From: Clarence General Mail User
Sent: Tue, 17 Mar 2020 12:57:59 +1000
To: City Planning;Dan Ford
Subject: FW: Clarence Draft LPS
Attachments: NS 10 Monique rep 170320.pdf

From: neilsh@bigpond.com <neilsh@bigpond.com>
Sent: Tuesday, 17 March 2020 1:36 PM
To: Clarence General Mail User <clarence@ccc.tas.gov.au>
Subject: Clarence Draft LPS

Please find attached a representation in respect of the exhibited Clarence Draft LPS.

Kind regards,
Neil Shephard

Fellow of the Planning Institute of Australia
Certified Practicing Planner

NEIL SHEPHARD
& ASSOCIATES
Planning and Development Consultants

Mob: 0417 25 0232

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& ASSOCIATES

Planning and Development Consultants

General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

17 March 2020

Dear Sir,

RE: TASMANIAN PLANNING SCHEME – CLARENCE DRAFT LOCAL PROVISIONS SCHEDULE – REPRESENTATION – ZONING OF 10 MONIQUE STREET, HOWRAH

Background

During the preparation of the *Clarence Interim Planning Scheme 2015* (the interim scheme) the subject property at 10 Monique Street, Howrah obtained a dual zoning: a small area of General Residential (GR) in the lower portion, with the majority being Environmental Living (EL) The General Residential portion is immediately adjoining other land in the same zone, downslope, and contains a single dwelling and outbuildings.

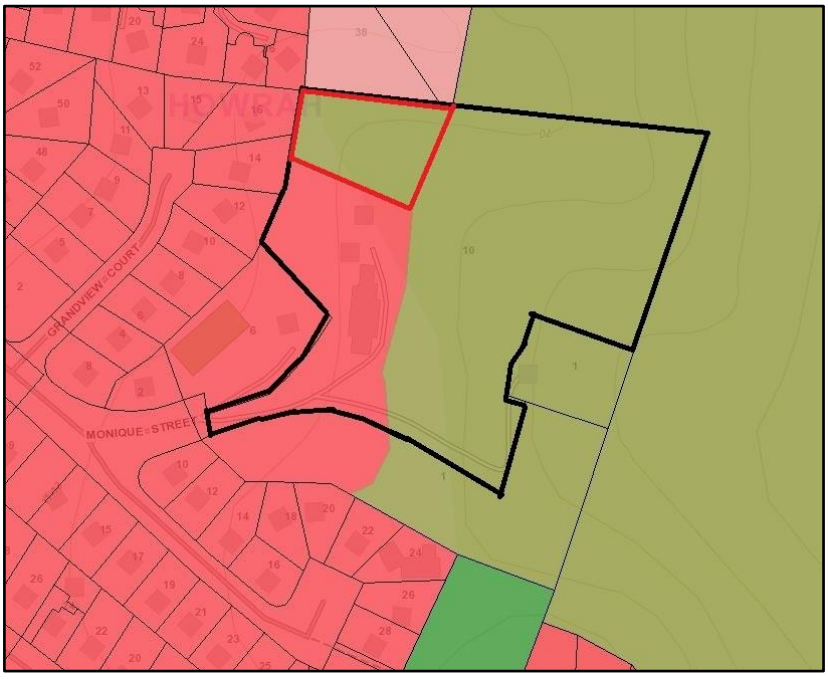


Figure 1

This dual zoning has created difficulties in managing and planning for the future of the land, and its most efficient form of development. Application has recently been made to subdivide along the zone boundary, which will go

Neil Shephard & Associates, PO Box 273, Sandy Bay, Tasmania 7006, ph 0417 25 0232 email: neilsh@bigpond.com

some way to providing a sustainable future for the land.

However, a further issue remains in respect of a small area of land within the EL Zone that is bordered on2 sides by land within the GR Zone, and on another by land within the Low Density Residential Zone (see Figure 1 above with said parcel outlined in red).

My understanding from enquiring with Council officers is that this parcel of land was zoned EL following a perception that it contained a high level of natural values.

I have been asked by Kingdom Purpose Pty Ltd, who are the owners of the land to seek a change to the zoning of this parcel of land under the *Clarence Draft LPS*. The zone sought is **General Residential**.

Subject land

As part of the assessment of the future of the subject parcel for an appropriate form of development (for future potential strata development), a natural values assessment was undertaken, and that is attached to this submission (NORTH BARKER, 19 August 2019).

In summary, the natural values assessment describes the subject parcel as being largely cleared of understory, and of poor quality in comparison to the much larger area of land upslope within the EL Zone.

The subject parcel presents a heightened fire risk for the residential development that exists on 3 sides. The potential residential development that would occur following rezoning, would allow for a much more easily defendable (shorter) boundary, reducing the overall risk.

