Kingborough

25 August 2026 Our Ref: PSA-2026-2 and DAS-2026-4

The Executive Commissioner
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

Dear Sir/Madam

**PSA-2026-2 KINGBOROUGH INTERIM PLANNING SCHEME 2015 AMENDMENT FOR REZONING AND DAS-2026-4 SUBDIVISION APPLICATION – 27 SELBY ROAD, KETTERING**

Section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993* requires that a copy of a certified draft amendment and the instrument of certification be forwarded to the Commission within seven days of the decision date.

Notice is also given that the Kingborough Council has received the abovementioned application accordance with section 43A of the former provisions of the *Land Use Planning and Approvals Act 1993* for which Council has issued a draft planning permit.

The following information will be made available in the shared folder provided by the Tasmanian Planning Commission.

- The application and supporting documents as submitted by the applicant;
- Council's Agenda and Minutes;
- Proposed Amendment and Instrument of Certification; and
- Draft subdivision permit.

A cheque for the prescribed fee will be forwarded under a separate cover.

The intention is to commence with the public exhibition of the proposal later this week.

If you wish to discuss the application or seek clarification in relation to the above, please contact Council's Lead Strategic Planner, Adriaan Stander on (03) 6211 8200.

Yours sincerely,

[redacted]

Deleeze Chetcuti
**Director – Environment Development and Community**

# PLANNING AUTHORITY IN SESSION

## 12 OFFICERS REPORTS TO PLANNING AUTHORITY

### 12.1 PSA-2026-2: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 - REZONING AT 27 SELBY ROAD, KETTERING

**File Number:** **PSA-2026-2**

**Author:** **Adriaan Stander, Lead Strategic Planner**

**Authoriser:** **Deleeze Chetcuti, Director Environment, Development & Community Services**

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|---|---|
| **Applicant:** | Ireneinc Planning and Urban Design |
| **Owner**: | Stephen Bruce Percival & Robyn Elizabeth Martin |
| **Zoning**: | Rural Living Zone |
| **Purpose:** | The purpose of this report is to consider a Planning Scheme Amendment at 27 Selby Road, Kettering to rezone land from the Rural Living Zone to Low Density Residential Zone. |
| **Representations:** | The report is prepared prior to the public exhibition. Following initiation by the Planning Authority, the draft Planning Scheme Amendment is advertised for public comment for a minimum of 28 days.<br>After the exhibition period, a further report addressing any representations received will be presented to the Planning Authority, providing recommendations for inclusion in its submission to the Tasmanian Planning Commission (TPC) for consideration. |
| **Recommendation:** | That the Planning Authority resolves to:<br>• initiate and certify Amendment PSA-2026-2,<br>• advise the TPC of this decision and exhibit the initiated planning scheme amendment in accordance with the statutory process. |

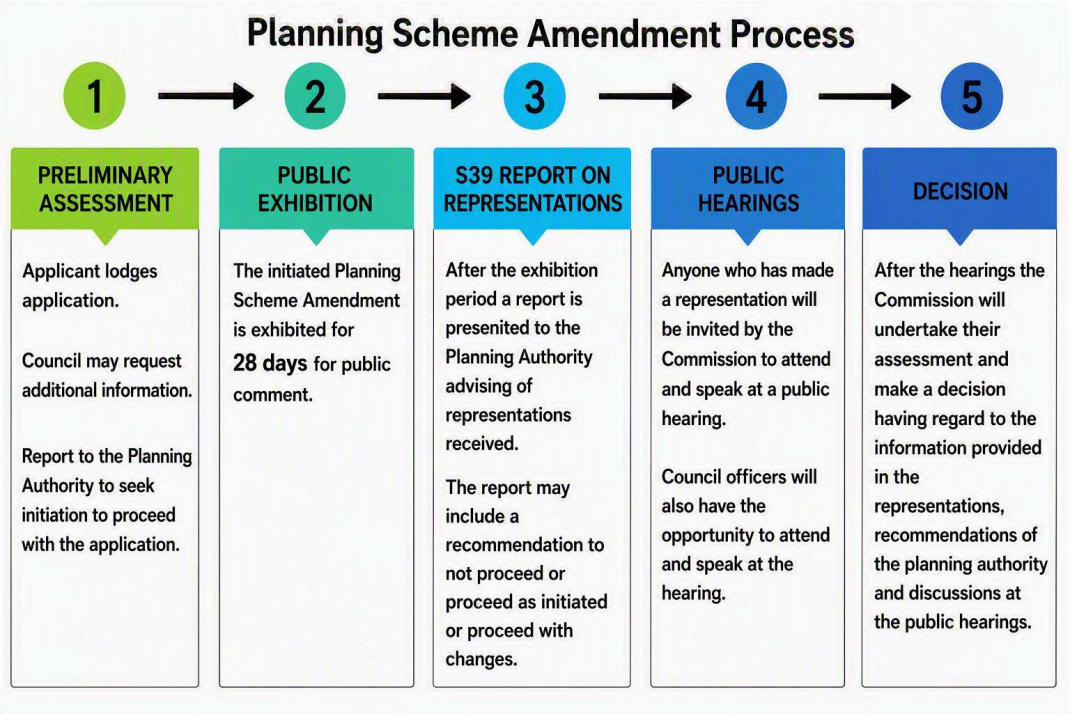
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### 1. INTRODUCTION

1.1 Council is in receipt of an application seeking an amendment to the Kingborough Interim Planning Scheme 2015 (KIPS 2015) under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993 (*LUPAA). The application seeks to rezone land at 27 Selby Road, Kettering (CT 141484/1) from the Rural Living to Low Density Residential.

1.2 The application was submitted under section 43A of the former provisions of the Land Use LUPAA. Section 43A of the former provisions of LUPAA provides a mechanism for the planning authority to consider an application for a combined permit for a use or development that cannot be approved unless the planning scheme is amended. This proposed amendment is associated 3-lot subdivision application (DA-2026-4) which is also tabled on this agenda.

1.3 This application is at the first phase of the planning scheme amendment process. An overview of the statutory process is provided below.




## 2. SITE AND CONTEXT

2.1 The draft amendment relates to land at 27 Selby Road, Kettering (CT 141484/1) as depicted below.

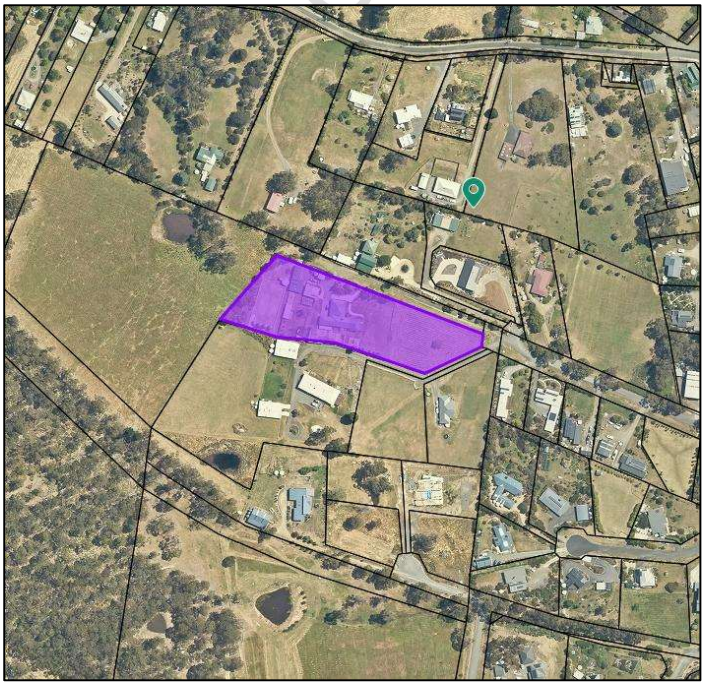


*Figure 1 - Subject site*

2.2 The site has an area of approximately 10,085m² and is situated within a predominantly low-density residential area characterised by single dwellings on large allotments.

2.3 The land to the north, east and south displays development patterns and land uses typical of the Low Density Residential Zone, comprising detached dwellings on spacious lots.

2.4 In contrast, land to the west exhibits a more semi-rural character consistent with the Rural Living Zone, with larger allotments, lower development intensity, and land uses commonly associated with rural-residential living.

## 3. DESCRIPTION OF THE PROPOSAL

3.1 The proposal seeks to rezone the subject site from the Rural Living to the Low Density Residential as depicted in Figure 2.

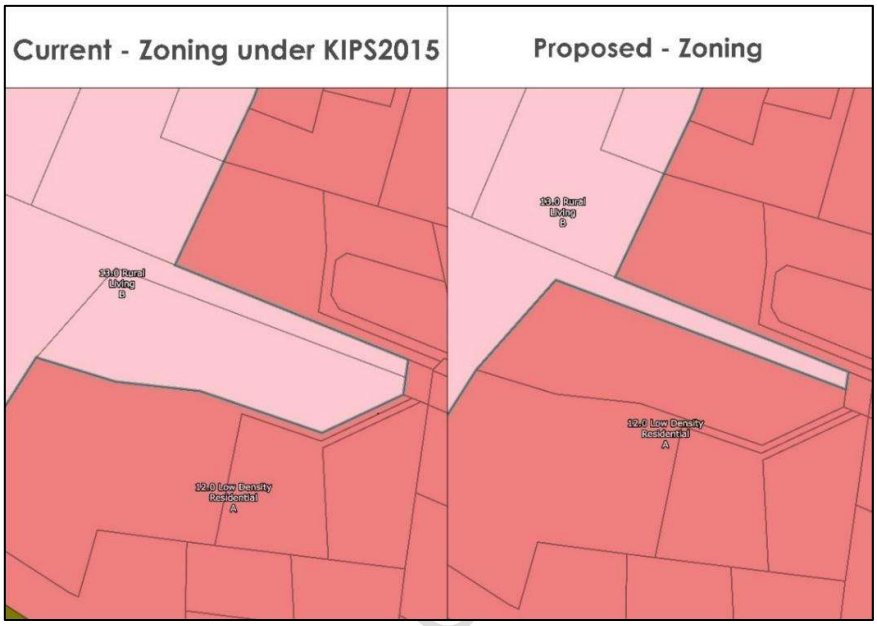



*Figure 2 – Proposed zoning*

3.2 The proposed rezoning is compatible with the surrounding zoning pattern, as the land to the north, east and south is also zoned Low Density Residential. This zone is characterised by large residential allotments and a low-density residential character, and the proposed rezoning will be consistent with this established development pattern.

## 4. STATUTORY REQUIREMENTS

4.1 Section 3(2)(b) of Schedule 6 of LUPAA provides for a planning scheme amendment application to the planning instrument (i.e. KIPS 2015) to be considered under the former provisions of LUPAA.

4.2 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it. This report considers the proposed amendment application as lodged by Ireneinc Planning and Urban Design.

4.3 Pursuant to section 33(2B) of the former provisions of LUPAA, before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –

*(a) whether the requested amendment is consistent with the requirements of section 32; and*

*(ab) any representation made under s30I, and any statements in any report under section 30J as to the merit of the representation, that may be relevant to the amendment; and*

*(b) any advice referred to in section 65 of the Local Government Act 1993 received by it.*

4.4 A detailed assessment of the proposed planning scheme amendment against section 32(1) of the former provisions of LUPAA is provided under section 7 of this report.

## 5. ASSESSMENT OVERVIEW

5.1 The application has been considered in relation to the following:

- Rezoning and Subdivision report by the Ireneinc Planning and Urban Design, dated 26 February 2026;
- Onsite Wastewater Assessment, by GES Geo-Environmental Solutions, dated April 2026;
- Natural Values Assessment and Bushfire Hazard Report, by Lark and Creese, dated 4 June 2026;
- Strategic alignment, with particular reference to the consistency of the proposal with the *Southern Tasmania Regional Land Use Strategy 2010 - 2035*, *Kingborough Land Use Strategy 2019* and *Council's Strategic Plan 2025-2030*;
- Infrastructure and service provision;
- Economic considerations;
- Environmental impacts; and
- Statutory compliance with the requirements of the former provisions of LUPAA and state policies.

5.2 The above is discussed in more detail in the following sections of this report. In short, an assessment of the application has concluded that the application can proceed.

## 6. STRATEGIC ALIGNMENT

### Alignment with the draft LPS

6.1 The proposed zoning aligns with the zoning proposed under the Kingborough draft Local Provisions Schedule (LPS). It also aligns with the outcomes sought under the proposed Kingborough Coastal Settlement Specific Area Plan that is proposed for the area under the draft LPS.

6.2 If the proposed planning scheme amendment is supported by the Planning Authority and approved by the Tasmanian Planning Commission (TPC), the transitional provisions under Schedule 6 of the LUPAA would apply. These provisions would allow for the carry-over of the approval into the TPS.

### Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS)

6.3 The STRLUS has been implemented to provide guidance and direction for future development and use in the southern region. The strategy represents the agreed and approved strategic directions for the southern region and provides certainty to the broader community, infrastructure providers and governments for medium and long-term investment decisions.

6.4 The STRLUS contains a wide range of regional policies applicable to land use and development. While all policies have been considered, the discussion below focuses on those of greatest relevance to the proposed amendment.

6.4.1 Biodiversity and geodiversity policies - The proposal is consistent with the biodiversity and geodiversity policies of the strategy. The site is predominantly cleared and located within an established settlement area, with biodiversity

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values largely limited to a small number of retained native trees. No native vegetation clearance is proposed as part of the rezoning and will facilitate development within an already disturbed area without resulting in significant additional impacts on biodiversity or geodiversity values.

6.4.2 Water resource policies - The proposal is consistent with the water resource policies it relates to land within an established settlement area that can be adequately serviced through onsite wastewater and stormwater management systems.

6.4.3 Risk and hazard policies - The proposal is consistent with risk and hazard policies as the rezoning will not increase bushfire risk and the risk can be appropriately managed through the Bushfire-Prone Areas Code and other relevant planning scheme controls at the future development stage.

