



9 November 2023

Mr John Ramsay AM
Delegate (Chair)
Tasmanian Planning Commission
Level 3, 144 Macquarie Street
HOBART TAS 7000
By Email only: tpc@planning.tas.gov.au

Dear Mr Ramsay,

CLARENCE LOCAL PROVISIONS SCHEDULE – DRAFT AMENDMENT PDPSAMEND-2021-022802

I refer to the Commission's letter of 22 September 2023, directing the Howrah Hills Landcare Group to submit a written representation regarding the matters listed in its submission dated 1 September 2023.

Those matters were:

- (a) the extent of the proposed priority vegetation area overlay;
- (b) the extent of the proposed waterway and coastal protection area overlay;
- (c) draft clause S23.3 and the mapping of Precinct A and Precinct B more generally;
- (d) draft clause S23.6.1 (residential density for multiple dwellings);
- (e) draft clause S23.6.2 (site coverage) A2/P2;
- (f) draft clause S23.6.3 (setback) insofar as it relates to rear and side setbacks; and
- (g) draft clause S23.6.4 (landscape protection).

In more detail, my client's submission in relation to those matters is as follows. At the outset, and as noted in my previous correspondence, my client remains of the view that the Landscape Conservation Zone is appropriate for the area without modification. However, *if* the Commission ultimately adopts a Specific Area Plan (**SAP**), then my client makes the following submissions as to the draft which has been circulated.

(a) the extent of the proposed priority vegetation area overlay

My client's concerns with the extent of the proposed priority vegetation area overlay relate to two specific omissions, depicted below (Figure 1), when compared to the original form of the draft amendment (Figure 2).

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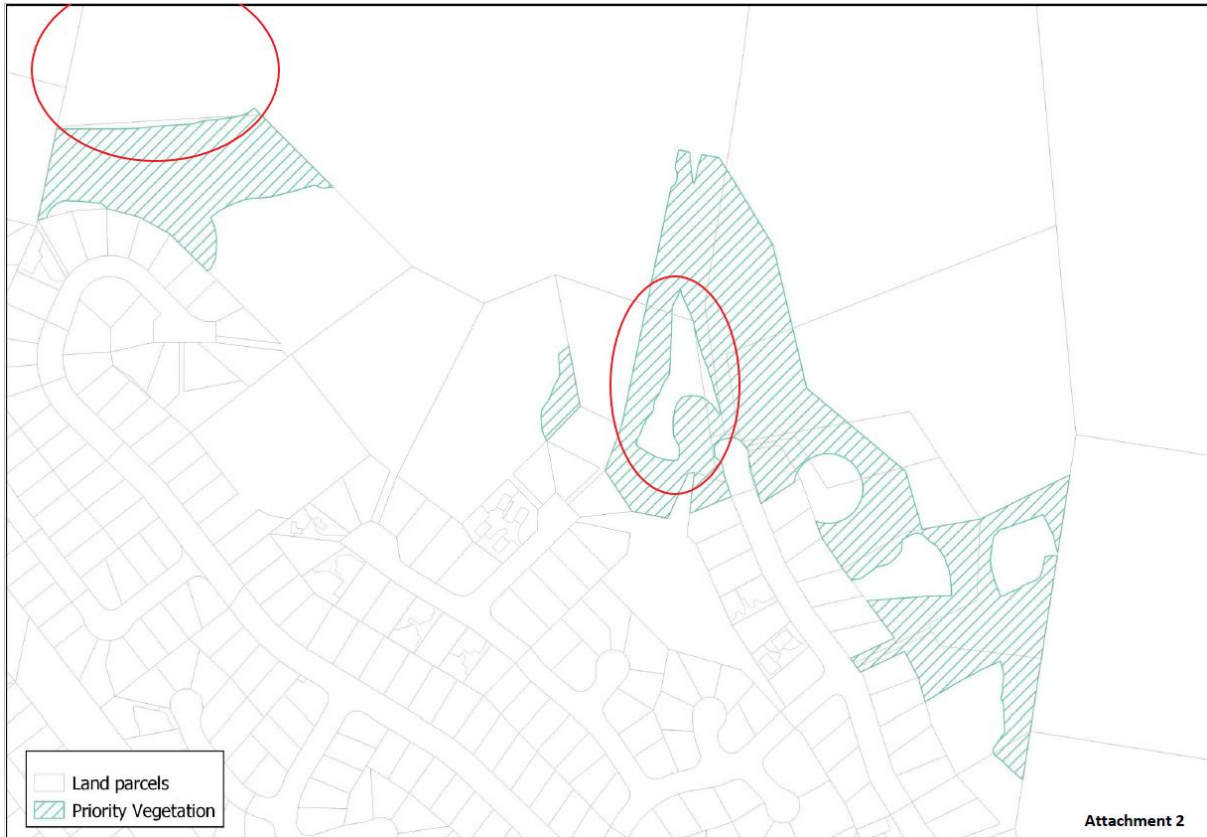


