
From: Justine Brooks <[REDACTED]>
Sent: Wednesday, 22 April 2026 12:50 PM
To: TPC Enquiry
Cc: Sven Rand; Katrina Hill
Subject: Response to Direction 121 – [REDACTED] Blackmans Bay - extension provided to 22/1/26
Attachments: Response to Direction 121 S Rand and K McTaggart 210426.pdf; AppA_T-P.26.0334-TRA-LET-001-Rev00.pdf; AppB_202309_Natural Values assessment_[REDACTED]
[REDACTED]_Rand_McTaggart_NVR_20230920.pdf;
AppC_PageSeager_LegalAdviceReNaturalJustice_Sven Rand and Kirsten McTaggart 21.04.26.pdf

Dear Commission Members,

Please find attached our submission in response to Direction 121 relating to [REDACTED] Blackmans Bay, as part of the Kingborough Draft Local Provisions Schedule process. Thank you also for approving our request for a one-week extension.

The submission responds directly to Council's Direction 120 response and addresses the matters raised by the Commission, including strategic alignment, servicing, transport, natural values, and natural justice considerations. It sets out why the General Residential Zone is the appropriate zoning outcome for the subject land.

For ease of reference, the following documents are provided as appendices to our written response to Direction 121:

Appendix A: Traffic Engineering Advice (Pitt & Sherry)

Appendix B: Natural Values Assessment

Appendix C: Legal advice (Page Seager Lawyers) regarding natural justice

We respectfully request that the Commission consider the enclosed material in determining the appropriate zoning for the land through the Local Provisions Schedule process.

Please do not hesitate to contact me if any further information is required.

Kind regards

Justine Brooks

pitt&sherry

Justine Brooks RPIA GTLP
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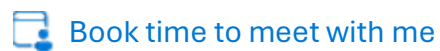
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pitt&sherry acknowledges the Traditional Custodians of the many Countries throughout Australia and their connections to land, sea and community. We acknowledge the contributions and sophistication of Aboriginal and/or Torres Strait Islander knowledge



22 April 2026

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Submission in Response to Direction 121

Kingborough Draft Local Provisions Schedule
[REDACTED] Blackmans Bay



Key points (summary)

- Council's Direction 120 response accepts key foundations for General Residential zoning: the land adjoins the Urban Growth Boundary and existing General Residential land and could meet the intent of STRLUS SRD 2.12(a)(i) if an urban residential zone is pursued.
- The remaining matters Council flagged as needing substantiation (transport, servicing, constraints) are addressed at a zoning-appropriate level by the material now before the Commission, including the traffic advice (Appendix A).
- The natural values assessment does not conclude the land should be held in a conservation primary zone; it identifies values and the need for further targeted survey/management at development stage (Appendix B).
- Natural justice is not a barrier to the Commission determining the appropriate zoning outcome in this process: the legal advice concludes the Commission has power to modify the draft LPS and can do so consistently with natural justice (Appendix C).
- The requested outcome is a modification to zone [REDACTED] General Residential (in place of Landscape Conservation) in the Kingborough Draft Local Provisions Schedule.

1. Introduction

This submission is made in response to Direction 121 for [REDACTED] Blackmans Bay.

Its purpose is straightforward: it responds to the Planning Authority's submission under Direction 120 and explains why the General Residential Zone (GRZ) is the appropriate zone for this land, and why the Landscape Conservation Zone (LCZ) is not.

Direction 120 asked Council to address whether the proposal is supported; whether it meets SRD 2.12 of the Southern Tasmania Regional Land Use Strategy (STRLUS); whether it could still be approved even if not all matters were met; whether it aligns with the section 8A Guidelines; and whether it is in the public interest and can be approved while observing natural justice.

This submission addresses each of those matters directly. The central point is that Council's Direction 120 response already accepts most of the key planning foundations for the GRZ. Council accepted that the land directly adjoins the Urban Growth Boundary and land zoned General Residential. It accepted that the proposal could meet the intent of SRD 2.12(a)(i) if an urban residential-type zone is pursued. It also accepted that the land is expected to be capable of connection to infrastructure; that transport is likely to be accommodated by the existing system; that land use conflict is likely to be minimal; and that the proposal can align with the section 8A Guidelines.

That matters because it means the case against General Residential is not based on any demonstrated strategic failure, servicing failure, transport failure, or failure to align with the section 8A Guidelines. Instead, Council's position largely

comes down to a preference for a different process and (at the time of its response) a view that there was insufficient detail before it. Those points do not justify retaining the LCZ on this land.

2. What the Commission must decide

The question for the Commission is not whether the current draft zoning can be defended. The question is what the most appropriate zone for this land is, having regard to the planning framework, the evidence, and the site's actual character.

That is the right question because the Commission is not locked into Council's recommendation. The Commission has already brought this issue into the Local Provisions Schedule process and asked for views on the merits. It now falls to the Commission to determine the proper zoning outcome.

This is important because a preference for another process is not the same thing as a planning reason to refuse the right zone. If the evidence shows that General Residential is the correct zone, then the Commission should apply it, regardless of whether Council would have preferred the matter to arrive by some other pathway.

3. Council's general approach in Direction 120

In its Direction 120 response, Council said that where it considers there is insufficient information to support urban rezoning of land outside the Urban Growth Boundary through the Local Provisions Schedule process, it prefers the issue to be dealt with later through a separate planning scheme amendment. Council also said it had considered relevant matters including STRLUS, the Kingborough Land Use Strategy, the section 8A Guidelines, transport, infrastructure, site constraints and surrounding land uses.

To the extent Council says it has turned its mind to those matters, that is accepted. But to the extent Council says a separate amendment process is preferable and that this is a reason not to determine the matter now, that is not accepted.

The Commission has already asked for this issue to be dealt with in the current Local Provisions Schedule process. The fact that some other process might also have been available at another time is not a planning reason to avoid making the right decision now. It is especially not a reason to keep a less suitable zone in place where the planning merits point the other way.

Put simply, a preference for another process is not the same thing as a planning reason to refuse the right zone.

4. Council's response on SRD 2.12

In Direction 120, Council expressly said that [REDACTED] and [REDACTED] are located on the edge of Blackmans Bay, and that both lots directly adjoin the Urban Growth Boundary and land zoned General Residential. Council then said that, in that context, the proposal could be assessed as meeting the intent of SRD 2.12(a)(i) where an urban residential type zoning is pursued.

That conclusion should be given real weight. It is an acknowledgement in Council's Direction 120 response that this land is not some isolated pocket beyond the settled urban area. It is at the edge of it. It sits immediately next to the Urban Growth Boundary and next to General Residential land. It is the sort of land SRD 2.12 was written to deal with.

SRD 2.12 recognises that, while growth boundaries are important, they cannot perfectly capture every parcel that may sensibly form part of the urban edge. It therefore allows land outside the mapped Urban Growth Boundary to be considered where it represents a logical extension and can be properly serviced and integrated. That is this site.

Council also said SRD 2.12(a)(ii) does not apply because the land is not identified for urban expansion in an endorsed strategy. That is accepted as far as it goes. But it does not help Council's broader position. It simply means the case stands or falls under SRD 2.12(a)(i), not under prior strategic identification. Once Council accepts that the land could meet the intent of SRD 2.12(a)(i), the absence of separate strategic listing is no longer a reason to reject the proposal. It just means the case has to be assessed on its actual merits.

Council has admitted that the sites are expected to be capable of connection to infrastructure, that transport is likely to be handled by the existing system, and that land use conflict may be minimal, but that it did not think it had enough supporting information at that time to fully substantiate those matters.

That concern may have been understandable at the time the response was written, but it does not carry the same weight now.

On transport, the Pitt and Sherry traffic letter dated 21 April 2026 addresses the issue Council raised. It states that there are suitable and safe access points to [REDACTED] that [REDACTED] is a collector road; that the existing road network does not experience high levels of congestion; that intersections are expected to operate at Level of Service A with minimal delay; and that an additional T-intersection would not reduce the level of service. It also states that active transport can be simply extended into the existing pedestrian network. This is professional traffic advice directed to the matters Council identified under SRD 2.12(c).

Evidence relied on: Pitt & Sherry, Traffic Engineering Advice, 21 April 2026 (Appendix A).

On servicing, the earlier representation clearly demonstrated that the land can be provided with reticulated water, sewer and stormwater. Any future development would rely on existing public infrastructure, with little to no additional cost to the public. It also confirmed that the Blackmans Bay sewage treatment plant is an established tertiary facility with substantial authorised dry weather flow capacity.

At the zoning stage, the question is not whether detailed engineering design has been finalised, but whether the land is capable of being serviced as part of the urban area. On the available evidence, it plainly is.

Figure 1 (ListMap) further supports this, showing the land is within an area that TasWater permits to connect to its water and sewerage networks. Council's own position has already anticipated this outcome.

Importantly, the 2019 \$50 million upgrade to TasWater's Blackmans Bay sewage treatment plant effectively doubled its capacity to service Kingston and surrounding areas through to 2040. The plant is located within approximately 500 metres of the subject land, reinforcing the practical and efficient ability to service the site.

On land use conflict, Council's own wording is telling. It identified only a *minimal potential* for conflict. That is entirely consistent with the site's context. The land adjoins General Residential zoning and sits within an established residential environment. There are no incompatible adjoining uses that would give rise to any meaningful land use conflict.

In that context, applying a zone that reflects the site's capacity for servicing and its established residential setting is not only appropriate, but also consistent with the Commission's obligation under the Land Use Planning and Approvals Act 1993 to promote the orderly and proper planning and development of land. Retaining an inconsistent or overly restrictive zoning would not advance that objective and would instead frustrate the efficient and logical consolidation of the urban area.

For those reasons, the Commission should find that the proposal satisfies the relevant intent of SRD 2.12 and that the remaining concerns Council flagged about items (b), (c) and (d) have now been properly addressed.

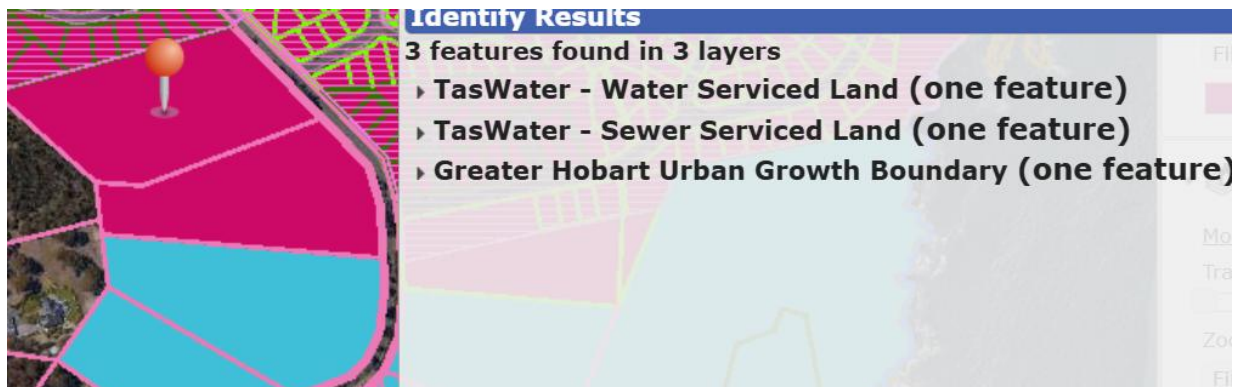


Figure 1: List Map aerial Image (22/04/26)- showing subject site proximity to the UGB (Pink hatched area) and serviceability for both potable water (blue) and reticulated sewer (pink)

5. Council's response on the section 8A Guidelines

Council said clearly that the proposal is capable of aligning with the zone requirements of the section 8A Guidelines.

