

STATEMENT OF EVIDENCE

Reference: PDPSAMEND-2021-022802

Author: Frazer Read

Field of expertise: Planning

Filed on behalf of: M F CAS Pty Ltd

Date: 18 May 2023

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1. INTRODUCTION

- 1.1.1 This statement of evidence has been prepared by Frazer Read, Town Planner of 19 Mawhera Avenue, Sandy Bay in relation to Draft Amendment PDPSAMEND-2021-022802 to the Clarence Local Provisions Schedule (planning scheme).
- 1.1.2 I have a Bachelor of Environmental Design, a Master of Planning, am a Registered Planner with the Planning Institute of Australia and have 28 years of experience as a Planner. My Curriculum Vitae is attached in **Appendix A**.
- 1.1.3 I have been engaged by MF Cas Pty Ltd, the owner of lots 1-7, 100 Skyline Drive to provide expert planning evidence in response to a proposal to rezone the existing Low Density Residential zoned portions of these and other nearby sites at Howrah to Landscape Conservation and apply the Priority Vegetation overlay to various properties. The draft amendment set out in Section 4.2 below follows the Commission's direction 24 June 2021 to substantially modify the planning scheme.
- 1.1.4 For the purpose of this evidence I refer to the extent of the existing Low Density Residential zoned land as "the subject land".
- 1.1.5 The Panel's support for the proposal was based on evidence submitted by the Howrah Hills Landcare Group as part of the LPS hearings. The affected owners were not involved in the Commission's LPS hearings and did not have the opportunity to provide any alternative evidence to the Panel.
- 1.1.6 M F Cas Pty Ltd oppose the proposed amendment.
- 1.1.7 I rely on the evidence from Richard Barnes from Van Diemen Consulting in relation to the flora and fauna values of the land and Chris Goss from Orbit Solutions in relation to visual landscape values of the land.
- 1.1.8 Having regard to this evidence, I have prepared this statement to assist the Commission with an assessment of relevant planning matters.

2. DECLARATION

- 2.1.1 This statement of evidence has been prepared in accordance with the Tasmanian Planning Commissions Practice Note 14. I have made all enquiries which I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge, been withheld from the Commission.
- 2.1.2 I have attempted at all times in preparing this statement to distinguish between matters of fact, professional opinion and submission.

Signed:



Date: 18 May 2023

3. SUMMARY OF EVIDENCE

3.1.1 Having regard to the evidence of:

- Dr Richard Barnes in relation to flora and fauna; and
- Chris Goss in relation to visual landscape assessment;

as well as the LPS Criteria including the *Southern Tasmania Regional Land Use Strategy*, in my assessment the draft amendment should be rejected.

3.1.2 The existing Low Density Residential zoning should be retained for all of the subject land except that:

- the western most “triangle” of land forming part of CT 136183/6, 100 Skyline Drive, should be zoned Landscape Conservation; and.
- the “public open space lot” at 73 Skyline Drive, 136183/8, owned by Council should either be zoned Landscape Conservation or Open Space to match the adjacent Bandicoot Reserve, CT 28383/301.

3.1.3 My reasoning is as follows:

- The evidence of Dr Richard Barnes is that:
 - his field verification has identified substantial inaccuracies in TASVEG mapping and the Vegetation Communities Risk Map produced by Entura in 2011; and
 - the subject land does not include significant areas of native vegetation that he would classify as ‘priority vegetation’. This is summarised in Figure R2 of his response statement 16 May 2023.
- The evidence of Chris Goss is that:
 - the subject land sited on the mid-slopes (max contour of 120m) of Knopwood Hill (211m) and Glebe Hill is not, in itself, of significant scenic value.
 - the subject land is situated below the Urban Growth Boundary (UGB), away from the upper slopes and associated ridgelines and will not have any significant visual impact upon them. Skylines are, in the same manner, also protected from any significant visual impact. The Urban Growth Boundary generally provides a reasonable level of restraint from the urbanisation of these valued natural landscapes.
 - Other than the western triangle of Lot 6, the subject land can absorb all prospective development under the existing the Low Density Residential without significant visual impact on the landscape.
- The subject land is contained within the Urban Growth Boundary (UGB) under Map 10 of the STRLUS. This boundary effectively sets the upper limit of development on the Howrah Hills.
- In my assessment retention of the existing Low Density Residential Zoning is consistent with LDRZ 1-4 of the Commissions’ Guideline No. 1. Retention of the existing Low Density Residential Zone, along with the operation of the applicable codes of the planning scheme will ensure that future development provides for an appropriate transition between the established General Residential zoned areas of Howrah and the Landscape Conservation Zone above.

- Based on the evidence of Chris Goss, the subject land does not have important scenic values that would warrant the application of the Landscape Conservation under LCZ 1 of Guideline No. 1.
- Based on the evidence of Dr Richard Barnes, the subject land does not include significant areas of priority vegetation that would warrant the application of the priority vegetation area overlay under NAC7-NAC 13 or Landscape Conservation Zone under LCZ 1, LCZ 2 of Guideline No. 1.

4. BACKGROUND

- 4.1.1 In their submission to the draft Clarence Local Provisions Schedule, Howrah Hills Landcare Group submitted a representation that the subject land at Howrah Hills should be zoned Landscape Conservation and/or a Specific Area Plan be introduced.
- 4.1.2 Clarence City Council (Council) in the Section 35F report on representations to the TPC considered that their representation did not warrant modification to the draft LPS. The reasons included that¹:
- the referenced titles within the Low Density Residential Zone are within the Urban Growth Boundary;
 - the issue was considered by the Commission in the assessment of the interim planning scheme and decided the lots should be within the Low Density Residential Zone;
 - the proposed zoning is therefore a 'like-for-like' translation from the existing zoning, and is consistent with LDRZ1(c) of Guideline No. 1 which recognizes existing areas that do not warrant higher densities;
 - the application of the Low Density Residential Zone is strategically the most appropriate zone, despite some differences in the provisions under the SPPs;
 - the Part 5 agreement restricting development on some of the titles should be managed outside of the development and implementation of the LPS;
 - a specific area plan has not been developed for the area; and
 - the relevant landowners are not aware of the request to rezone their land and apply a specific area plan and this raises significant natural justice issues and denial of due process.
- 4.1.3 At the LPS hearings, Howrah Hills Landcare Group presented evidence from Dr R Wiltshire in relation to flora and fauna values, Mr B Chetwynd in relation to visual landscape values and Jacqui Blowfield in relation to planning.
- 4.1.4 Based on that evidence the Commission considered that the application of the Landscape Conservation Zone to the land was consistent with LCZ1 of Guideline No. 1 in that the land contains threatened vegetation communities identified for protection and conservation.
- 4.1.5 The Commission noted that some parts of the land proposed for the Landscape Conservation Zone are not identified as containing natural vegetation; however, the Commission accepted the evidence of Mr Chetwynd that the land provides a transition to the vegetated slopes of the hillside which is an important visual backdrop to the suburb. This land was therefore also considered by the Commission to be consistent with LCZ1 of Guideline No. 1 in that it was an area of important scenic values.
- 4.1.6 The Commission also agreed with the representor that the supplied Vegetation Communities Risk Map produced by Entura in 2011 was relatively consistent with the TASVEG mapping, except for the land within the General Residential Zone which has already been developed

¹ Paragraph 26, TPC Decision and Reasons to substantially modify part of the Clarence Draft LPS, 24 June 2021

at a high density, and some areas of the Low Density Residential Zone lots on the eastern side of Skyline Drive. The Commission noted that NAC12 of Guideline No. 1 states that the priority vegetation area overlay may include areas of native vegetation which have identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority.

- 4.1.7 The Commission considered that the Vegetation Communities Risk Map and associated Natural Assets Information Manual demonstrates the land predominantly contains vegetation of at least local importance, and accepted the evidence of Dr Wiltshire that the vegetation is likely to be of greater significance. The Commission therefore considered that the application of the priority vegetation area overlay was consistent with NAC12 of Guideline No. 1.
- 4.1.8 To my knowledge, none of the affected land owners were notified of this submission or given the opportunity to provide evidence in response as part of the LPS process. There was no alternative evidence before the Panel.

