



CITY OF HOBART

AGENDA

City Planning Committee Meeting

Open Portion

Monday, 31 May 2021

at 5:00 pm

Council Chamber, Town Hall

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

People	We care about people – our community, our customers and colleagues.
Teamwork	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
Focus and Direction	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
Creativity and Innovation	We embrace new approaches and continuously improve to achieve better outcomes for our community.
Accountability	We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

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City Planning Committee Meeting (Open Portion) held Monday, 31 May 2021 at 5:00 pm in the Council Chamber, Town Hall.

This meeting of the City Planning Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant s.61 of the *Local Government Act 1993* (Tas).

COMMITTEE MEMBERS

Deputy Lord Mayor Burnet (Chairman)
Briscoe
Harvey
Behrakis
Dutta
Coats

Apologies:

Leave of Absence: Nil.

NON-MEMBERS

Lord Mayor Reynolds
Zucco
Sexton
Thomas
Ewin
Sherlock

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

2. CONFIRMATION OF MINUTES

The minutes of the Open Portion of the City Planning Committee meeting held on [Monday, 17 May 2021](#), are submitted for confirming as an accurate record.

3. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Recommendation

That the Committee resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer.

4. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the Committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Committee has resolved to deal with.

5. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A Committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the Committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

6. PLANNING AUTHORITY ITEMS - CONSIDERATION OF ITEMS WITH DEPUTATIONS

In accordance with the requirements of Part 2 Regulation 8(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer is to arrange the agenda so that the planning authority items are sequential.

In accordance with Part 2 Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee by simple majority may change the order of any of the items listed on the agenda, but in the case of planning items they must still be considered sequentially – in other words they still have to be dealt with as a single group on the agenda.

Where deputations are to be received in respect to planning items, past practice has been to move consideration of these items to the beginning of the meeting.

RECOMMENDATION

That in accordance with Regulation 8(4) of the *Local Government (Meeting Procedures) Regulations 2015*, the Committee resolve to deal with any items which have deputations by members of the public regarding any planning matter listed on the agenda, to be taken out of sequence in order to deal with deputations at the beginning of the meeting.

7. COMMITTEE ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Committee to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Committee will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Committee is reminded that in order to comply with Regulation 25(2), the Chief Executive Officer is to ensure that the reasons for a decision by a Council or Council Committee acting as a planning authority are recorded in the minutes.

7.1 APPLICATIONS UNDER THE HOBART INTERIM PLANNING SCHEME 2015

7.1.1 1 ENTERPRISE ROAD, SANDY BAY - PARTIAL DEMOLITION AND ALTERATIONS PLN-21-225 - FILE REF: F21/48837

Address: 1 Enterprise Road, Sandy Bay
Proposal: Partial Demolition and Alterations
Expiry Date: 8 June 2021
Extension of Time: Not applicable
Author: Tristan Widdowson

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-225 - 1 ENTERPRISE ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

Landscaping is to be undertaken and maintained along the frontage of the property, adjoining proposed retaining wall. The landscaping is to be completed within 60 days of the completion of the retaining wall.

Reason for condition

In the interest of the streetscape.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains, retaining wall ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Advice:

Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. **Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**
2. **Be repaired and reinstated by the owner to the satisfaction of the Council.**

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 1

Sediment and erosion control measures sufficient to prevent sediment from leaving the site must be installed prior to any disturbance of the site, and maintained until all areas of disturbance have been stabilized or re-vegetated.

Advice:

For further guidance in preparing a Soil and Water Management Plan – in accordance with Fact sheet 3 Derwent Estuary Program click [here](#).

Reason for condition

To avoid the sedimentation of roads, drains, natural watercourses, Council land that could be caused by erosion and runoff from the development, and to comply with relevant State legislation.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council reserve, Bicentennial Park. Any act that causes, or is likely to cause, damage to Council's land may be in breach of Council's Public Spaces By-law and penalties may apply. A permit is required for works on Council land. The by-law is available [here](#).


FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

Attachment A: PLN-21-225 - 1 ENTERPRISE ROAD SANDY BAY
TAS 7005 - Planning Committee or Delegated
Report ↓ 

Attachment B: PLN-21-225 - 1 ENTERPRISE ROAD SANDY BAY
TAS 7005 - CPC Agenda Documents ↓ 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 31 May 2021
Expiry Date: 8 June 2021
Application No: PLN-21-225
Address: 1 ENTERPRISE ROAD , SANDY BAY
Applicant: Jay Weir (Smeekees Drafting)
12 Warwick Street
Proposal: Partial Demolition and Alterations
Representations: Three
Performance criteria: Development Standards - Setbacks and Building Envelope

1. Executive Summary

- 1.1 Planning approval is sought for Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay.
- 1.2 More specifically the proposal includes:
- A 24m2 concrete deck with glass balustrading extending from the existing living area with new glazed doors proposed.
 - Painting of existing rendered wall section and inclusion of timber cladding.
 - Removal of internal garage partitions and installation of new garage door.
 - A painted rendered concrete retaining wall extending either side of the existing driveway and setback 3 metres from the frontage. The wall will retain at a height of 0.73m at the western end rising to 2m at eastern end of the frontage.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:
- 1.3.1 General Residential Zone - Setbacks and Building Envelope
- 1.4 Three (3) representations objecting to the proposal were received within the statutory advertising period between 27 April and 11 May 2021.
- 1.5 The proposal is recommended for approval subject to conditions.

- 1.6 The final decision is delegated to the City Planning Committee, because the proposal received three objections.

2. Site Detail

2.1 The subject site is a 1303m² sloping site adjoining the Bicentennial Park and containing a single dwelling.

2.2



Figure 1: GIS Map Image 1:1000

2.3



Figure 2: Subject site

2.4



Figure 3: Subject site

2.5



Figure 4: Frontage of adjoining site at 3 Enterprise Road

3. Proposal

3.1 Planning approval is sought for Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay.

3.2 More specifically the proposal includes:

- A 24m² concrete deck with glass balustrading extending from the existing living area with new glazed doors proposed.
- Painting of existing rendered wall section and inclusion of timber cladding.
- Removal of internal garage partitions and installation of new garage door.
- A painted rendered concrete retaining wall extending either side of the existing driveway and setback 3 metres from the frontage. The wall will retain at a height of 0.73m at the western end rising to 2m at eastern end of the frontage.

3.3

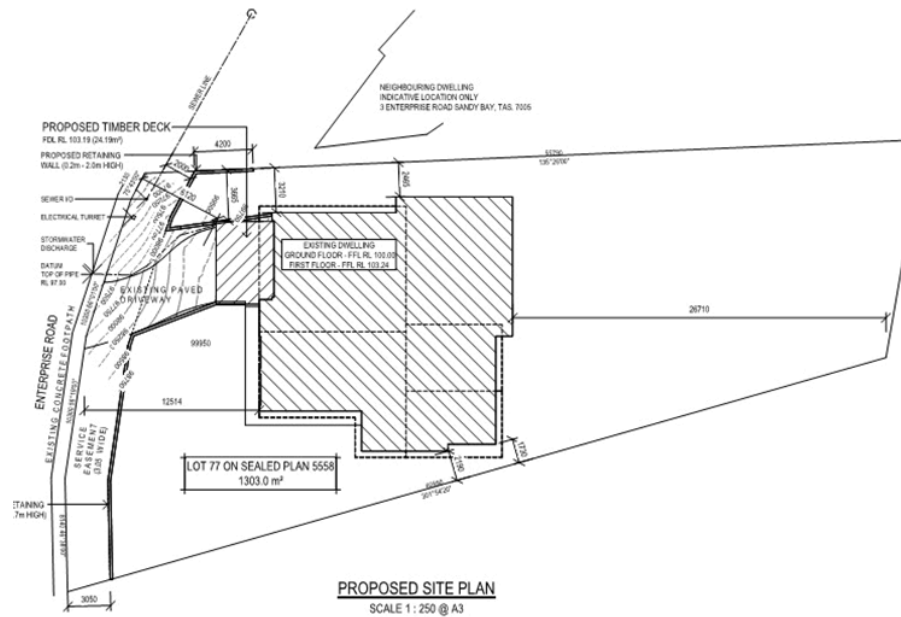


Figure 5: Proposed Site Plan

4. Background

- 4.1 No applicable background to the proposal

5. Concerns raised by representors

- 5.1 Three (3) representations objecting to the proposal were received within the statutory advertising period between 27 April and 11 May 2021.
- 5.2 The following table outlines the concerns raised in the representations received. Those concerns which relate to a discretion invoked by the proposal are addressed in Section 6 of this report.

Privacy and noise impacts from the proposed deck on adjacent properties on the other side of the road.
Existing water leakage and drainage issues, therefore there should be appropriate soil stabilisation, retaining wall design and plumbing.
The height of the retaining wall is 2m which is significant drop without barriers.
The proposal includes no trees and screening which is not compatible with other houses in the street and Bicentennial Park.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the General Residential Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use for a Single Dwelling is a No Permit Required use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 10 General Residential Zone
 - 6.4.2 E6.0 Parking and Access Code
 - 6.4.3 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 General Residential Zone:
 - Setbacks and Building Envelope – Part D 10.4.2 P1:P3*
- 6.6 Each performance criterion is assessed below.

- 6.7 Setback and Building Envelope Part D 10.4.2 P1
- 6.7.1 The acceptable solution at clause (Part D 10.4.2 A1) requires a setback from the primary frontage of 4.5m.
- 6.7.2 The proposed retaining wall is to be setback a minimum of 3.05m from the front boundary.
- 6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.7.4 The performance criterion at clause Part D 10.4.2 P1 provides as follows:
- P1*
- A dwelling must:*
- (a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and*
- 6.7.5 The proposed retaining wall will allow for more usable space in front of the existing dwelling whilst formalising the frontage. The use of various methods of retaining of the sloping front yard sections of the properties on the top side of Enterprise Road is not uncommon in the area. The adjoining dwelling at 3 Enterprise Road shown in Figure 4 under the Site Detail section, has significant wall structures at approximately the same distance to the frontage as proposed on the subject site. The main dwelling is also well setback from the frontage and reads as the primary building setback for the property. The proposed retaining wall setback is considered acceptable subject to a recommended a condition requiring low level landscaping along the frontage to maintain consistency with this feature of the streetscape in this area.
- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Setback and Building Envelope Part D 10.4.2 P3
- 6.8.1 The acceptable solution at clause Part D 10.4.2 P3 requires dwellings to be sited within the building envelope.
- 6.8.2 The proposed retaining wall is outside the frontage setback therefore outside the building envelope.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause (Part D 10.4.2 P3) provides as follows:

P3

The siting and scale of a dwelling must:

(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;

(ii) overshadowing the private open space of a dwelling on an adjoining property;

(iii) overshadowing of an adjoining vacant property; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;

(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:

(i) an adjoining property; or

(ii) another dwelling on the same site.

6.8.5 The proposed retaining wall is essentially at the existing ground level or marginally higher, therefore logically, it's height is not considered to result in any amenity impacts in respect of visual bulk and scale or overshadowing. The proposed deck is sited well outside the frontage setback of 4.5m with a proposed front setback of 6.120m and therefore within the building envelope. However in any case, the deck structure is modest in size and minimal in form, setback in alignment with existing dwelling and also sited to the south of the adjoining property at 3 Enterprise Road. Therefore it is also not considered to result in

unreasonable visual impact or overshadowing.

6.8.6 The proposal complies with the performance criterion.

7. Discussion

7.1 Planning approval is sought for Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay.

7.2 The application was advertised and received three(3) representations. The representations raised concerns including privacy and noise impacts from the proposed deck on adjacent properties on the other side of the road. Water leakage and drainage issues and concern at appropriate plumbing and soil stabilisation, retaining wall design and plumbing. The height of the retained land level without safety barriers. Also the proposal not including trees and screening and therefore not being compatible with other houses in the street and Bicentennial Park.

In response, the proposed deck complies with the privacy provisions of the Scheme however the over 6m setback from the frontage in combination with the separation of the road is considered to be a sufficient distance to not result in an unreasonable impact of amenity.

The retaining wall and works will need to be appropriately engineered with a plumbing permit also being required. The matter of the height for the retaining wall without barriers is for the assessment of a building surveyor as there are number factors that would determining whether barriers would be required.

The issue of landscaping will be addressed by a recommended condition requiring landscaping of the frontage of the site forward of the proposed retaining wall.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to satisfy the relevant performance criteria in respect of its discretions under Setbacks and Building Envelope. Due to the nature of the proposed works there is not considered to be a visual impact or unreasonable overshadowing. The setback of the retaining wall from the frontage was assessed as appropriate and compatible with streetspace subject to a recommended condition requiring landscaping along the frontage of the property.

7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer and Open Space Group. The officers have raised no objection to the proposal, subject to conditions.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed at Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Partial Demolition and Alterations at 1 Enterprise Road, Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-225 - 1 ENTERPRISE ROAD SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

PLN s1

Landscaping is to be undertaken and maintained along the frontage of the property, adjoining proposed retaining wall. The landscaping is to be completed within 60 days of the completion of the retaining wall.

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In the interest of the streetscape

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All stormwater from the proposed development (including but not limited to: roofed areas, gully drains, retaining wall gully drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Advice: Under section 23 of the Urban Drainage Act 2013 it is an offence for a property owner to direct stormwater onto a neighbouring property.

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FEES AND CHARGES

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DIAL BEFORE YOU DIG

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(Tristan Widdowson)

Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

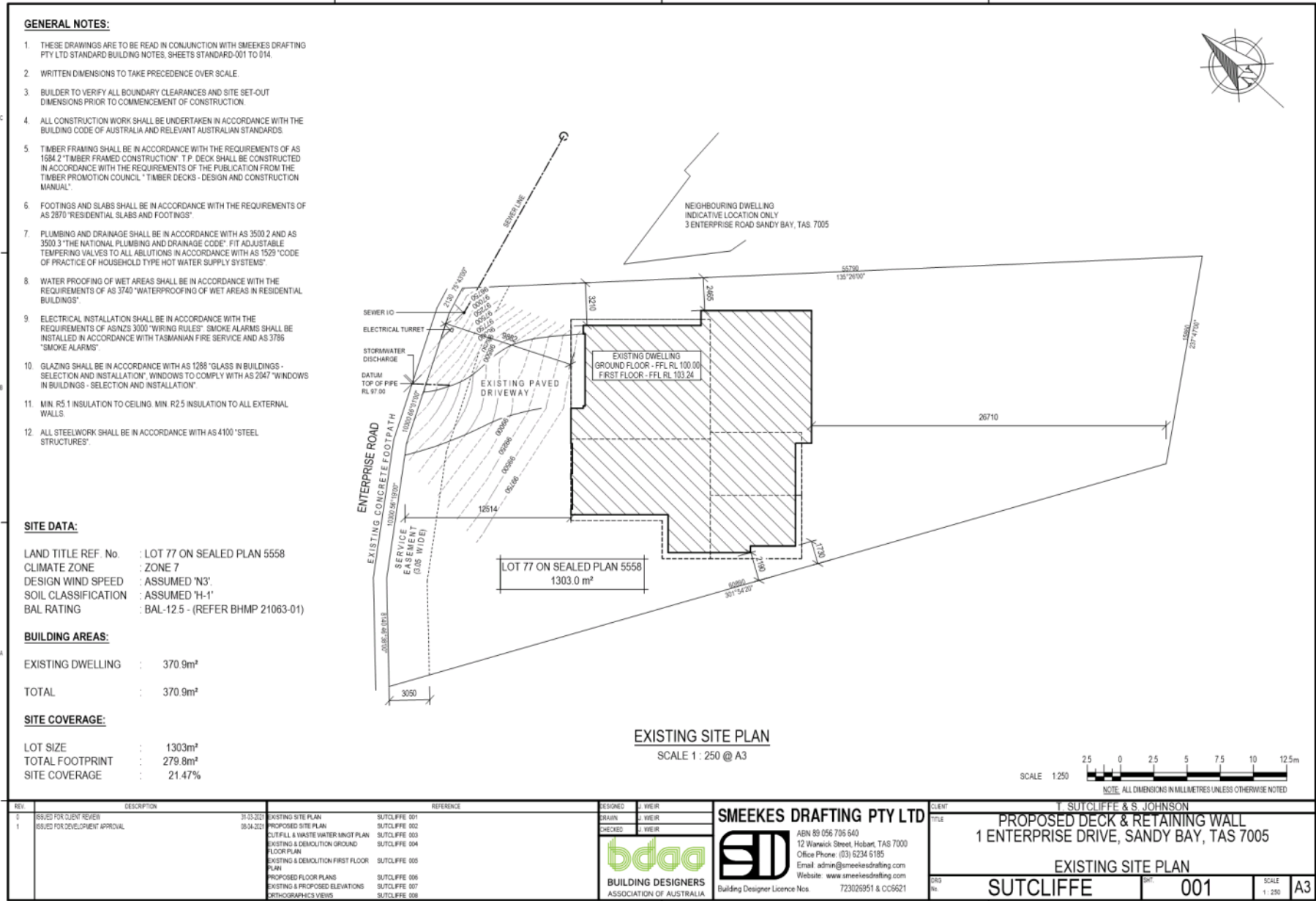
Senior Statutory Planner

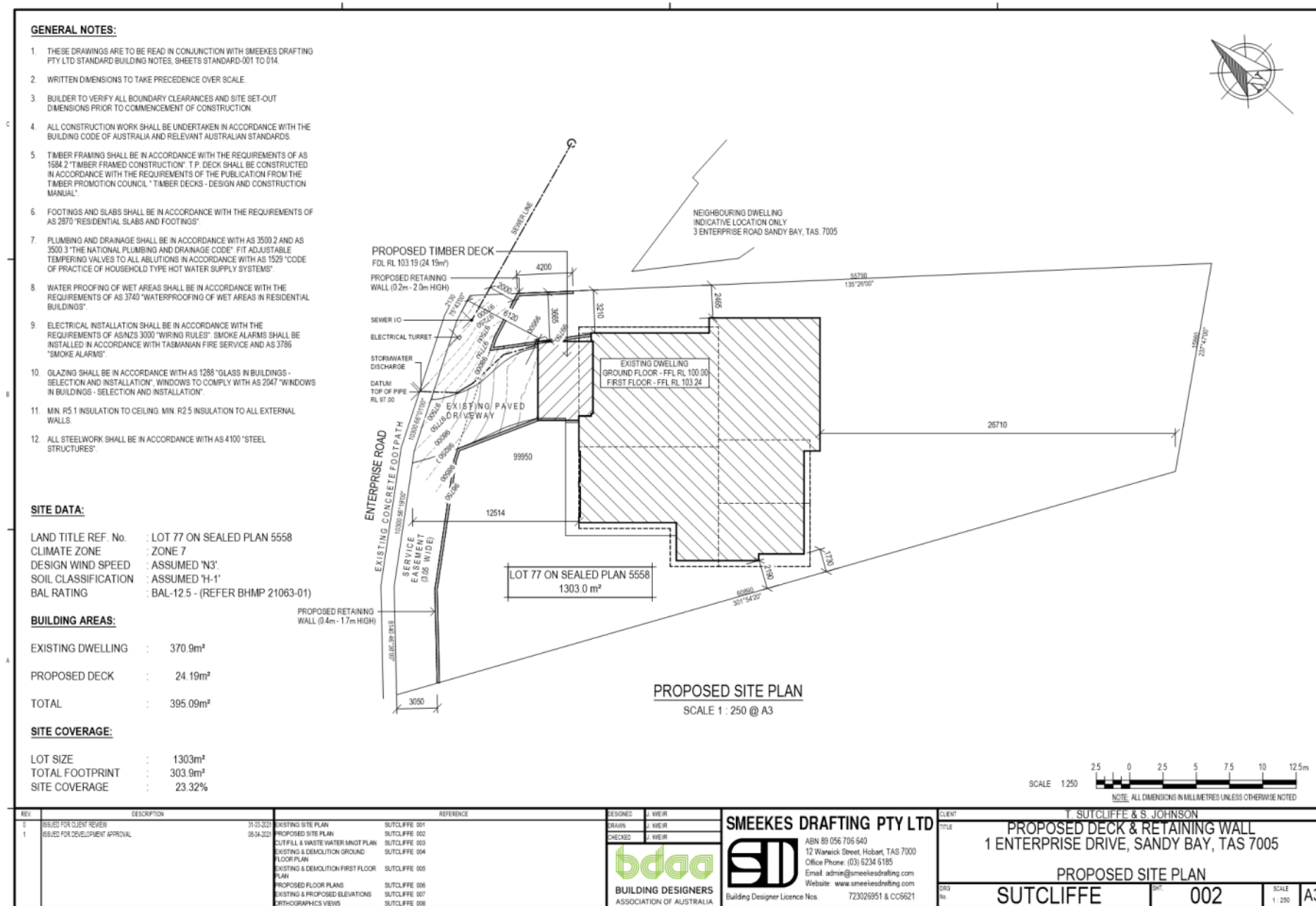
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

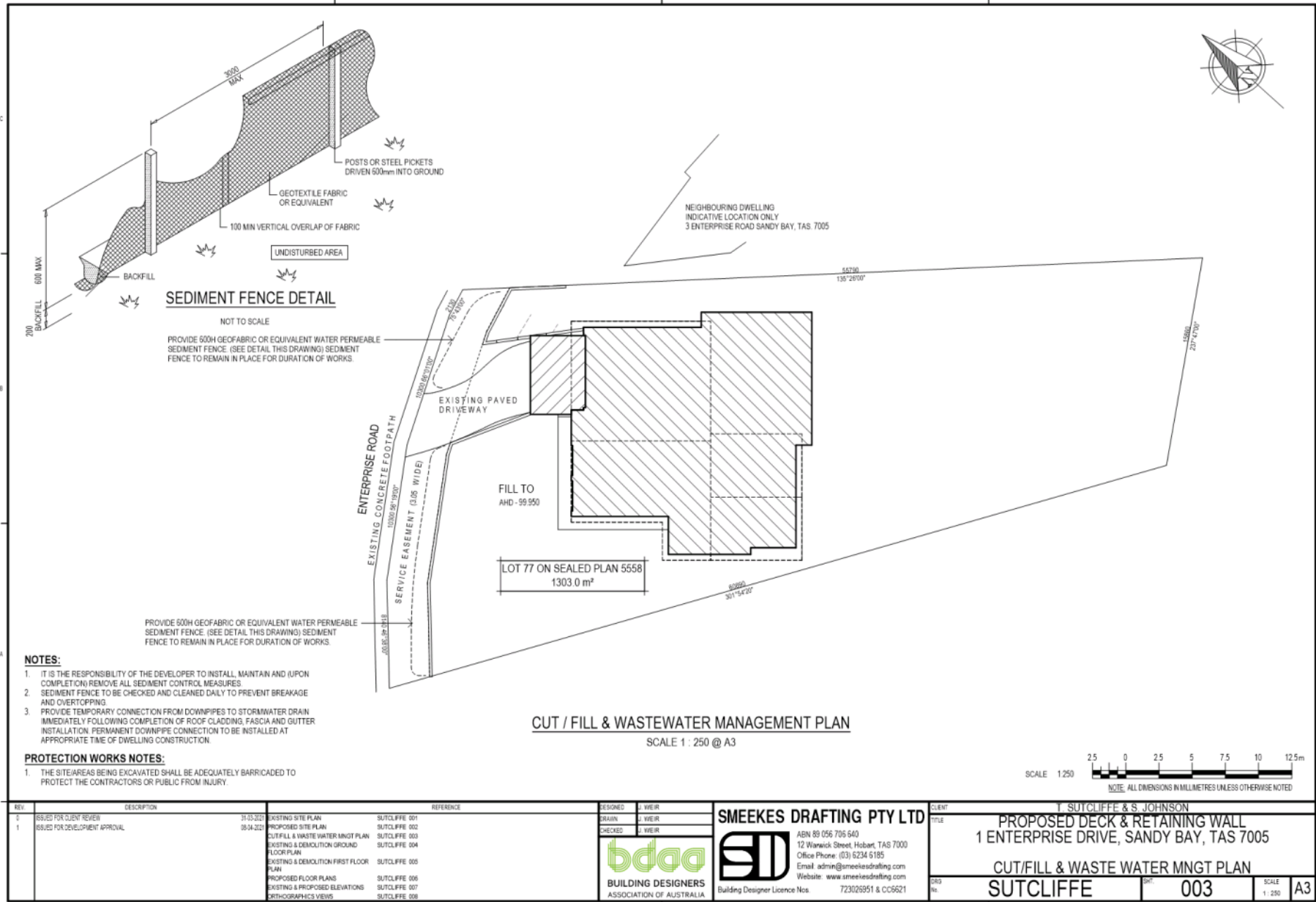
Date of Report: 25 May 2021

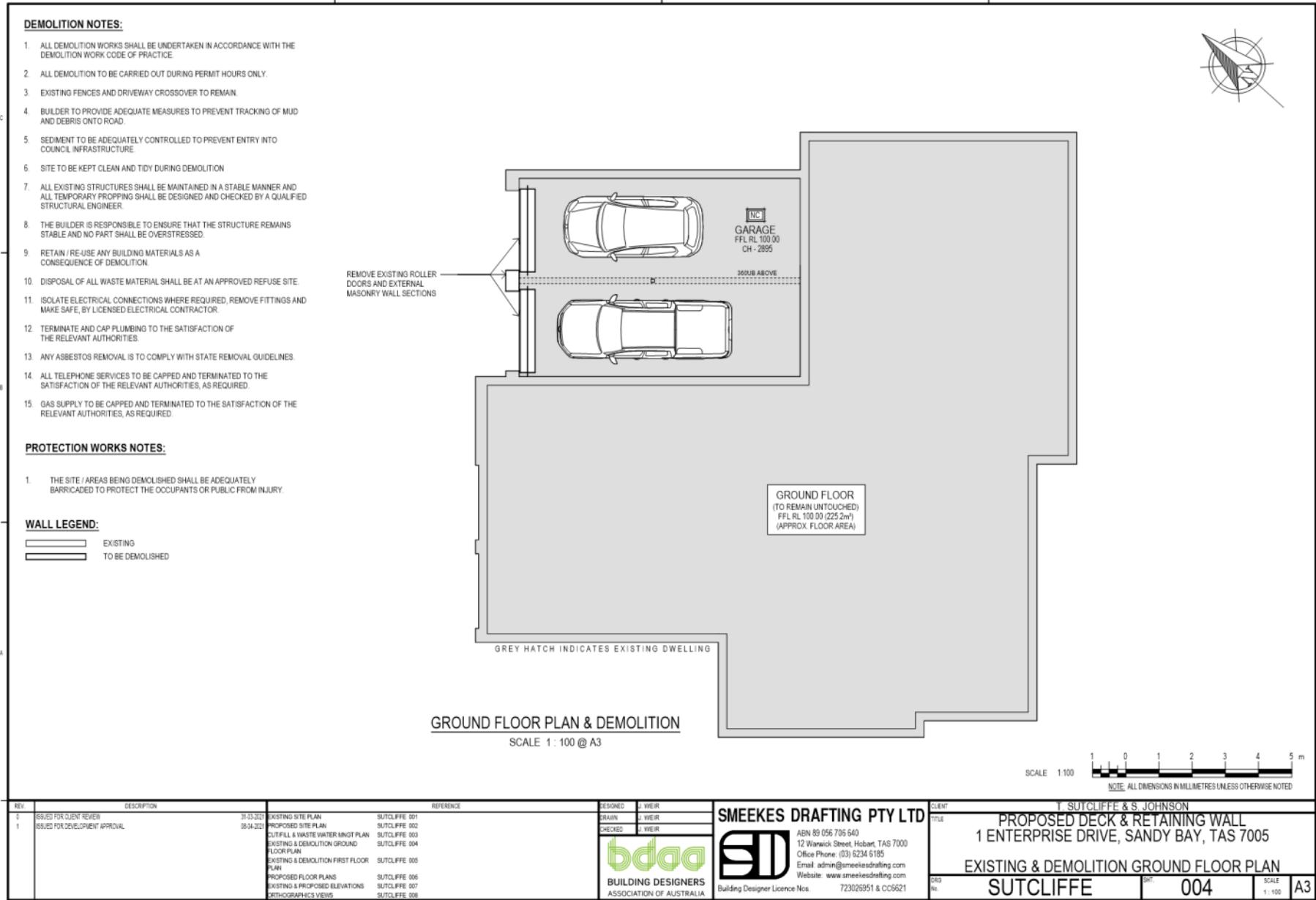
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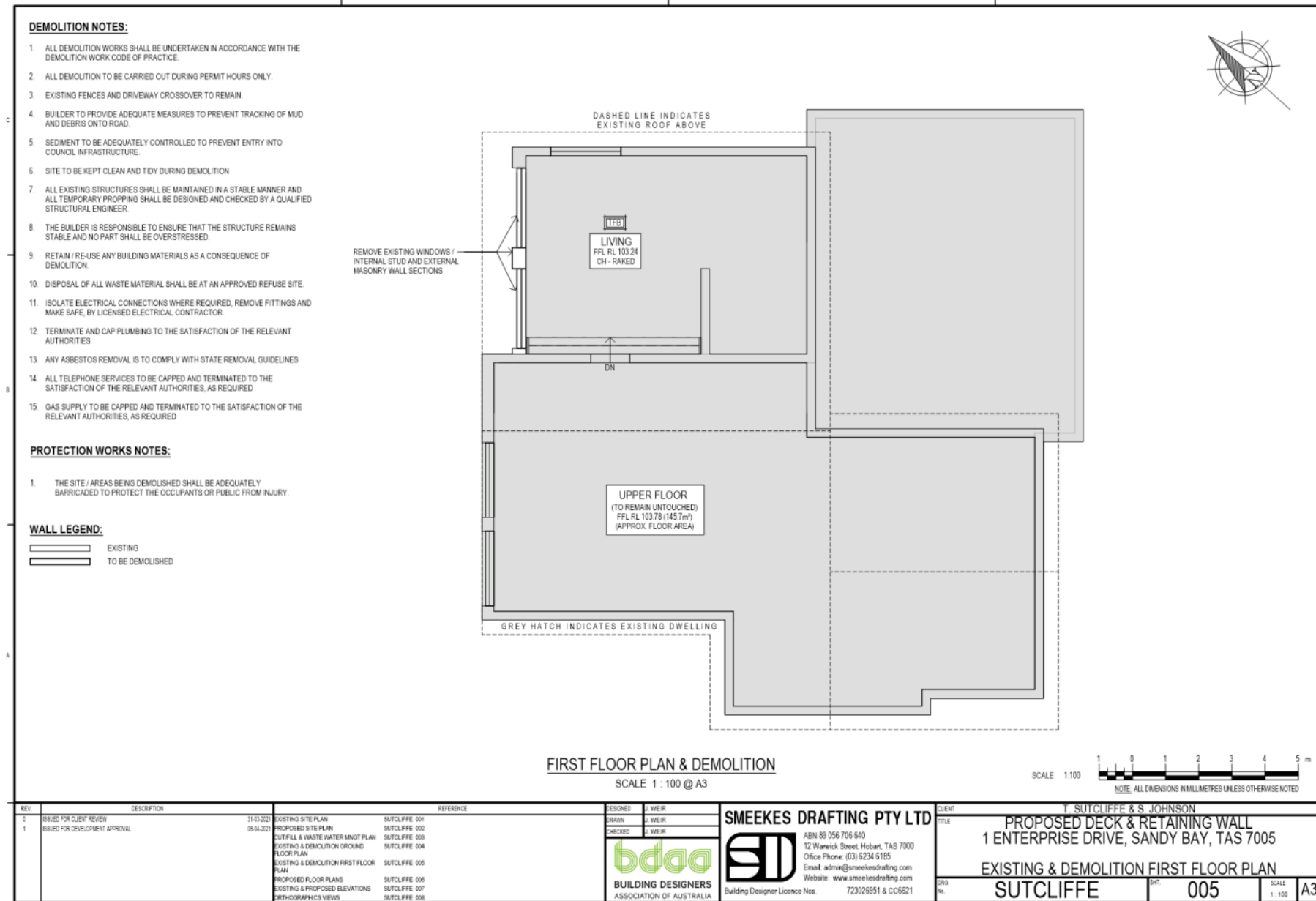
Attachment B - CPC Agenda Documents