6.4.4 Physical Infrastructure Policies - The proposal is consistent with physical infrastructure policies as it supports orderly growth within an existing settlement by demonstrating that appropriate servicing and access arrangements can be provided as part of the associated subdivision application. The proposal represents a modest intensification of an established residential area that is capable of being serviced in accordance with the relevant planning and engineering requirements

6.4.5 Land Use Transport Integration Policies - The proposal is generally consistent with land use transport integration policies as it facilitates a modest infill subdivision within the existing Kettering settlement rather than extending development into surrounding rural land. While Kettering is not a highly connected urban area and residents will continue to rely primarily on private vehicle travel, the proposal represents an orderly and incremental form of residential growth within an established settlement pattern that can be accommodated by the local road network

6.4.6 Settlement Policies - The proposed rezoning aligns with SRD 1.3 and SRD 1.6, by facilitating growth within the established settlement, makes efficient use of existing access and infrastructure, and supports a low-density residential outcome consistent with the surrounding development pattern and the future zoning intent for the land.

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**Kingborough Council Strategic Plan 2025-2030**

6.5 The proposal has been assessed against the Key Strategic Outcomes of the Kingborough Council Strategic Plan 2025–2030 and is considered to align with the Plan's objectives as outlined below.

- *Strategic Outcome 1: Helping our community stay safe, healthy and well connected*

  The proposal supports this outcome by facilitating an increase in housing opportunities within the existing Kettering settlement. While Kettering has limited local services and employment opportunities, the proposal contributes to the ongoing viability of the township by enabling additional residential development within an established community.

- *Strategic Outcome 2: Growing together with well-planned spaces and quality infrastructure*

  The proposal supports orderly growth by enabling a small-scale infill subdivision within an established residential area rather than facilitating expansion into undeveloped rural land. While the area is not serviced by reticulated water or sewerage infrastructure, the proposal demonstrates that the lots can be adequately

serviced in a manner consistent with the planning scheme requirements and the established development pattern of Kettering

- *Strategic Outcome 3: Caring for where we live and preparing for the future*

  The proposal supports sustainable settlement outcomes by directing residential development to land that is already developed and largely cleared, avoiding the need to extend development into more environmentally sensitive or less disturbed areas. Technical assessments submitted with the application indicate that biodiversity values on the site are limited and that no significant native vegetation removal is required. Bushfire, stormwater and wastewater considerations have been assessed as part of the proposal to ensure future development can be appropriately managed through the applicable planning scheme controls.

- *Strategic Outcome 4: Fostering a welcoming, vibrant and thriving Kingborough*

  The proposal contributes to the supply of residential land within an established township while maintaining the low-density character that is a defining feature of the locality. The subdivision represents a modest and incremental form of development that is consistent with the existing settlement pattern and with the strategic planning framework identifying infill opportunities within Kettering. By supporting additional housing choice within the township, the proposal contributes to the long-term sustainability and vitality of the local community while respecting its existing character and amenity

**Kingborough Land Use Strategy 2019**

6.6 Similar to the policy directions of STRLUS, the proposed rezoning aligns with the *Kingborough Land Use Strategy 2019* by supporting infill development within the established urban area of Kettering.

**Environmental Impacts**

6.7 The proposal raises relatively limited environmental concerns due to the nature of the site and the scale of development proposed. The land is already developed for residential purposes, contains an existing dwelling and outbuildings, and is predominantly cleared of native vegetation. The Natural Values Assessment submitted with the application concluded that biodiversity values on the site are generally low and that much of the land is mapped as modified urban or agricultural land.

**Economic considerations**

6.8 The proposal is expected to deliver modest economic benefits by facilitating the creation of two additional residential lots within the existing Kettering settlement, supporting housing supply and private investment in residential development. The subdivision makes efficient use of land already identified for future residential purposes, while associated construction activity and infrastructure upgrades may generate local expenditure and employment opportunities. The proposal does not adversely affect significant agricultural land or established economic activities and represents a small-scale, orderly form of development consistent with the strategic planning framework for the area.

**Traffic, infrastructure and service considerations**

6.9 The proposal is unlikely to generate significant traffic impacts, with the planning assessment of the associated subdivision application indicating that the two additional residential lots would result in only a modest increase in vehicle movements that can be accommodated by the existing local road network. The subdivision includes upgrades to the existing right-of-way access, including widening works and passing bays, to provide safe and appropriate access to all lots. While the site is not connected to reticulated water

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or sewerage services, the application demonstrates that each lot can be adequately serviced through onsite wastewater treatment, rainwater supply, stormwater management infrastructure and available utility connections. Overall, the proposal represents a scale of development that can be accommodated without placing unreasonable demands on existing infrastructure or services.

## 7. STATUTORY ASSESSMENT

**Ability to amend the planning scheme**

7.1 Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it.

7.2 This report considers the proposed amendment application as lodged by Ireneinc Planning and Design and pursuant to section 35(1)(b) of the former provisions of LUPAA.

**Compliance with section 32(1) of the former provisions of LUPAA**

7.3 Pursuant to section 32(1) of the former provisions of LUPAA*, a draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A)* -

*(a) ……..*

*(b) ……..*

*(c) ……..*

*(d) ……..*

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

*(ea) must not conflict with the requirements of section 30O; and*

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

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7.4 The following provides a detail assessment of the proposal under the provisions of section 32(1) (e); (ea) and (f) of LUPAA.

**Potential land use conflicts**

7.5 The proposal is unlikely to result in significant land use conflicts as it facilitates low-density residential development within an area characterised by existing residential and rural residential uses. The proposed rezoning to Low Density Residential is consistent with the surrounding settlement pattern and does not introduce land uses that would generate unreasonable impacts in terms of noise, traffic, odour or other amenity considerations.

**Alignment with the regional land use strategy**

7.6 Section 32(ea) of the former provisions of LUPAA requires that planning scheme amendments must not conflict with the requirements of section 30O of the former provisions of LUPAA.

7.7 Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. Strategic alignment with the STRLUS is addressed in section 6 of this report.

7.8 It is considered that the proposed amendment is consistent with the regional land use strategy and local land use strategy and therefore meets the requirements of section 30O and therefore Section 32(ea) of the former provisions of LUPAA.

**Impact on the use and development in the area**

7.9 In accordance with section 32(f) of the former provisions of LUPAA, the proposal has no adverse regional impact.

**Sections 30I and 30J of LUPAA**

7.10 Section 33(2B)(ab) of the former provisions of LUPAA requires that any representations made under section 30I of the former provisions of LUPAA, and any statements in a report under section 30J of the former provisions of LUPAA as to the merit of a representation, that may be relevant to the amendment application, must be considered.

7.11 No representations were received during the exhibition of the Scheme which are relevant to the proposed amendment, therefore sections 30I and 30J of the former provisions of LUPAA have been satisfied.

**Objectives of Schedule 1 of LUPAA**

7.12 LUPAA requires that planning scheme amendments must seek to further the objectives of Schedule 1 of the former provisions of LUPAA.

7.13 The following table assess the proposed amendment against the objectives of Schedule 1 of the former provisions of LUPAA.

| Part 1 Objectives | Response |
|---|---|
| *(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity* | The proposal promotes the sustainable development of natural and physical resources by directing residential growth to an existing, largely cleared site and ensuring environmental constraints and servicing requirements are appropriately addressed through the subdivision design and relevant planning controls. |
| *(b) to provide for the fair, orderly and sustainable use and development of air, land and water* | The proposal provides for the fair, orderly and sustainable use and development of land and water by enabling a planned low-density residential subdivision within an existing settlement, while demonstrating that access, stormwater and onsite wastewater management can be appropriately accommodated in accordance with the relevant planning controls. |
| *(c) to encourage public involvement in resource management and planning* | The proposal, if initiated by the Planning Authority, will be subject to a statutory advertising period during which members of the public will have the opportunity to make representations. |
| *(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c)* | The proposal facilitates economic development by supporting additional housing opportunities and private investment within an existing settlement, while ensuring development can occur in a |

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| | manner that is consistent with environmental, infrastructure and community objectives. |
| *(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State* | The application aligns with this objective by progressing through established planning processes. |
| **Part 2 Objectives** | **Response** |
| (a) *to require sound strategic planning and co-ordinated action by State and Local Government* | The objective is satisfactorily addressed by the proposed amendment. |
| *(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land* | The objective is satisfactorily addressed by the proposed amendment. |
| *(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land* | The objective is satisfactorily addressed by the proposed amendment. |
| *(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;* | The objective is satisfactorily addressed by the proposed amendment. |
| *(e) to provide for the consolidation of approvals for land use or development and related matters and to co-ordinate planning approvals with related approvals* | The objective is satisfactorily addressed by the proposed amendment. |
| *(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania* | The objective is satisfactorily addressed by the proposed amendment. |
| *(g) to conserve those buildings, areas or other places which are scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value* | The objective is satisfactorily addressed by the proposed amendment. |
| *(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community* | The objective is satisfactorily addressed by the proposed amendment. |
| *(i) to provide a planning framework which fully considers land capability* | The objective is satisfactorily addressed by the proposed amendment. |

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**State Policies**

7.14 LUPAA requires that planning scheme amendments must be prepared in accordance with State Policies.

7.15 The applicant has addressed the proposal's alignment with the *State Coastal Policy 1996*, *State Policy on Water Quality Management 1997* and *State Policy on the Protection of Agricultural Land 2009* and the National Environmental Protection Measures. The proposal is not inconsistent with the outcomes sought by the relevant state policies.

## 8. PUBLIC CONSULTATION

8.1 If the Planning Authority initiates the proposed amendment, it must also certify the draft amendment in accordance with section 35 of the former provisions of LUPAA.

8.2 It is proposed to publicly exhibit the planning scheme amendment for a minimum period of 28 days with notification:

a) on the Kingborough Council website;

b) twice in a newspaper circulating in the area, with one notice to be on a Saturday; and

c) a site notice during the public exhibition period;

d) in writing to owners and occupiers for the property and adjoining properties.

8.3 A full package of exhibition material will be made available for viewing on the Kingborough Council website and at Customer Service at the Civic Centre in Kingston. This package will include:

- Application proposed by applicant and supporting documents
- Planning Authority Initiation Report
- Instrument of Certification; and
- Draft Amendment to Kingborough Interim Planning Scheme 2015

8.4 A report must be prepared on any representations received after the exhibition period and provided to the TPC, outlining the planning authority's assessment of the merit of each representation, whether the amendment should be modified and the impact of representations on the amendment. That report may be considered under officer delegation where no public representations are received, or by Council where public representations are made.

## 9. CRITICAL DATES / TIME FRAMES

9.1 If the Planning Authority supports the amendment and initiates and certifies the amendment for public exhibition, it must advise the TPC within seven days.

9.2 Post-public exhibition, the Public Authority has 35 days from the close of the notification period to forward its report to the TPC. The Commission may grant an extension of time if requested.

9.3 The TPC must complete its consideration and decision process within three months of receiving the Planning Authority's report on the representations, unless an extension of time has been agreed by the Minister.

9.4 If the TPC approves the amendment, the amendment takes effect seven days after being signed by the Commission, unless a date is specified.

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## 10. RECOMMENDATION

That the Planning Authority:

(a) Pursuant to section 34(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA), initiates Amendment PSA-2026-2 to the Kingborough Interim Planning Scheme 2015 (KIPS2015) as per Attachment 1.

(b) Pursuant to section 35 of the LUPAA, certifies that Amendment PSA-2026-2 meets the requirements of section 32 and authorises the Chief Executive Officer to sign the Instrument of Certification provided in Attachment 2.

(c) Pursuant to section 35(4) of the LUPAA, forwards a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commission within 7 days of certification;

(d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, refers PSA-2026-2 to TasWater; and

(e) Pursuant to section 38 of LUPAA, places PSA-2026-2 on public exhibition for a period of at least 28 days following certification.

## ATTACHMENTS

1. **PSA-2026-2 Draft Amendment**
2. **PSA-2026-2 Instrument of Certification**

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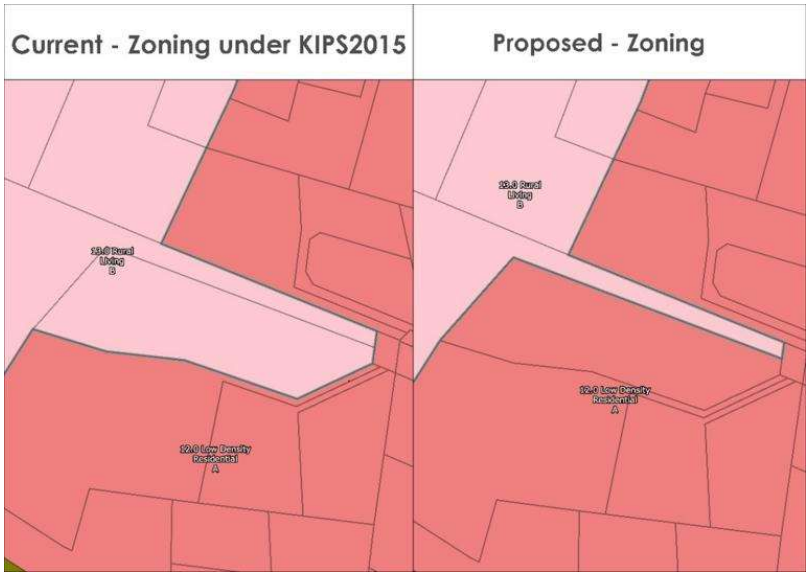
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Kingborough Interim Planning Scheme 2015

# Draft Amendment PSA-2026-2

The *Kingborough Interim Planning Scheme 2015* is amended as follows:

1. Rezone land at 27 Selby Road (CT 141484/1) from Rural Living to Low Density Residential.




The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 17 August 2026, in the presence of:

…… Councillor

…… Chief Executive Officer

…… Date

Kingborough

Kingborough Interim Planning Scheme 2015

# INSTRUMENT OF CERTIFICATION

# PSA2026-2

It is hereby certified that draft Amendment PSA2026-2, as modified, to the *Kingborough Interim Planning Scheme 2015* meets the requirements in section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993*.

