

Chief Executive Officer
City of Launceston
PO Box 396
LAUNCESTON TAS 7250

28 February 2020

Dear Sir,

Representation - Draft Amendment 58, DA0472/2019

I act on behalf of Mr Clifford Partridge and Mrs Moira Partridge, who own and occupy property at 13 Magpie Crescent, St Leonards, and provide the following representation to the currently advertised Draft Amendment 58 and DA0472/2019 for a Section 43a Application for combined rezone and subsequent development of a 30 lot subdivision and roads.

My clients are not against the rezone application for the subject site but have some concerns and queries in relation to the proposed subdivision of the subject site.

Validity of Application

It is unclear whether land owner consent was provided together with the application, as required under Section 43D of the Land Use Planning and Approvals Act 1993 and perhaps clarification of whether this was provided could be made.

It appears also from the Site Stormwater Drainage Path Alignment that the indicative drain section concludes at the boundary of an adjacent property (22 Whisky Road, St Leonards) and query whether any works are proposed within the adjacent property due to the concentration of stormwater that appears to be directed towards this adjacent property, and if so, why this adjacent property was not included within the application.

Visual Impact

My client's own property that is adjacent to a proposed road which will serve Lot 4, Lot 5 and Lot 11 from Magpie Crescent. Concerns are raised in relation to the visual impact of overhead power lines that may be caused upon the amenity of my clients. My clients wish to request the developer to consider underground power within this road connection if it is not already intended to do so. We ask that further consideration to be made to my client's concerns.

Fencing

My client's land adjoins eight of the proposed lots on the north-western portion of the proposed subdivision. My client's request that there be no restrictive covenants placed upon future titles of these lots, which provide that the *Boundary Fences Act 1908* cannot be

further considered. My clients understand that fencing along this boundary will be a significant cost to them if they cannot be assisted financially by future lot owners under the Act.

Water Supply

My clients are concerned that in the event of a bushfire, 10,000l water tank per dwelling will not adequately provide sufficient water in the event of a fire attack. Without the provision of fire hydrants within the proposed subdivision, reliance upon static water supply is necessary and although the minimum requirement is only 10,000l it is recognised that lots, particularly those eight lots adjacent to my clients land in the forest vegetation setting may cause greater risk to my clients property due to inefficient water supply. We request that consideration be further made that a Part V Agreement (*Land Use Planning and Approvals Act 1993*) or a covenant be placed on at least these eight adjacent lots to be provided with at least 20,000l for firefighting purposes or the provision of fire hydrants throughout the subdivision be made.

We wish to also raise concerns that the proposal is not compliant with Performance Criteria 1 of Clause 13.4.7. It is recognised throughout the application that the subdivision is within the character and context and thereby considered an extension of the Drivers Run subdivision. Drivers Run is a locality in which reticulated water services are available. Although necessary to require a significant upgrade to the water storage tank to the east of White Gum Rise, or the provision of a new tank together with the extension of the reticulated system, the subdivision is capable of being connected.

As determined within a recent RMPAT decision (*6ty Pty Ltd v Northern Midlands Council (2019) TASRMPAT 29*), and should be a requirement of the proposed subdivision, as the site is within a locality where reticulated services are available, the question of whether reticulated water services are capable of being connected to the lots should be considered as whether they are reasonably capable of being connected. Whether a service is reasonably capable of being connected to the lots will depend on the existing location of services which may be extended, the engineering issues involved in extending the services, and the cost of doing so.

The advice of TasWater and the costs involved to upgrade and extend the existing reticulated water supply does not raise any unusual engineering issues. The topography is not unusual and does not prevent supply. The concern from TasWater in relation to the existing pump station at the Distillery Creek water treatment plant, is not unusual, in that during power outages, it is typical that water supply is affected during a bushfire. This is not a stand-alone event. Contingencies in the event of power failure is a general concern that needs further consideration of TasWater and is not isolated to this proposal alone. If that were the case, then all land is not capable of being connected due to the risk of a power outage in the event of a bushfire event. Therefore, reticulated water supply should be connected to the subdivision and the Amended SPAN (highlighted in RED) as included must

be conditioned on any approval. It is unclear by the draft permit, whether this is to be required or not.

