

7.2 SECTION 40T COMBINED SCHEME AMENDMENT APPLICATION – PROPOSED REZONING AND 7 LOT SUBDIVISION (PDPSPAMEND – 2021/019004) – 30 HOLLAND COURT, HOWRAH
--

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a combined Section 40T application under the Land Use Planning and Approvals Act 1993 (LUPAA) for a planning scheme amendment and 7 lot subdivision. The proposed scheme amendment involves rezoning the site (1.56 ha) from “Community Purpose” zone to “General Residential” and “Open Space”. Proposed Lot 8 will contain the existing church building that is to be retained.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose under the Tasmanian Planning Scheme – Clarence (the Scheme). It is also subject to the Bushfire-prone Areas, Flood-prone Areas, Landslip Hazard, Natural Assets, Road and Railway Assets and Safeguarding of Airports Codes.

The proposed subdivision is currently Prohibited under the Scheme.

Section 37 of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for Council to consider a request to amend a Local Provision Schedule (LPS).

Section 40T of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

Applications made under Section 40T under LUPAA are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment and subdivision of the site.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That pursuant to Section 40D (a)(i) of the Land Use Planning and Approvals Act 1993, Council agrees to prepare Amendment PDPSPAMEND-2021-019004 to the Clarence Local Provisions Schedule to rezone 30 Holland Court, Howrah to General Residential and Open Space.
- B. That having decided to prepare the amendment, the Council certifies pursuant to Section 40F(2)(b) of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the Land Use Planning and Approvals Act 1993 subject to the following modifications:
- remove the Open Space zone in the north-east part of the site; and
 - rezone the portion of the site containing the pedestrian walkway to Utilities.
- C. That pursuant to Section 40G of the Land Use Planning and Approvals Act 1993, Council places the amendment and permit on public exhibition for a period of 28 days.
- D. That pursuant to Section 40Y of the Land Use Planning and Approvals Act 1993, Council agrees to grant a permit for a 7-lot subdivision at 30 Holland Court, Howrah subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS showing the following changes:
 - deletion of the POS Lot 100;
 - reconfiguration of the lot layout to incorporate Lot 100 into Lot 1;
 - the POS Lot 101 to extend further along the southern boundary towards 5 Mayfair Court for approximately 20m in length; and
 - a 10m wide Public right-of-way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway.
 3. GEN POS 4 – POS CONTRIBUTION [3.7%].
 4. GEN – PART 5 Agreement -
 - Combined Lots 1 and 100 the Eucalyptus Ovata trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
 - Lots 1 and 2 dwelling must be designed with a minimum Rw on the western, northern and eastern facades in accordance with the Noise Impact Assessment (NVC, 21 December 2022).
 5. PROP 3 – TRANSFER.

6. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban)].
 7. ENG M2 – DESIGNS SD [include additional dot point “pedestrian networks and connections”].
 8. NON-STANDARD ENGINEERING CONDITION – Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed to the satisfaction of Council’s Manager Environment and Recreation.
 9. Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the northern boundary of Lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by Council’s Manager City Planning prior to its construction.
 10. ENG M4 – POS ACCESS.
 11. ENG M5 – EROSION CONTROL.
 12. ENG M7 – WEED MANAGEMENT PLAN.
 13. ENG M8A – SERVICE EASEMENTS.
 14. ENG R2 – URBAN ROAD.
 15. ENG R5 – ROAD EXTENSION.
 16. ENG S1 – INFRASTRUCTURE REPAIR.
 17. ENG S4 – STORMWATER CONNECTION.
 18. ENG S5 – STORMWATER PRINCIPLES.
 19. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
 20. ENG S10 – UNDERGROUND SERVICES.
 21. ENG S2 – SERVICES.
 22. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 May 2021 [TWDA 2021/00779-CCC].
- E. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** At the time of the 2015 Clarence Interim Planning Scheme (CIPS), all of the subject land known as 30 Holland Court was zoned Community Purpose.
- 1.2.** The zoning conversion from CIPS to the current Scheme was generally on a “like for like” basis. Accordingly, the subject site is currently zoned Community Purpose.

2. STATUTORY IMPLICATIONS

- 2.1.** The site is zoned Community Purpose under the Tasmanian Planning Scheme – Clarence and is subject to the Parking and Sustainable Transport, Road and Railway Assets, Bushfire Prone Areas, Flood-Prone Areas, Landslip Hazards and Safeguarding of Airports Codes.
- 2.2.** The proposed subdivision is currently prohibited under the Scheme. Consequently, a Planning Scheme Amendment would be needed before an application could be entertained.
- 2.3.** Section 37 of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.
- 2.4.** The proposal is submitted under Section 40T of LUPAA and seeking a combined planning scheme amendment and planning permit for a 7-lot subdivision.

- 2.5.** If certified, the application will then be advertised for public comment and subject to further review on the basis of any representations received by Council, prior to it being forwarded to the TPC for final consideration. In addition, should it be considered appropriate, Council has the power to direct that the amendment be modified to ensure compliance with Section 34 of LUPAA.
- 2.6.** The Commission may hold a hearing to consider the amendment and subdivision permit. If the amendment is approved, the Commission may confirm the planning permit, reject it, or add, modify or delete any condition of the permit and may also grant a permit if Council decided to reject the application for the subdivision permit.
- 2.7.** The relevant parts of the Planning Scheme are:
- Section 6.10 – Determining Applications;
 - Section 6.11 – Conditions and Restrictions on a Permit;
 - Section 8.0 – General Residential Zone;
 - Section 27.0 – Community Purpose Zone;
 - Section 29.0 – Open Space Zone;
 - Section C2.0 – Parking and Sustainable Transport Code;
 - Section C3.0 – Road and Railway Assets Code;
 - Section C7.0 – Natural Asset Code;
 - Section C12.0 – Flood-prone Hazards Areas Code
 - Section C13.0 – Bushfire Prone Areas Code;
 - Section C15.0 – Landslip Hazards Code; and
 - Section C16.0 – Safeguarding of Airports Code.

3. PROPOSAL IN DETAIL

The applicant has requested that the site be rezoned to General Residential and Open Space to facilitate a residential subdivision of land surplus to the requirements of the church. The application includes the following documents:

- Planning Report (Johnstone McGee & Gandy Pty Ltd (JMG) Engineers and Planners, December 2022);
- Subdivision Plan (Rogerson & Birch, 12 August 2022);
- Bushfire Hazard Management Plan (JMG, 7 December 2022);
- Noise Impact Assessment (NVC, 21 December 2022);
- Concept Services Report (JMG, May 2021);
- Civil Drawings (JMG, 21 Sep 2022);
- Geological Report (GES, 01 March 2022); and
- Natural Values Assessment (North Barker Ecosystems Services, 6 January 2023).

3.1. The Site and Surrounds

The site is located at 30 Holland Court, Howrah (CT 35660/1) and has an area of 1.52ha. The site currently contains a church building and associated car parking and landscaping. While the area around the church building is generally cleared and landscaped there is remnant native vegetation located in the southern and western area of the site.

The subject site is surrounded by General Residential zoned land to the east and west, Low Density Residential to the south-east and south-west, Landscape Conservation to the south, and Utilities to the north. The area is generally residential in character and is adjacent to the South Arm Highway and pedestrian walkway which is located along the northern boundary. Adjoining the southern boundary is Council owned public open space, Kunyah Reserve.

The property to the east at 38 Buckingham Drive currently contains a single dwelling but has a current permit for a 30-lot residential subdivision PDPLANPMTD-2021/017703 (Attachment 4). The subdivision was approved in stages with the engineering works being completed for the first stage which created a “super lot”. The remaining two stages facilitate the construction of a road and the transfer of public open space lot which borders the subject site. Works on the second stage have not yet commenced.

Stage 2 of this permit requires the transfer of the Public Open Space lot which provides a pedestrian link from the subdivision road to the South Arm Highway and the Kunyah Reserve.

The site adjoins the South Arm Highway and pedestrian walkway to the north. A small section of the walkway is located within the subject site which was identified when the site was surveyed. An internal driveway located approximately 20m from the cul-de-sac provides an informal public access from Holland Court to the walkway along the highway (see Attachment 2).

3.2. The Amendment

It is proposed to amend the Scheme in the following manner.

Rezoning

It is proposed to rezone the land at 30 Holland Court (1.562ha) from Community Purpose zone to part General Residential zone and part Open Space zone.

The rezoned land will immediately adjoin existing “General Residential” zoned land to the east and west as well as “Low Density Residential” and Conservation Management land to the south. Permitted uses in the Community Purpose Zone include education, public halls, offices for community organisations, sports and recreation and emergency services, while No Permit Required uses include passive recreation and natural and cultural values management. The applicant has stated that the land area is in excess of that required for the existing church use and they wish to dispose of part of it.

The scheme amendment will primarily facilitate infill residential development within an existing serviced area. By rezoning to “General Residential”, some uses which were originally “Permitted” will become “Discretionary” and some previously “Discretionary” uses will come with new qualifications or become prohibited. The existing church building is to remain on the site and will become a discretionary use in the zone which simply means that if alterations or additions should be required, these works may require a discretionary permit.

After discussions with officers, the application was modified to include the portion of the public walkway located within the site to the north-west area of public open space.

3.3. Modified Amendment

Should Council agree to prepare an amendment, Section 40F(2)(b) of LUPAA provides that if Council considers that the proposal does not meet the requirements of Section 34 of LUPAA, then the amendment must be modified so that it meets the requirements.

The proposed rezoning will apply to the entire site and will result in the majority of the site being zoned General Residential which will then be subject to the development and subdivision standards of each relevant zone. The alternative zoning is for the current Community Purpose Zone to remain in place. For the reasons discussed in this report, the rezoning of the majority of the land to General Residential is considered appropriate as it will facilitate further residential development infill opportunities consistent with the adjacent density. Increased density will enhance land use efficiencies in terms of servicing and consolidation.

However, the location of the Public Open Space zone in the north-west corner of the site is not considered appropriate in this location as it is not required for community recreational uses for the municipality given the proximity of the site to the nearby Kunyah Reserve. This was proposed by the applicant as a means to both provide a pedestrian link to the pedestrian walkway to the south, and to protect some of the threatened Black Gums present on-site.

For the reasons outlined in the report below, it is not considered appropriate to take public open space in this location.

Therefore, it is recommended that the draft amendment be modified to remove the Open Space zone proposed in the north-west corner of the site with the environmental values identified being protected through controls on the subdivision permit.

The Subdivision

The applicant also seeks a permit for a 7-lot subdivision which will result in seven new residential lots, 1 balance lot (Lot 8) containing the existing church and associated car parking area and landscaping, two Public Open Space Lots of 200m² (Lot 101) and 574m² (Lot 100), and a Road lot of 859m².

The cul-de-sac at the end of Holland Court is proposed to be extended to provide frontage to all proposed lots.

Public Open Space Lot 101 is proposed as a link to the Kuynah Reserve to the approved (but not yet provided) public open space on the adjoining 38 Buckingham Drive. Lot 100 is provided as a means to provide pedestrian access to the walkway along the South Arm Highway and to protect the black gums located on this lot. The public open space lot was amended through discussions with council officers to include the strip of land that contains the public walkway.

An assessment of the subdivision against the relevant zone and code standards is included in Section 4.2 of this report.

4. PLANNING ASSESSMENT

An amendment to the Local Provision Schedule (LPS) must satisfy the requirements of Section 34 of LUPAA and must also be consistent with the zone and code application guidelines pursuant to Section 8A of LUPAA. Each of the zones proposed has been assessed against the relevant guidelines to determine whether they are appropriate and to ensure that the proposal achieves the zone purpose to the greatest extent possible.

4.1. Rezoning

Section 34(2) of LUPAA requires a relevant planning instrument to meet all the following criteria.

(a) Contains all the provisions that the SPP's specify must be contained in the LPS;

The draft amendment seeks to rezone the site from Community Purpose to General Residential and Open Space.

The application of the General Residential Zone is considered appropriate and has been in accordance with the relevant zone application guidelines as follows.

Zone Application Guidelines	Comment
General Residential Zone GRZ 1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which: (a) are not targeted for higher densities (see Inner Residential Zone); and (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.	The land is not targeted for higher density given its distance from municipal activity centres; and it can be connected to a reticulated water supply and sewerage system.
GRZ 2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if: (a) within the General Residential Zone in an interim planning scheme; (b) within an equivalent zone under a section 29 planning scheme; or	The land is not identified as “future urban”.

<p>(c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and</p> <p>(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system, Note: The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</p> <p>GRZ 3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.</p>	<p>The land has some environmental constraints, however as discussed in more detail further in this report, it is considered that these can be managed through permit conditions and should not prevent the application of the General Residential zone.</p>
--	--

The application of the Open Space Zone in relation to the south-east corner of the site is considered appropriate and has been applied in accordance with the guidelines as:

Zone Application Guidelines	Comment
<p>Open Space Zone</p> <p>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</p> <p>(a) passive recreational opportunities; or</p> <p>(b) natural or landscape amenity within an urban setting.</p> <p>OSZ 3 The Open Space Zone should generally only be applied to public land but may be applied to privately owned land if it has been strategically identified for open space purposes.</p>	<p>The land will provide a link from the adjoining property at 38 Buckingham Drive to the Kunyah Reserve which will provide for a community benefit.</p> <p>The general area of the site has been identified in Council's <i>Tracks and Trails Action Plan 2015 – 2020</i> as a potential pedestrian link from the South Arm Highway to the Kunyah Reserve.</p>

However, the Public Open Space lot in the north-west part of the site is not considered to be in accordance with the guidelines for the reasons set out below.

Zone Application Guidelines	Comment
<p>Open Space Zone:</p> <p>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</p> <p>(a) passive recreational opportunities; or</p> <p>(b) natural or landscape.</p> <p>OSZ 4 The Open Space Zone should not be applied to land:</p> <p>(a) with significant natural values (see Environmental Management Zone); or</p> <p>(b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).</p>	<p>This site has not been identified as being required for public open space in any of Council's strategies. In addition, the walkway proposed to be zoned Public Open Space is part of the pedestrian walkway located within the South Arm Highway road reservation and it would be more appropriate to zone this portion of the site Utilities as it forms part of the South Arm Highway road reservation owned by the Department of State Growth.</p> <p>If the identified natural values are considered to be significant then this zoning should not be applied and an alternative zoning, such as Environmental Management Zone should be considered. In this case, the alternative zoning would have limited environmental value, given that only up to three of the threatened Black Gums that would be retained within the Public Open Space lot.</p>

	For these reasons, it is considered more appropriate for majority of the site to be zoned General Residential and the subdivision permit to contain conditions to ensure that these trees are retained via a Part 5 Agreement.
--	--

The application of the Utilities Zone for the portion of the walkway identified as being located within the site is appropriate and applied in accordance with the guidelines as follow:

Zone Application Guidelines	Comment
Utilities Zone: UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including: <ul style="list-style-type: none"> (a) category 1, 2, 3, 4 and 5 roads as defined in the Tasmanian State Road Hierarchy published by the Tasmanian Department of State Growth; (b) any listed major local roads; (c) future road corridors for major local and all State roads; (d) energy production facilities, such as power stations, and major electricity substation facilities; (e) waste water treatment plants; or (f) rail corridors. 	The walkway forms part of the Category 3 road infrastructure as defined in the <i>Tasmanian State Road Hierarchy</i> . It is a valuable pedestrian link to allow safe access separated from vehicles.

It is considered that the proposal complies with Section 34(2) provided that the amendment is modified as discussed above.

(b) Is in accordance with Section 32;

This section identifies the technical aspects of the LPS such as the inclusion of zone maps and overlay, and what additional local provisions can be included, if permitted to do so, to add to or over-ride the SPPs. This draft amendment is in accordance with Section 32.

In this case, no local provisions are proposed. The zone maps are proposed to be updated with the modifications to the zoning as recommended.

(c) Furthers the objectives in schedule 1 of LUPAA;

Assessment of the amendment against the Schedule 1 objectives is provided in the following table.

Part 1 Objectives	Comment
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	The amendment enables the efficient use of land by including land within the Urban Growth Boundary under a General Residential Zone. The site is fully serviced and adjoins a large Council reserve to the south. Permit conditions can be applied to retain vegetation values on the site.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and	<p>The proposed rezoning is considered to promote sustainable and orderly development through the more efficient use of underutilised, serviced, urban land.</p> <p>The site is located within the established suburb of Howrah and has good road access, as well as being serviced with mains sewer and water infrastructure. The site is able to be serviced with water and any direct impacts on water quality can be managed by imposing permit conditions to manage water quality during development and promote consistency with the <i>State Policy on Water Quality Management 1997</i>.</p> <p>While the Natural Values Report identifies the presence of threatened species on the site it is considered that these impacts can be managed through subdivision permit conditions.</p>
(c) to encourage public involvement in resource management and planning; and	If the amendment is certified, the application will be advertised for public comment. Any representations received will be considered by Council. Council is required to report on any representations to the Tasmanian Planning Commission, which in turn may hold public hearings into representations.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	By increasing opportunities for housing, the proposal will, in turn, bring in new residents to support local business and services, and provide employment during construction and therefore have a positive economic outcome.

(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 proposal has been considered by TasWater, who indicated no objection to the amendment or the planning permit application (subject to conditions). The proposal will have no impact on the State Government responsibilities.
Part 2 objectives	Comment
(a) to require sound strategic planning and co-ordinated action by State and local government; and	The proposal is consistent with the Southern Tasmania Regional Land Use Strategy. The site is within the Urban Growth Boundary and is serviced by existing services and infrastructure. Providing for infill development, the proposal will also be consistent with the “30-year Greater Hobart Plan”.
(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; and	The amendment applies SPP zones to ensure appropriate land management and development control.
(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; and	The site is serviced by reticulated water and sewer infrastructure. The impacts on the environmental values have been considered by the Natural Values Assessment and can inform future planning decisions on subdivision and development. Social and economic benefits will result from providing additional residential land within an existing urban area, close to shopping educational, recreational and employment opportunities.
(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; and	The rezoning of the land will facilitate increased housing options within the urban area and is considered to align with land use management policies at a State, regional and local level.
(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; and	The proposal is a combined planning scheme amendment and planning permit application. The proposal was referred to TasWater, who indicated it had no objection to the amendment, and supported the granting of the planning permit application subject to conditions.

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	The development of the site will directly provide a pleasant, efficient and safe environment for living by providing additional serviced, well-located, and accessible land for residential uses.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	There are no known or listed historical, scientific, aesthetic, architectural or special cultural values on the site.
(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; and	The existing infrastructure network is sufficient to service the future subdivision of the land and will not negatively impact public infrastructure.
(i) to provide a planning framework which fully considers land capability.	The site is located within an existing urban area and has previously been developed for use as a church. The land capability can be considered as part of the subdivision and development assessments.

(d) Is consistent with each State Policy;

Assessment of the amendment against the relevant State Policies is provided in the following table.

State Policy	Comment
State Policy on Water Quality Management 1997.	The proposed zoning will allow for suitable stormwater treatment to be incorporated in future development as required by the planning scheme. Such measures will ensure the long-term quality of stormwater runoff is efficiently managed to protect water quality as such the proposal does not conflict with this Policy.
State Coastal Policy 1996. The key principles of the policy are: <ul style="list-style-type: none"> Natural and Cultural values of the coast shall be protected. The coast shall be used and developed in sustainable manner 	The subject land is located within 1km of the coast (890m) however, given its location within an existing residential area the proposal does not conflict with this policy.

<ul style="list-style-type: none"> Integrated management and protection of the coastal zone is a shared responsibility. 	
--	--

(da) Satisfies the relevant criteria in relation to the TPPs;

The Tasmanian Planning Policies have not been implemented.

(e) As far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

The regional land use strategy for Clarence is the Southern Tasmanian Regional Land Use Policy 2010-2035 (STRLUS). Comments against the relevant STRLUS strategies are provided below.