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The Common Seal of the Kingborough Council is affixed hereto, pursuant to the Council's resolution on 17 August 2026 in the presence of:

…… Councillor

…… Chief Executive Officer
…… Date

## 12.2 DAS-2026-4 – S43A DEVELOPMENT APPLICATION FOR SUBDIVISION CREATING THREE (3) LOTS ASSOCIATED WITH PLANNING SCHEME AMENDMENT PSA-2026-2

**File Number:** **DAS-2026-4**

**Author:** **Cassi Devries, Senior Planner**

**Authoriser:** **Deleeze Chetcuti, Director Environment, Development & Community Services**

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|---|---|
| **Applicant:** | Ireneinc Planning |
| **Owner:** | Mr S B Percival and Ms R E Martin and Mr N L Wallis and Ms K A Walker and Kingborough Council and Mrs P J Corby |
| **Subject Site:** | 27 and 29 Selby Road, Kettering and the adjacent Council road reserve (CT 141484/1; CT 141484/3 and CT 141484/100) |
| **Proposal:** | Subdivision creating three (3) lots |
| **Planning Scheme:** | Kingborough Interim Planning Scheme 2015<br>*Assessment is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)* |
| **Zoning:** | Current zoning: Rural Living – Area B<br>Proposed zoning: Low Density Residential – Area A |
| **Codes:** | E1.0 Bushfire Prone Areas Code<br>E5.0 Road and Railway Assets Code<br>E6.0 Parking and Access<br>E7.0 Stormwater Management<br>E10.0 Biodiversity Code<br>E23.0 Onsite Wastewater Management Code |
| **Use Class/Category:** | Subdivision<br>The proposed amendment to the planning scheme (PSA-2026-2) associated with this development application will rezone the land to Low Density Residential – Area A, to facilitate a three (3) lot subdivision. |
| **Discretions:** | Clause 12.4.1 Non-dwelling development P1<br>Clause 12.5.1 – Lot Design P2<br>Clause 12.5.1 – Lot Design P3<br>Clause 12.5.1 – Lot Design P4<br>Clause 12.5.3 – Ways and Public Open Space P1<br>Clause 12.5.3 – Ways and Public Open Space P2<br>Clause 12.5.4 – Services P2<br>Clause E6.7.3 Vehicle Passing Areas Along an Access P1<br>Clause E23.9.1 - Development Standards for New Lots P1<br>Clause E23.10.1 – Land application areas P6 |
| **Public Notification:** | This application is associated with a planning scheme amendment request and has not yet been advertised.<br>Notification and opportunity for public comment on any permit given for this application will be undertaken as part of the planning scheme |

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| | amendment, following initiation of the planning scheme amendment by the Planning Authority. |
| **Section 52(1B) Owner consent requirements:** | The proposed development includes access works over LGA subdivision road CT141484/100 and the Selby Road Lot, which is in Council ownership and therefore owner's consent under section 52(1B) of the *Land Use Planning and Approvals Act 1993* was required and was obtained. |
| **Representations:** | Not applicable at this time. |
| **Recommendation:** | If Council resolves to initiate Amendment PSA-2026-2 to the Kingborough Interim Planning Scheme 2015, approval subject to conditions. |

## 1. PROPOSAL

### 1.1 Description of Proposal

The proposal is for the subdivision of land at 27 Selby Road to create three (3) lots, all of which are to be accessed via a shared right of way over the existing access strip for 29 Selby Road. The proposal will not alter the existing title boundaries for 29 Selby Road.

The proposed subdivision layout is to excise the existing dwelling and on-site wastewater treatment system, cottage, minor outbuildings onto Lot 1. This lot will be an internal lot, 4450m$^2$ in area, and will have access to the road via a ROW over 29 Selby Road.

Lot 2 is a vacant lot, 2990m$^2$ in area and will have 10.28m frontage to Selby Road. The lot does not feature any buildings or native vegetation.

Lot 3 is to be 2660m$^2$ in area and is an internal lot with access via a ROW over 29 Selby Road. It is proposed to retain two existing outbuildings on this lot to support any future residential development on the lot.

The application plans show indicative building areas and wastewater land application areas for each of the proposed lots. The proposed development includes an upgrade of the existing access to provide passing bays and upgrading of the culvert.

The application is accompanied by the following supporting information:

- Rezoning and Subdivision report (Ireneinc Planning and Urban Design, dated 26 February 2026)
- Onsite Wastewater Assessment, by GES Geo-Environmental Solutions, dated April 2026
- Natural Values Assessment and Bushfire Hazard Report, by Lark and Creese, dated 4 June 2026; and
- Tree protection Plan (Phillip Jackson, Arborist & Tree Management Services, May 2026)

### 1.2 Description of Site

The subject site proposed to be rezoned and subdivided is identified as 27 Selby Road, Kettering, and is described within CT 141484/1. The site is 1.01ha in area and currently supports residential use and development consisting of a single dwelling and associated outbuildings (sheds, workshop, former stable). The existing buildings are sited centrally on the site, which is the highest elevation on the property. The land area to the front of the

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property features pasture, and the area to the rear of the buildings has been used as a horse agistment area.

The location of native trees is limited to 10 trees in the north-western rear corner and along the rear boundary of the lot, the details of which are identified in a Tree Plan within the Natural Values Assessment and Bushfire Hazard Report (Lark and Creese, dated 4 June 2026).

The application includes 29 Selby Road, Kettering (CT 141484/3), which is required for access. This property is a vacant internal lot, 3.040ha in area, located to the eastern rear of 27 Selby Road. The zoning of this property is Rural Living. The lot features a 10.3m wide access strip over which a sealed driveway has been constructed. The title is subject to a Right of Way (private) of variable width appurtenant to the title (CT 141484/1) for 27 Selby Road. The property features a dam on the northern side boundary, and vegetation is predominantly pasture. Two (2) high priority value *Eucalyptus pulchella* trees are located on the northern boundary at the top of the access strip.

The application also includes Council maintained land, being the Selby Road Lot and CT 141484/100, which provides for the proposed access and drainage design for the subdivision.



**Figure 1: View of the subject site from the frontage to Selby Road.**



**Figure 2: East facing view of the building area for proposed Lot 2**



**Figure 3: South facing view from the ROW to proposed Lot 3, showing the building area and outbuildings to be retained on that lot.**



**Figure 4: South-east facing view taken from the entrance to Lot 1 of the existing access strip for 29 Selby Road, which is proposed to provide a ROW arrangement to the subdivision.**

## 1.3 Background

27 Selby Road, Kettering is proposed to be zoned Low Density Residential under the Kingborough Draft Local Provisions Schedule (LPS). The subject S.43A application has been lodged to expedite the process of rezoning and subdividing the land and avoid further delays that may otherwise occur by waiting for the transition to the Tasmanian Planning Scheme.

27 Selby Road has previously been subject to planning, building and plumbing applications relating to the existing buildings.

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993.*

### 2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

*Zone Purpose Statements of the Low Density Residential Zone*

*2.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

*12.1.1.2 To provide for non-residential uses that are compatible with residential amenity.*

*12.1.1.3 To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by providing for adequate buffer areas.*

*12.1.1.4 To provide for existing low density residential areas that usually do not have reticulated services and have limited further subdivision potential.*

*Clause 12.1.2 and Clause 12.1.3 – Local Area Objectives and Desired Future Character Statements*

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements for Kettering are relevant to the assessment of this application.

| **Local Area Objectives** | | **Implementation Strategy** | |
|---|---|---|---|
| (a) | Kettering's natural values should be protected - including water views, foreshore access and vegetated visual surrounds. | (a) | Future development will strive to protect water quality, native vegetation, views and public access. |
| **Desired Future Character Statements** | | **Implementation Strategy** | |
| (a) | Kettering is to remain a relatively small, low-density coastal village. | (a) | Future development is constrained by the absence of reticulated water and sewer and future suburban type development is to be avoided. |

The proposal generally aligns with the above-mentioned statements and objectives as it will provide for residential development on larger allotments, providing for a low density residential outcome. The proposed subdivision is not located along the foreshore and will therefore not impact public access to foreshore areas. The subdivision does not proposed the removal of native vegetation and will have minimal impact to water views.

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### 2.3 Statutory Planning

The proposed development is categorised as Subdivision which requires Discretionary assessment pursuant to Clause 9.10.2 of the Scheme.

27 Selby Road is currently zoned Rural Living. Due to the existing lot size (1.01ha), the property cannot be further subdivided under the current zone as it does not meet the minimum lot size for Rural Living Zone - Area B, which is 5 ha (refer to Table 13.1 Minimum Lot Size). Under the current zoning, the proposed subdivision is Prohibited.

Council's consideration of this proposal is provided for through PSA-2026-2 which is a S43A application which provides for consideration of the scheme amendment and development application concurrently.

The proposed amendment to the planning scheme (PSA-2026-2) which is associated with this development application provides for 27 Selby Road to be rezoned from Rural Living to Low Density Residential. Under the proposed zone (Low Density Residential Zone – Area A), the minimum lot size is 2,500m$^2$.

Accordingly, this proposal must be considered as a Discretionary development application.

Council's assessment of this proposal should also consider the outcomes of any relevant State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

### 2.4 Use and Development Standards

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

**Low Density Residential Zone**
**Clause 12.4.1 Non-dwelling development**

| **Acceptable Solution** |
|---|
| **A1** - Non-dwelling development must comply with the following acceptable solutions as if it were a dwelling:<br>(a) 12.4.2 A1 and A3;<br>(b) 12.4.3 A1 (a) and (b);<br>(c) 12.4.7 A1.<br>(d) 12.4.2 A4 |
| **Performance Criteria** |
| **P1** - Non-dwelling development must comply with the related performance criteria as if it were a dwelling. |
| **Proposal** |
| The proposed non-dwelling development is works associated with a subdivision creating three (3) lots. The development complies with the Acceptable Solution (a)(b)(c).<br>It does not meet (d) 12.4.2 A4 where the proposed subdivision relies upon access works which have minor encroachment into the Notional Root Zone of one (1) high conservation value trees identified as:<br>Tree 1 – *Eucalyptus pulchella* (0.87m)<br>Assessment is therefore required against the related Performance Criteria, Clause 12.4.2 P4. |

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The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- There is an existing gravel access/driveway over the Right of Way which is within the Notional Root Zone of Tree 1. Some works have already been undertaken consisting in deposition of gravel over the existing access. The arborist (Phillip Jackson) has provided advice confirming that the works undertaken are unlikely to have impacted the health of the tree.

- To comply with the relevant subdivision clauses, the access must be sealed to the lot proper. Advice from the arborist has been provided confirming that the works to upgrade the access will not have a significant impact on Tree 1, and no mitigation measures are necessary.

- The works are, therefore, designed to minimise impact on high conservation value trees.

Conditions are recommended for inclusion in any permit issued limiting impacts on trees and requiring protection of trees during construction.

**Low Density Residential Zone**
**Clause 12.5.1 Lot Design**

| **Acceptable Solution** |
|---|
| **A2 –** The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:<br>(a) clear of the frontage, side and rear boundary setbacks;<br>(b) not subject to any codes in this planning scheme;<br>(c) clear of title restrictions such as easements and restrictive covenants;<br>(d) has an average slope of no more than 1 in 5;<br>(e) is a minimum of 20 m x 20 m in size.<br>(f) No environmental values will be adversely impacted. |
| **Performance Criteria** |
| **P2 -** The design of each lot must contain a building area able to satisfy all of the following:<br>(a) is reasonably capable of accommodating residential use and development;<br>(b) meets any applicable standards in codes in this planning scheme;<br>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;<br>(d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;<br>(e) avoids, minimises and mitigates environmental impact arising from future use and development;<br>(f) offsets impacts on trees of high conservation value. |
| **Proposal** |
| The proposed subdivision design can provide building areas which will comply with A2(a), (c), (d) and (e).<br>A2(b) is not met as the building areas will be subject to code overlays, including E1.0 Bushfire Prone Areas Code and E10.0 Biodiversity Code.<br>A2(f) is not met as the design relies on impacts on a high conservation value tree.<br>Assessment is required against the Performance Criteria. |

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The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- The proposed subdivision has been designed to ensure that each lot contains a building envelope that is reasonably capable of supporting residential development. For the vacant lots, building envelopes measuring approximately 20m x 20m can be accommodated while remaining clear of easements and complying with the minimum setback requirements of the zone.

- The proposed building envelopes have been demonstrated to satisfy the relevant use and development standards of the E1.0 Bushfire-Prone Areas Code, E10.0 Biodiversity Code and E23.0 On-site Wastewater Management Code, as outlined in the applicable planning assessment further in this report.

- The proposed lots are located on an east facing slope and will provide reasonable opportunity for future residential development to gain solar access. As there are no lots positioned immediately to the north, the dwellings on Lots 2 and 3 are unlikely to be unreasonably overshadowed by neighbouring dwellings.

- The subject site is gently sloping and the proposed building areas are sited to minimise the requirement for earthworks, cut or fill for the development.

- The proposed subdivision design and associated works (including the building areas and bushfire hazard management areas) minimise environmental impacts.

- A Natural Values Assessment (NVA) prepared by Lark & Creese (June 2026) was submitted with the development application. The NVA identifies the native vegetation communities on the site as modified land (FUR and FAG). A review of the tree plan and a site inspection confirmed the presence of several high conservation value trees, including three (3) *Eucalyptus ovata* and two (2) *Eucalyptus pulchella* specimens.

  The NVA concludes that the only impact on environmental values will result from works associated with the proposed access, which will affect Tree 1, identified as a high conservation value tree. In addition, the access works will result in a minor encroachment into the Natural Root Zone (NRZ) of Tree 3, an *Eucalyptus ovata* with a Diameter at Breast Height (DBH) of less than 0.4 metres.

- Based on the information provided, the proposal will not result on impacts on biodiversity values. As the proposal will not result in the loss of biodiversity values, and there is no evidence to suggest that tree removal will be required to implement the Bushfire Hazard Management Plan, biodiversity offsets are not considered necessary at this stage. The subdivision plan identifies an indicative 200 m² on-site wastewater land application area within Lot 3 that encroaches upon the NRZ of Tree 10, a high conservation value tree. However, the location of the land application area is indicative only and may be refined at the detailed design stage to respond to the requirements of any future residential development.

- Conditions are recommended for inclusion in any permit issued requiring protection of trees to be retained during access works, and limiting approval to impacts on NRZ avoiding any removal of high conservation value trees.

