

**From:** [CHRIS DAVIS](#)  
**To:** [Contact Us](#)  
**Subject:** Representation to the proposed subdivision at 40520 Tasman Highway, St Leonards, DA0472/2019  
**Date:** Monday, 2 March 2020 4:39:01 PM  
**Attachments:** [Objection to the application Ref DA0472 20199383FINAL.docx.pdf](#)

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Hello

Please find attached representation to the proposed subdivision at 40520 Tasman Highway, St Leonards, DA0472/2019.

The representation document highlights a number of key areas where the proposed development raises concerns, including, but limited to:

- Impact of traffic
- Water access, in that throughout the development application Taswater note that they do not wish to provide potable water infrastructure to the development
- Landslip, particularly in that each lot that is within the medium landslip area should not have more than 10,000 litres of water stored. But each lot is required to have 10,000 at all times for firefighting use alone. In addition to potable water storage.
- Access to existing amenities such as NBN are not considered
- Impacts to endangered wildlife such as devils and quolls

We are not opposed to any development of the allotment, however, what has been proposed does not meet many of the requirements that are set down in the Act.

It is our belief that a reframing of the development application with less lots of a larger size and one that takes in to consideration the impacts of existing residents in the area.

I may be contacted on 0488 296 375 to discuss.

Your sincerely

Chris Davis  
22 Escarpment Drive  
St Leonards TAS 7250

# **Objection to the application Ref: DA0472/2019, for permit application for a 30 lot rural residential application at 40520 Tasman Highway, St Leonards advertised on**

**The representation is against the proposal for a 30 Lot Rural Residential Application. The proposed development does not comply with the planning scheme utilised for Rural Living Zones.**

The scheme requires the development meets acceptable solutions for each standard or clause of the scheme. Each acceptable solution has several performance criteria. The accepted solution is presumed to meet the associated performance criteria. At times, a developer can propose different solutions by relying on meeting associated performance criteria.

The proposal outlines 12 Clauses which relate to the subdivision application, of these 12 all require reliance on performance criteria. Each clause has a number of subclauses and only 5 of these come with accepted solutions. Thus, this representation raises a number of objections.

## **ROAD USE/ACCESS OBJECTIONS**

### **CLAUSE E4.5.1 Existing Road Access and Junctions**

**Accepted Solution 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 60 km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater”.

**Assessment reported by the proponent** (as it Relates to the White Gum Rd/ Tasman highway junction). “The TIA (Traffic Impact Assessment) identifies that, following the completion of the subsequent dwelling development, the proposed subdivision will increase traffic through the junction by 261 vehicles per day or greater than 10%”.

### **DIRECT OBJECTION**

**The reported increase is from 400 vehicle movements a day to 661 vehicle movements a day. This represents a 65.25% increase. This is well above the Accepted Solution of 10%.**

The Traffic Impact Assessment (TIA) indicates assessment should occur as it relates to Safety, Capacity, Equity and Social Justice, Economic efficiency, Environment, Future development. The direct objections therefore will cluster under these headings. The objections are also clustered according to the performance criteria proposed solutions by the developer.

## SAFETY

### White Gum Rise/Tasman Highway

The TIA argues that safety at the Junction is satisfactory, based in part due to line of sights. The line of sight when looking towards the right (Figure 7, pg13) from White Gum Rise along the Tasman Highway is reported to be **300m**.

#### **Objection:**

**300m** is the longest sight for right hand turn from White Gum Rise along the Tasman Highway. However, there is a substantial valley, which means the driver cannot see cars in the valley, or cars approaching at certain closer distances. **This decreases the safety of the turn and is not mentioned.**

The line of sight required for this junction is 250 m, as noted in Figure 27 (pg 26). This figure notes the current line of sight is 320m (which is not the 300m line of sight recorded in the photograph of the intersection-figure 7 pg 13). The line of sight from the White Gum Rise to the vertex of the valley on Tasman Highway needs to be reported.

In addition, the line of sights was calculated on a high visibility day without hinderance of sun. Sunlight, during winter impacts on the line of sight when looking to the East in the morning. The reduction in this line of sight needs to be calculated during winter with sun is lower in the sky.

In addition, safety is presumed due to the number of prior crashes at the junction combined with speed; the application notes that car accidents at speed of 100km/h are severe. Because there are no recorded crashes the score is reduced to low risk. The calculation does not appear to account for:

1. the increased volume of traffic which is greater than 50% (10% increase being the maximum allowed)
2. nor near misses which many residents of Drivers Run have experienced.

### Magpie crescent/Escarpment Drive:

Figure 27 (pg 26) notes the line of sight required at this junction needs to be 105m, the cited line of sight is 120m. However, there are no photo's which demonstrate where this was taken from; this needs to be clarified.