STRLUS Strategies	Comment
<p>Biodiversity and Geodiversity 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process.</p> <p>Biodiversity and Geodiversity 2.1 Avoid the clearance of threatened vegetation communities except:</p> <p>a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</p> <p>b. where the clearance will not significantly detract from the conservation of</p>	<p>The rezoning will result in the clearance of remnant vegetation. The Natural Values Report has identified that the highest conservation values are concentrated in the north-west part of the site proposed to be zoned Public Open Space. The northern area of the site is not covered by the Natural Assets Code and the applicant has proposed that the zoning of this area of the site to Public Open Space will ensure the retention of the threatened species and provide a pedestrian connection from Holland Court to the pedestrian walkway adjacent to the South Arm Highway. However, Council's Manager Environment and Recreation considers that this area of land is not required for public open space. Instead, a pedestrian link should be provided to enable linkages from the South Arm Highway pedestrian walkway to the north of the site, through to the nearby Kuynah reserve, as shown on Attachment 8.</p> <p>The Natural Values Assessment describes the existing vegetation as degraded and, particularly in the north-west part of the site, substantially modified. The site contains nine black gums</p>

<p>that native vegetation community.</p>	<p>(<i>Eucalyptus Ovata</i>) which can provide a foraging resource for the endangered swift parrot, however, there are no trees supporting hollows likely to be used by this species for nesting. The report is limited as it does not include conclusions as to whether the black gums are necessary to be retained for the conservation of the native vegetation community, however, does acknowledge that mechanisms can be put in place as part of the subdivision to ensure their protection.</p> <p>Retention of the Black Gums could be ensured through a Part 5 Agreement. The recommended draft conditions include a permit condition to this effect.</p> <p>The vegetation community in Lots 3 – 7 is not a priority vegetation and therefore removal of this for construction of dwellings and bushfire protection does not have a significant impact on the conservation of the native vegetation community.</p>
<p>Minimising the risk of loss of life and property from bushfire</p> <p>1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.</p> <p>1.2 Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.</p> <p>1.3 Allow clearance of vegetation in areas adjacent to dwellings existing at the time that planning schemes</p>	<p>The subdivision is accompanied by a Bushfire Hazard Management plan in accordance with the requirements of the Bushfire Prone Areas Code and each lot proposed in the future subdivision is capable of providing a building area and vegetation clearance within each lot.</p>

<p>based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to a biodiversity code, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.</p> <p>1.4 Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.</p> <p>1.5 Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.</p>	
<p>Recreation & Open Space</p> <p>1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.</p> <p>1.5 Provide for residential areas, open spaces and other community destinations that are well connected with a</p>	<p>As discussed above, the public open space proposed in the north-west part of the site is not considered appropriate. However, given the site's proximity to the Kunyah Reserve, there is an opportunity to provide a pedestrian link through from the South Arm Highway to the reserve in accordance with Council's Tracks and Trails Action Plan 2015-2020. The link can be provided as a right-of-way from the new cul-de-sac termination.</p>

<p>network of high-quality walking and cycling routes.</p> <p>1.6 Subdivision and development is to have regard to the principles outlined in “Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania”.</p>	
<p>Social Infrastructure</p> <p>1.2 Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.</p> <p>1.4 Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.</p>	<p>The area is surplus to the current needs of the church and will facilitate infill housing in an existing residential area. The site has not been identified in an area required for the provision of social infrastructure.</p>
<p>Physical Infrastructure</p> <p>1 Maximise the efficiency of existing physical infrastructure.</p> <p>1.1 Preference growth that utilise under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of greater Hobart.</p>	<p>The site is located within an existing residential area and can be connected to existing infrastructure. The proposal was referred to TasNetworks and TasWater, who indicated no objection to the rezoning.</p> <p>The proposal is located within the Urban Growth Boundary and is consistent with STRLUS and the “30 Year Greater Hobart Plan”.</p>

<p>Land Use and Transport Integration</p> <p>1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</p>	<p>The proposal constitutes infill development located adjacent to the South Arm Highway which has access to existing public transport routes.</p>
<p>Settlement and Residential Development</p> <p>1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.</p> <p>1.5 Ensure land zoned residential is developed at a minimum of 15 dwellings per hectare (net density).</p> <p>2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.</p> <p>2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>2.7 Distribute residential infill growth across the existing urban areas for the 25-year planning period as follows: [Clarence LGA 15% (1987 dwelling)].</p>	<p>The amendment provides for new residential development opportunities within the Urban Growth Boundary and will assist Clarence to reach its infill development targets at an appropriate density level.</p>

- (f) **has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;**

The municipal strategic plan is the City of Clarence Strategic Plan 2021–2031. The proposal is considered generally consistent with the overarching vision of a vibrant, prosperous and sustainable city; however, the public open space should be modified. This is discussed in more detail in Section 5 which assesses the subdivision proposal.

- (g) **as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

There are no LPS's in effect in the neighbouring municipalities.

- (h) **has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.**

The site is not located within the vicinity of the gas secondary distributor.

4.2. SUBDIVISION

Should the amendment and associated subdivision be approved as recommended, the individual lots would be subject to the provisions of the General Residential, Open Space and Utilities Zones respectively.

Zones

The proposed subdivision meets all relevant Acceptable Solutions of the zones with the exception of the following.

- **General Residential Zone** - Clause 8.6.2 A1 (Roads) as the proposal includes an extension to Holland Court.

Performance Criteria	Proposal
<p>P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians, and cyclists, having regard to:</p> <p>(a) any road network plan adopted by the council;</p>	<p>There is no adopted road network plan.</p>
<p>(b) the existing and proposed road hierarchy;</p>	<p>The proposed road layout forms an extension to the previously approved Holland Court. The road design and provision of a new cul-de-sac provides adequate turning provision at the end of the extension.</p> <p>Engineering detail has been provided with the application demonstrating that the road has also been designed to conform to current council standards.</p> <p>The proposed road hierarchy remains unchanged and consistent with the existing road layout and is deemed to not result in a significant change in traffic movement or intensity.</p> <p>The proposal will not result in the creation of an arterial or collector road.</p>
<p>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</p>	<p>The location of the existing church on the site prevents a road connection to the adjoining property at 38 Buckingham Drive until such time the church building is demolished.</p> <p>Given that the current approval on 38 Buckingham Drive does not provide for a future road connection the more likely outcome would be that if Lot 8 was subdivided, a connecting road would not be provided, however it would enable pedestrian connection to this site.</p>

(d) Maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;	<p>The proposed road has been designed as an extension of the existing road. While cul-de-sac design should generally be avoided when creating connected and accessible neighborhoods, in this case there is no potential for any connections to other roads or subdivisions.</p> <p>Proposed Lot 101 will provide a pedestrian link from the approved public open space lot on 38 Buckingham Drive, through to the adjacent reserve. As discussed above, a public right-of-way from Holland Court is recommended to ensure pedestrian connectivity to public open space and pedestrian corridors.</p>
(e) Minimising the travel distance between key destinations such as shops and services and public transport routes;	The proposal is for an extension to an existing road and will not have a noticeable impact on travel distances.
(f) access to public transport;	The conditions recommended will ensure that pedestrian access to public transport is facilitated.
(g) the efficient and safe movement of pedestrians, cyclists and public transport;	The proposed road represents an extension of the existing Holland Court cul-de-sac and will provide for a direct link to the pedestrian walkway and cycleway along South Arm Road to Holland Court and also to the Kunyah Reserve.
(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i> ;	Holland Court is not an arterial road collector road therefore this standard is not applicable.
(i) the topography of the site; and	The topography of the site does not prevent the construction of Holland Court in accordance with the relevant Australian Standards and will provide for satisfactory level of access and safety for users.
(j) the future subdivision potential of any balance lots on adjoining or adjacent land.	The only adjoining property that has subdivision potential is 38 Buckingham Drive which has previously obtained subdivision approval. As discussed previously, works for Stage 1 of this permit have commenced.

Codes

The proposal complies with all relevant Acceptable Solutions of the above Codes with the exception of the following.

- **Road and Railway Attenuation Code** – Clause 3.7.1 A1 (Subdivision for sensitive uses within a road or railway attenuation area) as proposed
Lots 1 and 2 are intended for sensitive uses within the South Arm Highway attenuation overlay.

Performance Criteria	Proposal
<p>P1 - A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p> <p>(a) The topography of the site.</p>	<p>The site is adjacent to the South Arm Highway and is impacted by traffic noise. The topography of the site does not have any effect on traffic noise.</p>
<p>(b) Any buffers created by natural or other features.</p>	<p>There are no natural buffers or features present to minimise the impact of traffic noise, vibration, light and air-emissions from the South Arm Highway.</p>
<p>(c) The location of existing or proposed buildings on the site.</p>	<p>The location of existing Church building on-site is not considered a sensitive use and exempt from the Code. The Noise Impact Assessment has assessed the location of a future dwelling on Lots 1 and 2 and concluded that predicted noise levels for the lot adjoining the highway would be 50dBA at night and 59dBA during the day, which exceeds the accepted levels which are:</p> <ul style="list-style-type: none"> • outdoor (daytime) 55dBA; • outdoor (night time) 45 dBA; • indoor (day and night time) 40dBA. <p>The report concludes that the noise from the highway can be mitigated by the construction of a noise barrier along the northern boundary of the site. An agreement on the titles can require future dwellings to be designed appropriately. Permit conditions to this effect are recommended.</p>
<p>(d) The frequency of use of the rail network.</p>	<p>Not applicable – the subject site is not within proximity of any rail network.</p>

(e) the speed limit and traffic volume of the road.	The South Arm Highway has 80km/h speed limited road that has significant traffic volumes. There may be no conflict here, as there is no direct vehicle access.
(f) any noise, vibration, light and air emissions from the rail network or road.	As above.
(g) the nature of the road.	The South Arm Highway is an arterial road with a high traffic volume, as discussed above. This is relevant to the noise impacts discussed above.
(h) the nature of the intended uses.	The proposed vacant lots are intended to be developed for residential purposes. Conditions can be imposed to ensure impacts are minimised.
(i) the layout of the subdivision.	The layout of the subdivision is constrained by the existing road connection to Holland Court. It is considered that providing the mitigation measures are implemented for those lots adjoining the highway, the layout is considered acceptable.
(j) the need for the subdivision.	The subdivision provides for infill housing in existing residential area that is consistent with the objectives of STRLUS and the “30 Year Greater Hobart Plan”, which encourage infill housing.
(k) any traffic impact assessment	A Traffic Impact Assessment has not been provided as Council’s Engineer was satisfied that Holland Court was capable of supporting the increased traffic generated by the proposal.
(l) any mitigating measures proposed.	<p>The location of the proposed building envelopes (specifically Lots 1 and 2) will adjoin the road reservation and be less than 30m, with a clear line of sight, from the four-lane arterial road.</p> <p>The Noise Impact Assessment examined the impact on future residential amenity of lots adjacent to the road reservation, being Lots 100, 1 and 2 on the proposed subdivision plan.</p> <p>The report concludes that the noise from the highway can be mitigated by the construction of a noise barrier along the northern boundary of the site, and covenants on titles to ensure future dwellings are designed appropriately. Permit conditions to this effect are recommended.</p> <p>It is noted that the recommendation to include an acoustic fence along the northern boundary of Lots 1 and 2 is consistent with the permit conditions of the approved subdivision on 38 Buckingham Drive.</p>

(m) any recommendations from a suitably qualified person for mitigation of noise.	See (c) above.
(n) any advice received from the rail or road authority.	<p>The application was referred to the Department of State Growth (DSG) and the following relevant advice has been provided:</p> <p><i>“It is noted that the proposal will increase the density of sensitive uses in the vicinity of the South Arm Highway which is a major arterial road in Tasmania and a key part of the State’s transport network. It is recognised that people who live close to trunk, regional and arterial roads are more likely than others to experience amenity impacts associated with traffic noise.</i></p> <p><i>In accordance with the Tasmanian State Road Traffic Noise Management Guidelines (October 2015), State Roads advises that the Department will not consider providing noise mitigation where traffic noise impacts are a result of land use changes, such as rezoning, that bring sensitive developments (e.g. houses) closer to an existing road.”</i></p> <p>It is recommended that the permit include conditions requiring the applicant to provide an acoustic fence along the northern boundary to ensure that the amenity of the future lot owners is not detrimentally impacted.</p>

- **Natural Assets Code - Clause 7.7.2 A1 (Subdivision within a priority vegetation area)** as proposed Lots 3-7 in the plan of subdivision are located within a priority vegetation area.

Performance Criteria	Proposal
<p>P1.1 - Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <p>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person.</p>	<p>The existing use (place of worship) is located on proposed Lot 8. Lot 8 on the Plan of Subdivision is not located within the priority vegetation overlay and does not require any clearing of vegetation to provide bushfire protection.</p>
<p>(b) subdivision for the construction of a single dwelling or an associated outbuilding.</p>	<p>The subdivision proposes to create an additional seven residential lots, intended to provide for the construction of residential dwellings.</p>
<p>(c) subdivision in the General Residential Zone or Low-Density Residential Zone.</p>	<p>The combined scheme amendment and subdivision application is to rezone the subject site from Community Purpose to General Residential and therefore complies with this standard.</p>
<p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design.</p>	<p>As discussed above, the proposal for rezoning is considered to provide social and economic benefits and provided that the subdivision is modified in accordance with the recommendations, is considered appropriate.</p>
<p>(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p>	<p>The Natural Values Assessment identifies the vegetation on Lots 3 – 7 covered by the Natural Assets Code as <i>Eucalyptus viminalis</i> grassy forest and woodland and does not include the threatened vegetation, threatened fauna habitat or threatened flora, all of which occur outside the area of the site covered by the Code.</p> <p>The vegetation community in Lots 3 – 7 is not a priority vegetation and therefore is not critical for the survival of this vegetation community, particularly given its proximity to the large area of reserve to the south.</p>
<p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p>	<p>As above.</p>

<p>P1.2 - Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p>	As discussed above, Lots 3 – 7 do not contain priority vegetation therefore this standard is not applicable.
<p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p>	As above.
<p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p>	As above.
<p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p>	As above.
<p>(e) any on-site biodiversity offsets; and</p>	As above.
<p>(f) any existing cleared areas on the site.</p>	As above.

- Landslip Hazard Code** - Clause 15.7.1 (Subdivision within a landslip hazard area) as the proposed subdivision results in the Lots 3-7 being within the landslip hazard area.

Performance Criteria	Proposal
<p>P1 - Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot achieve a tolerable risk from landslip, having regard to:</p>	

(a) any increase in risk from a landslip for adjacent land;	The report provided by GES, (1 March 2021) concludes that due to the soil structure on the site, there is no risk of mass slope instability for residential development. Council's Engineer is satisfied that the subdivision will not pose a significant risk from landslip and accepted the recommendations in the report.
(b) the level of risk to use or development arising from an increased reliance on public infrastructure;	No public infrastructure has been identified to be with the landslip hazard overlay.
(c) the need to minimise future remediation works;	The supplied Planning Report and associated Geotechnical Report do not identify that future remediation works would be required.
(d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;	Proposed individual access points to the lots and the extension to Holland Court are not located within the Landslip Hazard Area.
(e) the need to locate building areas outside the landslip hazard area;	The supplied Geotechnical Report states that the desktop investigation has identified no serious impediments to the proposed development.
(f) any advice from a State authority, regulated entity or a council; and	No relevant State authority or Council advice has been provided or included with application.
(g) the advice contained in a landslip hazard report.	A desktop geotechnical report has been provided that states "no serious impediments to the proposed development were identified during the desktop investigations."

Compliance with Strategy and Policy

Council's Strategic Plan is supported by a number of Council policies including the Public Open Space Policy 2013 (POS). The primary purpose of Council's Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate POS to serve the needs of the existing and future population in Clarence. The policy is used to assist Council to exercise its discretion and provide a framework to deliver a consistent approach to the consideration of POS, or alternatively the payment of cash-in-lieu of it.

Clarence has developed a comprehensive suite of strategies that either deliver or rely on POS related outcomes including but not limited to:

- Clarence Tracks and Trails Strategy 2012;
- Tracks and Trails Action Plan 2015-2020;

- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy August 2011;
- Community Health and Wellbeing Plan 2013-2018;
- Draft Sport and Active Recreation Strategy 2013-2037; and
- Community Wellbeing Strategy 2022-2032.

Together these strategies assist Council to deliver a range of active and passive recreational opportunities at both local and regional level.

The subject site is proposed to be zoned General Residential within an establishing urban environment. Upon completion it will form an extension of an existing urban area and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on open space requirements.

Two public open space lots are proposed, Lot 100 which is located in the north-western corner of the site and provides a link to the South Arm Highway, and Lot 101 which provides a link through from the approved Public Open Space lot on 38 Buckingham Drive to the Kunyah Reserve.

Clarence's Tracks and Trails Action Plan 2015 – 2020 identifies the missing links in the Trails Register which is indicative of desired track corridors on privately owned land. The register prioritises the desired links into the following:

- Priority 1 – links which complete missing links in existing trails, generally on public land;
- Priority 2 – a new trail that provides a strategic link or completes gaps in existing trails; and
- Priority 3 – a new trail in remote areas.

In this case, the link from the Howrah-Rokeby Cycleway to the Kunyah Bushland Reserve is identified as Priority 2, as it will connect the existing pedestrian walkway along the South Arm Highway to the Kunyah Reserve.

Public Open Space for this purpose will be provided once Stage 2 of the approved subdivision at 38 Buckingham Drive commences.

Despite the subdivision approval being in place for this Public Open Space, there is no guarantee that Council will obtain this link and therefore it is considered appropriate to require a link from the site to the Kunyah Reserve at the southern boundary.

Rather than requiring additional land as part of this subdivision, it is proposed that a Public Right-of-Way be created along the eastern boundary of the site and from the cul-de-sac to the pedestrian walkway adjacent to the South Arm Highway. This will ensure pedestrian connectivity to the reserve and walkway until such time that the public open space is provided on 38 Buckingham Drive.

In relation to Lot 100, this lot was proposed by the applicant to enable the protection of the threatened black gums (*Eucalytus Ovata*) and to provide a pedestrian link to the South Arm Highway walkway. However, there are only two trees suitable for providing foraging habitat in the Public Open Space lot which provides minimal protection of this threatened vegetation community. Council's Manager Environment and Recreation considers that this area is not required for Public Open Space. Accordingly, it is recommended that Lot 100 is not designated as Public Open Space and instead zoned General Residential and included within a residential lot. It is recommended that a condition requiring a Part 5 Agreement on Lots 1, 2, and 8 be included which will ensure the protection of the Back Gums.

It is also recommended that the boundary of Lot 101 be extended along the southern boundary towards 5 Mayfair Court to provide for easier grade access to the reserve.

As Council does not support the provision of Public Open Space in Lot 100, the amount of land taken for public open space is only calculated for Lot 101 which would represent 1.3% of the site area. Therefore, the remaining 3.7% can be taken as cash-in-lieu.

While Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created (Lots 1 - 7), representing the increased demand for POS generated by the proposal and not the entire site.

5. CONSULTATION

Applications for planning scheme amendments are not formally open for public comment until after Council has resolved to initiate and certify the Amendment. Should this be the case, the draft amendment and associated draft permit (if supported) will be publicly exhibited in accordance with the statutory requirements.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who advised they do not object to the proposed amendment to the Tasmanian Planning Scheme – Clarence as mentioned above and have no formal comments for the Tasmanian Planning Commission in relation to this matter and do not require to be notified of nor attend any subsequent hearings.

TasWater have provided conditions that must form part of an approved subdivision Permit.

7. COUNCIL COMMITTEE RECOMMENDATIONS

The proposal was not specifically referred to any Council committees. However, the preliminary design for the subdivision was discussed with Council's Tracks and Trails Committee who provided assistance in the final design of the public open space connections.

Should the Council agree to prepare and certify the amendment any committee comments or recommendations received during the public exhibition period may be considered as part of Council's Section 40K report.