**Low Density Residential Zone**
**Clause 12.5.1 Lot Design**

| **Acceptable Solution** |
|---|
| **A3** - The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:<br>30m. |

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| Performance Criteria |
|---|
| **P3 -** The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:<br>6m. |
| **Proposal** |
| Lot 2 is the only non-internal lot, and will have a frontage of 10.28m, which does not meet the Acceptable Solution.<br>Assessment is required against the Performance Criteria. |

The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- The proposed frontage width of 10.28m for Lot 2 provides reasonable opportunity for vehicular and pedestrian access, and meets the minimum width required under P3 (6m).

**Low Density Residential Zone**
**Clause 12.5.1 Lot Design**

| Acceptable Solution |
|---|
| **A4 –** No lot is an internal lot. |
| **Performance Criteria** |
| **P4 –** An internal lot must satisfy all of the following:<br>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;<br>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;<br>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;<br>(d) the lot will contribute to the more efficient utilisation of living land;<br>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;<br>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;<br>(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;<br>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;<br>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.<br>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces. |
| **Proposal** |
| The proposed subdivision will create two internal lots (Lots 1 and 3).<br>Assessment is required against the Performance Criteria. |

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The proposed internals can be supported pursuant to the above Performance Criteria the following reasons:

- The two internal lots will have access to a road existing prior to the planning scheme coming into effect. The site is constrained by the existing limited frontage to Selby Road, which poses a challenge in designing a subdivision layout that makes efficient use of the land without internal lots. An internal lot arrangement is therefore the most efficient use of the land.
- It is not possible to provide a road in the subdivision due to the scale of the subdivision and size of the existing lot.
- The proposed internal lot configuration is the only reasonable way of subdividing the rear of 27 Selby Road, as a standard frontage width cannot be provided.
- The proposed subdivision will provide for more efficient use of the land, providing opportunities for infill residential development of a scale consistent with surrounding Low Density Residential area.
- The proposed subdivision will create two additional lots and is of a scale unlikely to unreasonably impact adjoining properties. Any future residential development will be subject to the requirements of the planning scheme which will provide development standards controlling building height and setbacks etc.
- Each of the internal lots will have access to the road via the existing right of way over 29 Selby Road, which has a width greater than 3.6m.
- The proposed driveway design will include passing bays at appropriate intervals.
- No additional access strips are proposed.
- The driveway along the access strip is proposed to be upgraded prior to the sealing of the final survey plans.
- The internal lots will not front any public open spaces or rights of way.

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**Low Density Residential Zone**
**Clause 12.5.3 Ways and Public Open Space**

| **Acceptable Solution** |
|---|
| **A1 –** No Acceptable Solution. |
| **Performance Criteria** |
| **P1 –** The arrangement of ways and public open space within a subdivision must satisfy all of the following:<br>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;<br>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;<br>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;<br>(d) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;<br>(e) topographical and other physical conditions of the site are appropriately accommodated in the design;<br>(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority; |

| |
|---|
| (g) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:<br>(i) the width of the way;<br>(ii) the length of the way;<br>(iii) landscaping within the way;<br>(iv) lighting;<br>(v) provision of opportunities for 'loitering';<br>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).<br>(h) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority. |
| **Proposal** |
| As there is no Acceptable Solution, assessment is required against the Performance Criteria. |

The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- No ways or public space are proposed in the subdivision design. However as there are no reasonable opportunities for creating safe, convenient and effective connections of benefit to the community, the Performance Criteria is met.

**Low Density Residential Zone**
**Clause 12.5.3 Ways and Public Open Space**

| |
|---|
| **Acceptable Solution** |
| **A2 –** No Acceptable Solution. |
| **Performance Criteria** |
| **P2 –** Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, November 2021. |
| **Proposal** |
| As there is no Acceptable Solution, assessment is required against the Performance Criteria. |

The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- The application indicates that a cash-in-lieu contribution will be provided consistent with the current Kingborough Public Open Space Contribution Policy (the Policy).

- Section 6.3 of the Policy states that the decision to require either a public open space land contribution or a cash-in-lieu contribution is dependent on whether the subdivision presents an opportunity to secure land that meets the objectives of the Policy and the public open space dedication guidelines contained in Section 6. Where a subdivision is unable to provide public open space that delivers a substantial community benefit and satisfies the relevant guidelines, a cash-in-lieu contribution is to be required.

  Section 5.1 of the Policy states that Council will require a public open space contribution by way of either:

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*(a) maximum of 5% of the area of the land allocated as public open space and transferred to Council's ownership; or*

*(b) a cash-in-lieu contribution that is calculated in accordance with s117(2) of the Act. This requirement applies regardless of zoning. A credit may be applied where a proposed lot(s) in a subdivision will not create additional demand for public open space.*

In this instance, the proposed subdivision does not present an opportunity to provide a public open space contribution that would achieve a substantial community benefit. Accordingly, the proposed cash-in-lieu contribution is considered appropriate and consistent with the requirements of the Policy.

- A condition requiring the cash-in-lieu contribution in accordance with the Policy is recommended for inclusion in any permit issued.

**Low Density Residential Zone**
**Clause 12.5.4 Services**

| **Acceptable Solution** |
|---|
| **A2 –** Each lot must be connected to a reticulated sewerage system where available. |
| **Performance Criteria** |
| **P2 -** Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land. |
| **Proposal** |
| There is no reticulated sewerage system available in the area to service the proposed subdivision.<br>Assessment is required against the Performance Criteria. |

The proposed variation can be supported pursuant to the above Performance Criteria the following reasons:

- The application is accompanied by an Onsite Wastewater Assessment, by GES Geo-Environmental Solutions, dated April 2026 demonstrating that each of the proposed lots is capable of accommodating an on-site wastewater treatment system adequate for future residential use and development.

**E6.0 Parking and Access Code**
**Clause E6.7.3 Vehicle Passing Areas Along an Access**

| **Acceptable Solution** |
|---|
| **A1 –** Vehicular passing areas must:<br>(a) be provided if any of the following applies to an access:<br>(i) it serves more than 5 car parking spaces;<br>(ii) is more than 30 m long;<br>(iii) it meets a road serving more than 6000 vehicles per day.<br>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;<br>(c) it meets a road serving more than 6000 vehicles per day;<br>(d) have the first passing area constructed at the kerb;<br>(e) be at intervals of no more than 30 m along the access. |

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| Performance Criteria |
|---|
| **P1 –** Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:<br>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;<br>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;<br>(c) suitability for the type and volume of traffic likely to be generated by the use or development;<br>(d) ease of accessibility and recognition for users. |
| **Proposal** |
| The right of way is more than 30m and therefore passing bays are required. The proposal does not meet the Acceptable Solution in relation to (d) where the first passing area must be constructed at the kerb or (e) at 30m intervals.<br>Assessment is therefore required under the Performance Criteria. |

The proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- Council's Development Engineer advises that driveway design provides a vehicular passing area appropriate in number, siting and design to provide for safe and efficient vehicular movement.

- The proposal will create two additional lots and will generate low-volume residential traffic. The passing bay dimensions are adequate to accommodate the expected vehicle movements and provide safe and convenient opportunities for passing within the access strip and right of way.

- The proposed passing bay arrangement will not unreasonably impact the functionality of the adjacent road.

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**E23.0 On-site Wastewater Management Code**
**E23.9.1 - Development Standards for New Lots**

| Acceptable Solution |
|---|
| **A1 -** A new lot must have an area no less than 5,000 $m^2$. |
| **Performance Criteria** |
| **P1 –** The area of a new lot must be adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms. |
| **Proposal** |
| The subdivision application was accompanied by an Onsite Wastewater Assessment, by GES Geo-Environmental Solutions, dated April 2026. The proposal seeks to comply with the Performance Criteria for this standard. |

The proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The wastewater designer has demonstrated through their report that there is sufficient area on each of the proposed lots to comply with the requirements of AS/NZ1547 for a three-bedroom dwelling.

**E23.0 On-site Wastewater Management Code**
**Clause E23.10.1 Land application areas**

| **Acceptable Solution** |
|---|
| **A6 –** Vertical separation distance between a limiting layer and a land application area must be no less than 1.5m. |
| **Performance Criteria** |
| **P6 –** Vertical separation distance between a limiting layer and a land application area must satisfy all of the following:<br>(a) effluent must be no less than secondary treated effluent standardand applied through a subsurface land application system;<br>(b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed). |
| **Proposal** |
| The subdivision application was accompanied by an Onsite Wastewater Assessment, by GES Geo-Environmental Solutions, dated April 2026. The proposal seeks to comply with the Performance Criteria for this standard. |

The proposed variation meets the above Performance Criteria of the Code as the proposal is for secondary treatment which will achieve a vertical setback greater than 0.5m.

## 2.5 Public Consultation and Representations

The application is associated with a planning scheme amendment request and has not yet been advertised. Details of the exhibition requirements are outlined in Section 8 of the associated proposed amendment report PSA-2026-2, which is also tabled on this agenda.

Notification and opportunity for public comment on any permit given for this application will be undertaken as part of the planning scheme amendment, following initiation of the planning scheme amendment by the Planning Authority.

Any matters raised in representations will be considered through the Tasmanian Planning Commissions consideration of the proposed planning scheme amendment.

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## 2.6 Other Matters

Part 9.0 Special Provisions

The proposed subdivision relies on access over 29 Selby Road, which is located in a different zone (Rural Living) to the proposed lots.

The application relies on the Special Provision Clause 9.7.1 Access and Provision of Infrastructure Across Land in Another Zone, which states the following:

> *If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:*
>
> *a. whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;*
>
> *b. the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and*

c. *the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.*

The application proposes that the existing right-of-way over 29 Selby Road represents the only practical and reasonable means of access to the three lots. Retaining the established access avoids the creation of additional or parallel rights-of-way, which would result in an inefficient use of land and unnecessary duplication of access infrastructure.

The purpose of the Rural Living zone includes to provide for residential use and development on larger lots where servicing is limited, and to provide for compatible use and development that does not adversely impact on residential amenity. It is considered that the use of an existing right of way for access to two additional residential lots will not compromise the purpose and provisions of the Rural Living zone.

As the proposed access arrangement is over an existing right-of-way, it is considered to be an appropriate arrangement that will not introduce new land uses that would be incompatible with the use of 29 Selby Road, or likely to result in detrimental impact to other adjoining properties.

The proposal therefore meets Clause 9.7.1.

Restrictions on title

*Right of Way and Services Easement*

The access strip for 29 Selby Road is subject to a right of carriageway of variable width benefiting 27 Selby Road. A services easement, 1.5m wide, is also registered over the ROW.

The application was accompanied by independent legal advice which identifies that the proposed subdivision will not significantly increase the level of use of the existing Right of Carriageway to exceed the scope of the original easement grant. It also identifies that the owner of the subservient lot is agreeable to the proposed access arrangement, and has not objected to the expanded use of the Right of Way for access to the proposed lots. On this basis, it is considered that lawful access can be achieved via the existing easement.

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The proposal is therefore not anticipated to effect these existing title restrictions.

External referrals

The application was referred to TasNetworks on 20th March 2026, however no comments were received prior to completion of the planning report.

## 3. CONCLUSION

The proposed subdivision is categorised as Discretionary under the planning scheme, as it would be provided for through the proposed planning scheme amendment PSA-2026-2. It also relies on the Performance Criteria to comply with applicable standards.

The proposal is assessed as satisfying the Performance Criteria and complies with those standards.

The proposal is assessed as complying with all other relevant use and development standards in the Low Density Residential zone, as well as the applicable standards for the applicable Codes.

Should the Planning Authority resolve to initiate the associated Amendment PSA-2026-2, the development application is recommended for approval subject to conditions.

## 4. RECOMMENDATION

That if the Planning Authority resolves to initiate Amendment PSA-2026-2 to the *Kingborough Interim Planning Scheme 2015*, that the development application for subdivision creating three (3) lots at 27 and 29 Selby Road, Kettering and the adjacent Council road reserve (CT 141484/100) for Ireneinc Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2026-4 and Council Plan Reference No. P2 submitted on 4th June 2026.

   This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to the effect that the measures contained within the certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan (BHMP) (Lark & Creese, 4 June 2026) must be implemented in relation to any future development on proposed lots 1, 2, and 3, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management measures meet all of the following:

   (a) are no greater than that shown in the subdivision BHMP;

   (b) are consistent with the vegetation classifications in the subdivision BHMP;

   (c) are contained within the lot boundaries;

   (d) do not impact upon individual native trees with a diameter >25cm at 1.4m from natural ground level; and

   (e) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), '*From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of "modified land" or "other natural environments".

   This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to Lots 1-3.

   All costs associated with drafting and registering the Part 5 Agreement on the title must be borne by the developer. All terms of this Agreement must be complied with once executed.

   *Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed, prior to the Permit coming into effect and commencement of works. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

3. Prior to the commencement of any on-site works associated with the private infrastructure to service the approved dwellings, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and

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certified by a professional Civil Engineer, in consultation with a suitably qualified arborist. Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

(a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:

(i) Longitudinal and cross sections of the driveway/access road.

(ii) Contours, finish levels and gradients of the driveway/access road.

(iii) Provision of minimum 4.0m wide vehicle access (crossover) and passing bays in accordance with the submitted Bushfire Hazard Management Plan.

(b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:

(i) Stormwater layout details to service the development.

(ii) A stormwater detention system as required in Table E7.1 of the Kingborough Interim Planning Scheme 2015.

(iii) Upgrading of existing stormwater pipe culvert in Selby Road to 375mm pipe culvert as indicated on the submitted plans and in accordance with Council requirements.

(c) Detailed Soil and Water Management Plan.

Once endorsed the plans will form part of the permit.

4. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.

5. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Planning Scheme or otherwise in accordance with law.

6. Prior to the commencement of any on-site works (including excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all native vegetation, including individual trees identified for retention in the Approved Plans must be appropriately protected during and after subdivision works. This includes implementation of the Tree protection Plan (Phillip Jackson, May 2026) during construction.

In addition, the following vegetation protection measures must be adhered to following construction for all areas of native vegetation, including individual trees identified for retention, but outside the footprint of the approved works:

(i) the existing soil level must not be altered (including the disposal of fill, placement of materials or the scalping of the soil);

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(ii) the areas must be free from the storage of fill, contaminates or other materials;

(iii) machinery and vehicles are not permitted access; and

(iv) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.

7. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

   Any imported materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

8. The vehicular access must be constructed in accordance with the approved engineering drawings. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.

