

**TITLE:** Amendment 68 - Partial Rezoning of Land at Launceston Golf Club 27-99 Opossum Road, Kings Meadows from Recreation to General Residential and Development Application DA0506/2021 to Subdivide Two Lots into 14 Lots and Associated Infrastructure

**FILE NO:** SF7379/DA0506/2021

**AUTHOR:** Iain More (Town Planner)

**ACTING GENERAL MANAGER:** Richard Jamieson (Community and Place Network)

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**DECISION STATEMENT:**

1. To decide whether to reject or exhibit Amendment 68 for a partial rezoning of land at Launceston Golf Club at 27-99 Opossum Road, Kings Meadows from Recreation to General Residential of the Launceston Interim Planning Scheme 2015 to allow subdivision and residential use; and
2. To determine Development Application DA0506/2021 to subdivide two lots into 14 lots and associated works, road, drainage and electricity infrastructure.

**PLANNING APPLICATION INFORMATION:**

Applicant: Woolcott Surveys  
Area of the Site: 27-99 Opossum Road, King Meadows  
(CT198059/1 and Unnamed Title)  
Existing Zone: Recreation  
Existing Use: Launceston Golf Club  
Receipt Date: 10 September 2021  
Decision Due: 3 December 2021

**RECOMMENDATION:**

That Council:

1. pursuant to the former sections 33(3) and 34 of the *Land Use Planning and Approvals Act 1993*, initiates Amendment 68 to the Launceston Interim Planning Scheme 2015 for a partial rezoning of land from Recreation to General Residential at 27-99 Opossum Road, Kings Meadows (CT198059/1 and Unnamed Title) as shown below:

## Launceston Interim Planning Scheme 2015 AMENDMENT 68

Rezoning part of 27-99 Opossum Road from Recreation to General Residential

Amend the interim planning scheme maps as below:



Zoning  General Residential

THE COMMON SEAL  
of the City of  
Launceston was  
hereunto affixed in the  
presences of: -

Michael Stretton  
Chief Executive Officer

Date

Service Layer Credits:

2. pursuant to the former section 35(1) of the *Land Use Planning and Approvals Act 1993*, certifies the draft amendment 68.
3. in accordance with former section 38(1)(a) of the *land Use Planning and Approvals Act 1993* determines the period for public exhibition to be 28 days.
4. pursuant to the former section 43A of the *Land Use Planning and Approvals Act 1993*, approves DA0506/2021 to subdivide two lots into 14 lots and associated works, road, drainage and electricity infrastructure at 27-99 Opossum Road, Kings Meadows (CT198059/1 and Unnamed Title) subject to the following conditions:

### 1. ENDORSED PLANS AND DOCUMENTS

The use and development must be carried out in accordance with the endorsed plans and documents to the satisfaction of the Manager City Development unless modified by a condition of the Permit:

- a. S43A - Planning Scheme Amendment and Development Application, prepared by Woolcott Surveys, dated September 2021.
- b. Bushfire Hazard Report, Job No. L191207, prepared by Accredited Practitioner James Stewart BFP-157, dated August 2021.
- c. Natural Values Assessment, prepared by Environmental Consulting Options Tasmania, dated 17 November 2021.
- d. Traffic Impact Assessment (TIA), Revision B, prepared by A Howell, dated August 2021.
- e. Rezone Plan, Job No. L191207, Sheet 1/3, Edition 2, prepared by Woolcott Surveys, dated 04/10/2021.
- f. Subdivision Plan, Job No. L191207, Sheet 6/7, Edition 7, prepared by Woolcott Surveys, dated 15/11/2021.
- g. Existing Stormwater Infrastructure, Job No. L191207, Sheet 1/1, Edition 2, prepared by Woolcott Surveys, dated 15/11/2021.
- h. Road Layout and Concept Services Plan, Drawing No. 332.31-SK01, Revision B, prepared by Hydrodynamica, dated 23/07/2021.

## **2. LEGAL TITLE**

All development and use associated with the proposal must be confined to the legal title of the subject land except construction of access from the street.

## **3. HOURS OF CONSTRUCTION**

Construction works must only be carried out between the hours of:

Monday to Friday - 7am to 6pm

Saturday - 8am to 5pm

No works on Sunday or Public Holidays

## **4. TASWATER**

The development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2021/01548-LCC, 16/09/2021 and attached to the Permit.

## **5. AMENITY**

The construction of the development permitted by this permit must not adversely affect the amenity of the site and the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; the presence of vermin or otherwise.

## **6. NO FURTHER VEGETATION REMOVAL**

Tree and vegetation removal must be limited to those specifically identified. No other tree or vegetation is to be felled, lopped, topped, ring-barked, uprooted or otherwise wilfully destroyed or removed, without the further written consent of the Council.

## **7. COVENANTS ON SUBDIVISIONS**

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a. such covenants or controls are expressly authorised by the terms of this permit; or

- b. such covenants or similar controls are expressly authorised by the consent in writing of the Council.
- c. such covenants or similar controls are submitted for and receive written approval by the Council prior to submission of a Plan of Survey and associated title documentation is submitted to the Council for sealing.

## **8. FINAL PLAN OF SURVEY**

The Final Plan will not be sealed until all conditions have been complied with.

## **9. PAYMENT IN LIEU OF PUBLIC OPEN SPACE**

Prior to the sealing of the Final Plan, the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer (at the time of sealing the Final Plan) procured at the subdivider's expense.

## **10. DAMAGE TO THE COUNCIL'S INFRASTRUCTURE**

The developer is liable for all costs associated with the repair of damage to the Council's infrastructure resulting from non-compliance with the conditions of the Planning Permit and any by-law or legislation relevant to the development activity on the site. Damage may also include the undertaking of unauthorised works to the Council's infrastructure such as driveways, footpaths and stormwater infrastructure. The developer will also be liable for all reasonable costs associated with the enforcement of compliance with the conditions, by-laws and legislation relevant to the development activity on the site.

## **11. WORKS WITHIN/OCCUPATION OF THE ROAD RESERVE**

All works in (or requiring the occupation of) the road reserve must be carried out in accordance with a detailed Traffic Management Plan prepared by a qualified person in accordance with the requirements of Australian Standard AS1742. A copy of such plan is to be maintained on site and available for inspection upon request by an Authorised Officer.

The explicit permission of Infrastructure and Engineering is required prior to undertaking works where the works:

- a. require a road or lane closure;
- b. require occupation of the road reserve for more than one week at a particular location;
- c. are in nominated high traffic locations; or
- d. involve opening or breaking trafficable surfaces.

Where the work is associated with the installation, removal or modification of a driveway or a stormwater connection, the approval of a permit for such works shall form the explicit approval.

## **12. TRENCH REINSTATEMENT FOR NEW/ALTERED CONNECTIONS**

Where a service connection to a public main or utility is to be relocated/upsized or removed then the trench within the road pavement is to be reinstated in accordance with LGAT-IPWEA Tasmanian Standard Drawing TSD-G01 *Trench Reinstatement Flexible Pavements* and the Council's policy 27-Rfx-012 *Standards for Surface Reinstatement of Works in the Road Service*. The asphalt patch is to be placed to ensure a water tight seal against the existing asphalt surface. Any defect in the trench

reinstatement that becomes apparent within 12 months of the works is to be repaired at the cost of the applicant.

### **13. SOIL AND WATER MANAGEMENT PLAN**

Prior to the commencement of the development works the applicant must install all necessary silt fences and cut-off drains to prevent the soil, gravel and other debris from escaping the site. Additional works may be required on complex sites. No material or debris is to be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve as a result of the development activity is to be removed by the applicant. The silt fencing, cut off drains and other works to minimise erosion are to be maintained on the site until such time as the site has revegetated sufficiently to mitigate erosion and sediment transport.

### **14. RETICULATED SERVICES**

Prior to the commencement of the use, reticulated water, sewerage and electricity must be available to each lot shown on the endorsed plans.

### **15. SUBMISSION AND APPROVAL OF PLANS**

Prior to the commencement of the development of the site, detailed plans and specifications must be submitted to the General Manager Infrastructure and Assets Network for approval. Such plans and specifications must:

- a. include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
  - i. electricity infrastructure including street lighting.
  - ii. communications infrastructure and evidence of compliance with the *fibre-ready* requirements of National Broadband Network.
  - iii. evidence of assessment by TasGas Networks regarding provision of reticulated gas network.
- b. be prepared strictly in accordance with the Tasmanian Subdivision Guidelines and the LGAT-IPWEA Tasmanian Standard Drawings applicable at the date of submission of the plans.
- c. be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.
- d. be accompanied by:
  - i. an estimate of the construction cost of the future public works together with a schedule of the major components and their relevant costs; and
  - ii. a fee of 1.5% of the public works estimate (or a minimum of \$250). Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion and Final inspections.

### **16. CONSTRUCTION OF WORKS**

Private and public infrastructure works must be constructed in accordance with plans and specification approved by the General Manager Infrastructure and Assets Network. The required infrastructure works must be as shown in the application documents and endorsed plans and modified by the approval of the detailed engineering drawings and specifications. Works must include:

- a. Stormwater
  - i. provision of a public drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve;
  - ii. the provision of a DN100 connection to the lowest point of each lot; and
  - iii. provision of an overland flow path for flows up to a 100 year ARI storm event.
- b. Roads

- i. provision of a fully constructed road 15.25m wide (measured from the face of kerb to the face of kerb) for the entire length of all the property frontages, complete with KC type kerb and channel;
- ii. provision of a 1500mm wide footpath located on one side of the road and all necessary pedestrian kerb ramps;
- iii. provision of a single vehicular crossing for each lot within the subdivision;
- iv. provision of a sealed temporary turning head of a suitable size for incomplete roads; and
- v. all necessary line marking, signage and other traffic control devices.
- c. Public Open Spaces
  - i. all public open space lots must be landscaped, provided with works to restrict traffic, provided with a 25mm water connection, connecting footpaths and all necessary drainage.
- d. Electricity, Communications and Other Utilities
  - i. an underground reticulated electricity system and public street lighting scheme must be provided to service all lots and installed to the approval of the Responsible Authority;
  - ii. an underground telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority;
  - iii. provision of a suitably sized conduit/corridor for the future provision of broadband internet infrastructure; and
  - iv. provision of reticulated gas network to service all lots and installed to the approval of the Responsible Authority.

All construction works must be undertaken in accordance with the Tasmanian Subdivision Guidelines and LGAT-IPWEA Standard Drawings. These documents specify:

- a. Construction requirements.
- b. Appointment of a suitably qualified Supervising Engineer to supervise and certify construction works, arrange the Council's Audit inspections and other responsibilities.
- c. Construction Audit inspections.
- d. Practical Completion and after a 12 months defects liability period the Final Inspection and Hand-Over.