8. CONCLUSION

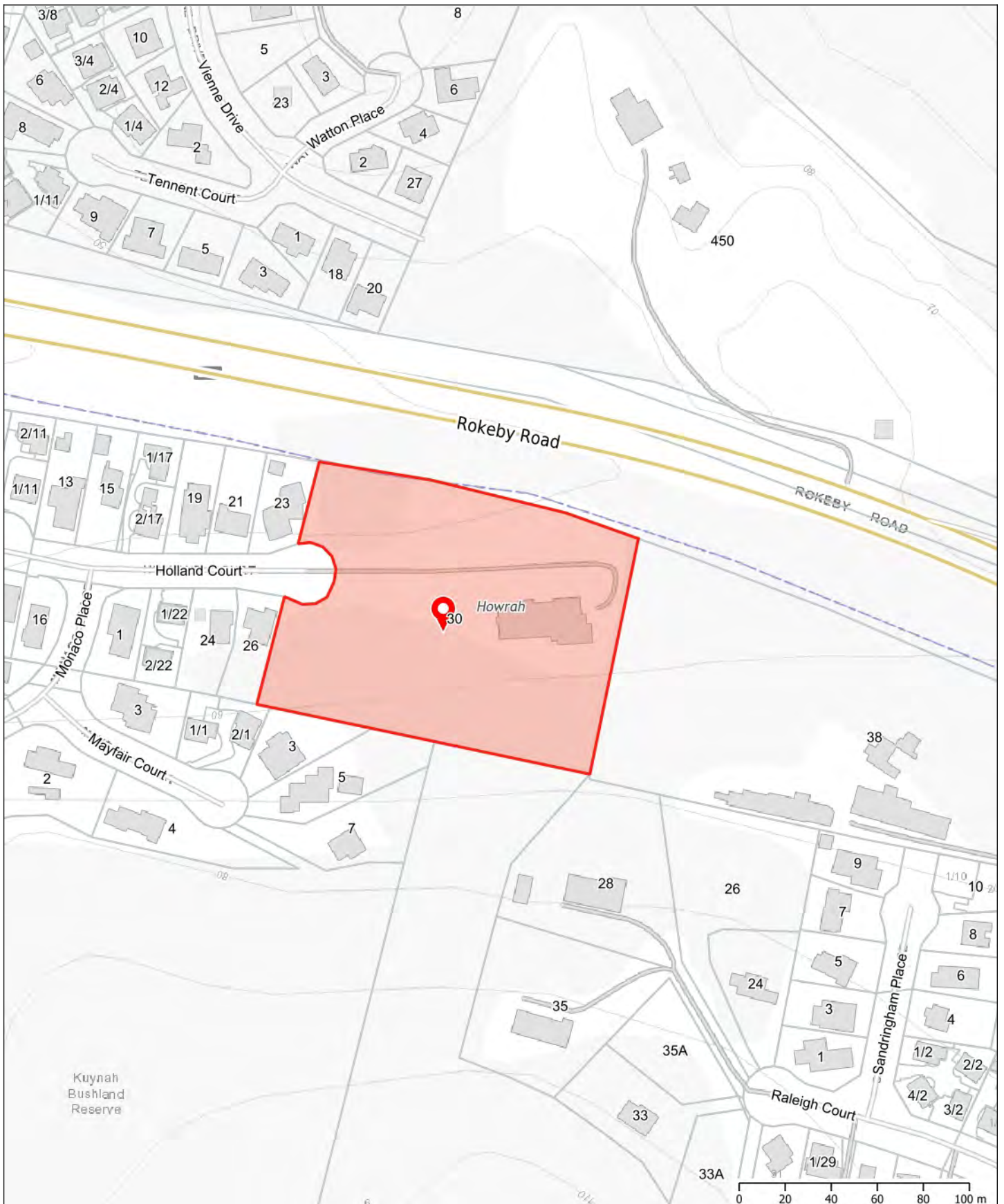
The proposed subdivision is currently prohibited under the provisions of the Scheme. For this reason, the applicant has lodged an application under Section 40T of LUPAA, which provides for the concurrent consideration of a Planning Scheme Amendment and associated Development Application for a use/development that would otherwise be prohibited.



For the reasons detailed within the body of this report it is considered that the proposed rezoning amendment is consistent with the STRLUS and meets the relevant provisions of LUPAA subject to modifications. Accordingly, it is recommended that Council initiates and certifies the draft amendment. It is also recommended that the proposed subdivision be approved subject to appropriate conditions.

- Attachments:
1. Location Plan (1)
 2. Aerial Photograph (1)
 3. Proposed rezoning plan (1)
 4. Proposed subdivision Plan (1)
 5. Approved subdivision plan on 38 Buckingham Drive (1)
 6. Noise Impact Assessment (8)
 7. Natural Values Assessment (41)
 8. Site plan showing recommended modifications (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



	<p>This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.</p>	<p>30/01/2023</p>	
		<p>1:2257</p>	

Attachment 2

Aerial photo of proposed site



Figure 1 - Subject Site - 30 Holland Court

Attachment 3

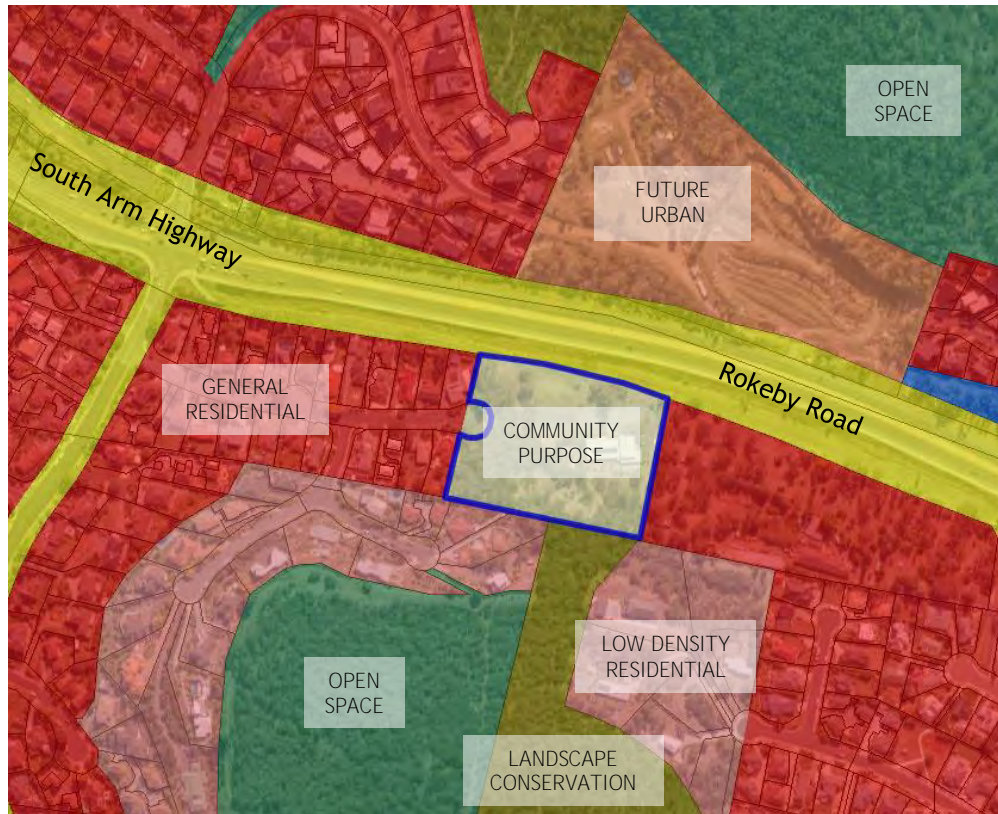


Figure 4 - Current Zoning (source: LISTmap 10.05.22)

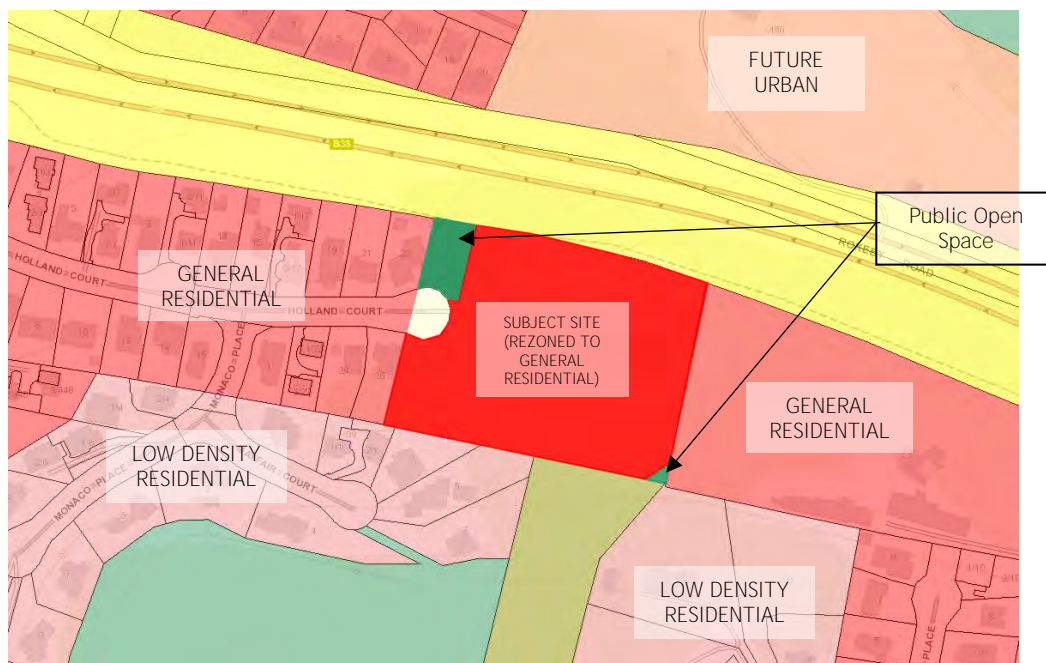
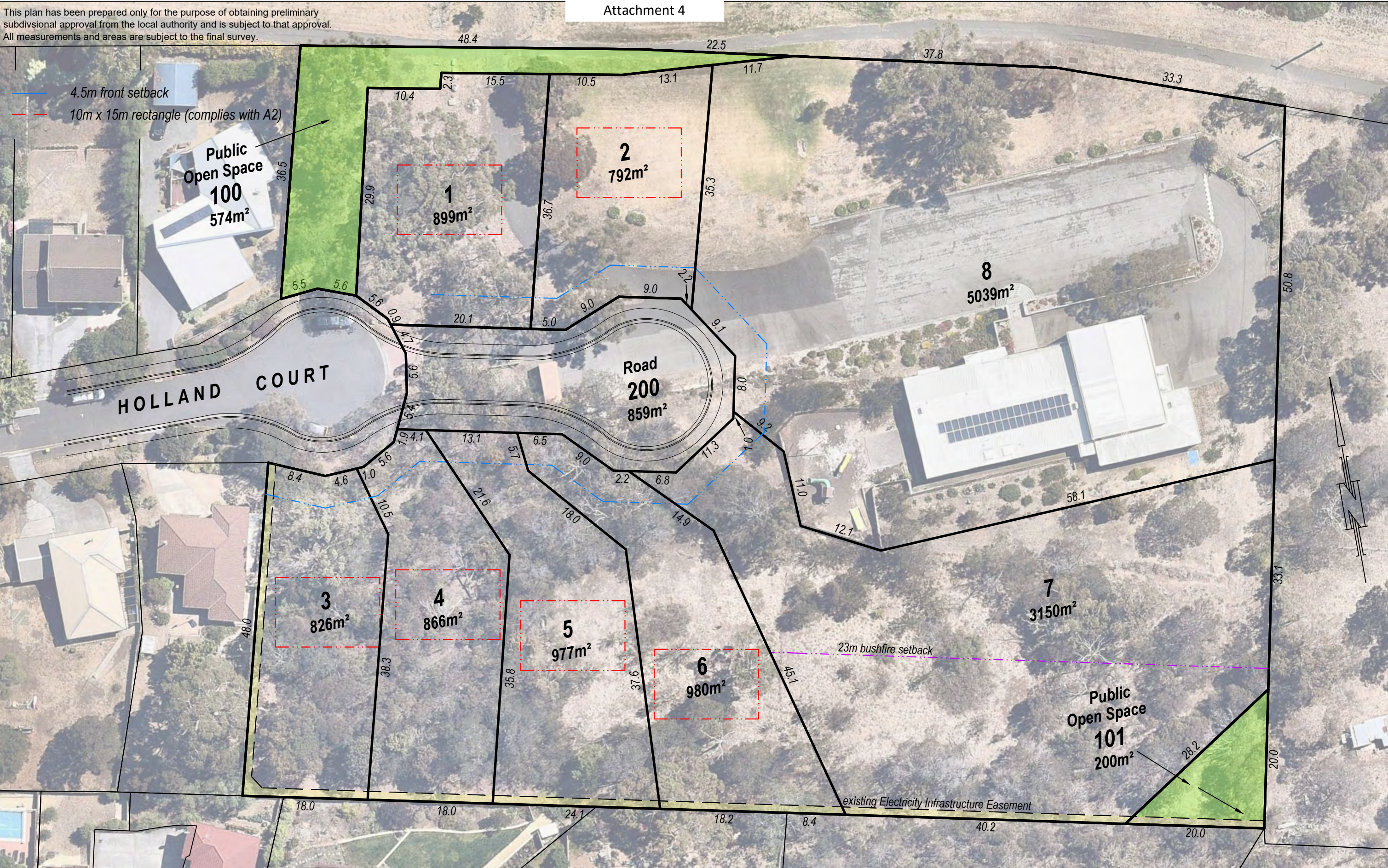


Figure 5 - Proposed Zoning of 'Subject Site' to General Residential



		AB	15-11-21	AB
				AB
				AB
				AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB
REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER:
TITLE REFERENCE:
LOCATION:

CHURCHES OF CHRIST
C.T.35660/1
30 HOLLAND COURT
HOWRAH

Proposed Subdivision

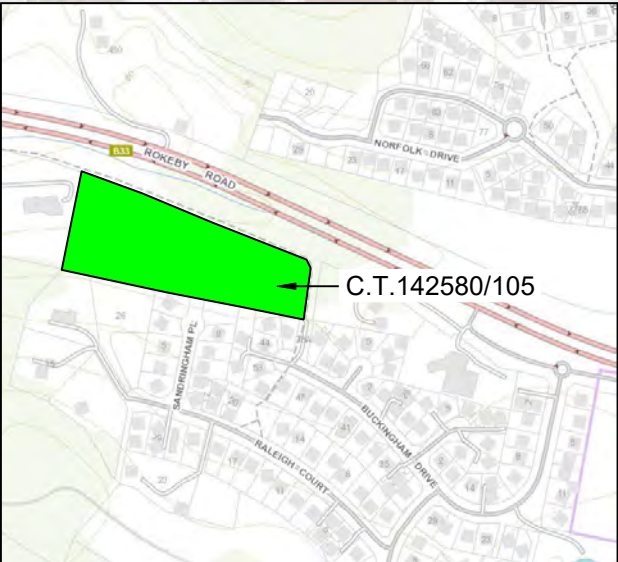
Date: 12-8-2022	Reference: HOWCC01 12572-05
Scale: 1:500 (A3)	Municipality: CLARENCE

Development Standards for Subdivision

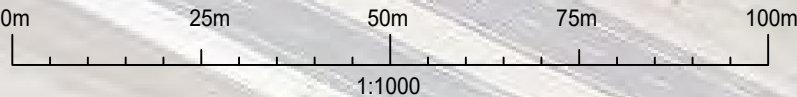
10.6. General Residential

- A1- Lot sizes comply.
- A2- Complies.
- A3- Not all the frontages comply with A3. It does satisfy P3.
- A4- Complies. No internal lots.
- A5- Does not comply. Complies with P5.


TABLE OF AVERAGE SLOPE FOR LOTS					
LOT No.	SLOPE	LOT No.	SLOPE	LOT No.	SLOPE
1	8.3	11	9.7	21	6.8
2	7.9	12	11.0	22	6.6
3	7.9	13	12.1	23	6.2
4	7.9	14	11.4	24	5.9
5	7.9	15	9.1	25	5.5
6	8.0	16	8.5	26	5.4
7	8.2	17	10.0	27	6.9
8	9.0	18	9.9	28	7.9
9	9.5	19	7.5	29	8.7
10	9.8	20	7.4	30	8.5



LOCATION PLAN



PUBLIC OPEN SPACE
200
1206m²



**CITY OF CLARENCE
PLANNING APPROVAL**

DEVELOPMENT PERMIT NO: PDPLANPMTD-
DATED: 21/6/2021

NOTE: A separate building and plumbing approval may be
required **BEFORE** the commencement of any building works.

This Plan satisfies Condition 2 of the Permit

Plan Approved Date: 30/12/2021

Proposed Staging

Stage 1 - "Super Lot" containing all lots within Stage 2

- Stage 2 - Lots 8 - 17 & 200 - 201
- Stage 3 - Lots 2 - 7 & Lots 18 - 23
- Stage 4 - Lot 1 & Lots 24 - 30

This plan has been prepared only for the purpose of obtaining preliminary
subdivisional approval from the local authority and is subject to that approval.

All measurements and areas are subject to the final survey.

Base image by TASMMap (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: CLARENCE CITY COUNCIL
NIGEL DAVID INNES

TITLE REFERENCE: C.T.142580/105 C.T.133933/2

LOCATION: 38 & 38A BUCKINGHAM DRIVE
HOWRAH

Proposed Subdivision	
Date: 14-12-2021	Reference: INNEN01 11380-04
Scale: 1:1000 (A3)	Municipality: CLARENCE

JMG Engineers & Planners
117 Harrington Street
Hobart, TAS

21 December 2022

Ref: 6318_01

Attention: Katrina Hill

30 HOLLAND COURT — NOISE IMPACT ASSESSMENT

A subdivision is proposed for 30 Holland Court, Howrah, to comprise nominally 8 lots. As the development is within 50m of Rokeby Road, it is within the road and railway attenuation area under the Tasmanian Planning Scheme, and thus requires a traffic noise assessment to determine its suitability for residential use. This letter presents such an assessment, conducted by NVC in December 2022.

1. BACKGROUND

The proposed site (white outline) is a large lot currently comprising the Howrah Church of Christ at its eastern end, with vegetation on the western portion. The land is zoned Community Purpose (white overlay in Figure 1.1), with General Residential zoning (red overlay) to the site's east and west, and Low Density Residential zoning to the south and south-east (pink overlay).

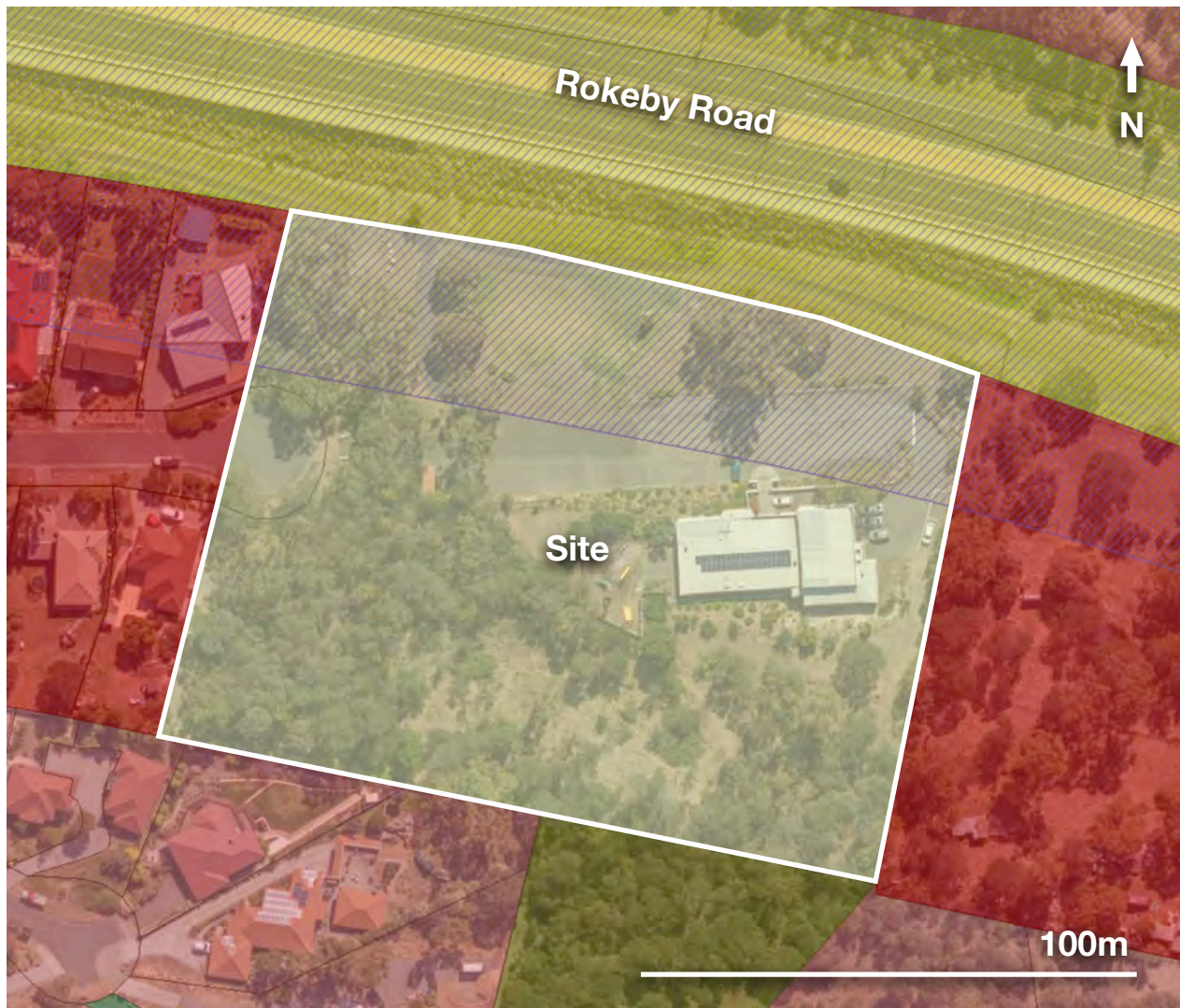


FIGURE 1.1: SITE AND SURROUNDING AREA

To the north of site is Rokeby Road, an 80km/h speed limited road that sees significant traffic volume. The associated Utilities zone is shown by the yellow overlay, with the purple hatching denoting the road and railway attenuation area.