9. Underground power services must be provided to both lots on the endorsed plan of subdivision in accordance with the requirements of TasNetworks and the telecommunications authority requirements. Services conduits must be provided to the lots proper at the developer's cost. Services conduits must be provided to the service authority requirements.

10. Prior to the sealing of the Final Plan of Survey, a cash contribution must be paid, in lieu of providing Public Open Space on-site, equivalent to 5% of the unimproved value of the gross area of Lots 2 and 3 as shown on the endorsed plans. The process and calculation must be in accordance with section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Council's Public Open Space Contributions Policy.

    The subdivider is to obtain a valuation from a registered Valuer for the purposes of determining the unimproved value of proposed Lots 2 and 3 of the subdivision.

11. All existing and proposed water, sewer and stormwater pipelines shall be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.

    Specific easements as required by other authorities shall also be provided and shown on the Final Plan of Survey lodged for sealing.

12. Prior to the sealing of the Final Plan of Survey, the wastewater system servicing the existing dwelling must be decommissioned and a new wastewater system must be constructed within the boundaries of Lot 1.

**ADVICE**

A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.

B. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.

C. The Developer should not allocate any property address numbers for the proposed lots.

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New property addresses have been allocated as follows:

| Lot No. | Allocated Property Address |
|---|---|
| 1 | 27B Selby Road, Kettering (existing dwelling) |
| 2 | 27A Selby Road, Kettering |
| 3 | 27C Selby Road, Kettering |

While the existing dwelling would normally retain the original addressing, the lack of available numbers for street numbering necessitates the use of alpha-suffixing. Alpha-suffixing must be allocated sequentially, thereby requiring the re-numbering of the existing dwelling in this case

D. The developer should obtain a Plumbing Permit for the relocation of the onsite wastewater irrigation area.

This work must be carried out prior to the sealing of the Final Plan of Survey and inspected by a Council Plumbing Surveyor.

E. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system. Prior to Council issuing a Plumbing Permit, the developer must submit all documents specified in Schedule 2 of the Director's Specified List for an onsite wastewater management system.

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**ATTACHMENTS**

1. **Assessment checklist**
2. **Title documentation**
3. **Proposed development plans**

## Assessment Checklist for Development Applications for Subdivision within the Low Density Residential Zone

| | |
|---|---|
| **Application No:** DAS-2026-4 | **Description:** Subdivision creating three (3) lots |
| **Applicant:** Ireneinc Planning | **Owner:** Mr S B Percival and Ms R E Martin and Mr N L Wallis and Ms K A Walker and Kingborough Council |
| **Location:** 27 and 29 Selby Road, Kettering and the adjacent Council road reserve (CT 141484/100) | |

### Low Density Residential Zone Provisions (subdivision)

*Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)*

| Clause | Compliance/Comments |
|---|---|
| **12.4.1 Non-dwelling development** | |
| **A1 –** Non-dwelling development must comply with<br>the following acceptable solutions as if it were a dwelling:<br>(a) 12.4.2 A1 and A3;<br>(b) 12.4.3 A1 (a) and (b);<br>(c) 12.4.7 A1.<br>(d) 12.4.2 A2 | **A1(a)** Complies with applicable front setbacks and building envelope requirements<br>**A1(b)** Complies with applicable site cover requirements<br>**A1(c)** N/A, no frontage fencing is proposed.<br>**A1(d) Does not comply**<br>The proposed subdivision relies upon access works which have minor encroachment into the Notional Root Zone of one (1) high conservation value trees:<br>Tree 1 – E. pulchella (0.87m) |
| **12.5 Development Standards for Subdivision** | |
| **Clause 12.5.1 – Lot Design**<br>**A1** - The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities:<br>as specified in Table 12.1.<br>*Area A = 2500m$^2$* | **A1 –** Complies<br>Lot 1 – 4450m2<br>Lot 2 – 2990m2<br>Lot 3 – 2660m2 |
| **A2 –** The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;<br>(a) clear of the frontage, side and rear boundary setbacks;<br>(b) not subject to any codes in this planning scheme;<br>(c) clear of title restrictions such as easements and restrictive covenants;<br>(d) has an average slope of no more than 1 in 5;<br>(e) is a minimum of 20 m x 20 m in size.<br>(f) No environmental values will be adversely impacted. | **A2(a) –** Complies, the building areas are clear of applicable setbacks.<br>**A2(b) – Does not comply.** The building areas will be subject to E1, E10 and E23.<br>**A2(c) –** Complies<br>**A2(d) –** Complies, although contours not provided for Lots 1 and 3<br>**A2(e) –** Complies<br>**A2(f) – Does not comply.**<br>The proposal relies on impacts on a high conservation value tree. |

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| Clause | Compliance/Comments |
|---|---|
| **A3 –** The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:<br>30m.<br><br>**A4 –** No lot is an internal lot. | **A3 – Does not comply.**<br>Applies to Lot 2 only, as Lot 1 and 3 are internal lots.<br>Lot 2 has a frontage of 10.28m.<br><br>**A4 – Does not comply**, the proposed subdivision includes two internal lots. |
| **A5 –** Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback. | **A5 –** Complies.<br>The proposed setbacks of all existing buildings to new boundaries will meet the zone setback requirements under 12.4.2 A1 and A3. |
| **Clause 12.5.2 - Roads**<br>**A1** - The subdivision includes no new road. | **A1 –** Complies |
| **Clause 12.5.3 – Ways and Public Open Space**<br>**A1 –** No Acceptable Solution. | **A1 – Assessment required under P1.**<br>No ways or POS proposed. |
| **A2 –** No Acceptable Solution. | **A1 – Assessment required under P2.**<br>Cash in lieu contribution is proposed. |
| **Clause 12.5.4 - Services**<br>**A1** - Each lot must be connected to a reticulated potable water supply where such a supply is available. | **A1 –** N/A, no reticulated water supply is available. |
| **A2 –** Each lot must be connected to a reticulated sewerage system where available. | **A2 – Does not comply**<br>No reticulated sewerage system is available.<br>Assessment required under P2. |
| **A3 –** Each lot must be connected to a stormwater system able to service the building area by gravity. | **A3 –** Council's Development Engineer advises that each lot is provided with a stormwater lot connection complying with this standard. |
| **A4 -** The subdivision includes no new road. | **A4 –** Complies. |

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## Code Provisions

| Clause | Compliance/Comments |
|---|---|
| **E1.0 Bushfire-Prone Areas Code** | |
| **Clause E1.6.1 - Subdivision: Provision of hazard management areas**<br>**A1 –** (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or<br>(b) The proposed plan of subdivision:<br>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;<br>(ii) shows the building area for each lot;<br>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and<br>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and<br>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan. | **A1 –** Complies.<br>The application is accompanied by a Certificate under s51(2)(d) of the *Land Use Planning and Approvals Act 1993* certified by an accredited bushfire practitioner which demonstrates that the proposed subdivision meets Clause E1.6.1(A1)(b) in that it provides hazard management areas equal to or greater than that the separation distances required for BAL-19 for all lots.<br>A subdivision plan was also submitted with the application demonstrating that the proposal complies with A1(b) as follows:<br>• the plan shows all lots that are located within a bushfire prone area;<br>• the plan identifies a compliant building area for each lot;<br>• the bushfire hazard management area for each lot is equal to or greater than the separation distances required for BAL-19;<br>• the application is accompanied by a bushfire hazard management plan certified by an accredited person and showing hazard management areas equal to or greater than the separation distances required for BAL-19.<br>To ensure the bushfire hazard management requirements are satisfied and future lot owners are aware of these requirements, it is recommended that a condition is included in any permit issued requiring a Part 5 Agreement on the lots to the effect that the measures contained within the plan must be implemented in relation to any future development on both lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas (select which apply):<br>• are no greater than that shown in the subdivision BHMP;<br>• are consistent with the vegetation classifications in the subdivision BHMP;<br>• are contained within the lot boundaries;<br>• do not rely upon additional management of vegetation on land external to the lots;<br>• do not encroach into Waterway and Coastal Protection Areas; |

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| Clause | Compliance/Comments |
|---|---|
| | • do not impact upon individual native trees with a diameter >25cm at 1.4m from natural ground level; and<br>do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), 'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation', Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments. |
| **Clause E1.6.2 - Subdivision: Public and fire fighting access**<br>**A1 –** (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or<br>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:<br>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and<br>(ii) is certified by the TFS or an accredited person. | **A1 – Complies.** The subdivision complies with A1 (b) as the proposed plan of subdivision shows the layout of property access to the building areas and demonstrates they comply with Table E2 and the plan has been certified by an accredited person.<br>A condition is recommended for inclusion in any permit issued requiring construction of the compliant access to the lot proper for Lot 1 and to the existing dwelling on the balance lot prior to the sealing of the final plan of survey. |
| **Clause E1.6.3 - Subdivision: Provision of water supply for fire fighting purposes**<br>**A1** – In areas serviced with reticulated water by the water corporation:<br>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;<br>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or<br>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire. | **A1 – N/A** |
| **A2** – In areas that are not serviced by reticulated water by the water corporation: | **A2 – Complies**<br>The subdivision complies with A2 (b) as |

Public Comment

| Clause | Compliance/Comments |
|---|---|
| (a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;<br>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or<br>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire. | proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5 and this plan has been approved by an accredited person as being compliant with Table E5.<br>Compliant water supply arrangements for Lot 1 will be required at the time of development.<br>A condition is recommended for inclusion in any permit issued requiring the existing cottage and dwelling on the balance lot to be provided with a compliant water supply. |
| **E3.0 Landslide Code** | |
| While part of CT 141484/3 is within a Landslide Hazard Area (low) and included in the proposed subdivision, the proposed subdivision creates no more than two lots located within a Low Landslide Hazard Area.<br>Therefore, the proposal is exempt under Clause E3.4 (b). | |
| **E5.0 Road and Railway Assets Code** | |
| **Clause E5.5.1 – Existing road accesses and junctions**<br>**A1 –** The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater. | **A1 –** N/A |
| **A2 –** The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater. | **A2 –** N/A |
| **A3 –** The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater. | **A3 – Complies.**<br>The AADT increase from the 2 additional lots is up to 16 vehicle movements. |
| **Clause E5.6.1 - Development adjacent to roads and railways**<br>**A1.1 –** Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of | **A1.1 –** N/A |

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| Clause | Compliance/Comments |
|---|---|
| more than 60km/h:<br>(a) new buildings;<br>(b) other road or earth works; and<br>(c) building envelopes on new lots. | |
| **A1.2 –** Buildings, may be:<br>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or<br>(b) an extension which extends no closer than:<br>(i) the existing building; or<br>(ii) an immediately adjacent building. | **A1.2 –** N/A |
| **Clause E5.6.2 - Road access and junctions**<br>**A1 –** No new access or junction to roads in an area subject to a speed limit of more than 60km/h. | **A1 –** Complies |
| **A2 –** No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less. | **A2 –** Complies |
| **Clause E5.6.4 - Sight distance at accesses, junctions and level crossings**<br>**A1 –** Sight distances at:<br>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and<br>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia. | **A1 –** Complies |
| **E6.0 Parking and Access Code** | |
| **Clause E6.7.1 - Number of vehicular accesses**<br>**A1 –** The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater. | **A1 –** Complies. |
| **Clause E6.7.2 - Design of vehicular accesses**<br>**A1 –** Design of vehicle access points must comply with all of the following:<br>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking; | **A1 –** Complies. |

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| Clause | Compliance/Comments |
|---|---|
| (b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities. | |
| **Clause E6.7.3 - Vehicular passing areas along an access**<br>**A1 –** Vehicular passing areas must:<br>(a) be provided if any of the following applies to an access:<br>(i) it serves more than 5 car parking spaces;<br>(ii) is more than 30 m long;<br>(iii) it meets a road serving more than 6000 vehicles per day<br>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;<br>(c) it meets a road serving more than 6000 vehicles per day;<br>(d) have the first passing area constructed at the kerb;<br>(e) be at intervals of no more than 30 m along the access. | **A1 – Does not comply with (d).** |
| **Clause E6.7.4 - On-site turning**<br>**A1 –** On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:<br>(a) it serves no more than two dwelling units; | **A1 –** N/A |
| **Clause E6.7.14 - Access to a road**<br>**A1 –** Access to a road must be in accordance with the requirements of the road authority. | **A1 –** Complies |
| **E7.0 Stormwater Management Code** | |
| **Clause E7.7.1 - Stormwater drainage and disposal**<br>**A1 –** Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. | **A1 –** Complies. Each lot is provided with a stormwater connection point. |
| **A2 –** A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:<br>(a) the size of new impervious area is more than 600 $m^2$;<br>(b) new car parking is provided for more than 6 cars; | **A2 –** N/A |

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| Clause | Compliance/Comments |
|---|---|
| (c) a subdivision is for more than 5 lots. | |
| **A3 –** A minor stormwater drainage system must be designed to comply with all of the following:<br>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;<br>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure. | **A3 –** Complies |
| **A4 –** A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years. | **A4 –** N/A |
| **E10.0 Biodiversity Code** | |
| The subject site is affected by this code; however no clearance and conversion or disturbance of native vegetation is relied upon as part of the subdivision or future development of the lots. Therefore, an assessment against the code is not required. | |
| **E23.0 On-Site Wastewater Management Code** | |
| **Clause E.23.9.1 - Development Standards for New Lots**<br>**A1** - A new lot must have an area no less than:<br>5,000 $m^2$. | **A1 – Does not comply,** the three proposed lots are less than 5000$m^2$ in area . |
| **A2** - Subdivision is not prohibited by the relevant zone standards. | **A2 –** Complies |
| **Clause E.23.9.2 - Development Standards for New Boundaries**<br>**A1** - A new boundary must have a separation distance from an existing land application area that complies with E.23.10.1 A3. | **A1 –** Complies – The applicant has proposed to relocate the land application area servicing the existing dwelling to a new location that's within the new proposed lot 1. |
| **Clause E23.10.1 – Land application areas**<br>**A1 –** Horizontal separation distance from a building to a land application area must comply with one of the following:<br>(a) be no less than 6m;<br>(b) be no less than;<br>(i) 2m from an upslope or level building;<br>(ii) if primary treated effluent be no less than 4m plus 1m for every degree of average gradient from a downslope building;<br>(iii) if secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a down slope building. | **A1 –** Complies |