That should not be treated as a throwaway line. It is a major point in favour of applying the GRZ across the subject sites.

The section 8A Guidelines are one of the key tools for deciding what zone is appropriate in a Local Provisions Schedule. If Council believed General Residential was plainly inconsistent with those Guidelines, it would have said so. It did not. It said the proposal was capable of alignment.

That makes sense on the facts. This land is next to General Residential land. It is on the edge of the urban area. It is expected to be able to connect to services. It can be accommodated by the transport network. The surrounding land use context is residential. General Residential is intended for land where residential development can occur efficiently with services and supporting infrastructure. That is a much better fit than Landscape Conservation in this location.

6. Council's refusal to support the proposal through the Local Provisions Schedule process

Council ultimately said it did not support progressing the proposal through the Local Provisions Schedule process at this time. It said there was insufficient detail to properly consider rezoning to an urban residential zone; that there was no separate planning scheme amendment application before it; and that it would prefer the matter either to return with more detail during the Local Provisions Schedule process (if the Commission agreed) or to proceed later through a separate amendment.

That position is not accepted, noting that further information can be considered in this process if the Commission sees fit.

Response to Council's stated reasons:

- **"Insufficient detail"**: the correct test at the zoning stage is capability and strategic fit, not final design. Council already accepted adjacency to the UGB/General Residential and potential to meet SRD 2.12(a)(i). The updated traffic advice and property report further supports SRD 2.12(c) (Appendix A and figure 1).
- **"No separate scheme amendment application"**: this is a process point, not a planning merit point. Direction 121 squarely raises the merits for determination within the current LPS process.
- **"Prefer later amendment pathway"**: a preference for an alternative pathway does not answer the Commission's task, which is to apply the most appropriate zone in the draft LPS based on the evidence before it.
- **"Natural justice concerns"**: the legal advice concludes the Commission can modify the draft LPS consistently with natural justice, and that the change sought is properly characterised as a modification/substantial modification rather than a radical transformation (Appendix C).

The key problem with Council's position is that it does not identify an actual planning reason why General Residential is wrong. Instead, it says in effect that it was not ready to support it here and now because it would have preferred more information and perhaps another process. That is not the same thing as showing that Landscape Conservation is the better zone.

The absence of a separate amendment application is not a planning objection. It is simply a description of the procedural path the matter did not take. The relevant question is whether the Commission can decide the issue now in the Local Provisions Schedule process. Direction 121 confirms that it can and should consider the merits now.

The alleged lack of detail also carries much less force once the file is looked at as a whole. Council already accepted the key strategic setting under SRD 2.12(a)(i), expected capability of servicing, likely adequacy of transport, likely minimal land use conflict, and potential alignment with section 8A. The traffic evidence now provides additional support on the road access and network capacity issues raised by Council. The site's physical setting and service context address the servicing point at the zoning stage.

Once those matters are accepted, what remains is not a demonstrated planning impediment. It is simply Council's caution. Caution is not enough to justify the wrong zone.

7. Council's suggestion that Rural Living may be more appropriate

Council said that, having regard to its response to Direction 69 and the Irene Inc report, Rural Living may be more appropriate for the site.

That suggestion is not accepted.

The main reason is that it is not backed by a proper site-specific explanation in Direction 120. Council did not explain why Rural Living is a better fit than General Residential despite accepting that the land directly adjoins the Urban Growth Boundary and General Residential land and could meet the intent of SRD 2.12(a)(i) if an urban residential zoning is pursued.

Those findings point away from Rural Living, not toward it.

Rural Living is generally used where land has a low-density residential character in a more rural setting. But Council itself did not describe this site that way. It described it as being on the edge of Blackmans Bay, adjoining the Urban Growth Boundary and adjoining General Residential land. The natural values report also says the land has General Residential land to the north. The traffic evidence shows the land can plug into the existing urban road and footpath network. That is the language of an urban edge, not a rural living enclave.

If the land is sufficiently urban in character and position that Council says it could meet the intent of SRD 2.12(a)(i) for an urban residential zone, then there needs to be a strong positive reason to step back to Rural Living instead. No such reason has been identified.

For that reason, the Rural Living suggestion should be given little or no weight.

8. Natural values and whether they justify the Landscape Conservation Zone

This is one of the most important issues, and it should be approached on the basis of what the natural values evidence actually says.

The natural values assessment does not support a conclusion that the Landscape Conservation Zone is the right zone for this land.

Evidence relied on: Natural Values Assessment, [REDACTED] Blackmans Bay (Appendix B).

The report explains that it looked at the natural values of [REDACTED] including vegetation, threatened species and habitat. It says the land is about 5 hectares across the two titles, has General Residential land to the north, intact vegetation to the west and south, and is already affected by the Bushfire Prone Area, Biodiversity Protection Area, Landslide Hazard Area and Scenic Landscape or Management Area overlays.

That context is important. It shows the land already sits within a planning framework that deals with the environmental and landscape issues that matter at development stage.

The report's conclusions are equally important. It says no threatened flora species were recorded on the site. It says habitat for some threatened species was identified, that future development would require compliance with the existing code and overlay framework, that higher density development would require rezoning, and that additional targeted surveys would be needed to inform any future proposal, with some restrictions possible depending on what those surveys show.

That is not a finding that the land should be locked into a conservation-focused primary zone. It is a finding that any future development proposal needs proper environmental assessment and management. That is normal. It is exactly what the codes and overlays are there for.

This is where it is important not to confuse two different things. One question is whether the site has environmental and landscape issues that will matter when a subdivision or development application is assessed. The answer to that is yes. The other question is whether those issues mean the primary zone must be Landscape Conservation rather than General Residential. The answer to that is no.

The planning scheme already has targeted tools to deal with natural values, scenic values, bushfire and similar constraints. Using the LCZ here as a broad-brush response would be a heavier and less precise tool than the planning framework actually requires.

The earlier representation made exactly this point: that even if the land were zoned General Residential, any development would still have to be assessed against scenic values, natural values and bushfire hazard. That remains

correct.

So, the existence of environmental and landscape values does not justify the LCZ on this site. Those values can be properly managed in the normal way through overlays, codes and site-specific assessment.

9. Public interest

The proposal is in the public interest.

It is in the public interest because it represents orderly use of land at the edge of an existing urban area rather than scattered or disconnected expansion. Council itself accepted the proposal could meet the intent of SRD 2.12(a)(i) in that context.

It is in the public interest because it makes sensible use of existing infrastructure. The earlier representation pointed out that the land can access reticulated services and that development would make efficient use of public infrastructure already in place. The traffic evidence says the road system can handle the additional access without reducing service levels.

It is also in the public interest because it helps ensure that land that is logically part of the urban edge is not sterilised by an overly restrictive zone where there is no demonstrated planning reason for that outcome.

The public interest is not served by keeping a less appropriate zone in place simply because Council would have preferred the issue to arrive by a different procedural route.

10. Natural justice

Council said that, unless the Commission undertakes or directs public exhibition of the proposal as part of this process, the rules of natural justice would not be met.

That position is not accepted as a legal barrier to the Commission determining the appropriate zoning outcome in this process.

The strongest material on this issue is the Page Seager legal advice dated 21 April 2026. That advice concludes the Commission can implement the proposal while still observing natural justice. It explains that natural justice in planning is generally achieved through public exhibition, the right to make representations and hearings, and that sections 35K to 35KB of LUPAA expressly empower the Commission to modify a draft Local Provisions Schedule. It concludes that a modification in the form sought would not constitute a denial of natural justice, and that the move from Landscape Conservation to General Residential would amount either to a modification or (at worst) a substantial modification, rather than a radical transformation of the draft scheme.

Evidence relied on: Page Seager Lawyers, Advice regarding Natural Justice, 21 April 2026 (Appendix C).

That advice is directly on point and should be preferred over Council's more general concern.

There is also a practical reality here. This issue has not arisen in the dark. There has already been exhibition of the draft Local Provisions Schedule, representations, hearings, Council's response to Direction 120, and now this response under Direction 121. The matter has plainly been aired and tested.

That does not mean the Commission cannot choose to take any further procedural step if it thinks one is needed. But it does mean natural justice should not be treated as a reason to avoid deciding the proper zone on its merits.

11. Why General Residential is the right zone

When the evidence is considered together, it strongly supports General Residential zoning for this land.

General Residential is the right zone because the land is at the edge of the urban area, not separate from it. Council itself accepted that the land directly adjoins the Urban Growth Boundary and existing General Residential land and could meet the intent of SRD 2.12(a)(i) for an urban residential zoning.

General Residential is the right zone because the site can be integrated into the existing service and transport system. Council itself anticipated that infrastructure connection and transport accommodation were likely. The later traffic letter confirms that safe access exists, the road system has capacity and Level of Service A is expected to be maintained.

General Residential is the right zone because surrounding land use conflict is minimal. Council said so itself.

General Residential is the right zone because the proposal is capable of aligning with the section 8A Guidelines. Council said that too.

And General Residential is the right zone because the environmental and landscape issues that do exist are capable of being managed through the existing planning controls and further development-stage assessment, rather than requiring the heavier and less precise response of the LCZ.

By comparison, Landscape Conservation is the wrong fit because it treats the land as though its primary planning role is conservation of landscape values, when the evidence shows it is part of the urban edge and directly tied into the existing residential pattern. Rural Living is also the wrong fit because it underplays that same urban-edge reality and is not supported by a proper site-specific planning explanation.

12. Conclusion and order sought

Council's Direction 120 response contains several findings that strongly support the requested rezoning. Those findings should be accepted and given proper weight. They are that the land directly adjoins the Urban Growth Boundary and General Residential land, that it could meet the intent of SRD 2.12(a)(i) if an urban residential zone is pursued, that infrastructure connection and transport accommodation are likely, that land use conflict is likely to be minimal, and that the proposal is capable of aligning with the section 8A Guidelines.

What should not be accepted is Council's final step of saying that, despite all of that, the Commission should not apply General Residential through this process because Council would have preferred more information and a different pathway.