## **17. ACCESS OVER ADJACENT LAND**

Where it is necessary, for the construction of the public works, to gain access to land not in the ownership of the developer the supervising engineer must:

- a. advise the Council 21 days before access is required onsite so that notices pursuant to the *Urban Drainage Act 2013* can be issued to the landowner; then
- b. contact the adjacent land owners to advise them of the proposed works and assess any of their (reasonable) requirements which should be incorporated in the works; and
- c. ensure that client provides a signed statement advising the Council that they will pay all compensation cost for the easements and the Council's out-of-pocket costs (ie. legal, valuation, etc. if any). If the compensation claims appears unacceptable then the process under the *Land Acquisition Act 1993* will be followed.

## **18. WORKS REQUIRED FOR EACH LOT IN A STAGE**

Where it is proposed to release the subdivision in multiple stages, each lot in a stage must be provided with the following infrastructure and/or services in order to be included in the stage to be released:

- a. fully constructed public road along all frontages, including the secondary frontage where a corner lot;
- b. a sealed vehicular crossing and driveway from the public road to the property boundary, unless a common internal driveway has been specified whereby the common driveway must also be constructed to the extent specified in the relevant construction condition;
- c. a stormwater connection to the public drainage system;
- d. access to underground electricity and communications infrastructure; and
- e. where applicable, reticulated gas infrastructure.

## **19. CONSTRUCTION DOCUMENTATION**

At the time of practical completion for the public works, the developer must provide the Council with construction documentation sufficient to show that the works are completed in accordance with the Council's standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a. an *as constructed* plan in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from Infrastructure and Assets Network.
- b. a Closed Circuit Television inspection report for all sewers or drains constructed or incorporated in the works.
- c. compaction and soil test results for all earthworks or pavement works.
- d. an engineer's certificate that each component of the works comply with the approved engineering plans and the Council's standards.

## **20. EASEMENTS**

Easements are required over all the Council's and third party services located on private property. The minimum width of any easement must be 3m for the Council's (public) mains. A greater width will be required in line with the LCC document *How close can I build to a Council Service?* where the internal diameter of the pipe is greater than 475mm or where the depth of the pipe exceeds 2.1m. A lesser width may be approved for a private service prior to the lodgement of a final plan of survey.

## **21. SEALING PLANS OF SUBDIVISION**

No Plan of Survey shall be sealed until the following matters have been completed to the satisfaction of the General Manager Infrastructure and Assets Network:

- a. the satisfactory completion of all public infrastructure works including the provision of engineering certification and as constructed documentation in accordance the Council's requirements.
- b. the subsequent issue of a Certificate of Practical Completion by the General Manager, Infrastructure and Assets Network.
- c. the lodgement of a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period.

Any other payment or action required by a planning permit condition to occur prior to the sealing of the Final Plan of Survey.

## **22. CONVEYANCE OF ROADS**

All roads in the Subdivision must be conveyed to the Council upon the issue by the General Manager Infrastructure and Assets Network, of the Certificate under Section 10(7) of the *Local Government (Highways) Act 1962*. All costs involved in this procedure must be met by the subdivider.

## **23. COMPLETION OF WORKS**

All works must be carried out to the Council's standards and to the satisfaction of the General Manager Infrastructure and Assets Network and under the direct supervision of a civil engineer engaged by the owner and approved by the Council. Certification that all works have been carried out in accordance with the approved engineering design plans and to the Council's standards will be required prior to issue of the Certificate of Practical Completion.

## **24. AS CONSTRUCTED PLANS**

An *as constructed plan* must be provided in accordance with the Council's standard requirements for as constructed drawings. A separate copy of the requirements is available from the Infrastructure and Assets Network.

### **Notes**

#### **A. General**

*This permit was issued based on the proposal documents submitted for DA0506/2021. You should contact the Council with any other use or developments, as they may require the separate approval of the Council. The Council's planning staff can be contacted on 6323 3000.*

*This permit takes effect after:*

- a. The 14 day appeal period expires; or*
- b. Any appeal to the Resource Management and Planning Appeal Tribunal is withdrawn or determined; or*
- c. Any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or*
- d. Any other required approvals under this or any other Act are granted.*

*The permit lapses after a period of two years if the development or use has not substantially commenced within that period. An extension may be granted subject to the provisions of the Land Use Planning and Approvals Act 1993 as amended, by request to the Council.*

#### **B. Restrictive Covenants**

*The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquiries as to whether the proposed development is affected, restricted or prohibited by any such covenant.*

*If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.*

#### **C. Appeal Provisions**

*A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.*

*A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.*



For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au) <<http://www.rmpat.tas.gov.au>>

**D. Permit Commencement**

*If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of the Council's Notice to Waive Right of Appeal is attached.*

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*Note: Councillors are advised that under Schedule 6 - Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015 - Parts 2A and 3 of the former provisions remain in force until a Local Planning Scheme comes into effect for the municipal area and this application assessment and recommendation has therefore been made under those transitional provisions.*

**REPORT:**

**PART A - APPLICATION FOR PLANNING SCHEME AMENDMENT**

**1.1 Introduction**

An application was lodged under sections 31(1) and 43A of the former *Land Use Planning and Approvals Act 1993* (the Act), by Woolcott Surveys, for:

- an amendment to the Launceston Interim Planning Scheme 2015, proposing to partially rezone land from Recreation to General Residential; and
- a planning permit seeking approval to subdivide two lots into 14 lots and associated works, road, drainage and electricity infrastructure.

The section 43A - *Planning Scheme Amendment and Development Application, Partial Rezone and subdivision of land at 27-99 Opossum Road, Kings Meadows*, prepared by Woolcott Surveys, is contained in Attachment 2. This will be referred to as the *Planning Submission* throughout the report.

The specialised reports forming part of the application are also contained in Attachment 2. These reports will be referred to individually as required.

The *Launceston Interim Planning Scheme 2015* will be generally referred to as *the Scheme* in this report.

**1.2 Act Requirements**

The legislation allows for a combined application for a permit and a planning scheme amendment to be considered jointly in accordance with Section 43A of the *Land Use Planning and Approvals Act 1993* (the Act).

*43A. Application for a permit when amendment requested.*

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

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

The amendment must be decided under Section 33(3) which reads:

- 33. *Request for amendment of planning scheme*
- (3) *A planning authority must, within 42 days of the receipt of a request or such longer time as the Commission may allow, make a decision as to whether or not to initiate an amendment of the planning scheme and serve on the person who made the request notice of its decision within 7 days of making the decision.*
- (3AA) *If the planning authority decides under subsection (3) to initiate an amendment of a planning scheme after receipt of a request from a person under subsection (1), it must –*
  - (a) *initiate the amendment under section 34; and*
  - (b) *certify the draft amendment under section 35 - within 42 days of receiving the request or such longer time as the Commission allows.*

The matters which the Council must consider when making a decision whether to reject or exhibit the application are listed in sections 32 and 43C of the Act and are set out in detail in section 5.1 of this report.

Section 38 of the Act sets out that after making a decision on an application made under Section 43A it is to be publicly advertised for a period of 28 days:

- 38. *Public exhibition of draft amendment*
- (1) *After giving to the Commission a copy of a draft amendment of a planning scheme and the instrument certifying that the amendment meets the requirements specified in section 32, the planning authority must –*
  - (a) *cause a copy of the draft amendment to be placed on public exhibition for a period of 28 days or a longer period agreed to by the planning authority and the Commission; and*
  - (b) *advertise, as prescribed, the exhibition of the draft amendment.*
- (2) *If the period referred to in subsection (1)(a) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the planning scheme to be amended applies, that period is to be extended by the number of those days.*

## **2. Subject Site and Surrounding Uses**

The subject site is located at 27-99 Opossum Road, Kings Meadows and comprises of two titles with an area of approximately 54.91ha. The irregular shaped site has frontages to Leith Street, Norwood Avenue, Negara Street, Opossum Road and Morshead Street. It also shares a common boundary with *Punchbowl Reserve*.

The site is home to the *Launceston Golf Club*, a public golf course with associated facilities. Primary access is gained via Opossum Road.

Figure 1 - Subject site and zoning (source: SAM mapping)

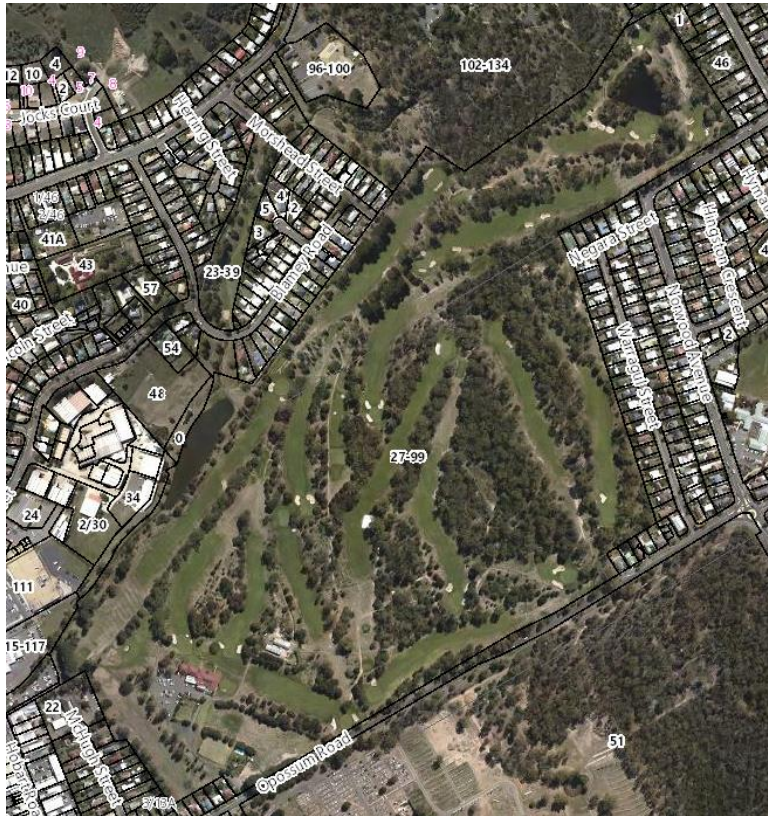


Figure 2 - Subject site aerial (source: SAM mapping)

### 3. Existing Conditions on the Site

### 3.1 Heritage Values

The site is not listed in the Local Historic Heritage Code under the Scheme or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or cultural heritage on the site or adjoining land.

### 3.2 Scenic Values

The subject site is located within the Local Scenic Management Area - Carr Villa and Punchbowl Reserve Precinct 4.

### 3.3 Natural Values

The northern portion of the site is mapped as having some biodiversity value. In particular, unreserved threatened native vegetation communities excluding areas overlapped by TASVEG mapping.