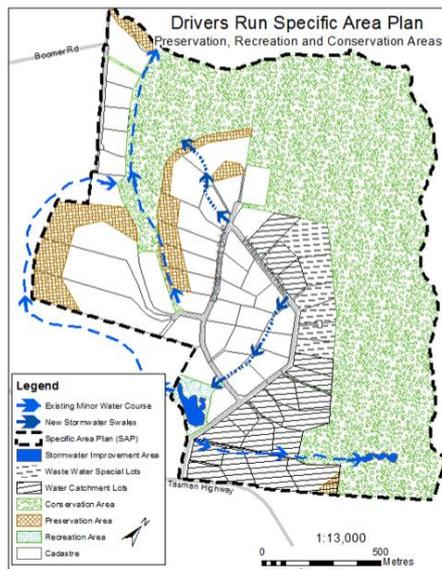
Bushfire Assessment

Further to my client's concerns in relation to water supply in the event of a bushfire, my clients are further concerned in relation to bushfire management and mitigation. The submitted Bushfire Report and Hazard Management Plan by Northbarker Ecosystem Services indicates that the proposal is compliant with Table E1: Standards for Roads. This requires that a dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius. The proposed subdivision plan appears to not provide such turning circles within the cul-de-sacs, and further clarification is required. Should the proposal rely upon a performance criteria, the advice of TFS would be required of the Planning Authority.

We also note that the plan provided at Appendix E indicating the bushfire hazard management plan and onsite wastewater management areas, differs to Figure 3: Lot layout, access and Hazard Management Area and Bushfire Hazard Management Plan – BAL 19, contained within the Bushfire Report and Hazard Management Plan, particularly Lots 13 to 16.

On-site Wastewater Management

My client's are concerned in relation to the systems proposed, noting that a number of existing AWTS systems and other systems within the Drivers Run subdivision are experiencing operating concerns and consider that the proposed lot sizes may not be sufficient to adequately accommodate a future dwelling, bushfire hazard management areas and onsite wastewater management infrastructure. It is also noted that the drainage lines as provided in F5.2 of the *Launceston Interim Planning Scheme 2015* do not appear to have been considered throughout the application, given that an existing minor water course appears to traverse Lots 10-18 where or near an indicative wastewater management area is shown.



Drivers Run Specific Area Plan

The application considers that the subdivision and rezone is similar in context and therefore an extension of the existing Drivers Run subdivision, why then does the Council/application not consider the application of the Drivers Run Specific Area Plan as being applicable to the proposed development as well?

Other Issues with Drivers Run Subdivision

It is noted that a footpath is proposed between Lots 5 and Lots 10/12. The current status of the "Reserve" (Lot 1 Escarpment Drive, St Leonards) is unknown, and should pedestrian access be provided to Magpie Crescent, it is considered that like many existing residents in the Drivers Run subdivision, access to the "Reserve" will be further intensified as informal public open space. Council is encouraged to review the status of the land, given the land ownership issues, inadequate fire management practices and general public liability of this portion of land. It is encouraged that Council consider taking over control and ownership of this area as dedicated Public Open Space, given the intensification of the residential use of the area.

The nomenclature status of the Drivers Run subdivision with an extra 30 residential lots, should be considered by Council, to separately name this subdivision/locality as "Drivers Run" officially, as a place, rather than a part of St Leonards. Already the subdivision is informally known as "Drivers Run", and with 90 odd houses (including the proposed 30 lots), it in itself could be considered a hamlet.

The *Survey Co-ordination Act 1944* provides that a location such as Drivers Run could be included under the definition of a place. Part 2 of the Tasmanian Place Naming Guidelines



provides in the first instance that an individual contact the relevant authority for undertaking the appropriate community consultation (as per 2.2) and for developing a formal naming proposal. In this instance the local government authority is the relevant authority and this letter of representation should be considered by the individual (my clients) as a direct request for consideration and further assessment by the Nomenclature Office. Could Council please further consider the place naming to "Drivers Run" as an official place of identification for the existing and proposed subdivision?

We ask that Council consider the concerns above when making any further decision in relation to the proposed rezone and subdivision at 40520 Tasman Highway, St Leonards.

Kind Regards,

A handwritten signature in black ink that reads "R Green". The signature is written in a cursive style with a large initial 'R'.

Rebecca Green

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