4.2 THE AMENDMENT OF THE PLANNING SCHEME

- 4.2.1 The draft amendment is to amend the Clarence Local Provisions Schedule of the Tasmanian Planning Scheme (planning scheme) to:
- rezone the following properties from Low Density Residential to Landscape and Conservation as shown in Figure 1 below; and
 - apply the priority vegetation area to the properties as shown in Figure 2 below.
- (a) 125 Norma Street, Howrah (folio of the Register 26606/146);
- (b) 18 Newhaven Drive, Howrah (folio of the Register 26629/145);
- (c) 5 Zenith Court, Howrah (folio of the Register 26629/144);
- (d) 100 Skyline Drive, Howrah (folios of the Register 136183/1, 2, 3, 4, 5, 6, & 7);
- (e) 73 Skyline Drive, Howrah (folio of the Register 136183/8);
- (f) 46 Skyline Drive, Howrah (folio of the Register 48113/13);
- (g) 60A Skyline Drive, Howrah (folio of the Register 104949/6);
- (h) 60B Skyline Drive, Howrah (folio of the Register 104949/5); and
- (i) 60C Skyline Drive, Howrah (folio of the Register 13618).

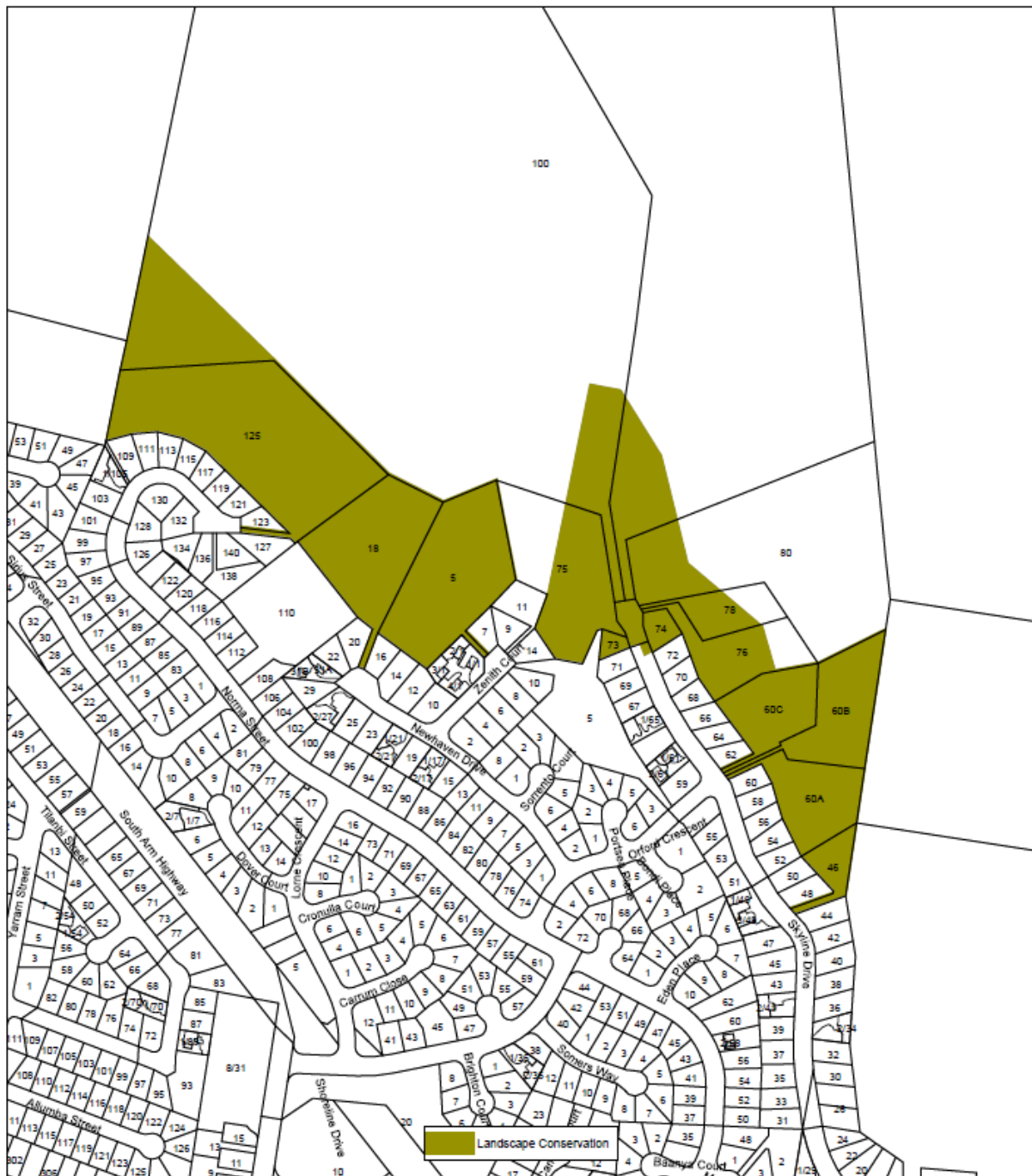


Figure 1 – Properties to be rezoned from Low Density Residential to Landscape Conservation