This junction also impacts on the safety of pedestrians. There was no reported count for pedestrians at this junction, there was for the Intersection of White Gum Rise and Tasman Highway. This count was zero. The count was undertaken on one day at a particular time. The count for pedestrians on Escarpment Drive would be significant as Escarpment Drive is part of a loop that is used for walking, cycling and horse riding. There is not enough information provided by the proponent to come to the conclusion that this intersection is "safe" for increase in traffic.

The issue of pedestrian, etc use is a serious concern, in that the Drivers Run has no footpaths and the roadway is used by pedestrians and is shared with cars, given the extra traffic (>50% increase), accompanied by a number of existing 'blind spots', provides further risk in regards to traffic increase.

**Environment:** The TIA notes the proposal does not have a detrimental effect in terms of Noise, Vibration and Visual impact. This is a statement with no assigned factual basis, such as a calculation of noise from the proposed increased in traffic.

There appears to be no discussion about the impact of the 65.25% increase in traffic on number 12 White Gum Rise and number 4 White Gum Rise.

**12 White Gum Rise** driveway is directly opposite to the proposed entry into the new subdivision. This needs to be investigated more thoroughly. Logic would indicate there will be a significant increase in noise and visual disturbance at the very least. This could therefore be a significant factor in not only the environment but **social justice**.

**Future Development:** There is mention in the application of a future road, as it relates to Lot 18 size. This future road, as shown in Figure 1 of the proposed subdivision (pg 3 of the Submission), connects into the proposed subdivision road. There is no account for the extra traffic this would occur into Drivers Run.

**Objections to the proposed solutions for the Launceston City Interim planning scheme by the TIA for CLAUSE E4.5.1 Existing Road Access and Junctions:**

**Accepted Solution 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 60 km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater”.

Performance Criteria, proposed solutions objections:

H) Any traffic impact assessment; this TIA supports the proposal on capacity and safety.

*Objection:*

**There are a number of objections based on safety as noted above. These include:**

- **increase in volume of traffic being well above the accepted solution**
- **the line of sight used**
- **the number of pedestrians reported as being zero.**

c) The nature and efficiency of the access of junction. The TIA notes it suits the nature of proposal.

*Objection:*

**The right-hand turn from the proposed subdivision onto White Gum Rise, appears to be tight, and would not allow for heavy construction vehicles.**

g) The need for the use. The TIA notes it is unavoidable for the proposal to proceed.

*Objection:*

**This is an entirely unacceptable argument as it assumes the proposal is a “must have”. The proposal is not a must have or a ‘right ‘of the developer. The development does not meet the economic housing required for Launceston as it would not be deemed “affordable housing”. The proposal does document the development would fill a gap in the market, evening assuming this to be the case, a want is not a need.**

**CLAUSE: E4.6.2 Road Access and junctions-Development standards**

**Accepted Solution A1.** “No more than one access providing both entry and exit, or two access providing separate entry and exit, to roads in an area subject to a speed limit of 60km or less.

**Assessment:** “The proposed subdivision will involve 27 accesses onto the new subdivision road and 3 onto the Magpie Crescent extension

Performance Criteria, proposed solutions objections

e) The need for the use; *unavoidable for the proposal to proceed.*

**This is entirely unacceptable argument as it assumes the proposal is a “must have”. The proposal is not a must have as it does not meet the economic housing required for Launceston as it would not be deemed “affordable housing”.**

f) Any traffic impact assessment; This TIA supports the proposal on capacity and safety.

**There are a number of objections based on safety as noted above. These include:**

- **increase in volume of traffic being well above the accepted solution**
- **the line of sight used**
- **the number of pedestrians reported as being zero**

### **General Concerns regarding the TIA.**

The Traffic Impact Assessment report presumes, based on looks, the junction of White Gum Rise to Tasman Highway is in good condition. The road network around Drivers Run, according to verbal reports from council indicate the road network within Drivers Run were not built to standard. This raises concern about the quality of the roads in the network and ability to cope with a 65.25 % increase of vehicle movements per day. The poor standard of existing road infrastructure is proven by the patchwork of road repairs completed in Drivers Run. This includes a repair in the direct vicinity of the proposed entry/exit point to the development on White Gum Rise.

### **LOT SIZE OBJECTION:**

#### **CLAUSE 13.4 Lot sizes and dimensions: Development standards**

**Accepted Solution A.1.1** "Each lot, or a lot proposed in a plan of subdivision must have an area of no less than 4 ha

**Assessment by proponent:** Proposed lots will range between 1.02 ha and 3.85 ha

#### *Performance Criteria, proposed solutions objections*

*e) The landslide hazards identified in the Landslide Risk Assessment... do not impose any restrictions on the area available for future dwelling development.*

### **Objection:**

There is a band of moderate landslide in the proposed development. Geoton (August 2019) cites Lots 6,7,8,9,10,18,20,24,25,26 (10 out the 29 new lots) "contain large areas mapped within a medium landslide hazard band and collected stormwater from these lots may need to be piped to the roadside drainage". There are additional lots with medium landslip hazard bands, however, Geoton's report suggest there may be enough land in each of these lots outside this hazard for collection of stormwater. In summary however, lots 6,7,8,9,10,13,14,17,18,20,21, 24,25,26 actually may not be able to store stormwater.