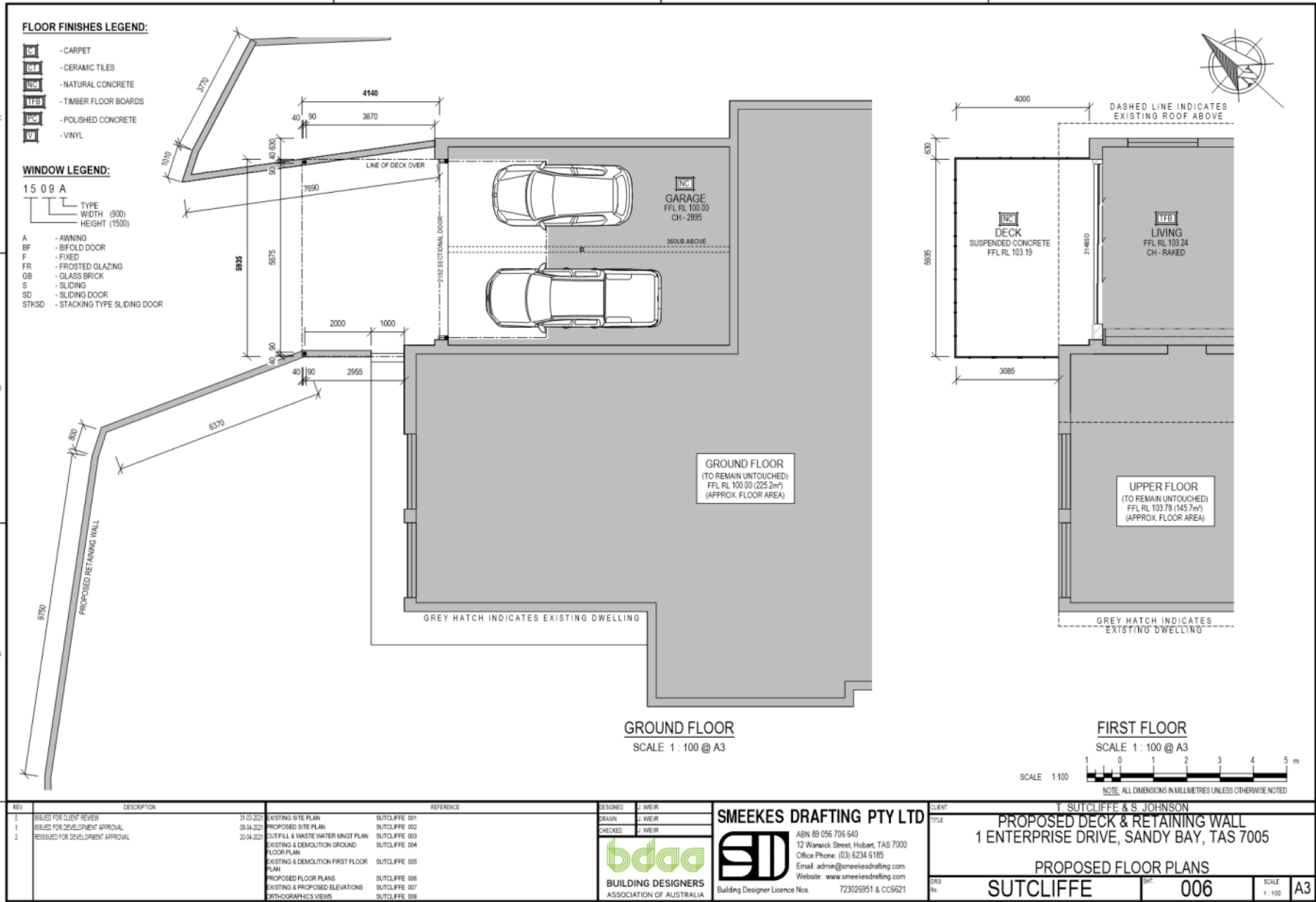






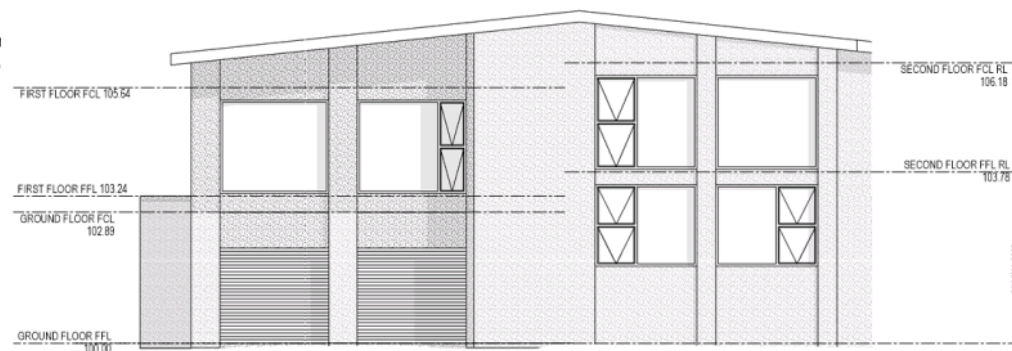






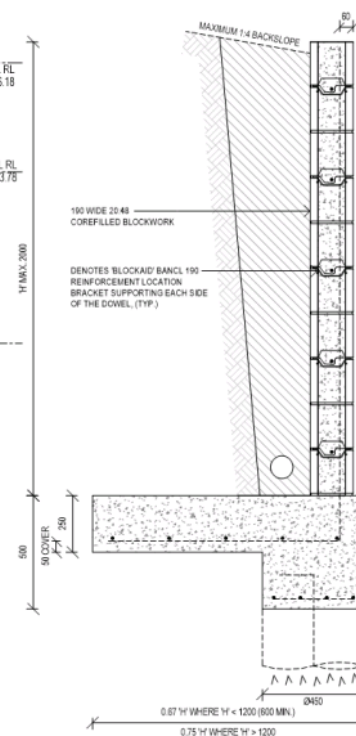
STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSING.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
 RISER (R) MAX 190 - MIN 115
 GOING (G) MAX 355 - MIN 240
 SLOPE RELATIONSHIP
 2R + G MAX 700 - MIN 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4



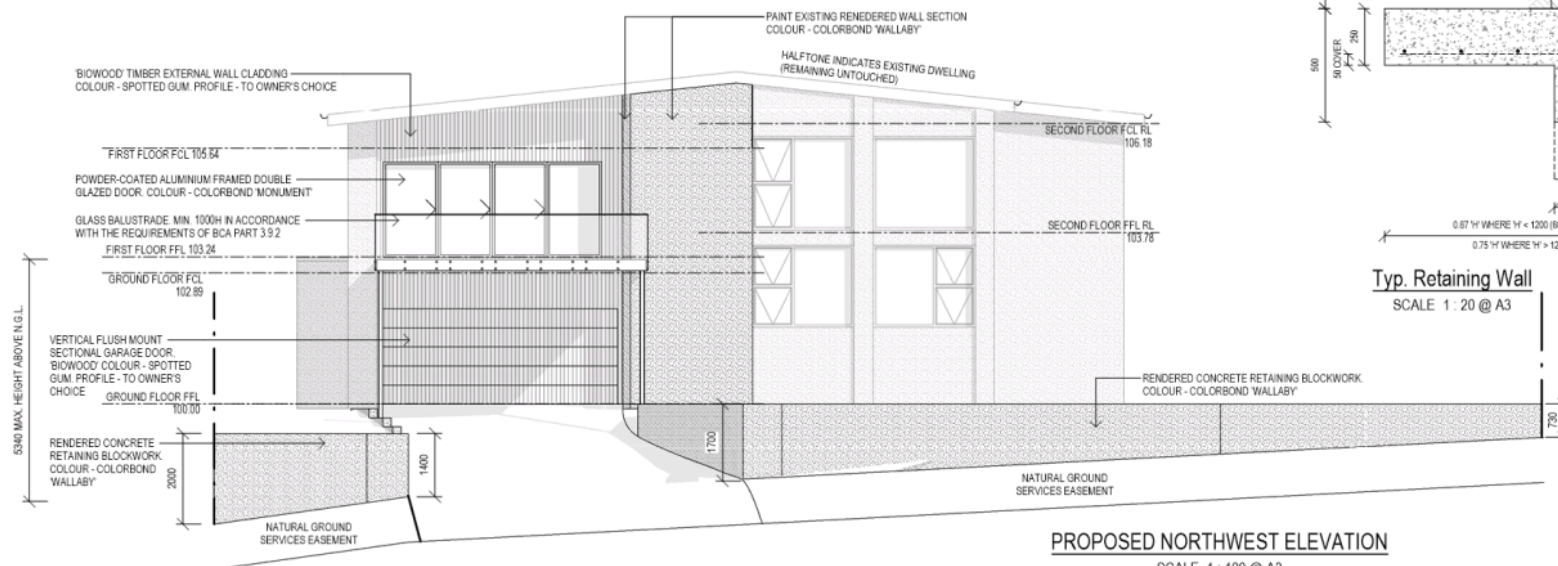
EXISTING NORTHWEST ELEVATION

SCALE 1 : 100 @ A3



Typ. Retaining Wall

SCALE 1 : 20 @ A3



PROPOSED NORTHWEST ELEVATION

SCALE 1 : 100 @ A3

REV	DESCRIPTION		REFERENCE	DRAWN	CHECKED	CLIENT	TITLE	DATE	SCALE	AUTHOR	
0	ISSUED FOR CLIENT REVIEW	31-03-2023	EXISTING SITE PLAN	SUTCLIFFE_001		<div>SMEEKES DRAFTING PTY LTD</div> <div>ABN 89 056 705 543</div> <div>12 Warwick Street, Hobart, TAS 7000</div> <div>Office Phone: (03) 6234 6185</div> <div>Email: admin@smeekesdrafting.com</div> <div>Website: www.smeekesdrafting.com</div> <div>Building Designer Licence Nos. 723026951 & CC6621</div>	PROPOSED DECK & RETAINING WALL				
1	ISSUED FOR DEVELOPMENT APPROVAL	06-04-2023	PROPOSED SITE PLAN	SUTCLIFFE_002			1 ENTERPRISE DRIVE, SANDY BAY, TAS 7005				
2	RESUBMITTED FOR DEVELOPMENT APPROVAL	20-04-2023	CUTFILL & WASTE WATER MGMT PLAN	SUTCLIFFE_003							
			EXISTING & DEMOLITION GROUND FLOOR PLAN	SUTCLIFFE_004							
			EXISTING & DEMOLITION FIRST FLOOR PLAN	SUTCLIFFE_005							
			PROPOSED FLOOR PLANS	SUTCLIFFE_006							
			EXISTING & PROPOSED ELEVATIONS	SUTCLIFFE_007							
			GEOGRAPHICAL VIEWS	SUTCLIFFE_008							
						<div><div><div>bdag</div><div>BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</div></div><div><div><div>SD</div><div>Building Designer Licence Nos. 723026951 & CC6621</div></div></div></div>					



REV	DESCRIPTION	DATE	REFERENCE	DESIGNED	CHECKED	CLIENT
2	ISSUED FOR CLIENT REVIEW	31-03-2023	EXISTING SITE PLAN	SUTCLIFFE 001	J. WEIR	I. SUTCLIFFE & S. JOHNSON
1	ISSUED FOR DEVELOPMENT APPROVAL	08-04-2023	PROPOSED SITE PLAN	SUTCLIFFE 002	J. WEIR	PROPOSED DECK & RETAINING WALL
			CUTFILL & WASTE WATER MGNST PLAN	SUTCLIFFE 003	J. WEIR	1 ENTERPRISE DRIVE, SANDY BAY, TAS 7005
			EXISTING & DEMOLITION GROUND FLOOR PLAN	SUTCLIFFE 004	J. WEIR	
			EXISTING & DEMOLITION FIRST FLOOR PLAN	SUTCLIFFE 005	J. WEIR	ORTHOGRAPHS VIEWS
			PROPOSED FLOOR PLANS	SUTCLIFFE 006	J. WEIR	
			EXISTING & PROPOSED ELEVATIONS	SUTCLIFFE 007	J. WEIR	
			ORTHOGRAPHS VIEWS	SUTCLIFFE 008	J. WEIR	



BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

SMEEKES DRAFTING PTY LTD

ABN 89 056 705 640
 12 Warwick Street, Hobart, TAS 7000
 Office Phone: (03) 6234 5185
 Email: admin@smeekesdrafting.com
 Website: www.smeekesdrafting.com

Building Designer Licence No. 723026951 & CO6621

CLIENT TITLE

SUTCLIFFE 008

SCALE **A3**

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
5558	77
EDITION	DATE OF ISSUE
7	03-Nov-2020

SEARCH DATE : 31-Mar-2021

SEARCH TIME : 08.53 AM

DESCRIPTION OF LAND

City of HOBART

Lot 77 on Sealed Plan 5558

Derivation : Part of 50 Acres Gtd. to G. Flexmore.

Prior CT 3414/90

SCHEDULE 1M841865 TRANSFER to TROY JOHN SUTCLIFFE Registered
03-Nov-2020 at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 5558 EASEMENTS in Schedule of Easements

SP 5558 COVENANTS in Schedule of Easements

SP 5558 FENCING COVENANT in Schedule of Easements

E237975 MORTGAGE to National Australia Bank Limited

Registered 03-Nov-2020 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDED OF TITLES

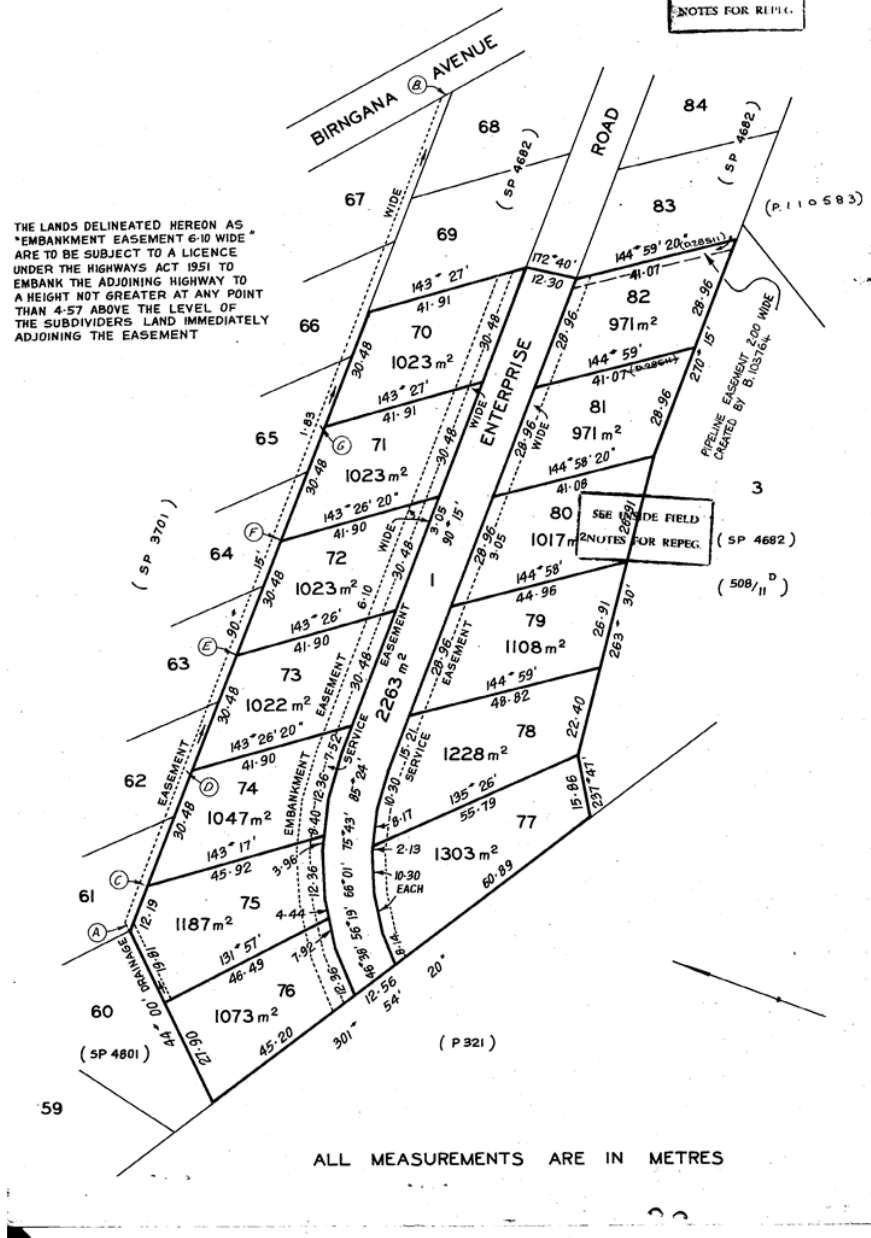
Issued Pursuant to the Land Titles Act 1980



Owner: George William Cheverton	PLAN OF SURVEY by Surveyor M. G. Dorcey of land situated in the CITY OF HOBART Scale 1 : 750	Registered Number: S.P.5558 Effective from 2-8-74 P/I <i>Mathison</i> Recorder of Titles
Title Reference: C.T. 2349 / 97		
Grantee: Part of 50 Acres George Flexmore		

SEE INSIDE FIELD
NOTES FOR REPLY.

THE LANDS DELINEATED HEREON AS "EMBANKMENT EASEMENT 6-10 WIDE" ARE TO BE SUBJECT TO A LICENCE UNDER THE HIGHWAYS ACT 1951 TO EMBANK THE ADJOINING HIGHWAY TO A HEIGHT NOT GREATER AT ANY POINT THAN 4.575 ABOVE THE LEVEL OF THE SUBSIDERS LAND IMMEDIATELY ADJOINING THE EASEMENT



ALL MEASUREMENTS ARE IN METRES



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS PLAN NO.

S.P.5558

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS

Each Lot in Column A is :

1. TOGETHER WITH a right of drainage over the drainage easement shown in the said plan passing through the Lots and land specified opposite thereto in Column B and
2. SUBJECT TO a right of drainage over the drainage easement passing through that Lot as appurtenant to the Lot shown hereon and ~~other land~~ specified opposite thereto in Column C

A.	B.	C.
Lot 76	75, Land marked "A.B" in the said plan	Nil
Lot 75	Land marked "A.B." in the said plan	76
Lots 70-74	Land marked "A.B" in the said plan	Nil
(inclusive)	GB, FB, EB, DB, and CB respectively.	

EMBANKMENT EASEMENT

The land delineated in the plan as "Embankment Easement 20' Wide" is to be subject to a licence under the Highways Act 1951 to embank the adjoining highway to a height not greater at any point than Fifteen feet above the level of the Subdividers land immediately adjoining the Easement.

SERVICE EASEMENT

except Lot 1

All lots are subject to a Service Easement over the land marked "Service Easement" on the said plan

INTERPRETATION

"Service Easement" means "the full and free right and liberty for the Lord Mayor Aldermen and Citizens of Hobart, the Hydro Electric Commission and Her Majesty the Queen to enter upon the strip of land shown in the plan marked "Service Easement" and to lay repair replace cleanse and maintain pipes and wires or part thereof Provided that the said Lord Mayor Aldermen and Citizens of Hobart the Hydro Electric Commission and Her Majesty the Queen shall make good any damage occasioned to the ^{service} thereby"

COVENANTS

A. Dwelling with a single unit annexed with internal access thereto shall not be deemed to be flats for the purpose of this Covenant.

B. A complex consisting of dwellings shall not be deemed to be Flats for the purpose of this Covenant.

FIRSTLY with George William Cheverton that the Vendor the said George William Cheverton shall not be required to fence and

SECONDLY with the said George William Cheverton and the owner for the time being of every other Lot shown on the said plan to the intent that the burden of this covenant shall run with and bind the Covenantors Lot and every part thereof and that the benefit thereof shall be annexed to and revolve with each and every part of every other Lot shown on the plan and with the balance of the land comprised in Certificate of Title Volume 2349 Folio 97 and each and

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



every part thereof to observe the following :

1. Not to erect any flats on the said land
2. Not to erect any fence on the said Lot closer than Ten feet from the road boundary thereof.

SIGNED by the said GEORGE WILLIAM CLEVELTON the registered proprietor of the land described in Certificate of Title Volume 2349 Folio 97 in the presence of :

CORRECT for the purposes of "The Real Property Act 1862"OGILVIE MCKENNA HILSHURST & HILLS

Per:

Solicitors for the Subdivider.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

This is the schedule of easements attached to the plan of lots 1, 70 to 82

..... Enterprise Road comprising part of the land in

C. T. 2349/97

(Insert Title Reference)

Sealed by Hobart City Council on 13 June 19 74

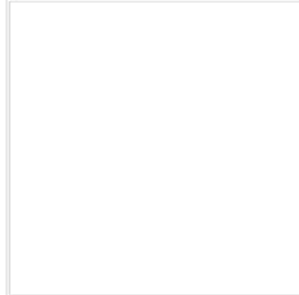
47818

Gwyneth Green Town Clerk

Planning: #229090

Property

1 ENTERPRISE ROAD SANDY BAY TAS 7005

**People**

Applicant

*

Smeekees Drafting
Jay Weir
12 Warwick Street
HOBART TAS 7000
0362346185
jay.weir@smeekeesdrafting.com

Owner

*

Troy Sutcliffe
1 Enterprise Drive
SANDY BAY TAS 7005
0438635300
tsutcliffe@liveat.com.au

Entered By

ROLAND SMEEKES
12 WARWICK STREET
HOBART TAS 7000
0362346185
roland.smeekes@smeekeesdrafting.com

Use

Single dwelling

Details

Have you obtained pre application advice?

☒ No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.

*

☒ No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

*

- ☒ No

If this application is related to an enforcement action please enter Enforcement Number

Details

What is the current approved use of the land / building(s)?

*

Residential

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)

*

Partial Demolition and construction of a proposed deck and landscape retaining.

Estimated cost of development

*

15000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

370.90

395.09

1303

Carparking on Site

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection
chosen)

2

2

Other Details

Does the application include signage?

*

☒ No

How many signs, please enter 0 if there are none involved in this application?

*

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

- ☒ No

Documents**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

*

FolioText&Plan-5558-77 (1).pdf

Plans (proposed, existing)

*

1 Enterprise Rd - Sutcliffe - DA Approval.pdf

7.1.2 38A NICHOLAS DRIVE, 1A ENTERPRISE ROAD, 24 GARDENIA GROVE, SANDY BAY, NICHOLAS DRIVE (CT 48805/8) AND NICHOLAS DRIVE (CT 48805/9) SANDY BAY - SHARED USE TRAIL REALIGNMENT
PLN-21-193 - FILE REF: F21/48197

Address: 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove, Sandy Bay, Nicholas Drive (CT 48805/8) and Nicholas Drive (CT 48805/9) Sandy Bay

Proposal: Shared Used Trail Realignment

Expiry Date: 8 June 2021

Extension of Time: Not applicable

Author: Cameron Sherriff

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the Council approve the application for Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-193 - 38A NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV 8

An approved Rockfall Risk Management Plan must be implemented during construction works.

Prior to the commencement of works, a Rockfall Risk Management Plan for construction works within the Landslide Hazard Area must be submitted and approved. The Rockfall Risk Management Plan must be prepared by, or endorsed by, a suitably qualified geotechnical practitioner.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

ENV 9

Once works have commenced, public access to the track must not be allowed until after the geotechnical assessment required by condition ENV10 has been completed and all recommendations have been implemented.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides

ENV 10

Following completion of the works, and prior to allowing public access to the site, a suitably qualified geotechnical practitioner must assess the risk of rock fall/rock roll to users of the track within the Landslide Hazard Area. If the assessment determines that risk would be unacceptable without risk treatments being applied, all recommended risk treatment measures must be implemented so that the resultant risk is tolerable, prior to allowing public access to the track.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides

ENV 11

Clearing of native vegetation and soil disturbance must not exceed a 2m wide strip along the track route, except where associated with an approved borrow pit or where the vegetation has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 12

Trees with a diameter at breast height (DBH) of greater than 20cm must not be removed, except where a tree has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 14

No works may occur within 2m of the trunks of the six mature trees shown on 'Map 1 – Sly Grog Track Reroute', except where a tree has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 15

The location, design and rehabilitation of any borrow pits, must be approved by the planning authority prior to any borrow pits being constructed.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 16

An approved weed management plan (WMP) must be implemented.

Prior to the commencement of works, a weed management plan prepared by a suitably qualified person must be submitted and approved as a Condition Endorsement. The WMP must:

- **address the area within 40m of the track on titles 48805/7, 48805/8, 48805/9 and 137356/1;**
- **identify and map the declared and environmental weeds in the area;**
- **set out an environmentally-appropriate methodology and program for eradicating, or minimising, the identified weeds (including appropriate disposal);**
- **include clear and detailed actions, the area to be targeted, the timing of each action and the persons/parties responsible for undertaking all actions; and**
- **include prescriptions to minimise impacts on native vegetation and minimise soil disturbance.**

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 1

An approved Construction Environmental management Plan (CEMP) must be implemented.

Prior to the commencement of works, a CEMP must be submitted and approved as a Condition Endorsement. The CEMP must:

- **detail the proposed construction methodology (particularly where works may have environmental impacts);**
- **identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution, water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna; and**
- **include measures to adequately avoid or mitigate all identified environmental risks.**

To be approved, the CEMP must:

- **specify that works will progress from the north-western end of the track to the south-eastern end of the track;**
- **include measures to ensure that no works will occur within 2m of the six mature trees shown on 'Map 1 – Sly Grog Track Reroute';**
- **include soil and water management measures;**
- **specify that soils will not be imported onto the site, unless approved by the planning authority;**
- **include weed and pathogen hygiene measures; and**
- **specify that if evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately, and appropriate management measures, approved by the planning authority, must be implemented.**

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To minimise the potential for environmental impacts from the construction works

HER s1

The name of the track 'Sly Grog Track' is not approved. An alternative name for the proposed shared use track is required that reflects and responds to the history of the site as set out in the Historic Heritage Assessment Final report (Gondwana Heritage Solutions, February 2021).

Reason for condition

To ensure the heritage and historical significance of the place are accurately reflected in the naming of the track.

HER s2

All recommendations outlined in the 'Proposed Sly Grog Track Reroute, Historic Heritage Assessment Final Report' by Gondwana Heritage Solutions, February 2021, Section 8, pp 57-59 must be implemented.

Reasons for condition

To ensure identified heritage values are recognised and protected.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.




ENVIRONMENTAL MANAGEMENT AND COMMUNICATIONS PLAN

Rerouting of the Sly Grog Track must be done in a manner that avoids impact to the mature eucalypts and minimises other environmental impact, is safe for the construction crew and the reserve-visiting public and minimises inconvenience for the public.

A Public Spaces By-law permit will be required for the trackworks.
You can apply for the permit [here](#).

As part of the by-law permit, an Environmental Management and Communications Plan will be required, prepared by the contractor to the satisfaction of the Director City Amenity.

A template for an Environmental Management and Communications Plan can be provided by the Open Space Planning Team, call 03 6238 2488. This plan must be made specific for the works that will occur within Bicentennial Park and must incorporate the recommendations from the values assessment reports prepared for the reroute planning.

- Attachment A: PLN-21-193 - 38A NICHOLAS DRIVE SANDY BAY TAS 7005 - Planning Committee or Delegated Report [↓](#) 
- Attachment B: PLN-21-193 - 38A NICHOLAS DRIVE SANDY BAY TAS 7005 - CPC Agenda Documents [↓](#) 
- Attachment C: PLN-21-193 - 38A NICHOLAS DRIVE SANDY BAY TAS 7005 - Referral Officer Report - Environmental Development Planner; Senior Cultural Heritage Officer [↓](#) 

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Council: 7 June 2021
Expiry Date: 8 June 2021
Application No: PLN-21-193
Address: 38 A NICHOLAS DRIVE , SANDY BAY
1 A ENTERPRISE ROAD , SANDY BAY
24 GARDENIA GROVE , SANDY BAY
NICHOLAS DRIVE (CT 48805/8) , SANDY BAY
NICHOLAS DRIVE (CT 48805/9) , SANDY BAY
Applicant: Mischa Pringle (City of Hobart)
16 Elizabeth Street
Proposal: Shared Use Trail Realignment
Representations: Nil
Performance criteria: Environmental Management Zone Development Standards, Landslide Code; Biodiversity Code; Historic Heritage Code

1. Executive Summary

- 1.1 Planning approval is sought for Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay.

1.2 More specifically the proposal includes:

- Realignment of the 'Sly Grog Track' which currently follows a steep alignment on the eastern slopes of Bicentennial Park, Sandy Bay and presents an ongoing safety and environmental risk, and does not cater suitably for shared use.
- The realignment will improve safety for all users, reduce erosion and other environmental damage, and provide a key link in the wider bushland recreational network.
- The realignment lies between Nicholas Fire Trail and Dorney House Fire Trail. It will be built to a Class 3 standard for walking trails and will fall within the guidelines for an intermediate, Blue difficulty trail for mountain biking.
- The estimated length of the trail is 1040m, with a width of 0.6m-1.2m and an average gradient of 6%. It will be constructed using local materials, with a natural surface and rock armouring as required. The new trail alignment follows the contours of the hillside and includes numerous switchback corners. The new alignment crosses over several separate land titles.
- The revised trail will be appropriately signposted, will allow access by a wider range of users, and the gentle grade and construction techniques proposed will provide a sustainable track, with appropriate drainage at regular intervals, with hardening of the surface where necessary.
- The new alignment will better suit cyclists and will reduce the motivation to ride an existing illegally constructed trail on private land which will be allowed to rehabilitate naturally.
- The current trail alignment will be closed and rehabilitated which will reduce its ongoing environmental and heritage impacts.

1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Environmental Management Zone - Design
- 1.3.2 Landslide Code - Buildings and Works, other than Minor Extensions
- 1.3.3 Biodiversity Code - Buildings and Works
- 1.3.4 Historic Heritage Code - Heritage Place

1.4 No representations were received during the statutory advertising period between 19/04 and 03/05/2021.

1.5 The proposal is recommended for approval subject to conditions.

1.6 The final decision is delegated to the Council, because the development is located on Council-owned land.

2. Site Detail



Image 1: Aerial view of the subject site and surrounds. The proposed trail alignment is indicatively shown in yellow. The various titles are highlighted blue.

- 2.1 The subject site is made up of several bushland titles extending across and around the north-eastern and eastern foothills of Mount Nelson, as well as Porter Hill further to the east, above Lower Sandy Bay, where the Council-owned Dorney House is situated. The site of the proposed trail realignment extends between the existing Nicholas and Dorney House Fire Trails.
- 2.2 The site was not visited as part of this assessment.

3. Proposal

- 3.1 Planning approval is sought for Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay.

3.2 More specifically the proposal is for:

- Realignment of the 'Sly Grog Track' which currently follows a steep alignment on the eastern slopes of Bicentennial Park, Sandy Bay and presents an ongoing safety and environmental risk, and does not cater suitably for shared use.
- The realignment will improve safety for all users, reduce erosion and other environmental damage, and provide a key link in the wider bushland recreational network.
- The realignment lies between Nicholas Fire Trail and Dorney House Fire Trail. It will be built to a Class 3 standard for walking trails and will fall within the guidelines for an intermediate, Blue difficulty trail for mountain biking.
- The estimated length of the trail is 1040m, with a width of 0.6m-1.2m and an average gradient of 6%. It will be constructed using local materials, with a natural surface and rock armouring as required. The new trail alignment follows the contours of the hillside and includes numerous switchback corners. The new alignment crosses over several separate land titles.
- The revised trail will be appropriately signposted, will allow access by a wider range of users, and the gentle grade and construction techniques proposed will provide a sustainable track, with appropriate drainage at regular intervals, with hardening of the surface where necessary.
- The new alignment will better suit cyclists and will reduce the motivation to ride an existing illegally constructed trail on private land which will be allowed to rehabilitate naturally.
- The current trail alignment will be closed and rehabilitated which will reduce its ongoing environmental and heritage impacts.

4. Background

- 4.1 The current trail alignment is steep and presents an ongoing safety and environmental impact concern. It has an informal character with no formed drainage or surface treatment. It is extremely slippery in wet conditions and as a shared use track the potential for injury for mountain bikers is high which has led to the illegal construction of an alternative route on a private parcel of land to the north, which is also having detrimental environmental impacts primarily due to erosion. The location is seen as a major gap in the City of Hobart's recreational track and trail network.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 19/04 and 03/05/2021.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Environmental Management Zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is Passive Recreation and the proposal maintains this use. Passive Recreation is a No Permit Required use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 29 Environmental Management Zone
 - 6.4.2 E3.0 Landslide Code
 - 6.4.3 E10.0 Biodiversity Code
 - 6.4.4 E13.0 Historic Heritage Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Environmental Management Zone:
Design - Part D 29.4.3 P1; P3
 - 6.5.2 Landslide Code:
Buildings and Works, other than Minor Extensions – Part E 3.7.1 P1
 - 6.5.3 Biodiversity Code:
Buildings and Works - E10.7.1 P1(c)
 - 6.5.4 Historic Heritage Code:

Demolition - E13.7.1 P1

Building and Works on a Listed Place - E13.7.2 P1; P2; P3

6.6 Each performance criterion is assessed below.

6.7 Design - Part D 29.4.3 P1

6.7.1 The acceptable solution A1 at clause D 29.4.3 requires the location of works to be located where no clearing of native vegetation is required, and not on a skyline or ridgeline.

6.7.2 The proposal includes clearance of native vegetation and the works are located on the face of the hillside, running down the ridgeline.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion P1 at clause D 29.4.3 provides as follows:

The location of buildings and works must satisfy all of the following:

(a) be located in an area requiring the clearing of native vegetation only if:

(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;

(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;

(iii) the location of clearing has the least environmental impact;

(b) be located on a skyline or ridgeline only if:

(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;

(ii) there is no significant impact on the rural landscape;

(iii) building height is minimised;

(iv) any screening vegetation is maintained.

(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.