A Natural Values Assessment, prepared by ECOtas, dated 18 August 2021 was prepared in support of this application as no threatened species were found on site.

### 3.4 Land capability

The site is not subject to any land capability assessment.

### 3.5 Environmental Hazards

### 3.5.1 Bushfire

The subject site is shown on the Scheme overlay maps to be within a bushfire prone area and contains bushfire prone vegetation (refer to Figure 3). A Bushfire Hazard Management Report, prepared by Accredited Bushfire Practitioner James Stewart (BFP-157) dated August 2021 was prepared in support of this application.





Figure 3 - Bushfire and Scenic Protection Overlays (source: SAM mapping)

### 3.5.2 Flood Hazard

The development area of the subject site is not shown as being subject to a flood risk on the Scheme overlay maps.

### 3.5.3 Landslip

The subject site is shown on the Hazard Planning Maps produced by the Department of Premier and Cabinet to be subject to Low and Medium hazard bands (refer to Figure 4).



Figure 4 - Landslide Risk (source: SAM mapping)

The hazard management areas are not located within the areas subject to assessment.

### 3.6 Infrastructure

The subject site is located within an area that is serviced by reticulated sewerage, water, and stormwater infrastructure.

## 4. Proposal

The proposal seeks:

- to amend the Launceston Interim Planning Scheme 2015 (the Scheme), rezoning a portion of the land from Recreation to General Residential; and
- a planning permit to subdivide two lots into 14 lots, new road, drainage and electricity infrastructure (refer to Figure 5).

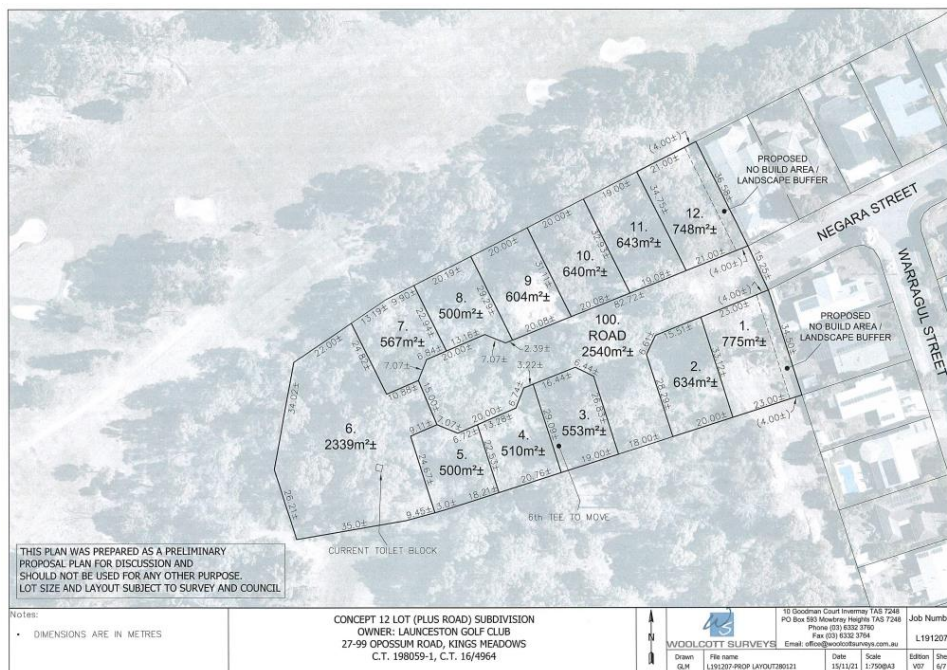


Figure 7: Proposed Plan of Subdivision

Twelve of these lots will be zoned General Residential and utilised for residential purposes, the remaining two lots will be utilised by the *Launceston Golf Club* and are currently zoned Recreation. The 12 lots and road will be over a 1.16ha sized area.

Road Lot: 2,540m<sup>2</sup>

#### Residential Lots (new)

Lot 1:	775m <sup>2</sup>
Lot 2:	634m <sup>2</sup>
Lot 3:	553m <sup>2</sup>
Lot 4:	510m <sup>2</sup>
Lot 5:	500m <sup>2</sup>
Lot 6:	2,339m <sup>2</sup>
Lot 7:	567m <sup>2</sup>
Lot 8:	500m <sup>2</sup>
Lot 9:	604m <sup>2</sup>
Lot 10:	640m <sup>2</sup>
Lot 11:	643m <sup>2</sup>
Lot 12:	748m <sup>2</sup>

Existing lots (*Launceston Golf Club*)

Lot 13 (CT4964/16): 11.69ha reduced from 12.57ha

Lot 14 (CT198059/1): 41.46ha reduced from 42.34ha

The subdivision includes a future connection into the *Launceston Golf Club* to allow for potential future development as well as informal public access into the *Launceston Golf Club*.

As part of the proposal, approximately 1.16ha of existing vegetation will be removed, as well as a small toilet block. All relevant earthworks and servicing connections will be required to accommodate the proposal.

#### **4.1 Landowner Consent**

The land is owned by *Launceston Golf Club Ltd* and consent was provided on 10 September 2021.

#### **4.2 Considerations for an Amendment**

The relevant requirements of Section 32(1) of the Act are outlined below:

*32. Requirements for preparation of amendments*

*(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)–*

*(a) . . . . .*

*(b) . . . . .*

*(c) . . . . .*

*(d) . . . . .*

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

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

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

#### **Response:**

(e) The subject site is in a location where there is an established residential character. Rezoning and development of 12 new residential lots is consistent to the residential nature of the surrounding area. The reduction in recreation land from the golf course is considered acceptable to permit this new compatible use.

The proposed amendment will avoid the potential for land use conflicts with the adjacent area.

***In regard to (ea), Section 300 is considered in detail below.***

*300. Amendments under Divisions 2 and 2A of interim planning schemes*

*(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A),*



- practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.*
- (2) *An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if -*
    - (a) *the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and*
    - (b) *the amendment does not revoke or amend an overriding local provision; and*
    - (c) *the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.*
  - (3) *Subject to section 30EA, an amendment may be made to a local provision if -*
    - (a) *the amendment is to the effect that a common provision is not to apply to an area of land; and*
    - (b) *a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.*
  - (4) *An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.*
  - (5) *Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –*
    - (a) *taking an optional common provision out of the scheme; or*
    - (b) *taking the provision out of the scheme and replacing it with another optional common provision.*

**Response:**

- (ea) The amendment concerns a local provision of the Scheme. An assessment of the Northern Tasmania Regional Land Use Strategy (RLUS) June 2018 has been undertaken, where it is determined to be consistent.

The amendment does not propose to modify, remove or insert a common provision. The proposed rezoning is considered to be a local provision and is able to be amended under Division 2 or 2A.

The amendment must also consider the requirements of section 20(1) of the Act as set below:

- (1) *A relevant decision -marker, in preparing, accepting, declaring or making a relevant scheme, or giving approval in relation to the making or approving of a relevant scheme, must, in the opinion of the relevant decision-maker –*
  - (a) *seek to further the objectives set out in Schedule 1 within the area covered by the scheme;*
  - (b) *prepare the scheme in accordance with State Policies made under section 11 the State Policies and Projects Act 1993; and*
  - (c) *.....*
  - (d) *have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and*



- (e) *have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

Additionally, the planning authority must also have regard to Section 43C with respect to the proposed subdivision.

*43C. Applications referred to in section 43A*

- (1) *In determining an application referred to in section 43A, a planning authority, in its opinion –*
  - (a) *must seek to further the objectives set out in Schedule 1; and*
  - (b) *must take into consideration such of the prescribed matters as are relevant to the use or development subject of the application.*

Section 20(1) and 43C(1)(a) requires the objectives set out in Schedule 1 to be considered. A response to the objectives is provided below:

**Schedule 1, Part 1 - Objectives of the Resource Management and Planning System of Tasmania**

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity***

***Response:***

The amendment concerns land mapped as threatened vegetation as listed in Schedule 3a of the *Nature Conservation Act 2002*. The Natural Values Assessment concludes that the removal of vegetation will not have a significant impact on the priority vegetation communities.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water***

***Response:***

The area to be redeveloped already joins existing general residential land, and the extension of Negara Street to facilitate the development is considered a logical extension.

- (c) *to encourage public involvement in resource management and planning***

***Response:***

The public will have the opportunity to comment on this proposal during the exhibition period which will run for three weeks, should the Council decide to exhibit the application. The public has the opportunity to lodge a written representation to the application during the public exhibition period. The Tasmanian Planning Commission may also decide to hold a public hearing to deal with the representations if any are received.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)***

***Response:***

The development of 12 new residential lots will stimulate economic growth through the construction industry and purchasing of the land. At a time where housing is in high demand, the development of new, vacant residential lots is highly encouraged to help stimulate the economy.

- (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***

***Response:***

This application was referred to TasWater. There are no other relevant agency referrals required. If initiated the Amendment will also be advertised and assessed by the Tasmanian Planning Commission consistent with this objective.

## **Schedule 1, Part 2 - Objectives of the planning process established by the Act**

The objectives of Part 2 must also be considered:

- (a) *to require sound strategic planning and co-ordinated action by State and local government.***

**Response:**

The amendment is consistent with the objectives of the Northern Tasmania Regional Land Use Strategy, Launceston Residential Strategy 2009-2029 and the Scheme. Being within the urban growth area, its development is contiguous to a residential neighbourhood.

- (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.***

**Response:**

An application made pursuant to section 43A of the Act must be considered against the objectives of the Act and the planning system of Tasmania more broadly for compliance. The application of the General Residential zone will enable the land to be assessed against the relevant provisions of the Scheme.

- (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.***

**Response:**

The assessment of the proposed amendment and subsequent subdivision have considered the effects on the natural values of the subject site and water resources.

- (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.***

**Response:**

The proposed amendment is consistent with the local, regional and state policies as assessed by this report.

- (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.***

**Response:**

The application is made under former Section 43A of the Act and includes a rezoning of land to the Scheme to facilitate consideration of the proposed subdivision. This process allows for the concurrent assessment of an application which would otherwise require two separate processes.

- (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.***

**Response:**

The amendment facilitates housing choice and diversity. The subdivision creates 12 new residential lots in an efficient and safe environment.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.***

**Response:**

The site is not listed as a local heritage place by the Tasmanian Heritage Council or by the City of Launceston.

- (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.**

**Response:**

As part of the application all new lots will connect into existing infrastructure in a sustainable manner. Comments and conditions from TasWater will help form part of the permit conditions and will allow these connections to occur sufficiently.

- (i) to provide a planning framework which fully considers land capability.**

**Response:**

The land is within an urban area and will not be utilised for agricultural purposes.

#### **4.3 State Policies**

##### **State Policy on the *Protection of Agricultural Land 2009***

The policy only applies to rural land. The subject site is located outside of the rural area and is, therefore, not applicable.

