of 45 dBA are deemed appropriate.

To ensure internal levels are sufficiently low, Australian Standard *AS3671:1989 Road Traffic Noise Intrusion - Building Siting and Construction* is referenced, which provides a method to determine what building construction is appropriate to protect the indoor amenity of the dwelling. The output from the standard is the sound isolation performance requirements of various building elements, stated as an Rw value.

In applying AS3671, the appropriate indoor ambient noise level must be specified, with AS2107<sup>2</sup> used as reference for this. For houses or apartments near major roads, the recommended internal ambient noise levels are specified as:

Living areas (day time)	35 – 45 dBA Leq
Sleeping areas (night time)	35 – 40 dBA Leq

Indoor noise levels of 40 dBA are then deemed appropriate for both day and night time periods for the various internal spaces of the dwellings.

Therefore, the adopted criteria, with which to satisfy C3.7.1-P1 is as follows:

Outdoor (day time)	55 dBA
Outdoor (night time)	45 dBA
Indoor (day and night time)	40 dBA

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>2</sup> AS/NZS 2107:2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors*, Standards Australia, 2016.



## 4. NOISE PREDICTIONS

*iNoise*<sup>3</sup> software has been used to construct an acoustic software model of the existing site and surroundings. The model implements the ISO9613 algorithms for environmental noise propagation. The predictions account for geometric divergence, topographical screening, atmospheric absorption, and ground absorption. The following comments are relevant to the model:

- The model was calibrated using the measured traffic noise level at 38 Buckingham Drive. The modelled predictions are within 0.5 dB of the measured data.
- Vehicle flows have been taken from a DSG traffic counter just west of the subdivision, deployed in May 2019. The flow data is summarised as:

Day time, one direction	624 vehicles/hr
Night time average flow, one direction	86 vehicles/hr
Average vehicle speed	70 km/h
Percentage heavy vehicles	8%

- Traffic on subsidiary roads has not been modelled, as this assessment is specific to the noise impact Rokeby Road will have on the proposed development.
- The ground has been assumed to have a ground factor of 0.4 (60% reflective) throughout the model.
- All barriers are modelled with a reflection factor of 0.8 (80% reflective).
- As per the Tasmanian Noise Measurement Procedures Manual, noise levels across the area are predicted at 1.2m above ground level.
- No proposed dwellings are included in the modelling.
- Noise levels are predicted at location A (see Figure 1.2) to provide a general representation of the noise levels at a possible future dwelling.

**TABLE 4.1: SUMMARY OF PREDICTED NOISE LEVELS**

	Sound Pressure Level, dBA	
	Day	Night
<b>Location A</b>	59	50

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>3</sup> iNoise V2022.1 Pro, DGMR Software

## 5. RECOMMENDATIONS

The following mitigation measures are recommended to ensure the residential amenity of future residents is not impacted by noise from Rokeby Road:

- A barrier be constructed along the entire northern boundary of lots 1 to 3. The barrier requires the following specifications:
  - A minimum surface mass of 15kg/m<sup>2</sup>. Examples of appropriate construction include 20mm thick ship-lapped timber, 12mm fixed cement sheet, or commercial noise barrier products.
  - A minimum height of 2m.
  - No gaps, including between the barrier and the ground.
- A façade construction with a minimum of Rw 30 on western, northern and eastern facing façades of future dwellings. Examples of such construction include:
  - 4mm float / 12mm air gap / 4mm float double glazing.
  - 90mm stud walls, internally lined with 10mm fixed plasterboard, and wall cavities filled with bulk insulation.
- Locate some outdoor habitable space on the southern side of any dwellings, such that the dwellings provide screening of the space from Rokeby Road.

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

## 6. ASSESSMENT

It is noted that only lots 1 to 3 are within the road and railway attenuation area, and thus this assessment and the associated recommendations and results are only relevant to those lots.

As seen by Table 4.1, predicted noise levels in the absence of a noise barrier are in exceedance of the day and night outdoor levels specified in section 3 by 4 and 5 dB respectively, and thus mitigation is required to demonstrate compliance. The recommended mitigation is a combination of a barrier, to provide screening, and facade construction requirements sufficient to ensure the internal levels are acceptable.

Following the implementation of the recommendations in section 5, the predicted external noise levels are 56dBA and 47dBA for the day and night respectively. The external levels are approximately 1-2dB over the criterion stated in section 3, and thus are deemed to be on the limit of acceptability for habitable outdoor space. It is noted that these levels are unlikely to be perceptibly different from the criteria of 55 and 45 dBA, and the proposed barrier requirements are at the limit of what is deemed practically feasible.

As stated in section 5, it is then recommended that some outdoor habitable space be located on the southern side of any future dwellings to provide additional screening from Rokeby Road.

Internal noise levels are predicted to comply with the criterion outlined in section 3 provided a façade with minimum Rw 30 is used, with section 5 providing examples of suitable construction.

Provided these recommendations are actioned, both external and internal areas are deemed to provide appropriate residential amenity regarding noise levels.

Therefore, following the implementation of the recommendations in section 5:

**The proposed development at 30 Holland Court, Howrah, is deemed to satisfy clause C3.7.1 of the Tasmanian Planning Scheme - Clarence.**

Should you have any queries, please do not hesitate to contact me directly.

Kind regards,



**Bill Butler**



**Jaye Parry**

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



### AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-202/019004

To amend the Tasmanian Planning Scheme - Clarence Local Provision Map by rezoning 30 Holland Court, Howrah from Community Purpose zone to General Residential zone, Open Space zone and Utility zone, as shown.



## PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2021/019004 Approval Date: 6 February 2023

Description: Rezoning to General Residential and 8 lot subdivision

Address: 30 Holland Court, Howrah

This permit is granted, subject to the following conditions:

### General Conditions:

- 1 The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
- 2 Amended plans showing the following changes:
  - deletion of POS Lot 100;
  - reconfiguration of the lot layout to incorporate Lot 100 into Lot 1 or potentially an additional lot (noting the Part 5 Agreement condition);
  - enlarging the POS Lot 101 to 754m<sup>2</sup> by extending further along the southern boundary, to the boundary intersection between 6 Mayfair Court, Howrah (CT 169863/110) and 5 Mayfair Court, Howrah (CT 104929/16); towards 5 Mayfair Court for approximately 20m in length;
  - reconfigure lot 6 and 7 to accommodate the enlarged POS area of Lot 101, and
  - a new road lot along the northern boundary to contain the existing pedestrian pathway, and incorporate the area of land zoned Utilities in the draft certified amendment to the Clarence Local Provision Schedule PDPSPAMEND-2021/019004,
  - a 10m wide Public Right of Way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway

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must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development. When approved, the plans will form part of the permit.

- 3 ~~As Council has formed the opinion that the subdivision will or is likely to increase the demand for public open space and as no or no sufficient or acceptable provision has been made in the proposal plan for public open space it has been determined that payment of a cash contribution ("the Contribution") in lieu of public open space equal to 3.7% of the value of the area of land in the approved plan described as Lots 1-7 is required in accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.~~  
~~The amount of the Contribution is to be based on a valuation ("the Valuation") of the specified lots. Unless otherwise specified in this condition, the Valuation is to be as at the date of lodgement of the final plan of the subdivision for sealing at which time Council will instruct its appointed valuer to provide the Valuation.~~  
~~The landowner must pay the appointed valuer's fee for any Valuation before sealing of the final plan to which the Valuation relates.~~  
~~The final plan will not be sealed until the Contribution has been paid.~~  
~~Where a staged subdivision is proposed the landowner must elect in writing at the time of lodging the final plan for the first stage to either:~~
- ~~• have the Valuation done and pay the Contribution for the lots proposed in all stages of the subdivision in which such case the lots will be valued as at the date of lodgement of the final plan for the first stage, or alternatively~~
  - ~~• have the Valuation done and pay the Contribution for the lots proposed in stage 1 only and to have a further Valuation done and pay a separate Contribution for each subsequent stage. In this case, the Valuation of the lots in stage 1 will be as at the date of lodgement of the final plan for that stage and the Valuation of the lots in any subsequent stage will be as at the date of lodgement for sealing of the final plan for that stage.~~
- ~~References in this condition to payment of a Contribution include the provision of security for the same in the form of a bond by the landowner to pay the Contribution which is supported by a bank guarantee. Each of the bond and the guarantee are to be in a form acceptable to Council.~~  
~~**Note:** There may be a delay in the sealing of the final plan to facilitate the valuation process. This may be a consideration for landowners with staged subdivisions when electing to pay collectively as one lump sum or alternatively prior to the sealing of each stage.~~

- 4 The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
- combined Lots 1 & 100 - the *Eucalyptus Ovata* trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
  - Lots 1 & 2 dwelling must be designed with a minimum Rw on the western, northern and western facades in accordance with the Noise impact Assessment (NVC, 21 December 2022).

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

- 5 Any lots described as “public open space”, “public access way”, “road”, “to be acquired by the Highway Authority” or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document. The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved, and the applicant must meet the costs of such requisitions.

- 6 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). This access must be inspected by Council’s Development Works Officer prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner’s expense in accordance with any directions given by Council to the owner.

- 7 Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking);
- road stormwater drainage;
- lot accesses;
- stormwater drainage;
- pedestrian networks and connections

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council’s Group Manager Engineering Services and must clearly describe what works are being undertaken for each approved stage of the development.

In accordance with Council’s adopted fee schedule, a fee of 1% of the contract fee or certified construction cost will be charged for the approval of these plans and is payable upon their lodgement. A ‘start of works’ permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the “on-maintenance” period a bond must be paid, and an agreement entered into in accordance with Council Policy. Please note that the bond for the “on-maintenance” period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

8 ~~Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed, to the satisfaction of Council's Manager Environment and Recreation.~~

9 Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the southern boundary of the proposed new road lot zoned Utilities along the northern boundary of lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by the Manager City Planning prior to its construction.

10 To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Engineering Services prior to installation.

11 An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Engineering Services prior to the commencement of works.

12 A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Engineering Services prior to commencement of works. The plan must:

- reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil-based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
- identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
- include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Group Manager Engineering Services. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

13 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities' infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.

- 14 Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
- 15 The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
- 16 The owner must, at their expense, repair any Council services (e.g., pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.
- If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense
- 17 Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. An extension to Council's stormwater main may be required at the owner's expense.
- 18 Stormwater reticulation is to be designed in accordance with the requirements of Council's Local Highways Standard Requirements By- Law and the State Stormwater Strategy to the satisfaction of Council's Group Manager Engineering Services. The design is to identify and design overland flow paths and run-off handling systems for 1% AEP events. These systems shall ensure that no concentrated flow or overflow from street drainage and stormwater reticulation is directed across or through proposed lots (unless dedicated as an overland flow path with easements in favour of Council). Designs shall ensure that net discharge of stormwater does not exceed predevelopment levels and water quality characteristics of receiving waters are maintained or improved. The design must incorporate Water Sensitive Urban Design principles and be submitted for approval by Council's Group Manager Engineering Services prior to the commencement of the use / prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
- 19 All stormwater for the development must be designed and constructed to include Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council for approval by the relevant / delegated officer for approval prior to the issue of the approved engineering drawings. This report is to include the maintenance management regime / replacement requirements for any treatment facilities.
- 20 All services, including the street lighting system, must be underground and within the road reserve or subject by a suitable easement approved by the Group Manager Engineering Services.

- 21 Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.
- 22 The development must meet all required Conditions of Approval specified by TasWater notice, dated 17 May 2021 TWDA2021/00779-CCC.

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The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. The landowner is to contact the Department of State Growth to enter into negotiations with respect of the land containing the public footpath infrastructure, and its transfer/acquisition into the Rokeby Road reserve identified as CT 202294/1.
- d. Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993 which provides for substantial fines and daily penalties.



Ross Lovell

**MANAGER CITY PLANNING**

*THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 19 MAY 2003*



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	PDPSPAMEND-2021-019004	<b>Council notice date</b>	17/05/2021
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2021/00779-CCC	<b>Date of response</b>	31/05/2021
<b>TasWater Contact</b>	Phil Papps	<b>Phone No.</b>	0474 931 272
<b>Response issued to</b>			
<b>Council name</b>	CLARENCE CITY COUNCIL		
<b>Contact details</b>	cityplanning@ccc.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	30 HOLLAND CT, HOWRAH	<b>Property ID (PID)</b>	7276202
<b>Description of development</b>	8 Lot Subdivision		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Rogerson & Birch Surveyors	Plan of Subdivision / HOWCC01 12572-02	D	14/04/2021
JMG	Concept Services Plan / C01	P2	10/05/2021
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and 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.</li> <li>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.</li> <li>3. Prior to use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>5. Prior to applying for a Permit to Construct the 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.</li> <li>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.</li> <li>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.</li> <li>8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or</li> </ol>			

upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the concept servicing plan listed in the above schedule of drawings/documents, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.

9. After testing/disinfection, 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, 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. Work As Constructed drawings and documentation 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.
16. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:

- a. the exact location of the existing water/sewerage infrastructure,
- b. the easement protecting that infrastructure.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

#### DEVELOPMENT ASSESSMENT FEES

17. The applicant or landowner as the case may be, must pay a development assessment fee of \$351.28 and a Consent to Register a Legal Document fee of \$149.20 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.
18. 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>

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

The location of this infrastructure as shown on the GIS is indicative only.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.  
Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies.

#### 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 subdivisional approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey.

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

4.5m front setback  
10m x 15m rectangle (complies with A2)

A Road lot to be created containing the walkway and zoned Utilities.

Public right of way to pedestrian walkway on Rokeby Road until such time the balance is subdivided.

Delete the 2 blue ROW

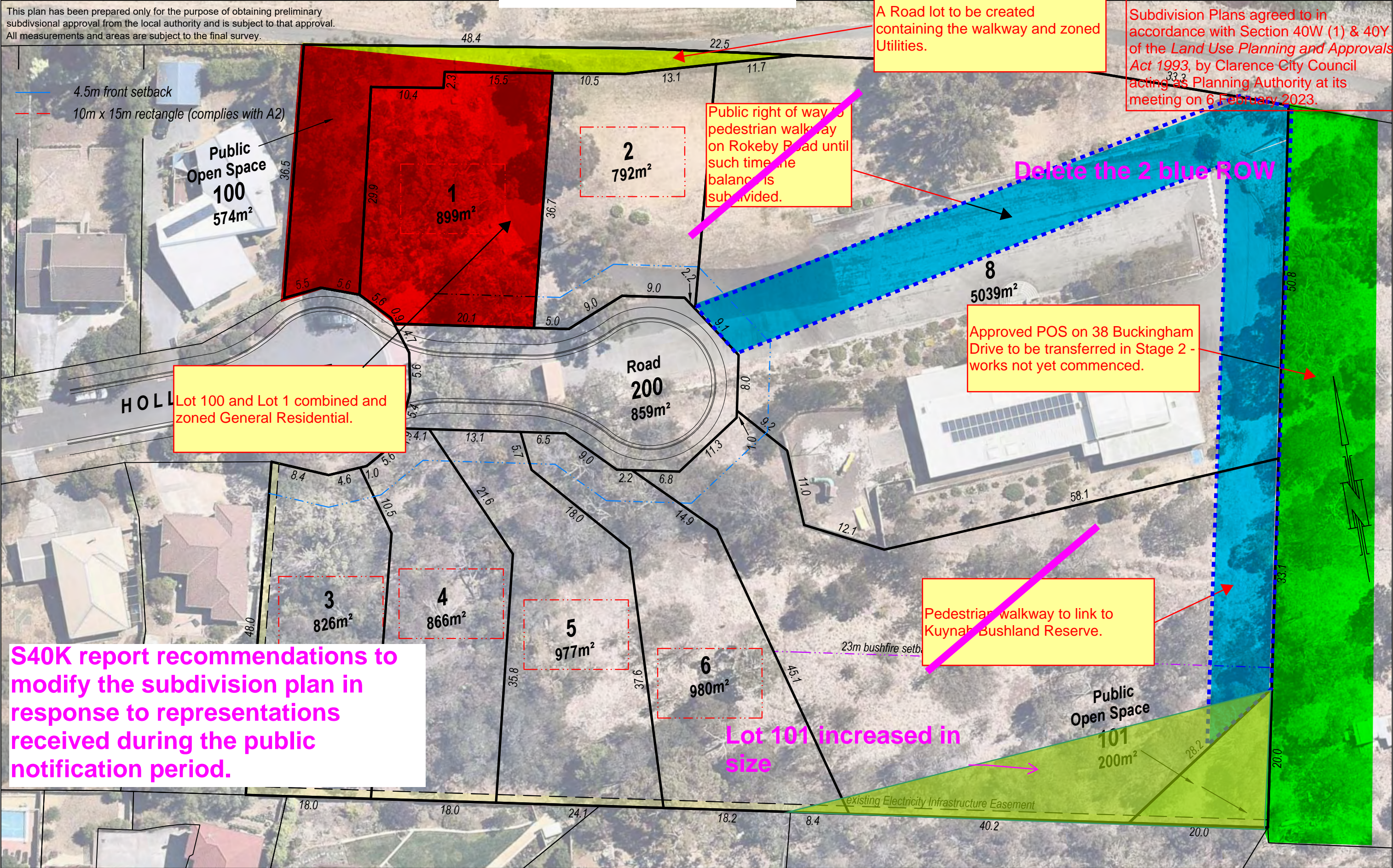
Approved POS on 38 Buckingham Drive to be transferred in Stage 2 - works not yet commenced.

Lot 100 and Lot 1 combined and zoned General Residential.

Pedestrian walkway to link to Kuynah Bushland Reserve.

S40K report recommendations to modify the subdivision plan in response to representations received during the public notification period.

Lot 101 increased in size



		AB	15-11-21	AB
				AB
				AB
				AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB
REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.



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

OWNER: CHURCHES OF CHRIST  
TITLE REFERENCE: C.T.35660/1  
LOCATION: 30 HOLLAND COURT  
HOWRAH

Proposed Subdivision

Date:	12-8-2022	Reference:	HOWCC01 12572-05
Scale:	1:500 (A3)	Municipality:	CLARENCE





30 Holland Court,  
Howrah  
Rezoning and Subdivision

Natural Values Assessment

06 January 2023

For JMG  
JMG026

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

Andrew North anorth@northbarker.com.au Philip Barker pbarker@northbarker.com.au  
163 Campbell Street Hobart TAS 7000 Telephone 03. 6231 9788 Facsimile 03. 6231 9877



Contributors:

Client Contact: Matthew Clark, Katrina Hill JMG

Field Assessment: Andrew North

Report and mapping: Andrew North

File Control

Version	Date	Author / Comment
First Draft 0.1	15/05/2020	Andrew North
0.2	01/06/2021	Andrew North
1.0	06/01/2023	Andrew North

**PDPSPAMEND-2021/019004**

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Address	30 Holland Court, Howrah, TAS 7018
PID	7276202
Volume/Folio	35660/1

**PDPSPAMEND-2021/019004**

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Tasmanian Planning Scheme	
Rezoning	8 General Residential
Current Zone	27 Community Purpose
Applicable Overlays	Priority Vegetation Area Relevant Code – Natural Assets
	Bushfire Prone Area Relevant Code – Bushfire E1
	Flood-prone Area Relevant Code – Flood-prone Hazard Areas Code
	Landslip Hazard Area - low Relevant Code – Landslip Hazard Code
Proposal	Subdivision to 8 lots, 2 parcels of public open space and road (extension to Holland Court)
Threatened flora	Cut leaf New Holland daisy – <i>Vittadinia muelleri</i> – Lot 1 <i>Rare Threatened Species Protection Act 1995</i>
Impact	<i>V. muelleri</i> - approx 20 plants (Lot 1)
Threatened fauna and habitat	9 x <i>Eucalyptus ovata</i> - black gums > 40cm DBH Foraging habitat for swift parrot
Impact	Lot 1 – 2 trees
Threatened vegetation	<i>E. ovata</i> dry forest (DOV) – 1111 sqm (0.1 ha) <i>Threatened Nature Conservation Act 2002</i>
Impact	Lot 1 – 675 sqm
	Lot 2 – 20 sqm
	Road – 20 sqm
	POS – 400 sqm
Native vegetation	<i>E. viminalis</i> dry forest (DVG) – 5140sqm
Impact	Lots 3-8 & Road – 495 sqm
	POS – 200 sqm

Natural Assets Code E27	<p>The Priority Vegetation Area extends over parts of Lots 3-7 and marginally in Lot 8. It does not include threatened vegetation, threatened fauna habitat or threatened flora all of which occur outside the PVA.</p> <p>Conforms to P1.1 (c) Subdivision in General Residential Zone.</p> <p>Partially conforms to P1.2 with adequate controls</p>
EPBC Act	No significant impact to MNES
TSP Act	A permit to take required for <i>Vittadinia muelleri</i>
NCA Act	No permit to take product of wildlife required
Weed Management Act	<p>Declared weeds present in project area including:</p> <p>Zone A</p> <ul style="list-style-type: none"> <li>• Patersons curse - A significant infestation in Lots 5-7</li> <li>• White weed - Lot 1</li> </ul> <p>Zone B –</p> <ul style="list-style-type: none"> <li>• Blackberry</li> <li>• Boneseed</li> <li>• Slender thistle</li> <li>• African boxthorn</li> </ul>

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

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**PDPSPAMEND-2021/019004**

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## 1 INTRODUCTION

### 1.1 Background

30 Holland Court is zoned as Community Purpose (Zone 27) under the Tasmanian Planning Scheme. The proponents propose to rezone the land to General Residential (Zone 8) to allow a subdivision of part of the land to form seven new residential lots, Public Open Space, Road Reserve as an extension to Holland Court and the balance that would retain the existing Church of Christ building. (Figure 1)

This report provides ecological assessment of the property and considers implications for the Natural Assets Code of the Tasmanian Planning Scheme to inform the appropriateness of the proposal.

### 1.2 Study area

The study area is in Howrah in south-eastern Tasmania (Figure 2). It is in the Tasmanian South East bioregion<sup>1</sup> in the Clarence City Council and is approximately 1.52ha in extent. The site is currently zoned as Community Purpose and is subject to the Natural Assets Code (E27) under the Tasmanian Planning Scheme.

The site is at 50-70 m above sea level and is located on the lower slopes of an unnamed drainage line immediately south of Rokeby Road.

Approximately a third of the site is developed with a church, car park and managed lawn. There are also the remnants of an abandoned vegetable garden.

There are remnants of native vegetation, albeit in a modified and degraded state which are connected by a narrow sliver of bushland to extensive native forested areas on the upper slopes of Rokeby Hills to the south.

The geology is Permian siltstone and sandstone to the north, with Jurassic dolerite to the south.