- 6.7.5 The alignment of the trail deliberately avoids large habitat or dangerous trees. A 2m wide clearance of vegetation along the route alignment is proposed and the work method is to ensure the appearance of natural features, in particular rock, is retained. Rehabilitation will occur where clearance has occurred for construction purposes, which will assist to reduce visual impact, and all work is intended to blend as far as is possible with the surrounding bushland environment. Unlike clearance for structures, which might require a larger cleared area for bushfire protection, the construction of the trail requires only a minimal corridor of disturbance, and essentially allows the vegetative canopy to remain unaffected. As such, visual impact is minimal and beyond the trail itself the landscape remains unchanged. Further assessment of the environmental impacts of the proposed works has been carried out by the Council's Environmental Development Planner and can be found elsewhere in this report.
- 6.7.6 The proposal complies with the performance criterion.
- 6.8 Design - Part D 29.4.3 P3
- 6.8.1 The acceptable solution A3 at clause D 29.4.3 requires height of fill and depth of excavation to be no more than 1 m from natural ground level, except where required for building foundations; and that the extent is limited to the area required for the construction of buildings and vehicular access.
- 6.8.2 The proposal includes some excavation for the trail formation and drainage features, including the potential for borrow pits that could be up to 1.5m deep.
- 6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.8.4 The performance criterion P3 at clause D 29.4.3 provides as follows:

Fill and excavation must satisfy all of the following:

- (a) there is no adverse impact on natural values;*
- (b) does not detract from the landscape character of the area;*
- (c) does not impact upon the privacy for adjoining properties;*
- (d) does not affect land stability on the lot or adjoining land.*

6.8.5 The proposed works will be in line with the work method to ensure minimal adverse impact upon natural values and the landscape character of the area. There will be no impact upon privacy or land stability of adjoining properties and as necessary rehabilitation will occur as part of the works.

6.8.6 The proposal complies with the performance criterion.

6.9 Buildings and Works, other than Minor Extensions – Part E 3.7.1 P1

6.9.1 There is no acceptable solution for buildings and works, other than minor extensions in areas identified as having landslide risk.

6.9.2 The proposal includes parts of the realigned trail passing through low to medium landslide hazard areas.

6.9.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.

6.9.4 The performance criterion P1 at clause E 3.7.1 provides as follows:

Buildings and works must satisfy all of the following:

- (a) no part of the buildings and works is in a High Landslide Hazard Area;*
- (b) the landslide risk associated with the buildings and works is either:*
 - (i) acceptable risk; or*
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

6.9.5 The Council's Environmental Development Planner has assessed the application and states:

The Code applies because development is proposed within a Landslide Hazard Area. Approximately 200m of the proposed track

would pass through Low and Medium Landslide Hazard Areas (refer to Figure 1 below). The areas have been modelled as being susceptible to rockfall.

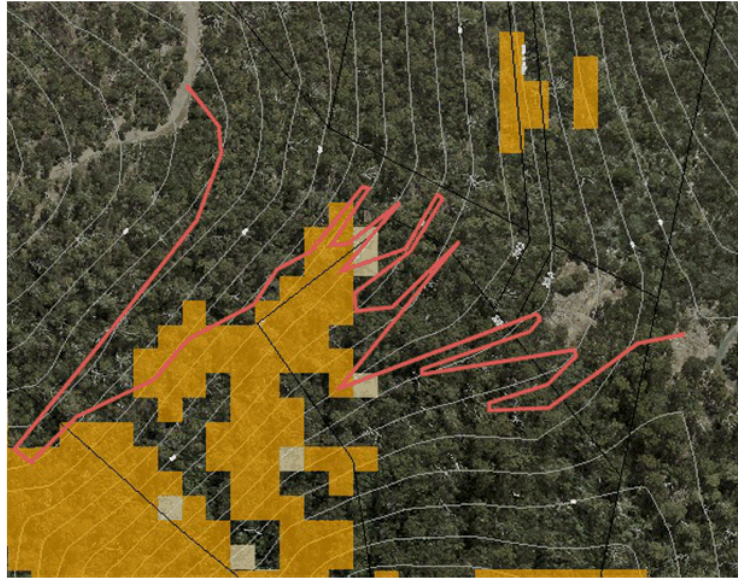


Figure 1: Landslide hazard areas and approximate track alignment

No Code exemptions apply.

The relevant standards are under clause E3.7.1. There is no acceptable solution for A1. Performance criterion P1 states the following:

Buildings and works must satisfy all of the following:

- (a) no part of the buildings and works is in a High Landslide Hazard Area;*
- (b) the landslide risk associated with the buildings and works is either:*
 - (i) acceptable risk; or*
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

No works are proposed within a High Landslide Hazard Area.

The application proposes the following to address the risk of

rockfall:

Land Stability layers on the City of Hobart GIS system have identified rockfall hazard zones in several locations along the proposed alignment (see Map 1). Controls will be implemented to ensure no personnel or public are present in likely runout areas during construction in those areas, and construction crews will follow the City of Hobart Boulder Hazard Assessment SOP (2020) during works. A geotechnical assessment will be undertaken along sections where the final track alignment falls within a rockfall hazard zone, to identify any hazards and required controls prior to public use...

Potential rockfall zones are marked on Map 1. Due consideration must be given to possible rockfall risk in these areas, and methodology adjusted accordingly. While works are being undertaken in these areas, construction crew must ensure that no personnel or public are within the runout areas. If it is determined that the work presents a hazard to recreational users, controls should be implemented to prevent public access into the hazardous zone until works are completed and the hazard is no longer present. A geotechnical assessment of the track alignment where it passes through the rockfall zones must be completed post construction and prior to public access.

When undertaking works involving or adjacent to large rocks, assessments should be undertaken as per the City of Hobart's Boulder Hazard Assessment SOP, with High > 2m boulders to be assessed by City of Hobart Supervisor – Track Management or delegated council officer prior to treatment.

The general overall approach proposed is considered adequate to achieve a tolerable level of risk. However, the statements are inconsistent with regard to excluding public access prior to completion of the works, and a condition is recommended prohibiting public access until after the geotechnical assessment and any recommendations have been implemented. It is also recommended that a more detailed risk management plan for construction, prepared by a suitably qualified person, and approved by the planning authority, be required by permit condition as rockfall risk will not be limited to the modelled runout areas and also needs to be addressed within source areas. The Boulder Hazard Assessment SOP is light on detail and methodology.

6.9.6 The proposal complies with the performance criterion.

6.10 Buildings and Works - E10.7.1 P1(c)

6.10.1 The acceptable solution A1 at clause E10.7.1(c) requires development to be other than for a single dwelling on an existing lot and clearance and conversion or disturbance must be confined to Low Priority Biodiversity Values; the area of clearance and conversion must be no more than 1000m²; and the area of disturbance must be no more than 1000m².

6.10.2 The proposal includes disturbance of native vegetation within a biodiversity protection area.

6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.10.4 The performance criterion P1(c) at clause E10.7.1 provides as follows:

Clearance and conversion or disturbance must satisfy the following:

(c) if high priority biodiversity values:

(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;

(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;

(iv) special circumstances exist;

6.10.5 The Council's Environmental Development Planner has assessed the application and states:

The Code applies because the disturbance of native vegetation is proposed within a biodiversity protection area (BPA).

Standing vegetation is proposed to be cleared along a 2m wide corridor along the route alignment, with cut vegetation placed into the surrounding bush, out of sight where possible. The total area affected would be approximately 2000m².

The application includes the following comments about vegetation impact:

As per the recommendations of the NVA report, no trees (>20cm DBH) will be removed or damaged, and a buffer will be established around larger trees (>50cm DBH), with a minimum 2m separation between base of trunk and nearest edge of track. It is expected this buffer may be required around six trees within the track corridor (see Map 1), and others as identified during the construction process...

Track is to be aligned to avoid large habitat and/or dangerous trees. Trees with potential to fall or drop limbs on the proposed tracks are to be assessed for risk to users. Assessments are to be conducted by a qualified arborist or tree assessor using a recognised methodology such as QTRA, VALID or similar. A tree audit assessment to be undertaken and any required works to be completed prior to handover.

There may also be impact upon native vegetation from the borrow pits.

A Natural Values Assessment was submitted with the application. The main findings of the assessment are:

The native vegetation community on the site is 'Eucalyptus globulus dry forest' (DGL).

The canopy trees are multi-aged and the oldest cohort is nearing old-growth stage, with branch and trunk hollows beginning to develop, some crown senescence and prominent fire scars.

The vegetation is in good condition with few weeds, some fallen logs, adequate eucalypt recruitment and a generally healthy canopy.

No threatened flora species listed under the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* were observed.

Ten introduced plant species were recorded during the survey, with most of these confined to the open grassy area (clearing) near the eastern end of the survey site.

Hawthorn poses a significant risk of invading and transforming the understorey of the native forest.

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

Four threatened fauna species have been recorded within 500 m of the site and an additional six species have been recorded within 2 km since 1950.

Of the 10 threatened fauna species recorded within 2km of the site, 3 species are unlikely to use the site and 3 species may use the land for foraging, but not nesting. For the remaining 4 species, there is only marginal nesting habitat for wedge-tailed eagles and no obvious suitable hollows for swift parrots (but could be present) but there is suitable nesting habitat for eastern quolls and eastern barred bandicoots. The land is also foraging habitat for these four species.

The assessment summarises the importance of the habitat for threatened species as follows:

There is suitable habitat for several threatened species in the area, including wide-ranging species such as the grey goshawk, masked owl, Tasmanian devil, eastern barred bandicoot and eastern quoll. No nest or den sites were observed during the survey.

Suitable foraging habitat for swift parrots occurs throughout the survey area, with large mature blue gums providing higher quality foraging habitat. In most cases, mature eucalypt trees in the survey area are probably not quite old enough to provide suitable nesting habitat for swift parrots and other hollow-nesting fauna but are important for future habitat. Several mature and one old-growth eucalypts were mapped during the survey.

Potential impacts associated with the proposal are summarised in

the assessment report as follows:

The proposed track is located in a threatened vegetation community, Eucalyptus globulus dry forest (DGL), which will be subject to minor modification by removal of some understorey vegetation. The community will not be reduced in extent and will retain its ecological characteristics (e.g. structure, species composition, habitat features, recruitment processes).

There is a very low likelihood of threatened flora being present and impacted.

Wide-ranging mobile threatened fauna species, such as raptors and marsupial carnivores, are likely to visit the survey area. Removal of mature trees will impact actual or potential nesting habitat for hollow-nesting threatened species such as the swift parrot.

Impacts on habitat for threatened fauna species are expected to be negligible, unless nesting or denning sites are disturbed or destroyed. However, this is unlikely since no den sites were detected during the on-ground survey and there is no need to remove old growth trees and there are no large fallen logs on the track alignment.

Impacts on non-threatened species and other natural values is likely to be minimal given the small spatial extent of works. There may be no need to remove living or dead trees. If necessary, removal of some smaller live or dead trees (under 20 cm DBH) would have little impact on the structure and integrity of the vegetation community...

Vegetation clearing, earthworks, machinery use and importation of materials such as gravel pose a risk of introducing weeds to the area. Most of the site is free of significant weeds. Track construction works may spread weeds within the site (including seeds in soil). The plant species present have a low risk of Phytophthora cinnamomi (Pc) infection and standard weed hygiene measures are adequate.

No Code exemptions apply to the proposal.

The relevant standards are under clause E10.7.1. The proposal

does not comply with acceptable solution A1(a), A1(b) or A1(c).

The biodiversity value of the vegetation under Table E10.1 of the Code is 'high' because the vegetation community is listed as threatened under the Nature Conservation Act 2002. The relevant part of the performance criterion therefore is:

Clearance and conversion or disturbance must satisfy the following...

(c) if high priority biodiversity values:

(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;

(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;

(iv) special circumstances exist;

The main way the development has been designed and located to minimise impacts is by routing the track to avoid the mature trees, which provide the most significant habitat values. Even smaller trees of DBH 20-50cm would be retained. In addition, drainage features have been included in the design which will help to minimise erosion and only local soil and rock will be used minimising the risk of new weed introductions.

The submitted Natural Values Assessment includes the following recommendations to minimise impacts:

- *Do not remove or damage any trees (> 20 cm DBH).*
- *If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately and contact DPIPWE Threatened Species Section.*

- *Vegetation clearance and soil disturbance should be limited to the width of the track.*
- *Do not remove coarse woody debris from the site.*
- *Minimise use of importing foreign aggregates if possible. If surfacing is required, it should be sourced from a weed-free source.*
- *Follow standard weed hygiene procedures during track construction.*
- *Commence work at the top of the site and proceed in an easterly (downhill) direction to limit spread of weeds, which are localised at the lower end of the proposed track.*
- *Control of Forget-Me-Not (*Myosotis* sp.) and sticky weed (*Galium aparine*) by hand pulling should be undertaken in conjunction with track construction works. Soil from areas where forget-me-not is growing should not be moved from those locations.*

Impacts associated with the development are considered sufficiently minimised to comply with P1(c)(i) subject to conditions requiring:

- Trees with a DBH of greater than 20cm are not removed, unless assessed by an arborist as too dangerous to keep.
- No works within 2m of the trunks of mature trees, unless assessed by an arborist as too dangerous to keep.
- No importation of soil onto the site, unless certified as weed free in accordance with the relevant Australian Standard.
- Clearing along the route is limited to 2m in width.
- The location of any borrow pits, to be subject to the prior approval of the planning authority.
- Implementation of a Construction Management Plan, including weed hygiene, soil and water management measures and tree protection measures.
- Works must commence at the uphill end of the track and works downhill.
- If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately, and appropriate management measures, to the satisfaction of the planning authority must be approved, prior to work recommencing.

No bushfire management measures are proposed so P1(c)(ii) is not

applicable.

There is an opportunity to comply with P1(c)(iii), which requires the remaining vegetation to be retained and improved, by managing weeds in the area. It would be unreasonable for weed management requirements to apply to all of the land covered by the relevant titles, so a condition has been recommended requiring the implementation of an approved weed management plan for the area within 40m of the track on titles owned by Council.

With regard to P1(c)(iv), 'special circumstances' is defined as follows:

means particular circumstances associated with the proposed use or development that justify loss of high priority biodiversity values.

Special circumstances are considered to exist if one or more of the following apply:

(a) the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location;

(b) ongoing management cannot ensure the survival of the high priority biodiversity values on the site and there is little potential for recruitment or for long term persistence;

(c) the development is located on an existing lot within the Low Density Residential, Rural Living or Environmental Living Zone and is for a single dwelling and/or associated residential outbuildings or works;

Sub-clauses (b) and (c) do not apply so the proposal must meet sub-clause (a) to be approved. Significant long-term economic benefits are not expected, so significant social benefits must be demonstrated.

According to the application, 'the location has been identified as a major gap in the City of Hobart's recreational track and trail network, the improvement of which will result in a significant long term social and community benefit through the enhancement of the network, and improved visitor experience in the City's open space'.

The application includes the following commentary regarding the benefits of the proposed development:

The location of the track corridor provides a key recreational access point to Bicentennial Park, Mount Nelson and further bushland areas for residents of Sandy Bay and Tarooma, and similarly provides Mount Nelson residents access to the suburbs below.

The safety of users on the existing track is cause for concern, due to its steep gradient (27% avg.) and the nature of the surface material, which becomes extremely slippery in wet conditions. This causes the track to be effectively untrafficable at times. This safety concern is amplified by the track's shared use designation, as mountain bike users may find the route impassable in wet conditions, or extremely dangerous when descending on the slick surface, contributing to possible user conflict, or injury to themselves or other users.

The fall-line alignment of the existing track is contributing to environmental damage, primarily erosion caused by water flow and recreational traffic.

The lack of shared use suitability of the existing track has resulted in the illegal construction of an alternative route on a parcel of private land to the north. This track is also having detrimental environmental impacts due to its alignment and unsustainable construction techniques, resulting in erosion caused by water flow and recreational traffic...

The construction of the new alignment will result in a fit-for-purpose shared use track that forms a key link in the wider recreational network, and allows for recreational access by a wider range of users.

The gentle gradient and suitable construction techniques will provide a sustainable track, with adequate drainage at regular intervals, and hardening of the surface where necessary. The new alignment will better suit cyclists, reducing the use of the illegally constructed route on private land, and allowing it to rehabilitate naturally.

Additionally, the impact of the newly constructed track will be offset

by the closure and rehabilitation of the existing alignment, significantly reducing its ongoing environmental and heritage impacts...

Alternative locations have been sought to achieve this recreational connection without the disturbance of high priority biodiversity values, however the corridor is restricted by private land boundaries to the north and south. The central location of the proposed track corridor is the only suitable connection point that will provide the significant long term community benefit the project will achieve...

Bicentennial Park is one of the City's major bushland reserves, and provides an outstanding resource for the local community. The improvement of recreational access to and from this reserve is considered to have a significant long term social and community benefit that is environmentally sustainable...

Sly Grog Track forms a link between Nicholas Fire Trail in Bicentennial Park, and Dorney House Fire Trail on Porter Hill. It provides recreational access between Lower Sandy Bay/Taroona and Mount Nelson/Bicentennial Park. The existing track alignment is informal in nature, with an average gradient of 27%, making it unsuitable for shared use access and too difficult for recreational use by the wider community and costly to maintain. A realignment will improve safety and accessibility, while reducing the environmental impact and ongoing maintenance requirements.

In my opinion it has been adequately demonstrated that the development would lead to significant, long-term social benefits for the community.

The proposal is recommended for approval subject to the recommended conditions.

6.10.6 The proposal complies with the performance criterion.

6.11 Heritage - Demolition - E13.7.1 P1 and Building and Works on a Listed Place - E13.7.2 P1; P2; P3

6.11.1 There is no acceptable solution for demolition or works upon a listed place.

- 6.11.2 The proposal includes a small part of the realigned trail connecting to the Dorney Fire Trail at 24 Gardenia Grove, which is a heritage listed property.
- 6.11.3 There is no acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.11.4 The performance criterion P1 at clause E13.7.1 provides as follows:

Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;

- (a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (b) there are no prudent and feasible alternatives;*
- (c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*
- (d) significant fabric is documented before demolition.*

The performance criterion P1 at clause E13.7.2 provides as follows:

Development must not result in any of the following:

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

The performance criterion P2 at clause E13.7.2 provides as follows:

Development must be designed to be subservient and complementary to the place through characteristics including:

- (a) scale and bulk, materials, built form and fenestration;*

- (b) setback from frontage;*
- (c) siting with respect to buildings, structures and listed elements;*
- (d) using less dominant materials and colours.*

The performance criterion P2 at clause E13.7.2 provides as follows:

Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.

- 6.11.5 The Council's Senior Cultural Heritage Officer has assessed the proposal and states:

This application is for the rerouting of a shared use track between the Bicentennial park and the Dorney House Fire Trail - a heritage listed site. There is an estimated 20m section of track within this site.

The Porters Hill or Fort Nelson site includes the remains of a reinforced gun emplacement and associated military related features and a house designed by Esmond Dorney and built in 1978. It is significant for its military and architectural associations.

A Historic Heritage Assessment (Gondwana Heritage Solutions, Feb 2021) has been undertaken along the track alignment as well as additional areas in the surrounding area thought to be related to the Fort Nelson site.

The survey identified five (5) previously recorded sites:

- a 19th- early 20th century building site
- probable early to mid 20th century dam
- three pits - possibly defence manoeuvre earthworks

The field survey identified additional features:

- four associated features related to non-defence activities including 2 track formations, a series of tree stumps and a pair of water lines
- three features related to defence use including the possible site of the 1912 works contractors hut, remains of the post 1908 subdivision fencing and one pit relating to

defence manoeuvres.

As a result of the field survey and desktop study, the proposed track was realigned to the current proposal. The HHA recommends a temporary 2 metres radius exclusion zone during track construction.

The track is called the Sly Grog Track, a name that has evolved and become attached to this project.

The HHA briefly explores the history of alcohol, taxation, alcohol smuggling, specifically within the Sandy Bay locale and Fort Nelson in order to provide some rational or otherwise for the naming of the track. The matter of the historical accuracy has already been raised by the author of this report and the project manager of the track project and identified that the sources of some earlier references (ie the Porter Hill CMP which references Sandy Bay, A Social History by Nicola Goc) are not correct and indicate that the storey telling has got ahead of itself.

It is important to restate that advice and that the name Porter Hill first appears in newspapers in the 1850s as the home on Brown's Road (Sandy Bay Road) of William Vince. It was not the name given because of the portage of alcohol as part of the sly grog trade as has been reported in the Goc book and thereafter repeated. It was the name of Vince's house which is listed for sale when he left the colony in the 1870s. He was the one who set his house up as an inn and it was licensed as the Porter Hill Inn. Today it is now called the Riverview Hotel, although what stands today is not what was Porter Hill Inn. It is possible that the name Porter Hill came from, like so many place names in Tasmania, a prominent peak in Staffordshire in England.

The HHA has not identified a direct link between alcohol smuggling and the location of the proposed track. It is recommended that the Sly Grog Track name not be used and more verifiable historically accurate options are explored, eg the Fort Nelson construction period is one such example. It is also recommended that the naming of the track be given further consideration and this will be a condition of the permit. It is also considered that all recommendations in regard to historical features and sites identified within the HHA be taken on board and that interpretation signage be incorporated into the track development to deal with historic heritage themes.

The works within the Porters Hill heritage listed site must be assessed against E13.7.1 P1 Demolition. The works to the landscape for the track are minor and do not result in loss of significant fabric or landscape elements. The proposal satisfies E13.7.1 P1.

The new work is minor and is of a design and using construction techniques appropriate for its bushland park setting. It is concluded that the proposal does not result in the loss of significance of the listed site. The proposal satisfies E13.7.2 P1, P2 and P3.

Condition of permit are required. The proposal satisfies the relevant performance criteria of the Historic Heritage Code of the Scheme.

6.11.6 The proposal complies with the performance criterion.

7. Discussion

- 7.1 Planning approval is sought for Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay.
- 7.2 The application was advertised and no representations were received.
- 7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.
- 7.4 The proposal has been assessed by other Council officers, including the Council's Cultural Heritage Officer, and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.
- 7.5 The proposal is recommended for approval.

8. Conclusion

- 8.1 The proposed Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for Shared Use Trail Realignment, at 38A Nicholas Drive, 1A Enterprise Road, 24 Gardenia Grove and Nicholas Drive (CT 48805/8 and CT 48805/9), Sandy Bay for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-193 - 38A NICHOLAS DRIVE SANDY BAY TAS 7005 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENV 8

An approved Rockfall Risk Management Plan must be implemented during construction works.

Prior to the commencement of works, a Rockfall Risk Management Plan for construction works within the Landslide Hazard Area must be submitted and approved. The Rockfall Risk Management Plan must be prepared by, or endorsed by, a suitably qualified geotechnical practitioner.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides.

ENV 9

Once works have commenced, public access to the track must not be allowed until after the geotechnical assessment required by condition ENV10 has been completed and all recommendations have been implemented.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides

ENV 10

Following completion of the works, and prior to allowing public access to the site, a suitably qualified geotechnical practitioner must assess the risk of rock fall/rock roll to users of the track within the Landslide Hazard Area. If the assessment determines that risk would be unacceptable without risk treatments being applied, all recommended risk treatment measures must be implemented so that the resultant risk is tolerable, prior to allowing public access to the track.

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by landslides

ENV 11

Clearing of native vegetation and soil disturbance must not exceed a 2m wide strip along the track route, except where associated with an approved borrow pit or where the vegetation has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 12

Trees with a diameter at breast height (DBH) of greater than 20cm must not be removed, except where a tree has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 14

No works may occur within 2m of the trunks of the six mature trees shown on 'Map 1 – Sly Grog Track Reroute', except where a tree has been assessed as an unacceptable safety risk for users of the track by a suitably qualified person using an accepted best-practice assessment methodology (e.g. QTRA, VALID).

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 15

The location, design and rehabilitation of any borrow pits, must be approved by the planning authority prior to any borrow pits being constructed.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values.

ENV 16

An approved weed management plan (WMP) must be implemented.

Prior to the commencement of works, a weed management plan prepared by a suitably qualified person must be submitted and approved as a Condition Endorsement. The WMP must:

- address the area within 40m of the track on titles 48805/7, 48805/8, 48805/9 and 137356/1;
- identify and map the declared and environmental weeds in the area;
- set out an environmentally-appropriate methodology and program for eradicating, or minimising, the identified weeds (including appropriate disposal);
- include clear and detailed actions, the area to be targeted, the timing of each action and the persons/parties responsible for undertaking all actions; and
- include prescriptions to minimise impacts on native vegetation and minimise soil disturbance.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To ensure the use/development does not result in unnecessary or unacceptable loss of priority biodiversity values

ENV 1

An approved Construction Environmental management Plan (CEMP) must be implemented.

Prior to the commencement of works, a CEMP must be submitted and approved as a Condition Endorsement. The CEMP must:

- detail the proposed construction methodology (particularly where works may have environmental impacts);
- identify all potential environmental impacts associated with the works including (as relevant) noise, odours, air pollution, water pollution, land contamination, erosion, land instability, changes to hydrology, habitat degradation and impacts upon flora and fauna; and
- include measures to adequately avoid or mitigate all identified environmental risks.

To be approved, the CEMP must:

- specify that works will progress from the north-western end of the track to the south-eastern end of the track;
- include measures to ensure that no works will occur within 2m of the six mature trees shown on 'Map 1 – Sly Grog Track Reroute';
- include soil and water management measures;
- specify that soils will not be imported onto the site, unless approved by the planning authority;
- include weed and pathogen hygiene measures; and
- specify that if evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately, and appropriate management measures, approved by the planning authority, must be implemented.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To minimise the potential for environmental impacts from the construction works

HER s1

The name of the track 'Sly Grog Track' is not approved. An alternative name for the proposed shared use track is required that reflects and responds to the history of the site as set out in the Historic Heritage Assessment Final report (Gondwana Heritage Solutions, February 2021).

Reason for condition

To ensure the heritage and historical significance of the place are accurately reflected in the naming of the track.

HER s2

All recommendations outlined in the 'Proposed Sly Grog Track Reroute, Historic Heritage Assessment Final Report' by Gondwana Heritage Solutions, February 2021, Section 8, pp 57-59 must be implemented.

Reasons for condition

To ensure identified heritage values are recognised and protected.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

ENVIRONMENTAL MANAGEMENT AND COMMUNICATIONS PLAN

Rerouting of the Sly Grog Track must be done in a manner that avoids impact to the mature eucalypts and minimises other environmental impact, is safe for the construction crew and the reserve-visiting public and minimises inconvenience for the public.

A Public Spaces By-law permit will be required for the trackworks. You can apply for the permit here; <https://au.openforms.com/Form/7D72664E-FF30-4932-9D9F-3F3C56EEF03B>.

As part of the by-law permit, an Environmental Management and Communications Plan will be required, prepared by the contractor to the satisfaction of the Director City Amenity.

A template for an Environmental Management and Communications Plan can be provided by the Open Space Planning Team, call 03 6238 2488. This plan must be made specific for the works that will occur within Bicentennial Park and must incorporate the recommendations from the values assessment reports prepared for the reroute planning.



(Cameron Sherriff)

Development Appraisal Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 14 May 2021

Attachment(s):

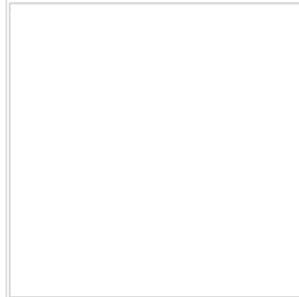
Attachment B - CPC Agenda Documents

Attachment C - Referral Officer Report - Environmental Development Planner; Cultural Heritage Officer

Planning: #217046

Property

38A NICHOLAS DRIVE SANDY BAY TAS 7005

**People**

Applicant

*

City of Hobart
Mischa Pringle
16 Elizabeth Street
HOBART TAS 7000
62382534
ptringlem@hobartcity.com.au

Owner

*

City of Hobart

16 Elizabeth Street
HOBART TAS 7000
03 6238 2711
coh@hobartcity.com.au

Entered By

MISCHA PRINGLE
16 ELIZABETH STREET
HOBART TAS 7000
6238 2534
ptringlem@hobartcity.com.au

Use

Other

Details

Have you obtained pre application advice?

☐ No

If YES please provide the pre application advice number eg PAE-17-xx

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.

*

☐ No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

*

- ☐ No

If this application is related to an enforcement action please enter Enforcement Number

*

Details

What is the current approved use of the land / building(s)?

*

Environmental Management

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)

*

Construction of a class 3 natural surface recreational track & rehabilitation of an existing track in the same area.

Estimated cost of development

*

100000.00

Existing floor area (m2)

Proposed floor area (m2)

Site area (m2)

Carparking on Site

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection chosen)
Other Details

Does the application include signage?

*

No

How many signs, please enter 0 if there are none involved in this application?

*

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

- ☒ Yes

Documents**Required Documents**

Title (Folio text and Plan and Schedule of Easements)

*

Title Documents - Sly Grog Track Reroute.pdf

Plans (proposed, existing)

*

Map 1 - Sly Grog Track Reroute - A3.pdf

GM or Crown consent

GMC-21-19 - 1A ENTERPRISE ROAD SANDY BAY TAS 7005 - Notice of Land Owner Consent to Lodge a Planning Application (including documentation).pdf

Covering Letter

COVER LETTER - Sly Grog Track Reroute - March 2021.pdf

Supporting Documents

Heritage Report

Heritage - Sly Grog Track Reroute Historic Heritage Assessment Final Report Rev0.1 FINAL.pdf

Flora and Fauna Report

Natural Values Report - Sly Grog Track Reroute - Bicentennial Park - v2 - w Addendum Feb 2021.pdf

Heritage - Certificate of Exemption

Heritage - SlyGrogTrack-2021-02-24_HeritageExemption3326.pdf

Ministerial Approval - Porter Hill Conservation Covenant

Ministerial approval to undertake track works - Porter Hill Conservation Covenant.pdf
Technical Drawings - Track construction
Technical Drawings - Sly Grog Track Reroute.pdf
Aboriginal Heritage Tasmania - Response
Heritage - AHT Response - Sly Grog Track Reroute.pdf
Design & Construction Specification
Design & Construction Specification - Sly Grog Track Reroute.pdf

Sly Grog Track Reroute

Sly Grog Track Reroute

Cover letter

Summary

Sly Grog Track is a shared use track located on the eastern slopes of Bicentennial Park, Sandy Bay. The track follows a steep alignment, and poses an ongoing safety and environmental risk. This proposal undertakes to realign the track in order to improve the safety for all users, reduce erosion and other environmental damage, and to provide a key link in the wider bushland recreational track network.

Map 1 provides an overview of the existing and proposed alignments, and additional natural value, heritage and geological information.

Background

Sly Grog Track is a 260 metre (m) Class 5¹ shared use track, located between Nicholas Fire Trail in Bicentennial Park and Dorney House Fire Trail on Porter Hill. It is a natural surface trail, ranging between 0.5- 1.5m in width, with an average gradient of 27%. The overall character is that of an informal track, with no formed drainage or evidence of surface treatment. No signage is currently in place.

The location has been identified as a major gap in the City of Hobart's recreational track and trail network, the improvement of which will result in a significant long term social and community benefit through the enhancement of the network, and improved visitor experience in the City's open space.

The location of the track corridor provides a key recreational access point to Bicentennial Park, Mount Nelson and further bushland areas for residents of Sandy Bay and Taroona, and similarly provides Mount Nelson residents access to the suburbs below.

The safety of users on the existing track is cause for concern, due to its steep gradient (27% avg.) and the nature of the surface material, which becomes extremely slippery in wet conditions. This causes the track to be effectively untrafficable at times. This safety concern is amplified by the track's shared use designation, as mountain bike users may find the route impassable in wet conditions, or extremely dangerous when descending on the slick surface, contributing to possible user conflict, or injury to themselves or other users.

The fall-line alignment of the existing track is contributing to environmental damage, primarily erosion caused by water flow and recreational traffic.

The lack of shared use suitability of the existing track has resulted in the illegal construction of an alternative route on a parcel of private land to the north. This track is also having detrimental

¹ In accordance with AS2156.1 *Walking Track Classification and Signage*, a 'Class 5' walking track has the following general characteristics:

- Limited modification to natural surface, track alignment may be indistinct in places.
- Minimal cleaning and debris along the track.
- May include steep sections of unmodified surfaces.
- Users require a moderate level of specialized skills such as navigation skills.

Sly Grog Track Reroute

environmental impacts due to its alignment and unsustainable construction techniques, resulting in erosion caused by water flow and recreational traffic.

Proposed Works

The Sly Grog Track Reroute project undertakes to construct a new shared use track between Nicholas Fire Trail and Dorney House Fire Trail. The Sly Grog Track Reroute project is being undertaken in accordance with the *Capital City Strategic Plan 2019-2029*, where it supports the achievement of numerous outcomes under *Pillar 6: Natural Environment*, in particular through the following strategies:

6.1.2

Strengthen open space connectivity, in partnership with stakeholders, prioritising links between the river, bushland and the mountain, through acquisitions and other opportunities.

6.2.1

Support initiatives for residents and visitors to build their connection to nature.

6.5.4

Develop and enhance the network of walking, cycling, mountain biking and other recreational tracks and trails throughout the City's open space network.

The track will be built to a Class 3² standard, in accordance with *AS2156.1 Walking Track Classification and Signage* and will fall within the guidelines for an Intermediate (Blue)³ difficulty trail in accordance with the *Mountain Bike Australia (MTBA) Trail Difficulty Rating System 2019*. The track will have an estimated length of 1040m, with a width of 0.6m-1.2m and an average gradient of 6%. It will be constructed using local materials, with a natural surface, and rock armouring as required. Intersections at either end will be signposted as per current City of Hobart signage guidelines for bushland areas.

The construction of the new alignment will result in a fit-for-purpose shared use track that forms a key link in the wider recreational network, and allows for recreational access by a wider range of users.

The gentle gradient and suitable construction techniques will provide a sustainable track, with adequate drainage at regular intervals, and hardening of the surface where necessary.

The new alignment will better suit cyclists, reducing the use of the illegally constructed route on private land, and allowing it to rehabilitate naturally.