##### **State Coastal Policy 1996**

The State Coastal Policy applies to Tasmania's coastal area, including all islands except for Macquarie Island. The coastal zone includes State Waters (as defined in the *Living Marine Resources Management Act 1995*) and all land to a distance of 1km from the high water mark. The subject site is located outside of this distance and is, therefore, is not applicable

##### **State Policy on *Water Quality Management 1997***

The provisions of this Policy are reflected in the E9.0 Water Quality Code in the planning scheme and is considered as part of the assessment of the proposed planning permit application. The assessment of the application addresses this Code and will be appropriately conditioned to achieve the objectives of this Policy.

##### **National Environment Protection Measures**

Section 12A of the *State Policies and Projects Act 1993* states that a National Environment Protection Measure (NEPM) is taken to be a State Policy. The following, therefore, require consideration:

- Ambient air quality 2002
- Diesel vehicle emissions 2001
- Assessment of site contamination 1999
- Used packaging materials 1999
- Movement of controlled waste between States and Territories 1998
- National pollutant inventory 2000

The Codes within the planning scheme deal in detail with the relevant matters listed above.

#### **5. City of Launceston Corporate Strategic Plan 2014-2024**

The City of Launceston Corporate Strategic Plan 2014-2024 (LSP) is prepared under the *Local Government Act 1993* (Tas). The assessment of the application has had regard to the LSP and is generally consistent with the principles and goals:

- To promote Launceston as a unique place to live, work, study and play;

- To reduce the impacts on our natural environment and to build resilience to the changing intensity of natural hazards;
- To drive appropriate development opportunities as well as infrastructure, land use planning and transport solutions;
- To develop a strategic and dedicated approach to securing economic investment in Launceston;
- Supports housing choice and diversity in a planned location;
- Stimulates population growth in the municipal area; and
- Considers the impacts on the natural values of the site.

The Amendment and development at hand will assist in achieving these goals. This will occur by:

- Developing new vacant residential land within an attractive and liveable environment;
- Ensuring vegetation removal only occurs through necessity, respecting the natural environment, and ensuring bushfire and stormwater flooding is contained and managed appropriately;
- Investing in the local community by creating new vacant residential lots which will allow future development to occur, as well as increase population numbers.

## **6. *Gas Pipelines Act 2000***

The gas pipeline is not available in proximity to the site. Therefore, the *Gas Pipelines Act 2000* is not applicable to the proposed development.

## **7. Planning Strategies**

### **7.1 Launceston Residential Strategy 2009-2029**

The Launceston Residential Strategy 2009-2029 (LRS) provides a strategy for housing within the Launceston municipality over the next 20 years. The strategy focuses on five tiers of development. The most relevant to the current proposal is Tier 1 - Urban redevelopment for new houses in accessible locations.

The current zoning of the land is Recreation, which prohibits residential use. A change to the General Residential zoning would allow residential development to occur through application. The site is within a fully serviced area.

The site is located within the area of Kings Meadows, noted as a major district centre and is within proximity to identified centres. The rezoning and location is considered to meet this tier, as it is within proximity to public transport and centre nodes, and is achieving a mix of lot sizes and shapes to encourage higher density development in an appropriately located area.

The current demand for residential lots has not been predicted by the strategy. However, projections for a high level growth scenario estimate a general population of 72,903 by 2024, whereas, the current population of Launceston, in 2021 is 80,916 according to the last census (Australian Bureau of Statistics, 2020). Accordingly, identifying brownfield development sites such as this that are fully serviced land accessible to identified centres, helps meet the requirements of the strategy.

It is evident that a growing population is a current trend and the provision of suitable land for residential development is paramount. The amendment generally is accepting of the positive attributes and therefore is consistent with the LRS.

## 7.2 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (RLUS) provides the strategic direction for the region (made up of eight municipal areas), over a 20-year time frame until 2032 and supports residential opportunities in appropriate locations.

The site is located within the Supporting Consolidation Area, an urban growth area, within the regional framework. This land is within the developed urban settlement or in areas intended for urban development. G2.1.1 of the strategy identifies this area as:

- Comprising land in established suburbs which is separate from Priority;
- Consolidation Areas as shown in the Regional Framework Plan Maps G.1, G.2 and G.3;
- Support reliable and effective transportation and reduce vehicle dependency;
- Physically connect new urban settlements to existing communities wherever possible, or otherwise provide new development with direct transport linkages to established urban areas;
- Promote cohesive communities;
- Support a wide range of services and facilities;
- Support access to existing or planned activity centres; and
- Comprise a suitable and complementary mix of land uses to support the Regional Settlement Hierarchy and the Regional Activity Centre Hierarchy.

In order to ensure the above is considered, there are a number of policies and actions within the strategy. Relevant to this assessment:

- Regional Settlement Networks
- Housing Dwellings and Densities
- Integrated Land use and Transport
- Regional Infrastructure Network
- Regional Environment Policy

The Planning Submission has assessed the policies and actions relevant to the amendment in detail, referencing specialised reports and strategic information. The relevant policies and actions in the RLUS are detailed as follows:

## E2. Regional Settlement Network Policy

### E2.4 Specific Policies and Actions

Regional Settlement Networks	
<p>RSN-P1</p> <p>Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</p>	<p>RSN-A1</p> <p>Provide an adequate supply of well-located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the</p>

	<p>RLUS, land capability, infrastructure capacity and demand.</p> <p>RSN-A2 Land supply will be provided in accordance with the Key Principles through local strategy for Urban Growth Areas which include:</p> <ul style="list-style-type: none"> <li>• Priority Consolidation Areas</li> <li>• Supporting Consolidation Areas</li> <li>• Growth Corridor</li> <li>• Future Investigation Areas.</li> </ul> <p>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and ability to restructure underutilised land.</p>
<p>RSN-P2 Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.</p>	<p>RSN-A4 Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity - both residential and industrial.</p> <p>RSN-A5 Provide a diverse housing choice that is affordable, accessible and reflects changes in population, including population composition. Ageing populations and single persons should be supported to remain in existing <i>communities as housing needs change; ageing in home</i> options should be provided.</p> <p>RSN-A6 Encourage urban residential expansion in-and-around the region's activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.</p> <p>RSN-A7 Ensure all rural and environmental living occurs outside Urban Growth Areas.</p>

	<p>RSN-A8</p> <p>Identify areas with existing mixed land use patterns, and/ or <i>Brownfield</i> areas adjacent to activity centres, for mixed use Redevelopment and apply zones that provide for flexibility of use to support the activity centre and the role of the settlement.</p>
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**Response:**

The proposal is for a change to residential zoning to allow a pathway for 12 new residential lots to be created. These lots will be able to be serviced by the existing reticulated systems. Being within a supporting consolidation area, the site is identified as an urban growth area. By permitting the General Residential Zone within this area, there will be a greater flexibility to restructure the existing underutilised land. The amendment is deemed to be consistent with the policies and actions detailed in the above table.

<b>Housing Dwellings and Densities</b>	
<p>RSN-P5</p> <p>Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</p>	<p>RSN-A10</p> <p>Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.</p>
<p>RSN-P7</p> <p>In new development areas include a diversity in land uses, employment opportunities and housing types at densities that support walkable communities, shorter vehicle trips and efficient public transport services.</p>	<p>RSN-A12</p> <p>Encourage well-designed new urban communities through detailed planning provisions.</p>

**Response:**

The proposal is for 12 lots, all of which will be capable of supporting diversity in dwelling types. Proposed Lot 6, being the largest lot at 2,339m<sup>2</sup>, will ensure there is at least one lot capable of future multiple dwelling development.

The General Residential zone provisions will need to be adhered to in future development applications, ensuring that the development pattern of the area remains consistent, whilst adding more land supply to meet the current residential demand. The site is conveniently located to take advantage of walkable areas, shorter vehicle, trips, and taking advantage of existing local public transport. The Amendment is deemed to be consistent with the policies and actions detailed in the above table.

<b>Integrated Land use and Transport</b>
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<p>RSN-P8</p> <p>New development is to utilise existing infrastructure or be provided with timely transport infrastructure, community services and employment.</p>	<p>RSN-A14</p> <p>Prioritise amendments to planning schemes to support new Urban Growth Areas and redevelopment sites with access to existing or planned transport infrastructure. This will support delivery of transit oriented development outcomes in activity centres and identified transit nodes on priority transit corridors</p>
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**Response:**

The proposal is within an existing growth area, with easy access to existing transport infrastructure. The amendment is deemed to be consistent with the policies and actions detailed in the above table.

**E.4 Regional Infrastructure Network Policy**

**E4.4 Specific Policies and Actions**

Infrastructure Network Planning	
<p>RIN-P6</p> <p>Facilitate and encourage active modes of transport through land use planning.</p>	<p>RIN-A10</p> <p>Roads created in new subdivisions are to be designed and constructed to meet the needs of all users and to reinforce the function, safety and efficiency of the road.</p> <p>RIN-A11</p> <p>Future subdivision design is to allow for permeability and connectivity in the transportation network.</p> <p>RIN-A16</p> <p>Facilitate increased use of active transport modes for short trips by providing for subdivisions that allow for pedestrian connectivity to open spaces, trails, and cycle and bus routes.</p>
<p>RIN-P7</p> <p>Facilitate an efficient and convenient public transport system through land use planning.</p>	<p>RIN-A18</p> <p>Provide for future higher density residential areas, mixed use developments and new commercial areas to be integrated with public transport services.</p> <p>RIN-A22</p> <p>Encourage residential densities in new urban development that supports more cost effective</p>



	<p>delivery of public transport services.</p> <p>RIN-A23 Provide for new urban development to be located adjacent to existing, and preferably mixed-use areas to reduce travel requirements and distances.</p> <p>RIN-A24 With reference to the Regional Framework Plan Maps D.1, D.2 and D.3 identify higher density residential areas, mixed-use development and new commercial areas to support greater access and use of public transport services, particularly in areas that have higher frequency services.</p>
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**Response:**

A new 100m+ road will be incorporated into the subdivision to allow access. From this new road there will also be a future access for any further future development and connectivity into the transportation network. The surrounding public transport routes include bus stops along Norwood Avenue and Hobart Road, which are reachable through pedestrian access. Pedestrian walkways will allow connectivity into the new area.

The site is located within a short drive to a major retail precinct, being Kings Meadows and also the Norwood Activity Centre. These will also be accessible via public transport, or a longer walk. The General Residential Zone is considered to be appropriate for the area. Whilst there is no known future public transport upgrades, it is considered that by providing new residential land as an extension of the existing suburban area, there will be more opportunity for upgrades to occur in the future.

The amendment is deemed to be consistent with the policies and actions detailed in the above table.