Figure 1.2, below, shows the proposed development, comprising 7 residential lots with a balance lot (lot 8) to the site's north-east, with the existing church to remain.

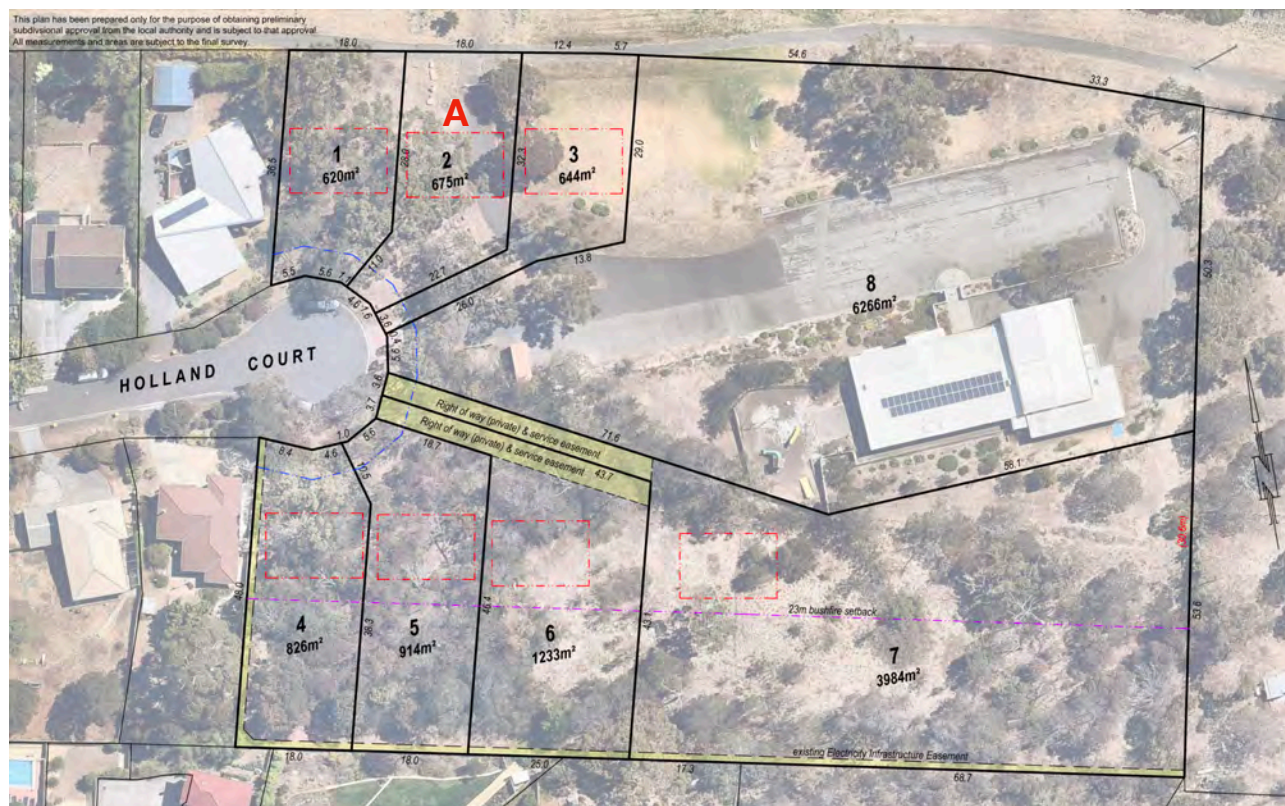


FIGURE 1.2: PROPOSED DEVELOPMENT

2. NOISE MEASUREMENTS

Noise measurements were conducted on an adjacent lot, to the east of site (38 Buckingham Drive, Howrah), over a 2 week period in September 2020, to quantify the existing traffic noise levels. The results of those measurements are summarised in Table 2.1 and Figure 2.1.

The sound level meter was located nominally 32m from the road verge for the measurements, with direct line of sight to the roadway. The microphone was at a similar or slightly higher height than the road surface, and thus fully exposed to traffic noise.

TABLE 2.1: EXISTING NOISE LEVELS

Time	Sound Pressure Level, dBA			
	L10	L90	Leq	L10 _{18hr}
Day, 0600 - 2200 hrs	64	52	61	66
Night, 2200 - 0600 hrs	55	39	52	

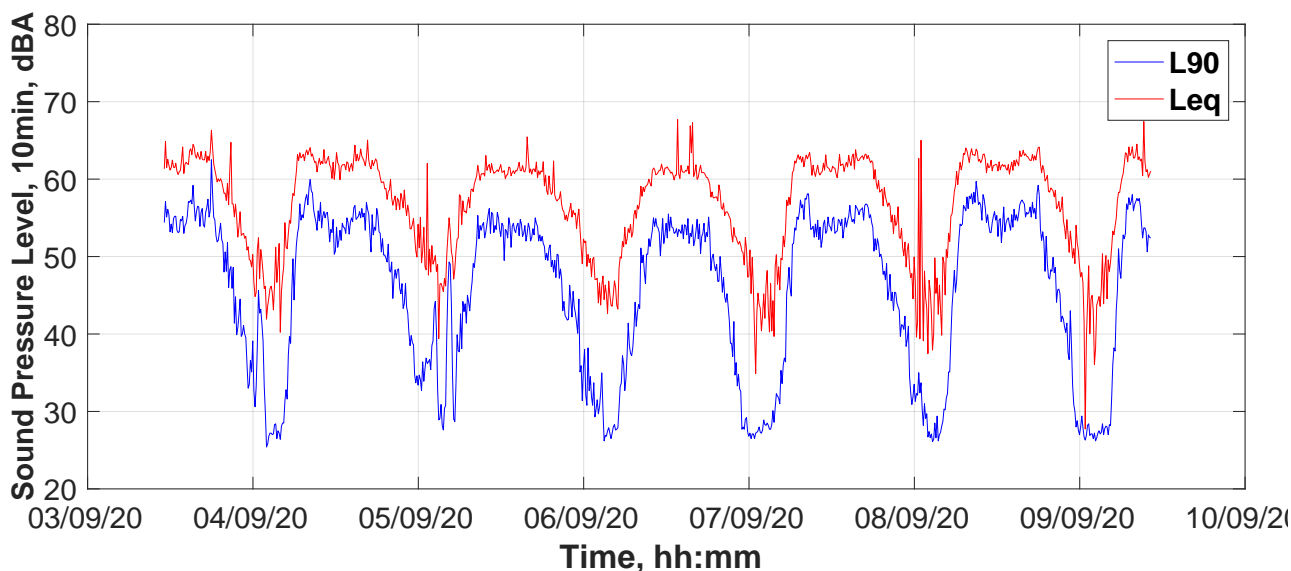


FIGURE 2.1: NOISE TREND - 38 BUCKINGHAM DRIVE

3. CRITERIA

Section C3.0 of the Tasmanian Planning Scheme - Clarence contains criteria for ‘*subdivision for sensitive uses within a road or railway attenuation area*’. With regards to noise for such a development, clause C3.7.1, reproduced below, is relevant.

Objective: To minimise the effects of noise, vibration, light and air emissions on lots for sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
Acceptable Solutions A1 A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.	Performance Criteria P1 A lot, or a lot proposed in a plan of subdivision, intended for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise the effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to: <ul style="list-style-type: none"> (a) the topography of the site; (b) any buffers created by natural or other features; (c) the location of existing or proposed buildings on the site; (d) the frequency of use of the rail network; (e) the speed limit and traffic volume of the road; (f) any noise, vibration, light and air emissions from the rail network or road; (g) the nature of the road; (h) the nature of the intended uses; (i) the layout of the subdivision; (j) the need for the subdivision; (k) any traffic impact assessment; (l) any mitigating measures proposed; (m) any recommendations from a suitably qualified person for mitigation of noise; and (n) any advice received from the rail or road authority.

For lots within the attenuation area (lots 1 to 3), the Acceptable Solution is not satisfied, and thus the Performance Criteria (C3.7.1-P1) must be addressed.

In Table 1 of the Noise EPP¹, a list of Acoustic Environmental Indicator levels are given for which the environmental values specified in the Noise EPP “...will be protected for the majority of the human population where the acoustic environment indicator levels are not exceeded...” A section of that table is reproduced here in Table 3.1.

¹ Tasmanian Environmental Protection Policy (Noise) 2009 (the Noise EPP)

TABLE 3.1: ACOUSTIC ENVIRONMENTAL INDICATOR LEVELS - TAS. EPP

Specific Environment	Critical Health Effect	LAeq dBA	Time hrs	LAmix dBA
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60

Given the data in Table 3.1, to preserve the future outdoor amenity of residential dwellings constructed on lots 1 to 3, a day time criterion of 55 dBA and a night time criterion of 45 dBA are deemed appropriate.

To ensure internal levels are sufficiently low, Australian Standard *AS3671:1989 Road Traffic Noise Intrusion - Building Siting and Construction* is referenced, which provides a method to determine what building construction is appropriate to protect the indoor amenity of the dwelling. The output from the standard is the sound isolation performance requirements of various building elements, stated as an Rw value.

In applying AS3671, the appropriate indoor ambient noise level must be specified, with AS2107² used as reference for this. For houses or apartments near major roads, the recommended internal ambient noise levels are specified as:

Living areas (day time)	35 – 45 dBA Leq
Sleeping areas (night time)	35 – 40 dBA Leq

Indoor noise levels of 40 dBA are then deemed appropriate for both day and night time periods for the various internal spaces of the dwellings.

Therefore, the adopted criteria, with which to satisfy C3.7.1-P1 is as follows:

Outdoor (day time)	55 dBA
Outdoor (night time)	45 dBA
Indoor (day and night time)	40 dBA

² AS/NZS 2107:2016 *Acoustics - Recommended design sound levels and reverberation times for building interiors*, Standards Australia, 2016.

4. NOISE PREDICTIONS

*iNoise*³ software has been used to construct an acoustic software model of the existing site and surroundings. The model implements the ISO9613 algorithms for environmental noise propagation. The predictions account for geometric divergence, topographical screening, atmospheric absorption, and ground absorption. The following comments are relevant to the model:

- The model was calibrated using the measured traffic noise level at 38 Buckingham Drive. The modelled predictions are within 0.5 dB of the measured data.
- Vehicle flows have been taken from a DSG traffic counter just west of the subdivision, deployed in May 2019. The flow data is summarised as:

Day time, one direction	624 vehicles/hr
Night time average flow, one direction	86 vehicles/hr
Average vehicle speed	70 km/h
Percentage heavy vehicles	8%

- Traffic on subsidiary roads has not been modelled, as this assessment is specific to the noise impact Rokeby Road will have on the proposed development.
- The ground has been assumed to have a ground factor of 0.4 (60% reflective) throughout the model.
- All barriers are modelled with a reflection factor of 0.8 (80% reflective).
- As per the Tasmanian Noise Measurement Procedures Manual, noise levels across the area are predicted at 1.2m above ground level.
- No proposed dwellings are included in the modelling.
- Noise levels are predicted at location A (see Figure 1.2) to provide a general representation of the noise levels at a possible future dwelling.

TABLE 4.1: SUMMARY OF PREDICTED NOISE LEVELS

	Sound Pressure Level, dBA	
	Day	Night
Location A	59	50

³ iNoise V2022.1 Pro, DGMR Software

5. RECOMMENDATIONS

The following mitigation measures are recommended to ensure the residential amenity of future residents is not impacted by noise from Rokeby Road:

- A barrier be constructed along the entire northern boundary of lots 1 to 3. The barrier requires the following specifications:
 - A minimum surface mass of 15kg/m². Examples of appropriate construction include 20mm thick ship-lapped timber, 12mm fixed cement sheet, or commercial noise barrier products.
 - A minimum height of 2m.
 - No gaps, including between the barrier and the ground.
- A façade construction with a minimum of Rw 30 on western, northern and eastern facing façades of future dwellings. Examples of such construction include:
 - 4mm float / 12mm air gap / 4mm float double glazing.
 - 90mm stud walls, internally lined with 10mm fixed plasterboard, and wall cavities filled with bulk insulation.
- Locate some outdoor habitable space on the southern side of any dwellings, such that the dwellings provide screening of the space from Rokeby Road.

6. ASSESSMENT

It is noted that only lots 1 to 3 are within the road and railway attenuation area, and thus this assessment and the associated recommendations and results are only relevant to those lots.

As seen by Table 4.1, predicted noise levels in the absence of a noise barrier are in exceedance of the day and night outdoor levels specified in section 3 by 4 and 5 dB respectively, and thus mitigation is required to demonstrate compliance. The recommended mitigation is a combination of a barrier, to provide screening, and facade construction requirements sufficient to ensure the internal levels are acceptable.

Following the implementation of the recommendations in section 5, the predicted external noise levels are 56dBA and 47dBA for the day and night respectively. The external levels are approximately 1-2dB over the criterion stated in section 3, and thus are deemed to be on the limit of acceptability for habitable outdoor space. It is noted that these levels are unlikely to be perceptibly different from the criteria of 55 and 45 dBA, and the proposed barrier requirements are at the limit of what is deemed practically feasible.

As stated in section 5, it is then recommended that some outdoor habitable space be located on the southern side of any future dwellings to provide additional screening from Rokeby Road.

Internal noise levels are predicted to comply with the criterion outlined in section 3 provided a façade with minimum Rw 30 is used, with section 5 providing examples of suitable construction.

Provided these recommendations are actioned, both external and internal areas are deemed to provide appropriate residential amenity regarding noise levels.

Therefore, following the implementation of the recommendations in section 5:

The proposed development at 30 Holland Court, Howrah, is deemed to satisfy clause C3.7.1 of the Tasmanian Planning Scheme - Clarence.

Should you have any queries, please do not hesitate to contact me directly.

Kind regards,



Bill Butler



Jaye Parry

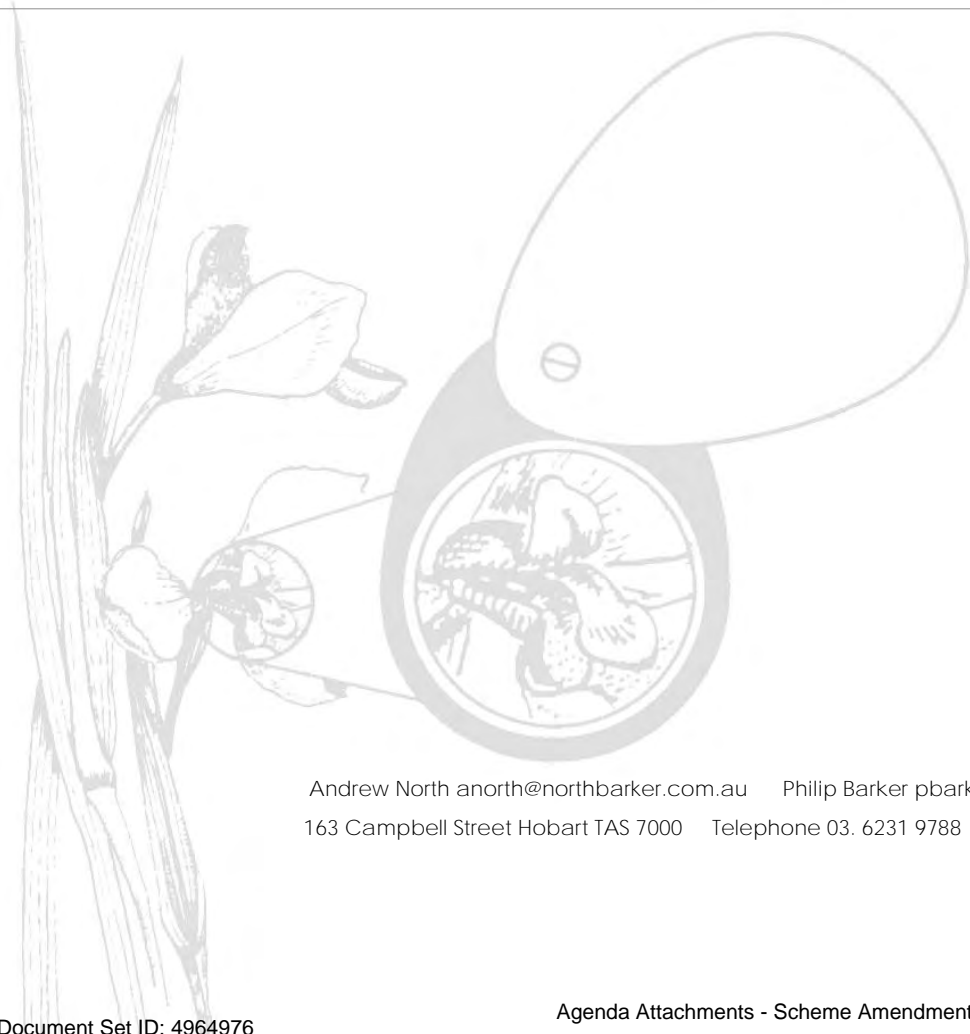


30 Holland Court,
Howrah
Rezoning and Subdivision

Natural Values Assessment

06 January 2023

For JMG
JMG026

A faint, light-colored illustration in the background of the lower half of the page. It depicts a plant with long, thin leaves and small flowers on the left. To the right of the plant is a large, light-colored oval shape, possibly representing a magnifying glass or a seed, which contains a detailed drawing of a butterfly or insect.