#### **PDPSPAMEND-2021/019004**

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<sup>1</sup> IBRA 7 (2012)



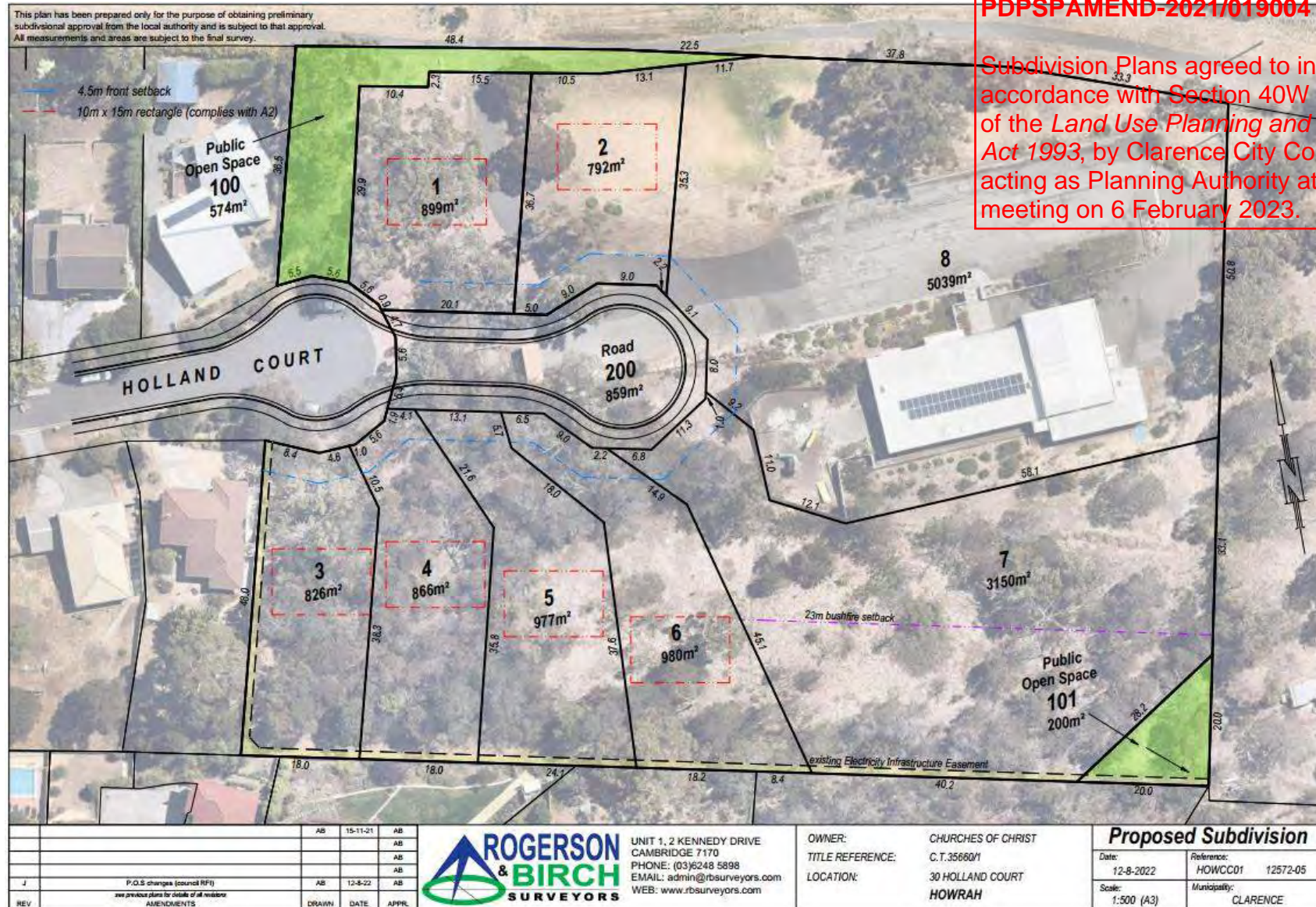


Figure 1: 30 Holland Court subdivision proposal

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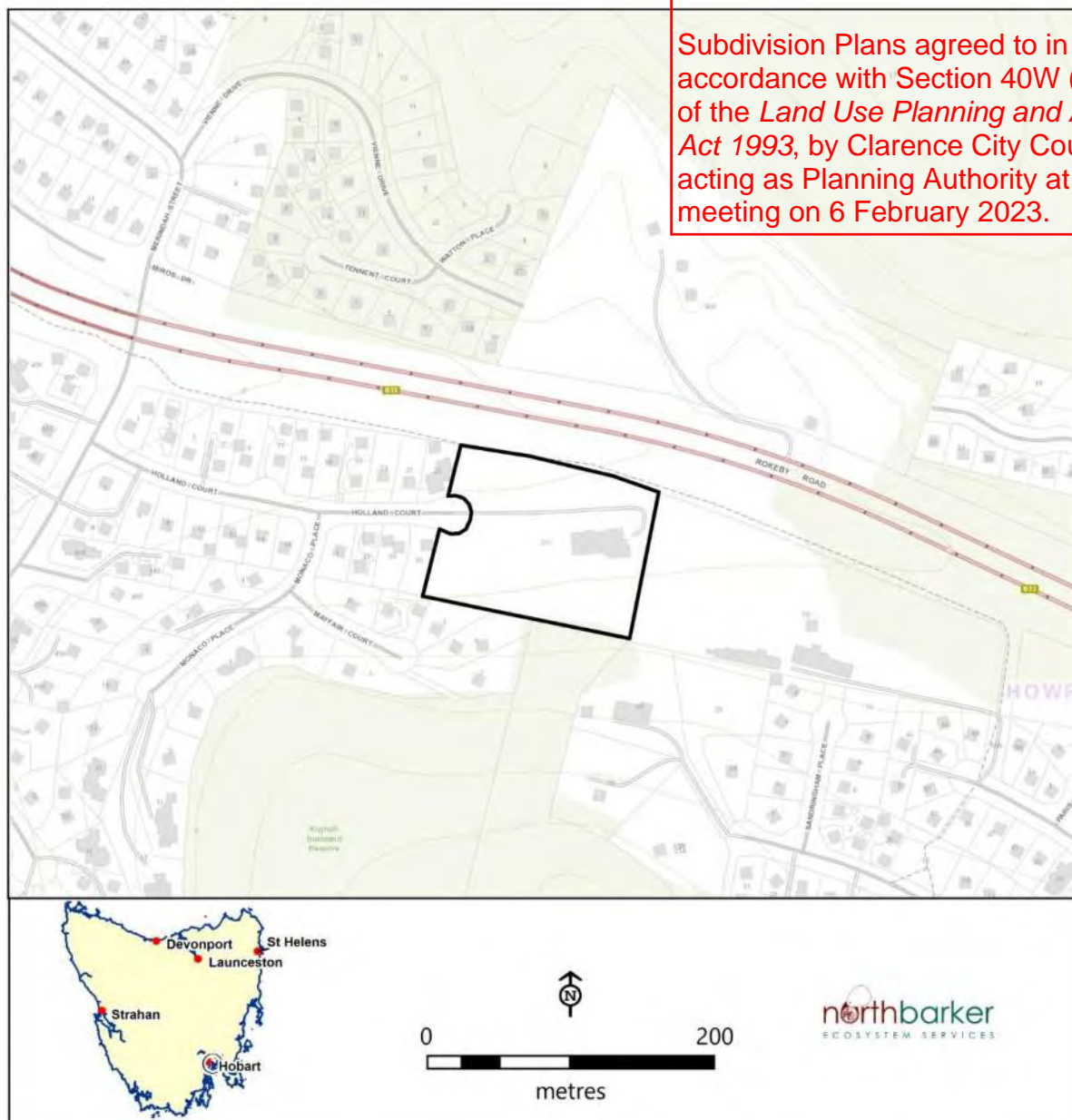


Figure 2: 30 Holland Court Location

## 2 METHODS

The following sources were used for biological records for the region:

- TASVEG version 4.0 digital layer<sup>2</sup>,
- Natural Values Atlas (NVA) - all threatened species records within 5 km of the study area and threatened fauna considered possible to occur in suitable habitat<sup>3</sup>,
- EPBCA Matters of National Environmental Significance database - a 5 km buffer was used to search for potential values<sup>4</sup>.

<sup>2</sup> DPIPWE (2020)

<sup>3</sup> DPIPWE Natural Values Atlas Report (2020) report #: nvr\_3\_29-Jan-2020

<sup>4</sup> Commonwealth of Australia, EPBC Protected Matters Search Tool Report (2020) report #: PMST\_L297YT



## 2.1 Botanical Survey

This assessment was undertaken in accordance with the 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'<sup>5</sup>. The survey was conducted over 2 visits in May 2020.

Native vegetation is mapped in accordance with units defined in TASVEG 4<sup>6</sup>. Vascular plants were recorded in accordance with the current census of Tasmanian plants<sup>7</sup>. The site was mapped using a meandering area search technique<sup>8</sup>. Particular attention was given to habitats suitable for threatened species under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA), and to 'declared' weeds under the Tasmanian *Weed Management Act 1999* (WMA)<sup>9</sup>.

## 2.2 Fauna survey

The survey was carried out in accordance with DPIPWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'<sup>10</sup>.

The study area was searched for the potential presence, habitat, and sign (e.g. scats, tracks, nests), threatened fauna concurrently with the botanical survey.

## 2.3 Limitations

Due to various limitations (e.g. variations in species presence and detectability), no biological survey can guarantee that all species will be recorded during a single visit. The field survey was undertaken in summer, so seasonal and ephemeral species/habitat may have been overlooked or are seasonally absent, including summer flowering species or winter ponds. However, we are confident the surveys sufficiently captured community level diversity. We compensate for survey limitations in part by considering all listed threatened species from data from the Tasmanian *Natural Values Atlas* (NVA) and Commonwealth's *EPBCA Protected Matters Search Tool* (MNES)<sup>11</sup>. These data include records of all threatened species known to occur, or with the potential to occur, up to 5 km from the study area.

# 3 RESULTS - BIOLOGICAL VALUES

A full inventory of all vascular plant species recorded on site is included in Appendix A.

A total of 73 species were recorded including (39 native and 34 introduced).

## 3.1 Vegetation communities

TASVEGv4.0 identifies the vast majority of the site as non-native (FUR – Urban Areas) with *E. viminialis* grassy forest (DVG) just extending across the southern boundary.

Our assessment has identified a much more extensive area of DVG plus a small patch of *E. ovata* forest (DOV) (Figure 3).

DOV is listed as a threatened community under the Tasmanian *Nature Conservation Act 2002*.

The northern portion of the site supporting DOV has been maintained in a low fuel state (Plate 1). It retains the canopy but has a cleared understorey. The ground surface is predominantly

<sup>5</sup> DPIPWE (2015)

<sup>6</sup> Kitchener and Harris (2013)

<sup>7</sup> de Salas and Baker (2019)

<sup>8</sup> Goff *et al.* (1982)

<sup>9</sup> Tasmanian State Government 1995; Commonwealth of Australia 1999; Tasmanian State Government 1999

<sup>10</sup> DPIPWE (2015)

<sup>11</sup> DPIPWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021

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made up of grasses, native and exotic, with various prostrate native herbs persisting in the layer.

The southern DVG includes a denser secondary shrub layer and understorey although the latter is generally sparse due to shading from the shrubs, notably black wattle *Acacia mearnsii*, drooping sheoak *Allocasuarina verticillata* and hop bush *Dodonaea viscosa*. It also includes a range of native sedges, grasses and herbs.



Plate 1: POS - *Eucalyptus ovata* forest and swift parrot foraging habitat

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Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



**Plate 2: Understorey of *E. viminalis* forest DVG - Lot 3**



**Plate 3: Cleared land with remnant *E. viminalis* – Lots 5 & 6**



### 3.2 Threatened Plants

One species of threatened flora listed on the Tasmanian *Threatened Species Protection Act 1995* are present (Figure 3).

- Cut leaf new holland daisy *Vittadinia muelleri*

20 small plants are scattered over a small area close to the turning circle of the cul-de-sac. These are predominantly in Lot 1 although a small number may extend into the adjacent POS.

*Vittadinia muelleri* is not uncommon in Clarence. There are records of 15 separate observations within 500m of the study area and 158 within 5km. Some of these include very large numbers of plants measured in the thousands. The population at this site is not significant when considered in that context.

Twelve other species of threatened flora have been recorded within 500 m and over 40 within 5 km. These are reviewed in Appendix B. Of these all but nine are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

### 3.3 Threatened Fauna Habitat

There are nine black gums (*Eucalyptus ovata*) with trunk diameters (DBH) greater than 40 cm with the largest trees occurring in the large balance lot with DBH of 60 cm.

These provide a potential foraging resource for the endangered nectivorous swift parrot (*Lathamus discolor*). There are no trees supporting hollows likely to be utilised by this species for nesting.

Sixteen other species of threatened fauna have been recorded within 500 m and over 50 within 5 km. These are reviewed in Appendix C. Of these most are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

One other species is considered to have a moderate likelihood of occurrence. The eastern barred bandicoot *Perameles gunnii* favours the mixed complex of open grassy areas for foraging with vegetated shelter.

The eastern barred bandicoot is not listed under State legislation (TSPA). Its inclusion on the EPBC listing is due to its extreme rarity on mainland Australia where it has suffered predation to European foxes. Bandicoots are not uncommon in urban bushlands around Greater Hobart. Animals may stray onto the property and may also utilise cover in the upper slopes.

There are just two records from within 500 m, the last in 1985. The impact to this species resulting from the proposed subdivision is not significant.

**PDPSPAMEND-2021/019004**

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Plate 4: Threatened flora *Vittadinia muelleri* on Lot 1

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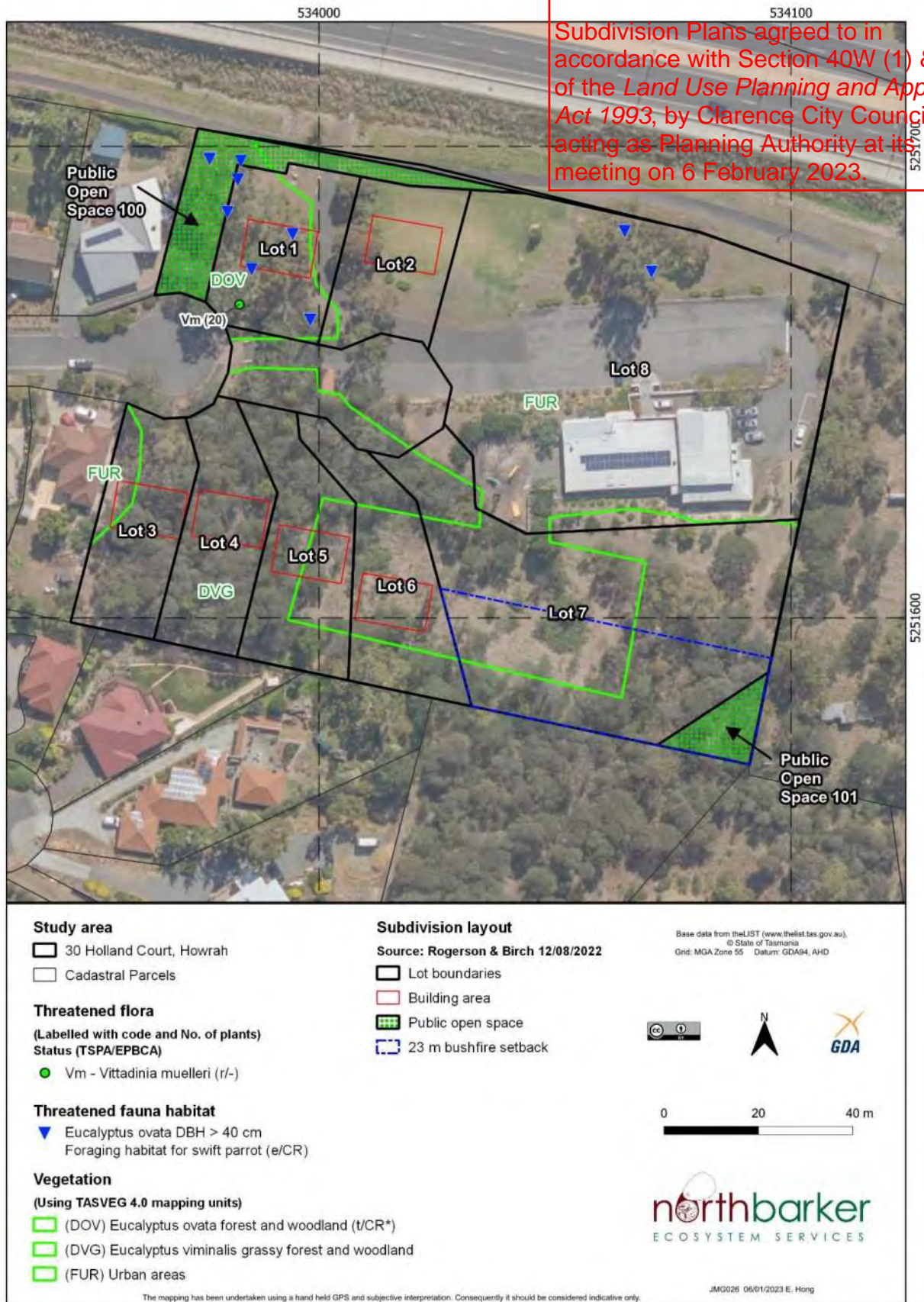


Figure 3: Natural Values



### 3.4 Declared weeds

Six species of declared weeds listed under the Tasmanian Weed management Act 1999 were recorded (Figure 4).

- African boxthorn *Lycium ferocissimum*

Occasional plant in edge of cleared land in DVG.

- Boneseed *Chrysanthemoides monillifera*

Scattered in bushland site. Most plants are seedlings and young plants. There is likely to be a significant seed bank in disturbed sections.

- Blackberry *Rubus fruticosus* agg.

Several dense patches throughout

- Slender thistle *Carduus pycnocephalus*

Seedlings in disturbed areas in DVG including one extensive patch.

- Patersons curse *Echium plantagineum*

One very dense infestation in old garden area surrounded by DVG. This is the most significant weed infestation on site.

- White weed *Lepidium draba*

Localised to grassland in POS.

The statutory weed management plans for these species identify Clarence as Zone A for Patersons curse and white weed for which the principal management objective is 'eradication'. It is listed as a Zone B for all others where the objective is 'control'.

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**Plate 5: Zone A weed: Paterson curse plant**



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**Plate 6: Zone A weed: Paterson curse infestation Lots 6 & 7**



**Plate 7: Zone A weed : white weed *Lepidium draba* POS**



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**Plate 8: Zone B weed blackberry *Rubus fruticosus* agg.**



**Plate 9: Zone B weed slender thistle *Carduus pycnocephalus***





Plate 10: Zone B weed: boneseed *Chrysanthemoides monilifera*

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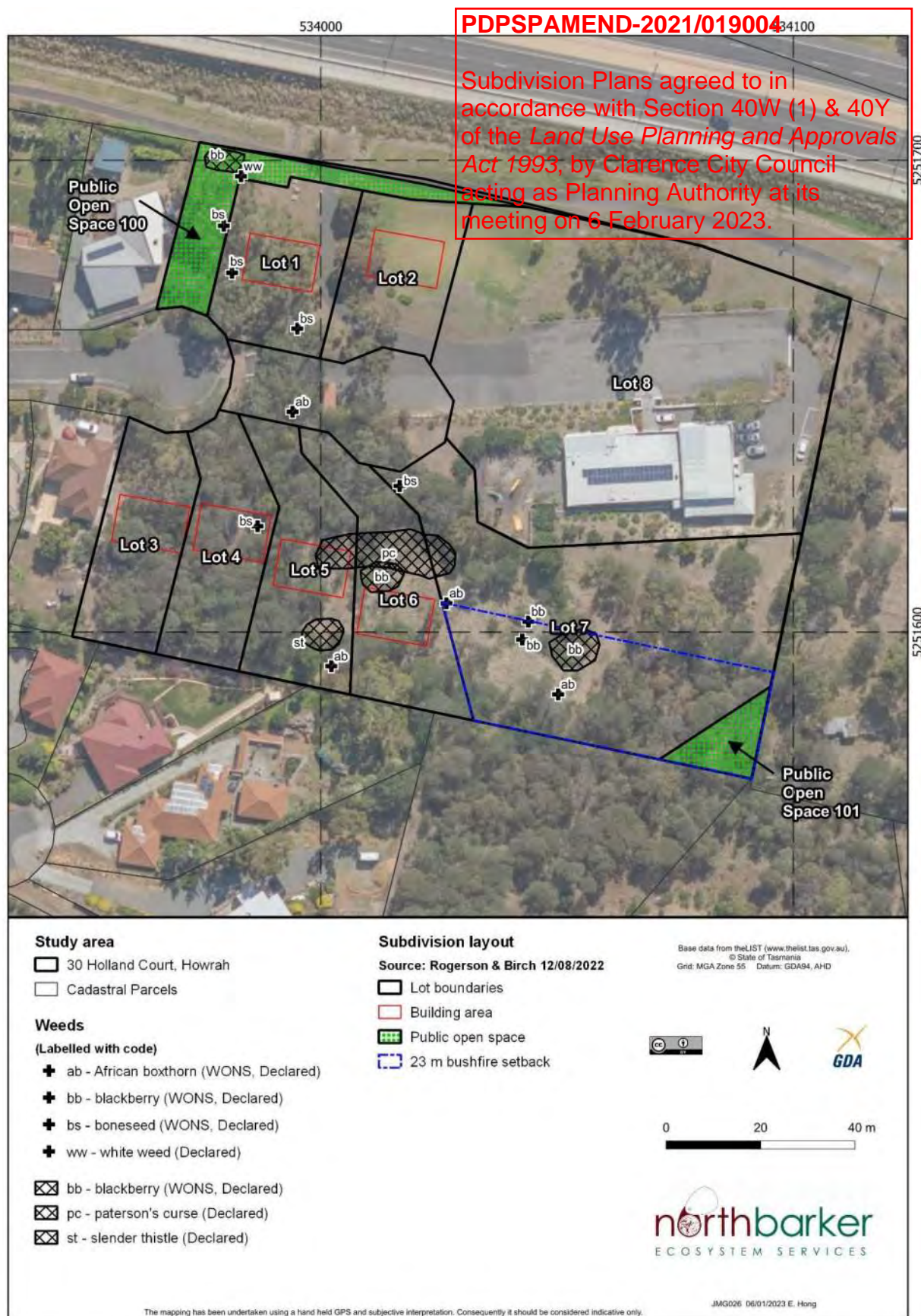


Figure 4: Weeds

## 4 IMPACT ASSESSMENT and MITIGATION

It is anticipated that the proposal will result in the loss of several habitat trees in Lot 1, although there may be opportunity to retain the trees close or on the boundary of the POS. Such an outcome is evident from the retention of occasional trees on residential lots to the west.

Limited potential for retention of vegetation is likely elsewhere other than large trees on Lot 8.

### 4.1 Vegetation communities

The high priority vegetation community *Eucalyptus ovata* forest (DOV) is confined to a small patch centred around Lot 1 and adjoining POS. This is highly modified through mowing of understorey but could potentially be retained in the POS.

The vegetation community in Lots 3-7 is not a priority vegetation. The *E. viminalis* grassy forest (DVG) is generally in moderate to poor condition. The central part of it was cleared and established as a vegetable garden resulting in the introduction of weeds that have spread into the surrounding bushland.

### 4.2 Threatened plants

One threatened plant species is present on Lot 1 where a localised patch of 20 or so plants of cut leaf new holland daisy (*Vittadinia muelleri*) were recorded. It should be expected that the persistence of these plants is very unlikely with anticipated intensification of use following the establishment of a residence and likely gardens.

### 4.3 Threatened fauna habitat

Black gums (*Eucalyptus ovata*) provide a potential foraging resource for the endangered swift parrot. There are seven *E. ovata* clustered in and around Lot 1. At least three are within the Lot are likely to be lost. One is in POS and three are on the boundary. These could be retained and ideally would be within the POS. The locations of these trees would need to be more accurately surveyed to determine which side of the boundary they occur. Two additional trees occur in the Balance (Lot 8) that need not be impacted.

### 4.4 Mitigation

There are limited opportunities to apply mitigation measures. Any trees within the POS can be retained subject to Council compliance. Controls could be placed through permit conditions or Part 5 Agreement to require retention of select habitat trees on Lots 1 and 8.

Any development approval would benefit from a weed management plan that:

- Treats all occurrences of declared weeds prior to works.
- Ensures best practice construction hygiene is practiced to prevent the spread of weed propagules in contaminated soil. This should involve cleaning all machinery before leaving the works area, as well as not bringing dirty machinery into the site.
- Follows up weed control implemented 6-12 months after works to treat any individuals that have colonised/recolonised the area.
- Includes provision to eradicate the **Paterson's** curse from Lots 5-7.