## **E.7 Regional Environment Policy**

### **E.7.4 Specific Policies and Actions**

<b>Biodiversity and Native Vegetation</b>	
<p>BNV-P01 Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</p> <p>BNV-P02</p>	<p>BNV-A01 Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</p> <p>BNV-A02</p>

<p>Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the <i>Nature Conservation Act</i>, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.</p> <p>BNV-P03 Land use planning is to minimise the spread and impact of environmental weeds.</p> <p>BNV-P04 Land use planning processes are to be consistent with any applicable conservation area management plans or natural resource management strategy.</p>	<p>Implement a planning assessment approach consistent with the <i>avoid, minimise, mitigate, offset</i> hierarchy.</p> <p>BNV-A03 Provide for environmental assessments through planning schemes for development proposals with the potential to impact on the habitats of native species of local importance.</p> <p>BNV-A04 Accept offsets as a last resort and only where there is a net conservation benefit, security of the offset in perpetuity and based upon the relevant State guidelines.</p>
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### **Response:**

Only the very northern section of the site is located within an identified area of biodiversity, containing unreserved threatened native vegetation communities, as identified through TASVEG mapping.

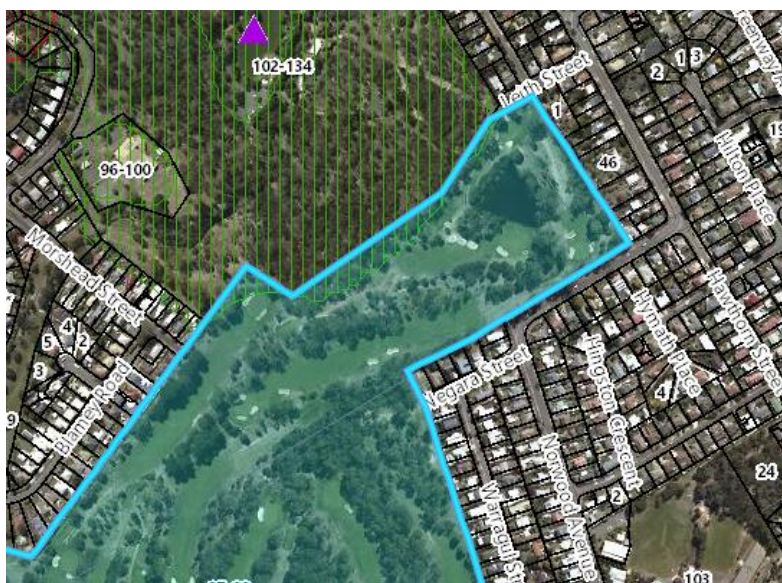


Figure 8 - unreserved threatened native vegetation communities in the green hatching.

The Natural Values Assessment undertook a review of the area to be affected, some 100m south of the identified area. The report reviewed the TASVEG mapping and identified that there was no threatened flora or fauna species are part of their assessment.

To allow the development to occur part of the site will be required to be cleared. However, the extent of clearing is limited to the bushfire hazard management areas identified within the Bushfire Risk Assessment.

This approach is considered acceptable given the findings of the Natural Values Report, and consistent with the policy. The amendment is deemed to be consistent with the policies and actions detailed in the above table.

<b>Landscape and scenic amenity</b>	
<p><b>LSA-PO1</b> Consider the value of protecting the scenic and landscape amenity of key regional tourism routes having regard to the routes identified in Map E3 and local circumstances, as well as the:</p> <ul style="list-style-type: none"> <li>• Importance of scenic landscapes as viewed from major roads and tourist routes/destinations as contributing to economic basis of the tourism industry as well as local visual amenity;</li> <li>• Importance of natural/native vegetation in contributing to scenic values of rural and coastal areas generally, with particular emphasis on prominent topographical features; and</li> <li>• Need to protect skylines and prominent hillsides from obtrusive development/works.</li> </ul> <p><b>LSA-PO2</b> Protect specific topographic or natural features of significant scenic/landscape significance.</p>	<p><b>LSA-A02</b> Develop a regionally consistent approach to determining scenic corridor overlays around identified tourism routes.</p> <p><b>LSA-A03</b> Include performance criteria in planning schemes for development within scenic corridor overlays that address following considerations:</p> <ul style="list-style-type: none"> <li>• The impact of development skylines, ridgelines and prominent locations;</li> <li>• The establishment and/or retention of existing vegetation to provide screening in combination with other requirements for hazard management;</li> <li>• The bulk and form of buildings and earthworks and the ability of development to blend with the landscape;</li> <li>• The impact of materials, finishes and colours of buildings on the landscape setting; and</li> <li>• Whether existing native or significant exotic vegetation within the corridor is managed to retain the visual values of the tourism route.</li> </ul> <p><b>LSA-A04</b> Planning schemes may identify visually significant topographic, natural features and landscapes (eg. Cataract Gorge) in an overlay, including objectives and discretionary criteria relating to the visual impact of use and development.</p>

**Response:**

The entirety of the site is located within a Scenic Management area, specifically the *Carr Villa and Punchbowl Reserve* Precinct 4, as identified on the Planning Scheme overlay mapping.



Figure 9 - Scenic Management area is blue hatching

Assessment against the provisions of the Scenic Management Code have been undertaken in Part B of this report.

To summarise, the removal of vegetation is not considered to have an unreasonable impact on the surrounding skylines or the management objectives of the precinct. Future development will also be subject to this code and once the subdivision is developed, there will be opportunity for new landscaping to occur.

The Amendment is deemed to be consistent with the policies and actions detailed in the above table.

## 8. Referral Agencies

### 8.1 TasWater

The application was referred to TasWater under section 17 of the *Land Use Planning and Approvals Regulations 2004*. TasWater has issued its Submission to Planning Authority Notice (TWDA 2021/01548-LCC) dated 16/09/2021 stating the following:

*TasWater does not object to the draft amendment to the planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.*

### 8.2 TasNetworks

TasNetworks were referred the application in accordance with section 44L of the *Electricity Supply Industry Act 1995*. TasNetworks issued a response on 20/09/2021 which states:

*Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.*

## PART B. DEVELOPMENT APPLICATION

### 8. Planning Scheme Requirements

#### 10.0 General Residential Zone

##### 10.1.1 Zone Purpose Statements

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

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

10.1.1.3 Non-residential uses are not to adversely affect residential amenity, through noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

10.1.1.4 To encourage residential development that respects the existing and desired neighbourhood character.

10.1.1.5 To encourage residential use and development that facilitates solar access, integrated urban landscapes, and utilisation of public transport, walking and cycling networks.

##### **Consistent**

Consistency with the Zone Purpose has been achieved as the proposal provides for residential use that is able to accommodate a range of dwelling types, on land zoned for residential development.

#### 10.4.12 Earthworks and retaining walls

##### Objective:

To ensure that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

##### **Consistent**

Consistency with the objective has been achieved as the proposal ensures that earthworks and retaining walls are appropriate to the site and respect the amenity of adjoining lots.

A1 Earthworks and retaining walls requiring cut or fill more than 600mm below or above existing ground level must:

- (a) be located no less than 900mm from each lot boundary;
- (b) be no higher than 1m (including the height of any batters) above existing ground level;
- (c) not require cut or fill more than 1m below or above existing ground level;
- (d) not concentrate the flow of surface water onto an adjoining lot; and
- (e) be located no less than 1m from any registered easement, sewer main or water main or stormwater drain.

##### **Relies on Performance Criteria**

Whilst no specific information has been provided regarding earthworks, it can be reasonably assumed that more than 1m of cut and fill will be required to accommodate the subdivision. As such reliance on the performance criteria is required.

P1 Earthworks and retaining walls must be designed and located so as not to have an unreasonable impact on the amenity of adjoining lots, having regard to:

- (a) the topography of the site;
- (b) the appearance, scale and extent of the works;
- (c) overlooking and overshadowing of adjoining lots;
- (d) the type of construction of the works;
- (e) the need for the works;

- (f) any impact on adjoining structures;
- (g) the management of groundwater and stormwater; and
- (h) the potential for loss of topsoil or soil erosion.

**Complies**

It is considered that all earthworks will be designed and so located as not to unreasonably impact on the amenity of adjoining lots.

The area requiring the earthworks is undulating, with some areas of recesses requiring larger amount of fill, noting that areas adjoining the surrounding residential lots will require minimal cut and fill. The scale of works may be considered substantial, namely due to the amount of vegetation that will be removed and the requirements to flatten the new residential lots. However, the need for the works is necessary for the subdivision to occur. Any earthworks will need to manage stormwater and groundwater and ensure there is no impact on adjoining structures.

Accordingly the proposal meets the performance criteria.

10.4.15 Lot size and dimensions

**Objective:**

To ensure the area and dimensions of lots are appropriate for the intended use of the lots.

**Consistent**

A1.1 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) have a minimum area of no less than 500m<sup>2</sup> ; and
- (b) be able to contain a rectangle measuring 10m by 15m; or

A1.2 Each lot, or a lot proposed in a plan of subdivision, must:

- (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
- (b) be required for the provision of public utilities; or
- (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and

A1.3 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.

**Complies**

The following outlines the lot sizes within the Residential Zone:

Road Lot:	1,963m <sup>2</sup>
Lot 1:	775m <sup>2</sup>
Lot 2:	634m <sup>2</sup>
Lot 3:	553m <sup>2</sup>
Lot 4:	510m <sup>2</sup>
Lot 5:	500m <sup>2</sup>
Lot 6:	2,339m <sup>2</sup>
Lot 7:	567m <sup>2</sup>
Lot 8:	500m <sup>2</sup>
Lot 9:	604m <sup>2</sup>
Lot 10:	640m <sup>2</sup>
Lot 11:	643m <sup>2</sup>
Lot 12:	748m <sup>2</sup>

Each lot exceeds 500m<sup>2</sup> in site area and is able to contain a rectangle measuring 10m x 15m.



#### 10.4.16 Frontage and access

<b>Objective:</b> To ensure that lots provide: (a) appropriate frontage to a road; and (b) safe and appropriate access suitable for the intended use.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures each lot is able to provide appropriate frontage.
A1 Each lot, or a lot proposed in a plan of subdivision, must have a frontage to a road maintained by a road authority of no less than 3.6m.
<b>Complies</b> Each lot will have frontage to a road maintained by a road authority of no less than 3.6m.
A2 No acceptable solution.
<b>Relies on Performance Criteria</b> P2 Each lot, or a lot proposed in a plan of subdivision, is capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to: (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the character of the area; and (e) the advice of the road authority.
<b>Complies</b> Each lot will have frontage to a road maintained by a road authority of no less than 3.6m. This will be achieved through an extension to Negara Street through the formation of a cul-de-sac. Each lot will be provided with a crossover onto this road, complying with the performance criteria.