Conflicting information exists as to whether the subject parcel is within the Urban Growth Boundary under the *Southern Tasmania Regional Land Use Strategy*, however the circumstances of the land and its location strongly suggest that it should be: notwithstanding the reduced natural values, the land is capable of being easily connected to all urban services, consistent with the adjoining land to the north, west and south. Rezoning and development would clearly qualify as infill.

The available evidence suggests that the EL zoning of this parcel was either a mistake, or simply an oversight. It has created an anomaly that should be corrected under the Clarence LPS.

I look forward to assisting Council and the Commission in its consideration of this matter.

Yours faithfully,

NEIL SHEPHARD BA, MTCP(Syd), FPIA, CPP

Obo Kingdom Purpose Pty Ltd

Attached: NORTH BARKER, Natural Values Assessment

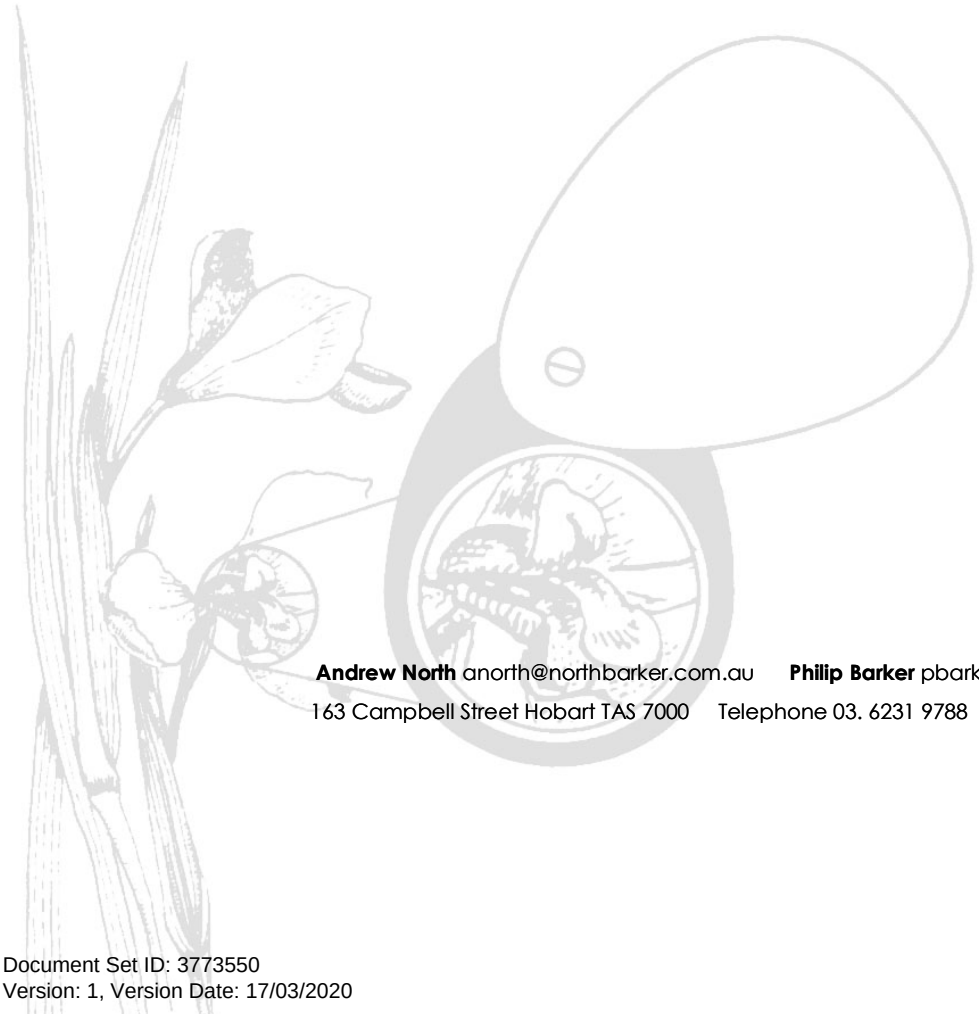
Strata Development

10 Monique St - Howrah

Natural Values Assessment

19th August 2019

For Neil Shephard (SHE010)



Andrew North anorth@northbarker.com.au **Philip Barker** pbarker@northbarker.com.au
163 Campbell Street Hobart TAS 7000 Telephone 03. 6231 9788 Facsimile 03. 6231 9877

Summary

Application: subdivision

Natural Values

Clarence Interim Planning scheme 2015	Environmental Living
	Bushfire Prone Area and Land Slip Hazard
CCCIPS Impact	Minor
Threatened Flora	NA
Threatened Fauna	Suboptimal Eastern Barred Bandicoot and Eastern Quoll
Threatened vegetation	NA
Impact	Approx. 0.20 ha Native Vegetation - DAM
EPBC Act	No significant impact to MNES
TSP Act	NA
Weed Mngt Act	Nil

1. Project Details

Background: The landowner wishes to rezone a portion of a lot that occurs across two zones; general residential and environmental living create. In doing so a strata title for residential development would be created on the existing lot (CT162409/4). The lot is about 1.96 ha lot and the area of the rezoning application is about 0.24 ha (Figure 1) and (Appendix 1), Figure 2 shows detail of the land reviewed for this report. The land is within a bushfire prone area overlay and the Biodiversity Protection Area. To the north, south and west is general residential development.