² In accordance with *AS2156.1 Walking Track Classification and Signage*, a 'Class 3' walking track has the following general characteristics:

- Generally a modified surface, sections may be hardened.
- Width generally less than 1,200mm and kept mostly clear of intrusions and obstacles.
- May exceed 1:10 for short sections but generally no steeper than 1:10.
- Users may encounter natural hazards such as steep slopes, unstable surfaces and minor water crossings.

³ In accordance with the *Mountain Bike Australia (MTBA) Trail Difficulty Rating System 2019*, an 'Intermediate (Blue)' mountain bike track has the following description:

- Single trail with moderate gradients, variable surface and obstacles.
- May include steep sections Suitable for skilled mountain bikers with mountain bikes

Sly Grog Track Reroute

Additionally, the impact of the newly constructed track will be offset by the closure and rehabilitation of the existing alignment, significantly reducing its ongoing environmental and heritage impacts.

A Natural Values Assessment (NVA) has been undertaken, with a survey area encompassing a distance of 10m either side of the proposed alignment. The summary of the NVA report is as follows:

An on-ground survey of the proposed Sly Grog Track determined that the survey site supports the threatened vegetation community, *Eucalyptus globulus* dry forest (DGL), which also provides potential foraging habitat for the critically endangered swift parrot.

The vegetation of the survey area is listed as threatened under Tasmanian legislation. No Commonwealth-listed threatened communities occur in the survey area. There is a low likelihood of threatened flora species occurring within the area.

There will be no reduction in the extent or viability of the threatened blue gum community. No known significant habitat for threatened fauna species will be impacted by the proposed works, providing trees are not removed or damaged. No significant impacts on natural values is anticipated from track construction or use by walkers and cyclists.

There is no need to alter the proposed track alignment for protection of natural values aside from ensuring adequate horizontal separation between earthworks (soil disturbance) and tree trunks. This assessment of natural values impacts, and recommendations, also applies to alternative track alignments within the survey area.

As per the recommendations of the NVA report, no trees (>20cm DBH) will be removed or damaged, and a buffer will be established around larger trees (>50cm DBH), with a minimum 2m separation between base of trunk and nearest edge of track. It is expected this buffer may be required around six trees within the track corridor (see Map 1), and others as identified during the construction process. Vegetation clearance will be limited to 2m width along route alignment. Additional requirements will be followed as recommended by the NVA report.

Alternative locations have been sought to achieve this recreational connection without the disturbance of high priority biodiversity values, however the corridor is restricted by private land boundaries to the north and south. The central location of the proposed track corridor is the only suitable connection point that will provide the significant long term community benefit the project will achieve.

Land Stability layers on the City of Hobart GIS system have identified rockfall hazard zones in several locations along the proposed alignment (see Map 1). Controls will be implemented to ensure no personnel or public are present in likely runout areas during construction in those areas, and construction crews will follow the *City of Hobart Boulder Hazard Assessment SOP (2020)* during works. A geotechnical assessment will be undertaken along sections where the final track alignment falls within a rockfall hazard zone, to identify any hazards and required controls prior to public use.

A desktop assessment undertaken by Aboriginal Heritage Tasmania (AHT) found that there are no Aboriginal heritage sites recorded within or near the proposed track alignment. Following a review of previous reports, and noting the steepness of the terrain in the area, AHT believe that there is a low probability of Aboriginal heritage being present. Accordingly, AHT have no objection to the project proceeding provided that it is guided by their Unanticipated Discovery Plan. If at any time during works personnel suspect Aboriginal heritage, works will cease immediately and AHT will be contacted for advice.

Sly Grog Track Reroute

The eastern end of the proposed realignment will include an estimated 20m section of track located within the Fort Nelson heritage site, a place that is heritage registered in Table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015*. As such, a Historic Heritage Assessment (HHA) has been undertaken along the track alignment, and encompassing an additional area surrounding previously identified heritage sites thought to be related to the Fort Nelson site. The summary of assessment results begins with the following:

Five previously recorded heritage features identified by desktop review were confirmed and re-recorded during survey. These included an 19th-early 20thC building site, a probable early-mid 20th C dam and three pits that are interpreted as possible defence manoeuvre earthworks.

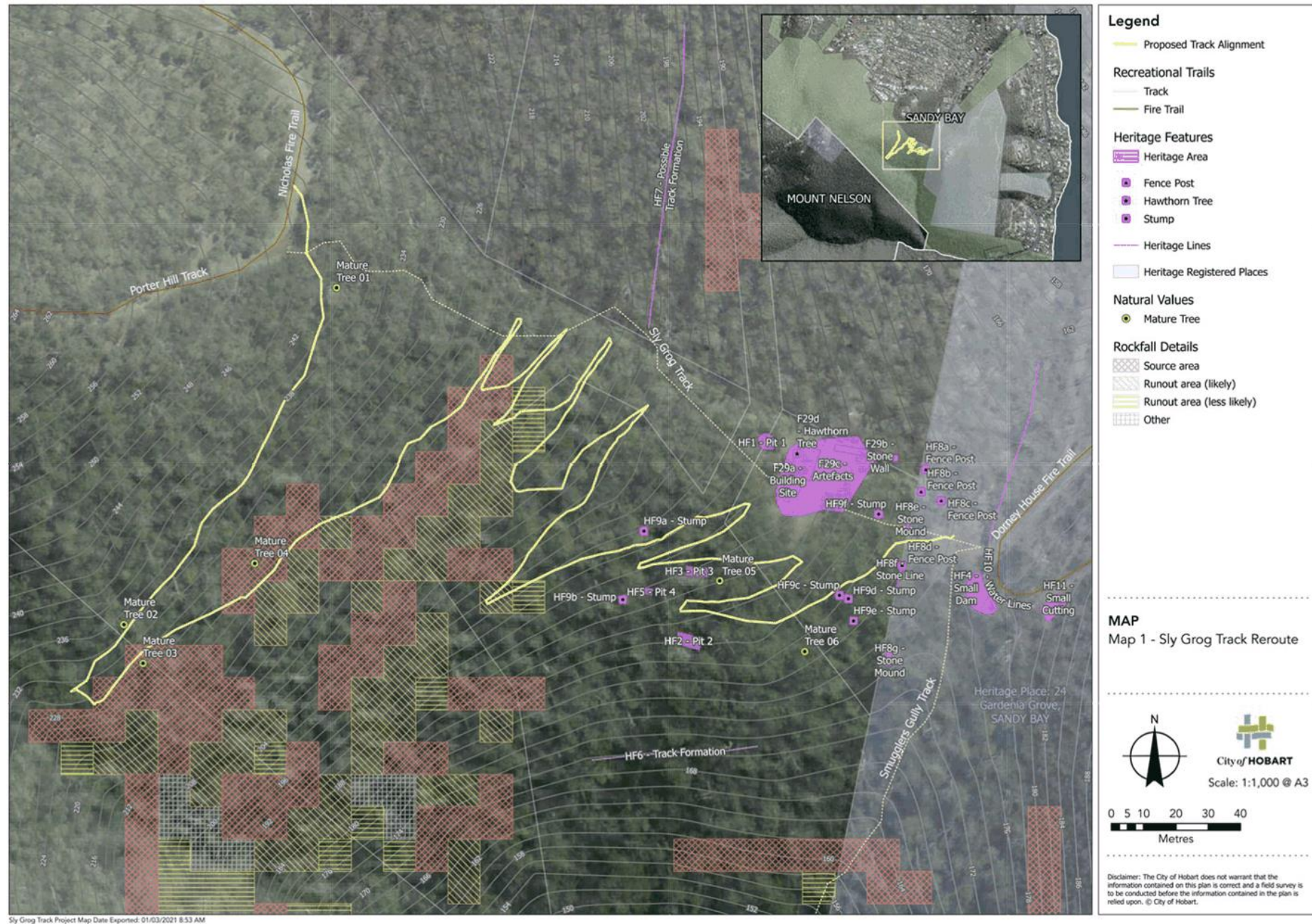
Seven additional features were documented during the field survey. Two of these features comprise several elements that have been grouped together for thematic reasons. Four features identified by survey that appear to relate to non-defence activities include two possible track formations, a series of seven tree stumps and a pair of water lines. Three features considered to reflect defence use include the possible site of the 1912 works Contractors Hut, remains relating to the post-1908 subdivision fencing and one additional pit possibly relating to defence manoeuvres.

As per the recommendations of the HHA report, the identified historic heritage features (see Map 1) will be located, and exclusion zones established at a 2m radius. Any new discoveries of potential historic heritage significance will be immediately protected within a works exclusion zone of suitable size to protect the feature and reported to the City of Hobart Senior Cultural Heritage Officer for a determination on management requirement. The closure of the existing track alignment will also aid in the management of ongoing user impacts and reduce the risk of fossicking occurring at identified sites. Additional requirements will be followed as per the HHA report.

A Certificate of Exemption for the works within the Fort Nelson heritage site has been issued by the Tasmanian Heritage Council.

The area of the Fort Nelson heritage site is also covered by the *Porter Hill Nature Covenant (2012)*. The Department of Primary Industries, Parks, Water and Environment has confirmed the authorisation contained within the current Nature Conservation Plan for Porters Hill (2011) supports the planned works.

Bicentennial Park is one of the City's major bushland reserves, and provides an outstanding resource for the local community. The improvement of recreational access to and from this reserve is considered to have a significant long term social and community benefit that is environmentally sustainable.



Sly Grog Track Reroute Design & Construction Specification

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City of HOBART

Sly Grog Track Reroute Design & Construction Specifications

These specifications are for the Sly Grog Track Reroute project, a dual direction shared use track in Bicentennial Park.

The proposed track alignment is shown in the attached *Map 1 – Sly Grog Track Reroute – A3*. The specifications include general directions for construction, together with specific descriptions of the type, standard and character for the track. The summary table sets out the components, design criteria, references, quantities & pricing method.

City of Hobart (CoH) standard operating procedures (SOP), detail drawings for general track construction, and other reference documents are listed throughout and in the summary table. They are attached. The SOPs, drawings and documents are:

Drawing / SOP name	File name
Track Profiles	Track profiles 9 Oct 2020.pdf
Grade Reversal	Grade reversal 10 Nov 2020.pdf
Stone Pitching	Stone Pitching 2 Nov 2020.pdf
Stone Paving	Stone paving 8 Sept 2020.pdf
Insloped Turns	Insloped Turns 9 Oct 2020.pdf
Berm Construction	MTB Berm construction 10 Nov 2020.pdf
MTBA Trail Difficulty Rating System	MTB Trail Guidelines Matrix 28Jul20.docx
AS 2156_1_2001 Walking Tracks Classification and Signage	AS 2156_1_2001 Walking Tracks Classification and Signage.pdf
Excavation Plan & Risk assessment	Excavation Plan & Risk assessment.docx
SOP – Bushland field work during bushfire season	SOP-Bushland Field Work During Bushfire Season.docx
SOP – Boulder Hazard Assessment	SOP-Boulder Hazard Assessment.docx
Signage Installation Specification	Bushland_SignInstallSpec_2020.pdf
AHT Unanticipated Discovery Plan	Unanticipated Discovery Plan.pdf

Additional requirements for management of environmental and heritage values are set out in the attached report documents.

Track Description

Sly Grog Track forms a link between Nicholas Fire Trail in Bicentennial Park, and Dorney House Fire Trail on Porter Hill. It provides recreational access between Lower Sandy Bay/Taroona and Mount Nelson/Bicentennial Park. The existing track alignment is informal in nature, with an average gradient of 27%, making it unsuitable for shared use access and too difficult for recreational use by the wider community and costly to maintain. A realignment will improve safety and accessibility, while reducing the environmental impact and ongoing maintenance requirements.

The realignment will provide a shared use, dual direction track through the same parcel of land as the existing track alignment. A number of switchbacks will allow for a suitable gradient and easier access in both directions for all users. The majority of the corridor passes through blue gum forest, exiting into a small clearing at the eastern end. It is bordered by private land to the north, and a steeper, thickly vegetated gully to the south and southwest. The eastern end of the track corridor enters the Fort Nelson heritage site, which also falls under the Porter Hill Nature Covenant.

The Sly Grog Track Reroute will be designed to the AS2156.1-2001 Class 3 standard and MTBA Trail Difficulty Rating System Intermediate (Blue). The track is approximately 1040 meters in length and is to be 0.6m-0.9m wide, with sections up to 1.2m wide to provide for passing where the terrain allows.

The track will be a rolling contour track with drainage achieved by grade reversals built as part of the track formation. Changes of direction will be achieved by switchback corners. Adequate sight lines will also be maintained throughout, in consideration of the track's shared use designation. Tread outslope of 3-5% to be utilised wherever possible (except for in-sloped switchbacks). Local material is to be used for the surface, with no materials to be imported to the site. Local rock to be used for track armouring and walling as required.

Due to the shared use nature, narrow width and network connectivity role of the track, features catering specifically for mountain bike riders such as drops and jumps are not required and should not be included. Potential rider speed should be anticipated at corners and where sight lines are limited, and controlled using gradient reversals to slow those travelling in a downhill direction.

General Construction

Site Preparation and Safety

Site facility plans, such as compound(s) for storing materials, tools and equipment, and safety documentation are to be provided at least 2 weeks prior to site establishment. Pedestrian and vehicle traffic controls and signage are to be established prior to construction works commencing as required.

Vehicle and pedestrian access along fire trails must be maintained at all times.

Pedestrian access along the existing Sly Grog Track alignment should be retained as best as possible. Closure of the existing alignment may be necessary during the construction of some sections. If so, temporary signage should be established advising users of current and upcoming closure times/dates and alternate routes. This signage should be located at either end of the existing track alignment, and at appropriate locations in the network to allow users to adjust their route plans accordingly.

Environmental & Heritage Considerations

Natural values and heritage within the works area are to be managed as per the attached Natural Values Assessment and Historic Heritage Assessment report recommendations. Areas for special construction treatments and exclusion zones are to be marked out on site prior to construction. This must include all heritage features, rockfall zones and significant trees.

There is no recorded Aboriginal cultural heritage in the vicinity of the track corridor. However, there is the possibility that Aboriginal relics may be surfaced as a result of the works. Discovery of any suspected Aboriginal heritage must be managed in accordance with Aboriginal Heritage Tasmania's *Unanticipated Discovery Plan (2018)*.

Identified historic heritage features should be protected during track construction within temporary 2m radius flagged exclusion zones. Works within the Fort Nelson heritage site must be kept to a minimum, with minimal vegetation clearing and excavation.

Any new discoveries of potential historic heritage significance should be immediately protected within a works exclusion zone of suitable size to protect the feature and reported to the City of Hobart for a determination on management requirement.

Potential rockfall zones are marked on Map 1. Due consideration must be given to possible rockfall risk in these areas, and methodology adjusted accordingly. While works are being undertaken in these areas, construction crew must ensure that no personnel or public are within the runout areas. If it is determined that the work presents a hazard to recreational users, controls should be implemented to prevent public access into the hazardous zone until works are completed and the hazard is no longer present. A geotechnical assessment of the track alignment where it passes through the rockfall zones must be completed post construction and prior to public access.

When undertaking works involving or adjacent to large rocks, assessments should be undertaken as per the City of Hobart's *Boulder Hazard Assessment SOP*, with High > 2m boulders to be assessed by City of Hobart Supervisor – Track Management or delegated council officer prior to treatment.

Significant trees (>50cm DBH) must have a minimum 2m buffer between base of trunk and nearest edge of track.

Further requirements as per the Natural Values Assessment:

- Do not remove or damage any trees (> 20 cm DBH).
- If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately and contact DPIPW Threatened Species Section.
- Vegetation clearance and soil disturbance should be limited to the width of the track.
- Do not remove coarse woody debris from the site.
- Minimise use of importing foreign aggregates if possible. If surfacing is required, it should be sourced from a weed-free source.
- Follow standard weed hygiene procedures during track construction.
- Commence work at the top of the site and proceed in an easterly (downhill) direction to limit spread of weeds, which are localised at the lower end of the proposed track.
- Control of Forget-Me-Not (*Myosotis sp.*) and sticky weed (*Galium aparine*) by hand pulling should be undertaken in conjunction with track construction works. Soil from areas where forget-me-not is growing should not be moved from those locations.

Sustainable Track Building Principals

- Keep water off the track and users on it
 - Construct rolling contoured tracks using grade reversals
 - Maintain out-slope, except for in-sloped corners
- Construct sustainable grades as per the specification and responding to local soil type, vegetation and terrain
- Maximum trail grade to be as per the specification and responding to local soil type, vegetation and terrain
- Half Rule – the track grade shouldn't exceed half the grade of the side slope. If it does exceed this it is considered a fall-line track.

Track Alignment

Maps of the proposed track alignment and key environmental and heritage features will be supplied to construction contractors / crews, together with the route alignment as GIS files. The proposed route alignment is marked on ground with pink flagging tape. Proposed corners are marked by double tape. Final track construction is to be undertaken as per the specifications within a corridor 10 metres either side of the marked alignment unless otherwise agreed with the contract superintendent's representative.

Track alignment must remain within the land parcels as shown on Map 1. The northern and eastern boundaries have been marked on ground with yellow tape.

Fire trail works ('Hawthorn Tree Fire Trail') may be occurring in the vicinity of the track alignment. This has the potential to impact on the location of the track alignment nearest the F29 heritage feature (see Map 1). As such, if fire trail works have not commenced at time of construction, the track alignment should be located as far from the proposed Hawthorn Tree Fire Trail alignment as practical. If works are proceeding concurrently, location of the track alignment should be coordinated in conjunction with fire trail works.

Habitat and or Dangerous trees

Track is to be aligned to avoid large habitat and/or dangerous trees. Trees with potential to fall or drop limbs on the proposed tracks are to be assessed for risk to users. Assessments are to be conducted by a qualified arborist or tree assessor using a recognised methodology such as QTRA, VALID or similar. A tree audit assessment to be undertaken and any required works to be completed prior to handover.

Vegetation

Clear standing vegetation 2m wide along the route alignment and distribute cut vegetation into the surrounding bush, out of sight where possible, with cut ends facing away from the track. Some may need to be retained for rehabilitation post construction. Scrape off leaf litter and organic soil, stockpile for rehabilitation of track edges. Remove and temporarily store plants that can later be transplanted for rehabilitation. Wherever possible, on retaining walls and work outside the main track tread, rock work is to retain the natural appearance with moss/lichen etc. covering retained and facing out. Locations where local rock has been removed for construction should be rehabilitated to minimise visual impact.

Adequate sight lines should be provided along track length to ensure faster moving users have suitable opportunity to reduce speed when approaching stopped or slower users. This can be achieved through thinning of vegetation in key locations.

Track Formation and Surface

Formation of the track bench will be as per CoH standard detail *Track profiles 9 Oct 2020*. Track construction is to be undertaken manually and with small, light-weight machinery as required, within the desired specification, to limit the footprint and visual impact. Natural ground surface cut and fill requirements will be minimised and kept to no greater than 0.5m for cut batters and 1m for fill batters, from natural ground level. Where unavoidable, dry stone retaining walls (to be kept under 1m high) will be constructed to secure any steep batters from potential landslip and erosion hazards. Track surface is to be formed from native mineral soil and rock.

Consideration should be given to management of cyclist speed, particularly on the downhill approach to corners and in locations where sight lines are reduced. Speed management should be achieved through gradient reversals wherever possible.

Borrow Pits

Where there is insufficient mineral soil, borrow pits may be established. Borrow pits not to be battered and not to exceed 2m³ volume or be > 1.5m deep. Locate borrow pits to minimise aesthetic impact, preferably below drain outlets or within the track footprint, backfill with organic soil, excess rock, and cover with leaf litter. CoH *Excavation Plan & Risk Assessment* to be followed and completed.

Drainage

Form track surface to ensure adequate drainage and compaction. Construct drainage features as required no more than 20m apart or closer as site conditions dictate, ensure that these are constructed within the original alignment (grade reversals within a rolling contoured trail) and are part of the track, not added in after track formation.

Where they occur, the crossing of other natural drainage lines will be surfaced by rock paving to prevent scouring.

Signage

Signage is to be installed at both ends of track alignment, as per *Signage Installation Specification*. City of Hobart to supply all signposts, panels & fasteners. Precise location of signage should be confirmed with City of Hobart project manager, upon completion of track intersections.

Rehabilitation

After completion of works, all disturbed areas are to be reshaped to normal ground levels and surfaced with surrounding vegetative debris. The outward slopes of corners and track batters are to be covered with organic soil, leaf litter or vegetation to blend in with surrounds. Excess vegetation, leaf litter or soil is not to be left in piles within sight of the track.

The existing Sly Grog Track alignment, and, where located on City of Hobart land, informal track alignments leading to the F29 heritage site (see Map 1) are to be rehabilitated on completion of the new alignment. Sections may be rehabilitated prior to completion in locations that allow for recreational users to safely transition onto completed sections of the new alignment. Rehabilitation

Sly Grog Track Reroute Design & Construction Specification

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works on the existing alignment are to be undertaken in a manner that blends in with surrounds, i.e.
no excessive stacking of branches perpendicular to track alignment.

Sly Grog Track Reroute Design & Construction Specification

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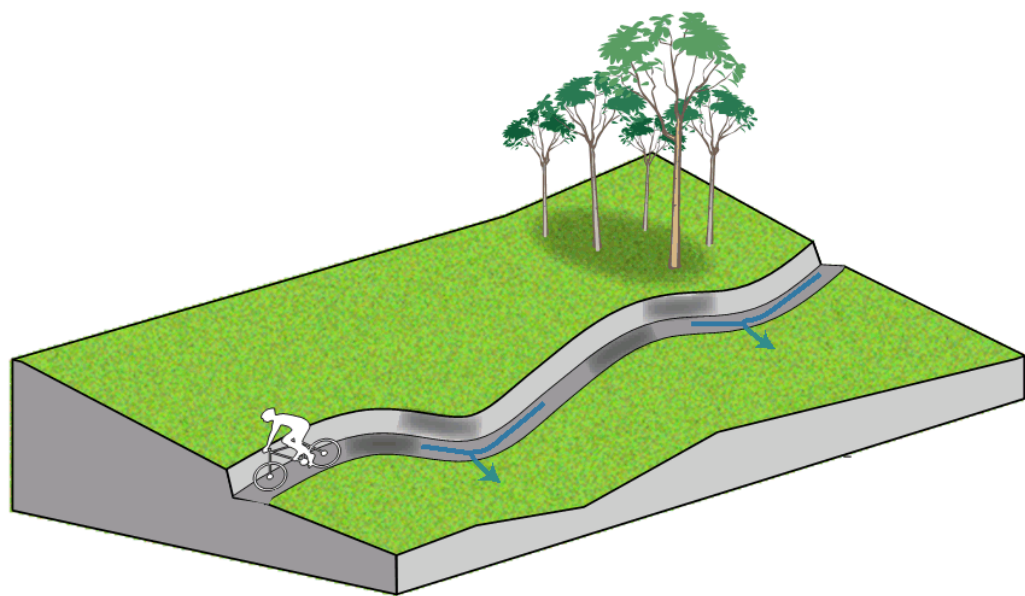
Table 1 - Track Specification: Sly Grog Track Reroute

Track component	Design criteria	References	Quantities	Costing
Class / use	Class 3 / Intermediate (Blue)	AS2156.1-2001, MTBA Trail Difficulty Rating System		
Use	Shared use			
Direction	Dual	MTBA Trail Difficulty Rating System		
Gradient	Average grade $\leq 6\%$ for 95% of track length. Max grade 15%. Track surfaces over 12-15% to be rock armoured, max section length 10m.	CoH standard details: Stone Pitching, Stone Paving.		
Crossfall	3-5% generally out sloped.	CoH standard detail: Track profiles.		
Length. All to stay within surveyed corridor.	~1070m	Map of alignment. Taping on-ground.	~1070m.	Lump sum costed as part of track surface
Width	600-900mm. Passing areas up to 1200mm as terrain permits.	AS2156.1-2001, MTBA Trail Difficulty Rating System		
Drainage lines	Rock paving to prevent scouring	CoH standard details: Stone Paving		Costed as part of track surface
Signs	2x recycled plastic posts and panels to be installed at either end, 100x300x1800mm. Posts, panels and fasteners to be provided by CoH.	CoH sign manual	2	Costed as installation only
Clearing and Rehabilitation	Environmentally sensitive clearing and rehabilitation, aesthetics, erosion.	This specification.	~1070 lm X 2m	

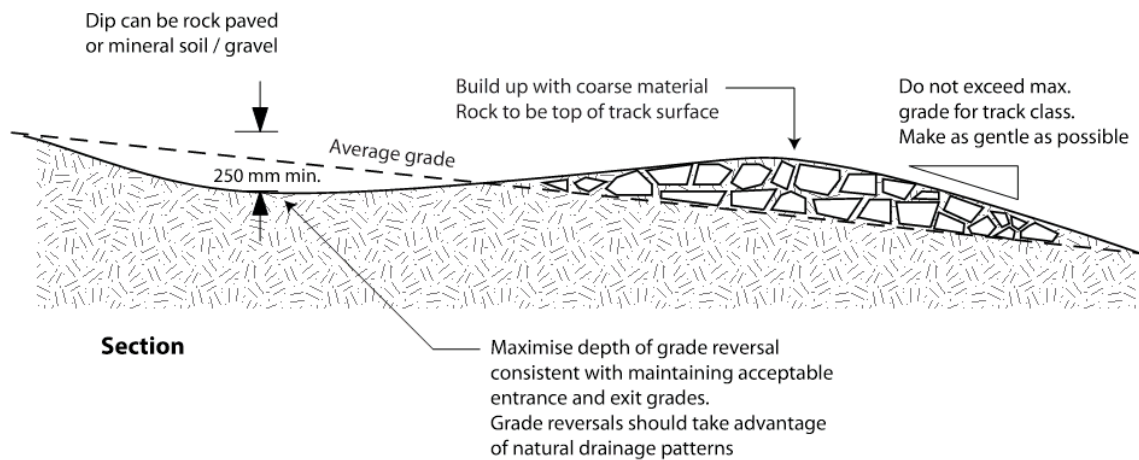
Sly Grog Track Reroute Design & Construction Specification

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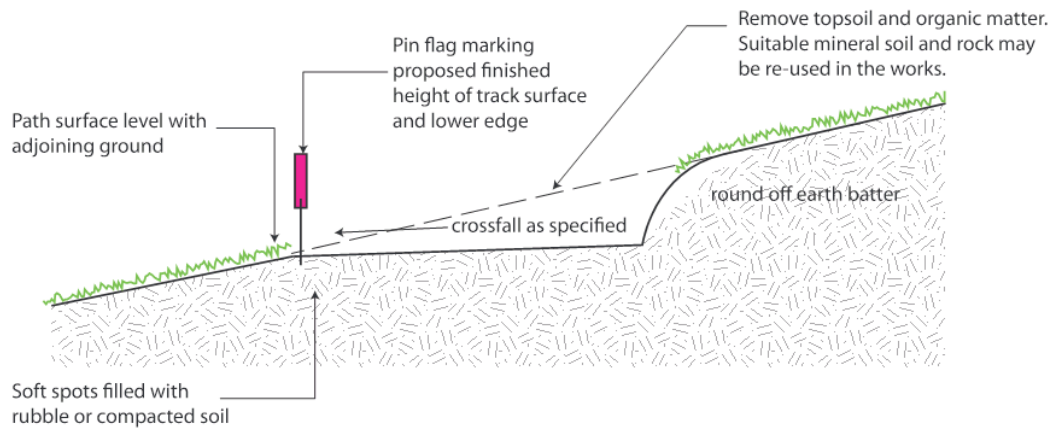
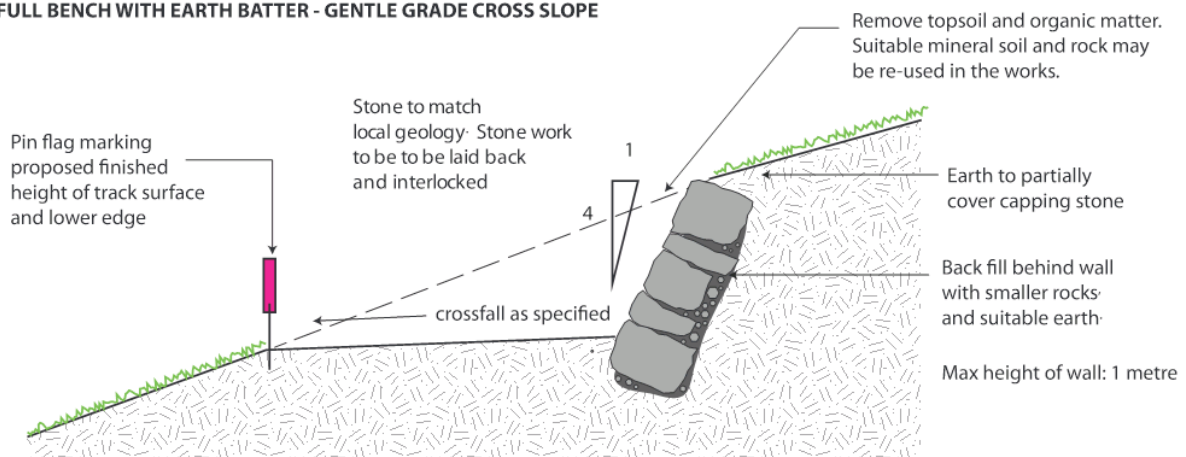
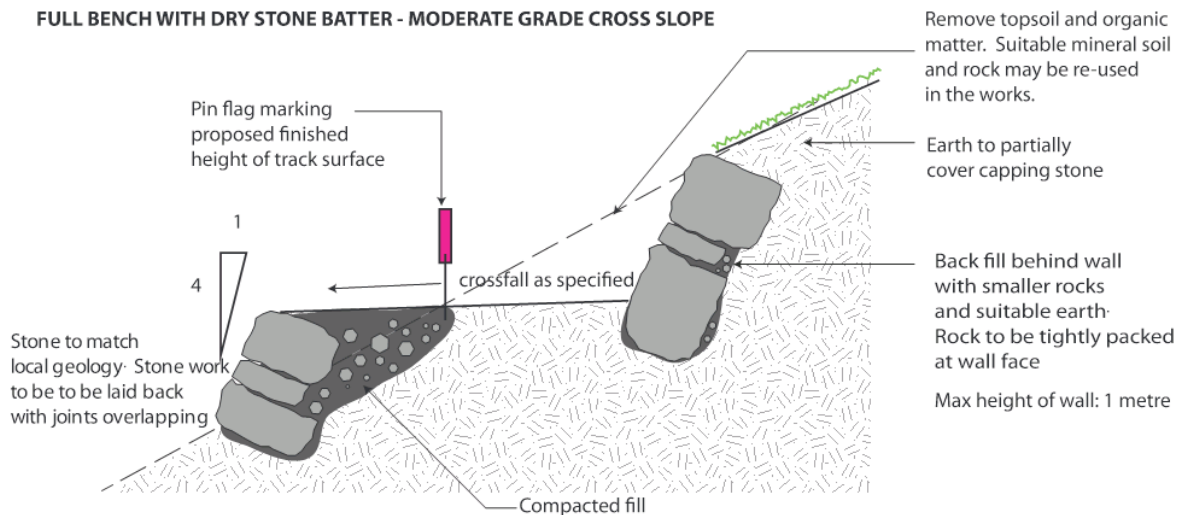
Old / habitat / dangerous trees.	Habitat / Dangerous tree identification, assessment and clearance zones	By qualified arborist, as per recognised methodology	To be identified by contractor	Price number
Main track surface	Benching, formation and local materials. Gradients over 12-15% to be rock armoured. Includes rock paving of other drainage lines	CoH standard detail: Track profiles	~1070 lm X 0.6m-0.9m	Lump sum
Rock Walling > 450mm high	Top and or bottom batter where necessary	CoH standard detail: Track profiles		Costed as part of track surface
Grade reversals / drainage	Every 10-20m. Open and gentle, incorporated into the main track design	CoH standard detail: Grade Reversal	50-100	Costed as part of track surface
Switchbacks	Alignment, siting, geometry, radius, gradients, camber, construction. Min. curve radius 2.4m.	Route alignment, CoH standard detail: Insloped Turns, CoH standard detail: Berm construction	~14	Costed as part of track surface