#### 10.4.17 Discharge of stormwater

<b>Objective:</b> To ensure that the subdivision layout, including roads, provides that stormwater is satisfactorily drained and discharged.
<b>Consistent</b> A1 Each lot, or a lot proposed in a plan of subdivision, including roads, must be capable of connecting to a public stormwater system.
<b>Complies</b> Each lot is capable of connecting to a public stormwater system.
A2 The Council's General Manager has provided written advice that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.
<b>Complies</b> Advice has been provided that the public stormwater system has the capacity to accommodate the stormwater discharge from the subdivision.

#### 10.4.18 Water and sewerage services

<b>Objective:</b> To ensure each lot provides for appropriate water supply and wastewater disposal.
<b>Consistent</b> A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.
<b>Complies</b>

Each lot will be connected to a reticulated water supply.
A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.
<b>Complies</b> Each lot will be connected to a reticulated sewerage system.

#### 10.4.19 Integrated urban landscape

Objective: To provide landscaping of lots, roads and public open spaces that contributes to the character and identity of urban places and the character of the surrounding area.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures that public roads contribute to the character and identity of the surrounding area.
A1 Subdivision does not create any new road, public open space or other reserves.
<b>Relies on Performance Criteria</b> As the subdivision is proposing a new road reliance on the performance criteria is required.
P1 Subdivision must be designed to enhance the amenity of the area having regard to: (a) the topography of the site; (b) any significant natural and cultural features of the site; (c) access to public open spaces and roads; (d) the retention of existing vegetation; (e) linking areas of significant local habitat; and (f) the character of the surrounding area.
<b>Complies</b> The new road will form an extension of Negara Street to end in a cul-de-sac, and is necessary for each new lot to obtain access to a Council maintained road. It is acknowledged that to make way for the subdivision and new road, a significant amount of vegetation is proposed to be removed. Whilst this may be considered a significant natural feature of the site, a Natural Values assessment was provided as part of the application. The report concluded that no threatened flora or fauna were identified, but instead the area of investigation found six species of declared weeds. As such, the removal of this vegetation is considered appropriate to allow for the new road and subdivision to occur.  It is noted that the golf course will still retain a significant amount of vegetation and still be viewed as a <i>green</i> space due to the nature of its use. The development will also seek to retain as much vegetation as possible to contribute to the character of the area. In the future, once development of the lots occurs, it is expected that residential plantings and landscaping will continue to enhance the surrounding area.  The proposal complies with the performance criteria.

#### 10.4.20 Walking and cycling network

Objective: To: (a) provide safe and convenient movement through and between neighbourhoods by pedestrians and cyclists; (b) design footpaths, shared path and cycle path networks that are safe and accessible; and (c) accommodate wheelchairs, prams, scooters and other footpath bound vehicles.
<b>Consistent</b>



Consistency with the objective has been achieved as the proposal provides safe and convenient movement through and between the neighbourhood.
A1 Subdivision does not create any new road, footpath or public open space.
<b>Relies on Performance Criteria</b> As a new road is proposed, reliance on the performance criteria is required.
P1 Subdivision provides roads, footpaths or public open spaces that are designed to provide safe and convenient walking and cycling networks, having regard to: <ul style="list-style-type: none"> <li>(a) linkages to any existing pedestrian and cycling networks;</li> <li>(b) connection of footpaths, shared paths, cycle paths and bicycle lanes;</li> <li>(c) access for cycling and walking to activity centres, community facilities, bus stops and public transport routes and public open spaces;</li> <li>(d) the road network and public open spaces; and</li> <li>(e) passive surveillance.</li> </ul>
<b>Complies</b> The proposed road will extend Negara Street to result in a cul-de-sac. No new pedestrian footpaths along the road reserve are proposed as there are no existing linkages to connect into. The applicant has proposed two new pedestrian linkages into the golf club however. This will allow residents within the Norwood area to still access the site via Negara Street. This is considered a safe and effective linkage from what is already existing and will continue the existing linkage of Norwood to the golf club without needing to access the site via Opossum Road.  The proposal complies with the performance criteria.

#### 10.4.21 Lot diversity

Objective: To provide a range and mix of lot sizes to suit a variety of dwelling and household types.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal provides a range and mix of lot sizes to suit a variety of dwelling and household types.
A1 Subdivision is for 10 lots or less.
<b>Relies on Performance Criteria</b> As more than 10 lots are proposed reliance on the performance criteria is required.
P1 Subdivision provides a range and mix of lot sizes suitable for the development of a variety of dwelling and household types, having regard to: <ul style="list-style-type: none"> <li>(a) lot sizes suitable for single dwellings, multiple dwellings and other forms of residential use;</li> <li>(b) the topography of the site;</li> <li>(c) demand for a variety of housing types;</li> <li>(d) the proximity of activity centres;</li> <li>(e) the proximity and access to public open space;</li> <li>(f) the proximity, availability and accessibility of pedestrian, cycling, and bus stops and public transport, routes; and</li> <li>(g) the character of the surrounding area.</li> </ul>
<b>Complies</b> Of the 12 residential lots proposed, one of them will be able to accommodate a single dwelling through a permitted pathway. Lot 6 is 2,339m <sup>2</sup> in size and will be able to accommodate a range of multiple dwelling development in the future, subject to a development application. There is currently a demand for housing and the provision of 12 new lots will assist in contributing to demand.

The area of development is close to Norwood Primary School (370m to the south), areas of public open space being *Norwood Bushland Park* (650m to the east), Norwood Activity Centre (1km) and Kings Meadows Activity Centre (1.78km to the west). Multiple public transport bus stops are located along Norwood Avenue in close proximity to the site.

The surrounding area is a typical residential suburban area, defined as predominantly single dwellings on 600m<sup>2</sup> lots. This area is defined by the golf club to the west and north and *Carr Villa* to the south. The proposed subdivision will not change the nature of the area.

The proposal complies with the performance criteria.

#### 10.4.23 Neighbourhood road network

**Objective:**

To provide for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.

##### **Consistent**

Consistency with the objective has been achieved as the proposal provides for convenient and safe movement, through and between neighbourhoods, for motor vehicles, pedestrians, cyclists and public transport using the road network.

A1 Subdivision does not create any new road.

##### **Relies on Performance Criteria**

As a new road is proposed reliance on the performance criteria is required.

P1 The road network provides for convenient and safe movement for motor vehicles, pedestrians, cyclists and public transport, having regard to:

- (a) the existing network of roads, cycle paths and bicycle lanes, shared paths, footpaths and public transport routes;
- (b) the function of the road and its relationship to arterial and neighbourhood road types;
- (c) the speed limits on roads in the area;
- (d) the location of activity centres;
- (e) the volume of traffic in the area;
- (f) access for service and emergency vehicles; and
- (g) the topography of the site.

##### **Complies**

The subdivision includes an extension to Negara Street, ending in a cul-de-sac. The road will be approximately 110m in length and extend west. The new road will join the existing road network, with no new footpaths or bicycle lanes proposed. The speed limit is reduced at 50km/h with enough room for service and emergency vehicles to enter the street, based on the 15.25m width. The volume of traffic within the area is limited to a suburban residential suburb noting, however, the traffic does increase at school drop-off and pick-up times. However, being a 12 lot subdivision, the increase in traffic is considered manageable.

The proposal meets the performance criteria.

#### 10.4.24 Public transport network

**Objective:**

To provide for access to public transport.

##### **Consistent**

Consistency with the objective has been achieved as the proposal provides access to public transport.
A1 Subdivision does not create any new road.
<b>Relies on Performance Criteria</b> As a new road is proposed reliance on the performance criteria is required.
P1 The subdivision provides for adequate access to public transport, having regard to: (a) the number of lots proposed; (b) the walking distances from the lots to public transport route; (c) any public transport strategy or plan for the area; and (d) the likelihood of the provision of public transport for the area.
<b>Complies</b> Within 200m of the site there is a bus stop located along Norwood Avenue. Within 60m there are an additional two stops. This is considered suitable for the use, and complies with the performance criteria.

## 18.0 Recreation Zone

18.1.1 Zone Purpose Statements 18.1.1.1 To provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land. 18.1.1.2 To provide for the amenity of residential uses on land adjoining the zone.
<b>Consistent</b> Consistency with the zone purpose has been achieved as the proposal maintains the existing organised recreational use of the land.

## 18.4.3 Lot size and dimensions

Objective: To ensure: (a) the area and dimensions of lots are appropriate for the zone; and (b) adjoining land, especially residential zones, is protected from adverse impacts.
<b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures the area and dimensions of lots are appropriate for the zone.
A1.1 Each lot, or a lot proposed in a plan of subdivision, must: (a) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or (b) be required for the provision of public utilities; or (c) be for the consolidation of a lot with another lot, provided each lot is within the same zone; and A1.2 Each lot, or a lot proposed in a plan of subdivision, must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.
<b>Relies on Performance Criteria</b> As a result of the changes to the titles all new lot boundaries satisfy the relevant acceptable solutions for setbacks complying with A1.2. As the subdivision is not required on behalf of the crown, for public utilities, or consolidation, the proposal is unable to meet A1.1 and is reliant on the performance criteria.
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 acceptable solutions for development of buildings on the lots; (b) the likely location of buildings on the lots; (c) the likely provision of onsite parking and manoeuvrability for vehicles; (d) the topography of the site;

<ul style="list-style-type: none"> <li>(e) the presence of any natural hazards;</li> <li>(f) the existing pattern of development in the area; and</li> <li>(g) public safety.</li> </ul>
<p><b>Complies</b></p> <p>The proposal will alter the boundaries of two existing recreation lots, noting no new lots will be created. Existing lot CT4964/16 will have a new site area of approximately 11.69ha reduced from 12.57ha whilst CT198059/1 will have a new site area of approximately 41.46ha reduced from 42.34ha. The adjustment is required to allow the creation of 12 new residential lots within the General Residential Zone as part of the amendment. The changes will have minor alterations to one of the holes within the golf course, but other than that there will be no change to the operation of the golf club. Accordingly the proposal complies with the performance criteria.</p>