Date of Field Survey: 19th August 201.

Methods: Plant species composition was surveyed using an area search based on the Timed Meander Search Procedure[1]. Vegetation was classified according to TASVEG 3.0 units, with boundaries determined in the field and with the aid of aerial imagery.

The Tasmanian Natural Values Atlas database was interrogated for records of threatened species and vegetation types within a 5 km radius. The possibility of threatened values known from within this radius occurring within the impact area has been considered in the interpretation of results.

Limitations: The field survey was undertaken in late winter. Values that are not easily observed in winter may have been overlooked or absent; the potential for this is considered where relevant in the discussion. The quality of fauna habitat, including the presence of tree hollows, was assessed from ground level only.

2. Site Values

Site Characteristics

The lot slopes moderately from the east with only a gentle slope on the area of the application. The area to the east is forested and the land to the north, south and west is urban. The property is on the lower slopes of an area of extensive forest on Glebe Hill. The area proposed to be rezoned is forested but considerably disturbed by clearance and tracks.

Vegetation (Figure 2)

The vegetation is native *Eucalyptus amygdalina* (black peppermint) woodland on mudstone (DAM) with occasional *Eucalyptus viminalis* (white gums). The bushland immediately north is co-dominated by black peppermint and Risdon peppermint. No Risdon Peppermint occur on the study area. The tall shrub layer contains native cherry and she oak, native hop and prickly box. This layer is very moderately dense. The ground layer is very sparse grass with occasional *Austrostipa species, Poa spp.* and *Rytidosperma* as well as very sparse herbs. Patches of exotics occur on small mounds of soil dumps.

Because the structure is limited by nutrients there are only a one or two large trees on the lot.