## 5 LEGISLATIVE REQUIREMENTS

### 5.1 Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

The EPBCA is structured for self-assessment; the proponent must determine whether or not the project is likely to have a significant impact on a matter of national environmental significance (MNES) such as a listed threatened species or community. If this is likely then the Department



of Environment and Energy may consider the proposed activity is a 'controlled action' which would require approval from the Commonwealth Minister.

Habitat for one MNES - the critically endangered swift parrot will be impacted should any *E. ovata* trees be removed as is expected. However, the scale of loss is not likely to constitute a significant impact.

#### 5.2 Tasmanian *Threatened Species Protection Act 1995*

A permit to take plants of the cut-leaf New Holland daisy (*Vittadinia muelleri*) from Lot 1 will be required. Considering the proximity to Holland Court there is potential risk of impact during civil works so the permit should be sought prior to the commencement of these activities.

#### 5.3 Tasmanian *Nature Conservation Act 2002*

Threatened vegetation communities are listed under Schedule 3A on the NCA.

*E. ovata* forest (DOV) is listed as a threatened community.

The NCA does not regulate impacts to these communities but informs relevant criteria in the Natural Assets Code of the Tasmanian Planning Scheme (refer 5.5).

#### 5.4 Tasmanian *Weed Management Act 1999*

Clarence is a Zone B municipality for four of the species of declared weed observed on site (blackberry, African boxthorn, slender thistle and boneseed). According to the provisions of the *Weed Management Act 1999*, Zone B municipalities are those which host widespread infestations where control and prevention of spread is the principle aim.

Clarence is Zone A for patersons curse and white weed for which the principle aim is eradication.

The *Clarence Weed Management Strategy*<sup>12</sup> provides a process and set of priorities for managing weeds throughout Clarence. This reflects the management priorities of the Weed Management Act. The Strategic Management objective 4 specifically relates to "strengthening assessment of weeds under the planning scheme" whereby permit conditions include measures to fund and implement weed management in alignment with the priorities of the Strategy.

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>12</sup> Clarence City Council 2016

## 5.5 Tasmanian Planning Scheme

The proposed rezoning has significant implications for the regulation of priority vegetation. Under the Tasmanian Planning Scheme the Natural Assets Code applies within the Community Purpose Zone for development. However for the General Residential Zone it only applies for subdivision (C7.2(c)xii).

It is therefore important to appreciate that the implications for future development need to be considered at the subdivision stage.

The application of the Natural Assets Code is severely constrained for 30 Holland Court by way that the priority vegetation overlay only covers small proportion of the property (Figure 4) completely missing the three types of priority vegetation that occur on the property.

A literal interpretation of the Natural Assets Code would therefore mean it does not apply to impacts to priority vegetation on the property thus failing to meet the Code Purpose. Considering the application is for a rezoning there would be good sense in having the overlay amended to capture all of the property to ensure it responds appropriately to the priority vegetation (threatened vegetation, threatened fauna habitat and threatened flora) that is present.

The following consideration of the Development Standards for Subdivision (C7.7) is based on the assumption that it is all within a priority vegetation area.

Natural C7.7.2 - Subdivision within a priority vegetation area

A1 – The Acceptable Solution - None of the criteria apply

P1.1 – Following rezoning to General residential clause (c) is met

P1.2 Works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to all of the following:

(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards.

(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;

(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;

Adverse impact to threatened vegetation (DOV) is partly minimised through provision of POS100 which captures xx sq m representing xx %. The greatest loss of threatened vegetation is a result of Lot 1

Adverse impact to threatened flora is not minimised with a very likely loss of *V. muelleri* which is located within Lt 1 and possibly the road extension. NB the population is barely viable at this site.

Adverse impact to Threatened fauna habitat (black gums) is partially minimised by capturing at least 2 trees in POS.

To further minimise adverse impacts the POS100 would need to be extended into much of Lot 1.

**PDPSPAMEND-2021/019004**

for Subdivision (C7.7) is based on

**Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the Land Use Planning and Approvals Act 1993, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.**

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

Mitigation could be achieved through controls to retain *E. ovata* trees in Lot 1 on POS/Lot 1 boundary and on Lot 8.

Weed management across the site will reduce risk of weed spread associated with intensification of activities on site but also reduce the threat weed pose ot retained vegetation on site and also to vegetation on adjoining reserve to the south.

(e) any on-site biodiversity offsets.

Opportunities for biodiversity offsets on site are limited. Some limited on-site biodiversity offset could be achieved through the establishment of strict management controls that would ensure any priority vegetation within the POS is managed and protected.

(f) any existing cleared areas on the site.

The consideration of this clause is really only applicable when dealing with large lots where building envelopes could be located in areas already cleared allowing the retention of priority vegetation within the surrounding land. This is not applicable at the scale of lot sizes created by the subdivision.

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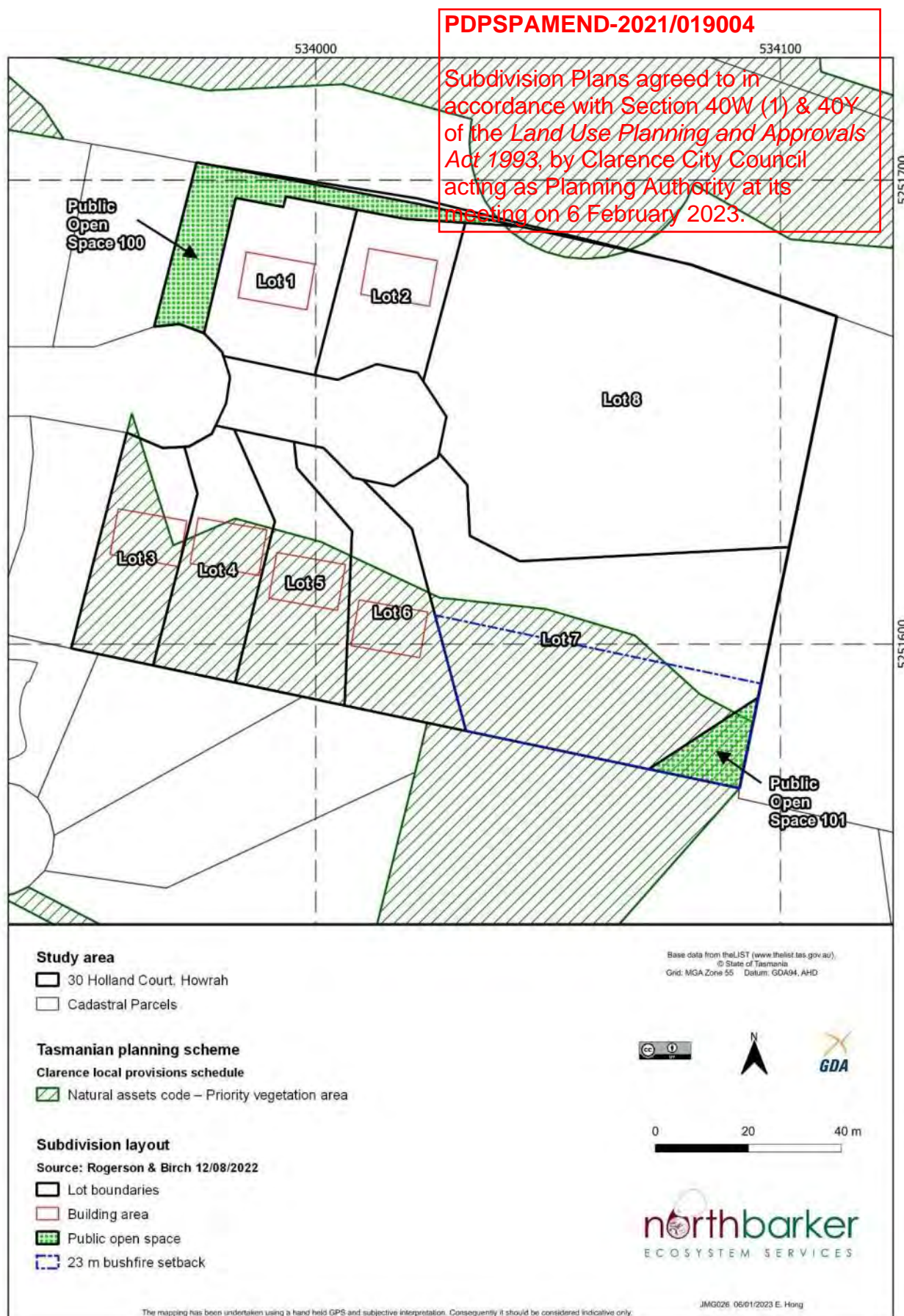


Figure 5: Priority Vegetation



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## Appendix A: Vascular Plant Species List

### 30 Holland Court, Howrah

#### Status codes:

##### ORIGIN

i - introduced  
d - declared weed WM Act  
en - endemic to Tasmania  
t - within Australia, occurs only in Tas.

##### NATIONAL SCHEDULE

EPBC Act 1999  
CR - critically endangered  
EN - endangered  
VU - vulnerable

##### STATE SCHEDULE

TSP Act 1995  
e - endangered  
v - vulnerable  
r - rare

#### Sites:

1 DVG - E. viminalis dry forest - E533990, N5251620 4/05/2020 Andrew J. North  
2 DOV Eucalyptus ovata dry forest - E533980, N5251680 11/05/2020 Andrew J. North

Site	Name	Common name	Status
<b>DICOTYLEDONAE</b>			
<b>AIZOACEAE</b>			
1	<i>Carpobrotus rossii</i>	native pigface	
1	<i>Mesembryanthemum cordifolium</i>	heartleaf iceplant	i
<b>ASTERACEAE</b>			
1	<i>Carduus pycnocephalus</i>	slender thistle	d
2	<i>Cassinia aculeata</i> subsp. <i>aculeata</i>	dollybush	
2	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	d
2	<i>Chrysocephalum apiculatum</i>	common everlasting	
1	<i>Cirsium vulgare</i>	spear thistle	i
1 2	<i>Cotula australis</i>	southern buttons	
1 2	<i>Dimorphotheca fruticosa</i>	trailing daisy	i
1	<i>Leontodon saxatilis</i>	hairy hawkbit	i
2	<i>Senecio glomeratus</i>	shortfruit purple fireweed	
1	<i>Silybum marianum</i>	variegated thistle	i
1	<i>Sonchus asper</i>	prickly sowthistle	i
2	<i>Sonchus oleraceus</i>	common sowthistle	i
2	<i>Taraxacum officinale</i>	common dandelion	i
2	<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r
<b>BORAGINACEAE</b>			
1 2	<i>Cynoglossum suaveolens</i>	sweet houndstongue	
1	<i>Echium plantagineum</i>	patersons curse	d
<b>BRASSICACEAE</b>			
1	<i>Hirschfeldia incana</i>	hoary mustard	i
1	<i>Lepidium didymum</i>	lesser swinecress	i
2	<i>Lepidium draba</i>	hoary cress	d
2	<i>Lepidium pseudotasmanicum</i>	shade peppergrass	
<b>CARYOPHYLLACEAE</b>			
1	<i>Polycarpon tetraphyllum</i>	fourleaf allseed	i
1	<i>Stellaria media</i>	garden chickweed	i
<b>CASUARINACEAE</b>			
1 2	<i>Allocasuarina verticillata</i>	drooping sheoak	
<b>CHENOPODIACEAE</b>			
1 2	<i>Einadia nutans</i> subsp. <i>nutans</i>	climbing saltbush	
<b>CRASSULACEAE</b>			
1	<i>Crassula</i> sp.		i
<b>ERICACEAE</b>			
2	<i>Astroloma humifusum</i>	native cranberry	
1	<i>Lissanthe strigosa</i> subsp. <i>subulata</i>	peachberry heath	

<b>EUPHORBIACEAE</b>			
1	<i>Euphorbia peplus</i>	petty spurge	i
<b>FABACEAE</b>			
2	<i>Acacia howittii</i>	howitt's wattle	i
1 2	<i>Acacia mearnsii</i>	black wattle	
2	<i>Pultenaea pedunculata</i>	matted bushpea	
1	<i>Vicia tetrasperma</i>	smooth vetch	i
<b>FUMARIACEAE</b>			
1	<i>Fumaria sp.</i>	fumitory	i
<b>GERANIACEAE</b>			
1	<i>Erodium cicutarium</i>	common heron's bill	i
<b>HEMEROCALLIDACEAE</b>			
1 2	<i>Dianella revoluta</i>	spreading flaxlily	
<b>LINACEAE</b>			
2	<i>Linum marginale</i>	native flax	
<b>MALVACEAE</b>			
1	<i>Malva sp.</i>	mallow	i
<b>MYRTACEAE</b>			
1	<i>Eucalyptus amygdalina</i>	black peppermint	en
1 2	<i>Eucalyptus ovata var. ovata</i>	black gum	
1	<i>Eucalyptus viminalis subsp. viminalis</i>	white gum	
<b>OXALIDACEAE</b>			
1	<i>Oxalis perennans</i>	grassland woodsorrel	
<b>PITTOSPORACEAE</b>			
1	<i>Billardiera heterophylla</i>	bluebell creeper	i
1	<i>Bursaria spinosa subsp. spinosa</i>	prickly box	
2	<i>Pittosporum undulatum</i>	sweet pittosporum	i
1	<i>Pittosporum undulatum subsp. undulatum</i>	sweet pittosporum	i
<b>PLANTAGINACEAE</b>			
2	<i>Plantago lanceolata</i>	ribwort plantain	i
<b>RHAMNACEAE</b>			
1	<i>Pomaderris pilifera</i>	hairy dogwood	
<b>ROSACEAE</b>			
1 2	<i>Acaena echinata</i>	spiny sheeps burr	
1	<i>Rosa rubiginosa</i>	sweet briar	i
1 2	<i>Rubus fruticosus</i>	blackberry	d
<b>RUBIACEAE</b>			
2	<i>Galium gaudichaudii</i>	rough bedstraw	
<b>SANTALACEAE</b>			
1 2	<i>Exocarpos cupressiformis</i>	common native-cherry	
<b>SAPINDACEAE</b>			
1 2	<i>Dodonaea viscosa subsp. spatulata</i>	broadleaf hopbush	
<b>SOLANACEAE</b>			
1 2	<i>Lycium ferocissimum</i>	african boxthorn	d
1	<i>Solanum nigrum</i>	blackberry nightshade	i
<b>URTICACEAE</b>			
1	<i>Urtica incisa</i>	scrub nettle	
<b>MONOCOTYLEDONAE</b>			
<b>ASPARAGACEAE</b>			
1 2	<i>Lomandra longifolia</i>	sagg	

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<b>CYPERACEAE</b>		
2	<i>Carex breviculmis</i>	shortstem sedge
1	<i>Lepidosperma curtisiae</i>	little sword sedge
<b>JUNCACEAE</b>		
1	<i>Juncus pallidus</i>	pale rush
<b>POACEAE</b>		
1	<i>Anthosachne scabra</i>	rough wheatgrass
2	<i>Austrostipa flavescens</i>	yellow speargrass
1	<i>Austrostipa mollis</i>	soft speargrass
1	<i>Austrostipa sp.</i>	speargrass
1	<i>Dactylis glomerata</i>	cocksfoot i
1 2	<i>Ehrharta erecta</i>	panic veldtgrass i
2	<i>Poa rodwayi</i>	velvet tussockgrass
2	<i>Rytidosperma caespitosum</i>	common wallabygrass
1	<i>Rytidosperma sp.</i>	wallabygrass
1	<i>Themeda triandra</i>	kangaroo grass

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Appendix B: Flora species of conservation significance known to occur within a 5 km radius of the study area<sup>13</sup>

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
Known from within 500 m			
<i>Asperula scoparia</i> subsp. <i>scoparia</i> prickly woodruff	Rare/ -	Low	<i>Asperula scoparia</i> subsp. <i>scoparia</i> is widespread in Tasmania and is mainly found in native grasslands and grassy forests, often on fertile substrates such as dolerite-derived soils. Forested sites are usually dominated by <i>Eucalyptus globulus</i> and <i>E. viminalis</i> (lower elevations) and <i>E. delegatensis</i> (higher elevations).
<i>Atriplex suberecta</i> sprawling saltbush	Vulnerable/ -	None	<i>Atriplex suberecta</i> occurs in a wide range of habitats on most soil types, including saline areas, but is most commonly found in disturbed areas.
<i>Austrostipa bigeniculata</i> doublejointed speargrass	Rare/ -	Low	<i>Austrostipa bigeniculata</i> is found mainly in the south-east and Midlands in open woodlands and grasslands on fertile soils, where it is often associated with <i>Austrostipa nodosa</i> .
<i>Austrostipa blackii</i> crested speargrass	Rare/ -	None	The habitat of <i>Austrostipa blackii</i> is poorly understood because of confusion with other species. In its "pure" form (i.e. long coma), <i>A. blackii</i> is a species of very near-coastal sites such as the margins of saline lagoons, creek outfalls and vegetated dunes. Further inland, where it seems to grade into other species, it occurs in open grassy woodlands.
<i>Bolboschoenus caldwellii</i> sea clubssedge	Rare/ -	None	<i>Bolboschoenus caldwellii</i> is widespread in shallow, standing, sometimes brackish water, rooted in heavy black mud.
<i>Caladenia filamentosa</i> daddy longlegs	Rare / -	None	<i>Caladenia filamentosa</i> occurs in lowland heathy and sedgy eucalypt forest and woodland on sandy soils and finer grained sediments such as mudstones.
<i>Dianella amoena</i> grassland flaxlily	Rare / ENDANGERED	None	<i>Dianella amoena</i> occurs mainly in the northern and southern Midlands, where it grows in native grasslands and grassy woodlands.
<i>Eucalyptus risdonii</i> risdon peppermint	Rare / -	None	<i>Eucalyptus risdonii</i> is restricted to the greater Hobart area (particularly the Meehan Range), with an outlying population at Mangalore and on South Arm. It occurs on mudstone, with an altitudinal range from near sea level to 150 m above sea level. It can occur as a dominant in low open forest with a sparse understorey on dry, insolated ridgelines and slopes (e.g. with a north-west aspect), and individuals can extend into other forest types typically dominated by <i>E. tenuiramis</i> or <i>E. amygdalina</i> (but occasionally by other species) on less exposed sites.

<sup>13</sup> DPIWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021<sup>14</sup> Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*

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Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Scleranthus fasciculatus</i> spreading knawel	Vulnerable/ -	Low	<i>Scleranthus fasciculatus</i> is only recorded from a few locations in the Midlands and south-east. The vegetation at most of the sites is Poa grassland/grassy woodland. <i>Scleranthus fasciculatus</i> appears to need gaps between the tussock spaces for its survival and both fire and stock grazing maintain the openness it requires. Often found in areas protected from grazing such as in the shelter of fallen trees and branches.
<i>Senecio squarrosus</i> leafy fireweed	Rare / -	Low	<i>Senecio squarrosus</i> occurs in a wide variety of habitats. One form occurs predominantly in lowland damp tussock grasslands. The more widespread and common form occurs mainly in dry forests (often grassy) but extends to wet forests and other vegetation types.
<i>Sirophysalis trinodis</i> three-node seaweed	Rare / -	None	Marine environments
<i>Stenopetalum lineare</i> narrow threadpetal	Endangered/ -	None	The prime habitat for <i>Stenopetalum lineare</i> appears to be grass-covered low dunes but it also extends to scrub-covered dunes (coast wattle) and there is one inland site on a rocky outcrop in dry sclerophyll forest.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	Rare / -	Present	<i>Vittadinia muelleri</i> occurs in dry native grasslands and grassy woodlands particularly in open areas with lighter grass cover and patches of bare ground such as rock plates. It freely colonises disturbed sites such as roadside cuttings. It is widely dispersed through the Midlands and South East.
Known from within 5 km and not listed above			
<i>Acacia ulicifolia</i> Juniper wattle	Rare/-	None	<i>Acacia ulicifolia</i> is found in sandy coastal heaths and open heathy forest and woodland in the north and east of Tasmania. Populations are often sparsely distributed and most sites are near-coastal but it can occasionally extend inland (up to 30 km).
<i>Austroparmelina whinrayi</i> lichen	Rare / -	None	Foliose lichen known from very few sites in scrub and woodland dispersed around coastal Tasmania
<i>Caladenia caudata</i> tailed spider-orchid	Vulnerable/ VULNERABLE	Low	<i>Caladenia caudata</i> has highly variable habitat, which includes the central north: <i>Eucalyptus obliqua</i> heathy forest on low undulating hills; the north-east: <i>E. globulus</i> grassy/heathy coastal forest, <i>E. amygdalina</i> heathy woodland and forest, <i>Allocasuarina</i> woodland; and the south-east: <i>E. amygdalina</i> forest and woodland on sandstone, coastal <i>E. viminalis</i> forest on deep sands. Substrates vary from dolerite to sandstone to granite, with soils ranging from deep windblown sands, sands derived from sandstone and well-developed clay loams developed from dolerite. A high degree of insolation is typical of many sites
<i>Calocephalus citreus</i> lemon beautyheads	Rare / -	None	<i>Calocephalus citreus</i> inhabits disturbed dry grasslands and is found from a few locations in the south-east of the State.