That is not a sufficient basis to retain the LCZ.

For the reasons set out above, we request that Commission modify the Kingborough Draft Local Provisions Schedule to apply the GRZ (in place of the LCZ) to the land comprised in [REDACTED] Blackmans Bay.

Yours sincerely

[REDACTED]

Justine Brooks RPIA
Associate Project Manager and Urban Planner

Appendix A – Traffic Advice

Pitt & Sherry, Traffic Engineering Advice, dated 21 April 2026.

Appendix B – Natural Values Assessment

Natural Values Assessment, [REDACTED] Blackmans Bay.

Appendix C – Legal Advice (Natural Justice) Page Seager Lawyers, Advice regarding Natural Justice, dated 21/4/26 2026.

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21 April 2026

Sven Rand

██████████
BLACKMANS BAY Tasmania 7052

Dear Sven

Re: ██████████ Transport Connections



Background

It is proposed to rezone the land at ██████████ to allow for general residential lots.

Kingborough Council have provided the following requirement:

SRD2.12 Notwithstanding SRD2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:

- (c) can be accommodated by the existing transport system, does not reduce the level of service of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks*

This letter responds to item c and considers the suitability of the development to safely and efficiently connect to the existing roads and active transport networks.

Road access suitability

The site can only be connected to ██████████ along the existing road frontage. Along ██████████ in the vicinity of this site, there are several roads to general residential developments including Bluebush Crescent, Wells Parade and Suncoast Drive.

The intersection of ██████████ with ██████████ is located towards the southern end of the site frontage. As 4-leg intersections are not favourable from a safety perspective, it is proposed to run offset T-intersections.

The existing site access driveway is located south of the ██████████ intersection, at this location there is clear sight distance to the north and obstructed sight distance to the south due to the bend in the road and vegetation in the road reserve. It is noted that sight distance is higher than is available at Suncoast Drive looking north and could be acceptable in this context. Photos of sight distance at this access are shown in Figure 1 and Figure 2.

An access location toward the northern end of the site would allow good sight distance in both directions and better separation from the ██████████ intersection. Photos of sight distance at this access are shown in Figure 3 and Figure 4.

Based on the above, there are suitable and safe access locations into the road network for a new access road to residential dwellings. Locations along the frontage that could be suitable for access are shown in Figure 5.



Figure 1: Potential southern access point (facing north)



Figure 2: Potential southern access point (facing south)



Figure 3: Potential northern access point (facing north)



Figure 4: Potential northern access point (facing south)



Figure 5: Potential access road locations

Efficiency of the road network

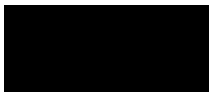
██████████ is a collector road in the area and provides the main road access from Tinderbox into Blackmans Bay and other locations further north. Intersections along its length are T-intersections. The existing road network does not experience high levels of congestion and intersections are expected to operate with minimal delays and a Level of Service A.

The addition of another T-intersection of a similar nature would be expected to operate similarly and would not be expected to reduce the level of service.

Active transport connection

A pedestrian footpath ends at the boundary of ██████████ on the western side of the road. On the northern side of the road, pedestrian footpaths extend to Suncoast Drive. A pedestrian footpath connection into the existing network will be simple and will be more in keeping with the surrounds that the current arrangement with no formalised kerb or footpath.

Yours sincerely



Rebekah Ramm
Associate Roads and Traffic Engineer

Natural Values Assessment

Blackmans Bay

Client: Kirsten McTaggart and Sven Rand
Prepared by: Fiona Walsh

September 2023

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1 Introduction

This natural values report has been prepared for the land at [REDACTED] Blackmans Bay.

Enviro-dynamics has been contracted to undertake this natural values assessment on behalf of the proponents. The assessment identifies the natural values of the site including the type and extent of vegetation communities, presence of threatened species and threatened fauna habitat. It also maps weed infestations and identify any other threats present. Any potential impacts to natural values posed by future development are then analysed against the requirements of the Kingborough Interim Planning Scheme (KIPS).

2 Background

2.1 Site Description

The assessed area covers approximately 5 ha across two titles, [REDACTED] (PID: [REDACTED]) and [REDACTED] (PID: [REDACTED]) in Blackmans Bay. There is street frontage to the eastern boundary, general residential land to the north and intact vegetation to the west and south. The land has a north easterly aspect with a gentle slope toward the east and an altitude range between 80 – 125 m a.s.l. The geology is sandstone.

The land is zoned Environmental Living under KIPS and has the following overlays covering all or part of the site:

- Bushfire Prone Area
- Biodiversity Protection Area
- Landslide Hazard Area
- Scenic Landscape/Management Area

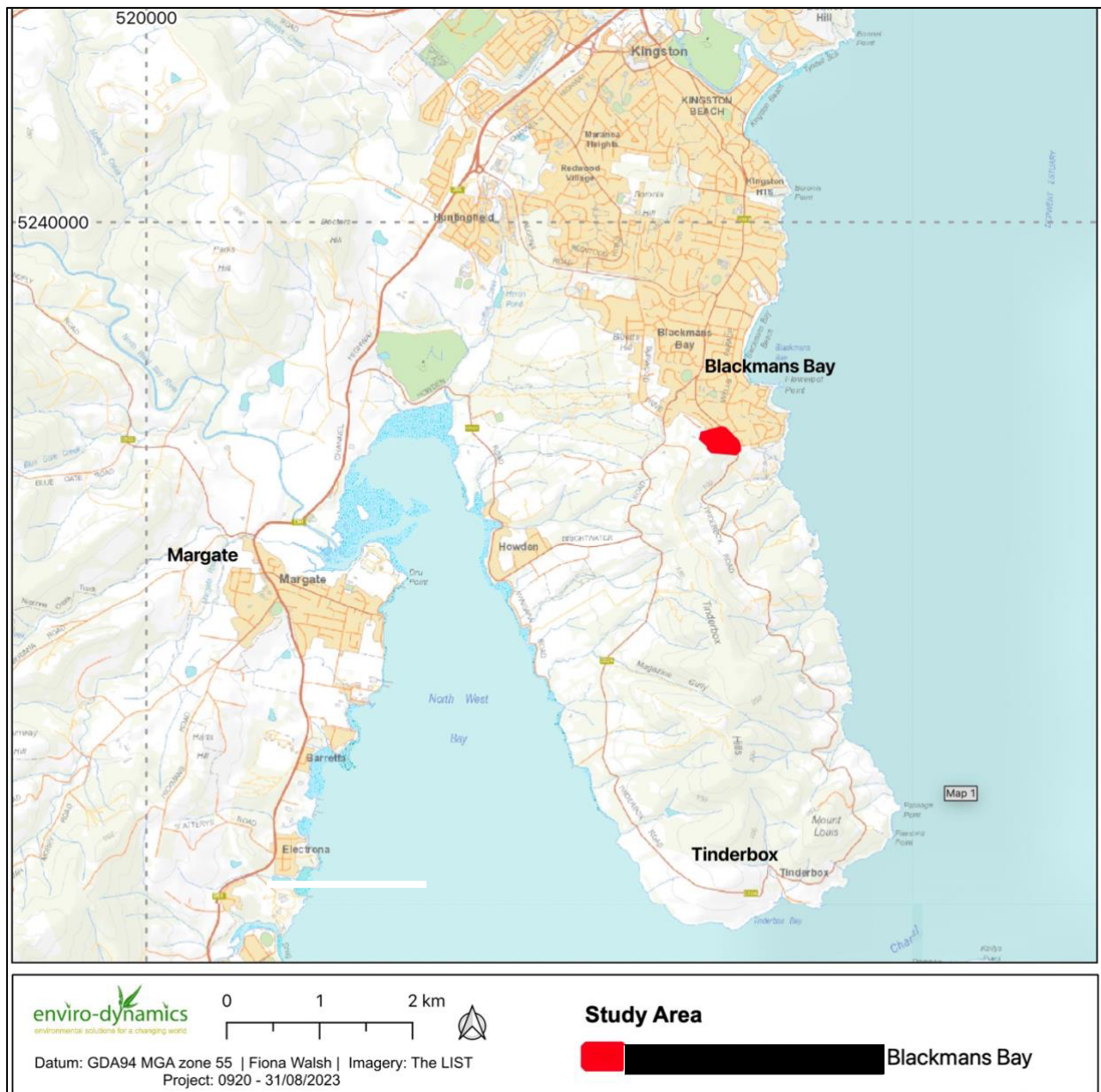


Figure 1: Site Location

3 Methods

The natural values assessment was undertaken in two stages; desktop analysis and field survey.

3.1 Desktop analysis

The desktop analysis involved extracting data from the following sources:

- Natural Values Atlas report, generated 14th August 2023 (NRE 2023)
- LIST map

3.2 Field survey

The field survey was undertaken on the 17th of August 2023. The overall vegetation community on the site was assessed and classified according to TASVEG 4.0. All vascular plant species encountered were recorded, with an emphasis on detecting rare and threatened species. Searches for potential threatened fauna habitat e.g., tree hollows and den sites, and other evidence e.g., scats, diggings and tracks were also undertaken. No detailed fauna surveys were conducted.

Locations of threatened flora, fauna habitat and significant weeds were mapped using Mergin Maps on an iPhone 14, with a GPS accuracy of 4.7 m. Population data was captured e.g., numbers of individuals, area occupied etc. Geographic datum used was GDA94 Zone 55.

Taxonomic nomenclature for flora follows the latest Census of Vascular Plants of Tasmania (Baker & de Salas 2023). Classification of vegetation communities is in accordance with Kitchener and Harris (2013) and TASVEG 4.0.

3.3 Limitations of the survey

Whilst every effort was made to compile a complete list of vascular plants for the property, a single survey is unlikely to detect all species present due to seasonal/temporal variations. Some plants could not be identified to a species level and some species may have been overlooked due to a lack of fertile material. It is also possible that additional species are present but were dormant at the time of survey e.g., annuals, ephemerals.

4 Natural Values Assessment

This section outlines the findings of the desktop analysis and field survey, including a description of the vegetation communities, threatened flora, fauna habitat values and weeds (Figures 2 and 3).

4.1 Vegetation Communities

One native and one modified community were mapped during the field survey, as per the TASVEG 4.0 classification system.

- *Eucalyptus amygdalina* forest and woodland on sandstone (DAS) **
- Urban Areas (FUR)

** Denotes the community is listed as threatened under the *Nature Conservation Act 2005 (NCA)*.

Eucalyptus amygdalina forest and woodland on sandstone (DAS)

Listed as a threatened vegetation community under the NCA.

Eucalyptus amygdalina forest and woodland on sandstone is characterised by an open canopy of *E. amygdalina*, uneven in age and tending not to exceed 25 m in height. They are dry sclerophyll communities with tall shrubby understoreys and a shrubby, sedgy or sometimes grassy ground layer (description from Harris and Kitchener, 2005).