[1] Goff *et al.* 1982

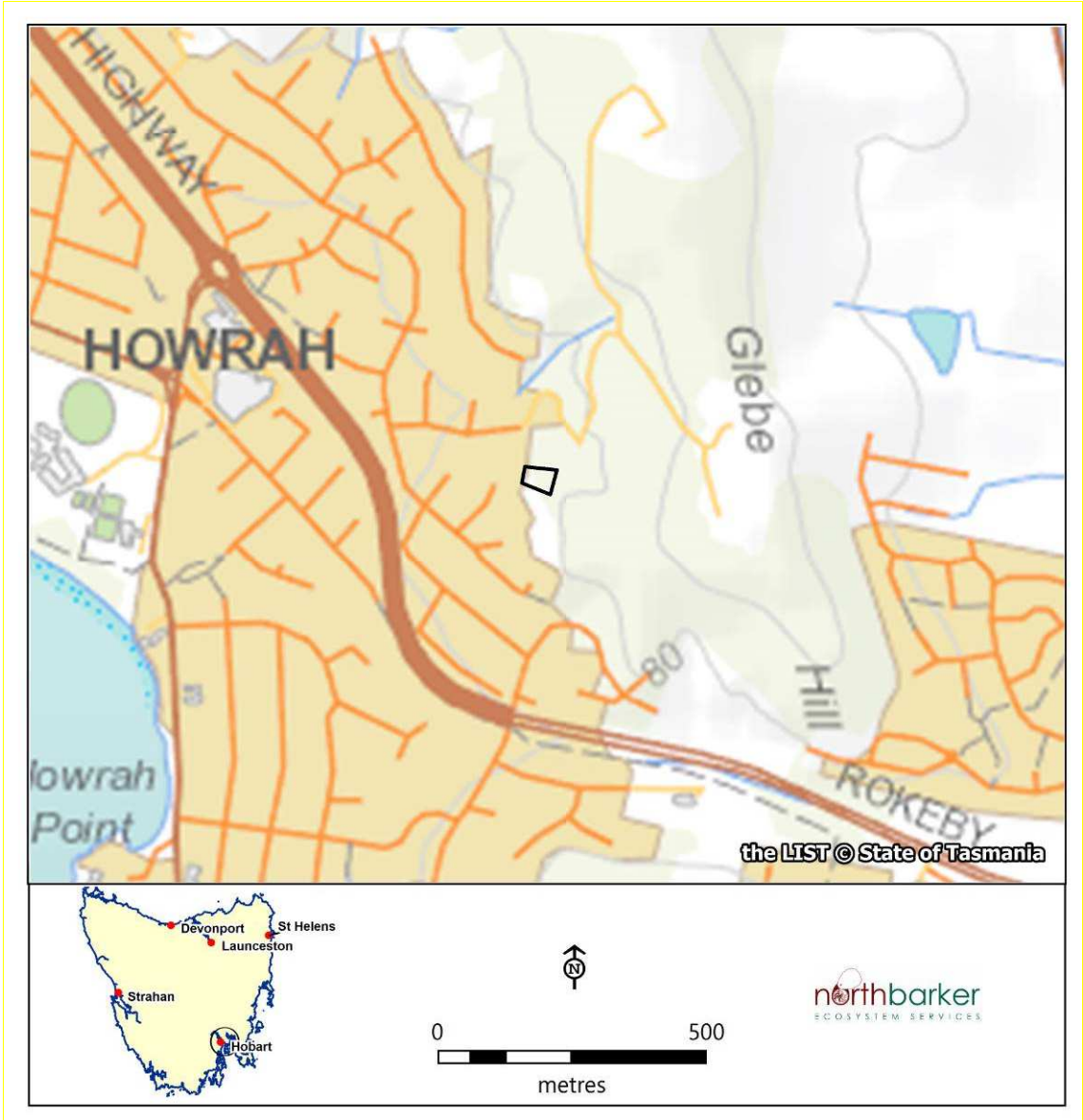


Figure 1: Property location

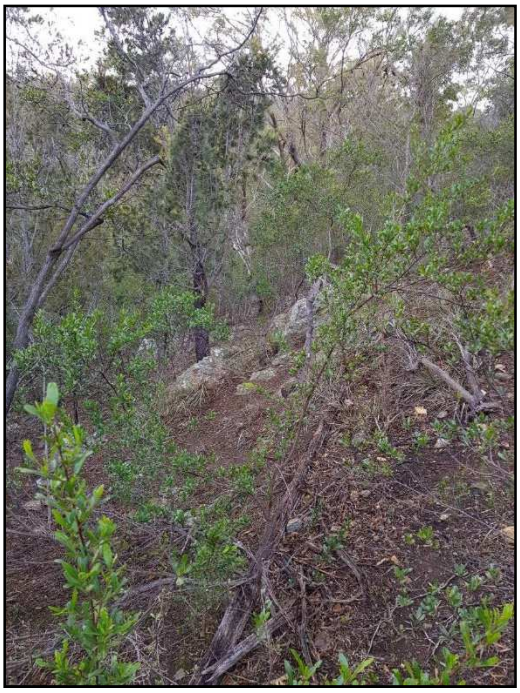


Plate 1: Shrubby understorey of DAM

Plate 2: Existing disturbance and likely development site

Plate 3: Balance of land disturbance on the lot

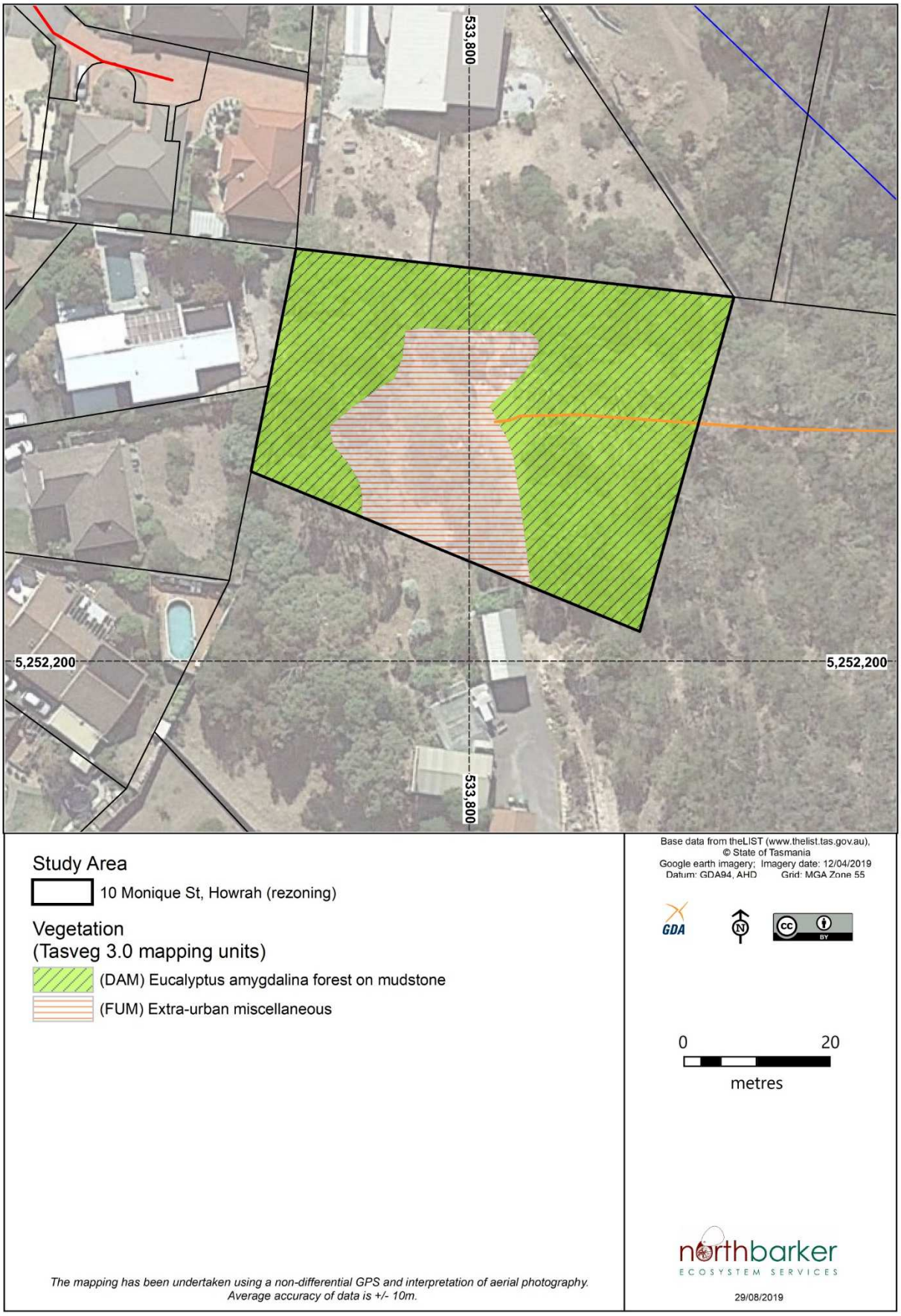


Figure 2: Extent of native vegetation – DAM TASVEG 3.0 mapping unit

Plant Species of Conservation Significance

Twenty four vascular plant taxa were recorded within the study area. No threatened flora species were observed.

The Tasmanian *Natural Values Atlas* lists one observation of *E. risdonii* from the lot. The tree is not present.

Rhytidoperma indutum has been recorded within 500 m. None was observed on the lot.

No other observations of threatened flora species within 500 m of the study area[2].

Numerus threatened taxa are known from within 5 km given the properties close location to the Knopwood and Glebe Hills (Table 1).