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| Clause | Compliance/Comments |
|---|---|
| **A2 –** Horizontal separation distance from downslope surface water to a land application area must comply with any of the following:<br>(a) be no less than 100m;<br>(b) if the site is within a high rainfall area or the site soil category is 4, 5 or 6, be no less than the following;<br>(i) if primary treated effluent standard or surface application, 50m plus 7m for every degree of average gradient from downslope surface water;<br>(ii) if secondary treated effluent standard and subsurface application, 50m plus 2m for every degree of average gradient from down slope surface water.<br>(c) if the site is not within a high rainfall area or the site soil category is not 4, 5 or 6, be no less than the following;<br>(i) if primary treated effluent 15m plus 7m for every degree of average gradient from downslope surface water;<br>(ii) if secondary treated effluent and subsurface application, 15m plus 2m for every degree of average gradient from down slope surface water. | **A2 –** Complies |
| **A3 –** Horizontal separation distance from a property boundary to a land application area must comply with either of the following:<br>(a) be no less than 40m from a property boundary;<br>(b) be no less than:<br>(i) 1.5m from an upslope or level property boundary; and<br>(ii) if primary treated effluent 2m for every degree of average gradient from a downslope property boundary; or<br>(iii) if secondary treated effluent and subsurface application, 1.5m plus 1m for every degree of average gradient from a downslope property boundary. | **A3 –** Complies, Secondary treatment proposed and complies with setbacks. |
| **A4 –** Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must be no less than 50m. | **A4 –** Complies |
| **A5 –** Vertical separation distance between groundwater and a land application area must be no less than 1.5m. | **A5 –** Complies |
| **A6 –** Vertical separation distance between a limiting layer and a land application area must be no less than 1.5m. | **A6 – Does not comply** |

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| Clause | Compliance/Comments |
|---|---|
| **A7 –** The arrangement of a land application area must comply with both of the following:<br>(a) not include areas beneath buildings, driveways or other hard stand areas;<br>(b) have a minimum horizontal dimension of 3m. | **A7 –** Complies |

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

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# RESULT OF SEARCH

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

SEARCH OF TORRENS TITLE

| VOLUME | FOLIO |
|---|---|
| 141484 | 1 |
| EDITION | DATE OF ISSUE |
| 6 | 12-Aug-2024 |

SEARCH DATE : 04-Mar-2026
SEARCH TIME : 10.11 am

## DESCRIPTION OF LAND

Parish of CONINGHAM Land District of BUCKINGHAM
Lot 1 on Sealed Plan 141484
Derivation : Part of Lot 14496 Gtd to C E Morton
Prior CT 223235/1

## SCHEDULE 1

(C561424) M675293 TRANSFER to STEPHEN BRUCE PERCIVAL and ROBYN ELIZABETH MARTIN Registered 22-Feb-2018 at 12.01 pm

## SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP141484 EASEMENTS in Schedule of Easements
SP141484 WATER SUPPLY RESTRICTION
SP141484 SEWERAGE AND/OR DRAINAGE RESTRICTION
E121401 MORTGAGE to Members Equity Bank Limited Registered 22-Feb-2018 at 12.02 pm

## UNREGISTERED DEALINGS AND NOTATIONS

NOTICE: This folio is affected as to amended easements & deleted fencing provision pursuant to Request to Amend No. E391394 made under Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993. Search Sealed Plan No. 141484 Lodged by WALLACE WILK & WEB on 18-July-2024 BP: E391394

Public Copy



Document Set ID: 1730413
Department of Natural Resources and Environment Tasmania
Version: 1. Version Date: 05/03/2026
www.thelist.tas.gov.au

the List

SCHEDULE OF EASEMENTS
RECORDER OF TITLES
*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

| SCHEDULE OF EASEMENTS | Registered Number |
|---|---|
| NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED. | SP141484 |

PAGE 1 OF 3 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
(2) any easements or profits a prendre described hereunder.
Each lot on the plan is subject to:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
(2) any easements or profits a prendre described hereunder.
The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Wayleave easement & fencing provision hereon deleted by me pursuant to Request to Amend No. E391394 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

[redacted] 12 AUG 2024
Recorder of Titles Date

~~DEFINITIONS~~

~~"The Owner" means Kevin Patrick Corby and Pauline June Corby.~~

~~"Wayleave Easement and Restriction as to User of Land" means:~~

~~FIRSTLY all the full and free right and liberty for Aurora Energy Pty Ltd and its successors and~~ its and their servant, agents and contractors at all time hereafter:

To clear the lands shown as "Wayleave Easement" on the plan of wayleave easement annexed to the plan of the land of the registered proprietors in Folio of the Register ~~54907/1~~ 223235/1 (hereinafter called "the servient land") and to erect, construct, plan, inspect, alter, repair, renew, maintain and use in upon over and along and remove from the servient land towers, poles, wires, cables, apparatus appliances and other ancillary work (all of which are hereinafter collectively referred to as "the said lines") for the transmission and distribution of electrical energy and for purposes incidental thereto:-

To cause or permit electrical energy to flow or be transmitted through and along the said lines;

To cut away remove and keep clear of the said lines all trees and all other obstructions or erections of any nature whatsoever which may at any time overhang encroach or be in or on the servient land and which may in any way endanger or interfere with the proper operation of the said lines; and making good all damage occasioned thereby;

~~To enter into and upon the servient land and if necessary to cross the remainder of the said land~~

(USE ANNEXURE PAGES FOR CONTINUATION

| | |
|---|---|
| SUBDIVIDER: KEVIN PATRICK CORBY AND PAULINE JUNE CORBY | PLAN SEALED BY: [redacted] Council |
| FOLIO REF: 223235/1 & 54907/1 | DATE: 18/6/04 |
| SOLICITOR & REFERENCE: HAND OGILVIE & BRENENY | REF NO. ..... Council Delegate |

**NOTE:** The Council Delegate must sign the Certificate for the purposes of identification.

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Version: 1, Version Date: 05/03/2026
www.thelist.tas.gov.au

# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

## ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 2 OF 3 PAGES

Registered Number

SP141484

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

~~for the purposes of access and regress to and from the servient land for all or any of the above~~ purposes with or without all necessary plant equipment machinery and vehicles of ~~every~~ kind, making good all damage occasioned thereby;

SECONDLY the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures objects or vegetation that could interfere with the proper and safe operation of the said lines to the intent that the burden of the covenant may run with and bond the servient land and every part thereof and that the benefit thereof may be annexed to the ~~easement first hereinbefore described.~~

Lot 3 is SUBJECT TO ~~together with~~ a right of carriageway appurtenant to Lot 1 on the Plan over the Right of Way (Private) of variable width marked on the Plan.

Lot 1 is together with a right of carriageway over the Right of Way (Private) of variable width marked on the Plan. AND SHOWN WITHIN LOT 3.

~~Lot 1 is subject to a wayleave easement and restriction as to user of land over the wayleave easement~~ 4.00m AND 2.03m wide shown on the Plan. (APPURTENANT TO AURORA ENERGY PTY LTD)

~~FENCING PROVISION~~
~~IN RESPECT OF EACH LOT ON THE PLAN~~
~~The Owner shall not be required to fence.~~

~~Kingborough Council cannot provide a supply of water or a means of connection to a sewerage system to the Lots shown on the Plan.~~

**SIGNED** by **KEVIN PATRICK CORBY** )
and **PAULINE JUNE CORBY** in the )
presence of:- )

[redacted]

Patricia Dottori
PATRICIA DOTTORI
3 STRAHAN ST
NORTH HOBART 7000
BUSINESS CONSULTANT.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

| ANNEXURE TO SCHEDULE OF EASEMENTS<br>PAGE 3 OF 3 PAGES | Registered Number<br>SP141484 |
|---|---|

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

Signed, sealed & delivered by the Retirement Benefits Fund Board by its duly constituted attorney Garry Lyall Fletcher pursuant to Power of Attorney Register No 70/0524 who declares that he has no notice of the revocation of such power of attorney in the presence of

[redacted]

[redacted]

WITNESS

CEO

IRENE A ITKEDHEAD

ADMIN ASSISTANT

39 SANDY BAY ROAD

HOBART

Public Copy

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Version: 1. Version Date: 05/03/2026
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# FOLIO PLAN

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

OWNER
KEVIN PATRICK CORBY
PAULINE JUNE CORBY
FOLIO REFERENCE CT: 223235/1; 54907/1
GRANTEE
WHOLE OF LOT 14496 GTD TO C E MORTON
PART OF LOT 12541 GTD TO I TAYLOR

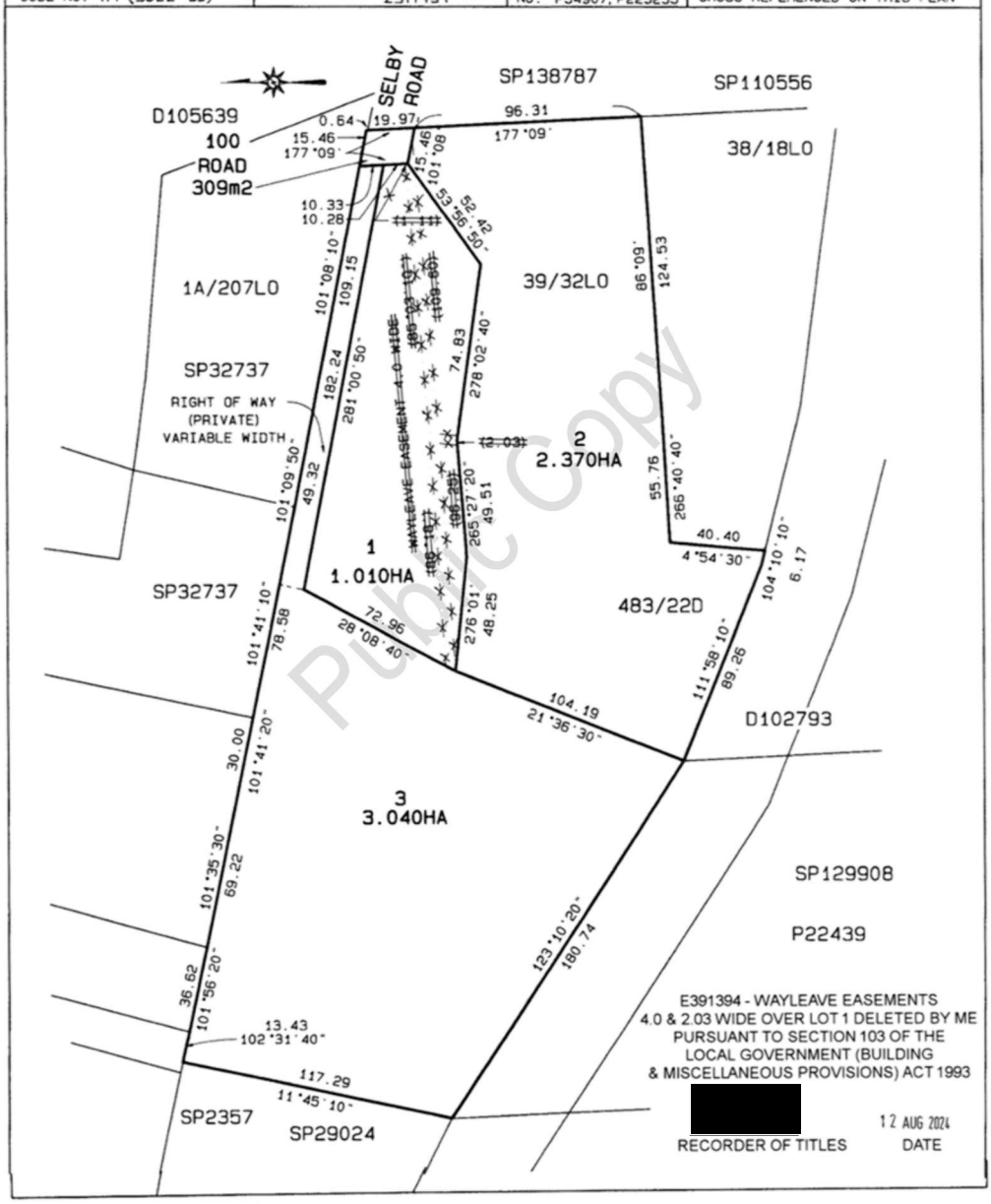
## PLAN OF SURVEY

BY SURVEYOR TERENCE S CROMER
766 SANDY BAY ROAD, SANDY BAY, 7005
Ph 622 55366 Fax 622 55388
e-mail contact@cromer-partners.com.au
www.cromer-partners.com.au
LOCATION BUCKINGHAM – CONINGHAM
~~TOWN OF KETTERING~~
SCALE 1: 1500 LENGTHS IN METRES

REGISTERED NUMBER
**SP141484**

APPROVED
EFFECTIVE FROM - 2 SEP 2004
[redacted]
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 117 (5022-35)
LAST UPI No. 2303959 2311459
LAST PLAN No. P54907; P223235
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN




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# RESULT OF SEARCH

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

SEARCH OF TORRENS TITLE

| VOLUME | FOLIO |
|---|---|
| 141484 | 100 |
| EDITION | DATE OF ISSUE |
| 2 | 12-Aug-2024 |

SEARCH DATE : 10-Apr-2026
SEARCH TIME : 04.11 pm

## DESCRIPTION OF LAND

Parish of CONINGHAM Land District of BUCKINGHAM
Lot 100 on Sealed Plan 141484
Derivation : Part of Lot 14496 Gtd to C E Morton
Prior CT 223235/1

## SCHEDULE 1

A504809 TRANSFER to KEVIN PATRICK CORBY and PAULINE JUNE CORBY as tenants in common in equal shares

## SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP141484 WATER SUPPLY RESTRICTION
SP141484 SEWERAGE AND/OR DRAINAGE RESTRICTION
A609664 MORTGAGE to Superannuation Fund Board Registered 11-July-1978 at 12.01 pm
A854271 TRANSFER of MORTGAGE A609664 to Retirement Benefits Fund Investment Trust Registered 22 August 1983.