There is approximately 3.64 ha of DAS on site. The canopy is dominated by *Eucalyptus amygdalina* with occasional *E. viminalis*.

The vegetation present at [REDACTED] (Plate 1) differs significantly from that at 81 due to the regular slashing of the understory for bushfire hazard management. This area is quite open and has very little in the way of a shrub layer. The ground layer is made up of sedges and graminoids such as *Gahnia radula* and *Lomandra longifolia*, with a higher diversity of small shrubs and groundcovers such as *Euryomyrtus ramosissima*, *Coronidium scorpioides*, *Leucopogon collinus*, *Bossiaea cinerea*, *Styphelia humifusa* and *Acianthus pusillus*.

Vegetation within [REDACTED] (Plate 2) is much thicker and appears not to have been subjected to regular slashing. There is a higher density of larger shrubby species such as *Leptospermum scoparium*, *Allocasuarina littoralis* and *Exocarpos cupressiformis*. Many of the small shrubs and groundcovers which are present at 71 are also present at 81, although in much lower numbers. There are also larger areas which are dominated by *Pteridium esculentum*.

Urban Areas (FUR)

Urban areas (FUR) include urban and suburban landscapes. These areas are largely or wholly devoid of vegetation apart from areas such as suburban gardens, street trees and parks (Harris and Kitchener. 2005).

Surrounding the dwellings are areas of ornamental gardens, sheds, lawn areas and disused vegetable gardens.



Plate 1: *Eucalyptus amygdalina* woodland at [REDACTED]



Plate 2: *Eucalyptus amygdalina* woodland at [REDACTED]



Plate 3: [REDACTED] – Urban Areas



Plate 4: [REDACTED] - Urban Areas



Figure 2: Vegetation communities and weeds recorded on site.

4.2 Flora

A total of 36 vascular plants were recorded during the survey, of which 6 are introduced species. Additional flora species are likely to occur within the site and some plants could have been overlooked due to the inherent limitations of the survey e.g., seasonal timing, timed meander method. For the full list of flora species recorded during the survey see Appendix 1.

4.2.1 Threatened Flora

No threatened flora species listed under the *Threatened Species Protection Act 1995* (TSPA) or the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA) were recorded during the survey.

A search of the Natural Values Atlas (NRE database) revealed that several threatened flora species had been recorded within 5 km of the site. These are addressed in the table below. Those with no suitable habitat and no conceivable chance are occurring (such as marine species) are listed in Appendix 2.

Table 1: Threatened flora that has been recorded within 5 km of the site

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
<i>Allocasuarina duncanii</i> conical she oak	r / -	32 / 129	<i>Allocasuarina duncanii</i> is strongly associated with dolerite rock plates or shallow soils over dolerite, where it occurs in monotypic stands or in association with <i>Eucalyptus delegatensis</i> or <i>E. coccifera</i> . Two small sites are on quartzitic sandstone. The species is found from 230-1,000 m above sea level with most sites above 500 m. No suitable habitat on site.
<i>Asperula scoparia</i> subsp. <i>scoparia</i> prickly woodruff	r / -	7 / 7	<i>Asperula scoparia</i> subsp. <i>scoparia</i> is widespread in Tasmania and is mainly found in native grasslands and grassy forests, often on fertile substrates such as dolerite-derived soils. Forested sites are usually dominated by <i>Eucalyptus globulus</i> and <i>E. viminalis</i> (lower elevations) and <i>E. delegatensis</i> (higher elevations). No suitable habitat on site

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
<i>Australina pusilla</i> subsp. <i>muelleri</i> shade nettle	r / -	14 / 14	<i>Australina pusilla</i> subsp. <i>muelleri</i> is known from the southern flanks of Mount Wellington in deeply shaded gullies within wet eucalypt forest, and from King Island where it grows in association with <i>Australina pusilla</i> subsp. <i>pusilla</i> along stream flats in blackwood swamp forest. No suitable habitat on site.
<i>Austrostipa bigeniculata</i> double-jointed speargrass	r / -	2 / 4	<i>Austrostipa bigeniculata</i> is found mainly in the south-east and Midlands in open woodlands and grasslands, where it is often associated with <i>Austrostipa nodosa</i> . Suitable habitat present and <i>Austrostipa</i> species recorded on site. Requires spring surveys during flowering time to identify to a species level.
<i>Bolboschoenus caldwellii</i> sea club sedge	r / -	1 / 1	<i>Bolboschoenus caldwellii</i> is widespread in shallow, standing, sometimes brackish water, rooted in heavy black mud. No suitable habitat on site.
<i>Caladenia caudata</i> tailed spider-orchid	v / VU	8 / 12	<i>Caladenia caudata</i> has highly variable habitat, which includes the central north: <i>Eucalyptus obliqua</i> heathy forest on low undulating hills; the north-east: <i>E. globulus</i> grassy/heathy coastal forest, <i>E. amygdalina</i> heathy woodland and forest, <i>Allocasuarina</i> woodland; and the south-east: <i>E. amygdalina</i> forest and woodland on sandstone, coastal <i>E. viminalis</i> forest on deep sands. Substrates vary from dolerite to sandstone to granite, with soils ranging from deep windblown sands, sands derived from sandstone and well-developed clay loams developed from dolerite. A high degree of insolation is typical of many sites. Suitable habitat present. Flowers required for identification.

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
			Flowering time for this species is generally late September
<i>Caladenia filamentosa</i> daddy longlegs	r / -	12 / 14	<i>Caladenia filamentosa</i> occurs in lowland heathy and sedgy eucalypt forest and woodland on sandy soils. Suitable habitat present. Flowers required for identification. Flowering time for this species is late October – early November
<i>Carex gunniana</i> mountain sedge	r / -	1 / 2	The habitat of <i>Carex gunniana</i> is poorly understood and highly variable. It includes wet eucalypt forest, sandy heathlands, margins of streams, littoral sands, shingle with seepage, damp grasslands within dry forest and rough pasture. No suitable habitat on site
<i>Centropappus brunonis</i> Tasmanian daisytree	r / -	23 / 23	<i>Centropappus brunonis</i> is known from scattered colonies on the Wellington Range and Mt Dromedary. It grows in shrubby woodland/forest dominated by <i>Eucalyptus delegatensis</i> (at mid altitudes) and by <i>E. coccifera</i> and <i>E. urnigera</i> (at higher altitudes). It typically occurs on dolerite talus but also occurs on poorly-drained sandstone shelves. Not recorded on site. No suitable habitat present.
<i>Comesperma defoliatum</i> leafless milkwort	r / -	7 / 9	The habitat of <i>Comesperma defoliatum</i> includes wet heathland/sedgeland, buttongrass moorland, coastal low scrub and on the crests of dunes. It has also been recorded from flat alkaline pans. The predominant substrates include peat, quartzite and sand. No suitable habitat on site.

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
<i>Corunastylis nudiscapa</i> bare midge-orchid	e / -	2 / 2	<i>Corunastylis nudiscapa</i> is restricted to a few sites in the area between Hobart and Kettering. It has been recorded from open forests and woodlands on mudstone, dominated by <i>Eucalyptus tenuiramis</i> , and occasionally <i>E. obliqua</i> or <i>E. amygdalina</i> , with a heathy or grassy ground layer of varying density. No suitable habitat on site.
<i>Discaria pubescens</i> spiky anchorplant	e / -	1 / 1	<i>Discaria pubescens</i> is found sporadically in the Midlands and more abundantly in drier parts of the Central Highlands. It grows on sandy or gravelly soil, in basalt talus slopes and clefts amongst fractured dolerite rocks and flood channels. Many sites are in rough pasture, and it also grows on roadsides. Recent collections indicate the species is occasionally associated with sandstone outcrops. Not recorded on site. Distinctive species would not have been overlooked.
<i>Diuris palustris</i> swamp doubletail	e / -	1 / 3	<i>Diuris palustris</i> occurs in coastal areas in grassy open eucalypt forest, sedgy grassland and heathland with <i>Leptospermum</i> (teatree) and <i>Melaleuca</i> (paperbark) on poorly- to moderately-drained sandy peat and loams, usually in sites that are wet in winter. No suitable habitat on site.
<i>Eucalyptus obliqua</i> x <i>risdonii</i>	r / -	1 / 1	No suitable habitat on site.
<i>Euphrasia gibbsiae</i> subsp. <i>wellingtonensis</i> Mt Wellington eyebright	r / -	5 / 5	<i>Euphrasia gibbsiae</i> subsp. <i>wellingtonensis</i> occurs in a variety of vegetation types on Mount Wellington, including sphagnum bogs, bolster heath and open montane shrubbery.

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
			No suitable habitat on site
<i>Euphrasia scabra</i> yellow eyebright	e / -	9 / 9	<p><i>Euphrasia scabra</i> occurs in moist herb/sedge communities in grassy leads in marshes and in drier open grassy areas at the headwaters of creeks. Its habitat is associated with gaps created by grazing, flooding or other disturbance. It has been recorded from scattered sites throughout lowland areas of Tasmania, including the north-west coast, central north, Midlands, Eastern Tiers and around Hobart. However, it is considered to be extinct from many of these sites, and populations are low and transient in areas (Eastern Tiers and Hobart) with the greatest probability of still supporting the species.</p> <p>No suitable habitat on site.</p>
<i>Isolepis habra</i> wispy clubsedge	r / -	3 / 4	<p>The habitat of <i>Isolepis habra</i> is poorly understood and variable as it occurs from lowland to highland sites in forest and non-forest habitats. Wet sclerophyll and riparian habitats may be preferred.</p> <p>No suitable habitat on site.</p>
<i>Lepidium hyssopifolium</i> soft peppercress	e / EN	2 / 2	<p>The native habitat of <i>Lepidium hyssopifolium</i> is the growth suppression zone beneath large trees in grassy woodlands and grasslands (e.g. over-mature black wattles and isolated eucalypts in rough pasture). <i>Lepidium hyssopifolium</i> is now found primarily under large exotic trees on roadsides and home yards on farms. It occurs in the eastern part of Tasmania between sea-level to 500 metres above sea level in dry, warm and fertile areas on flat ground on weakly acid to alkaline soils derived from a range of rock</p>