Subdivision 30 Holland Court Howrah: Subdivision  
 accordance with Section 40W (1) & 40Y  
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Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Carex longebrachiata</i> drooping sedge	Rare / -	None	<i>Carex longebrachiata</i> grows along riverbanks, in rough grassland and pastures, in damp drainage depressions and on moist slopes amongst forest, often dominated by <i>Eucalyptus viminalis</i> , <i>E. ovata</i> or <i>E. rodwayi</i> .
<i>Comesperma defoliatum</i> leafless milkwort	Rare / -	None	The habitat of <i>Comesperma defoliatum</i> includes wet heathland/sedgeland, buttongrass moorland, coastal low scrub and on the crests of dunes. It has also been recorded from flat alkaline pans. The predominant substrates include peat, quartzite and sand.
<i>Cotula vulgaris</i> var. <i>australasica</i> slender buttons	Rare / -	None	<i>Cotula vulgaris</i> var. <i>australasica</i> habitat includes saline herbfields, rocky coastal outcrops, and wet or brackish swamps.
<i>Cuscuta tasmanica</i> golden dodder	Rare / -	None	<i>Cuscuta tasmanica</i> is known from saline areas and brackish marshes often, but not exclusively, on plants of <i>Wilsonia backhousei</i> (narrowleaf wilsonia).
<i>Damasonium minus</i> starfruit	Rare / -	None	<i>Damasonium minus</i> occupies swampy habitat and farm dams and prefers slow-flowing or stationary water.
<i>Eryngium ovium</i> blue devil	Vulnerable/ -	None	<i>Eryngium ovium</i> occurs in a range of lowland vegetation types most often on fertile heavy clay soils derived from dolerite. Vegetation types include open grasslands usually dominated by <i>Themeda triandra</i> (kangaroo grass), grassy forests and woodlands on slopes, ridges and broad flats, and also roadside verges (representing remnant populations).
<i>Eucalyptus morrisbyi</i> morrisbys gum	Endangered/ ENDANGERED	None	<i>Eucalyptus morrisbyi</i> occurs in coastal, dry sclerophyll woodland on gentle to hilly slopes with poor drainage. It tends to be restricted to gullies that offer some relief in this drought-prone, low rainfall area. It is associated with poor soils. The Calverts Hill subpopulation and associated remnant stands occurring on recent sands overlying dolerite and the Risdon subpopulation on Permian mudstone.
<i>Eutaxia microphylla</i> spiny bushpea	Rare / -	None	On Flinders Island, <i>Eutaxia microphylla</i> mainly occurs in windswept coastal heathland on calcarenite. On mainland Tasmania, the species usually occurs in low open coastal shrubbery and on cliff edges (various substrates). The local record is of a historic collection – 1931 from Cambridge
<i>Haloragis heterophylla</i> variable raspwort	Rare / -	Low	<i>Haloragis heterophylla</i> occurs in poorly-drained sites (sometimes only marginally so), which are often associated with grasslands and grassy woodlands with a high component of <i>Themeda triandra</i> (kangaroo grass). It also occurs in grassy/sedgy <i>Eucalyptus ovata</i> forest and woodland, shrubby creek lines, and broad sedgy/grassy flats, wet pasture and margins of farm dams.
<i>Hyalosperma demissum</i> moss sunray	Endangered/ -	None	<i>Hyalosperma demissum</i> grows on rock pavements or shallow sandy soils in some of Tasmania's driest regions, and also in scalded patches in <i>Eucalyptus amygdalina</i> heathy/grassy woodland. The underlying substrate is mostly Jurassic dolerite, with occasional occurrences on

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
			Triassic sandstone and also Cainozoic sediments with a laterite lag. The elevation range of recorded sites in Tasmania is 30-470 m above sea level, with an annual rainfall range of less than 600 mm.
<i>Isolepis stellata</i> star clubsedge	Rare / -	None	<i>Isolepis stellata</i> has been recorded from near-coastal areas in the State's north and east, and also in the Northern Midlands near Conara. Habitat includes the margins of sedgy wetlands, wet soaks and seasonally inundated heathy sedgeland; the altitude of recorded sites in Tasmania ranges from close to sea level to elevations of 240 m above sea level.
<i>Lachnagrostis robusta</i> tall blowgrass	Rare / -	None	<i>Lachnagrostis robusta</i> occurs in saline situations such as the margins of coastal and inland saline lagoons.
<i>Lepidium hyssopifolium</i> soft peppergrass	Endangered/ ENDANGERED	Low	The native habitat of <i>Lepidium hyssopifolium</i> is the growth suppression zone beneath large trees in grassy woodlands and grasslands (e.g. over-mature black wattles and isolated eucalypts in rough pasture). <i>Lepidium hyssopifolium</i> is now found primarily under large exotic trees on roadsides and home yards on farms. It occurs in the eastern part of Tasmania between sea-level to 500 metres above sea level in dry, warm and fertile areas on flat ground on weakly acid to alkaline soils derived from a range of rock types. It can also occur on frequently slashed grassy/weedy roadside verges where shade trees are absent.
<i>Lepilaena patentifolia</i> spreading watermat	Rare / -	None	<i>Lepilaena patentifolia</i> occurs in coastal lagoons, creeks, inlets and estuaries and brackish inland lagoons.
<i>Lepilaena preissii</i> slender watermat	Rare / -	None	<i>Lepilaena preissii</i> occurs in fresh and brackish lagoons, and estuaries.
<i>Limonium australe</i> var. <i>australe</i> yellow sea-lavender	Rare / -	None	<i>Limonium australe</i> var. <i>australe</i> occurs in succulent or graminoid saltmarsh close to the high water mark, typically near small brackish streams.
<i>Lobelia pratioides</i> poison lobelia	Vulnerable/ -	None	<i>Lobelia pratioides</i> occurs in seasonally inundated to waterlogged soils at the margins of swamps, wetlands and drainage lines, and also in damp depressions within grassland and grassy woodland.
<i>Olearia hookeri</i> crimsontip daisybush	Rare / -	None	<i>Olearia hookeri</i> is found on dry hills around Hobart in the State's south and also along the central east coast. It grows within eucalypt woodlands with a mixed grassy-shrubby understorey, favouring north-north-westerly slopes on mudstone (except for an atypical occurrence on dolerite at Templestowe flats near Seymour). In the south of the State the habitat is dominated by <i>Eucalyptus amygdalina</i> , <i>Eucalyptus risdonii</i> or <i>Eucalyptus tenuiramis</i> ; in the central east near Mt Peter the habitat is dominated by <i>Eucalyptus sieberi</i> over a very sparse understorey.



Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Poa mollis</i> soft tussockgrass	Rare / -	None	<i>Poa mollis</i> is relatively widespread in the eastern half of the State, in dry sclerophyll forest and woodland (often dominated by <i>Eucalyptus amygdalina</i> , <i>E. viminalis</i> or <i>Allocasuarina verticillata</i> ). Sites are often steep and rocky (e.g. Cataract Gorge).
<i>Pterostylis wapstrarum</i> fleshy greenhood	Endangered/ CRITICALLY ENDANGERED	None	<i>Pterostylis wapstrarum</i> is restricted to the Midlands and south-east of Tasmania where it occurs in native grassland and possibly grassy woodland. It has been reported from basalt soils.
<i>Ranunculus pumilio</i> var. <i>pumilio</i> ferny buttercup	Rare / -	None	<i>Ranunculus pumilio</i> var. <i>pumilio</i> occurs mostly in wet places (e.g. broad floodplains of permanent creeks, "wet pastures") from sea level to altitudes of 800-900 m above sea level.
<i>Ruppia megacarpa</i> largefruit seatassel	Rare / -	None	<i>Ruppia megacarpa</i> occurs in estuaries and lagoons along the east and south-east coasts, and brackish lagoons in the Midlands; there is also an historic record from the Tamar estuary in the States' north.
<i>Ruppia tuberosa</i> tuberous seatassel	Rare / -	None	<i>Ruppia tuberosa</i> has been recorded from the State's south-east at Ralphs Bay and Blackman Bay, where it grows in holes and channels in saltmarshes.
<i>Scleranthus diander</i> tufted knawel	Vulnerable/ -	None	<i>Scleranthus diander</i> is found from the Central Midlands area to Hobart with most of the records from the Ross and Tunbridge areas. This species inhabits grassy woodland and is associated with dolerite and basalt substrates. Local record is dubious - unsubstantiated observation from Mt Rumney
<i>Stuckenia pectinate</i> fennel pondweed	Rare / -	None	<i>Stuckenia pectinata</i> is found in fresh to brackish/saline waters in rivers, estuaries and inland lakes. It forms dense stands or mats, particularly in slow-flowing or static water. The species grows in water of various depth.
<i>Teucrium corymbosum</i> forest germander	Rare / -	Low	<i>Teucrium corymbosum</i> occurs in a wide range of habitats from rocky steep slopes in dry sclerophyll forest and <i>Allocasuarina</i> (sheoak) woodland, riparian flats and forest.
<i>Thelymitra bracteata</i> leafy sun-orchid	Endangered/ -	None	<i>Thelymitra bracteata</i> occurs in open grassy and heathy forest/woodland on mudstone and sandstone. At Rosny Hill site, <i>Thelymitra bracteata</i> is most abundant on the top of the hill on open ground with dense exotic grasses and sparse in a remnant patch of native grass close to <i>Allocasuarina verticillata</i> woodland. At Conningham, the species occurs in a canopy gap created by a rough track amongst heathy <i>Eucalyptus amygdalina</i> forest on Triassic sandstone.
<i>Triglochin minutissima</i> tiny arrowgrass	Rare / -	None	<i>Triglochin minutissima</i> inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas.
<i>Velleia paradoxa</i> spur velleia	Vulnerable/ -	Low	<i>Velleia paradoxa</i> is known from the Hobart and Launceston areas, and the Midlands and the Derwent Valley, where it occurs in grassy woodlands or grasslands on dry sites. It has been recorded up to 550 m above sea level at sites with an annual rainfall range of 450-750 mm.

Species	Status TSPA / EPBCA <sup>14</sup>	Potential to occur in study area	Observations and preferred habitat
<i>Vittadinia cuneata</i> var. <i>cuneata</i> fuzzy new-holland-daisy	Rare / -	Low	<i>Vittadinia cuneata</i> var. <i>cuneata</i> occurs in native grassland and grassy woodland on fertile soils, typically overlying basalt. It is confined to the Derwent Valley, Central Midlands and central East Coast on areas of lowest rainfall in Tasmania.
<i>Vittadinia gracilis</i> woolly new-holland-daisy	Rare / -	Low	<i>Vittadinia gracilis</i> occurs in dry grassy habitats, often in relatively degraded grasslands and grassy woodlands. It has been found to occur in low- rainfall areas, on a range of substrates.
<i>Wilsonia rotundifolia</i> roundleaf wilsonia	Rare / -	None	<i>Wilsonia rotundifolia</i> is found in coastal and inland saltmarshes in the eastern part of the State.
<i>Xerochrysum palustre</i> swamp everlasting	- (v pending)/ VULNERABLE	None	<i>Xerochrysum palustre</i> has a scattered distribution with populations in the north-east, east coast, Central Highlands and Midlands, all below about 700 m elevation. It occurs in wetlands, grassy to sedgy wet heathlands and extends to associated heathy <i>Eucalyptus ovata</i> woodlands. Sites are usually inundated for part of the year.

**PDPSPAMEND-2021/019004**

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Appendix C: Fauna species of conservation significance previously recorded, or which may potentially occur, within 5 km of the study area<sup>15</sup>

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
Known from 500 m			<b>PDPSPAMEND-2021/019004</b>
MAMMALS			
<i>Eubalaena australis</i> Southern right whale	Endangered/ ENDANGERED	None	Marine species
<i>Megaptera novaeangliae</i> Humpback whale	Endangered/ VULNERABLE	None	Marine species
<i>Mirounga leonina</i> subsp. <i>Macquariensis</i> Southern elephant seal	Endangered/ VULNERABLE	None	Marine species
<i>Perameles gunnii gunnii</i> Eastern-barred bandicoot	-/VULNERABLE	Moderate	Inhabits grassy woodlands, native grasslands, and mosaics of pasture and shrubby ground cover favouring open grassy areas for foraging with thick vegetation cover for shelter and nesting. It has a widely dispersed range with concentrations in SE, NE and NW Tasmania and some areas of the State from where it is absent or in very low densities. It extends into the urban fringe where it can survive in large gardens and bushland reserves. It favours a mosaic of open grassy areas for foraging and thick vegetation cover for shelter and nesting.
<i>Pteropus poliocephalus</i> Grey-headed flying-fox	-/VULNERABLE	None	Vagrant
BIRDS			
<i>Accipiter novaehollandiae</i> Grey goshawk	Endangered/ -	Low	Inhabits large tracts of wet forest and swamp forest, particularly patches with closed canopies above an open understorey, but with dense stands of prey habitat nearby. Mature trees provide the best nesting sites. Most nests have been recorded from blackwoods and occasional myrtle beech.
<i>Aquila audax fleayi</i> Wedge-tailed eagle	Endangered/ ENDANGERED	Low	Wedge-tailed eagles nest in a range of old growth native forests and the species is dependent on forest for nesting. Territories can contain up to five alternate nests usually close to each other but

<sup>15</sup> DPIPWE Natural Values Atlas Report (2021) report #: nvr\_2\_9-March-2021

<sup>16</sup> Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, which includes ROKAMBA, JAMBA, CAMBA and Migratory species.

<sup>17</sup> Bryant & Jackson 1999

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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			may be up to 1 km apart where habitat is locally restricted. Wedge-tailed eagles prey and scavenge on a wide variety of fauna including fish, reptiles, birds and mammals.
<i>Haliaeetus leucogaster</i> White-bellied Sea Eagle	Vulnerable/-	Low	Requires large trees for nesting and is sensitive to disturbance during the breeding season. Occurs in coastal habitats and large inland waterways.
<i>Lathamus discolor</i> Swift parrot	Endangered/ CRITICALLY ENDANGERED	Moderate	The Swift Parrot spends its winter in south-eastern mainland Australian before migrating to Tasmania in late winter/early spring to breed. During the breeding season, nectar from Tasmanian blue gum ( <i>Eucalyptus globulus</i> ) and black gum ( <i>Eucalyptus ovata</i> ) flowers is the primary food source for the species. These eucalypts are patchily distributed and their flowering patterns are erratic and unpredictable, often leading to only a small proportion of Swift Parrot habitat being available for breeding in any one year. Swift Parrots breed in tree hollows in mature eucalypts within foraging range of a flower source.
<i>Podiceps cristatus</i> Great crested grebe	Vulnerable/-	None	The Great Crested Grebe inhabits wetlands, deep lakes, rivers and swamps and prefers a combination of open water and dense reedbeds. This species is relatively rare in Tasmania but can have minor irruptions and periods of regular sightings in some areas.
<i>Thinornis rubricollis</i> Hooded Plover	-/VULNERABLE	None	Widely distributed in Tasmania. Inhabits sandy ocean beaches. Nests on or near beaches, with nests located on flat beaches above the high tide mark, on stony terraces adjacent to beaches, or on the sides of sparsely vegetated dunes.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	Endangered/ VULNERABLE	None	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding, which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
REPTILE			
<i>Caretta caretta</i> Loggerhead turtle	Endangered/ ENDANGERED	None	Marine species.
FISH			



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30 Holland Court, Howrah: Subdivision

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Brachionichtys hirsustus</i> Spotted handfish	Endangered/ CRITICALLY ENDANGERED	None	The Spotted Handfish is found in parts of the Derwent Estuary, as well as Frederick Henry, Ralphs and North West Bays. They occur in a limited number of colonies on soft substrates often in shallow depressions or near rocks or other projections. Found at depths of 2 to 30 m. Spawning from Sep-Oct.
<i>Seriotelella brama</i> Blue Warehou	-/Conservation Dependent	None	Known from Australian and New Zealand Waters. Occurs at depths between 3 and 550 m, though is more abundant in waters shallower than 200 m.
GASTROPOD			
<i>Gazameda gunnii</i> Gunn's Screwshell	Vulnerable/-	None	Lives subtidally and offshore on sand. Widespread in Tasmanian waters but only locally common as a beached shell.
Potential to occur based on habitat mapping only			
MAMMALS			
<i>Dasyurus maculatus maculatus</i> Spotted-tailed quoll	Rare /VULNERABLE	Very low	This naturally rare forest-dweller most commonly inhabits rainforest, wet forest and blackwood swamp forest. It forages and hunts on farmland and pasture, travelling up to 20 km at night, and shelters in logs, rocks or thick vegetation. Important habitat includes large patches of forest containing adequate denning sites and high densities of mammalian prey.
<i>Dasyurus viverrinus</i> Eastern quoll	-/ENDANGERED	Very low	This species was previously widespread in mainland south-eastern Australia, but is now restricted to Tasmania. Records from the Tasmanian Natural Values Atlas indicate that the eastern quoll occurs in most parts of Tasmania, but is recorded infrequently in the wetter western third of the state. The species' distribution is positively associated with areas of low rainfall and cold winter minimum temperatures. Within this distribution, it is found in a range of vegetation types including open grassland (including farmland), tussock grassland, grassy woodland, dry eucalypt forest, coastal scrub and alpine heathland, but is typically absent from large tracts of wet eucalypt forest and rainforest.
<i>Sarcophilus harrisi</i> Tasmanian devil	Endangered/ ENDANGERED	Very low	The Tasmanian devil occupies a wide range of habitats across Tasmania and exploits landscapes with a mosaic of pasture and forest with elevated prey densities and is attracted to roadkill hotspots with concentrated scavenging resource. Populations have declined substantially since the first observations of the infectious cancer Devil Facial Tumour Disease (DFTD). DFTD has now spread across much of Tasmania. The reduced population is also likely to be more sensitive to additional threats such as death by roadkill, competition with cats and foxes, and loss or disturbance of areas surrounding traditional dens where young are raised. The protection of breeding opportunities is particularly important for the species due to the mortalities from demographic pressures.
BIRDS			
<i>Pardalotus quadragintus</i> Forty-spotted pardalote	Endangered/ ENDANGERED	Very low	The forty-spotted pardalote is endemic to Tasmania and occurs in only a few small areas within the State. It is relatively restricted to dry grassy forest and woodland along the east coast containing

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Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			mature white gum ( <i>Eucalyptus viminalis</i> ). [1] Cooper and Clemens et al. (2012); Reid and Park (2003)
REPTILES			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
FISH			
<i>Prototroctes maraena</i> Australian Grayling	Vulnerable/ VULNERABLE	None	In Tasmania, the diadromous Australian Grayling has been found in northern, eastern, and western rivers. Little is known of the population size. The major threat to the species is the construction of barriers than prevent adult fish moving upstream and juveniles downstream.
INVERTEBRATES			
<i>Antipodia chaostola</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Chrysolarentia decisaria</i> Tunbridge looper moth	Endangered/-	None	Saltmarsh species
Known from 5 km			
MAMMALS			
<i>Arctocephalus forsteri</i> Long-nosed fur seal	Rare /-	None	Marine species
<i>Arctocephalus tropicalis</i> Subantarctic Fur Seal	Endangered/ VULNERABLE	None	Marine species
BIRDS			
<i>Botaurus poiciloptilus</i> Australasian bittern	-/ENDANGERED	None	Australasian bitterns are a highly cryptic species, utilising wetlands and lakes with a dense cover of vegetation. Whilst once common on Tasmania's north/east coasts, the numbers of Australasian bitterns in the state during the last two decades have declined significantly in both their range and numbers due to habitat loss and extended periods of dryness
<i>Calidris canutus</i> Red knot	-/ENDANGERED	None	Coastal species
<i>Calidris ferruginea</i> Curlew sandpiper	-/CRITICALLY ENDANGERED	None	The curlew sandpiper was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.

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30 Holland Court, Howrah: Subdivision

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Charadrius leschenaultia</i> Greater sand plover	-/VULNERABLE	None	Coastal species
<i>Hirundapus caudacutus</i> White-throated needletail	-/VULNERABLE	None	The white-throated needletail is a migratory species, breeding in central and north-eastern Asia in Siberia, Mongolia, northern-eastern China and northern Japan. It migrates south through eastern China, Korea and Japan spending its non-breeding season in eastern and south-eastern Australia including Tasmania. This species is almost exclusively aerial, occurring over most types of habitat with a preference to wooded areas, open forests, heathland and rainforests.
<i>Limosa lapponica subsp. Baueri</i> Western Alaskan bar-tailed godwit	-/VULNERABLE	None	Coastal species
<i>Numenius madagascariensis</i> Eastern curlew	Endangered/ CRITICALLY ENDANGERED	None	Much like the curlew sandpiper, the eastern curlew was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.
<i>Pterodroma lessonii</i> White-headed Petrel	Vulnerable/-	None	The White-headed petrel breeds in colonies on subantarctic islands including Australia's Macquarie Island. They are a pelagic species foraging between the subantarctic and Antarctic convergence zones. At sea this species is mostly solitary.
<i>Sterna nereis nereis</i> Fairy Tern	Vulnerable/ VULNERABLE	None	The fairy tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation. It has been found in a variety of habitats including offshore, estuarine or lacustrine (lake) islands, wetlands and coastlines. The bird roosts on beaches at night.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	Endangered/ VULNERABLE	Very low	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
REPTILE			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding,

Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
			which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
INVERTEBRATES			
<i>Amelora acoustica</i> Chevron looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Dasybela achroa</i> Saltmarsh looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Parvulastra vivipara</i> Live-bearing seastar	Vulnerable / VULNERABLE	None	Confined to rocky substrates on the upper littoral zone on low energy shores in south east Tasmania. Range from just below the highwater mark to 1.2m at high water. Recorded under both dolerite and sandstone rocks on gently sloping shores.
<i>Theclinesthes serpentata</i> subsp. <i>lavara</i> Chequered Blue	Rare/-	None	Coastal environments with larval foodplant coastal saltbush – <i>Rhagodia candolleana</i> and species of <i>Atriplex</i> .
Potential to occur in 5km based on habitat mapping only			
MAMMAL			
BIRD			
<i>Ceyx azures diemenensis</i> Tasmanian azure kingfisher	Endangered/ ENDANGERED	None	The azure kingfisher is found along rivers in the south, west, north and northwest of Tasmania with outlying occurrences in the northeast, east, centre and Bass Strait islands. This species occurs in the forested margins of major river systems where it perches on branches overhanging rivers waiting for prey items such as small fish, insects and freshwater crayfish to come down the river.
FISH			
<i>Thymichthys politus</i> Red Handfish	Endangered/ CRITICALLY ENDANGERED	None	
INVERTEBRATES			
<i>Antipodia chaostola</i> subsp. <i>Leucophaea</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Orphninostrichia maculata</i> Caddis fly (wedge river)	Rare/-	None	Aquatic habitats.



Species	Status <sup>16</sup> TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat <sup>17</sup>
<i>Lissotes menalcas</i> Mount Mangana stag beetle	Vulnerable/-	None	This occurs in south east Tasmania including parts of the Wellington range, South Bruny and the Forester and Tasman Peninsulas. Confined to wet forest with large logs although much of potential habitat is unoccupied.
<i>Pseudalmenus chlorinda</i> <i>myrsilus</i> Tasmanian hairstreak (butterfly)	Rare/-	Low	Dry forest and woodland associated with species of wattle including <i>A. dealbata</i> and <i>A. mearnsii</i> . Confined to occasional sites in south east Tasmania. Habitat is present although scarcity of records suggest presence is very unlikely.
GASTROPOD			
Ammonite Pinwheel Snail <i>Discocharopa vicens</i>	Endangered/ CRITICALLY ENDANGERED	None	This snail has been recorded from the following seven locations in the Hobart metropolitan area: Mount Wellington, Mount Nelson, The Domain, Hillgrove, Grasstree Hill, South Hobart and Austins Ferry. Species is thought to be extinct from Mt Nelson. Habitat of the species includes dry and wet eucalypt forests below 400 m in altitude. To date the species has only been found under dolerite rocks.

**PDPSPAMEND-2021/019004**

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JMG Engineers & Planners  
 117 Harrington Street  
 Hobart, TAS

21 December 2022

Ref: 6318\_01

Attention: Katrina Hill

## 30 HOLLAND COURT — NOISE IMPACT ASSESSMENT

A subdivision is proposed for 30 Holland Court, Howrah, to comprise nominally 8 lots. As the development is within 50m of Rokeby Road, it is within the road and railway attenuation area under the Tasmanian Planning Scheme, and thus requires a traffic noise assessment to determine its suitability for residential use. This letter presents such an assessment, conducted by NVC in December 2022.

### 1. BACKGROUND

The proposed site (white outline) is a large lot currently comprising the Howrah Church of Christ at its eastern end, with vegetation on the western portion. The land is zoned Community Purpose (white overlay in Figure 1.1), with General Residential zoning (red overlay) to the site's east and west, and Low Density Residential zoning to the south and south-east (pink overlay).