[2] nvr_1_12-Sep-2018

Flora Species known within 5 km

Table 1: Threatened flora within 5km of the proposal – 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
Acacia ulicifolia	juniper wattle	r		n	1	17-Oct-1980
Asperula scoparia subsp. scoparia	prickly woodruff	r		n	9	01-Mar-2016
Asperula subsimplex	water woodruff	r		n	2	01-Dec-1891
Austrostipa bigeniculata	doublejointed speargrass	r		n	57	19-Nov-2015
Austrostipa blackii	crested speargrass	r		n	2	21-Dec-2011
Austrostipa scabra	rough speargrass	r		n	27	02-Sep-2016
Austrostipa scabra subsp. falcata	sickle speargrass	pr		n	5	18-Jan-2018
Bolboschoenus caldwellii	sea clubsedge	r		n	6	06-Feb-2010
Brachyscome perpusilla	tiny daisy	r		n	1	12-Oct-1901
Caladenia caudata	tailed spider-orchid	v	VU	e	68	29-Aug-2016
Caladenia filamentosa	daddy longlegs	r		n	9	16-Oct-1955
Calocephalus citreus	lemon beautyheads	r		n	2	03-Feb-1948
Carex gunniana	mountain sedge	r		n	13	19-Aug-2013
Carex longebrachiata	drooping sedge	r		n	8	03-Sep-2016
Comesperma defoliatum	leafless milkwort	r		n	2	01-Jan-1896
Cystoseira trinodis	brown alga	r		?i	1	01-Jan-2010
Damasonium minus	starfruit	r		n	1	01-Dec-1890
Dianella amoena	grassland flaxlily	r	EN	n	9	18-Jan-2018
Eryngium ovinum	blue devil	v		n	11	01-Mar-2006
Eucalyptus amygdalina x risdonii		ph		e	60	02-May-1985
Eucalyptus morrisbyi	morrisbys gum	e	EN	e	258	28-Oct-2014
Eucalyptus morrisbyi x viminalis subsp. viminalis		ph	PH	e	2	01-Sep-1942
Eucalyptus obliqua x risdonii		ph		e	1	01-Oct-1940
Eucalyptus risdonii	risdon peppermint	r		e	303	12-Jul-2018
Eucalyptus risdonii - tenuiramis		ph		e	4	01-Sep-1937
Eucalyptus risdonii x tenuiramis		ph		e	1	01-Sep-1937
Euphrasia scabra	yellow eyebright	e		n	1	01-Dec-1892
Haloragis heterophylla	variable raspwort	r		n	4	10-Nov-2015
Hyalosperma demissum	moss sunray	e		n	5	12-Sep-2013
Hydrocotyle laxiflora	stinking pennywort	e		n	41	01-Mar-2018
Isoetopsis graminifolia	grass cushion	v		n	6	01-Jan-1896
Isolepis stellata	star clubsedge	r		n	1	30-Nov-1897
Juncus amabilis	gentle rush	r		n	2	20-May-2010
Lepidium hyssopifolium	soft peppercress	e	EN	n	5	17-Jan-2002
Leucopogon virgatus var. brevifolius	shortleaf beardheath	r		n	1	10-Oct-1948
Olearia hookeri	crimsontip daisybush	r		e	26	17-Sep-2016
Pimelea flava subsp. flava	yellow riceflower	r		n	1	01-Dec-1892
Poa mollis	soft tussockgrass	r		e	5	23-Aug-2006
Pomaderris pilifera subsp. talpicutica	moleskin dogwood	e	VU	e	15	01-Oct-2015
Ranunculus pumilio var. pumilio	ferny buttercup	r		n	1	01-Oct-1914
Rumex bidens	mud dock	v		n	1	01-Dec-1891
Ruppia megacarpa	largefruit seatassel	r		n	2	26-Jun-1997
Rytidosperma indutum	tall wallabygrass	r		n	193	13-Aug-2018
Scleranthus fasciculatus	spreading knawel	v		n	56	31-Aug-2017
Senecio georgianus	grey fireweed	x	EX	x	2	01-Jan-1805
Senecio squarrosus	leafy fireweed	r		n	19	01-Mar-2016
Spyridium eriocephalum var. eriocephalum	heath dustymiller	e		n	27	27-Dec-2011
Spyridium vexilliferum var. vexilliferum	helicopter bush	r		n	1	01-Nov-1928
Stenopetalum lineare	narrow threadpetal	e		n	5	17-Oct-1942
Teucrium corymbosum	forest germander	r		n	12	24-Jun-2015
Thelymitra bracteata	leafy sun-orchid	e		n	163	11-Nov-2016
Velleia paradoxa	spur velleia	v		n	10	21-Dec-2011
Veronica notabilis	forest speedwell	x		?iHx	1	01-Oct-1892
Vittadinia cuneata var. cuneata	fuzzy new-holland-daisy	r		n	3	01-Jan-1993
Vittadinia gracilis	woolly new-holland-daisy	r		n	21	27-Mar-2007
Vittadinia muelleri	narrowleaf new-holland-daisy	r		n	113	31-Aug-2017
Vittadinia muelleri (broad sense)	narrow leaf new holland daisy	p		n	26	11-Oct-2006
Westringia angustifolia	narrowleaf westringia	r		e	1	01-Jan-0001
Xanthoparmelia oleosa		r			1	27-Nov-1965

Of the species listed in Tables 1 those that could conceivably occur in this type of habitat at this location are:

Rytidosperma indutum – Not observed. Suitable habitat but grasses are extremely sparse and so the probability of occurrence is low. Dominated by *Poa* and *Austrostipa* with small species of Rytidosperma present. No remnant flowering stems observed. Unlikely to be present however November surveys required for accurate identification.

Vittadinia species – Suitable habitat. Survey outside of flowering period. Low – moderate chance of occurrence given understorey maintenance and lack of observation of leaf. Prefers more fertile soils.

Threatened Fauna Habitat

Fauna Species known within 500 m

No direct observations have been recorded for TSPA or EPBCA listed species from within 500 m of the property[3].

There are many sightings of swift parrots within 5 km as well as numerous eastern barred bandicoot and Tasmanian devils.

Fauna Species within core range

The study area is located within core range (last column) of the following five TSPA or EPBCA listed species[4].

Table 2: Threatened fauna based on habitat ranges within 500 m of the proposal – SS = Tasmanian *Threatened Species Protection Act 1995*, NS = Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

Species	Common Name	SS	NS	BO	Potential	Known	Core
Litoria raniformis	green and gold frog	v	VU	n	I	0	I
Pseudemoia pagenstecheri	tussock skink	v		n	I	0	0
Aquila audax subsp. fleayi	tasmanian wedge-tailed eagle	e	EN	e	I	0	0
Pardalotus quadragintus	forty-spotted pardalote	e	EN	e	I	0	0
Antipodia chaostola	chaostola skipper	e	EN		I	0	0
Aquila audax	wedge-tailed eagle	pe	PEN	n	I	0	0
Tyto novaehollandiae	masked owl	pe	PVU	n	I	0	I
Perameles gunnii	eastern barred bandicoot		VU	n	I	0	I
Dasyurus maculatus	spotted-tail quoll	r	VU	n	I	0	0
Dasyurus viverrinus	eastern quoll		EN	n	0	0	I
Lathamus discolor	swift parrot	e	CR	mbe	I	0	I
Sarcophilus harrisii	tasmanian devil	e	EN	e	I	0	0
Accipiter novaehollandiae	grey goshawk	e		n	I	0	0
Prototroctes maraena	australian grayling	v	VU	ae	I	0	0
Haliaeetus leucogaster	white-bellied sea-eagle	v		n	2	0	0

Of the species listed in Table 2 that could conceivably occur in this type of habitat at this location are:

- Tasmanian masked owl, *Tyto novaehollandiae* ssp. *castanops:* No trees are large enough to support nesting hollows large enough for this species but no hollows were observed from ground level inspection. The area may be part of the foraging range of this species.
- Eastern barred-bandicoot. Although within the range of this species evident from many records nearby. The habitat on the site is not suitable for nesting due to the very sparse cover in the understorey. The EB bandicoot is likely to forage on the site from time to time but the site is suboptimal.