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

Contributors:

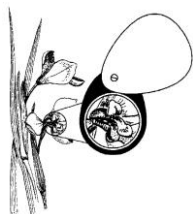
Client Contact: Matthew Clark, Katrina Hill JMG

Field Assessment: Andrew North

Report and mapping: Andrew North

File Control

Version	Date	Author / Comment
First Draft 0.1	15/05/2020	Andrew North
0.2	01/06/2021	Andrew North
1.0	06/01/2023	Andrew North



North Barker Ecosystem Services, 2020- This work is protected under Australian Copyright law. The contents and format of this report cannot be used by anyone for any purpose other than that expressed in the service contract for this report without the written permission of North Barker Ecosystem Services

Address	30 Holland Court, Howrah, TAS 7018
PID	7276202
Volume/Folio	35660/1

Tasmanian Planning Scheme	
Rezoning	8 General Residential
Current Zone	27 Community Purpose
Applicable Overlays	Priority Vegetation Area Relevant Code – Natural Assets
	Bushfire Prone Area Relevant Code – Bushfire E1
	Flood-prone Area Relevant Code – Flood-prone Hazard Areas Code
	Landslip Hazard Area - low Relevant Code – Landslip Hazard Code
Proposal	Subdivision to 8 lots, 2 parcels of public open space and road (extension to Holland Court)
Threatened flora	Cut leaf New Holland daisy – <i>Vittadinia muelleri</i> – Lot 1 <i>Rare Threatened Species Protection Act 1995</i>
Impact	<i>V. muelleri</i> - approx 20 plants (Lot 1)
Threatened fauna and habitat	9 x <i>Eucalyptus ovata</i> - black gums > 40cm DBH Foraging habitat for swift parrot
Impact	Lot 1 – 2 trees
Threatened vegetation	<i>E. ovata</i> dry forest (DOV) – 1111 sqm (0.1 ha) <i>Threatened Nature Conservation Act 2002</i>
Impact	Lot 1 – 675 sqm
	Lot 2 – 20 sqm
	Road – 20 sqm
	POS – 400 sqm
Native vegetation	<i>E. viminalis</i> dry forest (DVG) – 5140sqm
Impact	Lots 3-8 & Road – 495 sqm
	POS – 200 sqm

Natural Assets Code E27	<p>The Priority Vegetation Area extends over parts of Lots 3-7 and marginally in Lot 8. It does not include threatened vegetation, threatened fauna habitat or threatened flora all of which occur outside the PVA.</p> <p>Conforms to P1.1 (c) Subdivision in General Residential Zone.</p> <p>Partially conforms to P1.2 with adequate controls</p>
EPBC Act	No significant impact to MNES
TSP Act	A permit to take required for <i>Vittadinia muelleri</i>
NCA Act	No permit to take product of wildlife required
Weed Management Act	<p>Declared weeds present in project area including:</p> <p>Zone A</p> <ul style="list-style-type: none"> • Patersons curse - A significant infestation in Lots 5-7 • White weed - Lot 1 <p>Zone B –</p> <ul style="list-style-type: none"> • Blackberry • Boneseed • Slender thistle • African boxthorn

Contents

1	INTRODUCTION.....	1
1.1	Background	1
1.2	Study area	1
2	METHODS	3
2.1	Botanical Survey	4
2.2	Fauna survey	4
2.3	Limitations	4
3	RESULTS - BIOLOGICAL VALUES	4
3.1	Vegetation communities	4
3.2	Threatened Plants	7
3.3	Threatened Fauna Habitat	7
3.4	Declared weeds	10
4	IMPACT ASSESSMENT and MITIGATION.....	15
4.1	Vegetation communities	15
4.2	Threatened plants.....	15
4.3	Threatened fauna habitat	15
4.4	Mitigation	15
5	LEGISLATIVE REQUIREMENTS.....	15
5.1	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ...	15
5.2	Tasmanian <i>Threatened Species Protection Act 1995</i>	16
5.3	Tasmanian <i>Nature Conservation Act 2002</i>	16
5.4	Tasmanian <i>Weed Management Act 1999</i>	16
5.5	Tasmanian Planning Scheme	17
	REFERENCES	20

1 INTRODUCTION

1.1 Background

30 Holland Court is zoned as Community Purpose (Zone 27) under the Tasmanian Planning Scheme. The proponents propose to rezone the land to General Residential (Zone 8) to allow a subdivision of part of the land to form seven new residential lots, Public Open Space, Road Reserve as an extension to Holland Court and the balance that would retain the existing Church of Christ building. (Figure 1)

This report provides ecological assessment of the property and considers implications for the Natural Assets Code of the Tasmanian Planning Scheme to inform the appropriateness of the proposal.

1.2 Study area

The study area is in Howrah in south-eastern Tasmania (Figure 2). It is in the Tasmanian South East bioregion¹ in the Clarence City Council and is approximately 1.52ha in extent. The site is currently zoned as Community Purpose and is subject to the Natural Assets Code (E27) under the Tasmanian Planning Scheme.

The site is at 50-70 m above sea level and is located on the lower slopes of an unnamed drainage line immediately south of Rokeby Road.

Approximately a third of the site is developed with a church, car park and managed lawn. There are also the remnants of an abandoned vegetable garden.

There are remnants of native vegetation, albeit in a modified and degraded state which are connected by a narrow sliver of bushland to extensive native forested areas on the upper slopes of Rokeby Hills to the south.

The geology is Permian siltstone and sandstone to the north, with Jurassic dolerite to the south.

¹ IBRA 7 (2012)

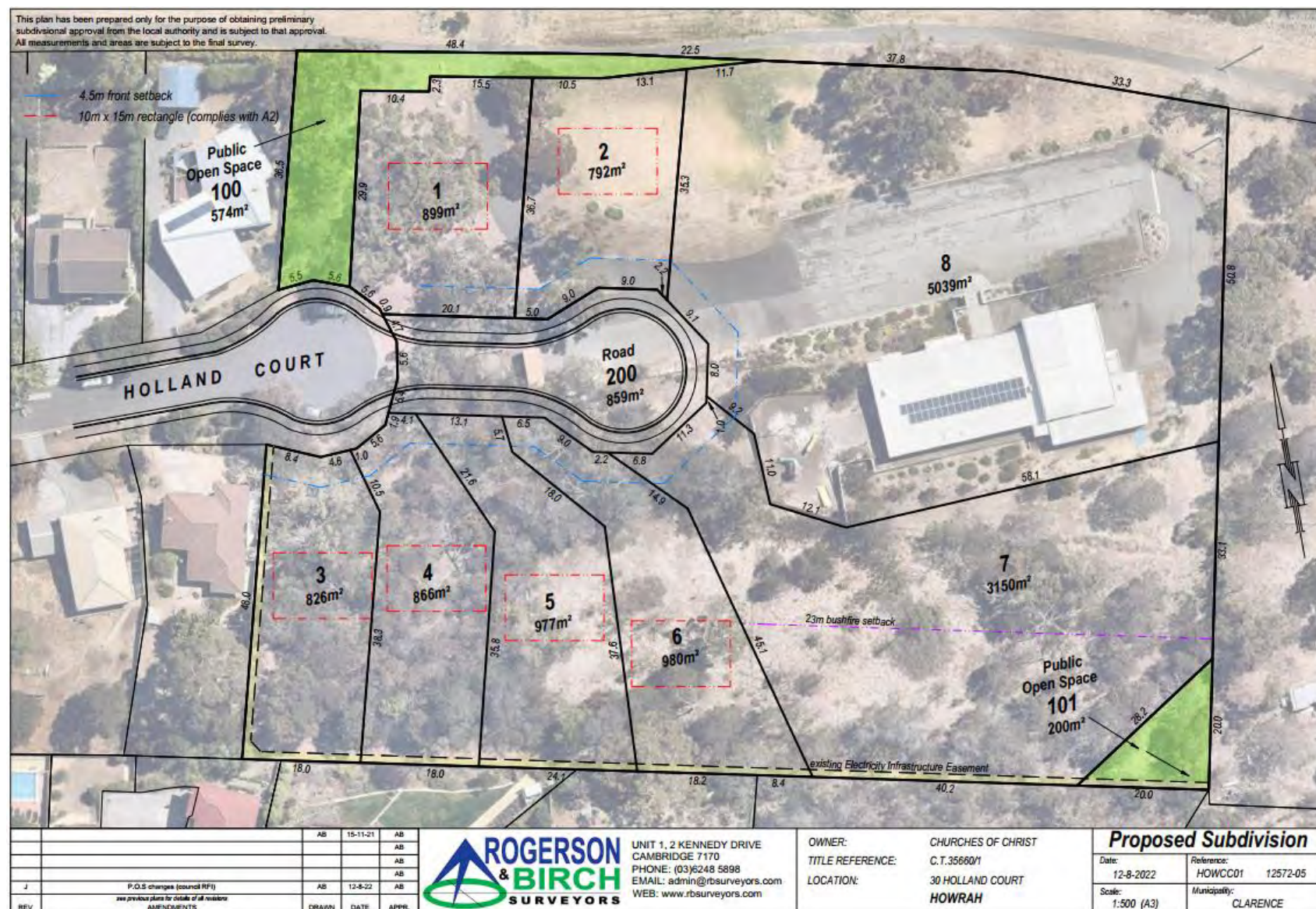


Figure 1: 30 Holland Court subdivision proposal

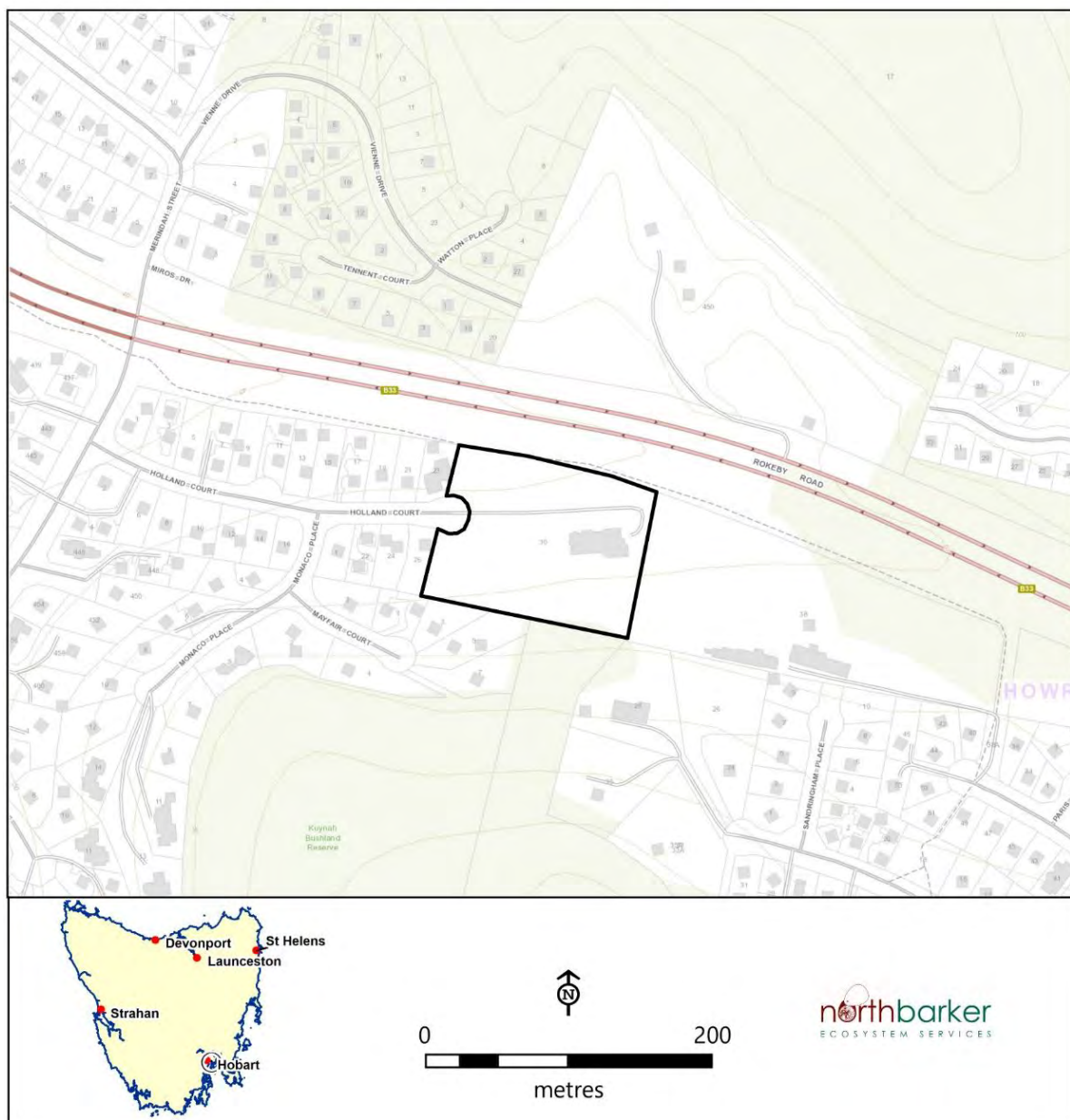


Figure 2: 30 Holland Court Location

2 METHODS

The following sources were used for biological records for the region:

- TASVEG version 4.0 digital layer²,
- Natural Values Atlas (NVA) - all threatened species records within 5 km of the study area and threatened fauna considered possible to occur in suitable habitat³,
- EPBCA Matters of National Environmental Significance database - a 5 km buffer was used to search for potential values⁴.

² DPIPWE (2020)

³ DPIPWE Natural Values Atlas Report (2020) report #: nvr_3_29-Jan-2020

⁴ Commonwealth of Australia, EPBC Protected Matters Search Tool Report (2020) report #: PMST_L297YT

2.1 Botanical Survey

This assessment was undertaken in accordance with the 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'⁵. The survey was conducted over 2 visits in May 2020.

Native vegetation is mapped in accordance with units defined in TASVEG 4⁶. Vascular plants were recorded in accordance with the current census of Tasmanian plants⁷. The site was mapped using a meandering area search technique⁸. Particular attention was given to habitats suitable for threatened species under the Tasmanian *Threatened Species Protection Act 1995* (TSPA) and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA), and to 'declared' weeds under the Tasmanian *Weed Management Act 1999* (WMA)⁹.

2.2 Fauna survey

The survey was carried out in accordance with DPIPWE's 'Guidelines for Natural Values Surveys – Terrestrial Development Proposals'¹⁰.

The study area was searched for the potential presence, habitat, and sign (e.g. scats, tracks, nests), threatened fauna concurrently with the botanical survey.

2.3 Limitations

Due to various limitations (e.g. variations in species presence and detectability), no biological survey can guarantee that all species will be recorded during a single visit. The field survey was undertaken in summer, so seasonal and ephemeral species/habitat may have been overlooked or are seasonally absent, including summer flowering species or winter ponds. However, we are confident the surveys sufficiently captured community level diversity. We compensate for survey limitations in part by considering all listed threatened species from data from the Tasmanian *Natural Values Atlas* (NVA) and Commonwealth's *EPBCA Protected Matters Search Tool* (MNES)¹¹. These data include records of all threatened species known to occur, or with the potential to occur, up to 5 km from the study area.

3 RESULTS - BIOLOGICAL VALUES

A full inventory of all vascular plant species recorded on site is included in Appendix A.

A total of 73 species were recorded including (39 native and 34 introduced).

3.1 Vegetation communities

TASVEGv4.0 identifies the vast majority of the site as non-native (FUR – Urban Areas) with *E. viminalis* grassy forest (DVG) just extending across the southern boundary.

Our assessment has identified a much more extensive area of DVG plus a small patch of *E. ovata* forest (DOV) (Figure 3).

DOV is listed as a threatened community under the Tasmanian *Nature Conservation Act 2002*.

The northern portion of the site supporting DOV has been maintained in a low fuel state (Plate 1). It retains the canopy but has a cleared understorey. The ground surface is predominantly

⁵ DPIPWE (2015)

⁶ Kitchener and Harris (2013)

⁷ de Salas and Baker (2019)

⁸ Goff *et al.* (1982)

⁹ Tasmanian State Government 1995; Commonwealth of Australia 1999; Tasmanian State Government 1999

¹⁰ DPIPWE (2015)

¹¹ DPIPWE Natural Values Atlas Report (2021) report #: nvr_2_9-March-2021

made up of grasses, native and exotic, with various prostrate native herbs persisting in the layer.

The southern DVG includes a denser secondary shrub layer and understorey although the latter is generally sparse due to shading from the shrubs, notably black wattle *Acacia mearnsii*, drooping sheoak *Allocasuarina verticillata* and hop bush *Dodonaea viscosa*. It also includes a range of native sedges, grasses and herbs.



Plate 1: POS - *Eucalyptus ovata* forest and swift parrot foraging habitat



Plate 2: Understorey of *E. viminalis* forest DVG - Lot 3



Plate 3: Cleared land with remnant *E. viminalis* – Lots 5 & 6

3.2 Threatened Plants

One species of threatened flora listed on the Tasmanian *Threatened Species Protection Act 1995* are present (Figure 3).

- Cut leaf new holland daisy *Vittadinia muelleri*

20 small plants are scattered over a small area close to the turning circle of the cul-de-sac. These are predominantly in Lot 1 although a small number may extend into the adjacent POS.

Vittadinia muelleri is not uncommon in Clarence. There are records of 15 separate observations within 500m of the study area and 158 within 5km. Some of these include very large numbers of plants measured in the thousands. The population at this site is not significant when considered in that context.

Twelve other species of threatened flora have been recorded within 500 m and over 40 within 5 km. These are reviewed in Appendix B. Of these all but nine are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

3.3 Threatened Fauna Habitat

There are nine black gums (*Eucalyptus ovata*) with trunk diameters (DBH) greater than 40 cm with the largest trees occurring in the large balance lot with DBH of 60 cm.

These provide a potential foraging resource for the endangered nectivorous swift parrot (*Lathamus discolor*). There are no trees supporting hollows likely to be utilised by this species for nesting.

Sixteen other species of threatened fauna have been recorded within 500 m and over 50 within 5 km. These are reviewed in Appendix C. Of these most are considered to have no likelihood of occurrence, due to habitat requirements being absent from site. Of those with low potential to occur the likelihood of their being overlooked or the site providing significant habitat for these species is extremely remote.

One other species is considered to have a moderate likelihood of occurrence. The eastern barred bandicoot *Perameles gunnii* favours the mixed complex of open grassy areas for foraging with vegetated shelter.

The eastern barred bandicoot is not listed under State legislation (TSPA). Its inclusion on the EPBC listing is due to its extreme rarity on mainland Australia where it has suffered predation to European foxes. Bandicoots are not uncommon in urban bushlands around Greater Hobart. Animals may stray onto the property and may also utilise cover in the upper slopes.

There are just two records from within 500 m, the last in 1985. The impact to this species resulting from the proposed subdivision is not significant.



Plate 4: Threatened flora *Vittadinia muelleri* on Lot 1

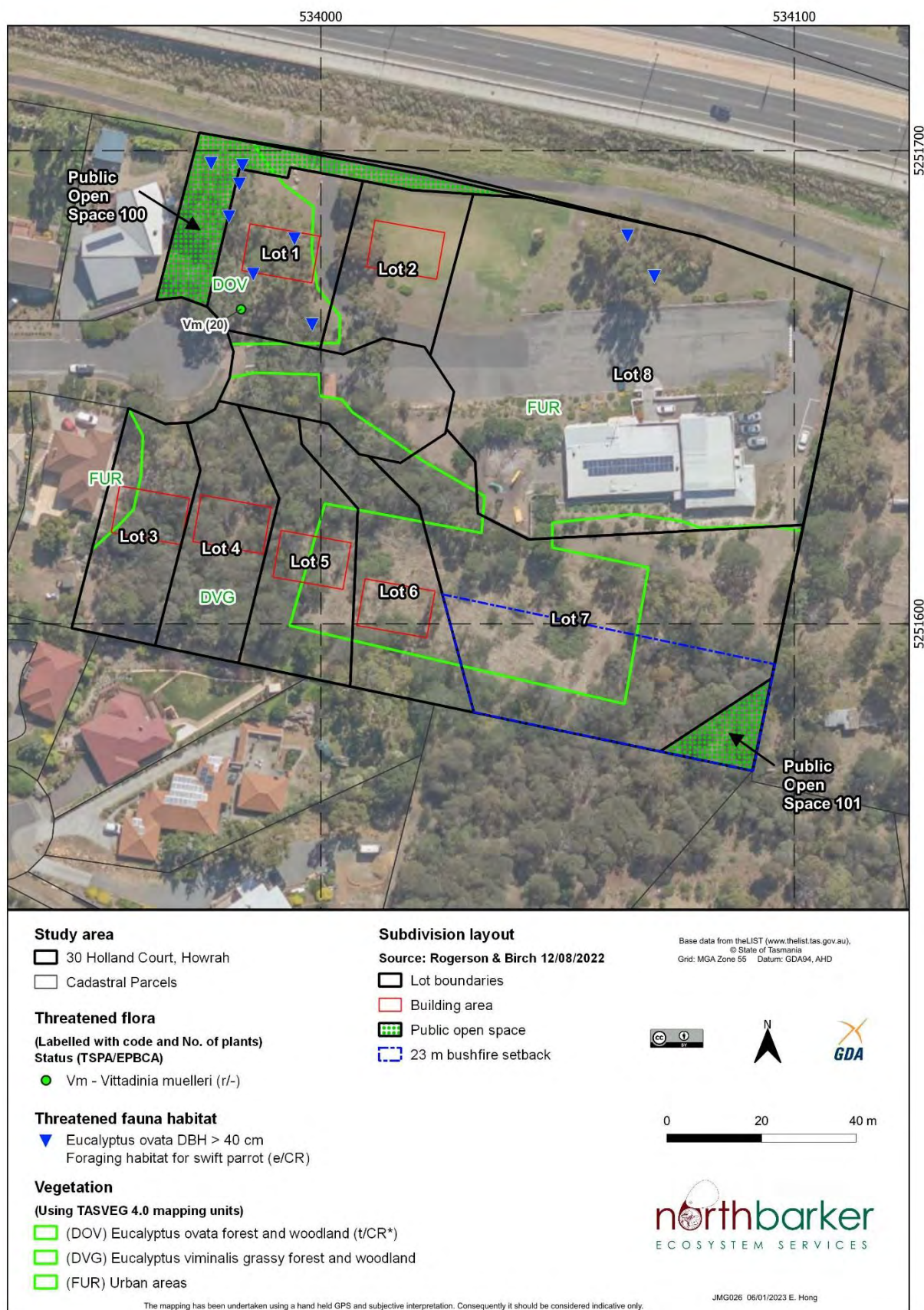


Figure 3: Natural Values

3.4 Declared weeds

Six species of declared weeds listed under the Tasmanian *Weed management Act 1999* were recorded (Figure 4).