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
			types. It can also occur on frequently slashed grassy/weedy roadside verges where shade trees are absent. Suitable habitat present, may have been overlooked due to the cryptic nature of the species
<i>Lepidosperma tortuosum</i> twisting rapiersedge	r / -	21 / 26	<i>Lepidosperma tortuosum</i> occurs in heathland and heathy woodland, in lowland sites, mainly in eastern parts of the State. It often occurs in the sedgier (peatier) parts of dry heathland. It can occur on a range of substrates. No suitable habitat on site.
<i>Pomaderris elachophylla</i> small-leaf dogwood	v / -	7 / 16	<i>Pomaderris elachophylla</i> occurs in a range of forested habitats from shrubby riparian forests along major rivers (e.g. Derwent River) and heathy/shrubby forests in the north-east on granitic soils. It can proliferate on disturbed sites such as firebreaks, tracks and powerline easements. Not recorded on site. Unlikely to have been overlooked due to the distinctiveness of the species.
<i>Paraprasophyllum amoenum</i> dainty leek-orchid	e (v pending)/ EN	2 / 26	On Snug Tiers, <i>Paraprasophyllum amoenum</i> occurs in buttongrass moorland habitat on damp stony loam. On Mt Wellington, the species is found in and near cushion plants in alpine moorland. No suitable habitat on site.
<i>Prostanthera rotundifolia</i> roundleaf mintbush	v / -	2 / 2	<i>Prostanthera rotundifolia</i> mainly occurs along flood-prone rocky riverbeds as a component of the dense riparian shrubbery but also extends to adjacent rocky slopes. No suitable habitat on site.
<i>Pterostylis squamata</i> ruddy greenhood	r (v pending) / -	12 / 14	<i>Pterostylis squamata</i> occurs in heathy and grassy open eucalypt forest, woodland and heathland

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
			on well-drained sandy and clay loams. Suitable habitat present. Flowers required for identification. Flowering time for this species is between December and March.
<i>Ranunculus pumilio</i> var. <i>pumilio</i> ferny buttercup	r / -	1 / 1	<i>Ranunculus pumilio</i> var. <i>pumilio</i> occurs mostly in wet places (e.g. broad floodplains of permanent creeks, "wet pastures") from sea level to altitudes of 800-900 m above sea level. No suitable habitat on site.
<i>Senecio longipilus</i> longhair fireweed	v / -	1 / 1	<i>Senecio longipilus</i> (longhair fireweed) is a perennial herb that was presumed to be extinct in Tasmania until it was re-discovered in late 2019 at St Patricks Plains. Unlikely to occur
<i>Senecio squarrosus</i> leafy fireweed	r / -	7 / 12	<i>Senecio squarrosus</i> occurs in a wide variety of habitats. One form occurs predominantly in lowland damp tussock grasslands. The more widespread and common form occurs mainly in dry forests (often grassy) but extends to wet forests and other vegetation types. Suitable habitat present. Flowers required for identification. Flowering time for this species is spring and summer.
<i>Thelymitra atronitida</i> blackhood sun-orchid	e / -	28 / 28	<i>Thelymitra atronitida</i> has been recorded from near-coastal heathland, sedgeland and open heathy/sedgy eucalypt woodland on relatively poorly-drained sandy loams. The altitude range of known sites is 10-120 m above sea level. Suitable habitat present. Flowers required for identification. Flowering time for this species is early to late November.

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
<i>Thelymitra malvina</i> mauve tuft sun-orchid	e / -	2 / 2	<i>Thelymitra malvina</i> has been recorded from coastal heath and sedgeland on sandy loams or clay loams at low elevations. No suitable habitat on site.
<i>Viola curtisiae</i> montane ivyleaf violet	r / -	12 / 12	<i>Viola curtisiae</i> occurs in subalpine woodland, herbaceous vegetation (riparian) and grass/sedgeland in low shrubs around Mt. Mawson and Lake Dobson in the Mount Field National Park and on the Central Plateau. No suitable habitat on site.
<i>Vittadinia burbridgeae</i> smooth new-holland-daisy	r / -	1 / 1	<i>Vittadinia burbridgeae</i> occurs in native grassland and grassy woodland. Suitable habitat present, may have been overlooked due to the timing of the survey. When not in flower can be hard to detect.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	r / -	3 / 3	<i>Vittadinia muelleri</i> occurs in native grassland and grassy woodland. Suitable habitat present, may have been overlooked due to the timing of the survey. When not in flower can be hard to detect.
<i>Westringia angustifolia</i> narrowleaf westringia	r / -	17 / 214	<i>Westringia angustifolia</i> occurs mainly in mid elevations, always on dolerite (but can be close to dolerite-sediment contact zones), in dry to wet sclerophyll forest on broad ridges, slopes and dense riparian shrubberies. No suitable habitat on site.
<i>Xerochrysum bicolor</i> eastcoast everlasting	r / -	2 / 2	Species of <i>Xerochrysum</i> are poorly understood in Tasmania, especially the identification of coastal species (<i>X. bicolor</i> and <i>X. bracteatum</i>). <i>X. bicolor</i> may be restricted to stabilised dune systems. No suitable habitat on site.

Species	Status TSPA / EPBCA	Records within 500m / 5km	Comments
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(EPBCA) CR = Critically Endangered, EN = Endangered, VU = Vulnerable (TSPA) e = endangered, v = vulnerable, r = rare

4.2.2 Introduced Plants

A range of introduced species were recorded at the site. One of which, blackberry (Table 2, Figure 2), is listed as declared under the *Tasmanian Biosecurity Act* (BA) and is a Weed of National Significance (WoNS).

Blackberry is classed as a Zone B weed within the Kingborough municipality, whereby containment of the declared weed is the principal management objective. Zone B municipalities host large, widespread infestations of the declared weed that are not deemed eradicable because the feasibility of effective management is low at this time.

There are two environmental weeds also present on site, cape wattle and cootamundra wattle.

These will need to be managed in accordance with the act following the best practise prescriptions as laid out in the *Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania* (DPIPWE, Stewart and Askey-Doran, 2015)

Table 2: Declared and environmental weeds present on site

Species	Comment	BA Zone	WoNs
<i>Acacia baileyana</i> (cootamundra wattle)	Three large trees around the dwelling on 71.	Environmental	-
<i>Paraserianthes lophantha</i> (cape wattle)	Large tree around the dwelling at 71.	Environmental	-
<i>Rubus fruticosus</i> (blackberry)	Amongst garden at 71. Along fence line at the front of 81.	Zone B Containment	YES

4.3 Fauna

4.3.1 Threatened fauna

No threatened fauna species listed under the *Threatened Species Protection Act 1995* or under the *Environment Protection and Biodiversity Act 1999* were recorded during the survey.

4.3.2 Threatened fauna habitat

Habitat for several species listed under the *Threatened Species Protection Act 1995* (TSPA) and the *Environment Protection and Biodiversity Act 1999* (EPBCA) were recorded during the survey..

Antipodia chaostola subsp. *leucophaea* (*chaostola* skipper)

TSPA – endangered, EPBCA – Endangered

The chaostola skipper (*Antipodia chaostola* subsp. *leucophaea*) is a medium-sized (32-35 mm), brown and yellow coloured butterfly. The chaostola skipper, in contrast to other skippers in Tasmania, has the entrance of the larval shelter located at the bottom with the larva resting head downwards. It is restricted to dry forest and woodland supporting sedges of the *Gahnia* genus and occurs in isolated populations in south-eastern and eastern Tasmania. The adults fly between October and December. Adults are rarely seen, but larval colonies can be detected by searching for the distinctive larval shelters. Potential habitat for the chaostola skipper is dry forest and woodland supporting *Gahnia radula* (usually on sandstone and other sedimentary rock types) or *Gahnia microstachya* (usually on granite-based substrates) (TSS, 2023).

There are two known records from 2012 (NVA) on the site of chaostola skipper shelters (Figure 3). There is a large population of *Gahnia radula* on site which is the primary food source for the chaostola skipper (Figure 3). It is concentrated within the north of the site at [REDACTED] with the densest areas around the edges and the northeastern corner where the understory has not been slashed. Moving further south towards the property at [REDACTED] the density reduces, with only scattered plants here and there.

A targeted survey for the chaostola skipper would be required to determine the presence or absence of the species.

Lathamus discolor (swift parrot)

TSPA – endangered, EPBCA – Critically Endangered

During the breeding season, nectar from Tasmanian blue gum (*Eucalyptus globulus*) and black gum (*Eucalyptus ovata*) flowers are the primary food source for the species. These eucalypts are patchily distributed, and their flowering patterns are erratic and unpredictable, often leading to only a small proportion of swift parrot habitat being available for breeding in any one year. Swift parrots breed in tree hollows in mature eucalypts within foraging range of a flower source.

There is one large *Eucalyptus viminalis* which has the potential to contain hollows which may be suitable for nesting. No blue gums or black gums occur on the site.

Perameles gunnii (eastern barred bandicoot)

EPBCA – Vulnerable

Potential habitat for the eastern barred bandicoot (*Perameles gunnii*) is forests with a grassy understorey, native and exotic open vegetation types including woodlands and open grasslands, particularly in landscapes with a mosaic of agricultural land and remnant bushland.

Species may utilise the site for foraging or nesting, adapts well to modified landscapes within the vicinity of agricultural or native landscapes. There is evidence of diggings which are consistent with bandicoots. A bandicoot skull was found on site.

Pardalotus quadragintus (forty-spotted pardalote)

TSPA – endangered, EPBCA – Endangered

The forty-spotted pardalote is intrinsically linked to the white gum (*Eucalyptus viminalis*), which is critical to the species survival. White gum is the main foraging tree and the key habitat component in breeding colonies (Bryant, 2010). Endemic to Tasmania and occurs in only a few small areas within the State. It is relatively restricted to dry grassy forest and woodland along the east coast containing mature white gum (*Eucalyptus viminalis*).

There is one large *Eucalyptus viminalis* which has the potential to provide foraging habitat for the forty-spotted pardalote. It also has the potential to contain hollows which may be suitable for nesting. There are known nesting sites roughly 1.2 km south of the site, as well as 3 km north at Peter Murrell Reserve.



Figure 2: Threatened species habitat

Additional species

A search of the Natural Values Atlas (NRE database) revealed that several threatened fauna species had been recorded within 5 km of the site. These are addressed in the table below. Those with no suitable habitat and no conceivable chance are occurring (such as marine species) are listed in Appendix 2.