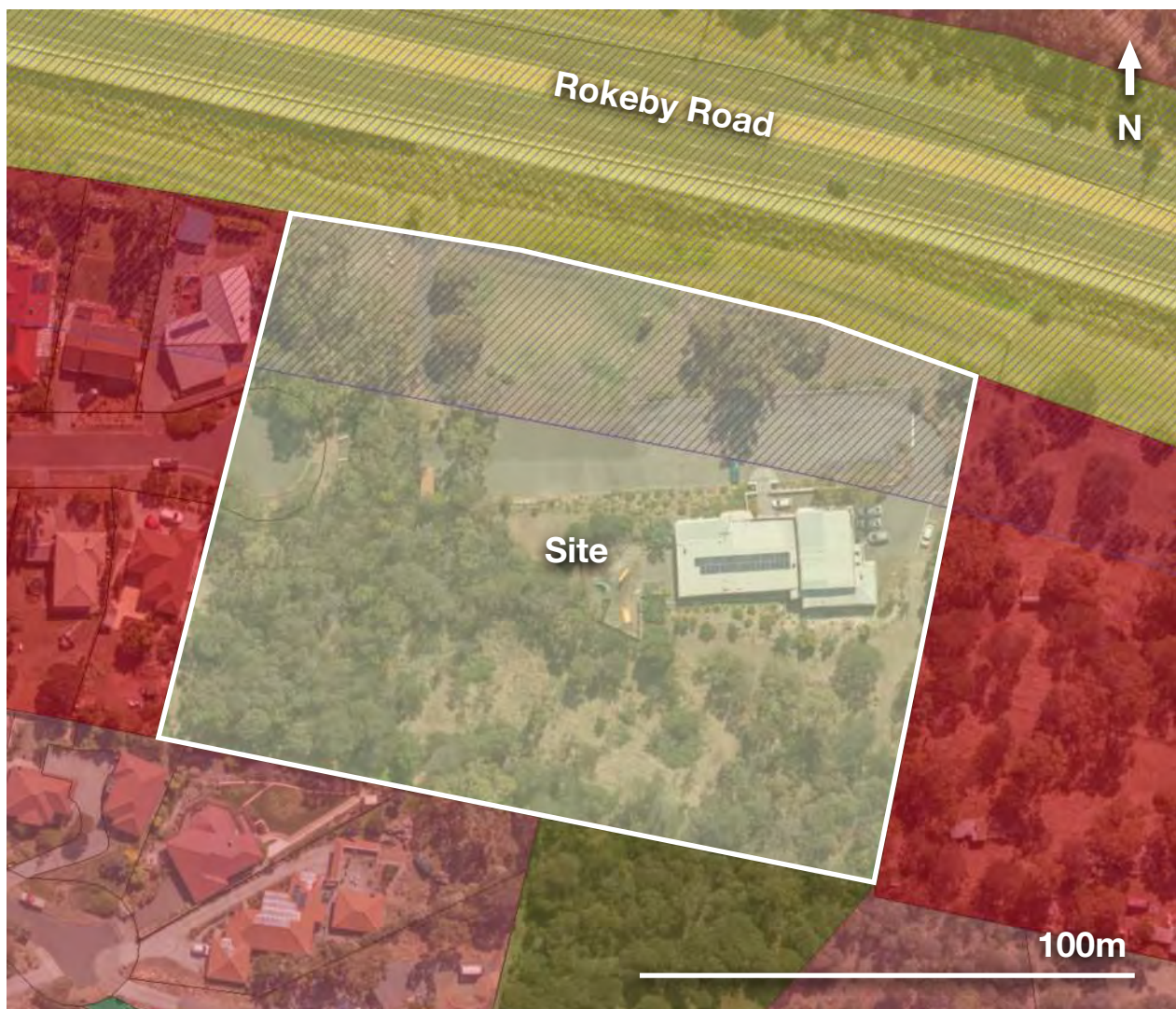
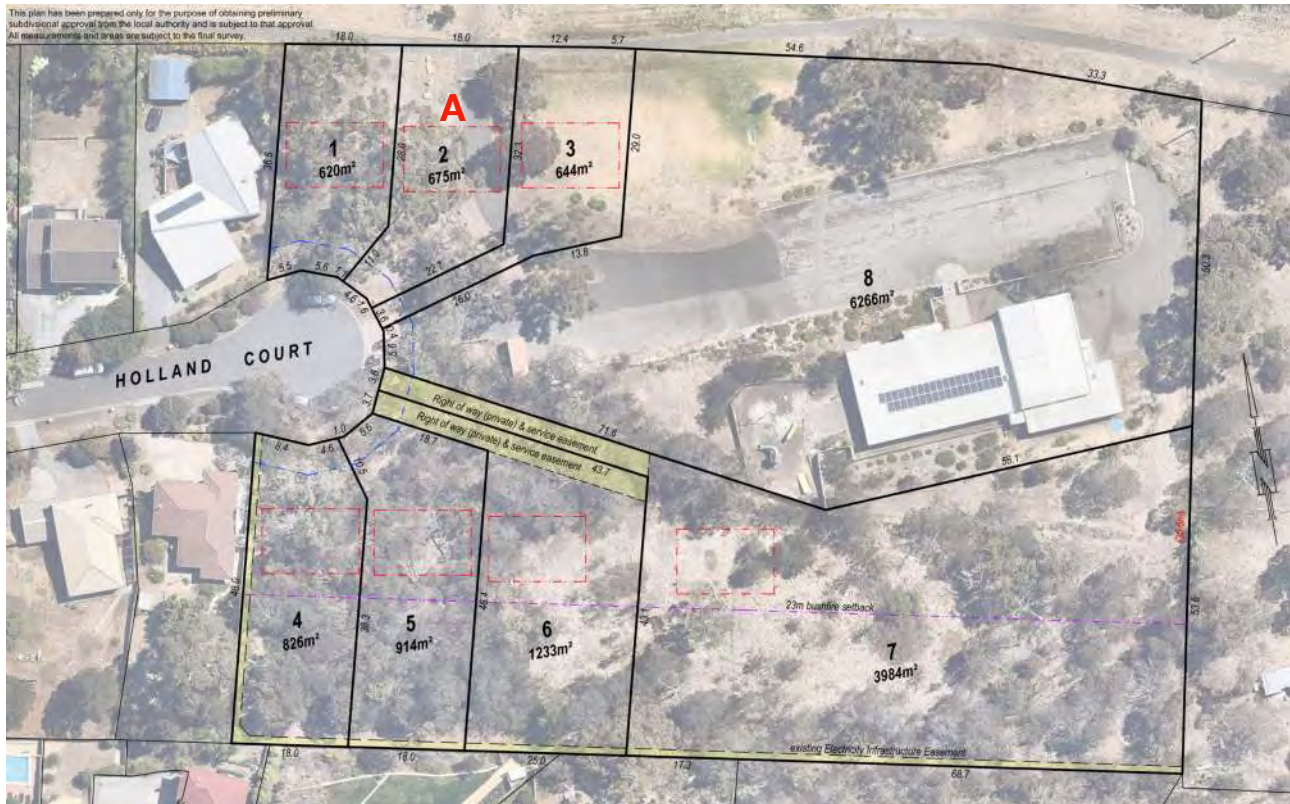


FIGURE 1.1: SITE AND SURROUNDING AREA



To the north of site is Rokeby Road, an 80km/h speed limited road that sees significant traffic volume. The associated Utilities zone is shown by the yellow overlay, with the purple hatching denoting the road and railway attenuation area.

Figure 1.2, below, shows the proposed development, comprising 7 residential lots with a balance lot (lot 8) to the site's north-east, with the existing church to remain.



**FIGURE 1.2: PROPOSED DEVELOPMENT**

**PDPSPAMEND-2021/019004**

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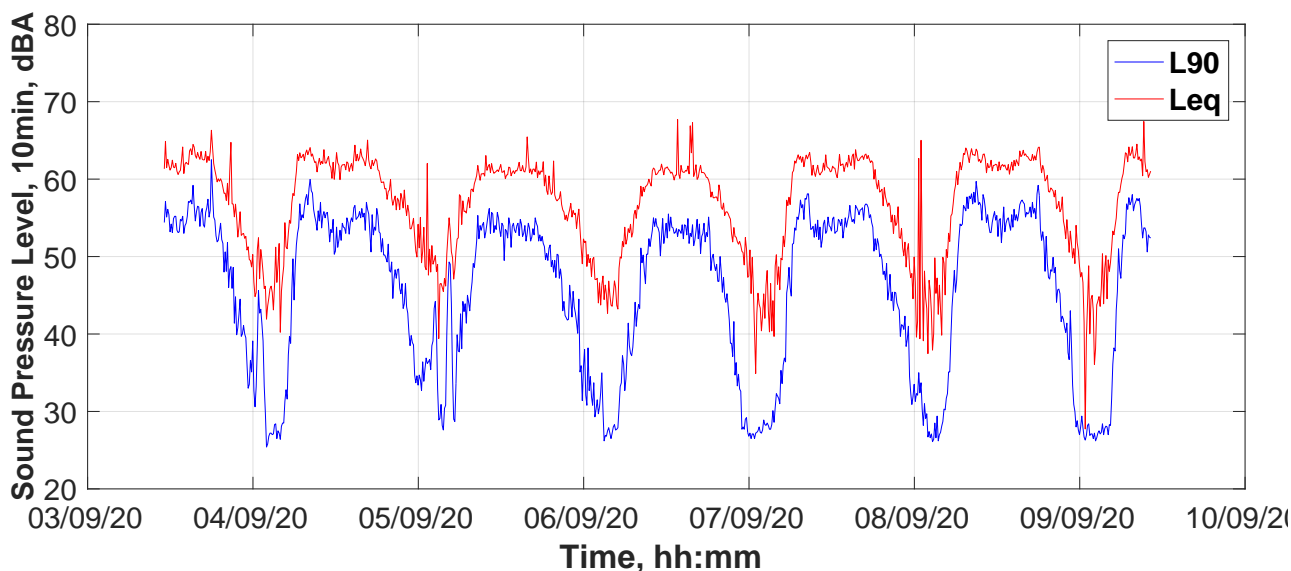
## 2. NOISE MEASUREMENTS

Noise measurements were conducted on an adjacent lot, to the east of site (38 Buckingham Drive, Howrah), over a 2 week period in September 2020, to quantify the existing traffic noise levels. The results of those measurements are summarised in Table 2.1 and Figure 2.1.

The sound level meter was located nominally 32m from the road verge for the measurements, with direct line of sight to the roadway. The microphone was at a similar or slightly higher height than the road surface, and thus fully exposed to traffic noise.

**TABLE 2.1: EXISTING NOISE LEVELS**

Time	Sound Pressure Level, dBA			
	L10	L90	Leq	L10 <sub>18hr</sub>
Day, 0600 - 2200 hrs	64	52	61	66
Night, 2200 - 0600 hrs	55	39	52	



**FIGURE 2.1: NOISE TREND - 38 BUCKINGHAM DRIVE**

### **PDPSPAMEND-2021/019004**

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### 3. CRITERIA

Section C3.0 of the Tasmanian Planning Scheme - Clarence contains criteria for ‘*subdivision for sensitive uses within a road or railway attenuation area*’. With regards to noise for such a development, clause C3.7.1, reproduced below, is relevant.

<b>Objective:</b> To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
Acceptable Solutions	Performance Criteria
<b>A1</b>  A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.	<b>P1</b>  A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) any buffers created by natural or other features;</li> <li>(c) the location of existing or proposed buildings on the site;</li> <li>(d) the frequency of use of the rail network;</li> <li>(e) the speed limit and traffic volume of the road;</li> <li>(f) any noise, vibration, light and air emissions from the rail network or road;</li> <li>(g) the nature of the road;</li> <li>(h) the nature of the intended uses;</li> <li>(i) the layout of the subdivision;</li> <li>(j) the need for the subdivision;</li> <li>(k) any traffic impact assessment;</li> <li>(l) any mitigating measures proposed;</li> <li>(m) any recommendations from a suitably qualified person for mitigation of noise; and</li> <li>(n) any advice received from the rail or road authority.</li> </ul>

For lots within the attenuation area (lots 1 to 3), the Acceptable Solution is not satisfied, and thus the Performance Criteria (C3.7.1-P1) must be addressed.

In Table 1 of the Noise EPP<sup>1</sup>, a list of Acoustic Environmental Indicator levels are given for which the environmental values specified in the Noise EPP “...will be protected for the majority of the human population where the acoustic environment indicator levels are not exceeded...” A section of that table is reproduced here in Table 3.1.

#### PDPSPAMEND-2021/019004

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>1</sup> Tasmanian Environmental Protection Policy (Noise) 2009 (the Noise EPP)

**TABLE 3.1: ACOUSTIC ENVIRONMENTAL INDICATOR LEVELS - TAS. EPP**

Specific Environment	Critical Health Effect	LAeq dBA	Time hrs	LAmx dBA
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

Given the data in Table 3.1, to preserve the future outdoor amenity of residential dwellings constructed on lots 1 to 3, a day time criterion of 55 dBA and a night time criterion of 45 dBA are deemed appropriate.

To ensure internal levels are sufficiently low, Australian Standard *AS3671:1989 Road Traffic Noise Intrusion - Building Siting and Construction* is referenced, which provides a method to determine what building construction is appropriate to protect the indoor amenity of the dwelling. The output from the standard is the sound isolation performance requirements of various building elements, stated as an Rw value.

In applying AS3671, the appropriate indoor ambient noise level must be specified, with AS2107<sup>2</sup> used as reference for this. For houses or apartments near major roads, the recommended internal ambient noise levels are specified as:

Living areas (day time)	35 – 45 dBA Leq
Sleeping areas (night time)	35 – 40 dBA Leq

Indoor noise levels of 40 dBA are then deemed appropriate for both day and night time periods for the various internal spaces of the dwellings.

Therefore, the adopted criteria, with which to satisfy C3.7.1-P1 is as follows:

Outdoor (day time)	55 dBA
Outdoor (night time)	45 dBA
Indoor (day and night time)	40 dBA

**PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>2</sup> AS/NZS 2107:2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors*, Standards Australia, 2016.

## 4. NOISE PREDICTIONS

*iNoise*<sup>3</sup> software has been used to construct an acoustic software model of the existing site and surroundings. The model implements the ISO9613 algorithms for environmental noise propagation. The predictions account for geometric divergence, topographical screening, atmospheric absorption, and ground absorption. The following comments are relevant to the model:

- The model was calibrated using the measured traffic noise level at 38 Buckingham Drive. The modelled predictions are within 0.5 dB of the measured data.
- Vehicle flows have been taken from a DSG traffic counter just west of the subdivision, deployed in May 2019. The flow data is summarised as:

Day time, one direction	624 vehicles/hr
Night time average flow, one direction	86 vehicles/hr
Average vehicle speed	70 km/h
Percentage heavy vehicles	8%

- Traffic on subsidiary roads has not been modelled, as this assessment is specific to the noise impact Rokeby Road will have on the proposed development.
- The ground has been assumed to have a ground factor of 0.4 (60% reflective) throughout the model.
- All barriers are modelled with a reflection factor of 0.8 (80% reflective).
- As per the Tasmanian Noise Measurement Procedures Manual, noise levels across the area are predicted at 1.2m above ground level.
- No proposed dwellings are included in the modelling.
- Noise levels are predicted at location A (see Figure 1.2) to provide a general representation of the noise levels at a possible future dwelling.

**TABLE 4.1: SUMMARY OF PREDICTED NOISE LEVELS**

	Sound Pressure Level, dBA	
	Day	Night
<b>Location A</b>	59	50

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

<sup>3</sup> iNoise V2022.1 Pro, DGMR Software

## 5. RECOMMENDATIONS

The following mitigation measures are recommended to ensure the residential amenity of future residents is not impacted by noise from Rokeby Road:

- A barrier be constructed along the entire northern boundary of lots 1 to 3. The barrier requires the following specifications:
  - A minimum surface mass of 15kg/m<sup>2</sup>. Examples of appropriate construction include 20mm thick ship-lapped timber, 12mm fixed cement sheet, or commercial noise barrier products.
  - A minimum height of 2m.
  - No gaps, including between the barrier and the ground.
- A façade construction with a minimum of Rw 30 on western, northern and eastern facing façades of future dwellings. Examples of such construction include:
  - 4mm float / 12mm air gap / 4mm float double glazing.
  - 90mm stud walls, internally lined with 10mm fixed plasterboard, and wall cavities filled with bulk insulation.
- Locate some outdoor habitable space on the southern side of any dwellings, such that the dwellings provide screening of the space from Rokeby Road.

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.



## 6. ASSESSMENT

It is noted that only lots 1 to 3 are within the road and railway attenuation area, and thus this assessment and the associated recommendations and results are only relevant to those lots.

As seen by Table 4.1, predicted noise levels in the absence of a noise barrier are in exceedance of the day and night outdoor levels specified in section 3 by 4 and 5 dB respectively, and thus mitigation is required to demonstrate compliance. The recommended mitigation is a combination of a barrier, to provide screening, and facade construction requirements sufficient to ensure the internal levels are acceptable.

Following the implementation of the recommendations in section 5, the predicted external noise levels are 56dBA and 47dBA for the day and night respectively. The external levels are approximately 1-2dB over the criterion stated in section 3, and thus are deemed to be on the limit of acceptability for habitable outdoor space. It is noted that these levels are unlikely to be perceptibly different from the criteria of 55 and 45 dBA, and the proposed barrier requirements are at the limit of what is deemed practically feasible.

As stated in section 5, it is then recommended that some outdoor habitable space be located on the southern side of any future dwellings to provide additional screening from Rokeby Road.

Internal noise levels are predicted to comply with the criterion outlined in section 3 provided a façade with minimum Rw 30 is used, with section 5 providing examples of suitable construction.

Provided these recommendations are actioned, both external and internal areas are deemed to provide appropriate residential amenity regarding noise levels.

Therefore, following the implementation of the recommendations in section 5:

**The proposed development at 30 Holland Court, Howrah, is deemed to satisfy clause C3.7.1 of the Tasmanian Planning Scheme - Clarence.**

Should you have any queries, please do not hesitate to contact me directly.

Kind regards,



**Bill Butler**



**Jaye Parry**

### **PDPSPAMEND-2021/019004**

Subdivision Plans agreed to in accordance with Section 40W (1) & 40Y of the *Land Use Planning and Approvals Act 1993*, by Clarence City Council acting as Planning Authority at its meeting on 6 February 2023.

**Minutes:** Applicant/Council meeting

**Subject:** 30 Holland Crt, Howrah – Council decision on combined rezoning and subdivision permit

**Date:** 22 February 2023 **File:** PDSPAMEND-2021/019004

**Init:** IEB

**Attendees:** Mat Clark (JMG), Katrina Hill (JMG) – Applicant obo Churches of Christ  
Client Representatives - Don, Ed, Gream and Jim Garlick (the Minister)  
Indra Boss, Allison Coombe, Gopal Neupane (council staff)

**Concerns raised by applicant**

- The subdivision plan approved at the Council meeting of 6 February 2023, is not acceptable to the applicant's client and does not reflect the previous advice received from council.
- Significant expense has already been incurred modifying the originally submitted plans to accommodate previous council advice.
- It is unclear what the permit conditions – D 2. GEN AP3- Amended Plans actually mean, specifically:
  - the proposed Right of Way (ROW) shown in blue is impractical and prevents the client from developing the balance lot (Lot 8) in accordance with their long-standing plans, which were part of the original reason to initiate the current application;
  - Prevents the ongoing operation of the church – as it compromises the existing car parking arrangements at the site and raises security and safety concerns/risk to both the church assets and parishioners and staff using the site; and
  - The proposed ROW makes no sense if the intention is to provide connectivity to council reserve land further north. There are existing informal tracks through lot 100 used by locals and the distance to the council reserve using the Holland Court, Monaco Place, and Mayfair Court route is about the same distance to reach the reserve as the proposed ROW.
- Not happy with condition D 4 – GEN – PART 5 Agreement, shifts onus of protecting the natural values from council to the client;
- Not happy with the rezoning of the 'footpath' along the northern boundary of the site from proposed Open Space to Utilities, as this impacts on the calculation of

Public Open Space (POS) contribution, i.e., undervalues the actual POS contributions made by the development even though not zoned Open Space;

#### **Council response/considerations**

- Primary objective is to create meaningful and workable connectivity between Kuynah Bushland Reserve to the south and the future approve POS on 38 Buckingham Drive.
- Happy to work with applicant to consider alternatives that are mutually acceptable.
- The proposed design showing Lot 100 as POS, is not optimally aligned with council's primary focus for POS to be for passive and active recreation, and in council's experience its natural values actually jeopardise the ability to provide the required path infrastructure.

#### **Agreed Actions** (Following general discussion)

- Indra – to provide Allison with a copy of the service plan submitted that already shows a path through Lot 100;
- Allison – to:
  - revisit POS requirements (location and shape/design) to achieve intended connectivity outcomes; noting suggestion to adjust the eastern boundary of lot 100 so that only 1 high value tree is located in lot 100;
  - identify any additional information required (e.g., arborist report) for inclusion as a potential permit condition;
  - develop a concept plan with tracks & trails planners for lot 101 to create a shape for a practical pathway;
- JMG – to provide a copy of the survey plan to assist with understanding the land topography impacting on lot 101.
- Indra/Allison/Gopal – to provide a 'draft' alternate POS subdivision plan and permit conditions (*timing not discussed – but suggest by 10 March, to allow for representation within statutory time frame ending 30 March*)

Overall intent is to arrive at a mutually agreeable position that can be presented at future Tasmanian Planning Commission (TPC) hearings.



Indra Boss

**Strategic Planner**

15 March 2023

City Planning  
PDPSPAMEND-2021/019004

JMG Engineers & Planners  
117 Harrington St,  
HOBART, TAS 7000

Via e-mail: [planning@jmg.net.au](mailto:planning@jmg.net.au)

Dear Mat,

Further to our meeting of 22<sup>nd</sup> February 2023, the public open space (POS) contribution for the proposed subdivision at 30 Holland Crt, Howrah has now been reviewed, and the alternate plan is provided in Attachment 1.

In summary, the alternative proposed by Council includes:

- Lot 101 is considered as the POS land contribution, and is modified in shape and increased in area from 200m<sup>2</sup> to 754m<sup>2</sup>, to better provide for the intended future walking track;
- Lot 100 – is not required for POS, therefore the land can be allocated to the subdivision, potentially enlarging proposed Lot 1 or possibly creating an additional lot;
- The proposed Part 5 Agreement is to be retained, with the intention to protect the *Eucalyptus ovata* forest and woodland as shown in Figure 3, page 9 of the Natural Values Assessment, prepared by North Barker Ecosystem Services, dated 6 January 2023; and
- No change is proposed for the land containing the existing pedestrian path along Rokeby Road, identified as being rezoned to Utilities Zone.

Therefore, the amended plans condition becomes:

- Deletion of the POS Lot 100;
- Reconfiguring of the lot layout to incorporate Lot 100 into Lot 1 or potentially an additional lot (noting the Part 5 Agreement condition);
- The POS Lot 101 is modified as shown in the revised plans (Attachment 1 of this letter).

And the Part 5 condition remains:

- On combined Lot 1 & Lot 100 The *Eucalyptus ovata* trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council.

The POS cash in lieu contribution condition was previously calculated at 3.7% on the basis of the Lot 101 initially representing 1.3% of the site area. However, with the proposed increase in size



of Lot 101 to 754m<sup>2</sup> this is just shy of the 5% POS Policy contribution, which is calculated as 758.2m<sup>2</sup>.

Therefore, no further POS cash in lieu contribution would be required.

You will also note that the previously indicated Public Right of Ways (shown in blue) to connect the pedestrian walkway on Rokeby Road, and the Kuynah Bushland Reserve, have been entirely removed from the plan. This reflects the redesign of Lot 101 to provide for the intended future connectivity.

I trust this alternative design responds to your clients' concerns and can form the basis for progressing this matter.

If you have any questions, please contact me on 03 6217 9566.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Indra Boss', is written over a light blue rectangular background.

Indra Boss  
**Strategic Planner**

**Attachment 1: Alternate POS proposal**



Attachment 1 - Alternative POS for 30  
Holland Court, Howrah  
PDPSPAMEND-2021/019044



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**7.2 DEVELOPMENT APPLICATION PDPSPAMEND-2023/034393 – 923 AND 1015 GRASSTREE HILL ROAD, GRASSTREE HILL - SECTION 37 AND 40T COMBINED SCHEME AMENDMENT REQUEST AND BOUNDARY ADJUSTMENT****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for the Clarence City Planning Authority to consider the application made for a combined draft amendment to the Clarence Local Provisions Schedule (LPS) and a development application for a boundary adjustment under sections 37 and 40T of the *Land Use Planning and Approvals Act 1993* (the Act).

**PROPOSAL OVERVIEW**

An area of 4404m<sup>2</sup> is proposed to be rezoned from Landscape Conservation Zone to Rural Zone, to reflect the existing use and development of the land currently forming part of 923 Grasstree Hill Road, Grasstree Hill.

The proposed boundary adjustment between the two lots can then be undertaken, so that the 4404m<sup>2</sup> is effectively transferred from 923 Grasstree Hill Road to 1015 Grasstree Hill Road. The boundary adjustment will bring the existing use and development into greater conformance with the provisions of the Tasmanian Planning Scheme - Clarence (the Scheme).