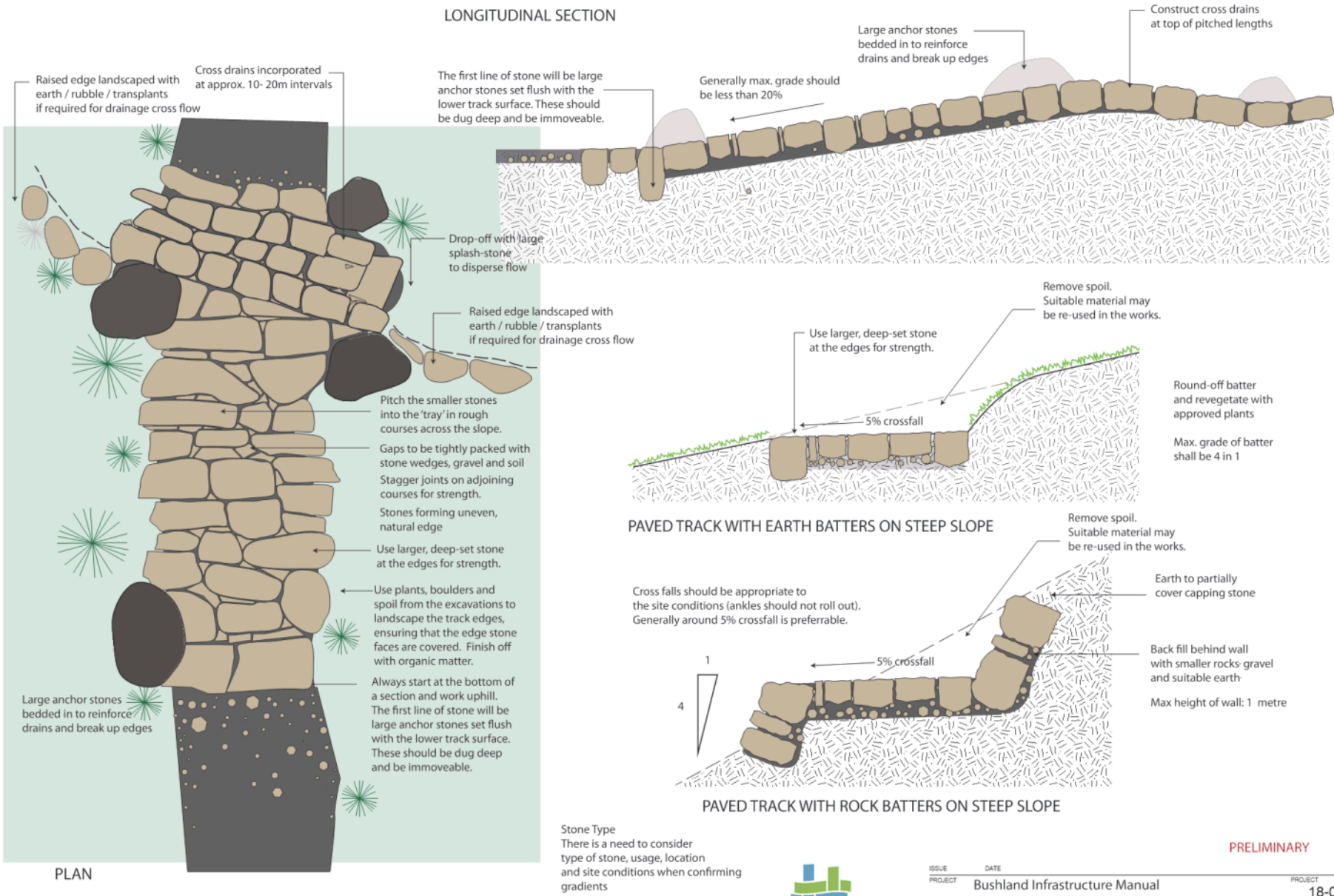


Rolling contour track with grade reversals

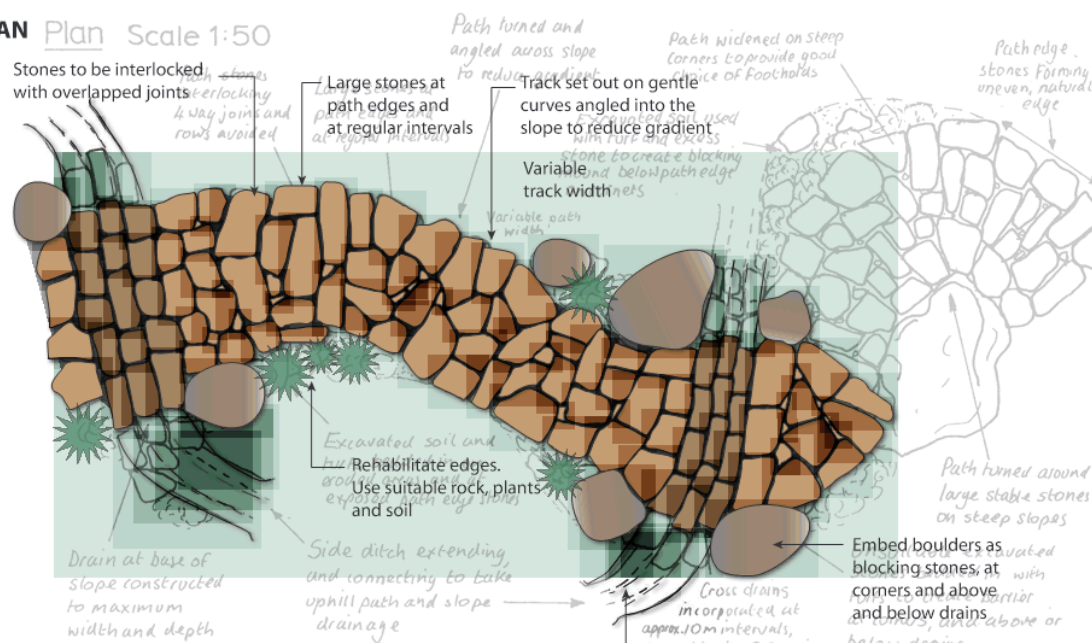


ISSUE	DATE	PROJECT
PROJECT	Bushland infrastructure manual	PROJECT
CLIENT	Bushland and Reserves	DATE 10 Nov 2020 DWG
DWG	Grade Reversals / Rolling contour track	SCALE A3
		DRAWN D Beaver
		CHKD REVISION

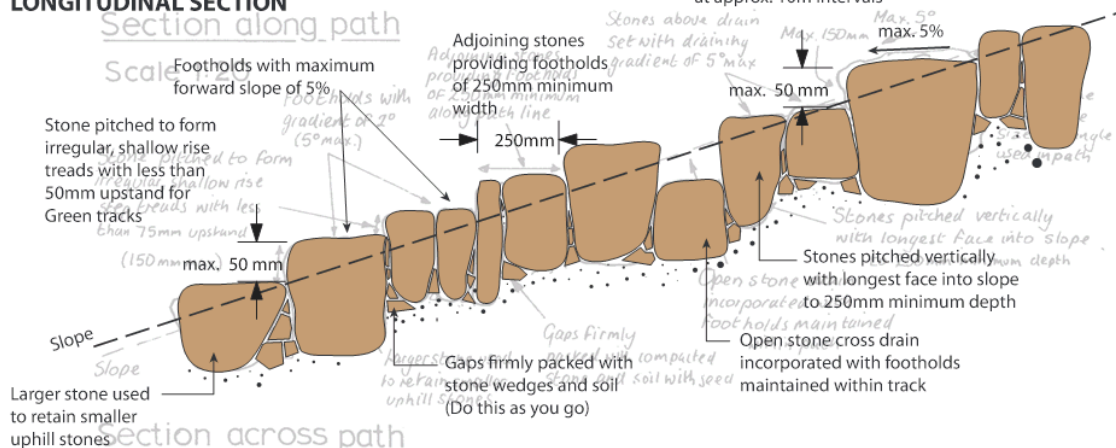
**FULL BENCH WITH EARTH BATTER - GENTLE GRADE CROSS SLOPE****FULL BENCH WITH DRY STONE BATTER - MODERATE GRADE CROSS SLOPE****PARTIAL BENCH WITH UPPER AND LOWER DRY STONE BATTERS - STEEP GRADE CROSS SLOPE OR LARGE OBSTACLE TO BYPASS**



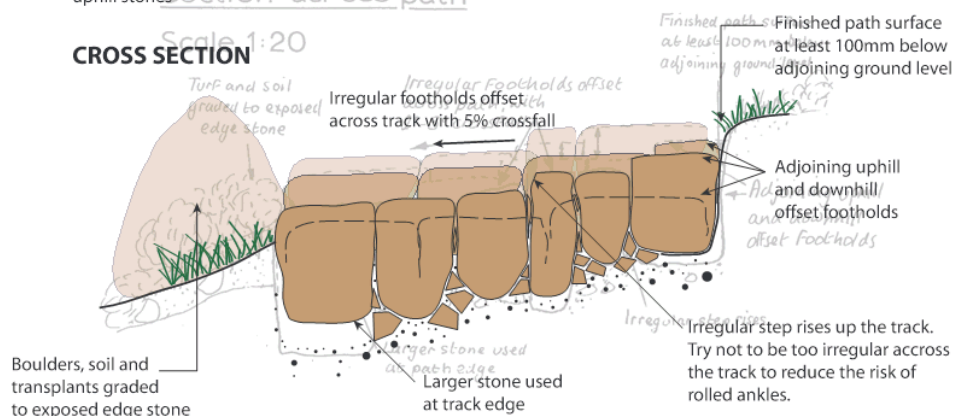
PLAN Plan Scale 1:50



LONGITUDINAL SECTION



CROSS SECTION

City of **HOBART**

ISSUE	DATE									
PROJECT	Bushland infrastructure manual			PROJECT						
CLIENT	Bushland and Reserves			<table><tr><td>DATE</td><td>2 Nov 2020</td><td>DWG</td></tr><tr><td>SCALE</td><td>A3</td><td></td></tr></table>	DATE	2 Nov 2020	DWG	SCALE	A3	
DATE	2 Nov 2020	DWG								
SCALE	A3									
DWG	Stone Pitching			<table><tr><td>DRAWN</td><td>D Beaver</td><td></td></tr><tr><td>CHECKED</td><td></td><td>REVISION</td></tr></table>	DRAWN	D Beaver		CHECKED		REVISION
DRAWN	D Beaver									
CHECKED		REVISION								

Ideal Camber Angles for Berm Style Corners

Speed into Corner km/hr	2m turn radius	3m turn radius	4m turn radius	5m turn radius	6m turn radius
	percent slope				
5	19	11	7	5	4
10	38	27	11	16	12
15	90	61	45	34	29
20	160	104	78	62	53
25	247	166	125	100	81
30	350	235	180	143	120
35	470	327	235	196	160
40	630	433	310	250	214
45	800	514	400	330	260

Key

Grade 1 <36 percent maximum
Grade 2 <70 percent maximum
Grade 3 <160 percent maximum
Grade 4 <275 percent maximum
Grade 5 <570 percent maximum

Notes:

1. Human powered bike climbing speeds (on singletrack) are typically 5-10km/hr
2. E-bike (<300W) climbing speeds (on singletrack) are typically 10-15km/hr
3. Descending speeds vary but typically speed increases with grade
4. Designers need to make an assessment of trail speed into a corner to determine berm/camber/radius requirements

Guidance Notes:

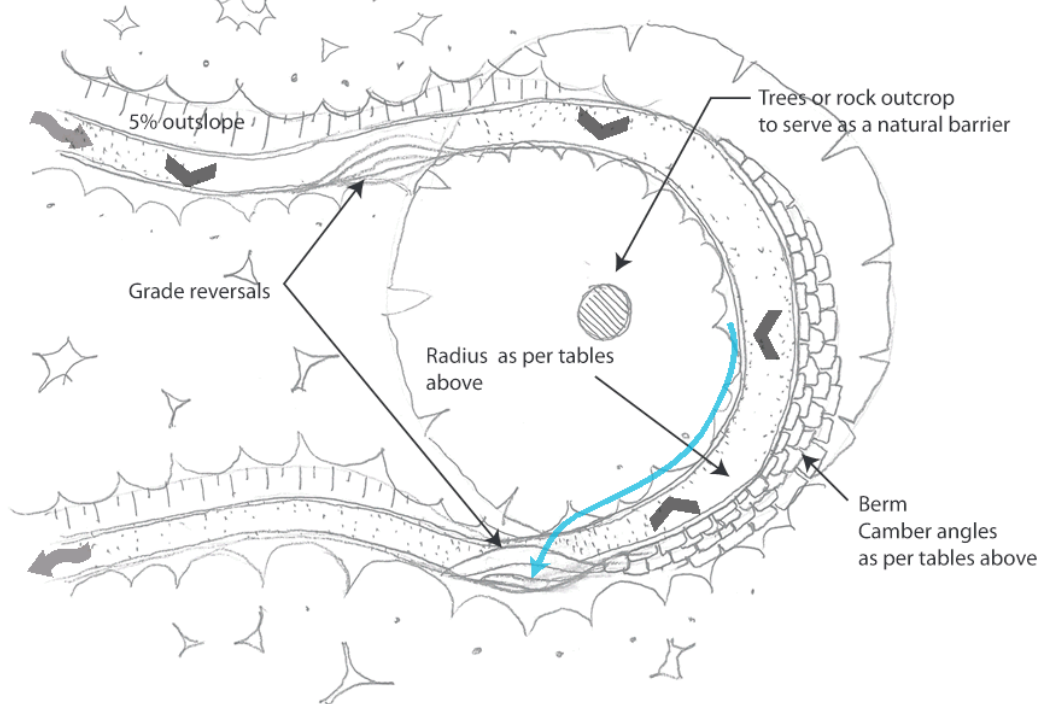
- Select locations for turns where there is room for a reasonable turn radius while minimizing the requirement for excavation and retaining walls
- Trail gradient through the turn should match the overall trail gradient, as shown in the following table:

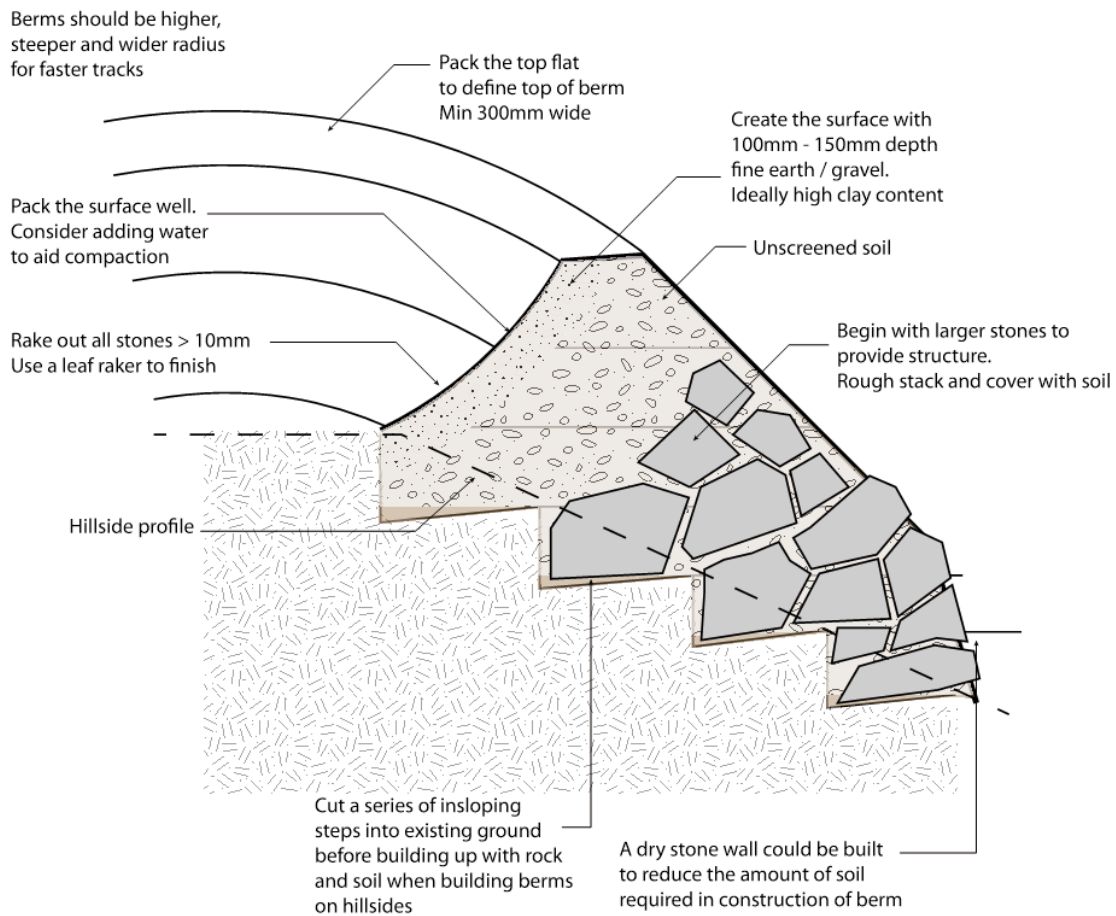
Turn Radius (m)	Average Trail Gradient (%)				
	6.1 %	8.75 %	10.5 %	17.6 %	25 %
Trail Drop (m) – entry to exit for 180 degree turn, measured at centre of ride line					
2	0.4	0.5	0.7	1.1	1.5
3	0.6	0.8	1.0	1.6	2.3
4	0.8	1.1	1.3	2.2	3.0
5	1.0	1.4	1.6	2.7	3.8
6	1.2	1.6	2.0	3.3	4.6

Key

Grade 1
Grade 2
Grade 3
Grade 4
Grade 5

Source: New Zealand Mountain Bike Trail
Design and Construction Guidelines 2018





Natural Values Assessment

For the proposed Sly Grog Track, Bicentennial Park



For City of Hobart

Version 2

February 2021

enviro-dynamics
environmental solutions for a changing world

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Natural Values Assessment for Sly Grog Track, Bicentennial Park, v 2.0 February 2021

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1. Introduction

City of Hobart proposes to reroute the existing informal 'Sly Grog' track and construct a new shared use (walking and mountain biking), dual direction track. The new Sly Grog track will be approximately 1070 m long and built to walking track class 3 and IMBA intermediate difficulty. The nominal trail width is 600 mm and the surface will be natural dirt with localised rock armouring.

This report details the results of a desktop and on-ground assessment of natural values in the survey area containing the proposed trail alignment. Assessing the ecological implications of track location, design and construction provides a basis for making recommendations to minimise impacts on significant natural values.

2. Methods

The natural values assessment was undertaken in two stages: desktop analysis and field survey. The desktop analysis involved extracting data from a variety of sources, including Natural Values Atlas (DPIPWE 2020) and LISTmap.

The field survey was undertaken by a single observer on 16th September 2020. The survey assessed natural values along the proposed track and more broadly within the survey area (a 20 m wide corridor centred on the flagged track alignment, totalling 2.7 hectares). The vegetation communities in the area were determined and mapped based on a combination of on-ground inspection and aerial imagery interpretation.

All vascular plant species encountered were recorded, with an emphasis on detecting rare and threatened species. Searches for potential threatened fauna habitat e.g. tree hollows and den sites, and other evidence (e.g. scats, diggings and tracks) were also undertaken. No species-specific fauna surveys were conducted.

Locations of threatened flora species, environmental weeds and significant trees were mapped with a smartphone app (HandyGPS). Geographic datum used for mapping was GDA94 Zone 55. Taxonomic nomenclature for flora follows the latest Census of Vascular Plants of Tasmania (de Salas & Baker 2020). Classification of vegetation communities is in accordance with Kitchener and Harris (2013) and TASVEG 4.0.

2.1 Limitations of the survey

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



Figure 1 – Location of survey area (green) in Bicentennial Park, Sandy Bay

3. Site description

The proposed track is located on the eastern slopes of Mount Nelson, commencing in the saddle between Porter Hill and Mount Nelson (Dorney House Fire Trail) at 175 m a.s.l. and ascending westward via a series of switchbacks to join the Nicholas Fire Trail at 245 m a.s.l. (Figures 1–2).

The survey area is moderately sloping, with an easterly aspect. The bedrock is Jurassic dolerite, with boulders present in places (Figure 4).

The survey area comprises freehold land, council land and council land subject to a conservation covenant.

4. Native vegetation

The vegetation is native forest, apart from two small clearings at the eastern end of the site. The site was burnt in a wildfire in 1998 and likely in earlier fires. Part of the survey site was subject to a controlled burn for fuel reduction in 2015 (LISTmap Fire History 2020).

4.1 Vegetation communities

One native vegetation community was recorded during the field survey as per the TASVEG 4.0 classification system:

- *Eucalyptus globulus* dry forest (DGL)

The distribution of vegetation communities is shown in Figure 2. A description of the native vegetation community is provided below.

Eucalyptus globulus dry forest (DGL)

This forest type occurs throughout the survey area but varies in structure and species composition between the upper and lower slope (Figures 3–6). The canopy is dominated by blue gum (*E. globulus*) throughout the site. White peppermint (*E. pulchella*) occurs at the western edge of the site in a transition zone between the DGL forest and the adjacent white peppermint forest (DPU) further upslope. The canopy trees are multi-aged and the oldest

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cohort is nearing old-growth stage, with branch and trunk hollows beginning to develop, some crown senescence and prominent fire scars.

On the lower slope there is a dense medium to tall shrub layer dominated by blanket leaf (*Bedfordia salicina*) and hop bush (*Dodonaea viscosa*) with a sparse groundcover layer of small native and exotic herbs.

On the drier upper slope the dense medium/tall shrub layer includes she oak (*Allocasuarina verticillata*), dogwood (*Pomaderris apetala*) and native cherry (*Exocarpos cupressiformis*). Smaller shrubs such as prickly beauty (*Pultenaea juniperina*) are common in the upper section. The groundcover layer is mostly sparse native grasses and herbs, with localised patches of sword sedge (*Lepidosperma laterale*).

The vegetation is in good condition with few weeds, some fallen logs, adequate eucalypt recruitment and a generally healthy canopy.

4.1.1 Conservation status of the vegetation community

Eucalyptus globulus dry forest is listed as threatened under Schedule 3A of the *Nature Conservation Act 2002* and is a High Priority Biodiversity Value under the Biodiversity Code (Section E10.0) of the *Hobart Interim Planning Scheme 2015*.

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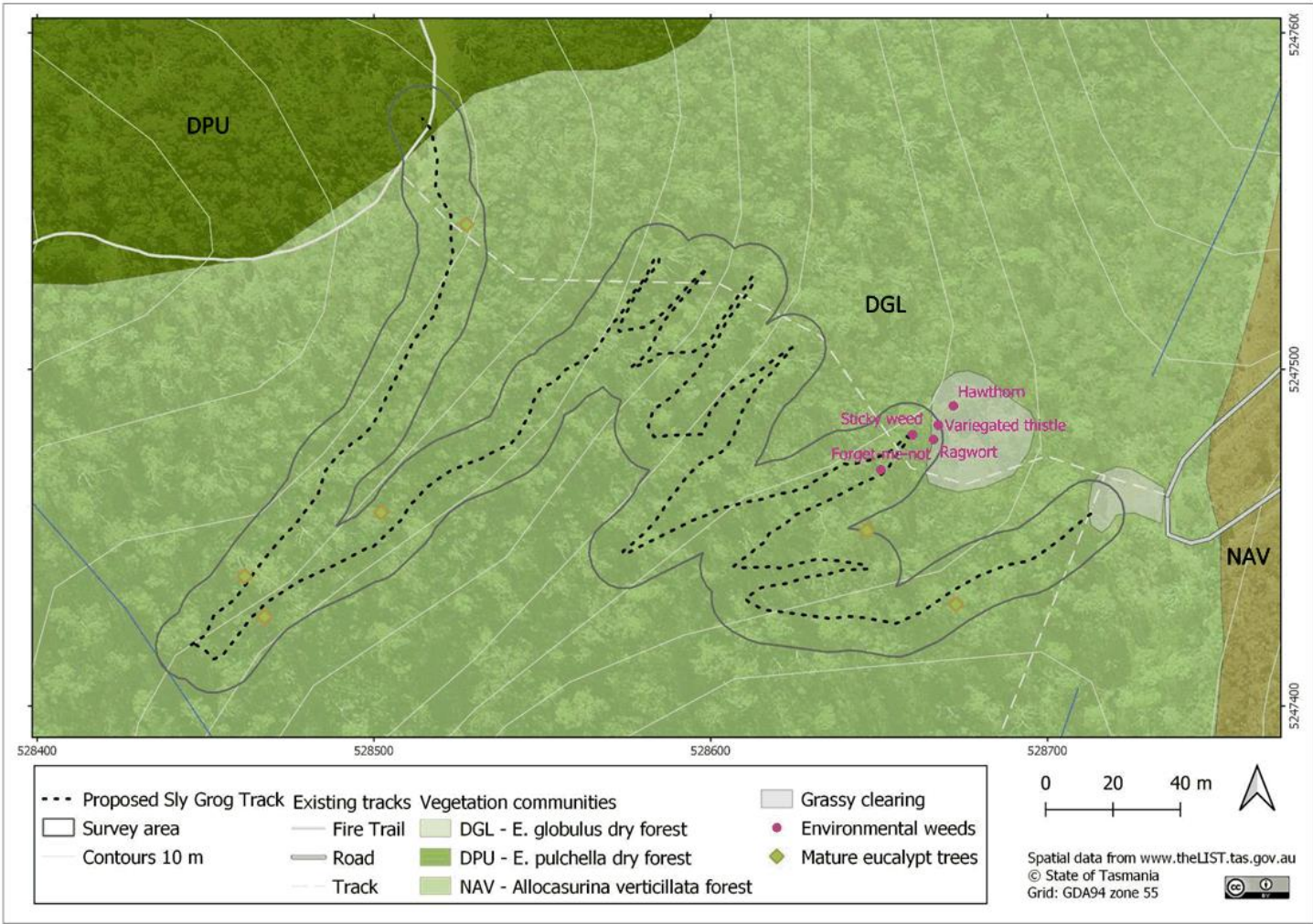


Figure 2 – Vegetation communities of the survey area, with old-growth trees and weeds mapped during survey.

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Figure 3 – Understorey of blue gum forest on upper slope

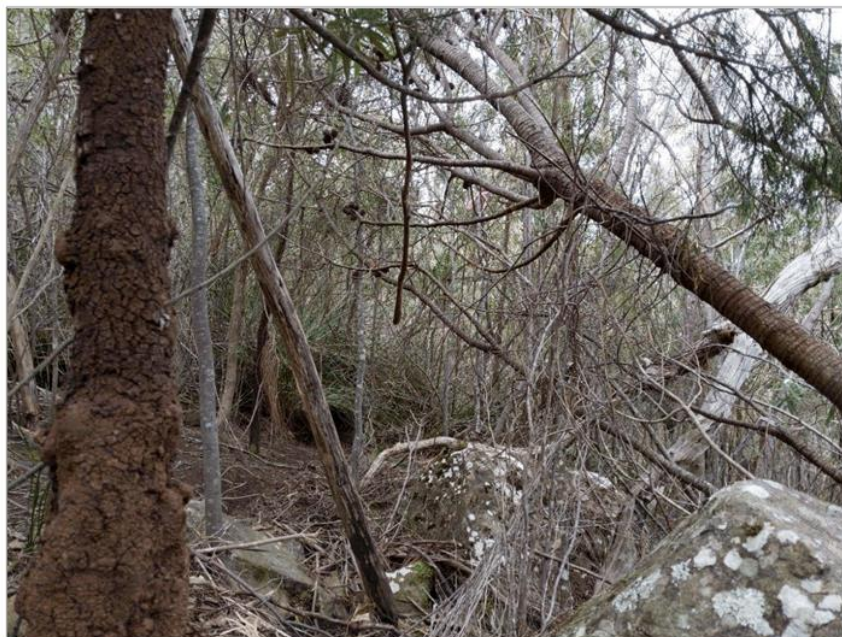


Figure 4 – Understorey of blue gum forest on middle slope with dolerite boulders

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Figure 5 – 'Understorey of blue gum forest on lower slope



Figure 6 – Blue gum forest adjacent to cleared grassy area

4.2 Flora

A total of 49 vascular plants were recorded during the survey, of which 12 are introduced species. Additional flora species may occur within the survey area but could have been overlooked due to the inherent limitations of the survey (e.g. timing). Refer to Appendix 1 for the list of species recorded on the site.

4.2.1 Threatened flora

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

A search of the Natural Values Atlas (DPIPWE database) revealed that three threatened flora species have been recorded within 500 m of the site and a total of 10 species have been recorded within 2 km since 1950 (Table 1). Prickly woodruff and lemon dogwood are unlikely to have been missed during the survey if present. Leafy fireweed and yellow eyebright would be difficult to detect during the survey due to seasonal timing. The other species listed in Table 1 are considered to have a very low likelihood of occurring in the survey area.

4.2.2 Introduced plants and pathogens

Ten introduced plant species were recorded during the survey, with most of these confined to the open grassy area (clearing) near the eastern end of the survey site.

Variegated thistle (*Silybum marianum*), ragwort (*Senecio jacobaea*) and hawthorn (*Crataegus monogyna*) are the most serious weeds present and all are confined to the clearing at the margin of the survey area. Hawthorn poses a significant risk of invading and transforming the understorey of the native forest. However, there appears to be only a single mature individual which has not produced seedlings. Variegated thistle is unlikely to spread beyond the clearing. Ragwort is the only species listed as a declared weed under the *Weed Management Act 1999* and only a single juvenile plant was observed, in grassy vegetation beside the existing track (Figure 7).

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Table 1 – Threatened flora species recorded from within 2 km of survey area (Natural Values Atlas, September 2020). Comments indicate likelihood of occurrence in project area, potential habitat and optimum timing for surveys. Records prior to 1950 omitted.

Species	Status TSPA	Status EPBCA	Comments
<i>Asperula scoparia</i> subsp. <i>scoparia</i> prickly woodruff	r		Potential habitat occurs within site.
<i>Bolboschoenus</i> <i>caldwellii</i> sea clubsedge	r		Coastal species. No suitable habitat.
<i>Euphrasia scabra</i> yellow eyebright	e		Occurs in moist open grassy areas. Possibly suitable habitat in open area in east of survey site. Best surveyed when flowering in summer. Recorded from within 500 m, but recent records are more than 500 m away.
<i>Lepidium hyssopifolium</i> soft peppercress	e	EN	Occurs on bare ground in dry grasslands, grassy woodlands and roadsides. No suitable habitat on site. Recorded from within 500 m.
<i>Pomaderris intermedia</i> lemon dogwood	r		Occurs in wet forest. Possibly suitable habitat present in damp forest in eastern part of survey site.
<i>Pterostylis wapstrarum</i> ruddy greenhood	e	CR	Occurs in grasslands and grassy woodlands. Limited suitable habitat on site. Last observed in the area in 1955. Presumed extinct in the Hobart area.
<i>Rytidosperma indutum</i> tall wallabygrass	r		Suitable habitat at western edge of site. Currently undergoing delisting. Recorded from within 500 m.
<i>Senecio squarrosus</i> leafy fireweed	r		Occurs in dry sclerophyll forest. Potential habitat within site, particularly at western end. More likely to be observed when in flower in late spring or early summer.
<i>Vittadinia burbridgeae</i> smooth new-holland-daisy	r		Prefers dry sites. No suitable habitat except possibly at western edge of survey site.
<i>Vittadinia muelleri</i> narrowleaf new-holland-daisy	r		Prefers dry sites. No suitable habitat except possibly at western edge of survey site.

Forget-Me-Not (*Myosotis* sp.) and sticky weed (*Galium aparine*) are environmental weeds capable of growing in intact native vegetation, particularly the shady understorey of damp forest. Both species occur in the forest in the east of the survey site, mostly near the clearing.

The remaining introduced species are small herbs which prefer disturbed or modified vegetation and pose little threat to the natural values of the site.

No indications of *Phytophthora cinnamomi* (Pc) infection were observed and the vegetation present is largely not susceptible to this pathogen.



Figure 7 – Ragwort (*Senecio jacobaea*) seedling in grassy clearing

4.3 Fauna

4.3.1 Threatened fauna

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

A search of the Natural Values Atlas (DPIPWE database) revealed that four threatened fauna species have been recorded within 500 m of the site and an additional six species have been recorded within 2 km since 1950 (Table 2).

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Table 2 – Threatened non-marine fauna species recorded from within 2 km of survey area (Natural Values Atlas, September 2020). Comments indicate likelihood of occurrence in project area and potential habitat. Records prior to 1950 omitted.

Species	Status TSPA	Status EPBCA	Comments
<i>Accipiter novae-hollandiae</i> grey goshawk	e		Nests in wet forest, typically in riparian areas. Unlikely to be suitable nesting habitat. May forage over site.
<i>Aquila audax</i> subsp. <i>fleayi</i> Wedge-tailed eagle	e	EN	May forage over site. Marginal nesting habitat present. Nearest known nests is 1850 m from site.
<i>Dasyurus viverrinus</i> eastern quoll		EN	Suitable foraging habitat. Potential denning habitat present, e.g. in rocky areas and fallen logs. Observed within 500 m of site.
<i>Discocharopa vigena</i> ammonite pinwheel snail	e	CR	Tiny terrestrial snail which lives under dolerite rocks. Recorded from only seven sites around Hobart, including Cartwright Creek gully, nearly 500 m south of the survey site (NVA 2020). The site is likely to be too dry to support this species, despite the presence of dolerite rocks in places.
<i>Haliaeetus leucogaster</i> white-bellied sea-eagle	v		Nests in large trees in near-coastal areas. No suitable nesting or foraging habitat.
<i>Lathamus discolor</i> swift parrot	e	CR	Species has strong association with blue gum and black gum. These trees provide potential foraging habitat. Numerous blue gums occur in the survey area, providing potential foraging habitat. The oldest blue gums appear to have not yet developed hollows suitable for parrot breeding, but it is uncertain from the ground based survey. Species observed within 500 m of site. Nearest known nesting site is 2900 m from the survey site.
<i>Pardalotus quadragintus</i> forty-spotted pardalote	e	EN	Species has strong association with white gum (<i>E. viminalis</i>). Very few white gums present in the survey area. The pardalote is locally extinct, with only one record from the area, from 1999.

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Species	Status TSPA	Status EPBCA	Comments
<i>Perameles gunnii</i> eastern barred bandicoot		VU	May forage across the site. Dense groundcover vegetation in places provides suitable shelter for this species. Observed in the clearing within 20 m of site.
<i>Sarcophilus harrisii</i> tasmanian devil	e	EN	Species may forage across the site. Possible denning habitat is present, but no evidence of dens observed.
<i>Tyto novaehollandiae</i> Tasmanian masked owl	e	VU	May forage across site. No old growth trees with large hollows suitable for nesting.