Species	Status TSPA / EPBCA	Records 500m / 5 km	Comment
<i>Accipiter novaehollandiae</i> Grey goshawk	e / -	61 /	Inhabits large tracts of wet forest and swamp forest, particularly patches with closed canopies above an open understorey, but with dense stands of prey habitat nearby. Mature trees provide the best nesting sites. Most nests have been recorded from blackwoods and occasional myrtle beech. No suitable habitat on site.
<i>Ammoniropa vigens</i> ammonite pinwheel snail	e / CE	14 /	This snail has been recorded from the following seven locations in the Hobart metropolitan area: Mount Wellington, Mount Nelson, The Domain, Hillgrove, Grasstree Hill, South Hobart and Austins Ferry. Species is thought to be extinct from Mt Nelson. Habitat of the species includes dry and wet eucalypt forests below 400 m in altitude. To date the species has only been found under dolerite rocks. No suitable habitat on site.
<i>Antipodia chaostola</i> subsp. <i>leucophaea</i> chaostola skipper	e / EN	36 /	This species is restricted to dry forest and woodland supporting the sedge <i>Gahnia radula</i> , and occurs in isolated populations in south-eastern and eastern Tasmania. Previous records on site. Suitable habitat is present. Targeted survey required to determine presence/absence.
<i>Aquila audax</i> subsp. <i>fleayi</i> Wedge-tailed eagle	e / EN	67 /	Nests in a range of old growth native forests and is dependent on forest for nesting. Territories can contain up to five alternate nests usually close to each other but may be up to 1 km apart where habitat is locally restricted. This eagle preys and scavenges on a wide variety of fauna

Species	Status TSPA / EPBCA	Records 500m / 5 km	Comment
			including fish, reptiles, birds, and mammals. No suitable nesting habitat may forage over the site. The nearest eagle nest (WBSE) is 2 km to south west
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i> Spotted-tailed quoll	r / VU	4 /	Habitat for the spotted-tailed quoll is coastal scrub, riparian areas, rainforest, wet forest, damp forest, dry forest and blackwood swamp forest (mature and regrowth), particularly where structurally complex areas are present, and includes remnant patches in cleared agricultural and or plantation areas. No suitable denning habitat may move through the site foraging.
<i>Dasyurus viverrinus</i> Eastern quoll	e / EN	116 /	Habitat for the eastern quoll includes rainforest, heathland, alpine areas, and scrub. However, it seems to prefer dry forest and native grassland mosaics which are bounded by agricultural land. No suitable denning habitat may move through the site foraging.
<i>Exquisitiropa agnewi</i> silky pinwheel snail	r /	2 /	Found only on dolerite. No suitable habitat on site.
<i>Haliaeetus leucogaster</i> White-bellied sea-eagle	v / -	35 /	Found in coastal habitats (especially those close to the seashore) and around terrestrial wetlands in tropical and temperate regions of mainland Australia and its offshore islands. The habitats occupied by the sea-eagle are characterised by the presence of large areas of open water (larger rivers, swamps, lakes, the sea). The species is mostly recorded in coastal lowlands, but can occupy habitats up to 800 m above sea level in Tasmania. No suitable habitat on site. May forage over site. The nearest eagle nest is 2 km to south west.

Species	Status TSPA / EPBCA	Records 500m / 5 km	Comment
<i>Hirundapus caudacutus</i> White-throated needletail	- / VU	11 /	Aerial species which rarely alights.
<i>Lathamus discolor</i> Swift parrot	e / CE	800 /	<p>During the breeding season, nectar from Tasmanian blue gum (<i>Eucalyptus globulus</i>) and black gum (<i>Eucalyptus ovata</i>) flowers are the primary food source for the species. These eucalypts are patchily distributed, and their flowering patterns are erratic and unpredictable, often leading to only a small proportion of swift parrot habitat being available for breeding in any one year. Swift parrots breed in tree hollows in mature eucalypts within foraging range of a flower source.</p> <p>There is one large <i>Eucalyptus viminalis</i> which has the potential to contain hollows which may be suitable for nesting.</p>
<i>Pardalotus quadragintus</i> Forty-spotted pardalote	e / EN	200 /	<p>Endemic to Tasmania and occurs in only a few small areas within the State. It is relatively restricted to dry grassy forest and woodland along the east coast containing mature white gum (<i>Eucalyptus viminalis</i>).</p> <p>There is one large <i>Eucalyptus viminalis</i> which has the potential to provide foraging and nesting habitat.</p>
<i>Perameles gunnii</i> Eastern barred bandicoot	- / VU	303 /	<p>Potential habitat for the eastern barred bandicoot is forests with a grassy understorey, native and exotic open vegetation types including woodlands and open grasslands, particularly in landscapes with a mosaic of agricultural land and remnant bushland.</p> <p>Suitable habitat on site. Evidence of bandicoots including diggings and a skull recorded.</p>
<i>Sarcophilus harrisii</i> Tasmanian devil	e / EN	253 /	This species lives in a wide range of habitats across Tasmania, especially in landscapes with a mosaic of pasture and woodland.

Species	Status TSPA / EPBCA	Records 500m / 5 km	Comment
			No suitable denning habitat may move through the site foraging.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	e / V	27 /	This species occupies a range of habitats which contain some mature forest, usually below 600 m altitude - these include native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. No suitable nesting habitat may forage over the site

5 Conclusion and Recommendations

The natural values of land at [REDACTED] Blackmans Bay were assessed in August 2023.

No threatened flora species were recorded at the site. However, habitat for several species were observed including *Austrostipa bigeniculata*, *Caladenia caudata*, *C. filamentosa*, *Lepidium hyssopifolium*, *Pterostylis squamata*, *Senecio squarrosus*, *Vittadinia burbridgeae*, *V. muelleri* and *Thelymitra atronitida*, as outlined in Table 1.

Habitat for four threatened species was identified on site, the chaostola skipper, swift parrot, forty-spotted pardalote, and the eastern barred bandicoot.

A future development at the site would require compliance with provisions of the environmental living zoning and associated code overlays across the site. Higher density development would require a rezoning of the site.

Due to the values recorded during the survey additional targeted surveys would be required to inform a future proposal for the site. Dependant on the findings of the additional surveys there may be some restrictions of the site development.

The following general recommendations are provided regarding any future development on the site.

- Undertake targeted threatened flora surveys for species indicated in Table 1 to determine their presence/absence.
- Undertake targeted surveys for the chaostola skipper across areas of suitable habitat.

- Locate all native trees on the site with DBH >25cm and identify species and habitat potential.

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Weed Management Act 1999.

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Appendix 1

Recorder:

Date: Thursday, 17 August 2023

Dicotyledons

ASTERACEAE

<i>Coronidium scorpioides</i>	curling everlasting	
<i>Hypochaeris radicata</i>	rough catsear	i

CASUARINACEAE

<i>Allocasuarina littoralis</i>	black sheoak	
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ERICACEAE

<i>Epacris impressa</i>	common heath	
<i>Leucopogon collinus</i>	white beardheath	
<i>Lissanthe strigosa subsp. subulata</i>	peachberry heath	
<i>Styphelia humifusa</i>	native cranberry	

EUPHORBIACEAE

<i>Amperea xiphioclada var. xiphioclada</i>	broom spurge	
<i>Euphorbia peplus</i>	petty spurge	i

FABACEAE

<i>Acacia longifolia subsp. sophorae</i>	coast wattle	
<i>Acacia mearnsii</i>	black wattle	
<i>Acacia baileyana</i>	cootamundra wattle	i
<i>Aotus ericoides</i>	golden pea	
<i>Bossiaea cinerea</i>	showy bossia	
<i>Paraserianthes lophantha</i>	cape wattle	i

MYRTACEAE

<i>Eucalyptus amygdalina</i>	black peppermint	end
<i>Eucalyptus viminalis</i>	white gum	
<i>Euryomyrtus ramosissima</i>	rosy heathmyrtle	
<i>Leptospermum scoparium</i>	common teatree	

OXALIDACEAE

<i>Oxalis sp.</i>		
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PITTOSPORACEAE

<i>Bursaria spinosa subsp. spinosa</i>	prickly box	
ROSACEAE		
<i>Rubus fruticosus</i>	blackberry	d
SANTALACEAE		
<i>Exocarpos cupressiformis</i>	common native-cherry	
THYMELAEACEAE		
<i>Pimelea humilis</i>	dwarf riceflower	
<i>Pimelea linifolia</i>	slender riceflower	
Monocotyledons		
ASPARAGACEAE		
<i>Lomandra longifolia</i>	sagg	
CYPERACEAE		
<i>Cyperus eragrostis</i>	drain flatsedge	i
<i>Gahnia radula</i>	thatch sawsedge	
<i>Lepidosperma concavum</i>	sand swordedge	
HEMEROCALLIDACEAE		
<i>Dianella sp.</i>	flax lily	
ORCHIDACEAE		
<i>Chiloglottis sp.</i>		
<i>Acianthus pusillus</i>	small mosquito orchid	
POACEAE		
<i>Austrostipa sp.</i>	speargrass	
<i>Rytidosperma sp.</i>	wallabygrass	
RESTIONACEAE		
<i>Hypolaena fastigiata</i>	tassel roperush	
Pteridophytes		
DENNSTAEDTIACEAE		
<i>Pteridium esculentum subsp. esculentum</i>	bracken	

end = Tasmanian endemic i = introduced

d = declared weed ~ (Weed Management Act 1999)

CR = Critically Endangered, EN = Endangered, VU = ~ (Environment Protection and Biodiversity Conservation)

Vulnerable

Act 1999)

e = endangered v = vulnerable r = rare

~ (*Tasmanian Threatened Species Protection Act 1995*)