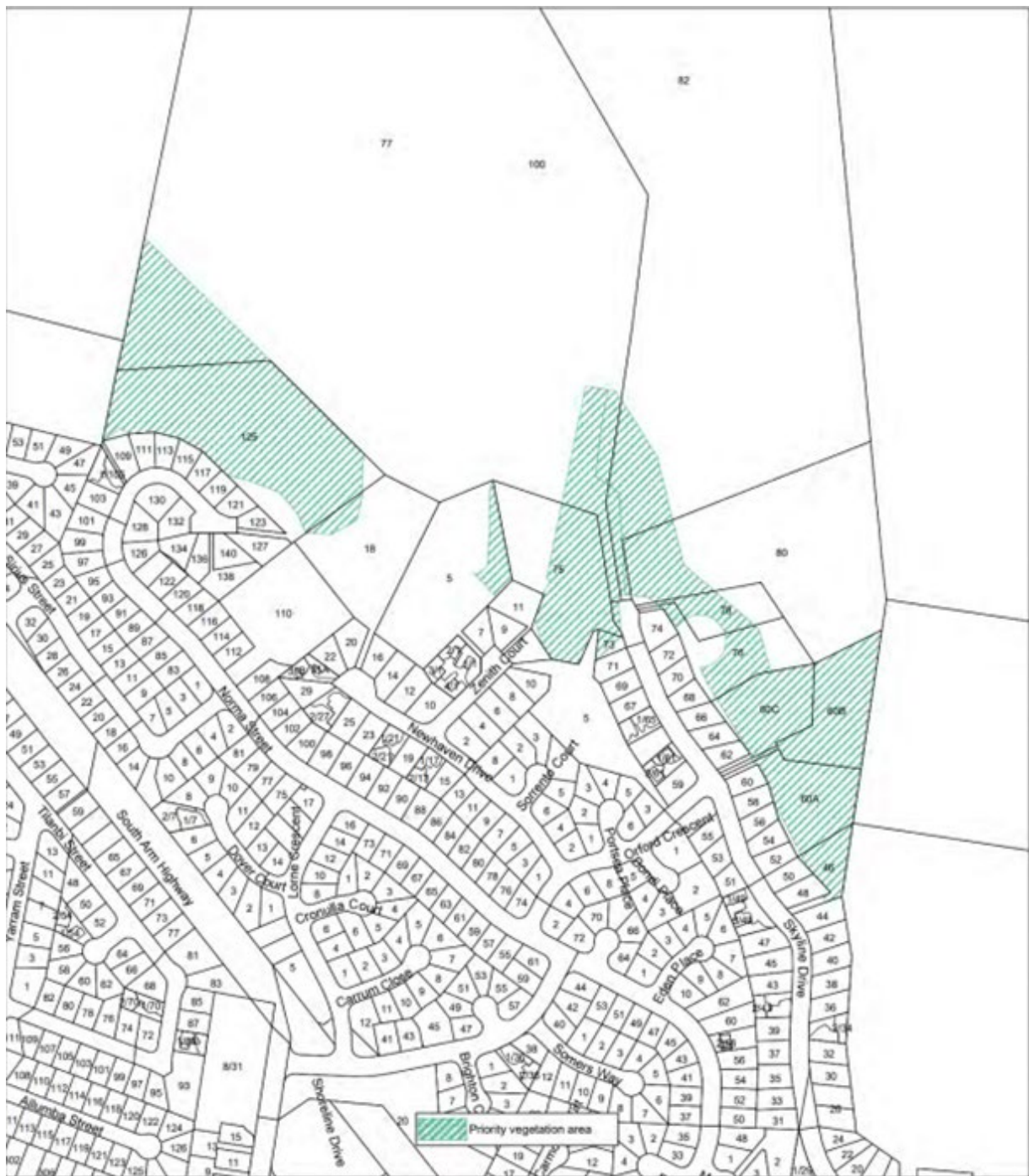


Figure 2 - Area to which the priority vegetation overlay is proposed to apply

4.3 THE SITE AND SURROUNDINGS

4.3.1 The draft amendment relates to the extent of existing Low Density Residential zoning within the following titles:

Address	CT	Approx title Area	Frontage	Zoning including approx. area and % of site area of existing LDRZ
Lot 1, 100 Skyline Drive	136183/1	975m ²	40m	100% Low Density Residential
Lot 2, 100 Skyline Drive	136183/2	5872m ²	3.8m	70% Low Density Residential Zone (approx. 4100m ²) and 30% Landscape Conservation
Lot 3, 100 Skyline Drive	136183/3	3566m ²	3.8m	56% Low Density Residential Zone (approx. 2000m ²) and 44% Landscape Conservation
Lot 4, 100 Skyline Drive	136183/4	2.869ha	7.2m	14% Low Density Residential Zone (approx. 4000m ²) and 86% Landscape Conservation
Lot 5, 100 Skyline Drive	136183/5	18.82ha	10m	2.5% Low Density Residential Zone (approx. 4900m ²) and Landscape Conservation
Lot 6, Skyline Drive	136183/6	24.61ha	10m	5.86% Low Density Residential Zone (approx. 4500m ² plus 9000m ² western "triangle") and 94% Landscape Conservation
Lot 7, 100 Skyline Drive	136183/7	1.197ha	35m	64% Low Density Residential Zone (approx. 7600m ²) and 36% Landscape Conservation
Public Open Space 73 Skyline Drive	136183/8	517m ²	10m	100% Low Density Residential Zone
125 Norma Street	CT 26606/146	2.3ha	5m	100% Low Density Residential
18 Newhaven Drive	CT26629/145	1.05ha	6m	100% Low Density Residential
5 Zenith Court	CT26629/144	1.26ha	5m	100% Low Density Residential
60A Skyline Drive	CT104949/6	6050m ²	4m	100% Low Density Residential
60B Skyline Drive	CT104646/5	7255m ²	4m	100% Low Density Residential
60C Skyline Drive	CT136183/11	5549m ²	4m	100% Low Density Residential
46 Skyline Drive	CT 48113/13	1800m ²	8m	100% Low Density Residential

4.4 PART 5 AGREEMENT

4.4.1 There is a Part 5 agreement registered 7 December 2001 on the titles 100 Skyline Drive that in summary:

- requires that driveways and access tracks shall where possible be shared for emergency vehicles, follow the contours of the land to reduce visual impact, minimise the potential for run off and erosion and be surfaced with materials of natural colours such as those found in the immediate environment.
- restricts clearing of native vegetation outside of nominated building envelopes other than required for bushfire hazard management
- requires the establishment of native trees, shrubs and ground covers to screen developments
- restricts fencing outside the extent of the Residential zoned areas of the lots to post and wire or similar construction that will not pose a hazard to native fauna and for that fencing to be located to minimise visual impact.

4.4.2 A copy of the agreement is **Appendix B** to this statement.

4.4.3 I approach this agreement on the basis that it is not a matter relevant to the Commission's assessment of this amendment.

4.5 FLORA AND FAUNA VALUES

4.5.1 The flora and fauna values of the area are discussed in the evidence of Dr Richard Barnes.

4.6 VISUAL LANDSCAPE VALUES

4.6.1 The visual landscape values of the subject land and surroundings are discussed in the evidence of Chris Goss.

5. PLANNING CONSIDERATIONS

5.1 EXISTING ZONING PATTERN

5.1.1 The subject land proposed for rezoning is a strip of Low Density Residential land shown in Figure 3 below.

5.1.2 The land sits between the General Residential Zone, applying to the established residential areas of Howrah, and the Landscape Conservation Zone of the bushland areas of Knopwood Hill and Glebe Hill above.

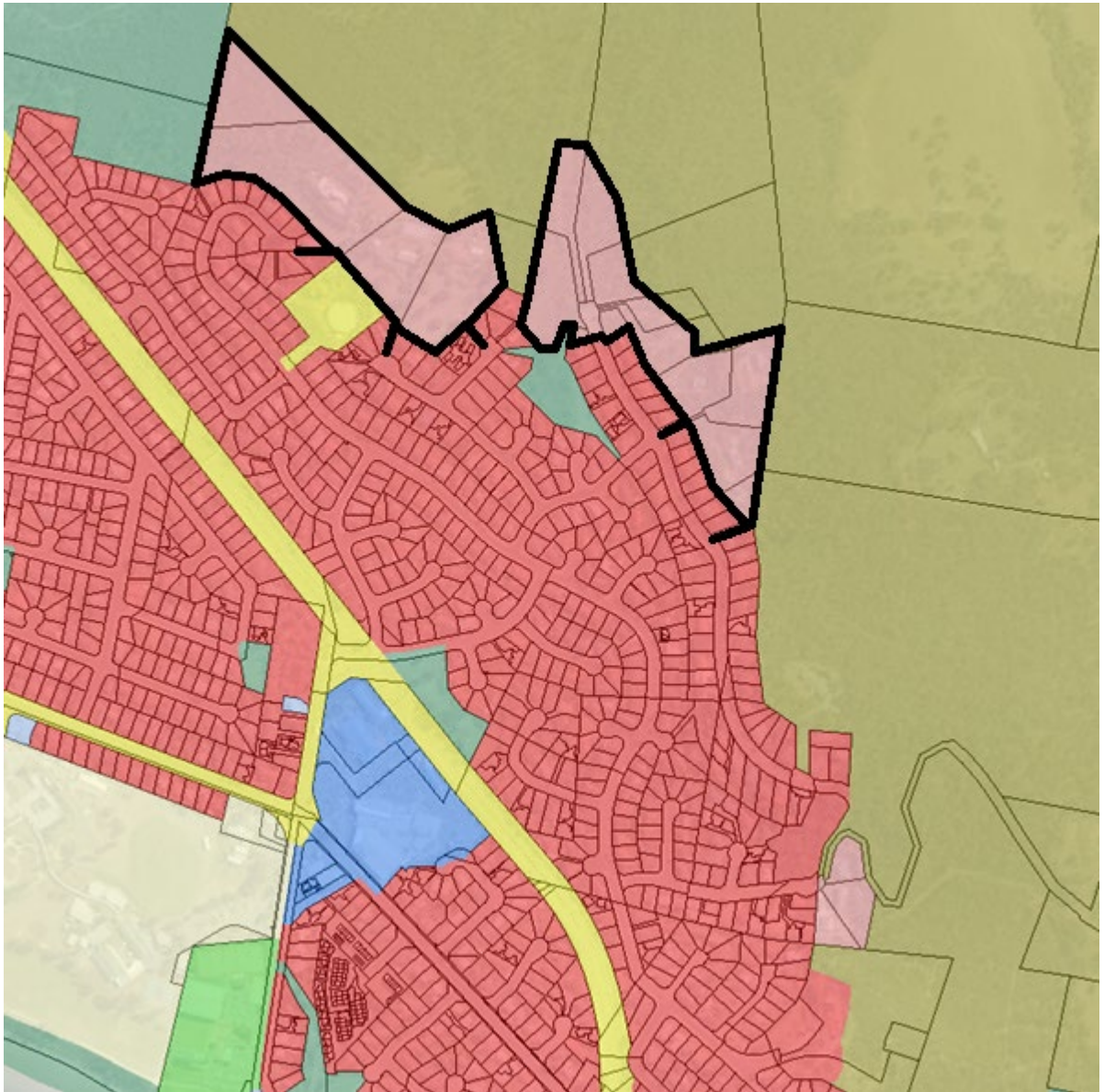


Figure 3 – Existing zoning

5.2 URBAN GROWTH BOUNDARY

5.2.1 The subject land is contained within the Urban Growth Boundary shown in Map 10 of the STRLUS and Figure 4 below.



Figure 4 – The Urban Growth Boundary, existing zoning (90% transparency) over the Hillshade grey overlay and contours.