[3] nvr_1_12-Sep-2018
[4] nvr_1_12-Sep-2018

- Eastern quoll. The site is not considered likely to be used for denning by the eastern quoll as no suitable opportunities are located there due to the lack of understorey cover. The site may be part of the foraging habitat for this species.
- Swift parrot –there are no suitable foraging trees on the lot.
- Green and gold frog – There are no suitable wetlands onsite. The GGF is generally absent from the south east of Tasmania in recent decades.

Weeds

No declared weeds under the Tasmanian *Weed Management Act 1999* were observed throughout the lot.

The following environmental weeds as listed under the Clarence Local List (from CCC Weed Strategy) are also present.

- *Acacia baileyana* - Cootamundra wattle – two plants less than 1.5 m tall are present in the disturbed centre of the lot.

3. Impact Assessment and Scope for Mitigation

Priority Vegetation

The rezoning of the part of the existing lot to general residential provides consistency of zone on a single small lot. Although mapped as a high risk BPA the values that are present indicate that development of the lot will result in a Minor impact because no threatened flora or vegetation are present and only a minor impact is likely to be cause the priority vegetation; in this case suboptimal threatened fauna foraging habitat. No opportunity to retain the 0.20 ha of disturbed DAM that is present onsite. The majority of the are is either already clear or else is within the Bushfire Hazard Management Area proposed for the notional building area.

There is no scope to retain the understorey at the margins of the development due to the requirements for bushfire hazard management. A narrow area to the east can be retained and would be a useful buffer to the balance of the Environmental living zone.

Weeds

The development presents an opportunity to eradicate the weeds from the site. Best practice site hygiene and primary and secondary weed control should be implemented to prevent the proliferation, spread of weeds to the bushland adjacent.

4. Legislative Implications

Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

The EPBCA is structured for self-assessment; the proponent must indicate whether or not the project is considered a 'controlled action', which, if confirmed, would require approval from the Commonwealth Minister.

No values present on the lot are required to be assessed under this Act. Consequently, referral to the Minister is not considered to be necessary for this proposal.

Tasmanian *Threatened Species Protection Act 1995*

There are no regulatory requirements under this Act.

Tasmanian *Weed Management Act 1995*

It is incumbent of the proponents to ensure that the weeds do not spread to land free of the weeds or to reserves. This includes the forested land adjacent to 10 Monique Street.

Clarence Interim Planning Scheme 2015

Natural Assets Code E27 of the Clarence Interim Planning Scheme 2015

The property is shown as containing the Biodiversity Protection Area (high risk) overlay.

The general purpose of the provision of E27 is to:

(a) protect identified threatened native vegetation communities and threatened flora species;

(b) conserve threatened fauna by minimising habitat clearance and managing environmental impact; and

(c) protect other native vegetation recognised as locally significant by the Planning Authority.

Specifically, the proposal must meet the standards relating to subdivision (E27.9.1), to ensure that:

> To ensure that the potential impact from subdivision works or a lot's future development is minimised through subdivision design.

Impacts are classified as either being Major, Minor or Negligible depending on their impact to 'priority vegetation'

Priority vegetation means vegetation that has high biodiversity value because it:

(a) forms an integral part of threatened vegetation;

no DAM is not a threatened vegetation community

(b) is a threatened flora species;

no None present

(c) provides habitat for a threatened fauna species; or

yes Suboptimal habitat is present for small mammals, EBB and the Eastern Quoll

(d) is otherwise identified by the Planning Authority as locally significant.

no No locally significant sites or values have been identified in this property by Council

E27.6 Impact Classification

The vegetation on site is priority vegetation based on one criterion (threatened fauna habitat.

*Impact is deemed to be **minor*** as

(a) The use or development, including the likely need to clear for bushfire hazard reduction, is likely to only result in a minor impact on priority vegetation;

Impact to threatened fauna habitat will be minor given the understorey is suboptimal foraging habitat and unsuited to nesting of these mammals.

(b) Mitigation measures, including biodiversity offsets, are proposed which reduce the impact on priority vegetation to a minor level; or

The narrow band of forest to the east of the Bushfire HMA should be retained as a buffer to the BPA upslope.