- African boxthorn *Lycium ferocissimum*

Occasional plant in edge of cleared land in DVG.

- Boneseed *Chrysanthemoides monilifera*

Scattered in bushland site. Most plants are seedlings and young plants. There is likely to be a significant seed bank in disturbed sections.

- Blackberry *Rubus fruticosus* agg.

Several dense patches throughout

- Slender thistle *Carduus pycnocephalus*

Seedlings in disturbed areas in DVG including one extensive patch.

- Patersons curse *Echium plantagineum*

One very dense infestation in old garden area surrounded by DVG. This is the most significant weed infestation on site.

- White weed *Lepidium draba*

Localised to grassland in POS.

The statutory weed management plans for these species identify Clarence as Zone A for Patersons curse and white weed for which the principal management objective is 'eradication'. It is listed as a Zone B for all others where the objective is 'control'.



Plate 5: Zone A weed: Paterson curse plant



Plate 6: Zone A weed: Paterson curse infestation Lots 6 & 7



Plate 7: Zone A weed : white weed *Lepidium draba* POS



Plate 8: Zone B weed blackberry *Rubus fruticosus* agg.



Plate 9: Zone B weed slender thistle *Carduus pycnocephalus*



Plate 10: Zone B weed: boneseed *Chrysanthemoides monilifera*

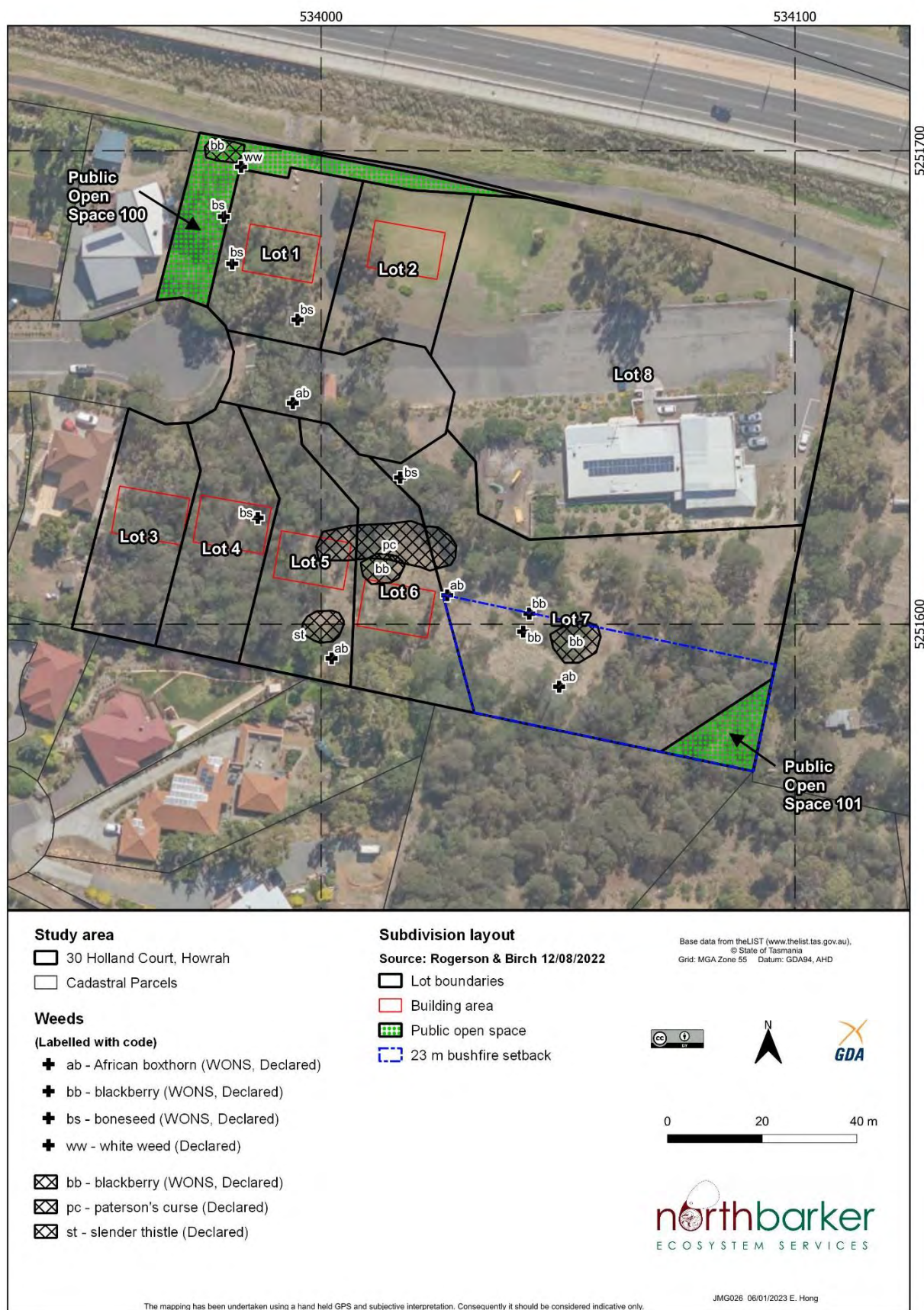


Figure 4: Weeds

4 IMPACT ASSESSMENT and MITIGATION

It is anticipated that the proposal will result in the loss of several habitat trees in Lot 1, although there may be opportunity to retain the trees close or on the boundary of the POS. Such an outcome is evident from the retention of occasional trees on residential lots to the west.

Limited potential for retention of vegetation is likely elsewhere other than large trees on Lot 8.

4.1 Vegetation communities

The high priority vegetation community *Eucalyptus ovata* forest (DOV) is confined to a small patch centred around Lot 1 and adjoining POS. This is highly modified through mowing of understorey but could potentially be retained in the POS.

The vegetation community in Lots 3-7 is not a priority vegetation. The *E. viminalis* grassy forest (DVG) is generally in moderate to poor condition. The central part of it was cleared and established as a vegetable garden resulting in the introduction of weeds that have spread into the surrounding bushland.

4.2 Threatened plants

One threatened plant species is present on Lot 1 where a localised patch of 20 or so plants of cut leaf new holland daisy (*Vittadinia muelleri*) were recorded. It should be expected that the persistence of these plants is very unlikely with anticipated intensification of use following the establishment of a residence and likely gardens.

4.3 Threatened fauna habitat

Black gums (*Eucalyptus ovata*) provide a potential foraging resource for the endangered swift parrot. There are seven *E. ovata* clustered in and around Lot 1. At least three are within the Lot are likely to be lost. One is in POS and three are on the boundary. These could be retained and ideally would be within the POS. The locations of these trees would need to be more accurately surveyed to determine which side of the boundary they occur. Two additional trees occur in the Balance (Lot 8) that need not be impacted.

4.4 Mitigation

There are limited opportunities to apply mitigation measures. Any trees within the POS can be retained subject to Council compliance. Controls could be placed through permit conditions or Part 5 Agreement to require retention of select habitat trees on Lots 1 and 8.

Any development approval would benefit from a weed management plan that:

- Treats all occurrences of declared weeds prior to works.
- Ensures best practice construction hygiene is practiced to prevent the spread of weed propagules in contaminated soil. This should involve cleaning all machinery before leaving the works area, as well as not bringing dirty machinery into the site.
- Follows up weed control implemented 6-12 months after works to treat any individuals that have colonised/recolonised the area.
- Includes provision to eradicate the **Paterson's curse** from Lots 5-7.

5 LEGISLATIVE REQUIREMENTS

5.1 Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*

The EPBCA is structured for self-assessment; the proponent must determine whether or not the project is likely to have a significant impact on a matter of national environmental significance (MNES) such as a listed threatened species or community. If this is likely then the Department

of Environment and Energy may consider the proposed activity is a 'controlled action' which would require approval from the Commonwealth Minister.

Habitat for one MNES - the critically endangered swift parrot will be impacted should any *E. ovata* trees be removed as is expected. However, the scale of loss is not likely to constitute a significant impact.

5.2 Tasmanian *Threatened Species Protection Act 1995*

A permit to take plants of the cut-leaf New Holland daisy (*Vittadinia muelleri*) from Lot 1 will be required. Considering the proximity to Holland Court there is potential risk of impact during civil works so the permit should be sought prior to the commencement of these activities.

5.3 Tasmanian *Nature Conservation Act 2002*

Threatened vegetation communities are listed under Schedule 3A on the NCA.

E. ovata forest (DOV) is listed as a threatened community.

The NCA does not regulate impacts to these communities but informs relevant criteria in the Natural Assets Code of the Tasmanian Planning Scheme (refer 5.5).

5.4 Tasmanian *Weed Management Act 1999*

Clarence is a Zone B municipality for four of the species of declared weed observed on site (blackberry, African boxthorn, slender thistle and boneseed). According to the provisions of the *Weed Management Act 1999*, Zone B municipalities are those which host widespread infestations where control and prevention of spread is the principle aim.

Clarence is Zone A for patersons curse and white weed for which the principle aim is eradication.

The *Clarence Weed Management Strategy*¹² provides a process and set of priorities for managing weeds throughout Clarence. This reflects the management priorities of the Weed Management Act. The Strategic Management objective 4 specifically relates to "strengthening assessment of weeds under the planning scheme" whereby permit conditions include measures to fund and implement weed management in alignment with the priorities of the Strategy.

¹² Clarence City Council 2016

5.5 Tasmanian Planning Scheme

The proposed rezoning has significant implications for the regulation of priority vegetation. Under the Tasmanian Planning Scheme the Natural Assets Code applies within the Community Purpose Zone for development. However for the General Residential Zone it only applies for subdivision (C7.2(c)xii).

It is therefore important to appreciate that the implications for future development need to be considered at the subdivision stage.

The application of the Natural Assets Code is severely constrained for 30 Holland Court by way that the priority vegetation overlay only covers small proportion of the property (Figure 4) completely missing the three types of priority vegetation that occur on the property.

A literal interpretation of the Natural Assets Code would therefore mean it does not apply to impacts to priority vegetation on the property thus failing to meet the Code Purpose. Considering the application is for a rezoning there would be good sense in having the overlay amended to capture all of the property to ensure it responds appropriately to the priority vegetation (threatened vegetation, threatened fauna habitat and threatened flora) that is present.

The following consideration of the Development Standards for Subdivision(C7.7) is based on the assumption that it is all within a priority vegetation area.

Natural C7.7.2 - Subdivision within a priority vegetation area

A1 – The Acceptable Solution - None of the criteria apply

P1.1 – Following rezoning to General residential clause (c) is met.

P1.2 Works associated with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to all of the following:

(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards.

(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;

(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;

Adverse impact to threatened vegetation (DOV) is partly minimised through provision of POS100 which captures xx sq m representing xx %. The greatest loss of threatened vegetation is a result of Lot 1

Adverse impact to threatened flora is not minimised with a very likely loss of *V. muelleri* which is located within Lt 1 and possibly the road extension. NB the population is barely viable at this site.

Adverse impact to Threatened fauna habitat (black gums) is partially minimised by capturing at least 2 trees in POS.

To further minimise adverse impacts the POS100 would need to be extended into much of Lot 1.

(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;

Mitigation could be achieved through controls to retain *E. ovata* trees in Lot 1 on POS/Lot 1 boundary and on Lot 8.

Weed management across the site will reduce risk of weed spread associated with intensification of activities on site but also reduce the threat weed pose ot retained vegetation on site and also to vegetation on adjoining reserve to the south.

(e) any on-site biodiversity offsets.

Opportunities for biodiversity offsets on site are limited. Some limited on-site biodiversity offset could be achieved through the establishment of strict management controls that would ensure any priority vegetation within the POS is managed and protected.

(f) any existing cleared areas on the site.

The consideration of this clause is really only applicable when dealing with large lots where building envelopes could be located in areas already cleared allowing the retention of priority vegetation within the surrounding land. This is not applicable at the scale of lot sizes created by the subdivision.



Figure 5: Priority Vegetation

REFERENCES

- Bryant, S. & Jackson, J. (1999) *Tasmania's Threatened Fauna Handbook: what, where and how to protect*. Threatened Species Unit, Parks & Wildlife Service, Hobart.
- Clarence City Council (2016). *Clarence Weed Strategy 2016-2030*.
- Commonwealth of Australia (1999) *Environment Protection and Biodiversity Conservation Act 1999*. No. 91, 1999.
- Commonwealth of Australia (2020) *Protected Matters Search Tool*, www.environment.gov.au. Report – PMST_L297YT.
- de Salas, M.F. & Baker, M.L. (2020) *A Census of the Vascular Plants of Tasmania, Including Macquarie Island*. (Tasmanian Herbarium, Tasmanian Museum and Art Gallery, Hobart).
- DPIPWE (2020) *Natural Values Report nvr_3_29-Jan-2020*, Natural Values Atlas, Threatened Species Section, Department of Primary Industries and Water, Hobart.
- DPIPWE (2020). *TASVEG 4.0*, Released July 2020. *Tasmanian Vegetation Monitoring and Mapping*. Department of Primary Industries, Parks, Water and Environment.
- Program, Natural and Cultural Heritage Division. DPIPWE (2015) *Guidelines for Natural Values Survey – Terrestrial Development Proposals*. Version 1.0. 16th April 2015. Policy and Conservation Advice Branch. Department of Primary Industries, Parks, Water and Environment, Hobart.
- Goff, F.G, Dawson, G.A. & Rochow, J.J. (1982) *Site examination for threatened and endangered plant species*. *Environmental Management* 6 (4) pp 307-316.
- IBRA 7 (2012) *Interim Biogeographic Regionalisation for Australia*, Version 7. Map produced by Environment Resources Information Network (ERIN), Australian Government Department of the Environment and Energy, Canberra, Commonwealth of Australia.
- Tasmanian State Government (1995) *Threatened Species Protection Act 1995*. No.83 of 1995. Government Printer, Hobart, Tasmania

Appendix A: Vascular Plant Species List

30 Holland Court, Howrah

Status codes:

ORIGIN

i - introduced

d - declared weed WM Act

en - endemic to Tasmania

t - within Australia, occurs only in Tas.

NATIONAL SCHEDULE

EPBC Act 1999

CR - critically endangered

EN - endangered

VU - vulnerable

STATE SCHEDULE

TSP Act 1995

e - endangered

v - vulnerable

r - rare

Sites:

1 DVG - E. viminalis dry forest - E533990, N5251620

2 DOV Eucalyptus ovata dry forest - E533980, N5251680

4/05/2020 Andrew J. North

11/05/2020 Andrew J. North

Site	Name	Common name	Status
DICOTYLEDONAE			
AIZOACEAE			
1	<i>Carpobrotus rossii</i>	native pigface	
1	<i>Mesembryanthemum cordifolium</i>	heartleaf iceplant	i
ASTERACEAE			
1	<i>Carduus pycnocephalus</i>	slender thistle	d
2	<i>Cassinia aculeata</i> subsp. <i>aculeata</i>	dollybush	
2	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	boneseed	d
2	<i>Chrysocephalum apiculatum</i>	common everlasting	
1	<i>Cirsium vulgare</i>	spear thistle	i
1 2	<i>Cotula australis</i>	southern buttons	
1 2	<i>Dimorphotheca fruticosa</i>	trailing daisy	i
1	<i>Leontodon saxatilis</i>	hairy hawkbit	i
2	<i>Senecio glomeratus</i>	shortfruit purple fireweed	
1	<i>Silybum marianum</i>	variegated thistle	i
1	<i>Sonchus asper</i>	prickly sowthistle	i
2	<i>Sonchus oleraceus</i>	common sowthistle	i
2	<i>Taraxacum officinale</i>	common dandelion	i
2	<i>Vittadinia muelleri</i>	narrowleaf new-holland-daisy	r
BORAGINACEAE			
1 2	<i>Cynoglossum suaveolens</i>	sweet houndstongue	
1	<i>Echium plantagineum</i>	patersons curse	d
BRASSICACEAE			
1	<i>Hirschfeldia incana</i>	hoary mustard	i
1	<i>Lepidium didymum</i>	lesser swinecress	i
2	<i>Lepidium draba</i>	hoary cress	d
2	<i>Lepidium pseudotasmanicum</i>	shade peppergrass	
CARYOPHYLLACEAE			
1	<i>Polycarpon tetraphyllum</i>	fourleaf allseed	i
1	<i>Stellaria media</i>	garden chickweed	i
CASUARINACEAE			
1 2	<i>Allocasuarina verticillata</i>	drooping sheoak	
CHENOPODIACEAE			
1 2	<i>Einadia nutans</i> subsp. <i>nutans</i>	climbing saltbush	
CRASSULACEAE			
1	<i>Crassula</i> sp.		i
ERICACEAE			
2	<i>Astroloma humifusum</i>	native cranberry	
1	<i>Lissanthe strigosa</i> subsp. <i>subulata</i>	peachberry heath	

EUPHORBIACEAE			
1	<i>Euphorbia peplus</i>	petty spurge	i
FABACEAE			
2	<i>Acacia howittii</i>	howitt's wattle	i
1 2	<i>Acacia mearnsii</i>	black wattle	
2	<i>Pultenaea pedunculata</i>	matted bushpea	
1	<i>Vicia tetrasperma</i>	smooth vetch	i
FUMARIACEAE			
1	<i>Fumaria sp.</i>	fumitory	i
GERANIACEAE			
1	<i>Erodium cicutarium</i>	common heronsbill	i
HEMEROCALLIDACEAE			
1 2	<i>Dianella revoluta</i>	spreading flaxlily	
LINACEAE			
2	<i>Linum marginale</i>	native flax	
MALVACEAE			
1	<i>Malva sp.</i>	mallow	i
MYRTACEAE			
1	<i>Eucalyptus amygdalina</i>	black peppermint	en
1 2	<i>Eucalyptus ovata var. ovata</i>	black gum	
1	<i>Eucalyptus viminalis subsp. viminalis</i>	white gum	
OXALIDACEAE			
1	<i>Oxalis perennans</i>	grassland woodsorrel	
PITTOSPORACEAE			
1	<i>Billardiera heterophylla</i>	bluebell creeper	i
1	<i>Bursaria spinosa subsp. spinosa</i>	prickly box	
2	<i>Pittosporum undulatum</i>	sweet pittosporum	i
1	<i>Pittosporum undulatum subsp. undulatum</i>	sweet pittosporum	i
PLANTAGINACEAE			
2	<i>Plantago lanceolata</i>	ribwort plantain	i
RHAMNACEAE			
1	<i>Pomaderris pilifera</i>	hairy dogwood	
ROSACEAE			
1 2	<i>Acaena echinata</i>	spiny sheeps burr	
1	<i>Rosa rubiginosa</i>	sweet briar	i
1 2	<i>Rubus fruticosus</i>	blackberry	d
RUBIACEAE			
2	<i>Galium gaudichaudii</i>	rough bedstraw	
SANTALACEAE			
1 2	<i>Exocarpos cupressiformis</i>	common native-cherry	
SAPINDACEAE			
1 2	<i>Dodonaea viscosa subsp. spatulata</i>	broadleaf hopbush	
SOLANACEAE			
1 2	<i>Lycium ferocissimum</i>	african boxthorn	d
1	<i>Solanum nigrum</i>	blackberry nightshade	i
URTICACEAE			
1	<i>Urtica incisa</i>	scrub nettle	
MONOCOTYLEDONAE			
ASPARAGACEAE			
1 2	<i>Lomandra longifolia</i>	sagg	

CYPERACEAE		
2	<i>Carex breviculmis</i>	shortstem sedge
1	<i>Lepidosperma curtisiae</i>	little sword sedge
JUNCACEAE		
1	<i>Juncus pallidus</i>	pale rush
POACEAE		
1	<i>Anthosachne scabra</i>	rough wheatgrass
2	<i>Austrostipa flavescens</i>	yellow speargrass
1	<i>Austrostipa mollis</i>	soft speargrass
1	<i>Austrostipa sp.</i>	speargrass
1	<i>Dactylis glomerata</i>	cocksfoot
1 2	<i>Ehrharta erecta</i>	panic veldtgrass
2	<i>Poa rodwayi</i>	velvet tussockgrass
2	<i>Rytidosperma caespitosum</i>	common wallabygrass
1	<i>Rytidosperma sp.</i>	wallabygrass
1	<i>Themeda triandra</i>	kangaroo grass

Appendix B: Flora species of conservation significance known to occur within a 5 km radius of the study area¹³

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
Known from within 500 m			
<i>Asperula scoparia</i> subsp. <i>scoparia</i> prickly woodruff	Rare/ -	Low	<i>Asperula scoparia</i> subsp. <i>scoparia</i> is widespread in Tasmania and is mainly found in native grasslands and grassy forests, often on fertile substrates such as dolerite-derived soils. Forested sites are usually dominated by <i>Eucalyptus globulus</i> and <i>E. viminalis</i> (lower elevations) and <i>E. delegatensis</i> (higher elevations).
<i>Atriplex suberecta</i> sprawling saltbush	Vulnerable/ -	None	<i>Atriplex suberecta</i> occurs in a wide range of habitats on most soil types, including saline areas, but is most commonly found in disturbed areas.
<i>Austrostipa bigeniculata</i> doublejointed speargrass	Rare/ -	Low	<i>Austrostipa bigeniculata</i> is found mainly in the south-east and Midlands in open woodlands and grasslands on fertile soils, where it is often associated with <i>Austrostipa nodosa</i> .
<i>Austrostipa blackii</i> crested speargrass	Rare/ -	None	The habitat of <i>Austrostipa blackii</i> is poorly understood because of confusion with other species. In its "pure" form (i.e. long coma), <i>A. blackii</i> is a species of very near-coastal sites such as the margins of saline lagoons, creek outfalls and vegetated dunes. Further inland, where it seems to grade into other species, it occurs in open grassy woodlands.
<i>Bolboschoenus caldwellii</i> sea clubssedge	Rare/ -	None	<i>Bolboschoenus caldwellii</i> is widespread in shallow, standing, sometimes brackish water, rooted in heavy black mud.
<i>Caladenia filamentosa</i> daddy longlegs	Rare / -	None	<i>Caladenia filamentosa</i> occurs in lowland heathy and sedgy eucalypt forest and woodland on sandy soils and finer grained sediments such as mudstones.
<i>Dianella amoena</i> grassland flaxlily	Rare / ENDANGERED	None	<i>Dianella amoena</i> occurs mainly in the northern and southern Midlands, where it grows in native grasslands and grassy woodlands.
<i>Eucalyptus risdonii</i> risdon peppermint	Rare / -	None	<i>Eucalyptus risdonii</i> is restricted to the greater Hobart area (particularly the Meehan Range), with an outlying population at Mangalore and on South Arm. It occurs on mudstone, with an altitudinal range from near sea level to 150 m above sea level. It can occur as a dominant in low open forest with a sparse understorey on dry, insolated ridgelines and slopes (e.g. with a north-west aspect), and individuals can extend into other forest types typically dominated by <i>E. tenuiramis</i> or <i>E. amygdalina</i> (but occasionally by other species) on less exposed sites.