The following report is structured in two parts:

- Part A – considers the proposed Draft Amendment to the Clarence Local Provision Schedule (LPS) mapping, and
- Part B – considers the proposed boundary adjustment against the Scheme provisions.

Accompanying this report are the following documents:

- Attachment 1 – Location plan,
- Attachment 2 – Proposed draft Instrument of Certification,
- Attachment 3 – Boundary Adjustment proposal plans,
- Attachment 4 - Detailed assessment of the boundary adjustment,
- Attachment 5 - Comparison Table of zone use classes, and
- Attachment 6 – Site photo.

**RELATION TO EXISTING POLICY/PLANS**

The subject land is located within the Landscape Conservation Zone (923 Grasstree Hill Road) and the Rural Zone (1015 Grasstree Hill Road) in the LPS. It is also subject to the Parking and Sustainable Transport, Natural Assets, Flood-Prone Hazard Area, Bushfire-Prone Areas, Landslip Hazard, and Safeguarding of Airports codes

The proposed boundary adjustment is currently Prohibited under the Scheme as it would involve changing a lot boundary that aligns with a zone boundary.

Section 37 of the Act provides for Council to consider a request to amend a Local Provision Schedule (LPS).

Section 40T of the Act provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

#### **LEGISLATIVE REQUIREMENTS**

The report has been prepared considering the requirements of the Act and applicable standards of the planning scheme and details the basis and reasons for the recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendations. Broadly, the Planning Authority can either: (1) adopt the recommendation or (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or (3) replacing an approval with a refusal (or vice versa). Any alternative decision will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the Local Government (Meeting Procedures) Regulations 2015.

A Planning Authority that has prepared a draft amendment of an (LPS) must consider whether it is satisfied that the draft amendment of the LPS meets the LUPAA section 34 LPS criteria.

In accordance with section 38 of the Act, Council is required to make a decision in relation to a request within 42 days after receiving the request, or a longer period allowed by the Tasmanian Planning Commission (the Commission). The decision timeframe for this request expires on 3 July 2023, as extended by the Commission.

#### **CONSULTATION**

Applications made under sections 37 and section 40T under the Act are not formally open for public comment unless the Planning Authority has made the decision to agree to and certify the draft amendment. Following the decision, the draft amendment and draft permit will be advertised for a period of 28 days and open for public comment in accordance with sections 40G, 40H and 40Z of the Act.

#### **FINANCIAL IMPLICATIONS**

No significant implications.

#### **RECOMMENDATION:**

##### **Rezoning**

- A. That pursuant to Section 40W (1) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority agrees to prepare Amendment PDPSPAMEND-2023/034393 to the Clarence Local Provision Schedule to:
- rezone 4404m<sup>2</sup> of 923 Grasstree Hill Road, Grass Tree Hill from Landscape Conservation Zone to Rural Zone.
- B. That having decided to agree to the amendment, the Planning Authority pursuant to Section 40F (2) (a) of the *Land Use Planning and Approvals Act 1993*, certifies that the draft amendment meets the requirements of this Act including the LPS criteria required to be assessed in accordance with section 34 of the *Land Use Planning and Approvals Act 1993*.



- C. That pursuant to Section 40G, 40H and 40Z of the *Land Use Planning and Approvals Act 1993*, the Planning Authority places the draft amendment and permit on public exhibition for a period of 28 days.

**Combined Permit**

- D. That pursuant to Section 40Y of the *Land Use Planning and Approvals Act 1993*, the Planning Authority prepares a draft permit for a boundary adjustment at 923 Grasstree Hill Road, Grasstree Hill and 1015 Grasstree Hill Road, Grasstree Hill subject to the following conditions and advice.

1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
2. Prior to sealing, the Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.

**ADVICE**

- (a) This permit will lapse after two years from the date on which it is granted in accordance with Section 42C(2) (a) of the Act unless the development / use has been substantially commenced.

In accordance with Section 42C(3) an application may be made to the Planning Authority for an extension in accordance with Section 42C (2) (b) or (c), any time before the period of six months from the day on which the permit has lapsed.

- (b) This is a planning permit only. Please be aware that a building permit and/or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.

- (c) Aerial imagery indicates that the gravel drive in the south-west corner of 1015 Grasstree Hill Road, providing a second access to Grasstree Hill Road, relies on the land associated with 923 Grasstree Hill Road and 831 Grasstree Hill Road.

The owner/developer should seek independent legal advice on how to formalise this road access via a Right of Carriageway, or other means.

- (d) Based on the information provided, the development is not likely to adversely affect TasNetworks' operations. It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades they may require to their electricity supply due to this development.

- (e) Non-compliance with this permit is an offence under Section 63 of the Land Use Planning and Approvals Act 1993 and may result in enforcement action under Division 4A of the Land Use Planning and Approvals Act 1993, which provides for substantial fines and daily penalties.

**General**

- E. That the details and conclusions included in the Associated Report be recorded as the reasons for the Planning Authority's decision in respect of this matter.

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**ASSOCIATED REPORT – PART A****1. BACKGROUND**

- 1.1** The issue of buildings and works on 923 Grasstree Hill Road, used by the occupants of, and associated with the property at 1015 Grasstree Hill Road, was investigated by Council in 2016, Enforcement Notice EN-2016/69. The matter was resolved with no further action, on the basis that the building works were compliant with “repair and maintenance” under the then building legislation, and as the outbuildings had existed for more than two years, no further action could be undertaken. With regard to the trespass (the construction of outbuildings on the neighbouring property), the landowners were advised that this was a civil matter on which independent legal advice should be sought.
- 1.2** There is no other relevant planning background. The land was not subject to a representation during the transition from the Clarence Interim Planning Scheme 2015 to the Tasmanian Planning Scheme – Clarence.

**2. PROPOSAL IN DETAIL****2.1. Draft LPS Amendment**

The proposal is to rezone 4404m<sup>2</sup> of land, currently part of 923 Grasstree Hill Road from Landscape Conservation Zone to Rural Zone, in order to facilitate a subsequent boundary adjustment.

## **2.2. Proposed Development**

The boundary adjustment seeks to realign the common boundary between the two lots, so as to accurately reflect the existing use and development by each landowner and facilitate the transfer of land from 923 Grasstree Hill Road to 1015 Grasstree Hill Road, Grasstree Hill.

The site of 923 Grasstree Hill Road has an area of 15.13ha, while 1015 Grasstree Hill Road has an area of 50.55ha. The land ranges in elevation from approximately 150m in the east to a height of 190m at the common boundary before dropping to 150m in the north and rising to 200m in the south. The area of land to be rezoned is located at the 190m elevation. It is noted that the 923 Grasstree Hill Road lot is at a lower elevation than Grasstree Hill Road.

## **3. SITE DESCRIPTION AND SURROUNDING AREA**

### **3.1. Identification**

The subject land is shown in Figure 1.



*Figure 3 Aerial image of subject site (Source LIST map)*

**3.2. Planning Controls**

The subject site is zoned Landscape Conservation and Rural under the Scheme and subject to the following codes:

- C2.0 - Parking and Sustainable Transport Code,
- C7.0 - Natural Assets Code,
- C12.0 - Flood-Prone Areas Hazard Code,
- C13.0 - Bushfire-Prone Areas Code,
- C15.0 - Landslip Hazard Code, and
- C16.0 - Safeguarding of Airports Code.

**3.3. Existing Use and Development**

The subject site contains existing residential development, including associated outbuildings on both 923 and 1015 Grasstree Hill Road. As shown in Figure 1 above, the land is partially cleared with the majority of the land covered by mature treed vegetation. Both properties have existing accesses onto Grasstree Hill Road, which is administered by the Department of State Growth (State Growth).

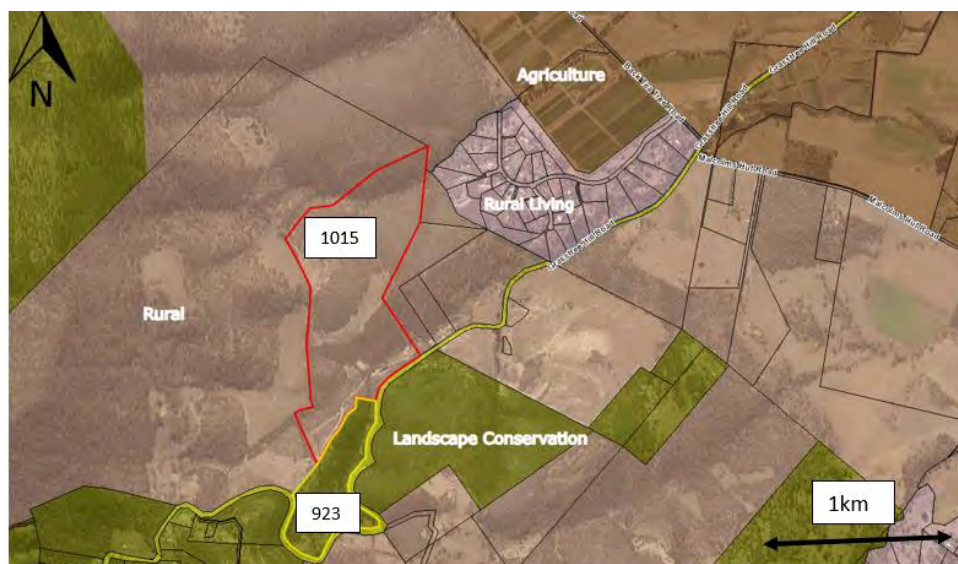
**3.4. Surrounding Land**

Surrounding land is zoned Rural, divided by a strip of Landscape Conservation zoned land inclusive of the 923 Grasstree Hill Road lot.

The road lots forming Grasstree Hill Road to the south are zoned Utilities, to the north-east there is an enclave of smaller lots zoned Rural Living, which lie between the Rural Zone and land zoned Agriculture further to the north-east.

The development on surrounding land generally exhibits low intensity rural pursuits, with the majority of lots containing single dwellings. The land further to the north-east is more intensively farmed and encompasses the land of the historic property Strathayr, at 70 Back Tea Tree Road, Richmond.





*Figure 4 Surrounding Land zoning, subject site outlined in red and yellow (Source: LIST map)*

The general area of the subject site, including the proposed 4404m<sup>2</sup> area of land to be rezoned, is shown in Figure 3, which clearly shows where the development associated with 1015 Grasree Hill Road encroaches into 923 Grasree Hill Road.

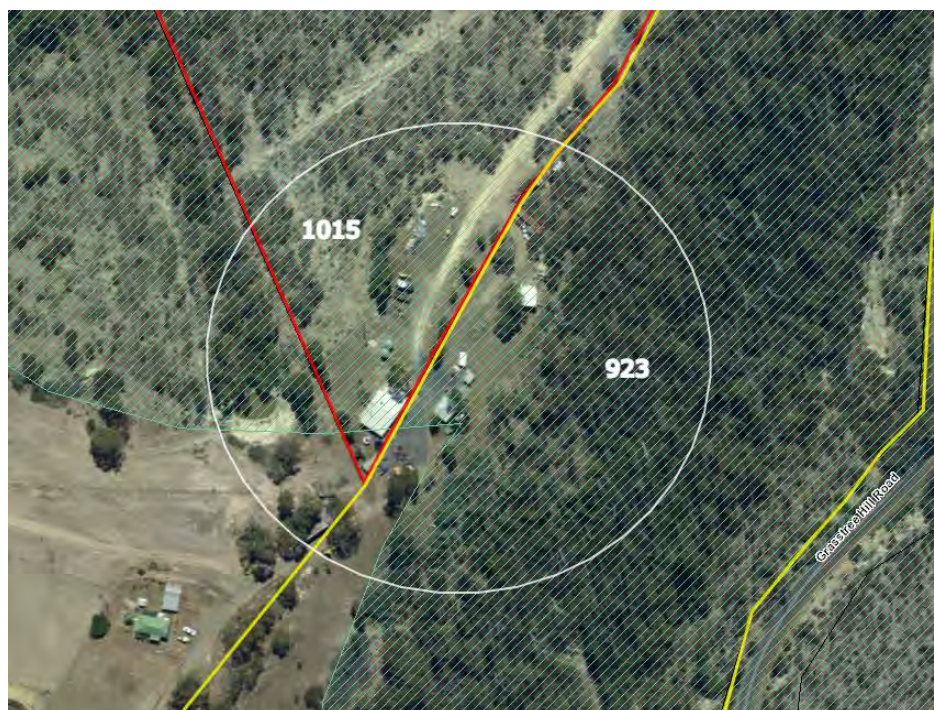


*Figure 5 Showing general vicinity of the subject site involved in the proposed rezoning, outlined in white. (Source LIST map)*

### **3.5. Spatial Code Overlays**

In this section aerial images show the spatial code overlays as they apply to the subject site. For clarity the images are restricted to the general area of the subject site that contains the 4404m<sup>2</sup> area of land to be rezoned.

Both lots are subject to the Natural Assets Code as shown in Figure 4 below.



*Figure 6 Natural Assets Code shown by green hashed area (Source LIST map)*

While both lots have areas within the Flood-Prone Hazard Code, the land to be rezoned is not impacted by this overlay, as shown in Figure 5 below. Similarly, the Landslip Hazard overlay is located beyond the area of land to be rezoned as shown in Figure 6 below.





*Figure 7 Flood-Prone Areas Hazard overlay shown by blue hashed area (Source LIST map)*



*Figure 8 Landslip Hazard overlay shown by orange hashed areas (Source LIST map)*

Both lots, including the 4404m<sup>2</sup> to be rezoned are located within the Bushfire-Prone Areas Code, with the land to be rezoned situated above the 147m Australian Height Datum (AHD) Obstacle Limitation Surface layer (OLS) of the Safeguarding of Airports Code, as shown in Figures 7 and 8 below.





*Figure 9 Subject site showing Bushfire-Prone Areas as the brown hashed area (Source LIST map)*



*Figure 8 Subject site showing Hobart Airport 147m AHD obstacle surface layer as the light blue hashed area (Source LIST map)*

A desktop Aboriginal Heritage Property Search undertaken for 923 Grasree Hill Road did not identify any apparent risk of impacting registered Aboriginal relics.



**3.6. Covenants, Easements, Title Considerations**

The title information for 1015 Grasstree Hill Road (CT 145172/1) includes a Wayleave Easement for TasNetworks (formerly Aurora) electricity infrastructure, and notifications of a scanned dealing, water supply restriction and sewerage and/ or drainage restriction.

The title information for 923 Grasstree Hill Road (CT 180788/1) includes the reference to the lease agreement, which was registered against the title in March 2021, reference M871792 and provides the option for the land to be sold. It is noted that the area of land to be rezoned at 4404m<sup>2</sup> is slightly larger than the 4367m<sup>2</sup> area shown in the agreement maps.

**4. INFRASTRUCTURE PROVISION**

- 4.1.** The subject site is not within the TasWater full-service area for water and sewerage infrastructure.
- 4.2.** There is no Council stormwater infrastructure servicing the subject site.
- 4.3.** There is existing local TasNetworks overhead infrastructure located within the wayleave easement burdening 1015 Grasstree Hill Road. TasNetworks has advised that the proposal is not likely to adversely impact their network.

**5. STATUTORY IMPLICATIONS**

- 5.1.** Council's assessment of this proposal must involve consideration of Part 3A (Local Provisions Schedules) and 3B (Amendments of Local Provisions schedules) of the Act, including any representations received, the contents and criteria of the LPS, the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS), the State Policies and the objectives of Schedule 1 of the Act.
- 5.2.** The Planning Authority may, in response to a request by a person or by its own motion, initiate an amendment to the LPS that applies to a Municipal Area. Under Section 40T of the Act, an application can also be made to the Planning Authority for issue of a draft permit that could not otherwise be issued, unless the LPS was amended as requested.

- 5.3.** The Act requires that a Planning Authority must be satisfied that the draft Amendment to the LPS will further the objectives of the Resource Management and Planning System, is in accordance with applicable State Policies and satisfies the Act's LPS criteria.
- 5.4.** The Planning Authority must decide whether to agree to certify the draft LPS Amendment and agree to a draft permit within 42 days from the day it receives a valid request. The request must be in a form approved by the Planning Authority and the Commission and be signed by the landowners, in this case the property owners of 923 Grasstree Hill Road, Grasstree Hill and 1015 Grasstree Hill Road, Grasstree Hill.
- 5.5.** Should the Planning Authority agree to prepare an amendment, Section 40F (2) (b) of the Act provides that if the Planning Authority considers that the proposal does not meet the requirements of Section 34 (LPS Criteria) of the Act, then the draft amendment must be modified so that it meets the requirements.
- 5.6.** There is no appeal process available to an applicant for rezoning if the Planning Authority refuses the initial request. The applicant may ask the Commission to review the process leading to the decision, but not the merits of that decision.
- 5.7.** The Planning Authority can request additional information within 28 days of receiving a valid request. The applicant has five years to provide the additional information, or the application will lapse.
- 5.8.** The request before the Planning Authority, for a combined draft LPS amendment and development application was received on 1 March 2023, including the signed Owners' Consent Form. Additional information was requested on 27 March 2023 and 1 June 2023.
- 5.9.** The key steps in approval of a combined amendment and permit process under the Act are:
- Under Section 37 of the Act, the Planning Authority is to agree, or refuse to agree, to the request and, if agreed, certify that the draft LPS Amendment meets the requirements of Section 34 of the Act "LPS Criteria" and determine the draft conditions for a permit.

- Within seven days of a decision, the Planning Authority must forward to the Tasmanian Planning Commission (the Commission) a copy of the application and any documentation submitted, the Instrument of Certification, a copy of the Planning Authority's decision and a copy of any draft permit granted under the decision.
- The Planning Authority must publicly exhibit the draft LPS Amendment, permit and application documentation for a period of 28 business days and not greater than two months, including a minimum of two notices in the local newspaper.
- Under Section 40K and Section 42 of the Act, any public representations received in response to the public exhibition are reported back to the Planning Authority. The Planning Authority reports on any representations made, to the Commission, making comment as to their merits, and may include recommendations on modifications to the draft LPS Amendment and draft permit conditions.
- The Commission may conduct a hearing to consider the issues raised by the draft LPS amendment and development application and through representation.
- Within three months of the Planning Authority providing the draft amendment and certificate, the Commission will make the final determination of the application for the draft LPS amendment and development, unless a later date is approved by the Minister.
- The Commission's decision is final and cannot be appealed to the Tasmanian Civil and Administrative Tribunal (TASCAT).

## **6. ASSESSMENT OF PROPOSED LPS AMENDMENT AGAINST THE LEGISLATIVE REQUIREMENTS**

**6.1.** When considering a draft amendment and development application, assessment must be undertaken under Section 34 of the Act to determine whether the requirements of the Act have been met.

This includes:

- Ensuring the contents of the LPS meet legislative requirements,
- Avoiding potential land use conflict with use and development permissible under the Scheme,
- Being where practicable, consistent with the State Planning Policies and the relevant regional land use strategy, and
- Having regard to the impact on the region in terms of environmental, economic, and social outcomes.

The legislative requirements are addressed in this section of the report.

The development proposal must be assessed by the Planning Authority against the applicable Scheme provisions, in this case *General Provision 7.3 Adjustment of a Boundary* with conditions and permits drafted accordingly, or the application is refused. Refer to part B of this report.

### **6.2. The Draft LPS Amendment Request**

#### **Planning Scheme Implications**

The land is subject to the provisions of the Scheme and is currently zoned, Landscape Conservation and Rural Zone as shown in *Figure 4*. The planning scheme provides a list of permissible use classes in the zones, some with qualifications as detailed in Attachment 5. The draft LPS Amendment seeks to rezone a portion of 923 Grasstree Hill Road, from Landscape Conservation Zone to Rural Zone as shown in Figure 8.





Figure 10 Showing the 4402m2 area of land to be rezoned to Rural Zone (Source Clarence GIS)

### **Analysis of Use Table**

Attachment 5 details the permissibility for various use classes in the Rural Zone and provides a comparison with the existing Landscape Conservation zoning. The Analysis Table outlines whether a use class is “no permit required”, “permitted”, “discretionary” or “prohibited” in the respective zones and outlines any qualifications that may be applicable.

The change from Landscape Conservation Zone to Rural Zone, reclassifies some uses from Discretionary to Permitted or to No Permit Required, and allows for several use classes that were previously prohibited, including for example resource extraction, resource processing, storage, but also business and professional services (if for veterinary or agribusiness consulting), uses that are typically associated with rural pursuits.

### **6.3. LPS Draft Amendment Assessment**

Section 34(2) of LUPAA requires a relevant planning instrument (in this instance a draft amendment of an LPS) to meet the following criteria:

- a) **Contains all the provisions that the SPP's specify must be contained in the LPS;**

The draft amendment relates to land within the Clarence municipal area. The proposal seeks to rezone land zoned Landscape Conservation to Rural, and thereby modify the existing Clarence LPS map for the subject site.

The proposed amendment is for rezoning land without modification to the code development controls that apply to it. The proposed amendment uses a zone from the suite of zones available under the SPPs (i.e., Rural Zone).

If certified, all provisions of the Rural Zone will apply to this land along with any other relevant code development controls.

Accordingly, the proposal is considered to comply with Section 34(2) (a).

- b) **Be in accordance with Section 32;**

Section 32 specifies the content of the LPS. The proposed draft amendment is consistent with the content categories, in that it relates to existing zoning categories (Section 32 (e)) which is the only LPS content change proposed.

#### **Appropriateness of the Rural Zone**

The applicant states that the proposed rezoning would align the zone with the existing use and development on the land. The proposed rezoning to Rural Zone is considered to bring the existing use into greater conformance with the Scheme and enable the transfer for of land to occur between the two properties.

*“Commission Guideline No. 1 – Local Provision schedule (LPS): zone and code application (Guideline 1) states that “The primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible”.*

Guideline 1 provides additional specific Rural Zone (RZ) Guidelines as outlined in the following table.

<b>Zone Application Guideline</b>	<b>Response</b>
<b>RZ 1</b> The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values	Met The 4404m <sup>2</sup> area of land is constrained by the proximity to the existing dwelling on 1015 Grasstree Hill Road and existing structures on it and would allow for a logical extension of the Rural Zone. Although within the Priority Vegetation overlay, the vegetation within the 4404m <sup>2</sup> area has already been substantially modified.
<b>RZ 2</b> The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the “Land Potentially Suitable for Agriculture Zone” layer published on the LIST	Not Applicable 923 Grasstree Hill Road is identified as excluded from the Land Potentially Suitable for Agriculture Zone.
<b>RZ 3</b> The Rural Zone may be applied to land identified in the “Land Potentially Suitable for Agriculture Zone” layer, if: <ul style="list-style-type: none"> <li>(a) it can be demonstrated that the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;</li> <li>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</li> <li>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</li> </ul>	Met (a) LIST map indicates that the 4404m <sup>2</sup> area of land, is categorised as Land Capability Class 6 “ <i>Land marginally suited to grazing due to severe limitations</i> ”, and (b) the land will be incorporated into the curtilage of the 1015 Grasstree Hill dwelling which will significantly constrain its use for agricultural use. (c)to(e) are considered not applicable, given the size of land within scope for rezoning.

<b>Zone Application Guideline</b>	<b>Response</b>
(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or (e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.	

Given the land area proposed to be rezoned, namely 4404m<sup>2</sup>, is small in comparison to the overall lot areas, and is associated with the curtilage of the existing dwelling on 1015 Grasstree Hill Road, it is considered unlikely that the proposed rezoning would encourage or support the uses previously prohibited in the Landscape Conservation Zone, that would be allocated Permitted or Discretionary Use Status in the Rural Zone as outlined in Attachment 5.