5.3 DEVELOPMENT POTENTIAL UNDER THE EXISTING LOW DENSITY RESIDENTIAL ZONING

5.3.1 The following considers the development potential of the subject land under the existing Low Density Residential zoning and applicable code overlays.

5.3.2 *Low Density Residential Zone Purpose (Clause 10.1)*

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

5.3.3 Use - Residential use for a single dwelling is a Permitted Use in the Zone. All other Residential uses including multiple dwellings are Discretionary.

5.3.4 The Low Density Residential Zone also allows for a small scale visitor accommodation up to 200m² as a Permitted Use and for a range of commercial and community Discretionary Uses.

5.3.5 I consider that it is more likely that the subject land would be developed for residential rather than commercial or community uses.

5.3.6 *Development Standards for Dwellings (10.4)*

5.3.7 I approach the following development standards on the basis that where a site is split zoned, the 'dwelling density' and 'site cover' are calculated relative to the area/ extent of land within the Low Density Residential Zone rather than the total area of the title.

5.3.8 Residential density for multiple dwellings (10.4.1)

5.3.9 The number/density of residential multiple dwellings on the subject land is subject to Clause 10.4.1 and a Permitted density of 1 dwelling per 1500m² of site area if capable of connection to reticulated services and otherwise 2500m².

Objective:	
That the density of multiple dwellings:	
(a) is appropriate for the low density nature of the zone; and	
(b) is consistent with the availability of infrastructure services and any constraints to development.	
Acceptable Solutions	Performance Criteria
A1	P1.1
Multiple dwellings must have a site area per dwelling of not less than:	For a site that has a connection or is capable of being connected to a full water supply service, a reticulated sewerage system and the public stormwater system, multiple dwellings must only have a site area per dwelling that is less than 1500m ² if the number of dwellings:
(a) 1500m ² if it has a connection or is capable of being connected to a full water supply service, a reticulated sewerage system and the public stormwater system; or	(a) is not out of character with the pattern of development existing on established properties in the area;
(b) 2500m ² otherwise.	(b) does not exceed the capacity of the current or intended infrastructure services in the area; and
	(c) the site area per dwelling is not less than 1200m ² , having regard to any constraints to development.
	P1.2
	For a site that is not capable of being connected to a full water supply service, a reticulated sewerage system and the public stormwater system, multiple dwellings must only have a site area per dwelling that is less than 2500m ² if the number of dwellings:
	(a) is not out of character with the pattern of development existing on established properties in the area;
	(b) can be provided with adequate on-site wastewater disposal and water supply; and
	(c) the site area per dwelling is not less than 2000m ² ; and
	(d) a regulated entity has provided written advice stating that the site is unable to be connected to a full water supply service or a reticulated sewerage system, having regard to any constraints to development.

5.3.10 Having regard to Clause 10.4.1 above and the land areas of the subject land in section 4.3.1, I calculate the following development potential for multiple dwellings on each of the lots assuming that each would be capable of connection to reticulated services (ie 1 dwelling per 1500m²):

Address	CT	Approx title Area (Approx area of LDRZ)	Permitted total No. of dwellings under Clause 10.4.1, A1 (including existing dwellings)
Lot 1, 100 Skyline Drive	136183/1	975m ²	Single dwelling only
Lot 2, 100 Skyline Drive	136183/2	5872m ² (4100m ²)	2 multiple dwellings
Lot 3, 100 Skyline Drive	136183/3	3566m ² (2000m ²)	Single dwelling only
Lot 4, 100 Skyline Drive	136183/4	2.869ha (4000m ²)	2 multiple dwellings
Lot 5, 100 Skyline Drive	136183/5	18.82ha (4900m ²)	3 multiple dwellings
Lot 6, Skyline Drive	136183/6	24.61ha (4500m ² – eastern end) (9000m ² western triangle)	3 multiple dwellings – eastern end 6 multiple dwellings – western triangle)
Lot 7, 100 Skyline Drive	136183/7	1.197ha (7600m ²)	5 multiple dwellings
Public Open Space 73 Skyline Drive	136183/8	517m ²	Not applicable – Public Open Space
125 Norma Street	CT 26606/146	2.3ha	15 multiple dwellings
18 Newhaven Drive	CT26629/145	1.05ha	7 multiple dwellings
5 Zenith Court	CT26629/144	1.26ha	8 multiple dwellings
60A Skyline Drive	CT104949/6	6050m ²	4 multiple dwellings
60B Skyline Drive	CT104646/5	7255m ²	4 multiple dwellings
60C Skyline Drive	CT136183/11	5549m ²	3 multiple dwellings
46 Skyline Drive	CT 48113/13	1800m ²	single dwelling only

5.3.11 Other Development Standards for Dwellings (10.4.2-10.4.4)

The following quantitative standards apply under the acceptable solutions for the Low Density Residential Zone:

- Building height – 8.5m
- Setback – front 8m, side and rear 5m
- Site cover – 30%

5.3.12 Development Standard for Non Dwellings (10.5)

These standards are similar to Clause 10.4 above.

5.3.13 Subdivision (10.6)

The following quantitative standards apply to subdivision in the Low Density Residential Zone:

- Minimum lot size 1500m² – absolute minimum of 1200m²
- Permitted frontage 20m – absolute minimum 3.6m

10.6.1 Lot design

Objective:	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) is provided with appropriate access to a road; and	
(c) contains areas which are suitable for residential development.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 1500m ² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 10.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; and (f) any constraints to development, and must have an area not less than 1200m ² .

- 5.4.2 In the Low Density Residential Zone, the Natural Assets Code only applies to an application for subdivision (Clause C7.2).
- 5.4.3 Under Clause C7.6.2 of the Code, clearance within the existing priority vegetation area of Landscape Conservation zoned land adjacent to the subject land to support new multiple dwelling buildings or works in the Low Density Residential zoned land, would generally be prevented by performance criteria P1.1 and P1.2 (below).
- 5.4.4 The effect of Clause 7.6.2 would therefore be that development within the subject land would need to be setback from the rear/upper boundary so as to contain bushfire hazard management areas within the extent of the Low Density Residential Zone.
- 5.4.5 In my assessment these setbacks would assist low density residential development on the subject land to provide a transition between the General Residential zoned land below and Landscape Conservation Zone above.

P1.1

Clearance of native vegetation within a priority vegetation area must be for:

- (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;
- (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of buildings and works and any constraints such as topography or land hazards;
- (b) any particular requirements for the buildings and works;
- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

5.5 FLOOD-PRONE AREAS CODE

5.5.1 The provisions of this Code will apply to any proposal for a building or works within a flood prone area (see Figure 6 below).

5.5.2 I don't consider that the operation of this Code raises and specific matters that are pertinent to the Commission's assessment of this amendment.