The impact of water storage AND water storage for firefighting purpose has not been accounted for by Geoton's assessment. Geoton's report outlines the perimeters of the assessment undertaken in the introduction section of Geoton's report. This does NOT include any mention of the combined risk of greater than 10,000 litre of water storage in lots containing a medium landslip area. There is no mention of combined water storage and building on medium hazard landslide areas throughout Geoton's report and the proposed development application.

The Landslide Planning Report (Dept of Premier and Cabinet, 2013) Table 5 pg 30 places Medium landslip hazard bands in proclaimed Landslip B areas. Landslip B areas have building restrictions. Under the Building Act 2000, and Building Regulations 2014 a person must not store **more than 10,000 litres of water**. The proposed development needs 10,000 litres reserved for Firefighting and at least 44,000 litres for potable water storage. The 44,000 litres has been calculated

based on the average level of daily water use in an Tasmanian household of 490 litres of water a day (<https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4610.0Main%20Features32016-17?opendocument&tabname=Summary&prodno=4610.0&issue=2016-17&num=&view>) for three months (90 days).

Thus the proposed development is clearly in breach of the Building Act 2000 and Building Regulations 2014 for lots with medium hazard landslip areas (lots 6,7,8,9,10,13,14,17,18,20,21, 24,25,26). This represent just under 50% of the proposed development.

j) *“The size and configuration of the proposed lots is compatible with the existing pattern of development in the surrounding rural residential area. The adjoining subdivision ..... Drivers Run, comprises 63 lots. This includes 51 lots that are less than 2 ha in area and which have an average lot size of 1.28ha. .... The average lot size within the proposed subdivision is 1.25 ha, which is consistent with the adjoining rural residential subdivision”.*

**Objection:**

The proposed subdivision sizing in comparison to Drivers Run only utilises averages and includes an existing dwelling, Lot 3, resized to a size of 3.85ha. The size of the existing dwelling and lot severely skews averages and thus other data also need to be included for this comparison. Further statistical comparisons are required due to the differences in the number of lots between Drivers Run and the Proposed Subdivision.

	Drivers Run	Proposed Subdivision with lot 3 included	Proposed Subdivision without lot 3
Lot Numbers	63	30	29
Average lot size	1.75ha*	1.25ha	1.12ha
Median lots size	1.32 ha	1.08ha	1.08ha
Ratio of lots less than 1.1 Hectares	15 of 63 lots at less than 1.1 Ha =24%	17 of 30 lots less than 1.1 ha =57%	17 of 29 lots less than 1.1 Ha = 59%

The reported average lot sizes of Drivers Run are different to the calculation undertaken in this objection. It appears the proposal has calculated the average size of only 51 Drivers Run lots based solely on the reason these lots are less than 2ha in size. There is no reasoning for this. Drivers Run subdivision was approved on 63 lots and the average size is 1.75Ha. The exclusion of lots larger than 2ha automatically makes the comparison nature of the average lot size look favourable to the developer’s submission.

The ratio of lot sizes that are less than 1.1ha is considerably more in the proposed development.

Given the above statistics the proposed subdivision is inferior with the adjoining rural residential subdivision in size of lots.

## **WATER/STORMWATER:**

### **CLAUSE 13.4.6 Discharge of stormwater-Development standards**

**Requirement: A1** "Each lot, or a lot proposed in a plan of subdivision including roads, must be capable of connecting to a public stormwater system"

**Assessment:** The proposed subdivision will involve provision of drainage infrastructure within and adjacent to the new road. This will direct surface to existing Tasman Highway culverts and the existing creek in the north-west corner of the site. These ..... are not identified as forming part of the public stormwater system"

"It is intended that runoff water..... will be disposed on site. As identified in section 4.4 lots 6,7,8,9,10,13,14,17,18,20,21, 24,25,26 may not be able to accommodate on-site stormwater disposal. These lots would be capable of being connected to the roadside drainage"

#### Performance Criteria, proposed solutions objections

C: "..... the provision of open drain that will direct stormwater to the existing highway culverts will involve the formalisation of drainage".