Use classes moved into the No Permit Required use status category include Resource Development and Utilities, and again based on the area of land and proximity to the existing dwelling on 1015 Grasstree Hill Road, it is considered unlikely that these uses would be undertaken in this location.

Use classes moved into the Permitted use status category, include Emergency Services, Food Services and General Retail and Hire with the last two uses qualified on the basis that the use is associated with Resource Development or Resource Processing. Visitor Accommodation is also elevated into the Permitted use status on the proviso that “guests are accommodated within an existing building”. The property is provided with access onto Grasstree Hill Road, a route often used by visitors to the Richmond and Coal Valley region, therefore such potential future uses in the Permitted category, are considered compatible with the type of agricultural and tourism pursuits in the surrounding area.



It is further noted that the Rural Zone provisions include Use Standards for Discretionary Uses, which provides a further opportunity to consider the appropriateness of such uses on the enlarged location of 1015 Grasstree Hill Road.

Based on the above, it is concluded that the proposed rezoning to Rural Zone is consistent with Section 32 (2) (a) to (l) inclusive and achieves the Rural Zone purpose of the Scheme:

*“Clause 20.1 Zone Purpose*

*The purpose of the Rural Zone is:*

*20.1.1 To provide for a range of use or development in a rural location:*

*(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*

*(b) that requires a rural location for operational reasons;*

*(c) is compatible with agricultural use if occurring on agricultural land;*

*(d) minimises adverse impacts on surrounding uses.*

*20.1.2 To minimise conversion of agricultural land for non-agricultural uses.*

*20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.”*

The request does not refer to a Particular Purpose Zone, Specific Area Plan or Site Specific Qualification, therefore Section 32(3) and 32(4) of the Act, do not apply. As the request only proposes to change the LPS maps, it is considered to comply with Sections 32 (6) to (7) of the Act inclusive.

### **Conclusion**

Based on the above assessment, it is considered that the modified draft LPS amendment, namely the proposed rezoning to Rural Zone complies with all requirements of Section 32 (Contents of LPSs) of the Act, thus complying with Section 34 (2) (a) and (b) of the Act.

**c) Furthers the objectives set out in Schedule 1 (Part 1 and Part 2);**

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Objective	Response
<b>Part 1</b>	
<b>1. The objectives of the resource management and planning system of Tasmania are</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The proposed rezoning is considered a logical extension of the existing Rural Zone on 1015 Grasstree Hill Road and provides for the sustainable development of the land associated with the curtilage of the existing dwelling.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	The draft amendment resolves a historic use and development anomaly on the site and provides for fair, orderly development of the land by providing consistent provisions on the land.
(c) to encourage public involvement in resource management and planning; and	If the amendment is certified, the application will be advertised for public comment. Any representations received will be considered by the Planning Authority and reported to the Commission, who may hold public hearings into the representations. Future use and development of the area will be subject to the Scheme provisions which require any discretionary use and development to be publicly notified.
(d) to facilitate economic development in accordance with the objectives set out in <a href="#">paragraphs (a), (b) and (c)</a> ; and	By providing for uniform provisions across the site greater certainty is provided to facilitate use and development appropriate to the Rural Zone and bring the existing uses into greater conformance with the Scheme.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The proposal is not located in a TasWater Service area and has been considered by TasNetworks who have indicated no objection to the draft amendment or the planning permit application (subject to an advice clause).

Part 2	
The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule:	
(a) to require sound strategic planning and co-ordinated action by State and local government; and	The limited extent of the proposed rezoning is considered to maintain the intended macro allocation of land across the municipal area and is considered consistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS)
(b) 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; and	The draft amendment applies State Planning Provision (SPP) zone and code criteria to ensure appropriate land management and development control.
(c) 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; and	The site is already developed and does not contain natural values. The only hazard overlay on the 4404m <sup>2</sup> of land to be rezoned is the Bushfire Prone Areas Code, and due to the elevation, future development will also be subject to the Safeguarding of Airports Code. In addition to the zone controls this code control will further this objective.
(d) 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; and	The proposed rezoning retains the general extent of intended uses in this area of the municipality and is considered to further this objective.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and	The proposal is a combined amendment to the Clarence LPS and planning permit application. The proposal has been referred to relevant statutory authorities and no objection is indicated to the draft amendment or the issue of a planning permit (subject to advice clauses).
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	The proposed rezoning will primarily impact on the existing residents of 1015 Grasstree Hill Road, by providing a logical extension to the curtilage of the existing dwelling. It is considered that given the proposed rezoning is limited to 4404m <sup>2</sup> of land, its impact is very local and does not conflict with this objective.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	There are no known or listed historical, scientific, aesthetic, architectural or special cultural values on the site.
(h) 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; and	The site is only serviced by TasNetworks, and relies on on-site waste management, stormwater, and potable water supplies. It is considered that given the proposed rezoning is limited to 4404m <sup>2</sup> of land, its impact is very local and does not conflict with this objective.
(i) to provide a planning framework which fully considers land capability.	The site is located within an existing rural area and is already developed, with structures ancillary to the existing residential use on 1015 Grasstree Hill Road. The proposed rezoning will bring the existing uses on the land into greater conformance with the Scheme and provides for future use and development to occur within a consistent planning framework.

Based on the above assessment the draft LPS amendment is considered to further the objectives set out in Schedule 1, as required by Section 34 (2) (c) of the Act.

**d) is consistent with each State policy;**

Assessment of the amendment against the State Policies is provided in the following table.

<b>State Policy</b>	<b>Response</b>
<b>State Policy on the Protection of Agricultural Land 2009</b> To conserve and protect agricultural land so that it remains available for the sustainable use and development of agriculture, recognising the particular importance of prime agricultural land. “Agricultural use” includes use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets.	Consistent The land within 4404m <sup>2</sup> area to be rezoned is classified as land capability Class 6, that is land marginally suited to grazing due to severe limitations. Furthermore, as the land is already developed with buildings associated with the residential use on 1015 Grasstree Hill Road, the proposal will not convert prime agricultural land, but rather allocate a more appropriate zone.



<b>State Policy</b>	<b>Response</b>
It includes the handling, packing or storing of agricultural produce for dispatch to processors or markets and controlled environment agriculture and plantation forestry.	Accordingly, the proposal is considered to be consistent with this State Policy.
<b>State Coastal Policy 1996</b> To protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection.	Not Applicable. The subject site is located more than 1km from the coast, and accordingly is therefore outside the Coastal Zone as defined in the policy.
<b>State Policy on Water Quality Management 1997</b> To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of the RMPS.	Consistent The subject site is located within a rural context and is located at an elevation of 190m, clear of watercourses, riparian vegetation, or flood prone areas. The existing development on the land is provided with on-site infrastructure to manage wastewater and stormwater. Any future development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as being consistent with all State Policies.
<b>National Environment Protection Measures (NEPMs)</b> - Statutory instruments that specify national standards for a variety of environmental issues, are also taken to be State Policies in Tasmania. - Administered by Environmental Protection Authority (EPA).	Consistent The area to be rezoned is associated with residential use and the 4404m <sup>2</sup> of land is not considered to encourage uses that would require consideration against NEPMs. If such uses were proposed, it considered likely such uses would be within the Level 1 Criteria and are unlikely to require administration by the EPA. Any future development would be assessed against the Tasmanian Planning Scheme – Clarence, which has been assessed as compliant with all State Policies.

Based on the above assessment the draft LPS amendment is considered to be consistent with each applicable State policy as required by s34 (2) (d) of the Act.

**da) satisfies the relevant criteria in relation to the TPPs;**

Not Applicable - there are currently no Tasmanian Planning Policies in effect.

**e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situation the land to which the relevant planning instrument relates;**

The regional land use strategy for Clarence is the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS). Comments against the STRLUS strategies are provided in this section.

The proposed draft amendment is considered to align with the following Strategic Directions (SD) and regional planning policies to support the vision for Southern Tasmania and guide land use planning and decision making.

- SD5: Supporting our Productive Resources and
- SD6: Increasing Responsiveness to our Natural Environment.

An assessment of the associated regional policies considered particularly relevant is provided in the following table.

<b>STRLUS Regional Policies</b>	<b>Comment</b>
<b>Tourism (T)</b> T 1.3 - Allow for tourism use in the rural and significant agriculture zones where it supports the use of the land for primary production.	The rezoning of the 4404m <sup>2</sup> area of land to Rural Zone, will move Visitor Accommodation to a Permitted use class status, if in existing buildings, which is considered consistent with this policy.
<b>Productive Resources (PR)</b> PR 2.6 - Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings on small non-farming titles, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.	The rezoning will better reflect the actual use of the land, which is already associated with the existing sensitive use on the 1015 Grasstree Hill Road. There are no agricultural uses on neighbouring land and the proposal is considered consistent with this policy.

<p><b>Biodiversity and Geodiversity (BNV)</b> BNV 1.4 - Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.</p>	<p>The area of land to be rezoned is already clear of native vegetation based on the historic use and development. The level of clearing around the buildings is typical for dwelling curtilage areas associated in rural locales in the region. The Priority Vegetation Overlay will be retained, so that any future development will need to consider any natural values on the land. The proposal is considered consistent with this policy.</p>
<p><b>Managing Risks and Hazard (MRH)</b> MRH 1.3 Allow clearance of vegetation in areas adjacent to dwellings existing at the time that planning schemes based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to a biodiversity code, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.</p>	<p>The area of land to be rezoned is already clear of native vegetation and contributes to the Bushfire Hazard Management Area (BHMA) associated with the existing dwelling on 1015 Grasstree Hill Road. The proposed rezoning by providing for the proposed boundary adjustment, will ensure the BHMA is contained within the subject site. The proposal is considered consistent with this policy.</p>

Based on the above assessment the draft LPS amendment is considered, as far as practicable, to be consistent with the regional land use strategy, as required by s34 (2) (e).

- f) has regard to the strategic plan, prepared under Section 66 of the *Local Government Act 1993*, that applies to the land to which the relevant planning instrument relates;**

The municipal strategic plan is the City of Clarence Strategic Plan 2021-2031. The proposal is considered generally consistent with the overarching goals for a people friendly city, a well-planned liveable city, a prosperous and creative city, and an environmentally responsible city. There are no specific local policies or strategies that are relevant to this proposal.

Based on the above assessment the draft LPS amendment is considered to have regard to the strategic plan, prepared under Section 66 of the *Local Government Act 1993*, as required by s34 (2) (f).

- g) **as far as practicable, is consistent with and co-ordinated with any LPS that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

Not applicable, the subject site is not adjacent to any other municipal area.

- h) **has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.**

Not applicable, there is no land within the municipal area that is subject to the *Gas Safety Act 2019*.

#### **6.4. Conclusion - LPS Criteria Compliance**

The assessment undertaken in section 6.3 of this report, demonstrates that the proposal complies with the requirements of Section 34 LPS criteria of the Act.

### **ASSOCIATED REPORT – PART B**

## **7. ASSESSMENT OF THE PROPOSED BOUNDARY ADJUSTMENT**

### **7.1. The relevant parts of the Planning Scheme are:**

- Clause 5.1 – General Provisions,
- Clause 6.10 – Determining Applications,
- Clause 6.11 – Conditions and Restrictions on a Permit,
- Clause 7.3 – Adjustment of a Boundary,
- Clause 20.0 – Rural Zone,
- Clause C2.0 – Parking and Sustainable Transport Code,
- Clause C7.0 – Natural Assets Code,
- Clause C12.0 – Flood-Prone Areas Hazard Code,
- Clause C13.0 – Bushfire Prone Areas Code,



- Clause C15.0 – Landslip Hazard Code, and
- Clause C16.0 – Safeguarding of Airports Code.

## **7.2. Assessment of the Proposed Boundary Adjustment**

General Provision 7.3, clause 7.3.1 states that:

*“An application for a boundary adjustment is Permitted and a permit must be granted if:*

- (a) No additional lots are created;*
- (b) There is only a minor change to the relative size, shape and orientation of the existing lots;*
- (c) No setback from an existing building will be reduced below the relevant Acceptable Solution setback requirement;*
- (d) No frontage is reduced below the relevant Acceptable Solution minimum frontage requirements;*
- (e) No lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size;*  
*and*
- (f) No lot boundary that aligns with a zone boundary will be changed.”*

Attachment 4 provides the detailed analysis of the proposed boundary adjustment as shown in the proposal plans in Attachment 3 and demonstrates that the proposal complies with all provisions of clause 7.3.1 and therefore a permit must be granted.

In accordance with 5.1 General Provisions, no further assessment against the zone and code provisions applicable to the land is required, given that in accordance with *clause 5.1.2 Where there is an inconsistency between a provision in a zone, specific area plan or code and a general provision in clause 7.0 of this planning scheme, the general provision in clause 7.0 prevails.*

Based on the above, the proposed boundary adjustment between 923 Grasstree Hill Road and 1015 Grasstree Hill Road is considered to satisfy the Scheme requirements and is recommended for approval subject to conditions.

**8. EXTERNAL REFERRALS**

The proposal was referred to TasNetworks, who advised that there were no objections to the proposed rezoning or boundary adjustment and provided a standard advice clause for inclusion in the draft permit.

The proposal was referred to the Department of Natural Resources and Environment Tasmania (DNR&E) who advised that there were “*no concerns regarding the proposal in relation to threatened flora or fauna or associated habitat for threatened species at this time*”. It is noted that any future change of use or development on the rezoned portion of land would still be considered against the applicable provisions of the Scheme, including the Natural Assets Code.

The application did not require referral to any other agencies.

**9. COUNCIL COMMITTEE RECOMMENDATIONS**

The proposal did not require referral to any Council committees. The proposal for the boundary adjustment assessment was referred to several internal groups including Council’s Assets team. The proposal has not raised any concerns, and where appropriate, standard permit conditions have been included.

Should the Planning Authority agree to the amendment and permit, any future committee comments or recommendation received during the public exhibition period may be considered as part of the Planning Authority’s Section 40K (of the Act) report.

**10. EXTERNAL IMPACTS**

No significant impacts.

**11. CONCLUSION**

The proposed boundary adjustment is currently prohibited under the provisions of the Scheme. For this reason, the applicant has lodged an application under s37(1) and 40T of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use or development that would otherwise be prohibited.

For the reasons detailed within the body of this report it is considered that the proposed rezoning amendment is consistent with the STRLUS and meets the relevant provisions of the Act.

It is recommended that:

- In accordance with Section 40W(1) of the Act, the Planning Authority agrees to the draft LPS amendment and in accordance with Section 40F (2) (a) of the Act, certifies that the draft amendment meets the requirements of Section 34 of the Act (LPS Criteria).
- In accordance with Section 40D of the Act agrees to prepare the draft amendment, and in accordance with Section 40Y (2) (a) of the Act grant the planning permit subject to conditions.
- The draft amendment and granted planning permit be advertised in accordance with Section 40G, 40H, and 40Z of the Act.

Attachments: 1. Location Plan (1)  
2. Draft Instrument of Certification (1)  
3. Boundary Adjustment proposal plans (2)  
4. Detailed assessment of the Boundary Adjustment (2)  
5. Comparison Table of zone use classes (3)  
6. Site Photo (1)

Robyn Olsen  
**ACTING MANAGER CITY PLANNING**

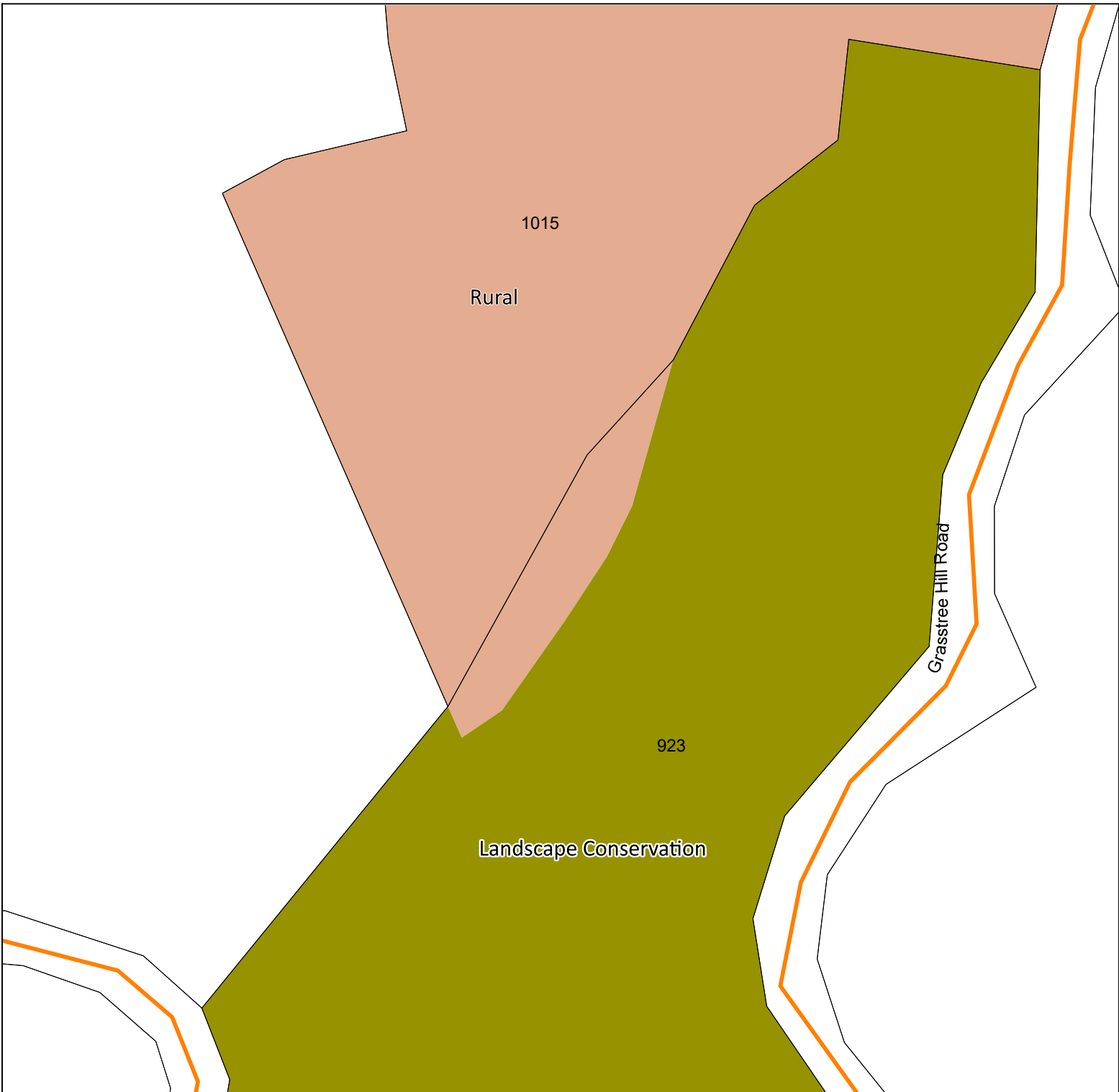
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

## Attachment 1

### Location Map 923 and 1015 Grasstree Hill Road, Grasstree Hill







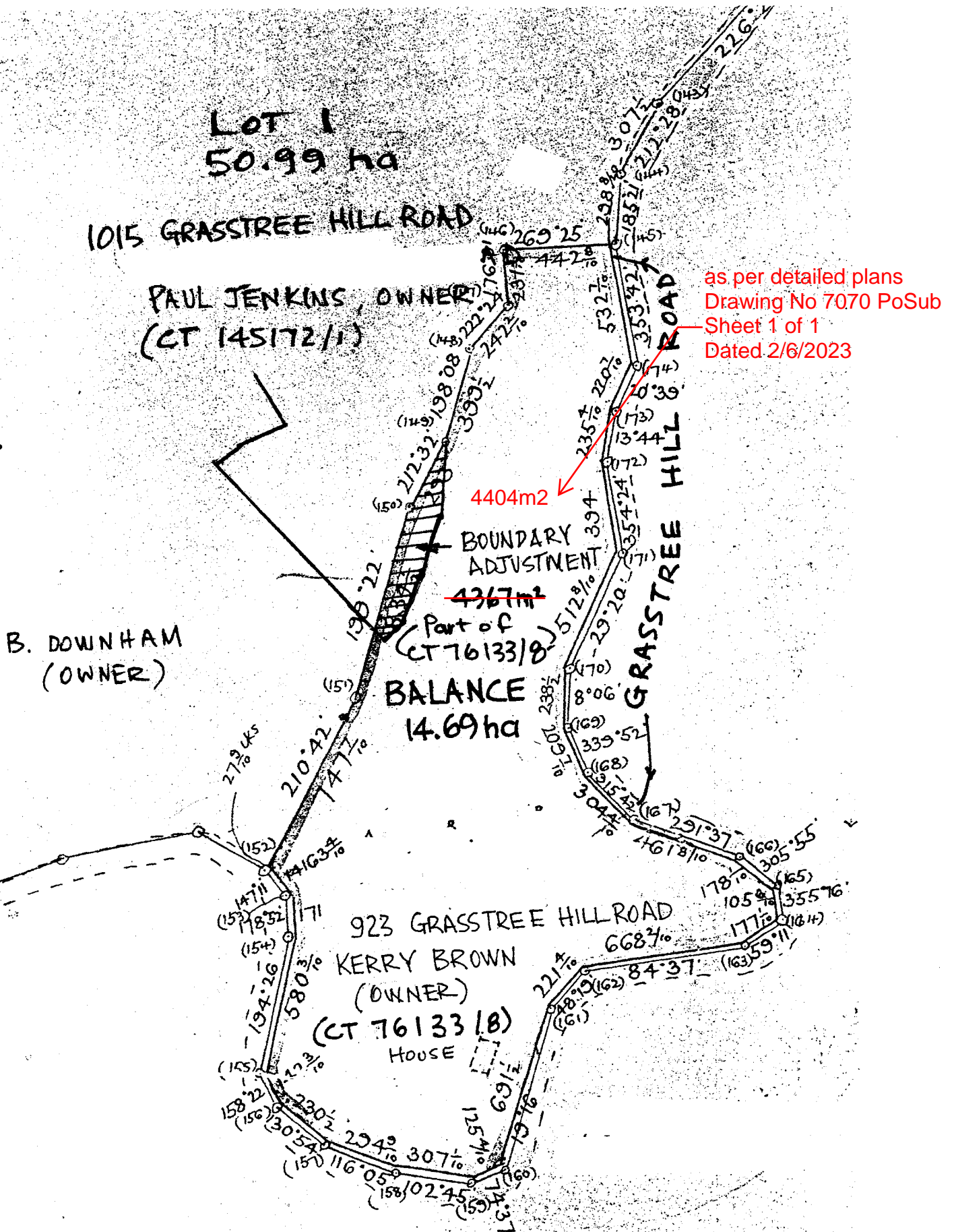
### AMENDMENT TO LOCAL PROVISION SCHEDULE MAPPING PDPSPAMEND-2023/034393

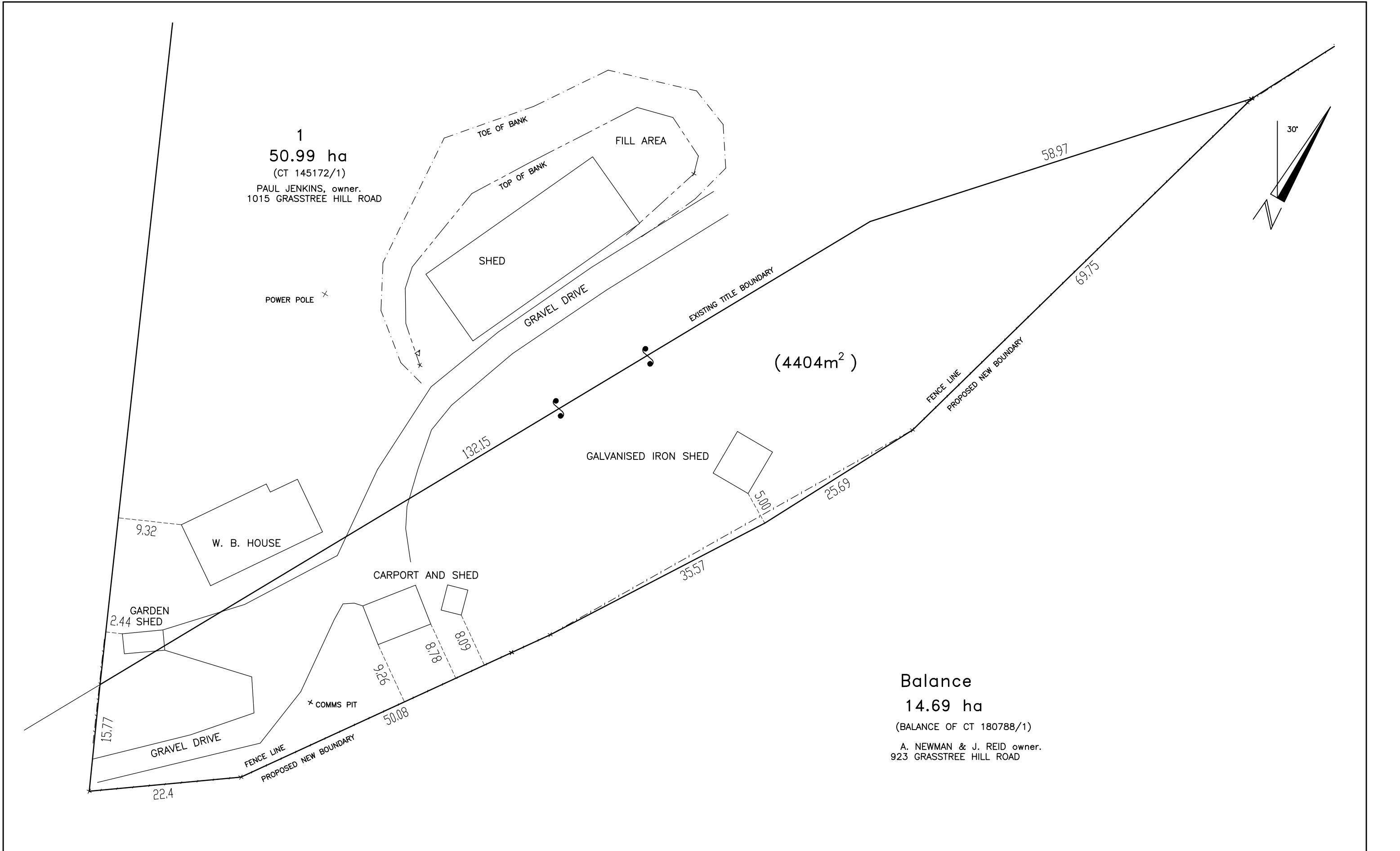
To amend the Tasmanian Planning Scheme - Clarence Local Provision Map by rezoning a 4404 m2 portion of 923 Grasstree Hill Road, from Landscape Conservation Zone to Rural Zone.