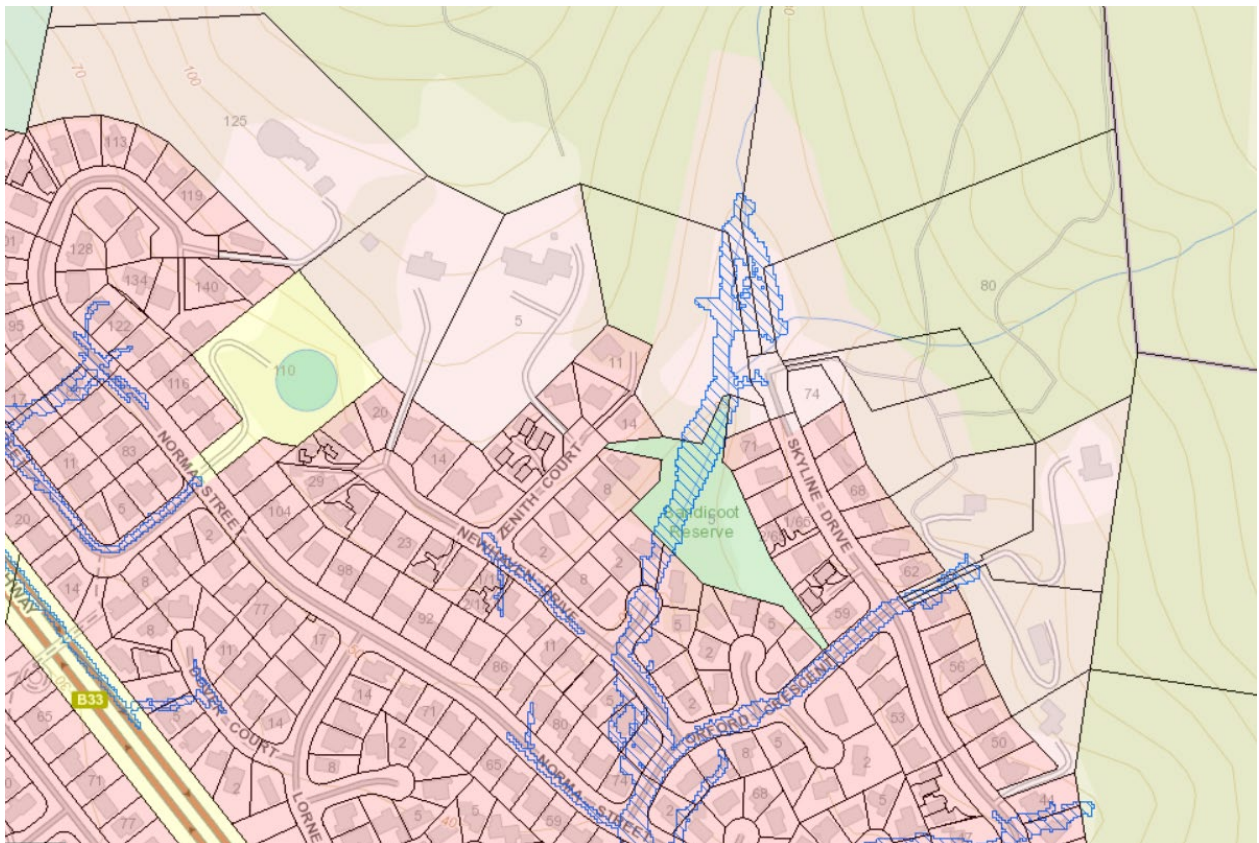


Figure 6 - Flood Prone Area Overlay (Source: Clarence LPS)

5.6 BUSHFIRE PRONE AREAS CODE

- 5.6.1 This code will apply to subdivision on the subject land.
- 5.6.2 Bushfire hazard management will also be required as a *Form 55 Certificate of Specialist* for any residential development of the land as part of the building approval process.
- 5.6.3 It is my understanding that hazard management areas must be established and maintained such that fuels are reduced sufficiently, and other hazards are removed such that the fuels and other hazards do not significantly contribute to the bushfire attack. In my experience, such management areas commonly do not require the removal of all trees and vegetation unless the tree is likely to fall on the dwelling.
- 5.6.4 Tas Fire Service advise² the following for the Inner and Outer protection zones:

Inner Zone

- trees can screen a building from windblown embers while protecting it from radiant heat.
- small-sized natural fuels (such as leaf litter, bark, sticks, tussocks and some shrubs) should be removed and
- larger fuels (trees and shrubs) should be cut back to reduce the intensity of an approaching bushfire.
- Natural fuels, both on the ground and between the ground and any larger trees, should be reduced by selective removal of vegetation, both horizontally and vertically, followed by ongoing maintenance.

Outer Zone

- Retain established trees to trap embers and reduce wind speeds.
- Selectively remove small trees and shrubs to create clumps (rather than a continuous wall of trees) separated by open areas.
- Remove the vegetation between the ground and the bottom of the tree canopy, to a height of at least two metres.
- Minimise fine fuels at ground level, such as grasses and leaf litter.

² www.fire.tas.gov.au

5.7 LANDSLIP HAZARD CODE

5.7.1 Substantial portions of the subject land are contained within mapped landslip hazard areas as shown in Figure 7 below.

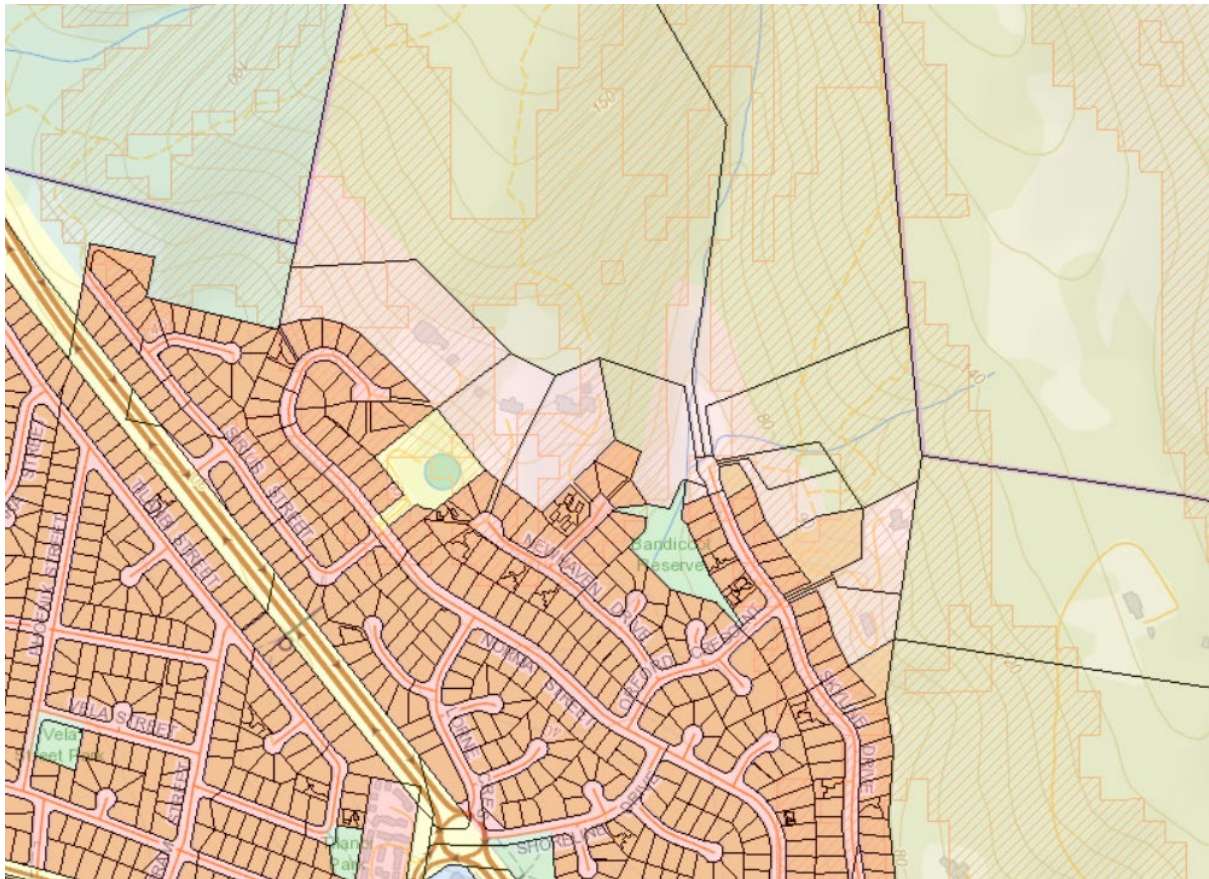


Figure 7 - Landslip Hazard Overlay (Source: Clarence LPS)

5.7.2 The definition of 'significant works' under this code would require that any proposal involving excavation greater than 1m in depth or the removal of vegetation over a continuous area greater than 1000m² would require assessment under Clause C15.6.1:

C15.6.1 Building and works within a landslip hazard area

Objective:	
That building and works on land within a landslip hazard area can:	
(a) minimise the likelihood of triggering a landslip event; and	
(b) achieve and maintain a tolerable risk from a landslip.	
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution.	P1.1 Building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to: (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a landslip hazard report.