Figure 1: Priority vegetation overlay as circulated by the Commission on 1 August 2023.

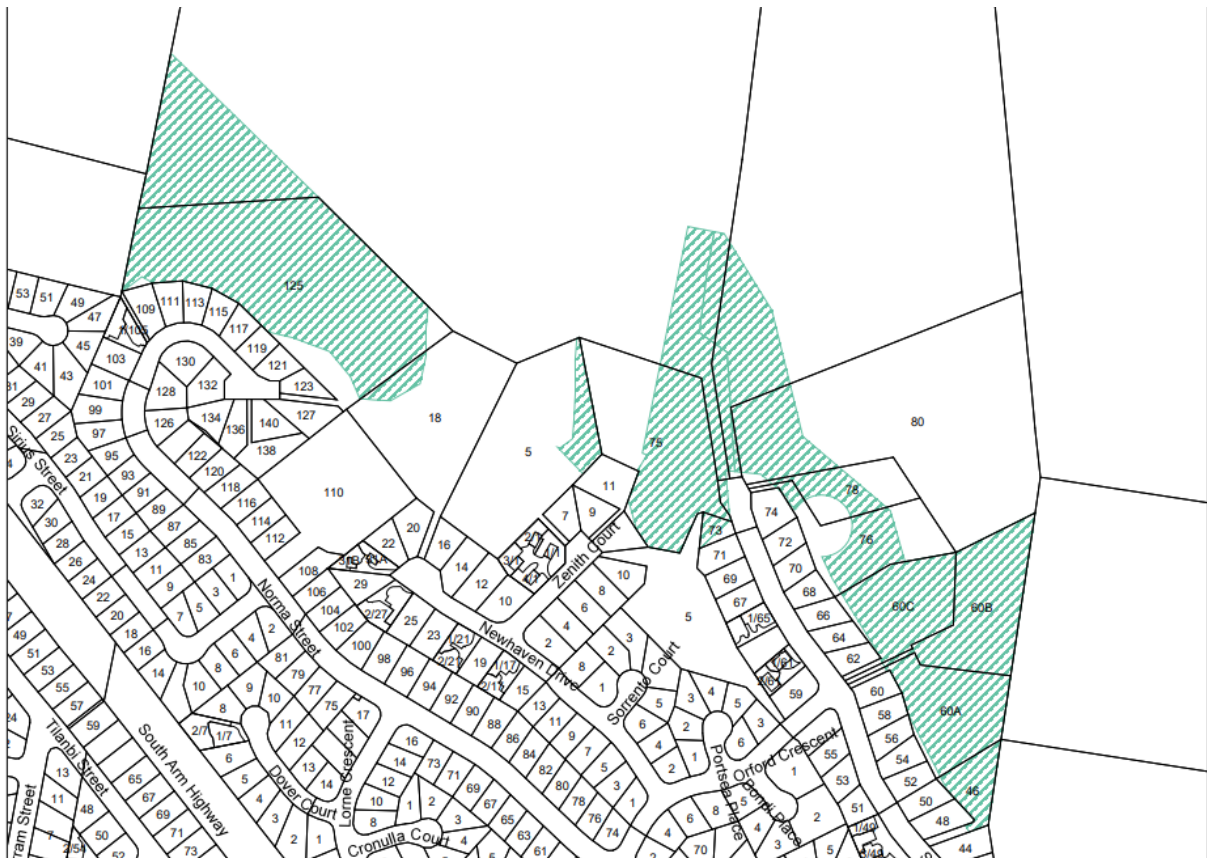


Figure 2: Priority vegetation overlay as per the draft amendment.



It is accepted that there is no identified priority vegetation within the two circled areas.

Nonetheless, it is submitted that these areas should be included in the priority vegetation overlay, for two reasons:

- (i) the omission of such small areas from the overlay is difficult to administrate, is of no benefit in an ecological sense, and will make it more difficult for owners to determine where the overlay is or is not present ‘on the ground’; and
- (ii) the area of FRG located primarily on lot 136183/7, but extending slightly onto 136183/6 as well (roughly in the centre of Figure 1, above), while not currently qualifying as priority vegetation, previously contained a threatened community (DGL) and there is evidence that it is already regenerating back to that community.¹

Therefore, it is submitted those areas should be included in the priority vegetation area overlay.

(b) the extent of the proposed waterway and coastal protection area overlay;

My client’s concern with the extent of the proposed waterway and coastal protection area overlay is that it does not include a stream or river which branches off to the east and which can be seen from available mapping (Figure 3).