4.3.2 Threatened fauna habitat

There is suitable habitat for several threatened species in the area, including wide-ranging species such as the grey goshawk, masked owl, Tasmanian devil, eastern barred bandicoot and eastern quoll. No nest or den sites were observed during the survey.

Suitable foraging habitat for swift parrots occurs throughout the survey area, with large mature blue gums providing higher quality foraging habitat. In most cases, mature eucalypt trees in the survey area are probably not quite old enough to provide suitable nesting habitat for swift parrots and other hollow-nesting fauna but are important for future habitat. Several mature and one old-growth eucalypts were mapped during the survey (Figure 2).

5. Potential impacts of proposed works

Track construction will require clearing of some understorey vegetation and minor earthworks.

The proposed track is located in a threatened vegetation community, *Eucalyptus globulus* dry forest (DGL), which will be subject to minor modification by removal of some understorey vegetation. The community will not be reduced in extent and will retain its ecological characteristics (e.g. structure, species composition, habitat features, recruitment processes).

There is a very low likelihood of threatened flora being present and impacted.

Wide-ranging mobile threatened fauna species, such as raptors and marsupial carnivores, are likely to visit the survey area. Removal of mature trees will impact actual or potential nesting habitat for hollow-nesting threatened species such as the swift parrot.

Impacts on habitat for threatened fauna species are expected to be negligible, unless nesting or denning sites are disturbed or destroyed. However, this is unlikely since no den sites were detected during the on-ground survey and there is no need to remove old-growth trees and there are no large fallen logs on the track alignment.

Impacts on non-threatened species and other natural values is likely to be minimal given the small spatial extent of works. There may be no need to remove living or dead trees. If necessary, removal of some smaller live or dead trees (under 20 cm DBH) would have little impact on the structure and integrity of the vegetation community.

Minor excavations will be required with consequent impacts on soils and drainage. These will be confined to the footprint of the works, which at an average width of under 1.5 m (including batters on cross slopes) and a track length of around 1070 m, is expected to be less than 1500 m².

Vegetation clearing, earthworks, machinery use and importation of materials such as gravel pose a risk of introducing weeds to the area. Most of the site is free of significant weeds. Track construction works may spread weeds within the site (including seeds in soil). The plant species present have a low risk of *Phytophthora cinnamomi* (Pc) infection and standard weed hygiene measures are adequate.

6. Summary and recommendations

An on-ground survey of the proposed Sly Grog Track determined that the survey site supports the threatened vegetation community, *Eucalyptus globulus* dry forest (DGL), which also provides potential foraging habitat for the critically endangered swift parrot.

Natural Values Assessment for Sly Grog Track, Bicentennial Park, v 2.0 February 2021

The vegetation of the survey area is listed as threatened under Tasmanian legislation. No Commonwealth-listed threatened communities occur in the survey area. There is a low likelihood of threatened flora species occurring within the area.

There will be no reduction in the extent or viability of the threatened blue gum community. No known significant habitat for threatened fauna species will be impacted by the proposed works, providing trees are not removed or damaged. No significant impacts on natural values is anticipated from track construction or use by walkers and cyclists.

There is no need to alter the proposed track alignment for protection of natural values aside from ensuring adequate horizontal separation between earthworks (soil disturbance) and tree trunks. This assessment of natural values impacts, and recommendations, also applies to alternative track alignments within the survey area.

6.1 Recommendations

- Do not remove or damage any trees (> 20 cm DBH).
- Establish a buffer around larger trees (>50 cm DBH) with a minimum 2 m separation between base of trunk and nearest edge of track.
- If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately and contact DPIPW Threatened Species Section.
- Vegetation clearance and soil disturbance should be limited to the width of the track.
- Do not remove coarse woody debris from the site.
- Minimise use of importing foreign aggregates if possible. If surfacing is required, it should be sourced from a weed-free source.
- Follow standard weed hygiene procedures during track construction.
- Commence work at the top of the site and proceed in an easterly (downhill) direction to limit spread of weeds, which are localised at the lower end of the proposed track.

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- Control of Forget-Me-Not (*Myosotis* sp.) and sticky weed (*Galium aparine*) by hand pulling should be undertaken in conjunction with track construction works. Soil from areas where forget-me-not is growing should not be moved from those locations.
- Control thistles and ragwort and remove hawthorn tree from clearing at eastern end of site to reduce risk of weeds spreading from this area.

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References

de Salas, M.F. and Baker, M.L. (2019) *A Census of the Vascular Plants of Tasmania, including Macquarie Island*. Tasmanian Herbarium, Tasmanian Museum and Art Gallery, Hobart.

www.tmag.tas.gov.au

Environment Protection and Biodiversity Conservation Act 1999. Available at

<http://www.environment.gov.au/epbc>

Kitchener, A. and Harris, S. (2013). *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation. Edition 2*. Department of Primary Industries, Parks, Water and Environment, Tasmania. <https://dpiwpe.tas.gov.au/conservation/flora-of-tasmania/from-forest-to-fjaeldmark-descriptions-of-tasmanias-vegetation>

Nature Conservation Act 2002. Available at <http://www.thelaw.tas.gov.au/index.w3p>

Threatened Species Protection Act 1995. Available at

<http://www.thelaw.tas.gov.au/index.w3p>

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Appendix 1 – Plant species list for Sly Grog Track survey area

Recorder: Nick Fitzgerald

Date: 16/09/2020

e = endemic i = introduced d = declared weed

Dicotyledons

ASTERACEAE

e	<i>Bedfordia salicina</i>	Tasmanian Blanket Leaf
	<i>Cassinia aculeata</i>	Dolly Bush
	<i>Cotula australis</i>	Common Cotula
	<i>Lagenophora</i> sp.	Bluebottle Daisy
	<i>Olearia argophylla</i>	Musk
	<i>Olearia viscosa</i>	Viscid Daisy Bush
i d	<i>Senecio jacobaea</i>	Ragwort
	<i>Senecio</i> sp.	Groundsel
i	<i>Silybum marianum</i>	Variegated Thistle

BORAGINACEAE

i	<i>Myosotis</i> sp.	Forget-me-not
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BRASSICACEAE

i?	<i>Cardamine</i> sp.	
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CARYOPHYLLACEAE

i	<i>Cerastium</i> sp.	Mouse-ear Chickweed
i	<i>Stellaria media</i>	Chickweed

CASUARINACEAE

	<i>Allocasuarina verticillata</i>	Sheoak
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EUPHORBIACEAE

	<i>Beyeria viscosa</i>	Pinkwood
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FABACEAE

	<i>Pultenaea juniperina</i>	Prickly Beauty
i	<i>Trifolium</i> sp.	Clover

GENTIANACEAE

i	<i>Centaurium erythraea</i>	Common Centaury
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GERANIACEAE

	<i>Geranium</i> sp.	Geranium
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GOODENIACEAE

	<i>Goodenia ovata</i>	Parrot's Food
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MIMOSACEAE

	<i>Acacia mearnsii</i>	Black Wattle
	<i>Acacia melanoxylon</i>	Blackwood
	<i>Acacia verticillata</i>	Prickly Mimosa

MYRTACEAE

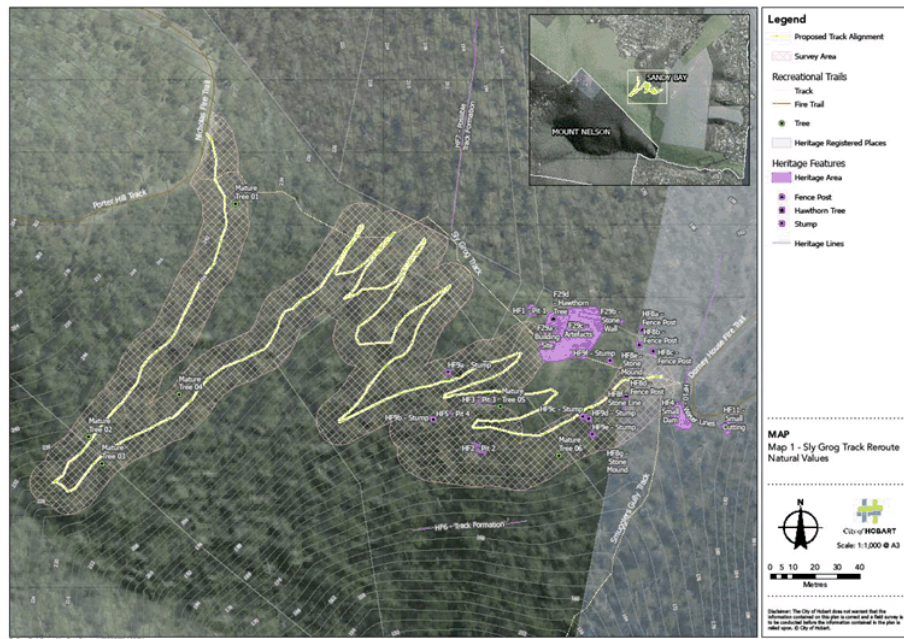
	<i>Eucalyptus globulus</i>	Tasmanian Blue Gum
e	<i>Eucalyptus pulchella</i>	White Peppermint
	<i>Eucalyptus viminalis</i>	Manna Gum

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OLEACEAE		
	<i>Notelaea ligustrina</i>	Native Olive
OXALIDACEAE		
	<i>Oxalis perennans</i>	Native Oxalis
PITTOSPORACEAE		
	<i>Bursaria spinosa</i>	Prickly Box
POLYGALACEAE		
	<i>Comesperma volubile</i>	Blue Love Creeper
RHAMNACEAE		
	<i>Pomaderris apetala</i>	Dogwood
RANUNCULACEAE		
	<i>Ranunculus sp.</i>	Buttercup
ROSACEAE		
i	<i>Crataegus monogyna</i>	Hawthorn
RUBIACEAE		
i	<i>Galium aparine</i>	Sticky Weed
	<i>Galium australe</i>	Tangled Bedstraw
i	<i>Galium sp. (murale or divaricatum)</i>	
SANTALACEAE		
	<i>Exocarpos cupressiformis</i>	Native Cherry
	<i>Exocarpos strictus</i>	Dwarf Cherry
SAPINDACEAE		
	<i>Dodonaea viscosa</i>	Hop Bush
SCROPHULARIACEAE		
	<i>Veronica calycina</i>	Hairy Speedwell
Monocotyledons		
ASPARAGACEAE		
	<i>Lomandra longifolia</i>	Sagg
CYPERACEAE		
	<i>Lepidosperma laterale</i>	Variable Sword-sedge
IRIDACEAE		
	<i>Diplarrena moraea</i>	White Flag Iris
ORCHIDACEAE		
	<i>Pterostylis pedunculata</i>	Maroonhood
POACEAE		
	<i>Ehrharta stipoides</i>	Weeping Grass
i	<i>Poa annua</i>	Annual Grass
	<i>Poa hookeri</i>	Hooker's Poa Grass
	<i>Poa labillardierei</i>	Tussock Grass
Pteridophytes		
ASPLENIACEAE		
	<i>Asplenium flabellifolium</i>	Necklace Fern

Appendix 2 – Addendum to Natural Values Report, February 2021

Minor changes to the alignment of the proposed Sly Grog Track, as advised by CoH in February 2021, involve around 30 metres of proposed track outside the previously defined survey area at the eastern end of the site (see map below). An assessment of this proposed new section of track is provided here, based on observations from the original site survey combined with interpretation of high resolution satellite imagery.



The rerouted track section is in *Eucalyptus globulus* dry forest (DGL) in an area that contains some mature trees identified during the site survey. However, there appear to be no mature/old-growth trees on the proposed new alignment.

The recommendations made previously apply to this revised track alignment. Notably, the recommendations to avoid removing trees and to provide a buffer around larger trees will protect potential swift parrot habitat and threatened vegetation community values.

Proposed Sly Grog Track Reroute, Porter Hill Sandy Bay Historic Heritage Assessment Final Report

Report to City of Hobart

Gondwana Heritage Solutions

GHS.2021.HH01

February 2021



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Revision No: 0.1
February 2021

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Executive summary

Background

The City of Hobart (CoH) is proposing to realign the existing Sly Grog Track linking Bicentennial Park and Porter Hill on the northern face and foothills of Mt Nelson at Sandy Bay.

The existing track follows a steep alignment and poses an ongoing safety and environmental risk. CoH proposes to realign the track in order to improve the safety for all users, reduce erosion and other environmental damage, and to provide a key link in the wider bushland recreational track network.

The proposed reroute will be a dual direction, shared use track with an estimated length of 1070m, an average width of 0.6m, and an average grade of 6%. In order to achieve the desired grade the proposed new track will comprise a series of switchbacks down the southern face of the spur linking Mt Nelson to the Porter Hill saddle.

The eastern end of the proposed track alignment is located within the Fort Nelson heritage site on Porter Hill, a place that is heritage registered in Table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* (ID 1202), permanently registered on the Tasmanian Heritage Register (THR-ID 8721), and is covered by Conservation Management Plan (CMP) (GHD 2007) and Conservation Covenant (D40231). The CMP and recent investigations indicate that several features of potential historic heritage significance are situated close to either the existing track or proposed realignment and CoH has requested an assessment of potential impacts on historic heritage values.

Methodology

The methodology involved desktop review of existing management documents and accessible heritage lists, online historical information and publications, including:

- Statutory and non-statutory heritage lists and databases, including the National Heritage List, Commonwealth Heritage List, Register of the National Estate, Tasmanian Heritage Register, Tasmanian Historic Places Index and Hobart Interim Planning Scheme Historic Heritage Code.
- Online historic newspapers held by the National Library of Australia
- Historic land grants and title records for title LTO XXII/89 (ex-Fisher) granted to William St Paul Gellibrand
- Hobart Gazette Valuation Rolls 1958-1890
- Accessible documents relating to Fort Nelson held by National Archives of Australia
- LIST layers including District Grant Charts and Hillshade Lidar mapping
- Published histories of Sandy Bay held by the State Library of Tasmania including Rowntree (1959), Goc (1997) and Terry (1998).
- Review of documents provided by the Client, including the Porter Hill CMP (GHD 2007) and 2020 assessment of the Hawthorn Fire Trail (Huys 2020)

Field survey was undertaken of the proposed track route based on a 10m wide corridor centred on a GPS file and flagged ground alignment, including an additional area at the east end to encompass previously recorded heritage features. Potential heritage features were recorded by written

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description and digital photography and positioned by DGPS (Trimble Catalyst) to sub-meter accuracy.

Results

Five previously recorded heritage features identified by desktop review were confirmed and re-recorded during survey. These included an 19th-early 20thC building site, a probable early-mid 20th C dam and three pits that are interpreted as possible defence manoeuvre earthworks.

Seven additional features were documented during the field survey. Two of these features comprise several elements that have been grouped together for thematic reasons. Four features identified by survey that appear to relate to non-defence activities include two possible track formations, a series of seven tree stumps and a pair of water lines. Three features considered to reflect defence use include the possible site of the 1912 works Contractors Hut, remains relating to the post-1908 subdivision fencing and one additional pit possibly relating to defence manoeuvres.

All features are listed in the following table. The significance of individual features was assessed against the criteria contained in the *Historic Cultural Heritage Act 1995* (HCH Act) referencing the statements of significance contained in the Porter Hill Conservation Plan (GHD 2007). Based on the assessment framework contained in Heritage Tasmania's *Assessing Historic Heritage Significance* (2011), features tentatively associated with Commonwealth-period (i.e. Fort Nelson-related) activities (shaded in grey below) may support the existing values assessments and arguably meet thresholds for listing on the Hobart Interim Planning Scheme Historic heritage Code (E13) and Tasmanian Heritage Register, although the majority of these features lie outside the currently listed areas.

Features interpreted as being not associated with defence activities are unlikely to meet thresholds for heritage listing at Local or State levels. Regardless of their significance level, all identified features contribute to understanding the history of the land.

Table of Results: Historic features identified/confirmed by survey within or adjacent to study area

Feature_ID	Condition	Significance rank	Management
F29a - Building site	Poor	Medium	Retain in situ. No ground disturbing activities. Close existing tracks.
F29b - Stone wall	Poor	Medium	Retain in situ. No ground disturbing activities. Close existing tracks.
F29c - Artefact scatter	Poor	Medium	Retain in situ. No ground disturbing activities. Close existing tracks.
F29d - Hawthorn	Good	Low-Medium	Retain if feasible. Remove only if demonstrably essential to prevent bushland infestation.
HF1 - Pit 1	Fair	Medium-High	Retain, no ground disturbing activities.
HF2 - Pit 2	Fair, overgrown	Medium-High	Avoid and retain in situ. No ground disturbing activities.
HF3 - Pit 3	Fair, overgrown	Medium-High	Avoid and retain in situ. No ground disturbing activities.
HF4 - Small dam	Fair	Low-Medium	Maintain or upgrade as required.
HF5 - Pit 4	Fair, overgrown	Medium-High	Avoid and retain in situ. No ground disturbing activities.

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HF6 - Track formation	Fair-Poor	Low-Medium	Outside study area, not impacted
HF7 - Possible track formation	Poor	Low	Outside study area, not impacted.
HF8a - Fence post	Fair, still standing	Medium	Retain in-situ.
HF8b - Fence post	Poor, charred and collapsed	Medium	Retain in-situ.
HF8c - Fence post	Poor, broken and displaced	Low-Medium	Retain in-situ or relocate upslope to property boundary.
HF8d - Fence post	Poor, weathered with charred end, collapsed	Medium	Retain in-situ.
HF8e - Stone mound	Fair	Medium-High	Retain in situ. No ground disturbing activities.
HF8f - Stone alignment	Fair	Medium-High	Retain in situ. No ground disturbing activities. Re-route track a few metres to south to avoid visible stones.
HF8g - Stone mound	Fair	Medium-High	Retain in situ. No ground disturbing activities.
HF9a - Tree stump	Fair, charred	Low-Medium	Avoid and retain if feasible.
HF9b - Tree stump	Poor, charred and hollowed	Low-Medium	Avoid and retain if feasible.
HF9c - Tree stump	Poor, charred and hollowed	Low	Avoid and retain if feasible.
HF9d - Tree stump	Poor, charred and hollowed	Low-Medium	Avoid and retain if feasible.
HF9e - Tree stump	Fair, charred and partially hollowed	Low-Medium	Avoid and retain if feasible.
HF9f - Tree stump	Fair	Low	Avoid and retain if feasible.
HF10 - Water lines	Fair-Good	Low	Retain, upgrade or remove as required.
HF11 - Small cutting	Poor	Medium	Outside study area, not impacted.

Heritage management recommendations

Managing impacts associated with construction and use

The lower half of the proposed new track alignment passes close to several historic features, including excavated pits (HF2, HF3, HF5), small dam (HF4), tree stumps (HF9a-e) and features deemed to be associated with the c. 1908 boundary fence (HF8d-f). It is possible to avoid all of these features with minor adjustments of the track alignment. While these features range in significance, they all contribute to understanding the history of land use within the study area and should be retained wherever possible.

Recommendation 1

Undertake minor adjustments of the proposed track alignment to avoid all features identified in this report. Individual features should be protected during track construction within temporary 2m radius flagged exclusion zones.

Several features, including boundary items HF8a-f occur within the area covered by the THR listing, HIPS Historic Heritage Code and Conversation Covenant for Porter Hill. Works within this area requires specific heritage and planning approval and Ministerial authorisation.

Recommendation 2

All works within the THR, HIPS and covenant area must accord with the policies and strategies outlined in the relevant management documents, with approvals being obtained prior to works.

Managing impacts associated with existing use

Existing use compromises the historic heritage values in several ways. The main access track and a smaller informal side track pass through the F29 complex, creating additional wear on remaining structural fabric and trampling and eroding cultural deposits. There is evidence of artefact dispersal and fossicking, which further diminished the archaeological potential of the site. Permanently closing the existing tracks is necessary to manage the ongoing impacts of pedestrian and bike usage and reduce the risk of fossicking.

Recommendation 3

The existing walking track and sections of informal tracks on CoH-owned land leading to or through the F29 complex should be permanently closed and rehabilitated.

Ongoing pedestrian and bike movement through the F29 area also increase the likelihood that environmental weeds present within the F29 clearing, including thistles and hawthorn, may be spread into adjacent bushland, resulting in pressure to remove potentially significant examples such as F29d and relict plantings, which should be retained subject to monitoring of invasive effects.

Recommendation 4

The hawthorns at the 19th century occupation site (Feature 29) shall be retained in situ. Hawthorns and other environmental weeds that have naturalised into the surrounding land may be removed using techniques that avoid ground disturbance, as per the recommendations contained within the Porter Hill Conservation Plan Policy 4.

Signage and interpretation

The Porter Hill Conservation Plan recommends interpretation of public-access areas covering relevant heritage themes. Such interpretation should be subject to an Interpretation Plan for Porter Hill that considers the potential risk associated with drawing attention to sensitive sites, such as the F29 complex.

Recommendation 5

Directional signage should be installed at the ends of the new shared use track and as required for wayfinding. If interpretation signage is to be installed, a formal interpretation Plan should be prepared to guide the development of content and placement of any signs dealing with historic heritage themes.

Managing Unanticipated Discoveries

There is low theoretical potential for additional historic heritage features to be encountered during the proposed activity. Notwithstanding, any new discoveries of structures or artefacts should be

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considered significant until proven otherwise and managed according to the precautionary principle. The Porter Hill Conservation Plan (GHD 2007: 54) advocates City of Hobart staff be trained in historic site recognition, recording and auditing in preference to the engagement of external consultants. This recommendation is supported, subject to external advice being sought where and when required.

Recommendation 6

Any new discoveries of potential historic heritage significance should be immediately protected within a works exclusion zone of suitable size to protect the feature and reported to the City of Hobart Senior Cultural Heritage Officer for a determination on management requirement.

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1. Introduction

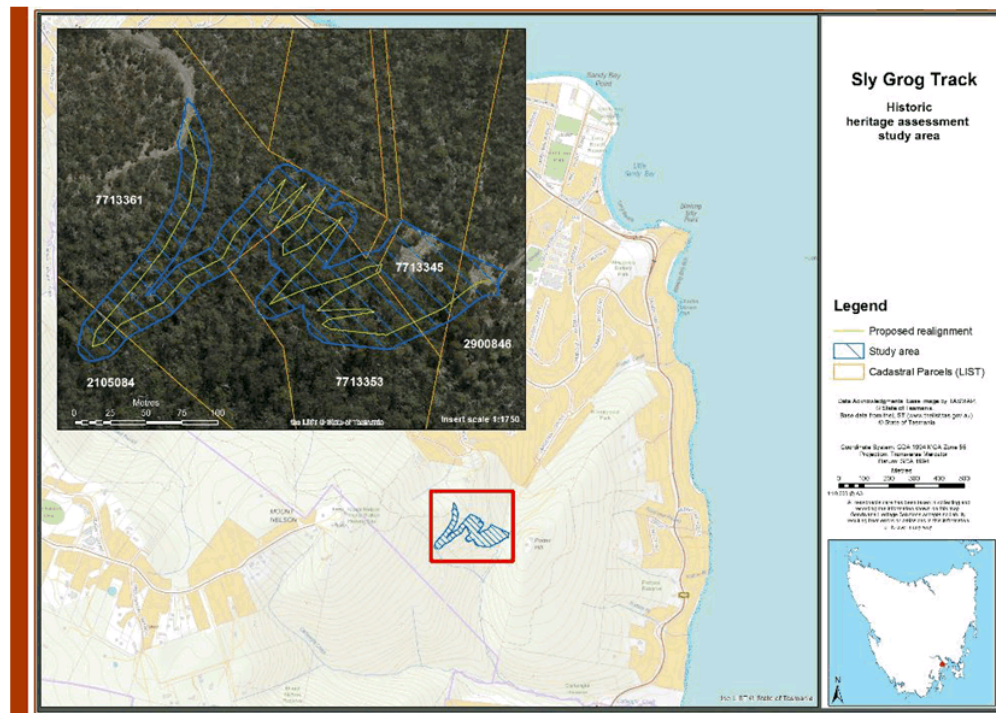
1.1 Background

The City of Hobart (CoH) has established a network of tracks and fire trails within Bicentennial Park and Porter Hill, areas of Council-owned land spanning the northern face and foothills of Mt Nelson at Sandy Bay. Connecting the two areas has been identified as a key link for recreational users, allowing access between the reserves for residents of Lower Sandy Bay, Taroona and Mount Nelson.

An existing track, the Sly Grog Track, is a shared use track located on the eastern slopes of Bicentennial Park. The existing track follows a steep alignment and poses an ongoing safety and environmental risk. CoH proposes to realign the track in order to improve the safety for all users, reduce erosion and other environmental damage, and to provide a key link in the wider bushland recreational track network.

The proposed track alignment runs between Nicholas Fire Trail in Bicentennial Park, and Dorney House Fire Trail on Porter Hill (Figure 1.1). The proposed reroute will be a dual direction, shared use track with an estimated length of 1070m, an average width of 0.6m, and an average grade of 6%.

Figure 1.1: Study area location



The land within the track study area steepens westwards, averaging 11° for the first half and 19° for the second half to a maximum of 30°. In order to achieve the desired grade the proposed new track will comprise a series of switchbacks down the southern face of the spur linking Mt Nelson to the Porter Hill saddle.

The eastern end of the proposed track alignment is located within the Fort Nelson heritage site on Porter Hill, a place that is heritage registered in Table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* (ID 1202), permanently registered on the Tasmanian Heritage Register (THR-ID 8721), and is covered by Conservation Management Plan (CMP) (GHD 2007) and conservation covenant (D40231). The CMP and recent investigations indicate that several features of potential historic heritage significance are situated close to either the existing track or proposed realignment and CoH has requested an assessment of potential impacts on historic heritage values.

Gondwana Heritage Solutions was engaged to undertake the historic heritage assessment of the proposed shared-use track as per the following methodology.

1.2 Study process

1.2.1 Scope and aims

The assessment was carried out in response to a request for services from City of Hobart titled *Sly Grog Track Reroute - Historic Cultural Heritage Assessment Specification* (nd – the Brief). The brief defines the scope for the study as comprising the following tasks:

- Undertake desktop analysis and field survey of the indicated area. The survey is to identify and map the location of any known and previously unknown historic cultural heritage sites and artefacts within these areas.
- Identify and confirm the level of significance of any sites, artefacts and features with a particular focus on the area within the Fort Nelson heritage site.
- Identify the extent of the F29 location, and possible relationship to the other sites, artefacts and features in the vicinity.
- To provide expert advice in regards to the significance of identified sites, artefacts and features, as well as to identify or recommend whether the proposed track alignment should avoid the site, artefact or feature, and by what distance.
- If required, where significant areas are otherwise unable to be avoided and track construction and use would adversely affect any significant area(s), confirm any and all required planning approvals.
 - Further, as necessary, recommend required modifications to track construction and/or alignment (e.g. buffer zones) that would reduce heritage risk to an acceptable level.

1.2.2 Desktop review

The desktop assessment was confined to examining publically accessible online and published information sources and has not involved research of paper records. Information sources consulted include the following:

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- Statutory and non-statutory heritage lists and databases, including the National Heritage List, Commonwealth Heritage List, Register of the National Estate, Tasmanian Heritage Register, Tasmanian Historic Places Index and Hobart Interim Planning Scheme Historic Heritage Code.
- Online historic newspapers held by the National Library of Australia (<https://trove.nla.gov.au/newspaper/>)
- Historic land grants and title records for title LTO XXII/89 (ex-Fisher) granted to William St Paul Gellibrand
- Hobart Gazette Valuation Rolls 1958-1890 (<https://stors.tas.gov.au/rd/hobartvaluationrolls/AUTAS001131077547>)
- Accessible documents relating to Fort Nelson held by National Archives of Australia (<https://recordsearch.naa.gov.au/SearchNRRetrieve/Interface/ListingReports/ItemsListing.aspx>)
- LIST layers including District Grant Charts and Hillshade Lidar mapping
- Published histories of Sandy Bay held by the State Library of Tasmania including Rowntree (1959), Goc (1997) and Terry (1998).
- Review of documents provided by the Client, including the Porter Hill CMP (GHD 2007) and 2020 assessment of the Hawthorn Fire Trail (Huys 2020)

1.2.3 Field survey

The proposed track realignment runs downhill from the Nicholas Fire Trail and is primarily encompassed within two Council-owned blocks (PID 7713361 and 7713353) that adjoin the north-eastern end of Bicentennial Park. The track alignment extends into the park (PID 2105084) for a distance of c. 40m on the southern side and through another small council-owned block (PID 7713345) at the downhill, eastern end for a distance of c. 30m before crossing into the Porter Hill heritage site Bushland Zone (PID 2900846) for c. 35m to connect with the Fort Nelson access road.

The study area for field assessment comprised a 20m wide corridor centred on a GPS alignment for the proposed track provided by the Client and which was flagged on the ground. It was found during survey that the flagged alignment departed from the GPS alignment in several instances, so the ground survey attempted to cover both options. The 20m track corridor survey area was expanded northwards at the downhill end to run along the boundary with private land (PID 7713329). The total survey area was 1.85 ha.

The survey method involved return pedestrian transects along the proposed track corridor with meandering infills to cover the expanded downhill area and to investigate features identified during previous investigations and works and targets identified from the desktop study. Linear features were followed for a suitable distance outside the survey corridor to clarify their relationship with the study area and allied heritage significance.

Potential heritage features were recorded by written description and digital photography and positioned by DGPS (Trimble Catalyst) to sub-meter accuracy.¹

¹ Potential accuracy of 0.3-0.5m², however this was affected by vegetation cover.

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1.2.4 Aboriginal heritage values

No assessment for Aboriginal heritage values was undertaken as part of this study. CoH has undertaken separate consultation with Aboriginal Heritage Tasmania, which carried out desktop assessment and advised that a field survey was not required.²

² Mischa Pringle pers com 10/12/2020

2. Site description

2.1 Geology, physiography and soils

The study area is situated within an area of Jurassic dolerite terrain that extends from Fern Tree in the west to Tarooma in the east and from Dynnyrne in the north to Kingston in the south. The main sheet is believed to be c. 350-400m thick and was intruded into Permo-Triassic sediments from a centre in the Ridgeway-west Tolmans Hill area (Leaman 1997: 15). The Mt Nelson sheet represents a different intrusion to the larger mass capping the Wellington Range, and has been further separated from it by normal faulting associated with formation of the Derwent Graben during Cretaceous-Tertiary continental extension associated with the separation of Tasmania from Antarctica (Quilty *et al* 2014: 412).

Subsequent erosion has fully stripped the original sedimentary capping and dissected the upper portion of the dolerite sill, exposing dolerite sheet-rock and talus over the area. The dolerite terrain features two main topographic highs; a western line of hills at ridgeway peaking at Badger Hill (340m elevation) and an eastern range up to 340m elevation extending from Bonnett Hill to Mt Nelson. The dolerite ranges are separated by Vincents Creek which drains south to Kingston Beach. The north side of the hills are drained by a series of northeast trending streams, including Sandy Bay Rivulet, Procters Creek, Rifle Range Rivulet, Lambert Rivulet, manning Rivulet, Lipscombe Rivulet, Wayne Rivulet and Folder Creek. To the south, the Mt Nelson line of hills are drained by a series of south-east flowing seasonal streams, the northern most being Cartwrights Creek.

The study area is located on the eastern slopes of Mt Nelson, the northernmost of the eastern range of dolerite peaks, which descends to a saddle separating Folder Creek and Cartwright Creek at c. 170m elevation before rising again to 200m elevation at Porter Hill from where the land falls again to the coast.

Soils on the east side of Mt Nelson have been divided into two classes, the demarcation following the watershed between the north and south-flowing drainages. On the northern side, soils are classified as black soils (vertic black dermosols) on dolerite forming part of the Belmont Group. These soils comprise a black clay loam or clay with granular texture which is subject to shrinkage and deep cracking during dry weather. The soils are stony and mobile on steeper slopes (Spanswick & Kidd 2000: 8).

Soils to the south are classified as podzolic chromosols on dolerite forming part of the Eastfield Group, largely due to the higher rainfall the southern facing slopes receive. Surface soils are typically grey-brown sandy loams over a bleached (podzolised) subsurface clay which may contain ferruginous gravel, although on steeper colluvial dolerite slopes shallow texture contrast soils without a developed A2 are common (Spanswick & Kidd 2000: 12). Soils within the 20m track survey corridor are transitional between these two end-classifications, comprising thin skeletal soils with minimal A1 and A2 development covered by dolerite scree/boulder deposits at higher elevations, with black cracking clay soil being restricted to the saddle between the north and south watersheds at the eastern end of the study area.

2.2 Vegetation

The following vegetation summary is based on the Envirodynamics report for the proposed track realignment (Welling 2020).

The dominant vegetation classification is *Eucalyptus globulus* dry forest. The canopy is dominated by bluegum (*E. globulus*) with white peppermint (*E. Pulchella*) increasing upslope. The lower slopes contain a dense understorey shrub layer comprising blanketleaf (*Bedfordia salicina*), hopbush (*Dodonea viscosa* (hopbush) with a sparse groundcover of native and introduced grasses and herbs. Clearings at the eastern end contain a range of introduced weeds, including white hawthorn (*Crataegus monogygyna*), Forget-Me-Not (*Myosotis sp.*), sticky weed (*Galium aparine*), variegated thistle (*Silybum marianum*) and ragwort (*Senecio jacobaea*).