#### 18.4.4 Frontage and access

<p><b>Objective:</b></p> <p>To ensure that lots provide:</p> <ul style="list-style-type: none"> <li>(a) appropriate frontage to a road; and</li> <li>(b) safe appropriate access suitable for the intended use of the new lot.</li> </ul>
<p><b>Consistent</b></p> <p>Consistency with the objective has been achieved as the proposal ensures appropriate frontage is maintained.</p>
<p>A1 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p> <p>P1 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right-of-carriageway, of no less than 3.6m width, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the width of frontage proposed, if any;</li> <li>(b) whether any other land has a right-of-carriageway as its sole or principal means of access over the frontage;</li> <li>(c) the number of immediately adjacent rights-of-carriageway;</li> <li>(d) the topography of the site;</li> <li>(e) the proposed use of the lot;</li> <li>(f) the construction and maintenance of the road;</li> <li>(g) the existing pattern of development in the surrounding area;</li> <li>(h) the functionality and usability of the frontage;</li> <li>(i) the anticipated nature of the vehicles likely to access the site;</li> <li>(j) the ability to manoeuvre vehicles on the site;</li> <li>(k) the accessibility for vehicles;</li> <li>(l) public safety; and</li> <li>(m) the advice of the road authority.</li> </ul>
<p><b>Complies</b></p> <p>The site will maintain its primary frontage and access via Opossum Road. The main change will be to the Negara Street frontage which will remove a standard vehicle access, but will maintain pedestrian and/or golf buggy access through a future access lot. The proposal complies with the performance criteria.</p>
<p>A2 No acceptable solution.</p>
<p><b>Relies on Performance Criteria</b></p> <p>P2 Each lot, or a lot proposed in a plan of subdivision, must be capable of being provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) the length of the access;</li> </ul>

<ul style="list-style-type: none"> <li>(c) the distance between the lot or building area and the carriageway;</li> <li>(d) the nature of the road and the traffic, including pedestrians;</li> <li>(e) the character of the area; and</li> <li>(f) the advice of the road authority.</li> </ul>
<p><b>Complies</b></p> <p>Each lot will maintain frontage and access through Opossum Road, Norwood Avenue, Leith Street and Morshead Street, complying with the performance criteria.</p>

#### 18.4.6 Water and sewerage services

<p><b>Objective:</b></p> <p>To ensure each lot provides for appropriate water supply and wastewater disposal.</p>
<p><b>Consistent</b></p> <p>A1 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated water supply.</p>
<p><b>Complies</b></p> <p>The lots will be able to connect into a reticulated water supply.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must be connected to a reticulated sewerage system.</p>
<p><b>Complies</b></p> <p>The lots will be able to connect into a reticulated sewerage system.</p>

#### E1.0 Bushfire-Prone Areas Code

<p>E1.1 The purpose of this code is to ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>
<p><b>Consistent</b></p> <p>Consistency with the code purpose has been achieved as the proposal ensures any risk to bushfire is able to be mitigated. The applicant provided a <i>Bushfire Hazard Management Report</i>, prepared by Accredited Bushfire Practitioner James Stewart (BFP-157) dated August 2021. For the lots zoned Recreation, there is an insufficient increase in risk and those lots are exempt from the code in accordance with E1.4(a).</p>

#### E1.6 Development Standards

##### E1.6.1 Subdivision: Provision of hazard management areas

<p>Subdivision provides for hazard management areas that:</p> <ul style="list-style-type: none"> <li>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</li> <li>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</li> <li>(c) provide protection for lots at any stage of a staged subdivision.</li> </ul>
<p><b>Consistent</b></p> <p>Consistency with the objective has been achieved as the proposal provides for hazard management.</p>
<p>A1</p> <ul style="list-style-type: none"> <li>(a) Tasmania Fire Service (TFS) or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</li> <li>(b) The proposed plan of subdivision: <ul style="list-style-type: none"> <li>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</li> <li>(ii) shows the building area for each lot;</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</li> <li>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots, and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 - 2009 Construction of buildings in bushfire-prone areas; and</li> </ul> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p><b>Complies</b></p> <p>An accredited practitioner has demonstrated compliance with A1(b), and as such the proposal complies with the acceptable solution.</p>
<p>P1 A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the dimensions of hazard management areas;</li> <li>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</li> <li>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</li> <li>(d) the topography, including site slope;</li> <li>(e) any other potential forms of fuel and ignition sources;</li> <li>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</li> <li>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</li> <li>(h) any advice from the TFS.</li> </ul>	<p><b>Not Applicable</b></p>

#### E1.6.2 Subdivision: Public and fire-fighting access

<p>Access roads to, and the layout of roads, tracks and trails, in a subdivision:</p> <ul style="list-style-type: none"> <li>(a) allow safe access and egress for residents, firefighters and emergency service personnel;</li> <li>(b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;</li> <li>(c) are designed and constructed to allow for fire appliances to be manoeuvred;</li> <li>(d) provide access to water supplies for fire appliances; and</li> <li>(e) are designed to allow connectivity, and where needed, offering multiple evacuation points.</li> </ul>	<p><b>Consistent</b></p> <p>Consistency with the objective has been achieved as the proposal provides for hazard management.</p>
<p>A1</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire-fighting; or</li> </ul>	

<p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <ul style="list-style-type: none"> <li>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</li> <li>(ii) is certified by the TFS or an accredited person.</li> </ul>
<p><b>Relies on Performance Criteria</b></p> <p>As the TFS or an accredited person has not certified that there is an insufficient increase in risk, reliance on the performance criteria is required.</p>
<p>P1 A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <ul style="list-style-type: none"> <li>(a) appropriate design measures, including: <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>(viii) use of through roads to provide for connectivity; (ix) limits on the length of cul-de-sacs and dead-end roads; (x) provision of turning areas; (xi) provision for parking areas; (xii) perimeter access; and (xiii) fire trails;</li> </ul> </li> <li>(b) the provision of access to: <ul style="list-style-type: none"> <li>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</li> <li>(ii) fire-fighting water supplies; and</li> </ul> </li> <li>(c) any advice from the TFS.</li> </ul>
<p><b>Complies</b></p> <p>An accredited bushfire practitioner has demonstrated compliance with P1 in that the proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires. The proposal complies with the performance criteria.</p>

#### E1.6.3 Subdivision: Provision of water supply for fire-fighting purposes

<p>Adequate, accessible and reliable water supply for the purposes of fire-fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.</p>
<p><b>Consistent</b></p> <p>Consistency with the objective has been achieved as the proposal provides for hazard management.</p>
<p>A1 In areas serviced with reticulated water by the water corporation:</p> <ul style="list-style-type: none"> <li>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire-fighting purposes;</li> <li>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</li> <li>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire-fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</li> </ul>
<p><b>Complies</b></p>

The accredited bushfire practitioner has demonstrated compliance with A1(b), and as such the proposal is compliant against the acceptable solution.

#### E4.0 Road and Railway Assets Code

E4.1 The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

##### **Consistent**

Consistency with the code purpose has been achieved as the proposal protects the safety and efficiency of the road. The applicant provided a *Traffic Impact Assessment* (TIA), prepared by Andrew Howell, Revision B, dated August 2021 to assist in the assessment of the code.

#### E4.5 Use Standards

##### E4.5.1 Existing road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

##### **Consistent**

Consistency with the objective has been achieved as the proposal ensures that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

##### **Relies on Performance Criteria**

The subdivision will result in more than 40 vehicle movements per day and as such is reliant on the performance criteria.

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

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

##### **Complies**

The performance criteria requires that any increase in traffic must not unreasonably impact on the efficiency of the road network having regard to certain criteria.

The proposal will generate residential traffic on a 50km/h suburban road. To accommodate the subdivision there is no appropriate alternative access. The new access, which will be an extension to Negara Street is a Council owned and maintained road, of which road authority consent has been provided. There is an appropriate level of need for the use as residential land is currently in short supply.

The applicant provided a TIA, prepared by Andrew Howell, Revision B, dated August 2021 to assist in potential traffic impacts. It is estimated there will be up to 119 new vehicle trips per day. Based on these movements and the layout of the surrounding streets, it is accepted that the road network will be able to accommodate the traffic increase.



The proposal, therefore, complies with the performance criteria.
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## E4.6 Development Standards

### E4.6.2 Road accesses and junctions

<p><b>Objective:</b> To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p><b>Consistent</b> Compliance with the objective has been achieved as the proposal ensures that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.</p>
<p>A2 No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>
<p><b>Relies on Performance Criteria</b> The development will result in an extension to Negara Street and the provision of twelve new crossovers into each new lot. As such reliance on the performance criteria is required.</p>
<p>P2 For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and frequency of the traffic generated by the use;</li> <li>(b) the nature of the road;</li> <li>(c) the speed limit and traffic flow of the road;</li> <li>(d) any alternative access to a road;</li> <li>(e) the need for the access or junction;</li> <li>(f) any traffic impact assessment; and</li> <li>(g) any written advice received from the road authority.</li> </ul>
<p><b>Complies</b> Consent from the road authority has been provided with regard to the new crossovers. The new crossovers will be for residential use, on the extension to Negara Street. This extension will be for a suburban street with a 50km/h speed limit. Noting that the extension will be a cul-de-sac which will ensure traffic will generally be slower, ensuring safety is maintained. There are no other options for access.</p> <p>The proposal complies with the performance criteria.</p>

### E4.6.4 Sight distance at accesses, junctions and level crossings

<p><b>Objective:</b> To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p><b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>
<p>A1 Sight distances at:</p> <ul style="list-style-type: none"> <li>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.6.4; and</li> <li>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</li> </ul>
<p><b>Relies on Performance Criteria</b></p>

As some of the new driveways will not be able to meet the sight distances listed in Table E4.6.4, reliance on the performance criteria is sought.

P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the frequency of use of the road or rail network;
- (c) any alternative access;
- (d) the need for the access, junction or level crossing;
- (e) any traffic impact assessment;
- (f) any measures to improve or maintain sight distance; and
- (g) any written advice received from the road or rail authority.

**Complies**

As stated within the provided Traffic Impact Assessment:

*Sight distance to the West from Warragul Street, currently to the existing termination of Negara West is around 38m - following road extension this will be able to continue for the majority of the cul-de-sac, out to around 135m in this direction.*

The report continues by stating that satisfactory sight distance is able to be achieved and as such compliant with the performance criteria.

**E6.0 Parking and Sustainable Transport Code**

E6.1 The purpose of this provision is to:

- (a) ensure that an appropriate level of parking facilities are provided to service use and development;
- (b) ensure that cycling, walking and public transport are supported as a means of transport in urban areas;
- (c) ensure access for cars and cyclists and delivery of people and goods is safe and adequate;
- (d) ensure that parking does not adversely impact on the amenity of a locality;
- (e) ensure that parking spaces and accesses meet appropriate standards; and
- (f) provide for the implementation of parking precinct plans.

**Consistent**

Whilst the code is applicable to all development, as the proposal is for a subdivision, the clauses within the code are not applicable to the applications assessment.

**E7.0 Scenic Management Code**

E7.1 The purpose of this provision is to:

- (a) ensure that siting and design of development protects and complements the visual amenity of scenic road corridors; and
- (b) ensure that siting and design of development in scenic management areas is unobtrusive and complements the visual amenity of the locality and landscape; and
- (c) ensure that vegetation is managed for its contribution to the scenic landscape.

**Consistent**

Consistency with the code purpose has been achieved as the proposal ensures the visual amenity of the area will be maintained.