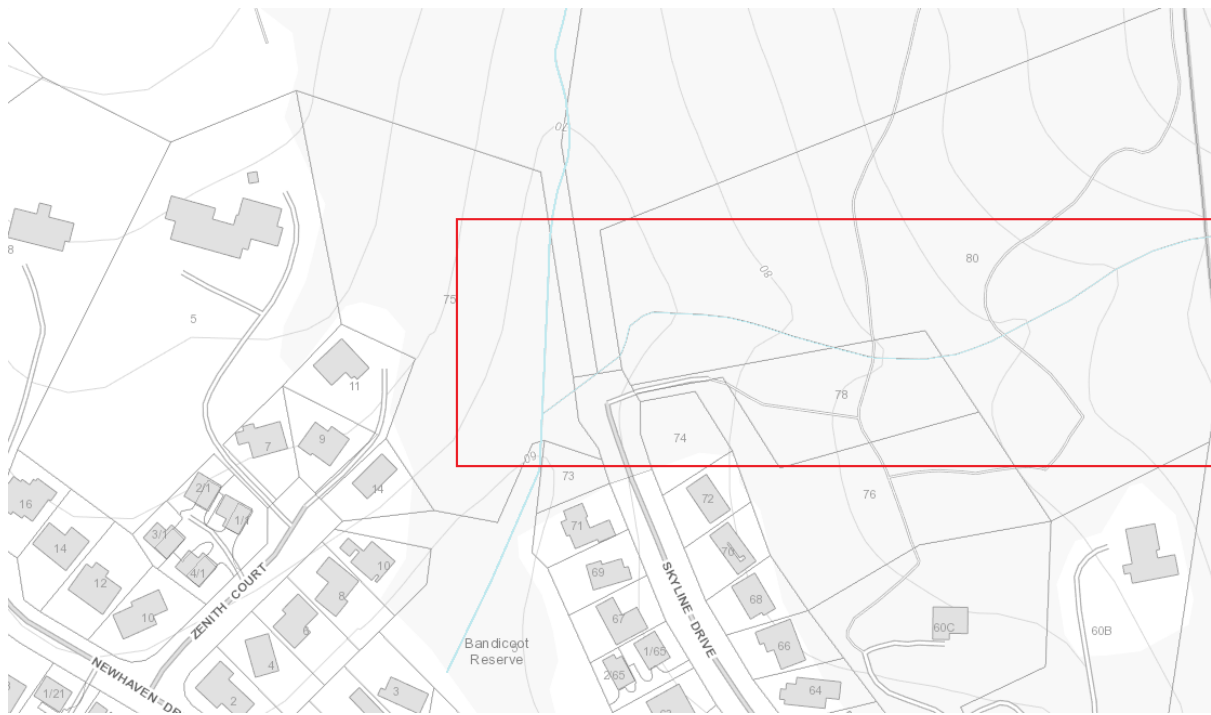


Figure 3: LISTmap depiction of a stream or river which branches towards the east from the acknowledged waterway.

It is submitted that this should be included in the waterway and coastal protection area overlay.

(c) draft clause S23.3 and the mapping of Precinct A and Precinct B more generally;

¹ Submission of Andrew North dated 22 February 2023, at paragraph 2.2.4.



My client does not consider that the division into Precinct A and Precinct B is necessary or appropriate. For reasons given during the hearing, my client's position is that any substantive increase in residential density in the area the subject of the amendment is undesirable, and ought to be strictly limited.

The purpose of the division into Precinct A and Precinct B appears to be to allow a higher level of residential density across the area the subject of the amendment.

My client submits that the division between Precinct A and Precinct B ought to be removed.

Additionally, the boundaries of the map enclosed in the SAP on lots 136183/7 and 136183/6 extends beyond the boundary of the original draft amendment (it extends further to the west). No evidence or argument has been put forward as to why the area of the draft amendment should be modified in this way, and my client submits that the draft SAP, if adopted, should be limited to the boundaries of the original amendment.

(d) draft clause S23.6.1 (residential density for multiple dwellings);

At the outset, I note that we read this provision to mean that the relevant area for calculation is the area of the precinct covering a particular site, *not* the total area of that site. We understand this to be the intent of the draft clause, but it could possibly be seen as ambiguous.

My client submits, as noted above, that there is no need demonstrated by the evidence put before the Commission for the division into Precinct A and Precinct B. Additionally, my client considers that development at the proposed densities will still result in adverse impacts on natural values and landscape values, which would be avoided by applying the Landscape Conservation Zone without modification.