Appendix 2

Verified threatened flora records within 5 km of the project area; SS = Tasmanian Threatened Species Protection Act 1995, NS = Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Allocasuarina duncanii</i>	conical sheoak	r		e	129	01-Jan-2023
<i>Amphibromus neesii</i>	southern swampgrass	r		n	1	01-Dec-1894
<i>Asperula scoparia</i> subsp. <i>scoparia</i>	prickly woodruff	r		n	7	08-Nov-2022
<i>Australina pusilla</i> subsp. <i>muelleri</i>	shade nettle	r		n	14	18-Dec-2015
<i>Austrostipa bigeniculata</i>	doublejointed speargrass	r		n	4	18-Aug-2010
<i>Austrostipa blackii</i>	crested speargrass	r		n	2	17-Oct-2011
<i>Bolboschoenus caldwellii</i>	sea clubsedge	r		n	1	06-Dec-2005
<i>Caladenia caudata</i>	tailed spider-orchid	v	VU	e	12	16-Sep-2013
<i>Caladenia filamentosa</i>	daddy longlegs	r		n	14	24-Jul-2019
<i>Carex gunniana</i>	mountain sedge	r		n	2	22-Jan-2008
<i>Centropappus brunonis</i>	tasmanian daisytree	r		e	23	23-Dec-2021
<i>Comesperma defoliatum</i>	leafless milkwort	r		n	9	26-Jan-2015
<i>Corunastylis nuda</i>	tiny midge-orchid	r		n	1	03-Mar-1997
<i>Corunastylis nudisapa</i>	bare midge-orchid	e		e	2	12-Feb-2022
<i>Cyrtostylis robusta</i>	large gnat-orchid	r		n	2	12-May-2009
<i>Deyeuxia minor</i>	small bentgrass	r		n	11	28-Jan-2011
<i>Discaria pubescens</i>	spiky anchorplant	e		n	1	01-Jan-1840
<i>Diuris palustris</i>	swamp doubletail	e		n	3	01-Nov-1895
<i>Dryopoa dives</i>	tasmanian giant mountaingrass	r		n	122	28-Jan-2011
<i>Eucalyptus obliqua</i> x <i>risdonii</i>		ph		e	1	17-Nov-2004
<i>Euphrasia gibbsiae</i> subsp. <i>wellingtonensis</i>	mt wellington eyebright	r		e	5	07-Nov-1973
<i>Euphrasia scabra</i>	yellow eyebright	e		n	9	17-Jan-2011
<i>Goodenia geniculata</i>	bent native-primrose	e		n	1	20-Oct-1929
<i>Isolepis habra</i>	wispy clubsedge	r		n	4	07-Jan-1972
<i>Juncus vaginatus</i>	clustered rush	r		n	1	01-Nov-1984
<i>Lachnagrostis robusta</i>	tall blowgrass	r		n	1	23-Dec-1944
<i>Lachnagrostis semibarbata</i> var. <i>filifolia</i>	narrowleaf blowgrass	r		n	1	01-Feb-1929
<i>Lepidium hyssopifolium</i>	soft peppergrass	e	EN	n	2	12-Nov-2002
<i>Lepidosperma tortuosum</i>	twisting rapiersedge	r		n	26	21-Nov-2018
<i>Parietaria debilis</i>	shade pellitory	r		n	5	25-May-2015
<i>Pentachondra ericifolia</i>	fine frillyheath	r		e	20	12-Jan-2021
<i>Phyllangium divergens</i>	wiry mitrewort	v		n	2	19-Nov-2016
<i>Poa mollis</i>	soft tussockgrass	r		e	1	01-Jan-1913
<i>Pomaderris elachophylla</i>	small-leaf dogwood	v		n	16	09-Mar-2007
<i>Pomaderris intermedia</i>	lemon dogwood	r		n	1	10-Jul-2012
<i>Prasophyllum amoenum</i>	dainty leek-orchid	v	EN	e	26	11-Feb-2018
<i>Prostanthera rotundifolia</i>	roundleaf mintbush	v		n	2	19-Oct-2020
<i>Pterostylis atriola</i>	snug greenhood	r		e	16	13-Feb-2012
<i>Pterostylis squamata</i>	ruddy greenhood	v		n	14	14-Dec-2020
<i>Ranunculus pumilio</i> var. <i>pumilio</i>	fern buttercup	r		n	1	19-Dec-1946
<i>Senecio longipilus</i>	longhair fireweed	v		n	1	20-Oct-1929
<i>Senecio squarrosus</i>	leafy fireweed	r		n	12	07-Aug-2012
<i>Thelymitra atronitida</i>	blackhood sun-orchid	e		n	28	19-Nov-2018
<i>Thelymitra inflata</i>	inflated sun-orchid	e		n	1	20-Nov-1991
<i>Thelymitra lucida</i>	glistening sun-orchid	e		n	1	03-Nov-2001
<i>Thelymitra malvina</i>	mauve tuft sun-orchid	e		n	2	20-Nov-2010
<i>Viola curtisiae</i>	montane ivyleaf violet	r		e	12	26-Nov-2021
<i>Vittadinia burbridgeae</i>	smooth new-holland-daisy	r		e	1	01-Jan-1930
<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r		n	3	12-May-2022
<i>Westringia angustifolia</i>	narrowleaf westringia	r		e	214	10-Jan-2021
<i>Xerochrysum bicolor</i>	eastcoast paperdaisy	r		n	2	28-Feb-2018

Verified threatened fauna records within 5 km of the project area; SS = Tasmanian Threatened Species Protection Act 1995, NS = Commonwealth Environment Protection and Biodiversity Conservation Act 1999

Verified Records

Species	Common Name	SS	NS	Bio	Observation Count	Last Recorded
<i>Accipiter novaehollandiae</i>	grey goshawk	e		n	61	19-Jun-2022
<i>Ammoniropa vigens</i>	Ammonite Pinwheel Snail	e	CR	e	14	10-Oct-2020
<i>Antipodia chaostola</i> subsp. <i>leucophaea</i>	chaostola skipper	e	EN	e	36	31-Oct-2020
<i>Aquila audax</i>	wedge-tailed eagle	pe	PEN	n	54	13-Jun-2022
<i>Aquila audax</i> subsp. <i>fleayi</i>	tasmanian wedge-tailed eagle	e	EN	e	13	22-Mar-2021
<i>Arctocephalus forsteri</i> subsp. <i>doriferus</i>	new zealand fur seal	r		n	2	08-Dec-2007
<i>Brachionichthys hirsutus</i>	spotted handfish	e	CR	e	1	28-Feb-2007
<i>Ceyx azureus</i> subsp. <i>diemenensis</i>	Tasmanian azure kingfisher	e	EN	e	1	20-May-2023
<i>Dasyurus maculatus</i>	spotted-tail quoll	r	VU	n	1	04-Jul-2019
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i>	spotted-tail quoll	r	VU	n	3	19-Dec-1992
<i>Dasyurus viverrinus</i>	eastern quoll		EN	n	116	12-Jun-2023
<i>Eagle sp.</i>	Eagle	e	EN	n	1	15-Jun-2023
<i>Eubalaena australis</i>	southern right whale	e	EN	m	10	21-Jul-2021
<i>Exquisitiropa agnewi</i>	Silky Pinwheel Snail	r		e	2	21-Nov-2021
<i>Gazameda gunnii</i>	Gunn's screw shell	v		ae	24	27-Jul-2008
<i>Haliaeetus leucogaster</i>	white-bellied sea-eagle	v		n	35	25-Feb-2022
<i>Hirundapus caudacutus</i>	white-throated needletail		VU	n	11	29-Apr-2019
<i>Lathamus discolor</i>	swift parrot	e	CR	mbe	800	03-Nov-2022
<i>Lissotes menalcas</i>	mount mangana stag beetle	r		e	1	09-Dec-2001
<i>Megaptera novaehollandiae</i>	humpback whale	e		m	4	07-Jul-2016
<i>Mirounga leonina</i> subsp. <i>macquariensis</i>	southern elephant seal	pe	PVU	n	2	04-Feb-1982
<i>Oecetis gilva</i>	caddis fly (south esk river)	r		n	4	10-Apr-2010
<i>Pardalotus quadragintus</i>	forty-spotted pardalote	e	EN	e	200	15-Dec-2022
<i>Perameles gunnii</i>	eastern barred bandicoot		VU	n	301	18-Jun-2023
<i>Perameles gunnii</i> subsp. <i>gunnii</i>	eastern barred bandicoot		VU		2	20-Jul-2022
<i>Prototroctes maraena</i>	australian grayling	v	VU	ae	1	17-Nov-1953
<i>Roblinella agnewi</i>	Silky Pinwheel Snail	r			9	28-Feb-2020
<i>Sarcophilus harrisii</i>	tasmanian devil	e	EN	e	253	08-Jun-2023
<i>Tyto novaehollandiae</i>	masked owl	pe	PVU	n	25	14-Jan-2023
<i>Tyto novaehollandiae</i> subsp. <i>castanops</i>	masked owl (Tasmanian)	e	VU	e	2	24-Jun-2021

21 April 2026

Mr Sven Rand & Ms Kirsten McTaggart
[REDACTED]
MOUNT NELSON TAS 7007

By email: [REDACTED]
[REDACTED]

Dear Sven and Kirsten

Kingborough Draft LPS – 71 & [REDACTED] Blackmans Bay

You have advised that you are seeking a change to the Kingborough Draft Local Provisions Schedule (**Draft LPS**), which proposes to apply the Landscape Conservation Zone (**LCZ**) to [REDACTED] Blackmans Bay (the **subject land**). Specifically, you seek that the subject land be zoned General Residential (the **Proposal**).

You have requested some brief legal advice on whether, by virtue of implementing the Proposal, there would be a denial of natural justice.

It is our view that the Tasmanian Planning Commission (the **Commission**) can direct the implementation of the Proposal whilst observing the rules of natural justice.

Natural justice requires that persons affected by a decision are afforded a fair opportunity to be heard and that decisions are made through a fair and transparent process. In the planning context, this is primarily achieved through statutory mechanisms such as public exhibition, the right to make representations, and public hearings.

The question of whether the implementation of the Proposal would result in a denial of natural justice must be considered by reference to the statutory framework and the powers conferred upon the Commission. Sections 35K–35KB of the *Land Use Planning and Approvals Act 1993* (**LUPAA**) expressly empower the Commission to modify the Draft LPS. By virtue of those powers, a modification in the form sought would not constitute a denial of natural justice.

If the Commission is to entertain any amendments to the Draft LPS it must determine whether these are modifications, substantial modifications, or if the proposal is transformed into something radically different. This is a question of fact and degree.

While it is ultimately a matter for the Commission, the proposed change from LCZ to the General Residential Zone may constitute a modification, but if that is not accepted it would alternatively clearly be no more than a substantial modification. This is because it has been held that the expression “*altered to a substantial degree*” should be given the broadest possible scope.¹ It follows that the Proposal would not amount to a radical transformation of the Draft LPS.

The statutory framework ensures there is no breach of natural justice because it links the scale of change to procedural safeguards. Where changes are properly characterised as modifications, the original exhibition process is sufficient, as affected persons have already had an opportunity to be heard on the substance of the proposal. Where changes amount to substantial modifications, LUPAA requires re-exhibition and a repetition

¹ See *R v Resource Planning & Development Commission; ex parte Dorney & Another* (No 2) (2003) 12 Tas R 69 at [21] which followed *R v Resource Planning & Development Commission; ex parte Stevens* (1999) 103 LGERA 181 (see particularly page 187).

These authorities relate to previous versions of LUPAA which used slightly different language, specifically, the term “*alteration to a substantial degree*” was replaced with “*substantial modification*”. In our view those categories are one and the same and therefore the authorities remain relevant.

of the consultation process, thereby renewing participatory rights and ensuring that no decision is made on a materially different proposal without further public input. Therefore, on either characterisation, there would be no denial of natural justice.