Upslope the shrub layer is dominated by drooping sheoak (*Allocasuarina verticillata*), dogwood (*Pomaderris apetala*), native cherry (*Exocarpos cupressiformis*) and prickly beauty (*Pultenaea junipera*) with a groundcover of native grasses, herbs and localised saggys (*Lomandra longifolia*) and sword sedge (*Lepidosperma laterale*) (Welling 2020: 4).

The canopy trees are multi-aged, with evidence of selective timber getting and a history of bushfires and is mostly post-1967 regrowth. The site was burnt in a wildfire in 1998 and parts of the survey area were subject to a fuel reduction burn in 2015 (Welling 2020: 3)



Figure 2.1: Clearing at lower end of existing and proposed track at junction with Fort Nelson Rd.

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Figure 2.2: Clearing around previously recorded heritage site, bisected by current track



Figure 2.3: Dogwood understory regrowth on steeper western slopes

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Figure 2.4: Dolerite boulder and scree deposit on steeper western slopes at apex of westernmost switchback

3. Historical land use

3.1 Thematic historical outline

3.1.1 Alcohol and taxation in Van Diemen's Land

Beginning in 1800 in New South Wales and from 1803 in Van Diemen's Land, tariffs on certain imports were levied as a major source of colonial revenue. Spirits and wine were the main items subject to importation tariffs but tobacco and some other products were also taxed. Up until 1825 the tariffs on imported spirits and wine were determined by the Colonial Office. After 1825 the rates were determined by the British Parliament under the *Duties in New South Wales Act 1822*, although in practice it appears that Colonial administrators operated with considerable flexibility. The situation changed with the establishment of Responsible Government in 1856, at which point the Tasmanian Parliament set its own tariff system for alcohol imports. Responsibility for state customs tariffs passed to the Commonwealth of Australia with the passage of the *Customs Act 1901*.

Prior to 1825, while Van Diemen's land was administered as a colony of NSW, imported alcoholic beverages were taxed at a scale of rates which rose and fell according to Colonial revenue requirements: spirits and other strong drinks ranging from 1 shilling per proof gallon up to 10 shillings and wine at 6 pence per gallon. The first measure to affect Van Diemen's land, a proclamation on 8 August 1804, charged one shilling per gallon on spirits coming from the eastward of the Cape of Good Hope, while spirits landed from any English or foreign vessel paid double duty plus an *ad valorem* tax of 5%. The government also fixed the wholesale selling price at 6s per gallon (Mercury 16 May 1874).

Adding to the cost for colonial consumers, the British Parliament introduced an excise duty of 2S 6d per proof gallon on spirits produced in New South Wales (which included Van Diemen's land) in 1821. Imported beer was not subject to customs tariffs in Van Diemen's Land, however a general excise on beer was introduced in 1880 (Lloyd 2014: 4).

In April 1828, Lt Governor Sir George Arthur issued a further proclamation raising the excise on Tasmanian-made spirits by 1s to 3s 6d per proof gallon, tariffs on British and West Indian spirits increased by 1s 6d to 7s 6d per gallon, while other foreign spirits increased by 2s 6d to 10s per gallon (Colonial Advocate and Tasmanian Monthly Review 1 April 1828).

An *ad valorem* tax was imposed on all imported goods into Van Diemen's land in 1829 at multiple rates, including 5% on sugar, 15% on wine and 10% on all other goods (Lloyd 2017: 12). Further hikes were proposed in 1831, including a tax on beer made from sugar (Hobart town Courier 1 October 1831). Excise on domestic distilled spirits was raised again in 1836 following the passage of the *Act for Regulating Distilleries* (Geo IV. No 14)³ that set the tax rate at 4s per gallon, which was subsequently reduced by Proclamation to 2s following protest by distillers, a figure that persisted until 1850, at which point the tariff on British produced rum was 9s per gallon while Brandy was taxed at 12s. (Cornwall Chronicle 23 January 1850).

The enduring problem for the Colonial and later State government was that the more customs tariffs were raised on imported spirits and excise reduced for domestic spirits, the more smuggling increased or the merchants and publicans watered down the import with domestic product, charging

³ *An Act For The Regulation Of Distilleries And For Imposing Duties On Spirits Distilled Therein* (6 Will IV, No 14)

the consumer the higher price and defrauding the Revenue into the bargain. Either way, businesses couldn't lose and the Government couldn't win. Notwithstanding the gross inequities and inefficiencies of the alcohol customs and excise system, taxes on (legally) imported alcohol and tobacco accounted for more than 50% of Tasmanian customs revenue until well after 1850 (Lloyd 2017: 16-17). In 1872, out of £140,000 raised by Customs, £37,000 was raised from spirits, £2000 from wines and £21,000 from tobacco (Mercury 12 September 1872).

3.1.2 Alcohol smuggling

Despite their addiction to tax revenue, Colonial and later Tasmanian governments were keenly aware of the stimulus higher taxes gave to smuggling and illicit distilling and adulteration, which would both erode long-term finances and potentially introduce dangerous substitutes. In general however the desire for fast revenue won out, meaning the enticement to illegal practices remained ever present, something the combined authority of Customs Officers, Police and the Courts were largely powerless to suppress. For many publicans and mariners, fines and seizures were considered mere occupational hazards. As an added inducement for risk-taking it was possible for a receiver fearing discovery to apply for a Permit and, by paying the customs in arrears, keep the alcohol and escape prosecution as legally as if obtained through the formal bond process (Hobart Town Courier 4 July 1829).

Few accounts of smuggling in Van Diemen's land prior to 1814 are available due to the lack of press, although in 1874, a newspaper correspondent recalling the early days of settlement recounted "A good deal of smuggling was also done with the few vessels that called here. Chiefly from Port Jackson [Sydney], which greatly increased the mischief, and many places where spirits were sold under the rose, were early established." (Mercury 16 May 1874).

In one notable early case, 2,400 gallons of arrack was smuggled from the ship *Argo* in 1814, ending up at a public house owned by A. Whitehead. The spirits were conveyed by boat during the night by Denis McCarty to Cornelian Bay, during where they were intercepted by a military party whom they attempted to bribe with an offer of a £50 order on James Lord (Van Diemen's Land Gazette and General Advertiser 18 June 1814). The casks were transported from Cornelian Bay to Whitehead's hotel by bullock cart assisted by "a great many people...some were white men and some were black men...". No permit had been granted to allow the *Argo* to land spirits and both the spirits and ship were seized by the Crown and sold at public auction.

Sixty gallons of spirits was seized by police at the Jolly Sailor public house in Liverpool street owned by Richard Hazard having been smuggled ashore from an unknown vessel in the harbour (Hobart Town Gazette and Southern Reporter 21 March 1818). On 4 September 1821 the master of the ship Brixton was fined £100 for a breach of the port regulations by allowing two casks of spirits and one of gunpowder to be landed without authorisation. The Wharfinger and receiver were gaoled and the contraband sold at public auction (Hobart Town Gazette and Van Diemen's Land Advertiser 8 September 1821).

In mid-1825 duties on imported tobacco, spirits and merchandise reduced from 4 shillings per pound to one shilling, the Hobart Town Gazette noting "The former high duty operated as a direct encouragement to the illicit traffic, which has been so general, and which no system of prevention, however well organised, could counteract" (Hobart Town Gazette 16 July 1825). The reduction in tax was considered likely to "destroy almost every stimulus to illicit importation" although the retention

of the excise on colonial spirits was considered likely to stultify local distilling (Hobart Town Gazette and Van Diemen's Land Advertiser 18 February 1825).

Subsequent increases in tax put paid to the Gazette's hopes regarding the death of smuggling, and in 1829 the Master of the ship *Earl St Vincent* was fined £252 19s for illegally landing three puncheons (369 gallons) of rum, which were dropped into a two-man row boat in the middle of the night and taken down the river to the drop point, but which was intercepted by the naval officer and Superintendent of the Marine (Hobart town Gazette 16 September 1826).

Changes to colonial liquor licencing and policing after 1830 is likely to have reduced the attractiveness of speculative smuggling by reducing the number of sly grog shops from which the illicit product was predominantly retailed. Where policing failed however, smuggling continued with a correspondent to the Colonial times in 1834 reporting that owing to the southernmost constable station on the western shore being at Sandy Bay smuggling was going unchecked further south, a local whaling party having discovering two hogshead of gin abandoned further along the coast (Colonial Times 21 January 1834).

In March 1836 the Hobart Town Courier reported that *"The smuggling which some time ago was prevalent in the Derwent to some extent seems now to exist no longer"*, attributing the cause in large measure to the presence of the armed government schooner *Eliza* and frequent visits of British naval vessels (Hobart Town Courier 25 March 1836). Anti-smuggling measures were strengthened by the passage of the *Act To Consolidate And Amend The Laws Passed For The Prevention Of Smuggling* (1 Vic. No. 18, 1837)⁴, which increased the scope and powers of contraband seizure and financial penalties for receivers. Notwithstanding, smuggling of spirits continued with various seizures reported during the late 1830s-early 1840s.

If there was a decrease in alcohol smuggling during this period it seems to have been compensated for by local distilling, both legal and illicit, it being claimed by some more respectable publicans and distillers that sly grog sellers often sold imported spirits mixed with locally distilled spirit made from inferior grain (The Hobart Town Courier 16 November 1838), a practice that was banned in February 1839 when a total prohibition on local distilling came into effect due to the loss of government revenues (2 Vic, No. 20).⁵ Local brewing of beer, porter and malt liquor under licence was legalised again in 1844 (7 Vic, No 18).⁶

Despite attempts at regulation, the continuance of Illicit distilling and smuggling was blamed by government officials for customs revenue from spirits dropping in 1845 by £21,867 relative to 1840 figures, although the Colonial Times suggested it was largely due to an increase in the popularity of untaxed beer and porter (Colonial Times 25 February 1845). The Government Finance Committee considered that smuggling had likely increased since customs duties were abolished in New Zealand in 1844, flooding the market with cheap liquor and that *"...at present the Revenue has little or no protection against smuggling, - there are no persons, beyond the ordinary customs establishments, whose exclusive duty is to detect it on shore, nor vessels or boats to prevent it in the river and along the coast"* (The Courier 6 March 1845).

Smuggling was a multifaceted industry and didn't always involve bypassing customs or use of midnight dead-drops, as evidenced by the case of 20 casks that had left Hobart but were intercepted

⁴ An Act To Consolidate And Amend The Laws Passed For The Prevention Of Smuggling (1 Vic, No 18)

⁵ An Act To Prohibit Distillation Within The Island Of Van Diemen's Land (2 Vic, No 20)

⁶ An Act To Regulate The Brewing Of Beer Ale And Porter For Sale And To Prevent The Adulteration Thereof (7 Vic, No 18)

at the Port of Launceston en-route for Sydney that were listed as containing molasses but instead contained white rum, the liquor being separated in the cask from the molasses by false partitions (Launceston Advertiser 13 April 1843). Casks or porter containing spirits similarly separated by false linings were seized at Circular Head in August the following year (Launceston Examiner 24 August 1844). Some smugglers took an even more direct approach, the Schooner *Wallace*, seized in 1843 at Circular Head for smuggling, becoming a notorious floating grog shop, calling in at different ports along the coast with 'Christmas supplies' (Launceston examiner 19 November 1845).

3.1.3 Sly-grogging

While the customs system existed to regularise the importation and wholesaling of alcohol, regulating the distribution and retailing of alcohol to the populace proved a different set of challenges. Under the 1825 Sydney law no unlicensed person could sell spirit for a quantity less than 5 gallons under a penalty of \$100.⁷ Following the establishment of Van Diemen's land as a separate colony, the provisions were recapitulated in a local law passed in 1826 (7 Geo IV, No 2)⁸ whereby no person could sell spirit for a quantity less than 5 gallons without a licence under a penalty of up to £50. Any unlicensed retailer or employer would have all the spirits seized and destroyed, regardless of whether that alcohol had been purchased legally. The 5 gallon system remained until at least 1850, supplemented by a new law in 1828 that required sales above 3 gallons to also require a permit (9 Geo IV, No. 4).⁹

For those who were prepared to pay duties on their 'personal' supply the quantity system was easy to circumvent by simply purchasing the relevant quantity and distributing it to 'friends and family'. For the many who were happy to profit further by distributing smuggled or illegally distilled or brewed alcohol, neither the quantity system nor retail licencing regulations were material concerns. The Hobart press in 1825 considered that considerably more beer and liquor were vended in unlicensed premises commonly called "sly grog shops" than in licenced establishments, which combined with the gambling, fighting, fencing and prostitution occurring therein made them more popular with the lower classes which abounded in Hobart (Hobart Town Gazette and Van Diemen's Land Advertiser 14 January 1825). Three years later the Hobart town Courier estimated that there were around 300 sly grog shops in the island compared to 74 licenced premises and that less than one in ten received any attention from the police (Hobart Town Courier 8 March 1828, 18 October 1828).

The sly grog shops were widely considered by the colony's small but vocal moralising citizenry to be contributing to the ruination of the working, largely prisoner classes, regarding them as "*receptacles of reprobates, depots of drunkenness, schools of sensuality, nurseries of nuisances and cesspools of corruption*" and "*where vice in every hideous shape is seen, drunken and lewd, and filthy and obscene*" (Colonial Times and Tasmanian Advertiser 23 March 1827, 21 September 1827). The sentiments were not without foundation, as public drunkenness and petty crime was rife in Hobart, which sly groggers' cash, goods and credit payment terms did nothing to ameliorate. Some of the sly grog shops were supported by licenced publicans who made extra off-the-books cash by wholesaling

⁷ Spanish dollars were commonly used as currency in NSW prior to 1825 when sterling was adopted as the standard

⁸ *Dependencies And Promoting Good Order In Public-Houses; And Also For Indemnifying The Justices Of The Peace In Respect Of The Licenses Granted On And Since The Last Licensing Day* (7 Geo IV, No 2)

⁹ *An Act To Prevent The Removal Of Wine And Spirituous Liquors Without A Permit And To Make Further Provisions To Restrain The Illicit Dealing In And Clandestine Importation Of Such Liquors* (9 Geo IV, No 4)

bulk liquor to the groggers, thereby bypassing their own restrictive trading hours and other requirements (Colonial Times and Tasmanian Advertiser 6 April 1827, Colonial Times 28 August 1838).

The colonial police seem to have undertaken few independent investigations into the practice, largely turning a blind eye unless they received a formal complaint as they lacked the power to enter the home of a free person without a warrant, unlike hotels which could be entered by inspectors at any time as a licence condition. Such was the esteem or fear of the sly groggers among their clientele that informants rarely came forward. In the absence of proof, magistrates were reluctant to prosecute offenders with one Launceston grogger boasting that if threatened with prosecution he would reply "oh we don't mind, we'll send for the Solicitor Gellibrand¹⁰, and he will pull us through it as he does in Hobart Town." (Colonial Times and Tasmanian Advertiser 6 April 1827).

Many of the sly groggers became wealthy, with the Hobart town Courier reporting "*It is notorious that many of the best houses in the towns, and the best farms in the country belong at this day to persons who have acquired their property in this way.*" (Hobart Town Courier 18 October 1828). The corruption went right to the top of colonial society; esteemed pastoralist and magistrate Edward Lord was suspected of smuggling while David Lord¹¹ (no relation) the 'wealthiest many in VDL' traded in spirits both with and without a licence (Allen 1967). While some in the press suggested that it would be simpler to just licence the sly grog shops, many illegal operators were loath to submit to any form of regulation that might reduce their clientele, many of who were convicts, or profits.

Policing the law appears to have been patchy at best, with some well-known sly groggers openly defying police by operating during daylight hours at race courses etc, while others who were considered by the Police too poor to pay the £50 fine were unmolested, being considered not worth the effort of prosecuting (Colonial Times and Tasmanian Advertiser 24 August 1827). Some police, many of who were ex-convicts, were suspected of collaboration "*the occupiers [of the sly grog shops] having a constant intercourse with, as well as giving a regular pay to, a number of the worthless constabulary, so that a conviction rarely ensues even when they are found out.*" Colonial Times 11 September 1829).

Changes in government policy and policing after 1830 had a marked impact on the sly grog trade. Beginning in 1830 the licensing system was overhauled and the price reduced from \$100 to £25 and the number of available licences was increased, resulting in many sly groggers 'going honest'. Greater and more diligent policing after 1832, which included using 'spies', entrapment and awarding a portion of the fine to the charging police officer, put additional pressure on the remaining illicit dealers, so much so that *The Tasmanian* reported a reduction by a factor of 12 over the three years (The Tasmanian 30 August 1833). Some sly-groggers continued to hold out, making frequent appearances at court over subsequent years. By 1840 most of the surviving Hobart sly grog shops were little more than brothels (Colonial Times 7 April 1840), as a consequence many of those fined were women. Possibly due to their repeat appearances at court and certainty that fines would inevitably be paid for by a continuation of said trade, average fines reduced from £50 to £10.

Despite the progressive inroads made by regulation and policing in the larger towns, sly-grogging remained popular in country areas, particularly throughout the remainder of the convict period due to the lack of licenced alternatives, prohibition on convicts drinking and payment after 1841 of a

¹⁰ Former VDL Attorney General and barrister Joseph Tice Gellibrand, the father of William St. Paul and Walter Angus Bethune Gellibrand

¹¹ David Lord purchased 220 acres immediately south of Edward Fisher's 110 acre block

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proportion of convict passholder wages in cash (Launceston Examiner, 13 May 1846, Hobarton Guardian 9 May 1849, The Courier 30 May 1849).

3.1.4 Alcohol smuggling in Sandy Bay

With food and cash being scarce, alcohol was commonly used as a medium of exchange during the early days of the Van Diemen's land colony. Convict and servants would be paid in rum rather than coin and it could fairly be said that spirits as much as the lash powered much of the colony's early physical and moral progress. Being able to control the distribution of alcohol was seen by the colonial authorities as being vital to managing both the economic prosperity and social habits of the populace, and a substantial commissariat and customs complex was constructed between 1808-1815 in Sullivans Cove to regularise the handling and trade in alcohol and ensure that the government received its share of the proceeds.

Being hidden from the customs authorities by the projecting bluff of Battery Point, but close enough to the population of Hobart Town to facilitate ready distribution, Sandy Bay proved to be an ideal location for alcohol to be illegally landed and stockpiled. The anti-establishment attitude of the Norfolk Islanders no doubt also played a part, with several grantees either actively participating in or turning a blind eye to illegal activities. Chief among these were Edward Garth, who held two grants totalling 93 acres on Manning Avenue and at Blinking Billy Point and was reputedly involved in smuggling spirits, via a small secluded beach at 'Garths Bank' on the shore of his Manning Avenue property, which were dragged on crude sleds up the creek to be secreted in various barns, in Garth's hut or simply stashed in the bush from where they would be distributed at leisure to the willing publicans of Hobart (Goc 1997: 45).



Figure 3.1: Foreshore cliffs, Edward Garth's block Mawhera Avenue TAHO NS1013-1-2001 c. 1870

Garth was also implicated in harbouring felons in a hut on his property in 1810 which turned murderous when a group of soldiers were sent to capture the men, one soldier being killed and one of the criminals killing the other in a dispute during their attempted escape, for which the perpetrator was subsequently convicted and hanged (Goc 1997: 46-49). Garth, his wife Susannah and neighbours and fellow Norfolk Islanders Thomas Kidner and Barnard Walford were conveyed to Sydney for the trial as witnesses. Despite the Garths and Walford admitting they had been in the hut with the accused before the soldiers arrived, no penalty appears to have been handed down to them (Goc 1997: 48). While Kidner was not implicated in the affair, he sold his 30 acre grant on Red Chapel Avenue to career criminal James Moodie who quickly established himself in the local smuggling racket. Like Edward Garth's block, Kidner's grant featured a small beach draining a substantial watercourse (Lipscombe Rivulet) which Moodie reputedly used to drag smuggled liquor into the bush behind his cottage (Goc 1997: 121), which doubled as a sly-grog shop, where he was fined £20 for illegally selling alcohol in 1828 (Hobart Town Courier 2 August 1828).

Moodie's activities, like many, appear to have been brought to light due to a disgruntled informer (Goc 1997: 45) rather than to the diligence of the constabulary or customs officers, many of whom were suspected of collaboration. Several of the Norfolk Islanders held positions as constables at various times, including Thomas Chaffey, Samuel Free, John Cropper and Edward Fisher senior, with little evident reduction in local crime. William Chaffey, son of Thomas Chaffey who had two grants totalling 200 acres at Wrest Point, operated the Travellers Rest Hotel there during the 1840s where customs officers reputedly drank while illegal spirits were unloaded out the back (Goc 1997: 46). In one case, again illuminated by an informer, the authorities eventually raided Chaffey's pub, finding¹² nothing there but discovering several puncheons of rum on a neighbouring farm. The Police investigation was abandoned due to lack of evidence and Chaffey retained his licence (Goc 1997: 46).

Other local hotels with reputed links to smuggling or illegal trading included the Sandwich Islander at Marieville Esplanade - operated variously by William Chaffey, Charles Conliffe and Thomas Jackson (c 1860-1864), and Porter Hill Inn at Taroona operated by William Vince (c1858-1870) (Goc 1997: 44-45). Porter Hill itself is popularly believed to have been so-named because of the barrels of porter hidden by smugglers on its slopes.¹³ Historian Nicola Goc suggests that Edward Garth and others hauled smuggled goods along the rivulet draining the saddle between Mt Nelson and Porter Hill (most likely Folder Creek), stashing it along the way in the bush, at Garth's hut or over the saddle in Devils Glen where it *"later emerged camouflaged in hollow logs of wood to be innocently taken as firewood to the publicans in Hobart Town"* (Goc 1997: 45).¹⁴ This route would have passed across Edward Fisher junior's 110 acre block, however there are various problems with Goc's interpretation of this route, being chiefly that 'Garths Banks' was situated 1km further west with Manning Creek draining the spur west of Mt Stuart and not the saddle east to Porter Hill (which ran through Fisher's land), and the fact that the land on which Garth's Porter Hill hut stood was not acquired by Garth until after 1813.

¹² The Porter Hill CMP refers to a *Mercury* article dated 4/7/1906 stating that *"contraband was landed on Truganinni Creek, taken up the creek to Smugglers Den and brought through Devils Glen, over the saddle of Porter Hill to Sandy Bay"*. GHD 2007: 5. This account was not able to be found during a search on TROVE online newspapers.

¹³ The Tasmanian Nomenclature Board offers a different explanation stating that the name 'Porter Hill' derives from a paper written by Mr. M.R. Johnston to the Royal Society (proceedings 1885, p. 311) with reference to a Mr. Porter who at one time owned land in the vicinity (Placenames Tasmania 2795A).

¹⁴ Garth's hut as attributed by Goc was located on Garth's second land grant east of Blinking Billy Point on the road to Porter Hill which Garth did not acquire until 1813 with the hut being subsequently built on land purchased from William McLaughlin, suggesting Garth's 1810 hut was a different building located on his original grant. Garth's Porter Hill hut burnt down in 1978 and the location is around 1 Tew Terrace. McLaughlin's location adjoined the north-east end of Edward Fisher junior's 110 acre block

Regardless of the aetiology of the name Porter Hill, the current limited study has not identified any direct link between alcohol smuggling and the location of the proposed Sly Grog Track realignment on Edward Fisher junior's 110 acre block, despite the proximity of Edward Garth's second landholding at Blinking Billy Point which adjoined Fisher's block, and the tempting fact of Edward Garth being Edward Fisher junior's father-in-law.¹⁵

3.1.5 Fort Nelson

Land totalling 74 acres, 3 roods and 6½ perches encompassing several acres at the eastern end of Edward Fisher junior's block, a portion of McLaughlin's location and land granted to A Crombie and W. Hookey were compulsorily (and litigiously) acquired by the Commonwealth Government in January 1908 for the purpose of constructing Fort Nelson, the first Commonwealth-built military facility in Tasmania. Up until Federation in 1901, defence was the responsibility of each colony or State. Being the southernmost centre of British settlement in the Australian colonies, Hobart was an important strategic asset and hub for intercolonial and international trade. Due to ongoing political tensions between Great Britain and other European powers during the 19th C, including the Napoleonic and Crimean wars and constant threat of privateers, the defence of Hobart was seen as critical to the maintenance of British interests in the south Pacific.

A number of coastal batteries were constructed during the colonial period, including the Mulgrave Battery in 1818, Prince of Wales Battery in 1842 and Albert Battery in 1854 - all located at Battery Point, and Queens Battery (1838) on the Domain, designed primarily to provide intersecting arcs of fire covering the main port of Sullivans Cove. Following the advent of responsible government in 1856 liability for coastal defence was progressively ceded from the British government to the government of Tasmania, a process that was complete by 1870. This imperial withdrawal, allied with a Russian naval scare in 1873, prompted a review of local defence capability which involved the establishment of volunteer local militia and rationalisation of defence infrastructure. The outdated Battery Point defences were condemned in 1878, replaced by the Alexandra Battery at Blinking Billy Point and Kangaroo Battery at Bellerive between 1880 and 1885, moving the arcs of fire further down the Derwent to better cover the river approaches. From 1887 to 1901 the Alexandra, Kangaroo and refitted Queens Batteries were manned by detachments of the Southern Tasmanian Volunteer Artillery and Tasmanian Permanent Artillery.

Following Federation in 1901 the Commonwealth government started taking control of state defences, and within two years had decided to abolish the three 19th C. Derwent River batteries and replace them with a single modern battery of two six inch guns high up on the slopes of Mt Nelson, enacting a plan that had existed since 1853 (GHD 2007: 7). Detailed planning for the new battery on Porter Hill, to be called Fort Nelson, commenced around 1905 and a new access road to the site was built in 1907, several months before the formal land acquisitions were completed. A c1912 sketch plan of the site shows the major portion of zig-zag access road and several structures erected on the portion of land corresponding to the eastern portion of Edward Fisher's 110 acre block. These structures included a hut used by the principal contractor (Mr. Young) built beside the apex of the penultimate road bend (presumably c. 1907) and an Artificer's shop built at the base of the steps to the No. 2 gun emplacement in 1909 (possibly extended in 1925). Plans for an Artillery Store, Lamp Room and Paint Store suggest they may have been built close to the Artificer's shed some time after

¹⁵ Refer to discussion under *Title Chain*. Edward Fisher junior married Ann Garth On 16 April 1834, 11 years after the death of Edward Garth.

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1911. No plans have been located of the contactors hut on the bend below, which was presumably removed following the conclusion of major works (Figure 3.2).

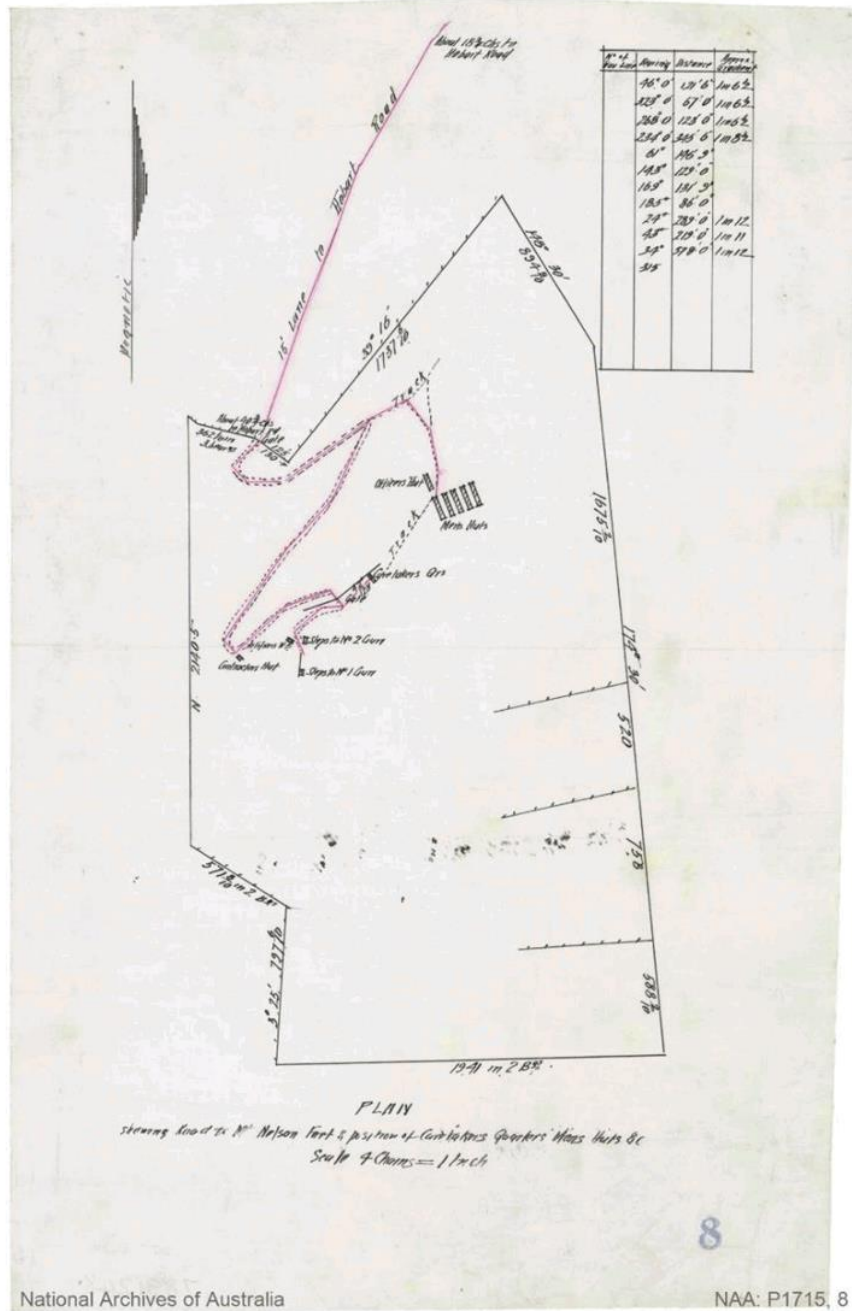


Figure 3.2: 1912 dated plan of Fort Nelson. NAA: P1715, 8

The fort, which was initially designed for a single 6" gun but expanded to include two guns, was developed progressively up until c. 1930, by which stage it included twin gun batteries, artificers workshop and stores, caretakers cottage, officers' quarters, soldiers huts and ablutions, underground water tank, shelter and laboratory, all surrounded by tracks and barbed wire entanglements. By this time, concerns about its location and coverage led to calls to relocate the armaments to a more suitable site (*Mercury* 9, 27 September 1936), resulting in a decision to move the guns to a new location at South Arm which would better cover the Derwent approaches, (*Mercury* 9 Sept 1939). The move was hastened by the advent of WWII and the two 6 inch Mk VII guns were removed and installed at the new fort Direction by the end of 1939.

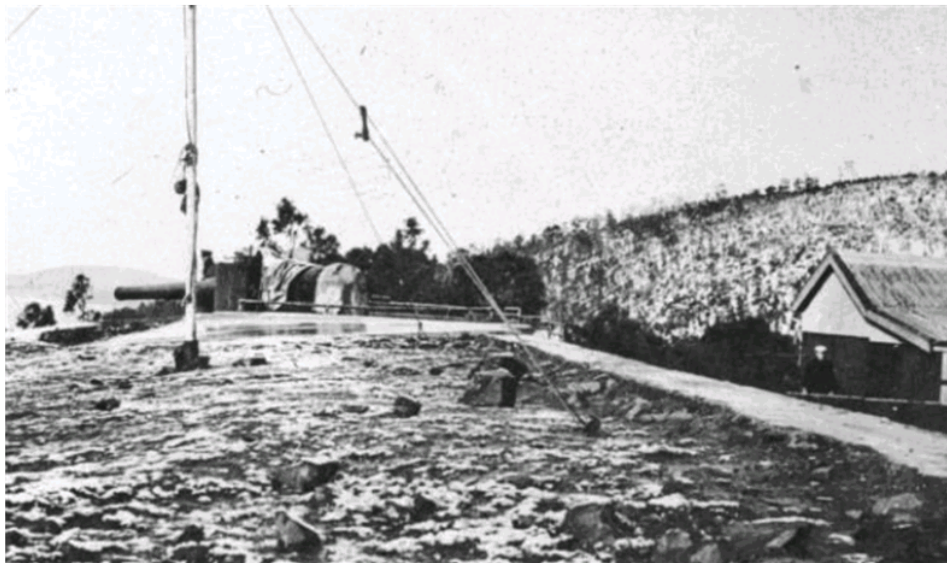


Figure 3.3: 6" Mk VII gun emplacement, Fort Nelson (Anglesea Barracks Military Museum).

3.1.6 Later use and management

Fort Nelson was formally decommissioned at the end of the war and in 1949 architect James Henry Esmond Dorney purchased the land from the Department of Defence by private negotiation, constructing three award winning residences on the remains of the former gun emplacements. Esmond Dorney died in 1991 and his surviving family proposed to subdivide the property into several smaller titles. Opposition to the proposal prompted the Hobart City Council to acquire the property in 2006 with the assistance of Commonwealth funds to protect the natural, cultural and scenic values of the site (GHD 2007: 1, 38). The property is presently considered as comprising two parts for management purposes, the Porter Hill Residence and Surrounds - comprising c4.5 hectares centred on the Dorney-period structures, immediately curtilage and wayleave to Gardenia Grove, and the Porter Hill Bushland Area - comprising the 25.80 ha balance of Commonwealth land (Area 3) and two parcels of adjoining private land acquired for environmental protection; Area 1 (6.977 ha) and Area 2 (0.5958 ha). Figure 4.1

As a Commonwealth funding condition a conservation covenant was placed on the Bushland Area which came into effect in May 2012 (D40231). Policies for managing the heritage and environmental values within the Residence and Surrounds precinct are contained in the 2007 Conservation Management Plan prepared by GHD. The uphill end of the proposed Sly Grog Track diversion intersects the Porter Hill Bushland Area over a linear distance of approximately 40m.