Public Copy

## UNREGISTERED DEALINGS AND NOTATIONS

NOTICE: This folio is affected as to deleted fencing provision pursuant to Request to Amend No. E391394 made under Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993. Search Sealed Plan No. 141484 Lodged by WALLACE WILK & WEB on 18-July-2024 BP: E391394



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# FOLIO PLAN

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

OWNER
KEVIN PATRICK CORBY
PAULINE JUNE CORBY
FOLIO REFERENCE CT: 223235/1; 54907/1
GRANTEE
WHOLE OF LOT 14496 GTD TO C E MORTON
PART OF LOT 12541 GTD TO I TAYLOR

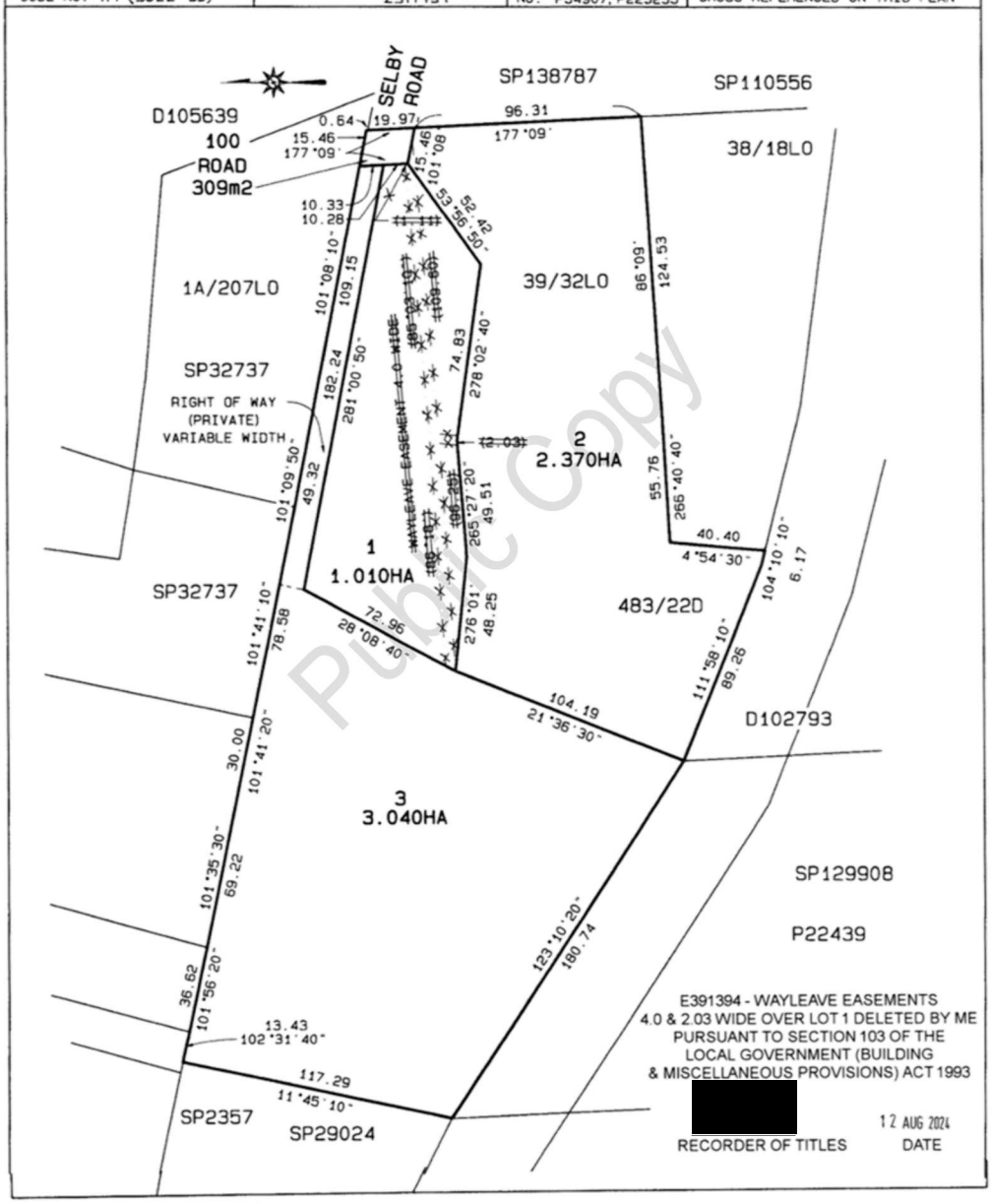
## PLAN OF SURVEY

BY SURVEYOR TERENCE S CROMER
766 SANDY BAY ROAD, SANDY BAY, 7005
Ph 622 55366 Fax 622 55388
e-mail contact@cromer-partners.com.au
www.cromer-partners.com.au
LOCATION BUCKINGHAM – CONINGHAM
~~TOWN OF KETTERING~~
SCALE 1: 1500 LENGTHS IN METRES

REGISTERED NUMBER
**SP141484**

APPROVED
EFFECTIVE FROM - 2 SEP 2004
[redacted]
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 117 (5022-35)
LAST UPI No. 2303959 2311459
LAST PLAN No. P54907; P223235
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN




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SCHEDULE OF EASEMENTS
RECORDER OF TITLES
*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

| SCHEDULE OF EASEMENTS | Registered Number |
|---|---|
| NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED. | SP141484 |

PAGE 1 OF 3 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
(2) any easements or profits a prendre described hereunder.
Each lot on the plan is subject to:-
(1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
(2) any easements or profits a prendre described hereunder.
The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Wayleave easement & fencing provision hereon deleted by me pursuant to Request to Amend No. E391394 made under Section 103 of the Local Government (Building & Miscellaneous Provisions) Act 1993

[redacted] 12 AUG 2024
Recorder of Titles Date

~~DEFINITIONS~~

~~"The Owner" means Kevin Patrick Corby and Pauline June Corby.~~

~~"Wayleave Easement and Restriction as to User of Land" means:~~

~~FIRSTLY all the full and free right and liberty for Aurora Energy Pty Ltd and its successors and~~ its and their servant, agents and contractors at all time hereafter:

To clear the lands shown as "Wayleave Easement" on the plan of wayleave easement annexed to the plan of the land of the registered proprietors in Folio of the Register ~~54907/1~~ 223235/1 (hereinafter called "the servient land") and to erect, construct, plan, inspect, alter, repair, renew, maintain and use in upon over and along and remove from the servient land towers, poles, wires, cables, apparatus appliances and other ancillary work (all of which are hereinafter collectively referred to as "the said lines") for the transmission and distribution of electrical energy and for purposes incidental thereto:-

To cause or permit electrical energy to flow or be transmitted through and along the said lines;

To cut away remove and keep clear of the said lines all trees and all other obstructions or erections of any nature whatsoever which may at any time overhang encroach or be in or on the servient land and which may in any way endanger or interfere with the proper operation of the said lines; and making good all damage occasioned thereby;

~~To enter into and upon the servient land and if necessary to cross the remainder of the said land~~

(USE ANNEXURE PAGES FOR CONTINUATION)

| | |
|---|---|
| SUBDIVIDER: KEVIN PATRICK CORBY AND PAULINE JUNE CORBY | PLAN SEALED BY: [redacted] Council |
| FOLIO REF: 223235/1 & 54907/1 | DATE: 18/6/04 |
| SOLICITOR & REFERENCE: HAND OGILVIE & BRENENY | REF NO. ..... Council Delegate |

**NOTE:** The Council Delegate must sign the Certificate for the purposes of identification.

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# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

## ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 2 OF 3 PAGES

Registered Number

SP141484

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

~~for the purposes of access and regress to and from the servient land for all or any of the above~~ purposes with or without all necessary plant equipment machinery and vehicles of ~~every~~ kind, making good all damage occasioned thereby;

SECONDLY the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures objects or vegetation that could interfere with the proper and safe operation of the said lines to the intent that the burden of the covenant may run with and bond the servient land and every part thereof and that the benefit thereof may be annexed to the ~~easement first hereinbefore described.~~

Lot 3 is SUBJECT TO ~~together with~~ a right of carriageway appurtenant to Lot 1 on the Plan over the Right of Way (Private) of variable width marked on the Plan.

Lot 1 is together with a right of carriageway over the Right of Way (Private) of variable width marked on the Plan. AND SHOWN WITHIN LOT 3.

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~~FENCING PROVISION~~
~~IN RESPECT OF EACH LOT ON THE PLAN~~
~~The Owner shall not be required to fence.~~

~~Kingborough Council cannot provide a supply of water or a means of connection to a sewerage system to the Lots shown on the Plan.~~

**SIGNED** by **KEVIN PATRICK CORBY** )
and **PAULINE JUNE CORBY** in the )
presence of:- )

[redacted]

Patricia Dottori
PATRICIA DOTTORI
3 STRAHAN ST
NORTH HOBART 7000
BUSINESS CONSULTANT.

NOTE:- Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

## ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 3 OF 3 PAGES

Registered Number

**SP141484**

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

Signed, sealed & delivered by the Retirement Benefits Fund Board by its duly constituted attorney Garry Lyall Fletcher pursuant to Power of Attorney Register No 70/0524 who declares that he has no notice of the revocation of such power of attorney in the presence of

[redacted]

WITNESS

IRENE A ITKEDHEAD

ADMIN ASSISTANT

39 SANDY BAY ROAD

HOBART

[redacted]

CEO

Public Copy

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# RESULT OF SEARCH

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

SEARCH OF TORRENS TITLE

| VOLUME | FOLIO |
|---|---|
| 141484 | 3 |
| EDITION | DATE OF ISSUE |
| 7 | 06-Oct-2025 |

SEARCH DATE : 10-Apr-2026
SEARCH TIME : 04.11 pm

## DESCRIPTION OF LAND

Parish of CONINGHAM Land District of BUCKINGHAM
Lot 3 on Sealed Plan 141484
Derivation : Part of Lot 14496 Gtd to C E Morton
Prior CT 223235/1

## SCHEDULE 1

N280417 TRANSFER to NATHAN LUKE WALLIS and KAREN ALICE WALKER
Registered 06-Oct-2025 at noon

## SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP141484 EASEMENTS in Schedule of Easements
SP141484 WATER SUPPLY RESTRICTION
SP141484 SEWERAGE AND/OR DRAINAGE RESTRICTION
E431078 MORTGAGE to Westpac Banking Corporation Registered
06-Oct-2025 at 12.01 pm

## UNREGISTERED DEALINGS AND NOTATIONS

NOTICE: This folio is affected as to deleted fencing provision pursuant to Request to Amend No. E391394 made under Section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993. Search Sealed Plan No. 141484 Lodged by WALLACE WILK & WEB on 18-July-2024 BP: E391394

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# FOLIO PLAN

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

OWNER
KEVIN PATRICK CORBY
PAULINE JUNE CORBY
FOLIO REFERENCE CT: 223235/1; 54907/1
GRANTEE
WHOLE OF LOT 14496 GTD TO C E MORTON
PART OF LOT 12541 GTD TO I TAYLOR

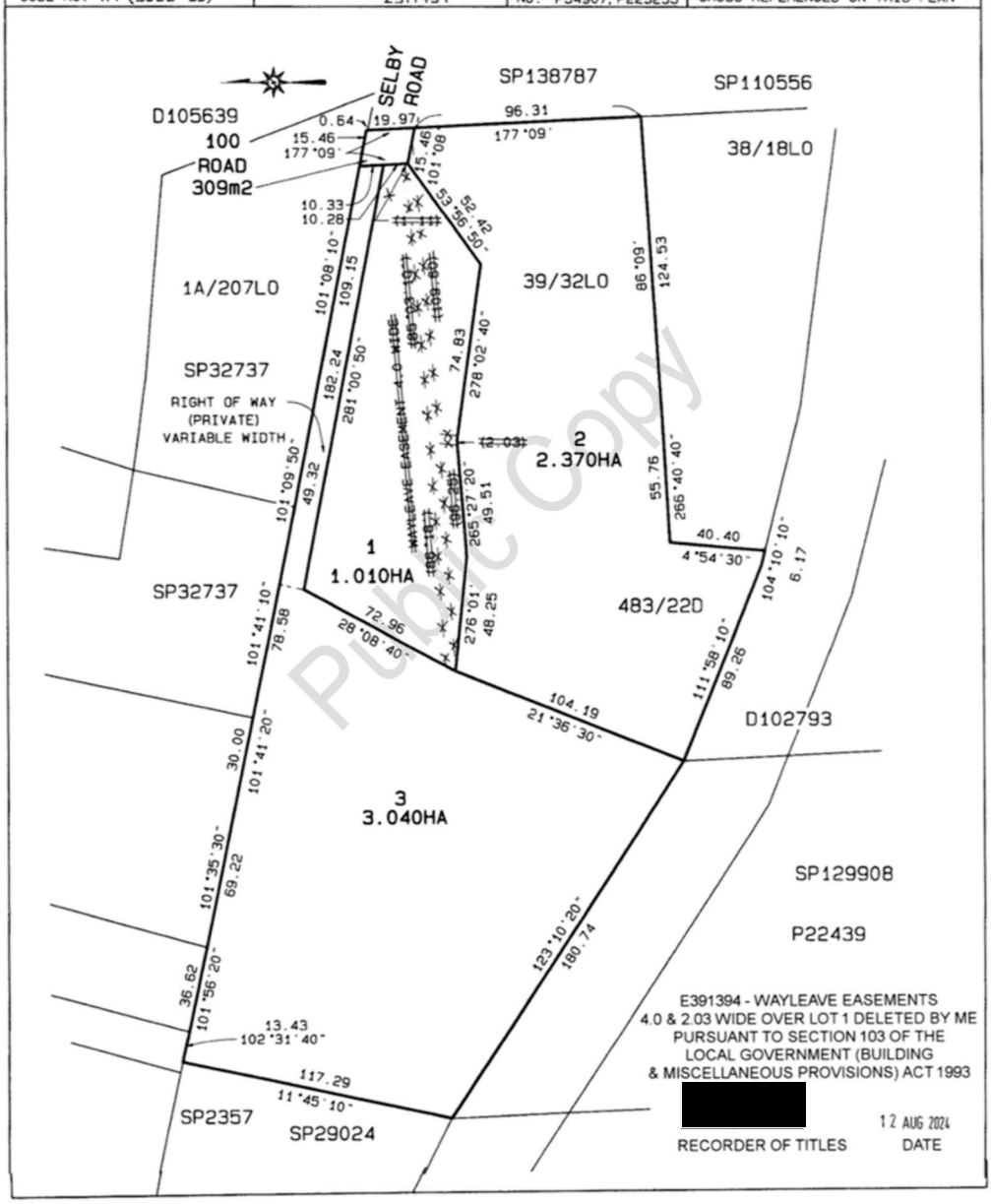
## PLAN OF SURVEY

BY SURVEYOR TERENCE S CROMER
766 SANDY BAY ROAD, SANDY BAY, 7005
Ph 622 55366 Fax 622 55388
e-mail contact@cromer-partners.com.au
www.cromer-partners.com.au
LOCATION BUCKINGHAM – CONINGHAM
~~TOWN OF KETTERING~~
SCALE 1: 1500 LENGTHS IN METRES