5.8 SUMMARY OF EXISTING PLANNING CONTROLS

- 5.8.1 Having regard to the above, in my assessment the following controls under the existing planning scheme would ensure that any development on the subject land would provide an appropriate transition between the existing General Residential areas of Howrah below and the natural areas of the hill side above that are already zoned Landscape and Conservation:
- the 1 dwelling per 1500m² density and 30% permitted site cover in the Low Density Residential Zone;
 - the provisions of the Landslip Hazard Code that would control earth works greater than 1m in depth or vegetation disturbance greater than 1000m²;
 - Bushfire hazard management practices advised by TFS do not require removal of trees unless they are likely to fall on a building. They also do not require the clearance of all vegetation within hazard management areas; and
 - Under Clause C7.6.2 of the Natural Assets Code, clearance within priority vegetation areas and Landscape Conservation Zoned land adjacent to the subject land to support new development in the Low Density Residential zoned land, would generally be prevented by performance criteria P1.1 and P1.2.
- 5.8.2 Having regard to the existing lot sizes and frontages there is limited potential for further subdivision of the subject land under the Low Density Residential Zone.

6. SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY

6.1 REGIONAL POLICIES FOR BIODIVERSITY AND GEODIVERSITY

BNV 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.

- 6.1.1 Comment: - As discussed in Section 5.8, retention of the existing Low Density Residential Zoning on the subject land would only provide for low density rather than intensive use or development of the land. In my assessment retention of the existing Low Density Residential Zone would therefore not conflict with this Regional Policy.

BNV 1.2 Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes:

- a. specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and*
- b. implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.*

- 6.1.2 Comment: Having regard to the evidence of Dr Barnes, I understand that the existing vegetation on the subject land is not of local significance. Application of the priority vegetation overlay to the subject land would therefore not be required by this Regional Policy. As discussed in Section 5.4 above, the existing Landscape Conservation zoning and priority vegetation area mapping on adjacent land would restrict development impacts to biodiversity values beyond the subject land.

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.

- 6.1.3 Comment: It is my assessment that retention of the Low Density Residential Zone with the application of the existing planning scheme codes will appropriately manage the clearance of vegetation on the subject land and ensure a transition between the General Residential Zone and native vegetation of the natural hillside above. As discussed below I consider that retention of the existing Low Density zoning on the subject land is consistent with Guideline No. 1 and on this basis consistent with the application of the zones and codes across the region. I consider that retention of the existing planning scheme provisions is consistent with this Regional Policy.

BNV 2 Protect threatened vegetation communities, flora and fauna species, habitat for threatened species and places important for building resilience and adaptation to climate change for these.

- 6.1.4 Comment: I understand that the evidence of Dr Richard Barnes is that there is limited threatened vegetation, flora and fauna species and habitat for threatened species on the subject land.

BNV 2.1 Avoid the clearance of threatened vegetation communities except:
a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and
b. where the clearance will not significantly detract from the conservation of that native vegetation community.

- 6.1.5 Comment: I understand that the evidence of Dr Richard Barnes (Figure R2 of his response statement) is that there is only a limited extent of threatened vegetation communities on the subject land.

BNV 2.2 Minimise clearance of native vegetation communities that provide habitat for threatened species.

- 6.1.6 Comment: I understand that the evidence of Dr Barnes (Figure R2 of his response statement) is that there is only a limited extent of native vegetation communities that provide habitat for threatened species.

6.2 REGIONAL VALUES FOR CULTURAL VALUES

CV 4 Recognise and manage significant cultural landscapes throughout the region to protect their key values.

CV 4.2 Ensure the key values of regionally significant landscapes are not significantly compromised by new development through appropriate provisions within planning schemes.

CV 4.3 Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in planning schemes.

- 6.2.1 Comment: Having regard to the evidence of Chris Goss, I consider that development of the subject land under the controls of the existing Low Density Residential Zone and applicable codes will not conflict with these Regional Policies in that the land:
- on the mid-slopes of Knopwood Hill and Glebe Hill, is not in itself, of significant scenic value;
 - is situated well below and away from the upper slopes and associated ridgelines and skylines.
- 6.2.2 Other than the western triangle of Lot 6, the subject land can absorb all prospective development under the existing the Low Density Residential without significant visual despoliation on the landscape.

6.3 REGIONAL POLICIES FOR PHYSICAL INFRASTRUCTURE

PI 1 Maximise the efficiency of existing physical infrastructure.

PI 1.1 Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.

- 6.3.1 Comment: The subject land is located entirely within the Urban Growth Boundary. Retention of the existing Low Density Residential Zone will maximise the efficient use of the land and existing infrastructure and is therefore consistent with these Regional Policies.

6.4 SETTLEMENT AND RESIDENTIAL DEVELOPMENT

- 6.4.1 Residential growth within Greater Hobart is primarily managed through the Urban Growth Boundary included in Map 10 of the Regional Strategy. According to the Regional Strategy, this Urban Growth Boundary:

... has been mapped on the basis of known constraints, values and opportunities including infrastructure capacity, environmental, landscape and heritage values and land hazards. It has also taken into account well established expectations of development rights that to remove at this point in time would deny natural justice. For example, there is already an urban growth boundary established in the Clarence area under their planning scheme.³

- 6.4.2 Comment: Retention of the existing Low Density Residential Zone within the extent of the existing Urban Growth Boundary is consistent with previous mapping of landscape and environmental values, reflects well established expectations of development rights at Clarence and furthers these statements.

6.5 REGIONAL POLICIES FOR SETTLEMENT AND RESIDENTIAL DEVELOPMENT

SRD 1.6 Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.

- 6.5.1 Comment: The slope and existing subdivision pattern of the subject land including narrow frontages indicate that it is better suited to the existing Low Density Residential Zone than General Residential zoning. I conclude that retention of the existing Low Density Residential Zone is consistent with this Regional Policy.

7. ASSESSMENT – GUIDELINE NO.1

7.1 ASSESSMENT ZONE APPLICATION GUIDANCE – LOW DENSITY RESIDENTIAL ZONE

LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:

(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:

(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and

(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or

(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or

(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.

³ Southern Tasmania Regional Land Use Strategy, P92.

- 7.1.1 Comment: I consider that the existing Low Density Residential Zone is consistent with LDRZ1 (c) in that it:

- Reflects the existing pattern of subdivision with larger lots behind and above the General Residential zoned lots.
- It provides a transition between the established residential areas of Howrah (zoned General Residential) and the wooded hills above (zoned Landscape Conservation).

LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.

- 7.1.2 Comment: Retention of the existing Low Density Residential zoning is consistent with LDRZ 2 in that the subject land was zoned Low Density Residential under the Clarence Interim Planning Scheme 2015.

LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.

- 7.1.3 Comment: Having regard to the evidence of Dr Barnes and Chris Goss the subject land does not have important natural or landscape values. Retention of the existing Low Density Residential Zone therefore would not conflict with LDRZ 3.

LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for greenfield development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.

- 7.1.4 Comment: In my assessment the subject land should be developed to a low residential density to provide a transition between the established areas of Howrah within the General Residential Zone and the Landscape Conservation Zone above. Retention of the existing Low Density Residential Zone therefore does not conflict with LDRZ 4.