Yours faithfully



Victoria Lightfoot

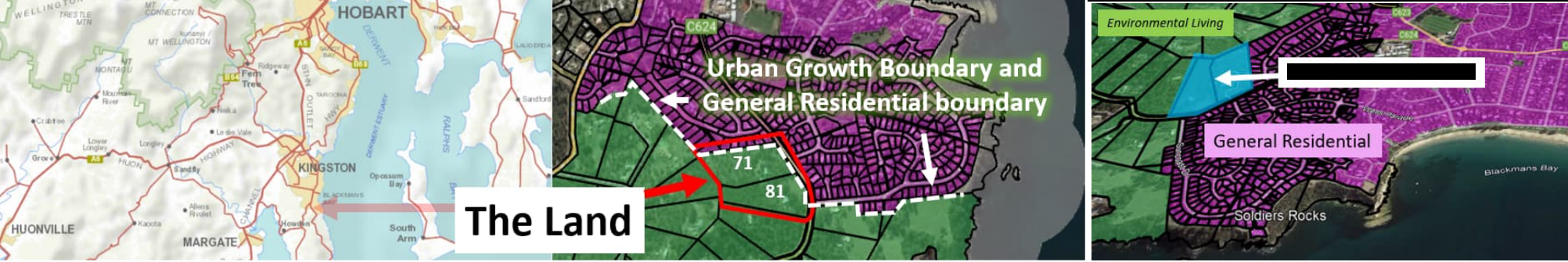
Senior Associate

Direct Line: 

E-mail: 

LANDOWNERS RESPONSE - SUMMARY

Planning Commission Direction 121	Council Response "Quoted verbatim" (highlight added)	Landowners Response
<p>1. Does the proposal meet the requirements of SRD2.12?</p> <p><i>The landowners have consistently referred to this guideline per below extract</i></p> <div><p>SRD 2.12 Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:</p><p>(a) shares a common boundary with land zoned for urban development within the Urban Growth Boundary and:</p><p>i. only provides for a small and logical extension, in the context of the immediate area, to land zoned for urban development beyond the Urban Growth Boundary; or</p><p>ii. does not constitute a significant increase in land zoned for urban development in the context of the suburb, or the major or minor satellite as identified in Table 3, and is identified in a contemporary settlement strategy or structure plan produced or endorsed by the relevant planning authority; and</p><p>(b) can be supplied with reticulated water, sewerage and stormwater services; and</p><p>(c) can be accommodated by the existing transport system, does not reduce the level of service of the existing road network, and would provide for an efficient and connected extension of existing passenger and active transport services and networks; and</p><p>(d) results in minimal potential for land use conflicts with adjoining uses.</p></div>	<p>"[REDACTED] has an area of approximately 2.6 hectares, while [REDACTED] comprises approximately 2.29 hectares. Both lots are located on the periphery of Blackmans Bay and directly adjoin the Urban Growth Boundary and land zoned General Residential.</p> <p>In this context, it is considered that the proposal could be assessed as meeting the intent of SRD 2.12(a)(i) where an urban residential-type zoning is pursued.</p> <p>The subject land is not identified for urban expansion in any current endorsed strategies and, as such, SRD 2.12(a)(ii) is not applicable.</p> <p>In relation to SRD 2.12,</p> <p>(b) it is anticipated that the sites would be capable of connection to the required infrastructure networks;</p> <p>(c) is likely to be accommodated by existing transport systems; and</p> <p>(d) may result in minimal potential land use conflict.</p> <p>However, no adequate supporting information has been provided to substantiate consideration of matters (b) to (d). "</p>	<p>The below is a brief executive overview of the Landowners detailed response which includes supporting technical documentation</p> <p>The proposal satisfies the intent of SRD 2.12 as a small and logical urban-edge extension adjoining existing General Residential land, and the further material now provided addresses the matters of servicing, transport and land use compatibility.</p> <p>SRD2.12(a)(i) - AGREE with council that the proposed rezoning to General Residential meets the intent of SRD2.12 as has been argued since initially 'formally' requested in 2024. Confirmed in planning report attached.</p> <p>SRD2.12.(a)(ii) - AGREE with council this is NOT APPLICABLE</p> <p>SRD2.12 (b) AGREE with councils anticipation. The sites ARE capable of connection to reticulated water, sewerage and stormwater services; CONFIRMED with additional supporting material provided</p> <p>SRD2.12(c) AGREE with councils assessment.CONFIRMED with additional supporting material , including specifically commissioned transport engineering assessment.</p> <p>SRD2.12(d) AGREE with council that the proposed rezoning to General Residential results in minimal potential land use conflict. Confirmed with commissioned planning advice provided</p> <p>Technical assessments provided contain information substantiating consideration of the above matters, please refer to the submitted pitt&sherry planning assessment 22 April 2026</p>

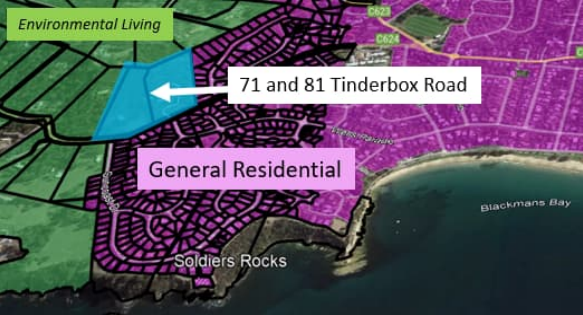


LANDOWNERS RESPONSE - SUMMARY

Planning Commission Direction 121	Council Response "Quoted verbatim" (<i>highlight added</i>)	Landowners Response The below is a brief executive overview of the Landowners detailed response which includes supporting technical documentation
<p>2. Does the proposal align with the s8A Guidelines?</p> <p><i>The landowners understand that Section 8A Guidelines (Guideline No. 1) are the statutory framework used to assess whether proposed local provisions zones and codes are appropriately applied in the LPS.</i></p> <p><i>Alignment is important because the Commission must test whether General Residential is the proper planning response for this land, having regard to zoning suitability, surrounding land use pattern, infrastructure and transport considerations, site constraints and the planning scheme controls available to manage those matters.</i></p>	<p>"The proposal is capable of aligning with the zone requirements of the s8A Guidelines. "</p> <p><i>The landowners note the statement from Council regarding the submission of the Direction 69 response as follows;</i></p> <p><i>"Councillors amended the staff recommendation to make it clear to the TPC that if two zones could potentially apply to an area under the framework, that Council, acting as the Planning Authority, would prefer that the zone with fewer restrictions be applied."</i></p> <p><i>(Cr Paula Wriedt, Mayor of Kingborough)</i> <i>"Independent Planning Review Accepted",</i> <i>17 March 2026</i> <i>URL: https://www.kingborough.tas.gov.au/2026/03/independent-planning-review-accepted/</i></p>	<p>Landowners AGREE with council that the proposed rezoning to General Residential aligns with the s8A guidelines.</p> <p>For this land a number of zones could reasonably potentially apply, with fewer restrictions presented in the proposed General Residential. The landowners understanding, based on the Commission's recent presentations and questioning during the Day 1 and Day 2 Direction 69 hearings, is that restrictive zoning is only warranted where identified landscape values cannot be appropriately managed through overlays and ordinary development controls.</p> <p>The right question is not which zone is simply less restrictive than LCZ, but which zone best aligns with the planning function of this land in its present context. On that question, General Residential is the more coherent and defensible outcome because the land forms part of the existing residential edge, adjoins General Residential land and the Urban Growth Boundary, and represents a logical serviced extension of Blackmans Bay.</p> <p>The well understood and documented environmental and landscape values and hazard matters will be addressed and appropriately managed through the planning scheme's normal permit and overlay framework rather than requiring application of a more restrictive primary zone.</p>



LANDOWNERS RESPONSE - SUMMARY

Planning Commission Direction 121	Council Response "Quoted verbatim" (<i>highlight added</i>)	Landowners Response The below is a brief executive overview of the Landowners detailed response which includes supporting technical documentation
<p>3. Whether the proposal is supported and, if so, on what basis, and whether, despite not meeting the relevant requirements, it remains open to the Commission to approve the proposal.</p> <p><i>The landowners understanding of this requested response is to inform Commission whether Council supports the proposal, and if it does not, whether the Commission can still approve General Residential where the planning merits justify that outcome.</i></p> <p><i>Our understanding is that this question goes directly to the Commission's independent statutory role in deciding the appropriate zoning under the LPS process.</i></p> 	<p>" There is currently no active planning scheme amendment application before Council and, having regard to the information submitted as part of the representation, there is insufficient detail to enable proper consideration of the proposed rezoning to an urban residential zone. In particular, the information provided does not adequately address the matters outlined under Item 1. Accordingly, the Planning Authority's preference is that the proposal not be progressed through the LPS process at this time.</p> <p>Notwithstanding this position, the Planning Authority remains open to further consideration should additional supporting information be provided, either during the LPS process (subject to agreement by the Tasmanian Planning Commission) or through a future Planning Scheme Amendment process.</p> <p>Please note that the Planning Authority's response in relation to Direction 69, with reference to the Irene Inc report, indicates that application of the Rural Living Zone may be more appropriate for the land. "</p>	<p>While Council did not support progression on the material previously before it, this response includes additional information, clearly demonstrating that the land is strategically suitable, serviceable and consistent with the surrounding settlement pattern, such that it remains open to the Commission to approve General Residential through the current LPS process rather than require a separate amendment pathway.</p> <p>Landowners acknowledge that there is NO ACTIVE PLANNING scheme amendment application before council relating to this land. In accordance with verbal advice from council in several meetings with planning staff between 2022 and 2024, landowners have not presented a request to council for zone change. As understood from the advice, landowners waited to respond to the advertised transition of the interim planning scheme.</p> <p>The landowner submission is based on specific advice to request rezoning to General Residential Zone using the mechanism afforded to the Planning Commission and the planning authority under SRD2.12.</p> <p>It is understood this current process is expressly established "AT THIS TIME" to avoid the need for additional and duplicated processes.</p> <p>The councils openness to further consideration is commended, particularly during this LPS process. Landowners disagree that there is insufficient detail to enable consideration of the proposed rezoning request.</p> <p>Landowners commend council recognition that a residential zoning is more appropriate than the previously proposed LCZ. Landowners respectfully disagree with council suggestion that application of Rural Living may be more appropriate. Advice included indicates that application of General Residential zone is the most appropriate zone to apply.</p>

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4. In the interest of public interest and whether the Commission could approve the proposal whilst observing the rules of natural justice?	" The Planning Authority is of the view that, unless the Commission itself undertakes, or directs the Planning Authority to undertake public exhibition of the proposal as part of this process, the rules of natural justice would not be met."	<p>Approval of General Residential would be in the public interest because it would support orderly and efficient use of land and existing infrastructure in a highly desirable location immediately adjoining the residential edge. The Commission's current process of public presentations, direct notice to affected landowners, further written submissions, locality-based hearings and availability of associated documentation addresses natural justice concerns within the LPS process.</p> <p>Landowners disagree with council that additional public exhibition of the proposal is required to meet rules of natural justice. Council preference instead creates unfair duplication, delay and cost where the proposal is already properly before the Commission for determination.</p> <p>Rezoning to General Residential is open to the Commission within the present LPS process as a modification. Page Seager detailed opinion on the application of natural justice if the Commission approve the request to rezone to General Residential has been provided.</p> <p>As stated by Page Seager in prefacing their opinion; "It is our view that the Tasmanian Planning Commission (the Commission) can direct the implementation of the Proposal whilst observing the rules of natural justice. " (Victoria Lightfoot, Page Seager, 2026 April 21)</p>

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<div></div> <div><div>Signed: Sven Rand obo landowners Date: 22/04/2026</div><div></div></div> <div><div>Signed: Marcus Thalmann obo landowners Date: 22/04/2026</div><div></div><div>on behalf of Marcus, Samuel and Andrew Thalmann</div></div>		