**Objection:** The Open drainage maintenance is not addressed.

**General concern:** In addition, the proposed solutions do not solve the issue that numerous blocks will not accommodate on site stormwater disposal. The modelling, provided by Hydrodynamica suggests that the run-off's can be handled by the existing open drains, however, required drainage will need stilling zones. The performance criteria do not detail how this will occur.

*In relation to another clause relating water and sewage services:*

### **Clause: 13.4.7 Water and sewage services:-Development standards**

**Requirement: A1** " Each lot, or a lot proposed in a plan of subdivision must be connected to a reticulated water supply"

**Assessment:** The proposed subdivision will not connect to a reticulated water supply system"

**Requirement A2:** "Each lot, or a lot proposed in a plan of subdivision must be connected to reticulated sewage system"

Assessment: The proposed subdivision will not connect to a reticulated sewage system...

**Objection:** In the larger document, there is an acknowledgement of existing reticulated water system, however it is then acknowledged that Taswater does not support connection into this system. The proposal also notes this is not intended. This needs to remain throughout the planning stages.

The impact of water storage AND water storage for firefighting purpose has not been accounted for by Geoton's assessment of landslip. Geoton's report outlines the perimeters of the assessment undertaken in the introduction section of Geoton's report. This does NOT include any mention of the combined risk of greater than 10,000 litre of water storage in lots containing a medium landslip area. As mentioned above, the proposed development has almost 50% of lots with a medium landslip area, and a medium hazard band is within Landslip B areas (The Landslide Planning Report, Dept of Premier and Cabinet, 2013 Table 5 pg 30).

Landslip B areas under the Building Act 2000, and Building Regulations 2014 must not store **more than 10,000 litres of water**. The proposed development needs at least **144,000** litres of stored water (potable and firefighting).

Thus the proposed development is clearly in breach of the Building Act 2000 and Building Regulations 2014 for lots with medium landslip (lots 6,7,8,9,10,13,14,17,18,20,21, 24,25,26). This represent just under 50% of the proposed development.

## **THREAT TO Fauna:**

**Clause 13.4.8: Local Natural Values: To ensure that subdivision works minimise the impact on local natural values.**

**Accepted Solution A1:** “The subdivision does not include any road or other works.”

**Assessment:** No significant impact on fauna.

**Concern:** The attached Natural values Assessment, completed by Northbarker ecosystems services in 2019 does acknowledge a number of threatened fauna. The assessment concludes the impact of the development will be negligible. The field survey was limited to a single season and appears to be based only one visit (pg 7 of the assessment).

The risk assessment appears only to be in relation to the impact of the development on vegetation/food for fauna and their potential breeding ground. It does not assess risk to foraging of the wedge tailed eagle from overhead power lines. Nor does it assess other risks, such as increase in vehicles and potential death by vehicle, to land based endangered animals such as quolls and Tasmanian Devils which inhabit the area.

**Need for the subdivision: The proponent also includes an assessment by Urban Enterprises regarding the need for the development.**

### **Concerns:**

The assessment indicates a demand shortage based on the assumption of market factors including a peak sale in 2012-2015 from the Drivers Run development with associated decline in 2018. This Urban Enterprises argued demonstrated a low availability, rather than a low demand. This argument is impaired, lack of availability does not then mean there is a high demand. Further to the low availability argument, Urban Enterprises notes there is currently 7 market ready lots similar to the proposal. Three of these are on the Tasman Highway, within two kilometres of the proposal location; and one has been on the market for more than 6 months.

Demand must be assessed on other information such as housing need and population studies.

- Housing need: There is no research noted about the broader economic and property factors associated with Launceston. Undoubtedly there is a need for housing in Launceston, however the need is for affordable housing. The development will not meet this criterion.
- The assessment also raises the need for the development from discussions with Real Estate Agents. Discussions are not a scientific study, and qualitative information such as this is always skewed towards confirmatory biases and is lacking in depth of detail.

### *Other Assumptions:*

- Age range of Drivers Run: Urban Enterprise estimated the age range of Drivers Run was young to middle age. The average age range is more likely to be middle age.
- Replicates Drivers Run. The proposed subdivision does not replicate Drivers Run. Drivers Run has a reticulated water system and the lots are larger.
- Appeal. The assessment indicated the development is an 8-minute drive to the CBD, this is not true. It is an 8 to 10-minute drive to Newstead, and 15 to 20 minutes to the CBD.
  - o The appeal of the proposed subdivision also relates to access to services. The proposed development does not acknowledge internet access as essential. The internet access currently is via fixed wireless NBN. The tower which services the area was built for approximately 60 lots. The residents of Drivers Run

experience constant NBN issues at peak times. It is exceptionally concerning that access to NBN has not been acknowledged in the application.

- The proposed development will have overhead power lines. Best practice, as demonstrated by the Victoria's Royal Commission, 2009, into Black Saturday fires, would have power lines underground for developments in bush fire prone areas.