7.2 ASSESSMENT ZONE APPLICATION GUIDANCE – LANDSCAPE CONSERVATION ZONE

LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

- 7.2.1 Comment: As discussed above in relation to Regional Policies for the protection of cultural values, based on the evidence of Chris Goss, the subject land on the mid-slopes of Knopwood Hill and Glebe Hill, is not in itself, of significant scenic value.
- 7.2.2 The land is situated well below and away from the upper slopes and associated ridgelines and skylines.
- 7.2.3 Other than the western triangle of Lot 6, the subject land can absorb all prospective development under the existing the Low Density Residential without significant visual impact on the landscape.

7.2.4 Having regard to the above I do not consider that application of the landscape and Conservation Zone to the subject land would be consistent with LCZ1.

LCZ 2 The Landscape Conservation Zone may be applied to:

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.*

7.2.5 Comment: Based on the evidence of Dr Richard Barnes the subject land does not warrant application of the Landscape Conservation Zone under LCZ 2.

LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.

7.2.6 Comment: This statement is not considered particularly relevant to the draft amendment.

LCZ 4 The Landscape Conservation Zone should not be applied to:

- (a) land where the priority is for residential use and development (see Rural Living Zone); or*
- (b) State-reserved land (see Environmental Management Zone).*

Note: The Landscape Conservation Zone is not a replacement zone for the Environmental Living Zone in interim planning schemes. There are key policy differences between the two zones. The Landscape Conservation Zone is not a large lot residential zone, in areas characterised by native vegetation cover and other landscape values. Instead, the Landscape Conservation Zone provides a clear priority for the protection of landscape values and for complementary use or development, with residential use largely being discretionary. Together the Landscape Conservation Zone and the Environmental Management Zone, provide a suite of environmental zones to manage use and development in natural areas.

7.2.7 Comment: In my assessment, the existing residential sites within the Urban Growth Boundary should continue to be prioritised for residential use rather than landscape conservation. I consider that application of the Landscape Conservation Zone would be in conflict with LCZ 4a) and the accompanying note.

7.3 SECTION 8A GUIDELINES – PRIORITY VEGETATION OVERLAY

NAC 7 The priority vegetation area overlay must include threatened native vegetation communities as identified in TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the LIST.

7.3.1 Comment: I defer to the evidence of Dr Richard Barnes in relation to this guideline but understand that field verification has identified significant deficiencies with TASVEG mapping (see NAC 11).

NAC 8 For the purposes of applying the priority vegetation area overlay to land containing threatened flora species, any areas mapped within the overlay should be derived from or based on the threatened flora data from the Natural Values Atlas as published DPIPW's website and available on the LIST.

- 7.3.2 Comment: I defer to the evidence of Dr Richard Barnes in relation to this guideline (see NAC 11).

NAC 9 In applying the priority vegetation area overlay for threatened flora species, the overlay map may include an area around recorded occurrences of threatened flora species to identify areas of potential occurrence based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority.

- 7.3.3 Comment: I defer to the evidence of Dr Richard Barnes in relation to this guideline.

NAC 10 For the purposes of applying the priority vegetation area overlay to land containing significant habitat for threatened fauna species, any areas identified as significant habitat should be based on the threatened fauna data from the Natural Values Atlas, as published on DPIPW's website.

- 7.3.4 Comment: I defer to the evidence of Dr Richard Barnes in relation to this guideline.

NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to: (a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or (b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.

- 7.3.5 Comment: I defer to the evidence of Dr Richard Barnes in relation to this guideline.

NAC 12 The priority vegetation area overlay may include areas of native vegetation which have been identified as being of local importance based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority. Identification of these areas may be assisted by datasets or spatial products identified by DPIPW.

- 7.3.6 Comment: Section B.5 and Table 1 of the response statement of Richard Barnes, 16 May 2023 concludes that the subject land does not include native vegetation of local importance that would support application of the priority vegetation overlay under NAC 12.

NAC 13 A priority vegetation area should not be shown on the overlay map for land that is within the: (a) Inner Residential Zone; (b) Village Zone; (c) Urban Mixed Use Zone; (d) Local Business Zone; (e) General Business Zone; (f) Central Business Zone; (g) Commercial Zone; (h) Light Industrial Zone; (i) General Industrial Zone; (j) Agriculture Zone; or (k) Port and Marine Zone.

- 7.3.7 Comment: A priority vegetation area can be shown on land within the Low Density Zone without conflicting with NAC 13.

8. CONCLUSION

- 8.1.1 Having regard to the above and the evidence of Chris Goss and Dr Richard Barnes, in my assessment the draft amendment should be refused.
- 8.1.2 I consider that the existing Low Density Residential zoning should be retained for all of the subject land excluding:
- the western most “ triangle” of land forming part of CT 136183/6, 100 Skyline Drive, which should be zoned Landscape Conservation; and.
 - the “public open space lot” owned by Council at 73 Skyline Drive, 136183/8 which should either be zoned Landscape Conservation or Open Space to match the adjacent Bandicoot Reserve, CT 28383/301.

APPENDIX A
FRAZER READ CV

Frazer Read

Principal Urban Planner



Qualified. Master of Town Planning, Bachelor Environmental Design.

Connected. Corporate Member of Planning Institute of Australia, Registered Planner

Relevance to project. Frazer has 28 years' experience in statutory and strategic planning in Tasmania and the UK. Significant experience includes advice to Local Government, State agencies and private developers throughout Tasmania on statutory and strategic planning issues. Frazer's particular interests are working with private, local and State Government clients and stakeholders to identify, manage and streamline complex statutory approvals processes.

Other related areas of experience

- Intimate knowledge of statutory planning relating to multidisciplinary projects
- Extensive private, commercial, Local Government and State Government experience providing a well-rounded perspective on planning and statutory approvals requirements and processes including land use planning, commercial property and utilities.
- Extensive experience as an expert on complex matters and evidence for the TASCAT and the TPC hearings.

Projects

Bridgewater Bridge replacement –DSG

Principal planning consultant to the Department of State Growth in relation to the New Bridgewater Bridge Major Project including preparation of a Statutory Approvals Plan, author of the Major Project Proposal and co-author of the Major Project Impact Statement addressing the relevant Planning Matters and Assessment Criteria. The project required consideration of a range of multidisciplinary issues including development approvals, heritage, environment, utilities and land owner matters. It was the first project to use the Major Projects Approval Process under Section 60 of the *Land Use Planning and Approvals Act 1993*.

Port Latta Windfarm – Nekon

Principal planning consultant in relation to a proposal for a new windfarm located at Port Latta on the north west coast of Tasmania including representing the proponent in an appeal to the Resource Management and Planning Appeal Tribunal.

Royal Hobart Hospital Redevelopment – DHHS.

Statutory planning advice in relation to the \$550M redevelopment of the RHH in Central Hobart including proactive advice to the multidisciplinary project team on a planning scheme amendment, heritage, utilities, early works development applications, briefings to Council officers, Hobart Inner City Advisory Panel and Aldermen and advice to guide the staged statutory approvals for staged construction.

Parliament Square.

Statutory planning advice to the Citta Group, developer of the \$100M Parliament Square development involving complex multidisciplinary issues, heritage, utilities and appeals.

The Elliott

Principal planning consultant for the Elliott mixed use apartment building at 62-64 Patrick Street from concept to planning and building permits. The project is under construction and is due for completion in May 2023.

UTAS Forestry Building Redevelopment

Statutory planning advice in relation to a proposal for the redevelopment of the former Forestry building as part of UTAS's relocation to the Hobart CBD. The project involved complex heritage, contaminated land, urban design and civil engineering considerations and was subject to 119 representations. The proposal was approved by Hobart City Council. An appeal to TASCAT was subsequently lodged by the Save UTAS Sandy Bay Campus group and later withdrawn. TASCAT affirmed the Council's decision in July 2022 and directed the issue of the planning permit.