(c) Any subdivision works or the future development upon the proposed lots is likely to only cause a minor impact on priority vegetation

NA

27.9 Subdivision standards (in this case Strata)

There is no Acceptable Solution for Minor Impacts A1.

Where E27 applies, the proposal needs to meet the "Performance Criteria" P1 for Minor Impact clearance or disturbance of vegetation should E27 apply. The following should be considered in finalising design.

(a) Subdivision works, including accesses, fences and service locations are designed to minimise the impact on priority vegetation and the clearance of native vegetation;

The notional building area is located in a area that is already disturbed to minimise additional disturbance.

(b) Strata – building area

As above

(c) No burning, blasting or construction works involving excavators or multiple truck movements are to occur within 500 m (or 1 km if in line-of-sight) of an active raptor nest during the breeding season between July to January inclusive.

(d) Additional mitigation measures are proposed to ensure that the development will satisfactorily reduce all remaining impacts on priority vegetation.

Maintain the land free of weeds

(e) Conservation outcomes and long term security of any offset is consistent with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority 2013.

NA

Waterway and Coastal Protection Code E11 of the Clarence Interim Planning Scheme 2015

The purpose of this provision is to manage vegetation and soil disturbance in the vicinity of wetlands, watercourses and the coastline in order to:

The property does not contain a waterway

Appendix 1: Species list - project: SHE007

Status codes:

ORIGIN	NATIONAL SCHEDULE	STATE SCHEDULE
i - introduced	EPBC Act 1999	TSP Act 1995
d - declared weed WM Act	CR - critically endangered	e - endangered
en - endemic to Tasmania	EN - endangered	v - vulnerable
t - within Australia, occurs only in Tas.	VU - vulnerable	r - rare

Sites:

1 DAM - E533820, N5252226 17-08-2019 Philip Barker

Site	Name	Common name	Status
	DICOTYLEDONAE		
	APOCYNACEAE		
1	*Vinca major*	blue periwinkle	i
	ASTERACEAE		
1	*Ozothamnus obcordatus*	yellow everlastingbush	
	CARYOPHYLLACEAE		
1	*Cerastium sp.*	mouse-ear chickweed	i
	CASUARINACEAE		
1	*Allocasuarina littoralis*	black sheoak	
	CHENOPODIACEAE		
1	*Einadia nutans subsp. nutans*	climbing saltbush	
	CRASSULACEAE		
1	*Crassula sieberiana subsp. sieberiana*	rock stonecrop	
	EPACRIDACEAE		
1	*Astroloma humifusum*	native cranberry	
1	*Acrortiche serrulata*	honey potts	
	FABACEAE		
1	*Pultenaea pedunculata*	eggs and bacon	
	FUMARIACEAE		
1	*Fumaria sp.*	fumitory	i
	MIMOSACEAE		
1	*Acacia mearnsii*	black wattle	
1	*Acacia baileyana*	cootamundra wattle	i
	MYRTACEAE		
1	*Eucalyptus amygdalina*	black peppermint	en
1	*Eucalyptus viminalis subsp. viminalis*	white gum	
	OXALIDACEAE		
1	*Oxalis perennans*	grassland woodsorrel	
	Orchidaceae		
1	*Acianthus cordata*	mosquito orchid	
	POLYGONACEAE		
1	*Bursaria spinosa*	prickly box	

	POLYGONACEAE		
1	*Acetosella vulgaris*	sheep sorrel	i
	ROSACEAE		
1	*Acaena novae-zelandiae*	common buzzy	
	SANTALACEAE		
1	*Exocarpos cupressiformis*	common native-cherry	
	SAPINDACEAE		
1	*Dodonaea viscosa subsp. spatulata*	broadleaf hopbush	
	THYMELAEACEAE		
1	*Pimelea linifolia*	slender riceflower	
	MONOCOTYLEDONAE		
	CYPERACEAE		
1	*Lepidosperma laterale*	thatch sawsedge	
	JUNCACEAE		
1	*Juncus sarophorus*	broom rush	
	LILIACEAE		
1	*Agapanthus praecox subsp. orientalis*	agapanthus	i
1	*Dianella revoluta*		
	POACEAE		
1	*Agrostis capillaris var. capillaris*	browntop bent	i
1	*Austrostipa mollis*	soft speargrass	
1	*Austrostipa rudis subsp. australis*	southern speargrass	
1	*Austrostipa sp.*	speargrass	
1	*Austrostipa stuposa*	corkscrew speargrass	
1	*Dactylis glomerata*	cocksfoot	i
1	*Deyeuxia sp.*	bent grass	
1	*Holcus lanatus*	yorkshire fog	i
1	*Poa labillardierei*	silver tussockgrass	
1	*Poa rodwayi*	velvet tussockgrass	
1	*Rytidosperma sp.*	wallabygrass	
	XANTHORRHOEACEAE		
1	*Lomandra longifolia*	sagg	