**E7.6.2 Scenic management areas**

Objective:

<p>The siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.</p>
<p><b>Consistent</b> Consistency with the objective has been achieved as the proposal ensures the siting and design of development is to be unobtrusive in the landscape and complement the character of the scenic management areas.</p>
<p>A3 Subdivision is in accordance with a specific area plan.</p>
<p><b>Relies on Performance Criteria</b> As the subdivision is not in accordance with a specific area plan, reliance on the performance criteria is required.</p>
<p>P3 Subdivision must have regard to:</p> <ul style="list-style-type: none"> <li>(a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;</li> <li>(b) the size, shape and orientation of the lot;</li> <li>(c) the density of potential development on lots created;</li> <li>(d) the need for the clearance or retention of vegetation;</li> <li>(e) the need to retain existing vegetation;</li> <li>(f) the requirements for any hazard management;</li> <li>(g) the need for infrastructure services;</li> <li>(h) the specific requirements of the subdivision;</li> <li>(i) the extent of works required for roads or to gain access to sites, including any cut and fill;</li> <li>(j) the physical characteristics of the site and locality;</li> <li>(k) the existing landscape character;</li> <li>(l) the scenic qualities of the site; and</li> <li>(m) any agreement under section 71 of the Act affecting the land.</li> </ul>
<p><b>Complies</b> The site is located within the <i>Carr Villa</i> and <i>Punchbowl Reserve</i> Precinct 4. The area is dominated by a treed character. New residential development is characterised by large bulky houses with limited opportunity to establish trees and vegetation.</p> <p>The objectives of the precinct aim to maintain and enhance vegetation with trees encouraged. Increased residential density is encouraged, but only where development does not lesson the ability of the site to maintain significant vegetation. Development must be sited to have minimal impact on existing vegetation, in particular vegetation links between the <i>Carr Villa</i> and <i>Punchbowl Reserve</i>, which provide an important wildlife corridor and are to be preserved or enhanced.</p> <p>An assessment against the criteria is as follows, understanding that the subdivision must have regard to the following to ensure it is unobtrusive in the landscape.</p> <p><b>(a) the scenic management precinct existing character statement and management objectives in clause E7.6.3;</b> Approximately 1.16ha of land is proposed to be cleared of vegetation. This land currently contains areas of thick vegetation, dispersed with rough vehicle tracks, pedestrian tracks and areas of open grassed land which make up part of the golf course. Whilst acknowledging that this may be considered substantial in terms of its visual amenity, the proposal will still maintain a connecting vegetative buffer surrounding the subdivision, allowing the wildlife corridor and link to continue. A natural values report has been provided which assesses the impact of clearing the area, and as such there are no threatened species to be impacted. The subdivision will allow for eleven new lots capable of providing single dwellings, and one lot with</p>

the potential for multiple dwellings. The vegetation removal, and in particular the view of the new subdivision will be visible from Negara Street, and some houses on the western side of Warragul Street. It is considered that the location has been chosen and assessed to ensure that the visual impact as a result of the proposal is appropriate to its location and respectful of the existing vegetation.

**(b) the size, shape and orientation of the lot;**

The size, shape, and orientation of the lots is consistent with that of the surrounding area and will retain a natural extension from Negara Street.

**(c) the density of potential development on lots created;**

Eleven of the 12 new lots are being created for single dwellings. Lot 6 will have the capability to permit more intensive development. This is considered appropriate for the area and meets the objectives of the scheme, as the overall residential subdivision will not permit an unreasonable density increase. This will also allow future lots to be landscaped.

**(d) the need for the clearance or retention of vegetation;**

There is a need to remove vegetated to allow the subdivision to occur so that future development will be available. Further, as part of bushfire hazard management an area surrounding the lots will also need to be removed. This is considered to be reasonable.

**(e) the need to retain existing vegetation;**

There will still be a significant amount of vegetation remaining should the subdivision occur. This will continue to screen the development from the golf course and surrounding area.

**(f) the requirements for any hazard management;**

Bushfire hazard management is required as the site is within a bushfire prone area.

**(g) the need for infrastructure services;**

The site will connect into the reticulated systems. This will require some removal of vegetation.

**(h) the specific requirements of the subdivision;**

The subdivision will require connection to reticulated services as well as bushfire hazard management area. A road connection and extension will also be needed off Negara Street. Being a general residential zone, and a logical extension of surrounding residential development, there is a requirement that vegetation be removed. Whilst the removal will be noticeable, it will not be unreasonable.

**(i) the extent of works required for roads or to gain access to sites, including any cut and fill;**

Earthworks will be required due to the terrain and the establishment of a residential subdivision requires almost a complete removal of vegetation.

**(j) the physical characteristics of the site and locality;**

The site is currently a heavily vegetated golf course, adjoining residential land. The removal of the vegetation from the golf course to allow the development to occur is considered acceptable and there will be future opportunities for landscaping.

**(k) the existing landscape character;**

Currently the site set for development is a vegetated section of the golf course.

**(l) the scenic qualities of the site; and**

When viewing the site from the rear yards of Warragul Street residents, it could be considered scenic due to the large trees within the development site. Whilst these will be removed, there is still a significant amount of vegetation that will be retained for the scenic qualities of the site to remain intact.

**(m) any agreement under section 71 of the Act affecting the land.**

There is no section 71 agreement affecting the land.

The proposal complies with the performance criteria.
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## E8.0 Biodiversity Code

E8.1 The purpose of this provision is to:

- (a) support the conservation of biodiversity in the planning scheme area and the northern region, including the extent, condition and connectivity of important habitats and priority vegetation communities, and the number and status of threatened species; and
- (b) consider and manage the impact of use or development on biodiversity through:
  - (i) minimisation of vegetation and habitat loss or degradation; and
  - (ii) appropriate location of development.

### **Consistent**

Consistency with the objective has been achieved as the proposal ensures the biodiversity of the area is protected.

## E8.6.1 Habitat and vegetation management

Objective:

To appropriately protect or manage vegetation identified as priority habitat and priority vegetation communities.

### **Consistent**

Consistency with the objective has been achieved as the proposal appropriately protects and manages vegetation identified as priority habitat and priority vegetation communities.

A1 Clearance or disturbance of priority habitat is in accordance with a certified Forest Practices Plan.

### **Relies on Performance Criteria**

As the clearance is not in accordance with a certified Forest Practices Plan, reliance on the performance criteria is required.

P1 Clearance or disturbance of native vegetation within priority habitat or areas identified as priority vegetation communities does not compromise the adequacy of representation of species or vegetation communities, having regard to:

- (a) the quality of the site to provide habitat of significance to the maintenance or protection of biodiversity in the planning scheme area;
- (b) the need for the clearance or disturbance of the vegetation;
- (c) the method of clearance or disturbance of the vegetation;
- (d) the extent and quality of the vegetation or habitats affected by the proposal;
- (e) the value of the vegetation as a wildlife corridor;
- (f) the value of riparian vegetation to the protection of habitats and wildlife corridors;
- (g) any rehabilitation and maintenance measures;
- (h) the impacts of development and vegetation clearance, in proximity to the priority habitat or priority vegetation communities;
- (i) any conservation outcomes achieved and the long term security of any offset for the loss of the vegetation, provided in accordance with the General Offset Principles document published by the Department of Primary Industries, Parks, Water and Environment, available at <http://dpi.pwe.tas.gov.au/Documents/General-Offset-Principles.pdf> ;
- (j) any agreement under section 71 of the Act relating to vegetation management;
- (k) any conservation covenant made under the *Nature Conservation Act 2002*, that exists on or adjacent to the site of the proposed development; and
- (l) any recommendations or advice contained in a flora and fauna report.

### **Complies**

The applicant provided a Natural values Assessment, prepared by ECOtas, dated 18 August 2021 to assist in the assessment of the application. The assessment included surveying the land against the proposed subdivision, undertaking investigations into threatened flora and fauna as well as declared weeds and animal diseases. It is noted that there were no threatened flora or fauna identified.

The site is a logical extension to Negara Street into an area of vegetation that is in very poor condition. The proposed development should not affect the value of the study area of surrounding areas as a *wildlife corridor*, noting this term is nebulous. Future rehabilitation will occur through the placement of vegetation once the sites are developed. No formal offsets are proposed for the loss of approximately 6,000m<sup>2</sup> of vegetation. There are no agreements of covenants over the site that would limit the removal of the vegetation.

It has been considered that the habitat is appropriately managed to allow for the subdivision to occur, and the proposal is therefore compliant with the performance criteria.

#### E10.0 Open Space Code

E10.1 The purpose of this provision is to:

- (a) Ensure that the location and area of land required for public open space in subdivisions meets the reasonable ongoing needs of the community.

#### **Not Applicable**

The code is exempt under E10.4.1(a) as a payment in lieu of public open space is required.

## 4. REFERRALS

REFERRAL	COMMENTS
<b>INTERNAL</b>	
Infrastructure Assets	Conditions recommended.
Environmental Health	Conditions recommended.
Heritage/Urban Design	N/A
Building and Plumbing	N/A
<b>EXTERNAL</b>	
TasWater	Application referred to TasWater and conditional consent provided by Submission to Planning Authority Notice TWDA 2021/01548-LCC, 16/09/2021.
State Growth	N/A
TasFire	N/A
Tas Heritage Council	N/A
Crown Land	N/A
TasRail	N/A
EPA	N/A
Aurora	N/A

## 5. CONCLUSION

The application seeks to partially rezone land at 27-99 Opossum Road, Kings Meadows from Recreation to General Residential under the Launceston Interim Planning Scheme

and to facilitate a 15 lot subdivision including road, drainage and electricity infrastructure.

The amendment and planning permit application has been assessed to be consistent with all requirements of the *Land Use Planning and Approvals Act 1993* as set out in this report.

The planning permit application satisfies all the relevant provisions of the Scheme including the code provisions and the performance criteria.

#### **ECONOMIC IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such economic impacts have been considered.

#### **ENVIRONMENTAL IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such environmental impacts have been considered.

#### **SOCIAL IMPACT:**

The Launceston Interim Planning Scheme 2015 contains provisions intended to implement the objectives of the Resource Management Planning System. The application has been assessed using these provisions and as such social impacts have been considered.

#### **STRATEGIC DOCUMENT REFERENCE:**

Launceston Interim Planning Scheme 2015

#### **BUDGET & FINANCIAL ASPECTS:**

Not considered relevant to this report.

#### **DISCLOSURE OF INTERESTS:**

The officer has no conflict of interest in this item.

I certify that I have reviewed and approved this advice and recommendation.



**Richard Jamieson - Acting General Manager Community and Place Network**

**ATTACHMENTS:**

1. Locality Map - Amendment 68 (*electronically distributed*)
2. Amendment 68 - Application Documents (*electronically distributed*)
3. Amendment 68 - Draft Instrument (*electronically distributed*)
4. Amendment 68 - TasWater SPAN (*electronically distributed*)