Communities Tasmania – Wirksworth House/ Wintringham Proposal, Bellerive

Statutory planning advice in relation to a contentious planning proposal for the provision of integrated care, housing and support services tailored to the elderly. The proposal involved advice on the management of multidisciplinary issues. Despite concerted efforts from a well organised objector group a planning permit was issued for the proposal in 2019.

Section 43A Application to rezone to Light Industrial and associated application for a planning permit for a marine farming shore facility at Triabunna – Spring Bay Seafoods Pty Ltd and Tassal Operations Pty Ltd

Expert planning advice to prepare a combined application to rezone and for development of a marine farming shore facility at Freestone Point Road, Triabunna including expert evidence to the delegated Panel of the Tasmanian Planning Commission. The application was approved with some minor modifications.

UTAS Student Housing Accommodation 40-44 Melville Street, Hobart

Statutory planning advice in relation to a new proposal for a 433 bed, multi storey student accommodation building in central Hobart involving complex multidisciplinary issues including heritage, urban design, contaminated land and engineering. The building was completed in 2021.

Giamious Development – 283-287 Liverpool Street, Hobart

Statutory planning advice in relation to a proposal for infill redevelopment of an inner city light industrial site for 25 multiple dwelling proposal over 6 storeys. The proposal involves early identification of planning constraints, a close working relationship with the client, architect and council officers. The proposal was unanimously supported by Council's Urban Design Advisory Panel and is recommended for approval by Council's officers.

Kingston Park

Statutory Planning advice in relation to a new commercial development at Kingston including supermarket, discount department store, specialty shops, cinema, fast food shop, petrol station and fitness centre.

Paranville

Principal Planner and Project Director in relation to a 150ha, mixed use – commercial, residential, recreational and educational, land development project at Rokeby involving multidisciplinary issues of master planning, statutory planning, traffic, environmental, civil, heritage, stakeholder engagement.

Rockefeller Group

In house advice in relation to all planning matters across the Groups commercial property portfolio including redevelopment of Claremont, Shoreline, Kingston, Sorell and Riverside Plaza Shopping centres, 40 Molle Street, 1 Franklin Wharf, due diligence on \$150M sale of 7 shopping centres to SCA Group in 2013, development and upgrades to Hill Street Grocer stores across Tasmania.

Brighton Bypass –DSG

Management of the planning approvals processes for the Brighton Bypass on the northern approaches to Hobart requiring the reconciliation of a range of multidisciplinary issues including development approvals, heritage, environment, utilities, land owner.

Colebrook Rail Diversion

Principal Planner providing advice in relation to the statutory planning approvals for a rail diversion north of Hobart including statutory approvals, heritage, environment, consultation and land owner approvals.

Woolworths Supermarket New Norfolk

Planning advice in relation to the redevelopment of an historic site for a new Woolworths supermarket north of Hobart including briefing of specialist sub consultants, development application and conditions sign offs.

SCA Property Group – assistance in relation to alterations and extension to New Town Plaza including coordination of specialist traffic, environmental and engineering inputs

Raadas Property Pty Ltd – 15 storey Mixed Use Development – 36 Argyle Street

Planning services in relation to the development of a 15 storey mixed use building adjacent to the Argyle Street carpark including briefings to HCC offices, Urban Design Advisory Panel and coordinated planning assessment with supporting specialist reporting on traffic, heritage, archaeology and urban design. Early works on the project have commenced.

Fragrance Group – Macquarie Street (Ibis Hotel)

Planning services in relation to the development of a 12 storey residential hotel development in an established heritage area of the CBD of Hobart including briefings to HCC offices, Urban Design Advisory Panel and coordinated planning assessment with supporting specialist reporting on traffic, heritage, archaeology and urban design.

The project was completed in 2017.

Federal Group

Planning advice in relation to submissions for Port Arthur and Saffire site under the Interim Planning Schemes including preparation of draft amendments for agreement with Council, PAHSMA and THC.

Sorell, Claremont, Shoreline and Riverside Plaza Shopping Centre Redevelopments – Nekon Pty Ltd

Project director providing planning, traffic, structural and hydraulic consulting services for the staged development of a new and redeveloped shopping centres in Tasmania including responding to commercial leasing requirements and deadlines.

APPENDIX B

PART 5 AGREEMENT

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form

Land Titles Act 1980



C338130

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
105381	1		
35348	1		

AGREEMENT UNDER PART V

LAND USE AND APPROVALS ACT 1993

This Agreement is made the _____ day of _____ 2001

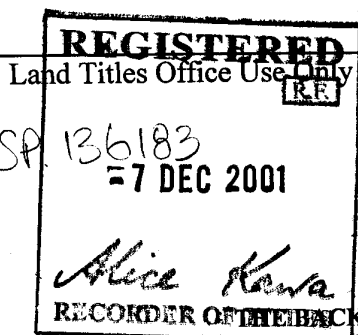
BETWEEN MF CAS PTY LTD, JOHN CHARLES SHEPPARD and STEPHANIE LYNNE SHEPPARD (the Owners)

AND CLARENCE CITY COUNCIL (the Council)

WHEREAS:

- A. The Owners have made application to the Council for a subdivision of the land described in Folio of the Register Volume 105381 Folio 1 and Volume 35348 Folio 1 respectively.
- B. The Resource Management and Planning Appeal Tribunal has required that a condition of planning approval being granted that the Owners enter into this Agreement pursuant to Part V of the Land Use Planning and Approvals Act 1993.

NOW THIS AGREEMENT PROVIDES:



Stamp Duty

Version 1

RECORDED OF THIS FORM MUST NOT BE USED

In consideration of the Council sealing the proposed subdivision plan the Owners hereby covenant and agree with the Council as follows:

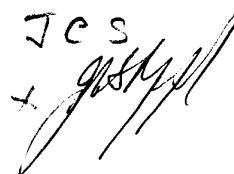
- i. Driveways and access tracks shall where possible be shared to provide access for emergency vehicles and constructed in accordance with the requirements in force from time to time of the Tasmania Fire Service, and to reduce their visual impact. They shall follow the contours of the land so as to reduce visual impact and the potential for erosion from water runoff, and shall be surfaced with materials of natural colours such as found in the immediate environment.
- ii. Outside the building envelope, existing native vegetation is to be retained (and where possible extended) unless removal is required for an approved development consistent with the other paragraphs herein or to comply with the requirement, in force from time to time, or the recommendations of the Tasmania Fire Service or the Clarence City Council. All alterations to the natural environment are to be consistent with the requirements of the Threatened Species Legislation.
- iii. Native trees, shrubs and ground covers shall be established to screen developments, including scree slopes resulting from excavation and spacial filing of land, in such a way that the bush fire hazard is not increased.
- iv. Outside the proposed Residential Zone, fences, if required, shall be located in such a way as to minimise their visual impact and shall be of post and wire construction or other materials which allow substantial intervisibility. Council may vary this requirement where it is shown that such fencing may pose a hazard to native fauna.

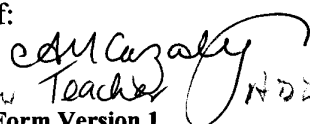
IN WITNESS whereof the parties have hereunto set their hands and seals the day and year first hereinbefore written

THE COMMON SEAL of
THE CLARENCE CITY COUNCIL
was hereunto affixed in the presence of:

)
)
) 

SIGNED SEALED and DELIVERED by
JOHN CHARLES SHEPPARD
in the presence of:

) JCS
) 
)

WITNESS 
OCCUPATION Teacher ADDRESS 493 Shark Pt Rd. Penna 7171
Blank Instrument Form Version 1

THE BACK OF THIS FORM MUST NOT BE USED

SIGNED SEALED and DELIVERED by)
STEPHANIE LYNNE SHEPPARD)

SL5
x. Stephanie Sheppard

in the presence of:

WITNESS *McCauley*

OCCUPATION Teacher

ADDRESS 493 Shank PE Rd Ponua 7177

THE COMMON SEAL of)

MF CAS PTY LTD)

was hereunto affixed in the presence of:)



Peter Mow
Director

Secretary