¹³ DPIPWE Natural Values Atlas Report (2021) report #: nvr_2_9-March-2021¹⁴ Tasmanian Threatened Species Protection Act 1995 and Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
<i>Scleranthus fasciculatus</i> spreading knawel	Vulnerable/ -	Low	<i>Scleranthus fasciculatus</i> is only recorded from a few locations in the Midlands and south-east. The vegetation at most of the sites is Poa grassland/grassy woodland. <i>Scleranthus fasciculatus</i> appears to need gaps between the tussock spaces for its survival and both fire and stock grazing maintain the openness it requires. Often found in areas protected from grazing such as in the shelter of fallen trees and branches.
<i>Senecio squarrosus</i> leafy fireweed	Rare / -	Low	<i>Senecio squarrosus</i> occurs in a wide variety of habitats. One form occurs predominantly in lowland damp tussock grasslands. The more widespread and common form occurs mainly in dry forests (often grassy) but extends to wet forests and other vegetation types.
<i>Sirophysalis trinodis</i> three-node seaweed	Rare / -	None	Marine environments
<i>Stenopetalum lineare</i> narrow threadpetal	Endangered/ -	None	The prime habitat for <i>Stenopetalum lineare</i> appears to be grass-covered low dunes but it also extends to scrub-covered dunes (coast wattle) and there is one inland site on a rocky outcrop in dry sclerophyll forest.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	Rare / -	Present	<i>Vittadinia muelleri</i> occurs in dry native grasslands and grassy woodlands particularly in open areas with lighter grass cover and patches of bare ground such as rock plates. It freely colonises disturbed sites such as roadside cuttings. It is widely dispersed through the Midlands and South East.
Known from within 5 km and not listed above			
<i>Acacia ulicifolia</i> Juniper wattle	Rare/-	None	<i>Acacia ulicifolia</i> is found in sandy coastal heaths and open heathy forest and woodland in the north and east of Tasmania. Populations are often sparsely distributed and most sites are near-coastal but it can occasionally extend inland (up to 30 km).
<i>Austroparmelina whinrayi</i> lichen	Rare / -	None	Foliose lichen known from very few sites in scrub and woodland dispersed around coastal Tasmania
<i>Caladenia caudata</i> tailed spider-orchid	Vulnerable/ VULNERABLE	Low	<i>Caladenia caudata</i> has highly variable habitat, which includes the central north: <i>Eucalyptus obliqua</i> heathy forest on low undulating hills; the north-east: <i>E. globulus</i> grassy/heathy coastal forest, <i>E. amygdalina</i> heathy woodland and forest, <i>Allocasuarina</i> woodland; and the south-east: <i>E. amygdalina</i> forest and woodland on sandstone, coastal <i>E. viminalis</i> forest on deep sands. Substrates vary from dolerite to sandstone to granite, with soils ranging from deep windblown sands, sands derived from sandstone and well-developed clay loams developed from dolerite. A high degree of insolation is typical of many sites
<i>Calocephalus citreus</i> lemon beautyheads	Rare / -	None	<i>Calocephalus citreus</i> inhabits disturbed dry grasslands and is found from a few locations in the south-east of the State.

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
<i>Carex longebrachiata</i> drooping sedge	Rare / -	None	<i>Carex longebrachiata</i> grows along riverbanks, in rough grassland and pastures, in damp drainage depressions and on moist slopes amongst forest, often dominated by <i>Eucalyptus viminalis</i> , <i>E. ovata</i> or <i>E. rodwayi</i> .
<i>Comesperma defoliatum</i> leafless milkwort	Rare / -	None	The habitat of <i>Comesperma defoliatum</i> includes wet heathland/sedgeland, buttongrass moorland, coastal low scrub and on the crests of dunes. It has also been recorded from flat alkaline pans. The predominant substrates include peat, quartzite and sand.
<i>Cotula vulgaris</i> var. <i>australasica</i> slender buttons	Rare / -	None	<i>Cotula vulgaris</i> var. <i>australasica</i> habitat includes saline herbfields, rocky coastal outcrops, and wet or brackish swamps.
<i>Cuscuta tasmanica</i> golden dodder	Rare / -	None	<i>Cuscuta tasmanica</i> is known from saline areas and brackish marshes often, but not exclusively, on plants of <i>Wilsonia backhousei</i> (narrowleaf wilsonia).
<i>Damasonium minus</i> starfruit	Rare / -	None	<i>Damasonium minus</i> occupies swampy habitat and farm dams and prefers slow-flowing or stationary water.
<i>Eryngium ovium</i> blue devil	Vulnerable/ -	None	<i>Eryngium ovium</i> occurs in a range of lowland vegetation types most often on fertile heavy clay soils derived from dolerite. Vegetation types include open grasslands usually dominated by <i>Themeda triandra</i> (kangaroo grass), grassy forests and woodlands on slopes, ridges and broad flats, and also roadside verges (representing remnant populations).
<i>Eucalyptus morrisbyi</i> morrisbys gum	Endangered/ ENDANGERED	None	<i>Eucalyptus morrisbyi</i> occurs in coastal, dry sclerophyll woodland on gentle to hilly slopes with poor drainage. It tends to be restricted to gullies that offer some relief in this drought-prone, low rainfall area. It is associated with poor soils. The Calverts Hill subpopulation and associated remnant stands occurring on recent sands overlying dolerite and the Risdon subpopulation on Permian mudstone.
<i>Eutaxia microphylla</i> spiny bushpea	Rare / -	None	On Flinders Island, <i>Eutaxia microphylla</i> mainly occurs in windswept coastal heathland on calcarenite. On mainland Tasmania, the species usually occurs in low open coastal shrubbery and on cliff edges (various substrates). The local record is of a historic collection – 1931 from Cambridge
<i>Haloragis heterophylla</i> variable raspwort	Rare / -	Low	<i>Haloragis heterophylla</i> occurs in poorly-drained sites (sometimes only marginally so), which are often associated with grasslands and grassy woodlands with a high component of <i>Themeda triandra</i> (kangaroo grass). It also occurs in grassy/sedgy <i>Eucalyptus ovata</i> forest and woodland, shrubby creek lines, and broad sedgy/grassy flats, wet pasture and margins of farm dams.
<i>Hyalosperma demissum</i> moss sunray	Endangered/ -	None	<i>Hyalosperma demissum</i> grows on rock pavements or shallow sandy soils in some of Tasmania's driest regions, and also in scalded patches in <i>Eucalyptus amygdalina</i> heathy/grassy woodland. The underlying substrate is mostly Jurassic dolerite, with occasional occurrences on

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
			Triassic sandstone and also Cainozoic sediments with a laterite lag. The elevation range of recorded sites in Tasmania is 30-470 m above sea level, with an annual rainfall range of less than 600 mm.
<i>Isolepis stellata</i> star clubsedge	Rare / -	None	<i>Isolepis stellata</i> has been recorded from near-coastal areas in the State's north and east, and also in the Northern Midlands near Conara. Habitat includes the margins of sedgy wetlands, wet soaks and seasonally inundated heathy sedgeland; the altitude of recorded sites in Tasmania ranges from close to sea level to elevations of 240 m above sea level.
<i>Lachnagrostis robusta</i> tall blowgrass	Rare / -	None	<i>Lachnagrostis robusta</i> occurs in saline situations such as the margins of coastal and inland saline lagoons.
<i>Lepidium hyssopifolium</i> soft peppergrass	Endangered/ ENDANGERED	Low	The native habitat of <i>Lepidium hyssopifolium</i> is the growth suppression zone beneath large trees in grassy woodlands and grasslands (e.g. over-mature black wattles and isolated eucalypts in rough pasture). <i>Lepidium hyssopifolium</i> is now found primarily under large exotic trees on roadsides and home yards on farms. It occurs in the eastern part of Tasmania between sea-level to 500 metres above sea level in dry, warm and fertile areas on flat ground on weakly acid to alkaline soils derived from a range of rock types. It can also occur on frequently slashed grassy/weedy roadside verges where shade trees are absent.
<i>Lepilaena patentifolia</i> spreading watermat	Rare / -	None	<i>Lepilaena patentifolia</i> occurs in coastal lagoons, creeks, inlets and estuaries and brackish inland lagoons.
<i>Lepilaena preissii</i> slender watermat	Rare / -	None	<i>Lepilaena preissii</i> occurs in fresh and brackish lagoons, and estuaries.
<i>Limonium australe</i> var. <i>australe</i> yellow sea-lavender	Rare / -	None	<i>Limonium australe</i> var. <i>australe</i> occurs in succulent or graminoid saltmarsh close to the high water mark, typically near small brackish streams.
<i>Lobelia pratioides</i> poison lobelia	Vulnerable/ -	None	<i>Lobelia pratioides</i> occurs in seasonally inundated to waterlogged soils at the margins of swamps, wetlands and drainage lines, and also in damp depressions within grassland and grassy woodland.
<i>Olearia hookeri</i> crimsontip daisybush	Rare / -	None	<i>Olearia hookeri</i> is found on dry hills around Hobart in the State's south and also along the central east coast. It grows within eucalypt woodlands with a mixed grassy-shrubby understorey, favouring north-north-westerly slopes on mudstone (except for an atypical occurrence on dolerite at Templestowe flats near Seymour). In the south of the State the habitat is dominated by <i>Eucalyptus amygdalina</i> , <i>Eucalyptus risdonii</i> or <i>Eucalyptus tenuiramis</i> ; in the central east near Mt Peter the habitat is dominated by <i>Eucalyptus sieberi</i> over a very sparse understorey.

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
<i>Poa mollis</i> soft tussockgrass	Rare / -	None	<i>Poa mollis</i> is relatively widespread in the eastern half of the State, in dry sclerophyll forest and woodland (often dominated by <i>Eucalyptus amygdalina</i> , <i>E. viminalis</i> or <i>Allocasuarina verticillata</i>). Sites are often steep and rocky (e.g. Cataract Gorge).
<i>Pterostylis wapstrarum</i> fleshy greenhood	Endangered/ CRITICALLY ENDANGERED	None	<i>Pterostylis wapstrarum</i> is restricted to the Midlands and south-east of Tasmania where it occurs in native grassland and possibly grassy woodland. It has been reported from basalt soils.
<i>Ranunculus pumilio</i> var. <i>pumilio</i> ferny buttercup	Rare / -	None	<i>Ranunculus pumilio</i> var. <i>pumilio</i> occurs mostly in wet places (e.g. broad floodplains of permanent creeks, "wet pastures") from sea level to altitudes of 800-900 m above sea level.
<i>Ruppia megacarpa</i> largefruit seatassel	Rare / -	None	<i>Ruppia megacarpa</i> occurs in estuaries and lagoons along the east and south-east coasts, and brackish lagoons in the Midlands; there is also an historic record from the Tamar estuary in the States' north.
<i>Ruppia tuberosa</i> tuberous seatassel	Rare / -	None	<i>Ruppia tuberosa</i> has been recorded from the State's south-east at Ralphs Bay and Blackman Bay, where it grows in holes and channels in saltmarshes.
<i>Scleranthus diander</i> tufted knawel	Vulnerable/ -	None	<i>Scleranthus diander</i> is found from the Central Midlands area to Hobart with most of the records from the Ross and Tunbridge areas. This species inhabits grassy woodland and is associated with dolerite and basalt substrates. Local record is dubious - unsubstantiated observation from Mt Rumney
<i>Stuckenia pectinate</i> fennel pondweed	Rare / -	None	<i>Stuckenia pectinata</i> is found in fresh to brackish/saline waters in rivers, estuaries and inland lakes. It forms dense stands or mats, particularly in slow-flowing or static water. The species grows in water of various depth.
<i>Teucrium corymbosum</i> forest germander	Rare / -	Low	<i>Teucrium corymbosum</i> occurs in a wide range of habitats from rocky steep slopes in dry sclerophyll forest and <i>Allocasuarina</i> (sheoak) woodland, riparian flats and forest.
<i>Thelymitra bracteata</i> leafy sun-orchid	Endangered/ -	None	<i>Thelymitra bracteata</i> occurs in open grassy and heathy forest/woodland on mudstone and sandstone. At Rosny Hill site, <i>Thelymitra bracteata</i> is most abundant on the top of the hill on open ground with dense exotic grasses and sparse in a remnant patch of native grass close to <i>Allocasuarina verticillata</i> woodland. At Conningham, the species occurs in a canopy gap created by a rough track amongst heathy <i>Eucalyptus amygdalina</i> forest on Triassic sandstone.
<i>Triglochin minutissima</i> tiny arrowgrass	Rare / -	None	<i>Triglochin minutissima</i> inhabits fresh or brackish mudflats or margins of swamps in lowland, mostly coastal areas.
<i>Velleia paradoxa</i> spur velleia	Vulnerable/ -	Low	<i>Velleia paradoxa</i> is known from the Hobart and Launceston areas, and the Midlands and the Derwent Valley, where it occurs in grassy woodlands or grasslands on dry sites. It has been recorded up to 550 m above sea level at sites with an annual rainfall range of 450-750 mm.

Species	Status TSPA / EPBCA ¹⁴	Potential to occur in study area	Observations and preferred habitat
<i>Vittadinia cuneata</i> var. <i>cuneata</i> fuzzy new-holland-daisy	Rare / -	Low	<i>Vittadinia cuneata</i> var. <i>cuneata</i> occurs in native grassland and grassy woodland on fertile soils, typically overlying basalt. It is confined to the Derwent Valley, Central Midlands and central East Coast on areas of lowest rainfall in Tasmania.
<i>Vittadinia gracilis</i> woolly new-holland-daisy	Rare / -	Low	<i>Vittadinia gracilis</i> occurs in dry grassy habitats, often in relatively degraded grasslands and grassy woodlands. It has been found to occur in low- rainfall areas, on a range of substrates.
<i>Wilsonia rotundifolia</i> roundleaf wilsonia	Rare / -	None	<i>Wilsonia rotundifolia</i> is found in coastal and inland saltmarshes in the eastern part of the State.
<i>Xerochrysum palustre</i> swamp everlasting	- (v pending)/ VULNERABLE	None	<i>Xerochrysum palustre</i> has a scattered distribution with populations in the north-east, east coast, Central Highlands and Midlands, all below about 700 m elevation. It occurs in wetlands, grassy to sedgy wet heathlands and extends to associated heathy <i>Eucalyptus ovata</i> woodlands. Sites are usually inundated for part of the year.

Appendix C: Fauna species of conservation significance previously recorded, or which may potentially occur, within 5 km of the study area¹⁵

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
Known from 500 m			
MAMMALS			
<i>Eubalaena australis</i> Southern right whale	Endangered/ ENDANGERED	None	Marine species
<i>Megaptera novaeangliae</i> Humpback whale	Endangered/ VULNERABLE	None	Marine species
<i>Mirounga leonina</i> subsp. <i>Macquariensis</i> Southern elephant seal	Endangered/ VULNERABLE	None	Marine species
<i>Perameles gunnii gunnii</i> Eastern-barred bandicoot	-/VULNERABLE	Moderate	Inhabits grassy woodlands, native grasslands, and mosaics of pasture and shrubby ground cover favouring open grassy areas for foraging with thick vegetation cover for shelter and nesting. It has a widely dispersed range with concentrations in SE, NE and NW Tasmania and some areas of the State from where it is absent or in very low densities. It extends into the urban fringe where it can survive in large gardens and bushland reserves. It favours a mosaic of open grassy areas for foraging and thick vegetation cover for shelter and nesting.
<i>Pteropus poliocephalus</i> Grey-headed flying-fox	-/VULNERABLE	None	Vagrant
BIRDS			
<i>Accipiter novaehollandiae</i> Grey goshawk	Endangered/ -	Low	Inhabits large tracts of wet forest and swamp forest, particularly patches with closed canopies above an open understorey, but with dense stands of prey habitat nearby. Mature trees provide the best nesting sites. Most nests have been recorded from blackwoods and occasional myrtle beech.
<i>Aquila audax fleayi</i> Wedge-tailed eagle	Endangered/ ENDANGERED	Low	Wedge-tailed eagles nest in a range of old growth native forests and the species is dependent on forest for nesting. Territories can contain up to five alternate nests usually close to each other but

¹⁵ DPIPWE Natural Values Atlas Report (2021) report #: nvr_2_9-March-2021

¹⁶ Tasmanian *Threatened Species Protection Act 1995* and Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, which includes ROKAMBA, JAMBA, CAMBA and Migratory species.