REGISTERED NUMBER
**SP141484**

APPROVED
EFFECTIVE FROM - 2 SEP 2004
[redacted]
Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 117 (5022-35)
LAST UPI No. 2303959 2311459
LAST PLAN No. P54907; P223235
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN




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the List

SCHEDULE OF EASEMENTS
RECORDER OF TITLES
*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

| SCHEDULE OF EASEMENTS | Registered Number |
|---|---|
| NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED. | SP141484 |

PAGE 1 OF 3 PAGE/S

## EASEMENTS AND PROFITS

Each lot on the plan is together with:-
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[redacted]
Recorder of Titles

12 AUG 2024
Date

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(USE ANNEXURE PAGES FOR CONTINUATION)

| | |
|---|---|
| SUBDIVIDER: KEVIN PATRICK CORBY AND PAULINE JUNE CORBY | PLAN SEALED BY: [redacted] Council |
| FOLIO REF: 223235/1 & 54907/1 | DATE: 18/6/04 |
| SOLICITOR & REFERENCE: HAND OGILVIE & BRENENY | REF NO. ..... Council Delegate |

**NOTE:** The Council Delegate must sign the Certificate for the purposes of identification.

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# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

## ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 2 OF 3 PAGES

Registered Number

**SP141484**

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

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SECONDLY the benefit of a covenant for Aurora Energy Pty Ltd and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures objects or vegetation that could interfere with the proper and safe operation of the said lines to the intent that the burden of the covenant may run with and bond the servient land and every part thereof and that the benefit thereof may be annexed to the ~~easement first hereinbefore described.~~

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~~IN RESPECT OF EACH LOT ON THE PLAN~~
~~The Owner shall not be required to fence.~~

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**SIGNED** by **KEVIN PATRICK CORBY** )
and **PAULINE JUNE CORBY** in the )
presence of:- )

[redacted]

Patricia Dottori
PATRICIA DOTTORI
3 STRAHAN ST
NORTH HOBART 7000
BUSINESS CONSULTANT.

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# SCHEDULE OF EASEMENTS

RECORDER OF TITLES

*Issued Pursuant to the Land Titles Act 1980*

Tasmanian Government

## ANNEXURE TO SCHEDULE OF EASEMENTS

PAGE 3 OF 3 PAGES

Registered Number

**SP141484**

SUBDIVIDER:- KEVIN PATRICK CORBY AND PAULINE JUNE CORBY

FOLIO REFERENCE:- 223235/1 AND 54907/1

Signed, sealed & delivered by the Retirement Benefits Fund Board by its duly constituted attorney Garry Lyall Fletcher pursuant to Power of Attorney Register No 70/0524 who declares that he has no notice of the revocation of such power of attorney in the presence of

[redacted]

[redacted]

WITNESS

CEO

IRENE A ITKEDHEAD

ADMIN ASSISTANT

39 SANDY BAY ROAD

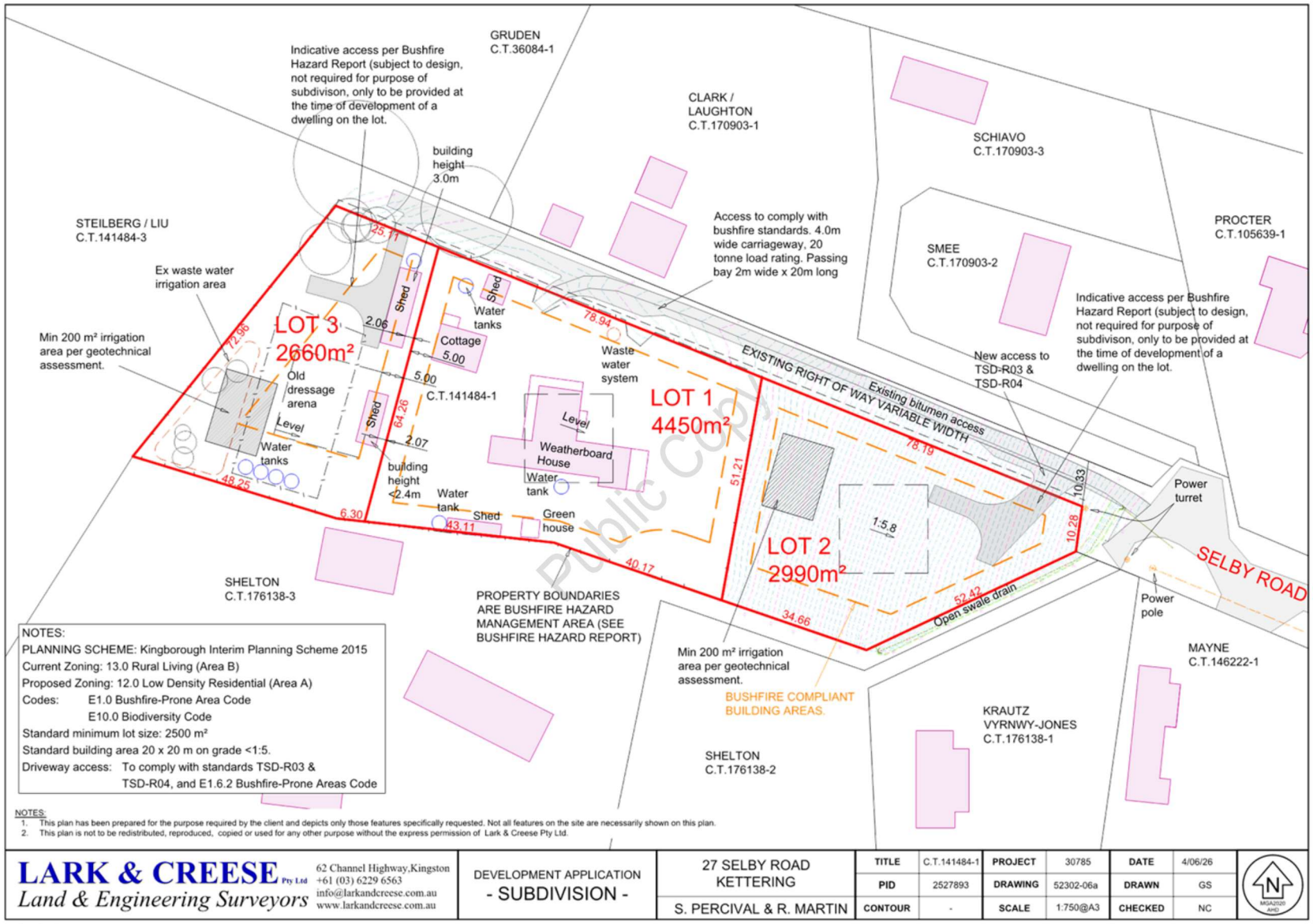
HOBART

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Document Set ID: 4784368
Version: 1. Version Date: 04/06/2026

PLANNING AUTHORITY SESSION ADJOURNS

# PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.44pm

## 12 OFFICERS REPORTS TO PLANNING AUTHORITY

**C254/15-2026**

### 12.1 PSA-2026-2: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 - REZONING AT 27 SELBY ROAD, KETTERING

Moved: Cr David Bain
Seconded: Cr Flora Fox

That the Planning Authority:

(a) Pursuant to section 34(1) of the former provisions of the *Land Use Planning and Approvals Act 1993 (LUPAA)*, initiates Amendment PSA-2026-2 to the *Kingborough Interim Planning Scheme 2015* (KIPS2015) as per Attachment 1.

(b) Pursuant to section 35 of the LUPAA, certifies that Amendment PSA-2026-2 meets the requirements of section 32 and authorises the Chief Executive Officer to sign the Instrument of Certification provided in Attachment 2.

(c) Pursuant to section 35(4) of the LUPAA, forwards a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commission within 7 days of certification;

(d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, refers PSA-2026-2 to TasWater; and

(e) Pursuant to section 38 of LUPAA, places PSA-2026-2 on public exhibition for a period of at least 28 days following certification.

**CARRIED**

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**C255/15-2026**

### 12.2 DAS-2026-4 – S43A DEVELOPMENT APPLICATION FOR SUBDIVISION CREATING THREE (3) LOTS ASSOCIATED WITH PLANNING SCHEME AMENDMENT PSA-2026-2

Moved: Cr Gideon Cordover
Seconded: Cr David Bain

That if the Planning Authority resolves to initiate Amendment PSA-2026-2 to the *Kingborough Interim Planning Scheme 2015*, that the development application for subdivision creating three (3) lots at 27 and 29 Selby Road, Kettering and the adjacent Council road reserve (CT 141484/100) for Ireneinc Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2026-4 and Council Plan Reference No. P2 submitted on 4th June 2026.

   This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of

Kingborough Council to the effect that the measures contained within the certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan (BHMP) (Lark & Creese, 4 June 2026) must be implemented in relation to any future development on proposed lots 1, 2, and 3, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management measures meet all of the following:

(a) are no greater than that shown in the subdivision BHMP;

(b) are consistent with the vegetation classifications in the subdivision BHMP;

(c) are contained within the lot boundaries;

(d) do not impact upon individual native trees with a diameter >25cm at 1.4m from natural ground level; and

(e) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), '*From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of "modified land" or "other natural environments".

This Part 5 Agreement must use Council's template Part 5 Agreement and be executed by all parties prior to commencement of works. The Agreement must then be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to Lots 1-3.

All costs associated with drafting and registering the Part 5 Agreement on the title must be borne by the developer. All terms of this Agreement must be complied with once executed.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed, prior to the Permit coming into effect and commencement of works. Registration of the Agreement on the titles can be done at the time of the registration of the Final Plan of Survey. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

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3. Prior to the commencement of any on-site works associated with the private infrastructure to service the approved dwellings, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer, in consultation with a suitably qualified arborist. Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

(a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:

(i) Longitudinal and cross sections of the driveway/access road.

(ii) Contours, finish levels and gradients of the driveway/access road.

(iii) Provision of minimum 4.0m wide vehicle access (crossover) and passing bays in accordance with the submitted Bushfire Hazard Management Plan.

(b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:

(i) Stormwater layout details to service the development.

(ii) A stormwater detention system as required in Table E7.1 of the Kingborough Interim Planning Scheme 2015.

(iii) Upgrading of existing stormwater pipe culvert in Selby Road to 375mm pipe culvert as indicated on the submitted plans and in accordance with Council requirements.

(c) Detailed Soil and Water Management Plan.

Once endorsed the plans will form part of the permit.

4. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.

5. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Planning Scheme or otherwise in accordance with law.

6. Prior to the commencement of any on-site works (including excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all native vegetation, including individual trees identified for retention in the Approved Plans must be appropriately protected during and after subdivision works. This includes implementation of the Tree protection Plan (Phillip Jackson, May 2026) during construction.

In addition, the following vegetation protection measures must be adhered to following construction for all areas of native vegetation, including individual trees identified for retention, but outside the footprint of the approved works:

(i) the existing soil level must not be altered (including the disposal of fill, placement of materials or the scalping of the soil);

(ii) the areas must be free from the storage of fill, contaminates or other materials;

(iii) machinery and vehicles are not permitted access; and

(iv) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.

7. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

8. The vehicular access must be constructed in accordance with the approved engineering drawings. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.

9. Underground power services must be provided to all lots on the endorsed plan of subdivision in accordance with the requirements of TasNetworks and the telecommunications authority

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requirements. Services conduits must be provided to the lots proper at the developer's cost. Services conduits must be provided to the service authority requirements.

10. Prior to the sealing of the Final Plan of Survey, a cash contribution must be paid, in lieu of providing Public Open Space on-site, equivalent to 5% of the unimproved value of the gross area of Lots 2 and 3 as shown on the endorsed plans. The process and calculation must be in accordance with section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and Council's Public Open Space Contributions Policy.

    The subdivider is to obtain a valuation from a registered Valuer for the purposes of determining the unimproved value of proposed Lots 2 and 3 of the subdivision.

11. All existing and proposed water, sewer and stormwater pipelines shall be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.

    Specific easements as required by other authorities shall also be provided and shown on the Final Plan of Survey lodged for sealing.

12. Prior to the sealing of the Final Plan of Survey, the wastewater system servicing the existing dwelling must be decommissioned and a new wastewater system must be constructed within the boundaries of Lot 1.

13. Prior to the sealing of the Final Plan of Survey, a compliant water supply must be provided to Lot 1 in accordance with the submitted Bushfire Hazard Report and accompanying subdivision Bushfire Hazard Management Plan.

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**ADVICE**

A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.

B. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.

C. The Developer should not allocate any property address numbers for the proposed lots.

    New property addresses have been allocated as follows:

| Lot No. | Allocated Property Address |
|---|---|
| 1 | 27B Selby Road, Kettering (existing dwelling) |
| 2 | 27A Selby Road, Kettering |
| 3 | 27C Selby Road, Kettering |

    While the existing dwelling would normally retain the original addressing, the lack of available numbers for street numbering necessitates the use of alpha-suffixing. Alpha-suffixing must be allocated sequentially, thereby requiring the re-numbering of the existing dwelling in this case

D. The developer should obtain a Plumbing Permit for the relocation of the onsite wastewater irrigation area.

    This work must be carried out prior to the sealing of the Final Plan of Survey and inspected by a Council Plumbing Surveyor.

E. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system. Prior to Council issuing a Plumbing Permit, the developer must submit all documents specified in Schedule 2 of the Director's Specified List for an onsite wastewater management system.

**CARRIED**

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## PLANNING AUTHORITY SESSION ADJOURNS