(e) draft clause S23.6.2 (site coverage) A2/P2;

My client's position is that this allows for a significantly higher site coverage than is necessary or appropriate, based on the evidence led during the hearing.

In particular, it is submitted that a site coverage of 400m² for the first two dwellings, and thereafter a site coverage of 200m² per dwelling, would be more appropriate and effective in addressing the landscape and natural values concerns which have been raised. Notwithstanding this, my client submits that even with this reduction, impacts on landscape and natural values would remain.

(f) draft clause S23.6.3 (setback) insofar as it relates to rear and side setbacks

My client does not consider that any of the evidence led during the hearing on this draft amendment indicated a need to reduce rear and side setbacks from what they would ordinarily be under the Landscape Conservation Zone.

Consequently, it is submitted that draft clause S23.6.3 is unnecessary and ought to be removed, with the effect that the setback requirements remain as they are in the Landscape Conservation Zone.

(g) draft clause S23.6.4 (landscape protection)

My client's concern in relation to this standard relates to ambiguity. It is unclear whether the intention of the clause is that multiple dwellings will not be subject to the standard at all, or that multiple dwellings are only excluded from the acceptable solution, with the effect that they must in all cases rely on the performance criterion.

It is also unclear how this standard would apply to works associated with multiple dwellings, such as driveways, landscaping, bushfire clearances, and other related works.



It is submitted that if this clause was to be included in any SAP the Commission may ultimately approve, it should be the case that multiple dwellings and their associated works are excluded from the acceptable solution, and required to demonstrate compliance with the performance criterion.

Yours faithfully

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