¹⁷ Bryant & Jackson 1999

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
			may be up to 1 km apart where habitat is locally restricted. Wedge-tailed eagles prey and scavenge on a wide variety of fauna including fish, reptiles, birds and mammals.
<i>Haliaeetus leucogaster</i> White-bellied Sea Eagle	Vulnerable/-	Low	Requires large trees for nesting and is sensitive to disturbance during the breeding season. Occurs in coastal habitats and large inland waterways.
<i>Lathamus discolor</i> Swift parrot	Endangered/ CRITICALLY ENDANGERED	Moderate	The Swift Parrot spends its winter in south-eastern mainland Australian before migrating to Tasmania in late winter/early spring to breed. During the breeding season, nectar from Tasmanian blue gum (<i>Eucalyptus globulus</i>) and black gum (<i>Eucalyptus ovata</i>) flowers is the primary food source for the species. These eucalypts are patchily distributed and their flowering patterns are erratic and unpredictable, often leading to only a small proportion of Swift Parrot habitat being available for breeding in any one year. Swift Parrots breed in tree hollows in mature eucalypts within foraging range of a flower source.
<i>Podiceps cristatus</i> Great crested grebe	Vulnerable/-	None	The Great Crested Grebe inhabits wetlands, deep lakes, rivers and swamps and prefers a combination of open water and dense reedbeds. This species is relatively rare in Tasmania but can have minor irruptions and periods of regular sightings in some areas.
<i>Thinornis rubricollis</i> Hooded Plover	-/VULNERABLE	None	Widely distributed in Tasmania. Inhabits sandy ocean beaches. Nests on or near beaches, with nests located on flat beaches above the high tide mark, on stony terraces adjacent to beaches, or on the sides of sparsely vegetated dunes.
<i>Tyto novaehollandiae</i> Tasmanian masked owl	Endangered/ VULNERABLE	None	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding, which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
REPTILE			
<i>Caretta caretta</i> Loggerhead turtle	Endangered/ ENDANGERED	None	Marine species.
FISH			

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
<i>Brachionichtys hirsustus</i> Spotted handfish	Endangered/ CRITICALLY ENDANGERED	None	The Spotted Handfish is found in parts of the Derwent Estuary, as well as Frederick Henry, Ralphs and North West Bays. They occur in a limited number of colonies on soft substrates often in shallow depressions or near rocks or other projections. Found at depths of 2 to 30 m. Spawning from Sep-Oct.
<i>Seriolella brama</i> Blue Warehou	-/Conservation Dependent	None	Known from Australian and New Zealand Waters. Occurs at depths between 3 and 550 m, though is more abundant in waters shallower than 200 m.
GASTROPOD			
<i>Gazameda gunnii</i> Gunn's Screwshell	Vulnerable/-	None	Lives subtidally and offshore on sand. Widespread in Tasmanian waters but only locally common as a beached shell.
Potential to occur based on habitat mapping only			
MAMMALS			
<i>Dasyurus maculatus maculatus</i> Spotted-tailed quoll	Rare /VULNERABLE	Very low	This naturally rare forest-dweller most commonly inhabits rainforest, wet forest and blackwood swamp forest. It forages and hunts on farmland and pasture, travelling up to 20 km at night, and shelters in logs, rocks or thick vegetation. Important habitat includes large patches of forest containing adequate denning sites and high densities of mammalian prey.
<i>Dasyurus viverrinus</i> Eastern quoll	-/ENDANGERED	Very low	This species was previously widespread in mainland south-eastern Australia, but is now restricted to Tasmania. Records from the Tasmanian Natural Values Atlas indicate that the eastern quoll occurs in most parts of Tasmania, but is recorded infrequently in the wetter western third of the state. The species' distribution is positively associated with areas of low rainfall and cold winter minimum temperatures. Within this distribution, it is found in a range of vegetation types including open grassland (including farmland), tussock grassland, grassy woodland, dry eucalypt forest, coastal scrub and alpine heathland, but is typically absent from large tracts of wet eucalypt forest and rainforest.
<i>Sarcophilus harissii</i> Tasmanian devil	Endangered/ ENDANGERED	Very low	The Tasmanian devil occupies a wide range of habitats across Tasmania and exploits landscapes with a mosaic of pasture and forest with elevated prey densities and is attracted to roadkill hotspots with concentrated scavenging resource. Populations have declined substantially since the first observations of the infectious cancer Devil Facial Tumour Disease (DFTD). DFTD has now spread across much of Tasmania. The reduced population is also likely to be more sensitive to additional threats such as death by roadkill, competition with cats and foxes, and loss or disturbance of areas surrounding traditional dens where young are raised. The protection of breeding opportunities is particularly important for the species due to the mortalities from demographic pressures.
BIRDS			
<i>Pardalotus quadragintus</i> Forty-spotted pardalote	Endangered/ ENDANGERED	Very low	The forty-spotted pardalote is endemic to Tasmania and occurs in only a few small areas within the State. It is relatively restricted to dry grassy forest and woodland along the east coast containing

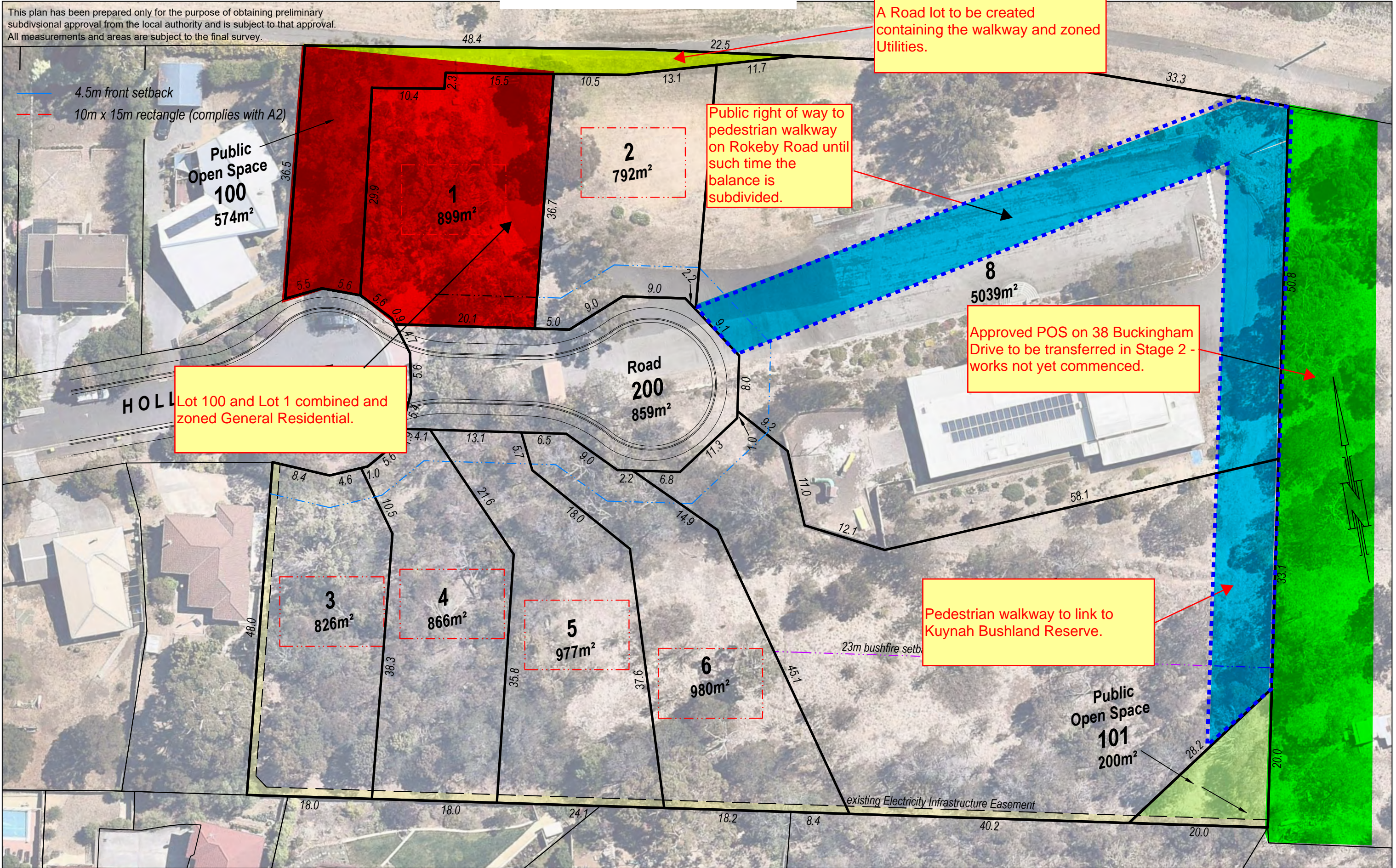
Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
			mature white gum (<i>Eucalyptus viminalis</i>). [1] Cooper and Clemens et al. (2012); Reid and Park (2003)
REPTILES			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
FISH			
<i>Prototroctes maraena</i> Australian Grayling	Vulnerable/ VULNERABLE	None	In Tasmania, the diadromous Australian Grayling has been found in northern, eastern, and western rivers. Little is known of the population size. The major threat to the species is the construction of barriers than prevent adult fish moving upstream and juveniles downstream.
INVERTEBRATES			
<i>Antipodia chaostola</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Chrysolarentia decisaria</i> Tunbridge looper moth	Endangered/-	None	Saltmarsh species
Known from 5 km			
MAMMALS			
<i>Arctocephalus forsteri</i> Long-nosed fur seal	Rare /-	None	Marine species
<i>Arctocephalus tropicalis</i> Subantarctic Fur Seal	Endangered/ VULNERABLE	None	Marine species
BIRDS			
<i>Botaurus poiciloptilus</i> Australasian bittern	-/ENDANGERED	None	Australasian bitterns are a highly cryptic species, utilising wetlands and lakes with a dense cover of vegetation. Whilst once common on Tasmania's north/east coasts, the numbers of Australasian bitterns in the state during the last two decades have declined significantly in both their range and numbers due to habitat loss and extended periods of dryness
<i>Calidris canutus</i> Red knot	-/ENDANGERED	None	Coastal species
<i>Calidris ferruginea</i> Curlew sandpiper	-/CRITICALLY ENDANGERED	None	The curlew sandpiper was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
<i>Charadrius leschenaultia</i> Greater sand plover	-/VULNERABLE	None	Coastal species
<i>Hirundapus caudacutus</i> White-throated needletail	-/VULNERABLE	None	The white-throated needletail is a migratory species, breeding in central and north-eastern Asia in Siberia, Mongolia, northern-eastern China and northern Japan. It migrates south through eastern China, Korea and Japan spending its non-breeding season in eastern and south-eastern Australia including Tasmania. This species is almost exclusively aerial, occurring over most types of habitat with a preference to wooded areas, open forests, heathland and rainforests.
<i>Limosa lapponica</i> subsp. <i>Baueri</i> Western Alaskan bar- tailed godwit	-/VULNERABLE	None	Coastal species
<i>Numenius madagascariensis</i> Eastern curlew	Endangered/ CRITICALLY ENDANGERED	None	Much like the curlew sandpiper, the eastern curlew was once a common visitor to Tasmania, but their numbers have declined significantly since the 1950's. It frequents intertidal mudflats in sheltered coastal areas, with the most important sites for them in Tasmanian centred on the north and east coast of Tasmania. However, they are also occasionally recorded inland, along the open edges of ephemeral and permanent lakes and other water bodies.
<i>Pterodroma lessonii</i> White-headed Petrel	Vulnerable/-	None	The White-headed petrel breeds in colonies on subantarctic islands including Australia's Macquarie Island. They are a pelagic species foraging between the subantarctic and Antarctic convergence zones. At sea this species is mostly solitary.
<i>Sterna nereis nereis</i> Fairy Tern	Vulnerable/ VULNERABLE	None	The fairy tern nests on sheltered sandy beaches, spits and banks above the high tide line and below vegetation. It has been found in a variety of habitats including offshore, estuarine or lacustrine (lake) islands, wetlands and coastlines. The bird roosts on beaches at night.
<i>Tyto novaehollandiae castanops</i> Tasmanian masked owl	Endangered/ VULNERABLE	Very low	Found in a range of habitats which contain some mature hollow-bearing forest, usually below 600 m altitude. This includes native forests and woodlands as well as agricultural areas with a mosaic of native vegetation and pasture. Significant habitat is limited to large eucalypts within dry eucalypt forest in the core range.
REPTILE			
<i>Pseudemonia pagenstecheri</i> Tussock skink	Vulnerable/-	None	A ground-dwelling lizard, occurring in grassland and grassy woodland habitats at a range of elevations. Records in Tasmania a few disconnected patches of habitat from Midlands, inland Cradle Coast, and eastern Bass Strait islands.
AMPHIBIAN			
<i>Litoria raniformis</i> Green and gold frog	Vulnerable/ VULNERABLE	None	In Tasmania is found in lowland areas, primarily coastal. They require permanent or temporary water bodies for survival and tend to inhabit ones containing emergent plants such as <i>Triglochin procera</i> or species of <i>Juncus</i> or sedge. They are rarely seen in open water and spend most of their time in vegetation at the water's edges. They depend upon permanent fresh water for breeding,

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
			which occurs in Spring and Summer. The green and gold frog is not known to occur in the very low fertility habitats to be found in wetlands associated with the western moorland of quartzite derivation. They generally prefer more fertile habitats
INVERTEBRATES			
<i>Amelora acoustica</i> Chevron looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Dasybela achroa</i> Saltmarsh looper moth	Vulnerable/-	None	Obligate saltmarsh species
<i>Parvulastra vivipara</i> Live-bearing seastar	Vulnerable / VULNERABLE	None	Confined to rocky substrates on the upper littoral zone on low energy shores in south east Tasmania. Range from just below the highwater mark to 1.2m at high water. Recorded under both dolerite and sandstone rocks on gently sloping shores.
<i>Theclinesthes serpentata</i> subsp. <i>lavara</i> Chequered Blue	Rare/-	None	Coastal environments with larval foodplant coastal saltbush – <i>Rhagodia candolleana</i> and species of <i>Atriplex</i> .
Potential to occur in 5km based on habitat mapping only			
MAMMAL			
BIRD			
<i>Ceyx azures diemenensis</i> Tasmanian azure kingfisher	Endangered/ ENDANGERED	None	The azure kingfisher is found along rivers in the south, west, north and northwest of Tasmania with outlying occurrences in the northeast, east, centre and Bass Strait islands. This species occurs in the forested margins of major river systems where it perches on branches overhanging rivers waiting for prey items such as small fish, insects and freshwater crayfish to come down the river.
FISH			
<i>Thymichthys politus</i> Red Handfish	Endangered/ CRITICALLY ENDANGERED	None	
INVERTEBRATES			
<i>Antipodia chaostola</i> subsp. <i>Leucophaea</i> Chaostola skipper	Endangered/ ENDANGERED	None	The Chaostola skipper is restricted to dry forest and woodland supporting sedges of the <i>Gahnia</i> genus, and occurs in isolated populations in south-eastern and eastern Tasmania
<i>Orphninostrichia maculata</i> Caddis fly (wedge river)	Rare/-	None	Aquatic habitats.

Species	Status ¹⁶ TSPA/EPBCA	Potential to occur in study area	Observations and preferred habitat ¹⁷
<i>Lissotes menalcas</i> Mount Mangana stag beetle	Vulnerable/-	None	This occurs in south east Tasmania including parts of the Wellington range, South Bruny and the Forester and Tasman Peninsulas. Confined to wet forest with large logs although much of potential habitat is unoccupied.
<i>Pseudalmenus chlorinda</i> <i>myrsilus</i> Tasmanian hairstreak (butterfly)	Rare/-	Low	Dry forest and woodland associated with species of wattle including <i>A. dealbata</i> and <i>A. mearnsii</i> . Confined to occasional sites in south east Tasmania. Habitat is present although scarcity of records suggest presence is very unlikely.
GASTROPOD			
Ammonite Pinwheel Snail <i>Discocharopa vicens</i>	Endangered/ CRITICALLY ENDANGERED	None	This snail has been recorded from the following seven locations in the Hobart metropolitan area: Mount Wellington, Mount Nelson, The Domain, Hillgrove, Grasstree Hill, South Hobart and Austins Ferry. Species is thought to be extinct from Mt Nelson. Habitat of the species includes dry and wet eucalypt forests below 400 m in altitude. To date the species has only been found under dolerite rocks.

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval. All measurements and areas are subject to the final survey.



		AB	15-11-21	AB
				AB
				AB
				AB
J	P.O.S changes (council RFI)	AB	12-8-22	AB
REV	see previous plans for details of all revisions AMENDMENTS	DRAWN	DATE	APPR.



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER:
TITLE REFERENCE:
LOCATION:

CHURCHES OF CHRIST
C.T.35660/1
30 HOLLAND COURT
HOWRAH

Proposed Subdivision

Date: 12-8-2022	Reference: HOWCC01 12572-05
Scale: 1:500 (A3)	Municipality: CLARENCE

7.2 SECTION 40T COMBINED SCHEME AMENDMENT APPLICATION – PROPOSED REZONING AND 7 LOT SUBDIVISION (PDPSPAMEND – 2021/019004) – 30 HOLLAND COURT, HOWRAH
--

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a combined Section 40T application under the Land Use Planning and Approvals Act 1993 (LUPAA) for a planning scheme amendment and 7 lot subdivision. The proposed scheme amendment involves rezoning the site (1.56 ha) from “Community Purpose” zone to “General Residential” and “Open Space”. Proposed Lot 8 will contain the existing church building that is to be retained.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose under the Tasmanian Planning Scheme – Clarence (the Scheme). It is also subject to the Bushfire-prone Areas, Flood-prone Areas, Landslip Hazard, Natural Assets, Road and Railway Assets and Safeguarding of Airports Codes.

The proposed subdivision is currently Prohibited under the Scheme.

Section 37 of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for Council to consider a request to amend a Local Provision Schedule (LPS).

Section 40T of the Land Use Planning and Approvals Act 1993 (LUPAA) provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

Applications made under Section 40T under LUPAA are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment and subdivision of the site.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That pursuant to Section 40D (a)(i) of the Land Use Planning and Approvals Act 1993, Council agrees to prepare Amendment PDPSPAMEND-2021-019004 to the Clarence Local Provisions Schedule to rezone 30 Holland Court, Howrah to General Residential and Open Space.
- B. That having decided to prepare the amendment, the Council certifies pursuant to Section 40F(2)(b) of the Land Use Planning and Approvals Act 1993 that the draft amendment meets the Land Use Planning and Approvals Act 1993 subject to the following modifications:
- remove the Open Space zone in the north-east part of the site; and
 - rezone the portion of the site containing the pedestrian walkway to Utilities.
- C. That pursuant to Section 40G of the Land Use Planning and Approvals Act 1993, Council places the amendment and permit on public exhibition for a period of 28 days.
- D. That pursuant to Section 40Y of the Land Use Planning and Approvals Act 1993, Council agrees to grant a permit for a 7-lot subdivision at 30 Holland Court, Howrah subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS showing the following changes:
 - deletion of the POS Lot 100;
 - reconfiguration of the lot layout to incorporate Lot 100 into Lot 1;
 - the POS Lot 101 to extend further along the southern boundary towards 5 Mayfair Court for approximately 20m in length; and
 - a 10m wide Public right-of-way along the eastern boundary of the site and connecting through the site from the cul-de-sac to the pedestrian walkway on the South Arm Highway.
 3. GEN POS 4 – POS CONTRIBUTION [3.7%].
 4. GEN – PART 5 Agreement -
 - Combined Lots 1 and 100 the Eucalyptus Ovata trees identified in the Natural Values Assessment, North Barker, 6 January 2023, must not be removed without prior consent of Council; and
 - Lots 1 and 2 dwelling must be designed with a minimum Rw on the western, northern and eastern facades in accordance with the Noise Impact Assessment (NVC, 21 December 2022).
 5. PROP 3 – TRANSFER.

6. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban)].
7. ENG M2 – DESIGNS SD [include additional dot point “pedestrian networks and connections”].
8. NON-STANDARD ENGINEERING CONDITION – Prior to the sealing of the Final Plan, a trail connecting the cul-de-sac to the pedestrian walkway on the South Arm Highway and the Kunyah Reserve must be constructed to the satisfaction of Council’s Manager Environment and Recreation.
9. Prior to the sealing of the Final Plan, an acoustic fence with a minimum height of 2m and finished with anti-graffiti paint must be constructed along the northern boundary of Lots 1 and 2 in accordance with the recommendations of the Noise Impact Assessment (NVC, 21 December 2022). A plan of the fence must be submitted to and approved by Council’s Manager City Planning prior to its construction.
10. ENG M4 – POS ACCESS.
11. ENG M5 – EROSION CONTROL.
12. ENG M7 – WEED MANAGEMENT PLAN.
13. ENG M8A – SERVICE EASEMENTS.
14. ENG R2 – URBAN ROAD.
15. ENG R5 – ROAD EXTENSION.
16. ENG S1 – INFRASTRUCTURE REPAIR.
17. ENG S4 – STORMWATER CONNECTION.
18. ENG S5 – STORMWATER PRINCIPLES.
19. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
20. ENG S10 – UNDERGROUND SERVICES.
21. ENG S2 – SERVICES.

22. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 May 2021 [TWDA 2021/00779-CCC].

E. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Decision: **MOVED** Cr Mulder **SECONDED** Cr Ritchie

"That the Recommendation be adopted".

CARRIED

FOR

Cr Blomeley
Cr Chong
Cr Goyne
Cr Hulme
Cr Hunter
Cr James
Cr Kennedy
Cr Mulder
Cr Ritchie
Cr Warren

AGAINST

Cr Darko (abstained)
Cr Walker (abstained)