THE COMMON SEAL OF THE CLARENCE CITY COUNCIL  
HAS BEEN HEREUNTO AFFIXED THIS XXth DAY OF XXXX  
20XX, PURSUANT TO A RESOLUTION OF THE COUNCIL  
PASSED THE XXth DAY OF XXXX 20XX IN THE PRESENCE  
OF:

CORPORATE SECRETARY

Scale 1:2,500 (at A4)





## Attachment 4

Sub-clause 7.3.1	923 Grasstree Hill Road CT 180788/1 Owner: A. J. Newman & J. M. Reid		1015 Grasstree Hill Road CT 145172/1 Owner: P. G. Jenkins	
	Existing	Proposed	Existing	Proposed
(a) no additional lots are created;	1 lot	1 lot Complies	1 lot	1 Lot Complies
(b) there is only minor change to the relative size, shape and orientation of the existing lots;	15.13 Ha	14.69 ha Diff = (4404) m <sup>2</sup> 3 % smaller  Complies – minor change to size and shape, and orientation remains the same	50.55ha	50.99 ha Diff = 4044 m <sup>2</sup> 1 % larger  Complies – minor change to size and shape, and orientation remains the same
(c) no setbacks from an existing building will be reduced below the relevant Acceptable Solution setback requirement;	<p>The existing frontage setback is non-compliant due to the location of the existing outbuilding.</p> <p><u>Existing setbacks</u> Frontage setback = 2m Northern side boundary = 675m</p> <p>Western side/rear boundary setback = 357m</p> <p><u>22.4.2 Building height, siting and exterior finishes</u> <u>Acceptable Solution</u> A2 Frontage - 10m; A3 – Side &amp; Rear Boundary – 20m</p>	<p>Boundary Adjustment alters position of the western side / rear boundary</p> <p><u>Proposed setbacks</u> Frontage setback = No change Northern side boundary = No Change Western side/rear boundary setback =&gt; 342m</p> <p>Setback on changed boundary greater than 20m</p> <p>Complies with Acceptable Solution A3</p>	<p>Existing eastern side boundary setback is 2.7m due to the non-compliant existing dwelling. There is also a garden shed that currently sits across the boundary to the southeast and has an existing 2.44m setback to the southwestern boundary.</p> <p><u>Existing setbacks</u> Frontage setback = 650m Side boundary setbacks</p> <ul style="list-style-type: none"> <li>• South-eastern = 2.7m</li> <li>• South-western = 2.44m</li> </ul> <p>Northern rear boundary = 1.14km</p> <p><u>20.4.2 Setbacks</u> <u>Acceptable Solution</u> A1 (a) 5m A2 (b) not</p>	<p>Boundary Adjustment alters position of the south-eastern side boundary</p> <p><u>Proposed setbacks</u> Frontage setback – no changes Side boundary setbacks</p> <ul style="list-style-type: none"> <li>• South-eastern = 5m</li> <li>• South-western – no change</li> </ul> <p>Northern rear boundary = no change</p> <p>Setback on changed boundary will be 5m</p> <p>Complies with Acceptable Solution</p> <p><i>NB: Brings existing development into greater conformance with the Scheme.</i></p>



Attachment 4 – PDPSPAMEND-2023-034393 Planning Assessment Clause 7.3 Adjustment of a Boundary

Sub-clause 7.3.1	923 Grasstree Hill Road CT 180788/1 Owner: A. J. Newman & J. M. Reid		1015 Grasstree Hill Road CT 145172/1 Owner: P. G. Jenkins	
	Existing	Proposed	Existing	Proposed
(d) no frontage is reduced below the relevant Acceptable Solution minimum frontage requirement;	1.44km  <u>22.5.1 Lot Design Acceptable Solution A2</u> Minimum frontage in Landscape Conservation Zone is 40m	1.44km  No change Complies	304.7mm  <u>20.5.1 Lot Design Acceptable Solution A1</u> (d) Minimum frontage in Rural Zone is 25m	304.7m  No Change Complies
(e) no lot is reduced below the relevant Acceptable Solution minimum lot size unless already below the minimum lot size; and	15.13 Ha  <u>22.5.1 Lot design Acceptable Solution A1</u> Minimum Lot Size in Landscape Conservation Zone is 50ha	14.69 ha  Complies – lot already below the minimum lot size	50.55ha  <u>20.5.1 Lot Design Acceptable Solution A1</u> (d) Minimum lot size in Rural Zone is 40ha	50.99 ha  Complies
(f) no lot boundary that aligns with a zone boundary will be changed.	<b><i>If the requested draft amendment to the Clarence Local Provision Maps is approved, this boundary adjustment to be considered as compliant.</i></b>			

## Attachment 5

Attachment 5: Comparison of allowable uses between the Landscape Conservation and Rural zones		
Use Class	22.0 Landscape Conservation Zone <i>Tasmanian Planning Scheme - Clarence</i>	20.0 Rural Zone <i>Tasmanian Planning Scheme - Clarence</i>
<b>No Permit Required</b>		
Natural and Cultural Values Management	No qualification	No qualification
Passive Recreation	No qualification	No qualification
Resource Development	<i>See Discretionary</i>	No qualification
Utilities	<i>See Permitted</i>	If for minor utilities
<b>Permitted</b>		
Business and Professional Services	<b>Prohibited</b>	If for: (a) veterinary centre; or (b) an agribusiness consultant of agricultural consultant.
Domestic Animal Breeding, Boarding or Training	<b>Prohibited</b>	No qualification
Emergency Services	<i>See Discretionary</i>	No qualification
Extractive Industries	<b>Prohibited</b>	No qualification
Food Services	<i>See Discretionary</i>	If associated with Resource Development or Resource Processing
General Retail and Hire	<i>See Discretionary</i>	If associated with Resource Development or Resource Processing
Manufacturing and Processing	<b>Prohibited</b>	If for the processing of materials from Extractive Industry.
Pleasure Boat Facility	<b>Prohibited</b>	If for a boat ramp.
Research and Development	<b>Prohibited</b>	If associated with Resource Development or Resource Processing
Residential	If for a: (a) home based business; or (b) single dwelling located within a building area, is shown on a sealed plan.	If for: (a) a home-based business in an existing dwelling; or (b) alterations or extensions to an existing dwelling
Resource Processing	<b>Prohibited</b>	No qualification
Storage	<b>Prohibited</b>	If for: (a) a contractors yard;

Attachment 5: Comparison of allowable uses between the Landscape Conservation and Rural zones		
Use Class	22.0 Landscape Conservation Zone <i>Tasmanian Planning Scheme - Clarence</i>	20.0 Rural Zone <i>Tasmanian Planning Scheme - Clarence</i>
		(b) freezing and cooling storage; (c) grain storage; (d) a liquid, solid or gas fuel depot; or (e) a woodyard.
Utilities	If for minor utilities	Refer to No Permit Required and Discretionary sections.
Visitor Accommodation	<i>See Discretionary</i>	If for guests accommodated within an existing building.
<b>Discretionary</b>		
Bulky Goods Sales	<b>Prohibited</b>	If for: (a) a supplier for Extractive Industry, Resource Development or Resource Processing; (b) a garden and landscaping materials supplier; (c) a timber yard; or (d) rural supplies.
Business and Professional Services	<b>Prohibited</b>	If not listed as Permitted.
Community Meeting and Entertainment	If for place of worship, art and craft centre, or public hall.	No qualification
Crematoria and Cemeteries	<b>Prohibited</b>	No qualification
Custodial Facility	<b>Prohibited</b>	No qualification
Domestic Animal Breeding, Boarding or Training	No qualification.	<i>See Permitted</i>
Educational and Occasional Care	<b>Prohibited</b>	If not listed as Permitted
Emergency Services	No qualification.	<i>See Permitted</i>
Food Services	If for a gross floor area of not more than 200m <sup>3</sup> .	If not listed as Permitted
General Retail and Hire	If associated with a Tourist Operation.	If not listed as Permitted
Manufacturing and Processing	<b>Prohibited</b>	If not listed as Permitted
Motor Racing Facility	<b>Prohibited</b>	No qualification
Pleasure Boat Facility	<b>Prohibited</b>	If not listed as Permitted

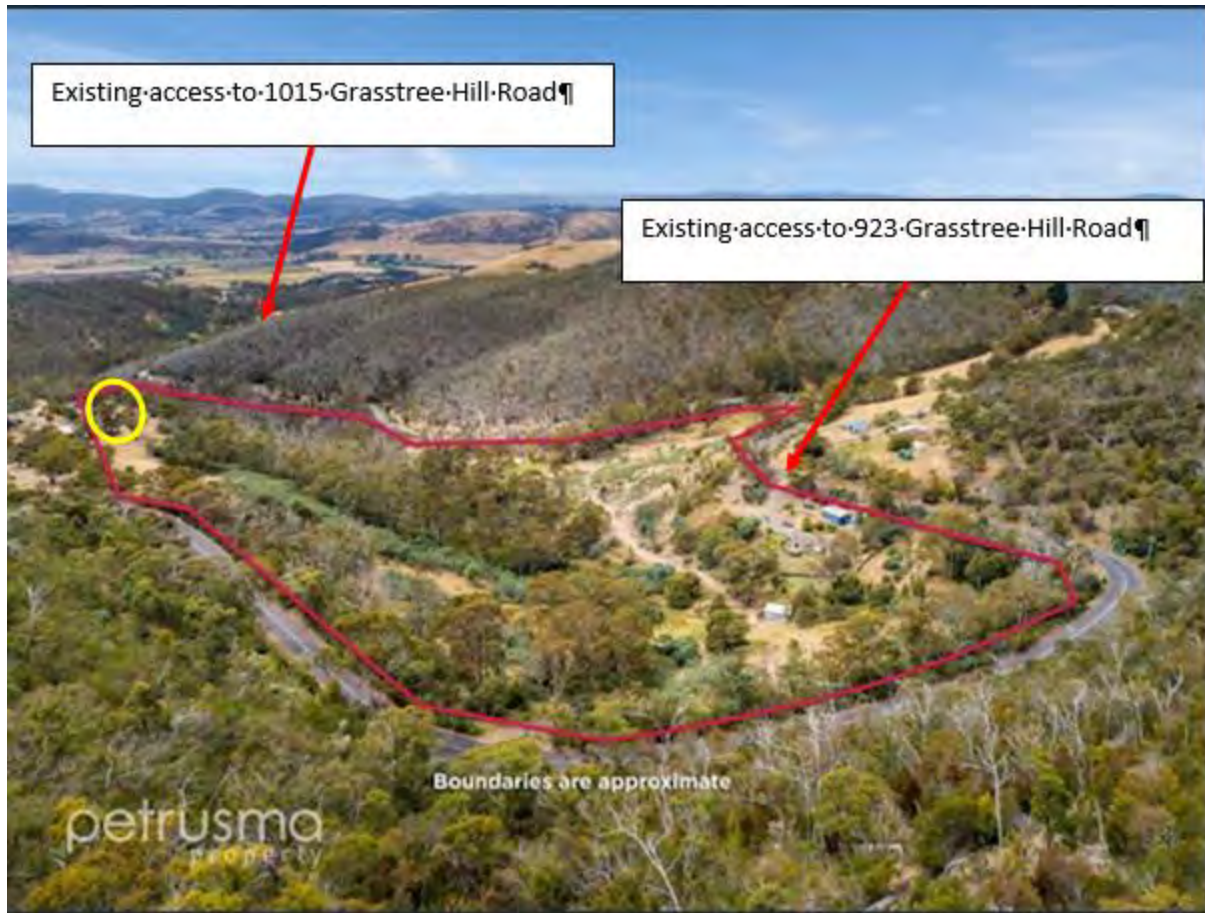
Attachment 5: Comparison of allowable uses between the Landscape Conservation and Rural zones		
Use Class	22.0 Landscape Conservation Zone <i>Tasmanian Planning Scheme - Clarence</i>	20.0 Rural Zone <i>Tasmanian Planning Scheme - Clarence</i>
Recycling and Waste Disposal	Prohibited	No qualification
Research and Development	Prohibited	If not listed as Permitted
Residential	If for a single dwelling	If for a single dwelling and not restricted by an existing agreement under section 71 of the Act.
Resource Development	If not for intensive animal husbandry or plantation forestry.	See No Permit Required
Service Industry	Prohibited	If associated with Extractive Industry, Resource Development or Resource Processing.
Sports and Recreation	If for an outdoor recreation facility.	No qualification
Storage	Prohibited	If not listed as Permitted
Tourist Operation	No qualification	No qualification
Transport Depot and Distribution	Prohibited	No qualification
Utilities	If not listed as No Permit Required.	See Permitted
Visitor Accommodation	No qualification	If not listed as Permitted.



## Attachment 6

Aerial Photo (source realestate.com)

Approximate location of 4404m<sup>2</sup> to be rezoned outlined in yellow.



<b>8.     REPORTS OF OFFICERS</b>
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<b>8.1   DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS</b>
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Nil Items.

## 8.2 ASSET MANAGEMENT

Nil Items.

<b>8.3 FINANCIAL MANAGEMENT</b>
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Nil Items.



#### **8.4 GOVERNANCE**

Nil Items.

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION - COUNCILLOR DARKO  
CONDEMNATION OF TARGETED VANDALISM**

In accordance with Notice given, Cr Darko intends to move the following motion:

“That Council

1. expresses sympathy to Rosemary Harwood for the desecration of a memorial to her deceased daughter, Marjorie Harwood.
2. condemns the aforementioned desecration as a hate-based targeted attack on a minority group - who have been increasingly subject to misunderstanding and public fearmongering.
3. stands in solidarity with the transgender and broader LGBTQIA+ community.
4. re-affirms its commitment to ensuring Clarence is a welcoming and inclusive city where all are safe from hate which targets gender identity, gender, sexuality, race, ability, or any other marginalisation.”

**EXPLANATORY NOTES**

- In late May, it was discovered that a memorial to Marjorie Harwood - a deceased transgender woman - had been vandalised with graffiti of a known transphobic phrase.
- Council expressed sympathy at that time and cleaned the graffiti from the memorial.
- Since then, there has been a rally in support of Marjorie, and calls have been made for public condemnation of the vandalism as targeted hate against a minority.

J Darko  
**COUNCILLOR**

***CHIEF EXECUTIVE OFFICER'S COMMENTS***

*A matter for council.*

**10. COUNCILLORS' QUESTION TIME**

A Councillor may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

**10.1 QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Nil.

**10.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil.

**10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING**

Cr Mulder

My question is regarding complaints I have received about dog faeces strewn across the Wentworth Street reserve where people are running. It is an off-lead area which means that people often run there with their dogs behind them which therefore means they cannot see when their dog stops and needs to attend to the call of nature which results in a terrible look and basically it is unhygienic. What can be done about this? I appreciate that the dog policy needs to be dealt with but surely, we could put up some signs and may be take enforcement action to try to get people to be responsible owners? Maybe we need a responsible dog owners' policy rather than a dog policy?

**ANSWER**

Taken on notice.

Council's Code of Responsible Dog Ownership forms a part of our Dog Management Policy. Dog-Management-Policy-1-October-2021.pdf ([ccc.tas.gov.au](http://ccc.tas.gov.au))

Wentworth Park is a dog on-lead area, as is the Clarence Foreshore Trail. When an owner walks or runs with their dog through this area, the dog is required to be on lead at all times. This information is broadly communicated, including on our website and publicised through Dog News and social media.

Council's experience in relation to the effectiveness of installed signage is mixed. Our experience is that it is more effective to promote responsible dog ownership, including cleaning up after your dog and using council's dog waste bins (there are over 100 dog waste bins at key locations throughout the city).

City rangers issue infringement notices where a person has been observed not cleaning up after their dog. To respond to this reported issue, Council rangers will increase patrols at Wentworth Park and on the Clarence Foreshore Trail to further educate dog owners and deter irresponsible dog ownership.

Cr Hunter

I have had people coming to me recently about dog attacks which is a separate issue, but the question has been raised about appropriate behaviour for dog owners and I think there is opportunity there for a campaign for appropriate behaviour for dog owners from Council's dog policy point of view. Is that something we could investigate?

**ANSWER**

Taken on notice.

City Rangers will continue to work with Communication and Marketing team to provide more educational posts on Council's social media and through council's Dog News. The focus will be to further promote Council's Code of Responsible Dog Ownership.

Cr Hulme

My question is regarding information circulated to councillors about unspent developer contributions and the areas from which they are contributed, the amounts, and the times they were contributed for. It concerns me that there is a number of unspent car parking contributions that go back a significant time which I think is unfair; first to those people who are looking for parking but also unfair to those developers who have paid contributions and I wonder if we could have a workshop to look at what to do with those contributions to have them spent?

**ANSWER**

(Mr Graham) We will be looking at that as part of our car parking strategy which will be undertaken in 2023-2024.

Cr James

1. I have been advised that a number of senior citizens that use the Dampier Street centre, namely in the activity of badminton, have been advised that they have to cease operations on 30 June 2023. My question is could that be investigated please?

**ANSWER**

Taken on notice.

Council leases the Warrane Community Centre to Southern Tasmanian Basketball League Inc. (STBL). STBL has advised Council that its insurance cannot cover hirers of the centre as the insurance only applies to the STBL and its activities.



Most sporting groups are affiliated with a sporting body and therefore covered by that body's insurance policy. We understand that the badminton group has previously been advised to consider joining the Southern Tasmanian Badminton Association as a social/casual group at which point they would be covered by that body's insurance. We understand that the Southern Tasmanian Badminton Association Inc. offers casual hire with appropriate insurance cover.

Alternatively, the badminton group can contact Council's Facilities Coordinator who may be able to assist with accommodating the group at one of our Council managed facilities.

2. There are a number of positions that senior managers in this place are acting in, is there a timeline in which those positions can be filled on a permanent basis?

**ANSWER**

(Chief Executive Officer) Yes, we have been waiting for the budget to be approved so a number of those positions will proceed to be advertised shortly.

Cr Walker

1. Since the last meeting data packs have been received regarding the future of local government. In the case of Clarence, it seems to be either looking northwards for greater collaboration with Brighton or eastwards for greater collaboration in the south-east. There is a timeline for community consultation or responses to go back to Council. Has there been a process developed about how we think we are going to go forward or is it something that we are waiting for a workshop?

**ANSWER**

(Mayor) The process has been extended by an additional six weeks until 2 August. I have had a preliminary meeting with the Mayors of Brighton, Tasman and Sorell. I will hand over to the Chief Executive Officer, but I understand there is an intention to hold a Council workshop on Tuesday 13 June. The CEO and his staff have done a great deal of work also with neighbouring colleagues on this.

(Chief Executive Officer) We are contemplating one of two dates for a workshop, either 13 June or the following Monday which is 19 June; which is the night of the Special Council Meeting. In discussion with the Mayor, I was going to circulate that as a proposal. My contemplation at the moment is 19 June is probably the better date for a 5.00pm workshop focusing on the local government review and one other key item and then we will move into the Special Council Meeting at 7.00pm. That will give us time to do any additional work after that.

2. Could we have an update on where things are at with the Victoria Esplanade master plan and consultation where the next milestone is?

**ANSWER**

(Mr Graham) The consultation has closed, and we are collating the results to come back to Council, so I will provide a memo to councillors on the timeline.

Cr Kennedy

Is it possible given that we have just approved the budget to give some assurance to the residents of Seven Mile Beach that we will be keeping an eye on the Esplanade road conditions because at the moment residents are suggesting that it is only suitable for four wheel drives? We know that there is a whole plan in process everyone is comfortable with that happening but it does need to have some regular attention.

**ANSWER**

(Mr Graham) We will monitor the Esplanade for potholes but our design team this financial year is certainly doing work for the upgrade of that section of road.

<b>10.4 QUESTIONS WITHOUT NOTICE</b>
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A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, a Councillor or the Chief Executive Officer may decline to answer a question without notice.

**11. CLOSED MEETING**

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

- 11.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 11.2 JOINT AUTHORITY MATTER
- 11.3 TENDER T1492/23 CLEANING OF PUBLIC TOILETS, BARBEQUES AND PICNIC TABLES
- 11.4 TENDER T1480/22 ANNUAL FOOTPATH RECONSTRUCTION PROGRAM 2023-2024
- 11.5 SUPERINTENDENT'S REPRESENTATIVE FOR THE BEACH STREET, BELLERIVE STORMWATER UPGRADE PROJECT
- 11.6 PROPERTY MATTER - ROKEBY
- 11.7 PROPERTY MATTER - ROKEBY

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- contracts and tenders for the supply of goods and services;
- proposals to acquire land; and
- applications by Councillors for a Leave of Absence.

**Note: The decision to move into Closed Meeting requires an absolute majority of Council.**

**The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.**

**PROCEDURAL MOTION**

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.