3.2 Title chain

The proposed track reroute is located on the south-easternmost quarter of a 110 acre block originally located to Edward Fisher on the upper northern face of Mt Nelson overlooking Sandy Bay. Edward Fisher was the ninth out of eleven children born to ex-Third fleet and Norfolk island convict Edward Fisher (1751-1838) and his wife Elizabeth Gregory (1780-1842) who arrived in Van Diemens' Land on the *Porpoise* in 1807. The Fishers were one of 30 families that were granted land in the Sandy Bay area following their evacuation from Norfolk Island as the British Government wound down the first penal colony between 1807 and 1813 and migrated its strategic interests to the new colony being established at Sullivans Cove on Tasmania's Derwent River. The initial re-settlement grants were modest, with two acres allocated for each acre relinquished on Norfolk Island and only eight families ultimately settled on their new locations (Rowntree *et al* 1959: 5-6). With the new settlers being farmers, land development followed the streams which drained Mt Nelson in a north-easterly direction towards the bay. The scene was described by Deputy Surveyor of Lands General George Evans in 1822 as extending for "seven miles southward of Hobart Town...Here the farms are chiefly on the side of a long hill, and are only calculated for tillage". (Evans 1822: 64). In 1830 Augustus Prinsep reported that "the ground around Sandy Bay, forming the foot of Mt Nelson, is entirely laid out in gardens, fields and little farm-houses, supplying Hobart with plenty of fruit and vegetables, and is altogether a charming spot..." (Prinsep 1833: 58).

The original Fisher lot of 85 acres appears to have been situated in the valley extending inland from Sandy Bay Point, and between Lipscombe and Wayne Rivulets in the area now bisected by Fisher Avenue. It was bordered on the west side by 91 acres located to another Norfolk islander, Bernard Walford, and 22 acres located to Jonathon Cropper, both of which were acquired by the early 1830s by James Sharp (Rowntree *et al* 1959: 43). The Fishers and Sharps appear to have been amicable neighbours, as Fisher's eldest son Thomas married Sharp's eldest daughter and Fisher was one of the trustees of Sharp's estate along with wealthy Hobart auctioneer Thomas Yardley Lowes (Rowntree *et al* 1959: 43).

To the east, the 85 acre Fisher block was bordered by 25 acres located to Andrew Reading and 36 acres located to J. McLeod, both of which were acquired by Andrew Crombie in 1842. Most of Crombie's land, which included another block of 56 acres further along Browns River Road, were purchased ten years later by William Vince who opened a hotel, the Porter Hill Inn, on the southern block in 1858 (Rowntree *et al* 1959: 48, 54).

Edward and Elizabeth Fisher's fifth child, Edward junior, was born on 7 October 1808. Edward junior married Ann Garth on 16 April 1834. Edward senior and sons Thomas and Edward junior appear to have been jointly farming family acreage at this point as all three signed a petition to have the road to Sandy Bay improved that year, Edward senior pledging £10 and his two sons £5 each (Rowntree *et al* 1959: 11). Edward senior began splitting up the 85 acre block in the mid-1830s, gifting parcels to his sons Thomas and William in 1835 and 1836. Edward Fisher senior died in 1838, followed by Elizabeth in 1842.

Three years later, on 25 June 1845, Edward junior purchased a grant of 110 acres adjoining the family farm to the south (Hobart Town Gazette, Vol XXX, Tuesday, March 4, 1845. No. 1504.p. 271). The new block was shortly thereafter mortgaged on 30 November 1846 for £300 to David Lord – who owned 220 acres adjoining Fisher’s 100 acres to the south. Thomas Lowes and Henry Wilkinson were listed as co-mortgagees (Memorial 03/2368).

EDWARD FISHER. *Queenboro’, Buckingham.*
110 ACRES.
(Originally located to Edward Fisher.)
Bounded on the north west by 19 chains 50 links or thereabouts south-westerly in two bearings along a location to George Chaffey now occupied by or belonging to James Moodie and along land located to George Flexmore commencing at the east angle of the first-mentioned land, on the south west by an irregular line of 64 chains 50 links or thereabouts extending south-easterly along Lot 60 purchased from the crown by David Lord, on the eastern side by 21 chains 15 links or thereabouts northerly in two bearings along locations to Francis Flexmore (since granted to John Ogle Gage and William Fletcher), John Anderson, William Anderson and Daniel Anderson, respectively passing a marked oak tree, and thence on the north east by an irregular line of 54 chains 48 links or thereabouts north-westerly also along the last-mentioned location and along locations to William McLaughlin, Edward Garth, Andrew Redding, (now claimed by Gamaliel Butler), Edward Fisher senior, Bernard Walford (since granted to James Sharpe), and Francis Flexmore respectively crossing a small run of water to the point of commencement.

Figure 3.4: Fisher grant notice, Hobart Town Gazette, Vol XXX, Tuesday, March 4, 1845. No. 1504, p. 271

The payment term was three years, however David Lord died on 12 April 1847 and it is unclear to whom his interest in the property passed or if the mortgage was repaid, however an endorsement on the deed dated 25/4/70 indicating receipt of a ‘Certificate of Satisfaction’ suggests that it was.

The 1846 indenture contained a covenant for Edward Fisher to “insure the messuage or dwelling house therein mentioned from loss by fire” however whether this was a standard clause or specifically indicates the presence of buildings on the land at the time of the mortgage is unclear.

Edward Fisher junior died intestate on 15 May 1851, with notices in the HTG requiring all claims against his estate being passed to his widow Ann to be presented in court on 17 September 1851 (Hobart Town Gazette, Vol XXXVI, No. 1849, 26/08/1851 p. 693). Unless otherwise determined at Court it is expected that any property or debts held by Edward Fisher junior would have become his wife’s at this point. No record of the court hearing has been located.

The history of ownership of Edward Fisher junior’s 110 acre block between 1849-1877 was unable to be confirmed during this study, however it is likely to have been divided among his successors along with other elements of the estate following the remarriage of his wife Anne to William Mead in 1855 (TAHO RGD37/1/14 No. 529) and her eventual death in May 1867 (TAHO RDG35/1/7/ No 6743).

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ADMINISTRATION OF EFFECTS.

*Victoria by the Grace of God of the United
Kingdom of Great Britain and Ireland
Queen Defender of the Faith.*

*In the Administration of the Goods of EDWARD
FISHER late of Sandy Bay near Hobart Town
in Van Diemen's Land Farmer deceased.*

*To the next of kin of the said EDWARD FISHER and
to all Christian people.*

GREETING—

YOU and each of you are hereby cited and warned
to be and appear in the Supreme Court of Van
Diemen's Land at the Court House Hobart Town on
Wednesday the seventeenth day of September next
at ten o'clock in the forenoon and that you and each of
you then and there show to this Honourable Court
why administration of the goods chattels rights credits
and effects of the said Edward Fisher deceased in Van
Diemen's Land and the Dependencies thereof should
not be granted to Ann Fisher of Sandy Bay aforesaid
Widow and relict of the said deceased or for ever
renounce the administration of the said goods chattels
rights credits and effects of the said Edward Fisher
deceased intestate as hath been represented to us.

Witness the Honourable Sir John Lewes Pedder
Knight Chief Justice of the said Supreme Court at
Hobart Town aforesaid this twenty-second day of
August in the fifteenth year of Our reign.

WM. SORELL (L. S.) Registrar.

Samuel Crisp Junior Proctor for the said Ann Fisher.

Figure 3.5: Fisher estate notice, Hobart Town Gazette, Vol XXXVI, 26 August 1851. No. 1849, p. 693

Ann Fisher was the daughter of two Norfolk Islander settlers of Sandy Bay, Edward Garth and Anne Bellette, who were compatriots of Edward Fisher senior and Elizabeth Gregory. One of Anne's cousins, Frederick Henry Bellette, along with Thomas William Lucas and William Hawkins were trustees of Edward junior's estate. One of Edward and Ann's daughters, Elizabeth Anne, and William Hawkins subsequently claimed a fifth share of the estate on their marriage in 1862 (Mercury 16 Sept 1862), their interest in the family trust being memorialised on 12 September 1862 (Memorial 05/1311). Frederick Henry Bellette and his wife Amelia Susan, who was another of Edward and Ann Fisher's daughters - making Frederick Bellette both Ann Fisher's first cousin and son-in law, also received a fifth share which was memorialised on 18 May 1863 (memorial 05/1890). The connections between the Fisher, Hawkins and Lucas families ran deep, with William Hawkins younger brother Thomas Edward Hawkins marrying Edward and Ann Fisher's youngest daughter Selina Josephine on 4 July 1877 (Mercury 4 August 1877), while Thomas Lucas was the father of Edward Fisher's brother-in-law Nathaniel Lucas who married Edward's younger sister Elizabeth on 16 April 1834.

While uncertainly surrounds ownership and occupancy of Fisher's 110 acre block following his death, a new title was ultimately issued to William St Paul Gellibrand on 13 November 1877 (LTO XXII/89). William St Paul Gellibrand was the second son of Joseph Tice Gellibrand, English born lawyer and Attorney General of Van Diemen's land under Lt Gov. George Arthur between 1824-1826. William was born on 18 December 1823 off the Island of St Paul in the southern Indian Ocean during his parents voyage from England. William settled and farmed at *Woodford* in the Fingal district but retained a substantial property in Fitzroy Place in Hobart and speculated in land and other businesses including unsuccessful mining ventures in New Zealand and on the Tasmanian West Coast where he

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was a director of the Silver King Prospecting Association. Like his brothers Thomas and Walter, William had an interest in politics, contesting Lower House seats in Queenborough, where he owned several blocks of land, and Clarence in 1862 and serving as member for Fingal from September 1871-September 1872 and Ringwood from May 1874 - July 1886 (Bennett and Bennett 2016: 92).

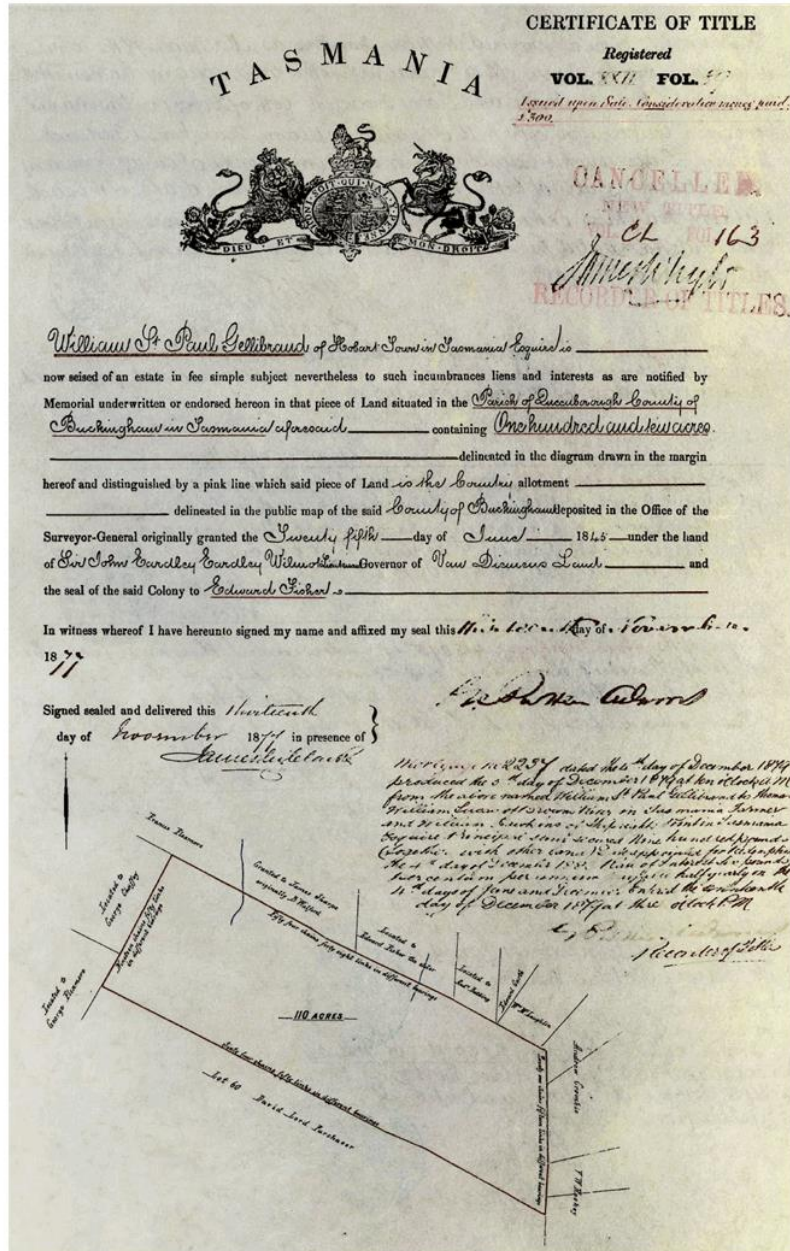


Figure 3.6: Gellibrand's certificate of title, 30 November 1877

In addition to acquiring Fisher's 110 acre block, Gellibrand also purchased a grant of 38.0.12 adjoining to the north on April 12, 1878 (HTG LXIII, No 5220, 12/04/1878, p.564) which formed the eastern half of Edward Fisher senior's original 85 acre location. Gellibrand mortgaged Edward Fisher junior's 110 acre block together with other land on 4 December 1879 to the Fisher family trustees Thomas William Lucas, and William Hawkins for £900.

William Hawkins' interest as mortgagee became transmitted to Edward Michael Fisher, Edward Fisher junior's nephew, and Robert Snowden of Hobart following Hawkins' death on 18 November 1882. Gellibrand's mortgage was discharged on 30 August 1888 (Discharge No. 3332).

William St Paul Gellibrand re-mortgaged the 110 acre block together with other land on 29 August 1904 to the Perpetual Trustees Executors and Agency Company of Tasmania Ltd. For £8000 (No. 15995), the mortgage being transferred to the Hon. Walter Angus Bethune Gellibrand on 5 September 1904. Younger brother to William St Paul Gellibrand, Walter Angus Bethune Gellibrand was born on 17 October 1832 at his parents property of *Derwent Park*. After completing his education in England, Walter Gellibrand returned to Van Diemen's land in 1848 and following a stint on the Victorian goldfields settled at the *Cleveland* property at Ouse in the Derwent Valley. Walter Gellibrand was active in local affairs, participating in local government before being elected to the Legislative Council in December 1871, where he served until May 1901, including five years as President between July 1884-July 1889 (Bennett and Bennett 2016: 92).

The 110 acre block was devised to Walter Gellibrand (along with other land) on 24 October 1905 as part of the estate settlement following William St. Paul's death on 22 August 1905 (Application No. 2370) and the mortgage was discharged at the same time (No 13427). A new title (CL/163) was issued to Walter Gellibrand on 31 October 1905 covering the 110 acre block plus four other parcels of land. On 9 July 1906 a portion at the east end of the 110 acre block was acquired by the Commonwealth Govt under the Property for Public Purposes Act 1901 to enable the construction of Fort Nelson.

Walter Angus Bethune Gellibrand died on 5 November 1909 and his landholdings were split in equal shares between his heirs according to his will dated 30 October 1909 (Application 3128 dated 3 October 1910). The balance of the 110 acre block was split with the western portion of 49a.1r.12.3p being transferred on 30th January 1914 to Ela Curr, Lady Superior of the Good Shepherd Community at Mt. St. Canice, Mary Tagney, Sister Assistant of the Good Shepherd Community, and Philip Hennebry, Archpriest of the Roman Catholic Church. It was transferred to the Public Trustee on 5 December 1957 (application No. A 80331) following the death of the last surviving joint tenant Sister Mary Tagney. The land was transferred to Henry Edward Cosgrove and Anthony Edward Bailey, legal practitioners, Hobart on 24 February 1969 and a new title was issued 2461/31. This parcel is outside of the study area and no further title chain search was conducted.

The eastern half of Fisher's former 110 acre block, covering the current study area and including additional land on the north side formerly granted to William St Paul Gellibrand and Gamaliel Butler, totalling 73a.2r.24p was transferred to Charles George Philip Fehre on 5 December 1913 with a new title issued on 23 July 1914. Charles George Philip (Karl Georg Philipp) Fehre was born on 15 May 1873 in Hobart to immigrant parents from Grossenhain in East Germany.¹⁶ The Fehre family settled at Sandy Bay where, in late 1880, they lost their house to fire and had to live in a stable until they could build again (Mercury 16 December 1880). The rebuild was assisted by £79 raised by public

¹⁶ <https://www.geni.com/people/Charles-Fehre/6000000024338536879> accessed 14 December 2020

donation (Mercury 8 January 1881). Charles Fehre established himself as a farmer and orchardist on Browns River road (now Channel Highway) in the Taroona area, but dabbled in raising pigs (Mercury 20 October 1904) draught horses and race horses, (Mercury 29 March 1910, Mercury 9 December 1916). He is listed as a vegetable judge at the 1922 Kingborough Show (Mercury 22 April 1922) and sold strawberry plants and raspberry canes (Mercury 23 June 1928). Members of Charles' family and friends were injured when a truck Charles was driving overturned on road to Seven Mile Beach (Mercury 21 February 1938).

Charles Fehre's block was transferred (No. 91802) on 30 May 1939 to Charles's son Philip Charles Christian Fehre, farmer from Queenborough, and Charles and his wife Emma Caroline Augustine Fehre (nee Krause) retired to Coles Bay, Charles passing away on 24 November 1942 (Mercury 25 November 1942).

The land was mortgaged to the Commercial bank of Australia Ltd. on 14 May 1961 (A145314) and 23 August 1961 (A149935) which was partially discharged on 12 March 1964. The land appears to have been subdivided in 1969, with the title cancelled and new titles issued 2475/12-36 balance 2518-26. No searches post 1969 have been conducted.

Despite a search of online Hobart district assessment and valuation rolls between 1853-1900, no entries for a 110 acre block in the area between Sandy Bay Rivulet and Browns River was identified. Both the Fisher family and William St Paul Gellibrand held several parcels of land in the Lower Sandy bay area during that time, however no corresponding entries were able to be found. It is possible that the land was valued as a smaller acreage due to being only partially cleared, or grouped in with other land to form a larger parcel. Potential candidates include 100 acres with house owned by Gellibrand in 1884 (HTG 1884) and 161 acres with cottage owned by Gellibrand in 1889 (HTG 1889). Further historical research is required to determine the extent of Fisher and Gellibrand family holdings in the area during the period 1845-1905.

The title chain and land use of the adjoining 220 acre block to the south purchased by David Lord in 1846 is only intersected for a distance of 40m and has not been researched.

3.2.1 Land occupancy 1855-1890

Up until the first formal title for the 100 acre block was issued to William St Paul Gellibrand in 1877 under the Real Property Act 1862, the land was conveyed through the common law process of grants and memorials of transfer. Establishing the history of the land in question is made more challenging by what appears to be a tradition of occupancy and subdivision through a family trust of sorts.

An attempt was made to determine the occupancy and state of development of the land during the period 1858-1890, for which online valuation rolls are available.¹⁷ The results are presented in Table 3.12. No examples of a 100 acre block were identified on the Hobart Town Gazette valuation rolls in the area between Sandy Bay Rivulet and Browns River for the period, so the process used in this study was to find the most likely parcel held by William St Paul Gellibrand in 1890 and work backwards. From 1883-1890 an unoccupied 100 acre block off Sandy Bay Road is listed with Gellibrand as owner, comprising land and house valued at £30. The rolls for 1883 contain separate entries (shaded in Table 3.1) for land and house but which add up to a similar area and valuation so

¹⁷ <https://stors.tas.gov.au/rd/hobartvaluationrolls/AUTAS001131077547>

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are assumed to be the same. Between 1878 and 1881 the valuation rolls do not list a 100 or 90 acre block, with the largest holding by Gellibrand being 76 acres comprising land and house on Sandy Bay Road valued annually at £36, and variously occupied by Winspear Watson or William Edwards.

From 1871 to 1877 a block matching this description but variously occupied by James Hogan or Ferdinand Grosse was owned by Frederick Bellette, Edward Fisher junior's son-in law and Ann Fisher's cousin and a Fisher family trustee. In the 1869 valuation rolls Bellette's 76 acre block does not appear, but one of 82 acres comprising house and ground owned by Bellette does, suggesting a reduction after 1869 in the assessed area for valuation purposes. For the years 1858 to 1867 this 82 acre block was occupied and owned by William Mead, Ann Fisher's second husband. While the valuation remains constant at a modest £12, the property description changes from land in 1858 to cultivated land between 1862-1867 to house and ground in 1869, suggesting that the house may have been constructed between 1867-1869.

All this of course assumes that Fisher's 110 acre block, William St Paul Gellibrand's 100/90/76 acre block, Frederick Bellette's 76/82 acre block and William Mead's 82 acre block are all the same property, which is far from certain. Further targeted research is required to untangle the title chain and valuation history of the land to arrive at any meaningful conclusion of it's changing development status and occupancy.

Table 3.1 HTG Valuation Rolls 1858-1890 possible references to Fisher/Gellibrand 110 acre block

<i>HTG Year</i>	<i>Description of the property</i>	<i>Situation of the property</i>	<i>Name and Residence of the Occupier of the property</i>	<i>Name and Residence of the Proprietor of the property</i>	<i>Area of the property</i>	<i>Annual Value of the Property</i>
1858	Land	Sandy Bay Road	Mead Wm., Sandy Bay Road on property	Said W. Mead	82	12
1862, 1865, 1867	Land cultivated	Sandy Bay Road	Mead William, on property	Said W. Mead	82	12
1869	House and ground	Sandy Bay Road	Bellette Frederick, on property	Said F. Bellette, Sandy Bay	82	12
1871, 1873	House and ground	Sandy Bay Road	Hogan, James, on property	Fred. Bellette [Graves agent]	76	36
1875, 1877	Land	Sandy Bay Road	Grosse, Ferdinand, on property	Frederick Bellette	76	36
1878	House and ground	Sandy Bay Road	Watson, Winspear, on property	Wm St. Paul Gellibrand [Fitzroy Crescent]	76	36
1879, 1881	House and ground	Sandy Bay Road	Edwards, William on property	Wm St. Paul Gellibrand	76	30
1883	Land	Off Sandy Bay Road	Unoccupied	William St. P. Gellibrand, Fitzroy Crescent.	90	20
1883	House and ground	Off Sandy Bay Road	Unoccupied	William St. P. Gellibrand, Fitzroy Crescent.	8	8
1884, 1885, 1887, 1888, 1889, 1890	Land and house	Off Sandy Bay Road	Unoccupied	William St. P. Gellibrand, Fitzroy Crescent.	100	30

4. Desktop search results

4.1 Heritage database searches

The study area does not intersect any place listed on the National heritage List or Commonwealth Heritage List administered by the Commonwealth Department of Agriculture, Water and the Environment.

The study area falls within the RNE listing for Albion Heights, Bonnett Hill Area (RNE-ID 11387), which comprises 650ha of bushland extending from Bonnett Hill to Mt Nelson. The place was registered on 21/10/1980 for its natural values, with the Statement of Significance reading *"A natural area of bushland for value for the teaching of Botany and Zoology, and because it constitutes a skyline conspicuous from surrounding areas and its proximity to urban areas makes it a popular bushland leisure area."* The listing does not contain specific references to historic heritage values, although the description of the place refers to the forest *"still developing from past timber cutting and fires."* The Register of the National Estate was established under the *Australian Heritage Commission Act 1975* which was superseded by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The RNE was closed to new entries in 2007 and became a non-statutory archive on 19 February 2012.

The eastern end of the study area, including c. 35m of track connecting with the Fort Nelson access road intersects the area permanently registered on the Tasmanian Heritage Register for Fort Nelson (THR-ID 8721) which covers the whole of titles 231548/1, 152401/1 and 252509/2.

The eastern end of the study area, including c. 35m of track connecting with the Fort Nelson access road intersects the area listed in Table E 13.1 (Heritage Places ID-1202) which covers the whole of titles 231548/1, 152401/1 and 252509/2.

A conservation covenant (D40231) applies to these titles (with the exception of the public right of way on 152401/1). The eastern end of the study area, including c. 35m of track connecting with the Fort Nelson access road intersects the area zoned as Bushland Area in the conservation covenant but does not intersect the area zoned Residence and Grounds which encompasses the majority of the built heritage features.

Fort Nelson is listed on the Tasmanian Historic Places Index, a non-statutory heritage database maintained by the Tasmanian Parks & Wildlife Service (THPI 8312.200). The extent of the THPI listing is unclear, however it is likely to be limited to the main defence complex which is contained within the Residence and Surrounds zone.

Study area intersections with listed areas and management zones are illustrated in Figure 4.1.

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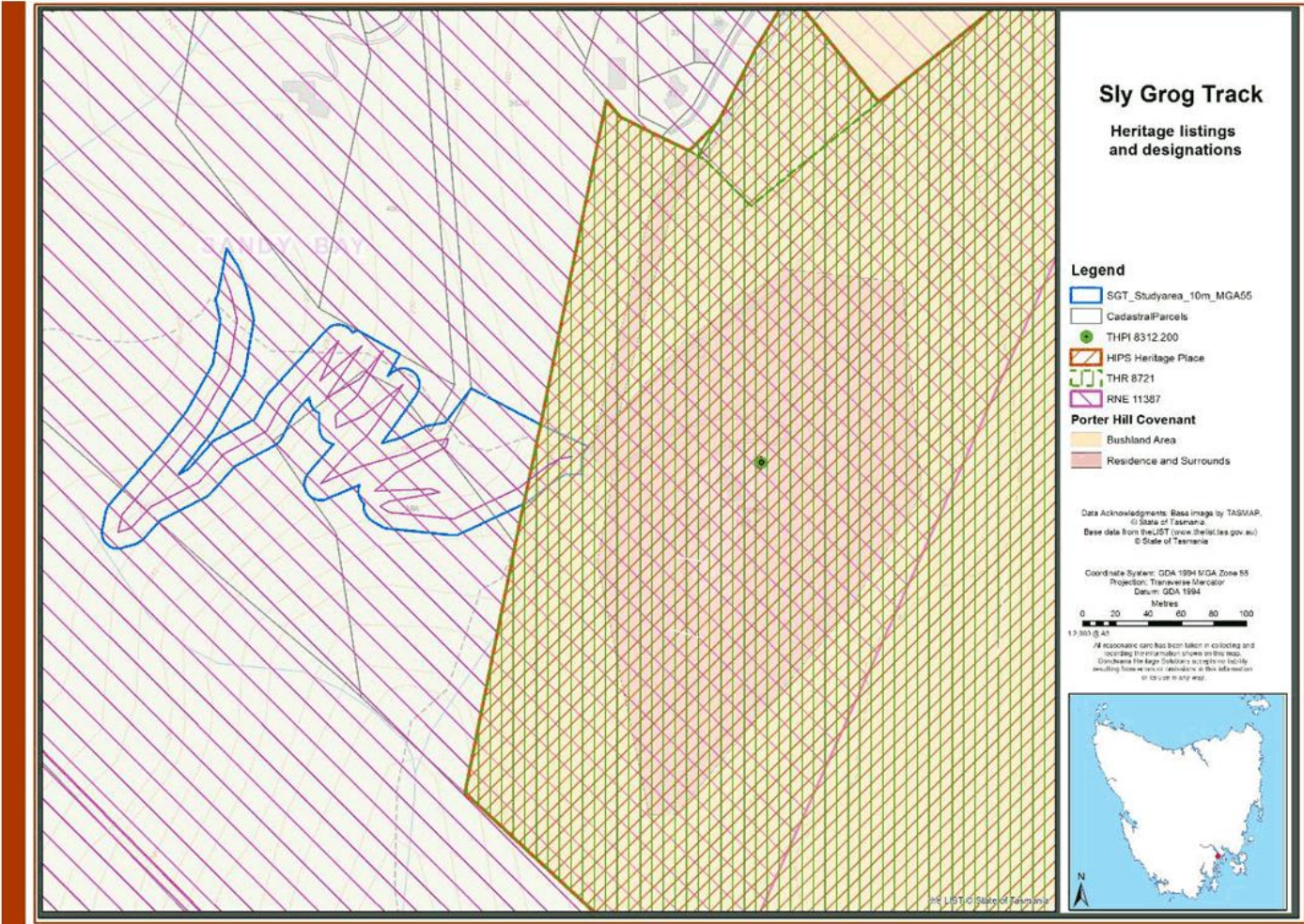


Figure 4.1: Study area intersections with heritage listings/zones

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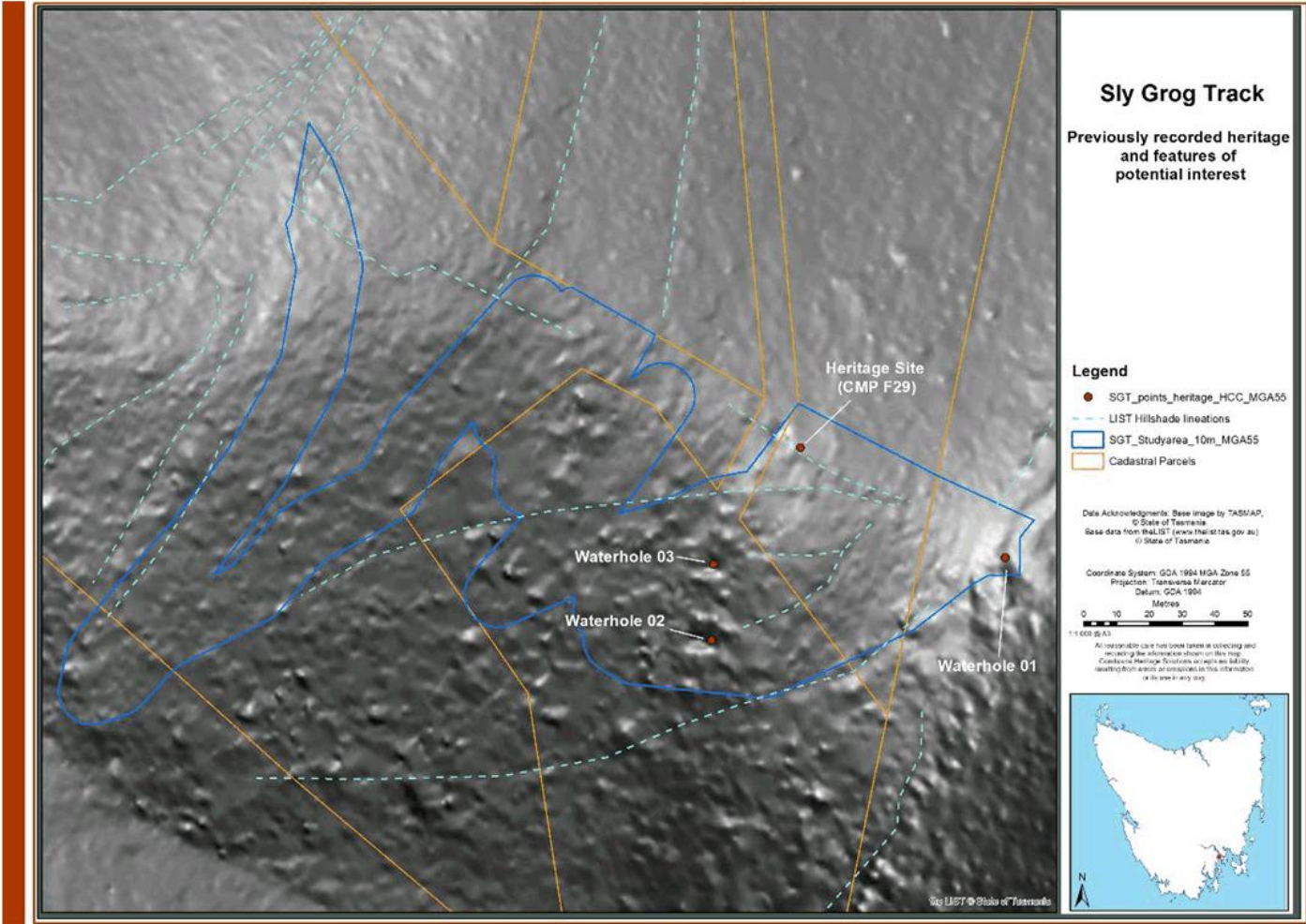


Figure 4.2: Previously recorded heritage sites and potential features of interest

4.2 Previous studies

A small number of studies have been undertaken since 2007 covering parts of the Sly Grog Track study area that have identified or confirmed the presence of historic heritage features within or in close proximity to the proposed track route. Relevant details from each study are summarised below.

4.2.1 Porter Hill Conservation Management Plan (GHD 2007)

City of Hobart commissioned GHD in 2007 to prepare a Conservation Plan for the Porter Hill property acquired by Council with the assistance of commonwealth Government funds under the National Reserves System Programme. The Conservation Plan comprises three volumes with Volume 1 containing an inventory and assessment of historic heritage values. The inventory lists a single feature (F29) within the current study area. The following description is given:

"Evidence of 19th century occupation is located at the head of the gully between Porter Hill and Mt Nelson. Stone lined building platforms most likely for a hut and stable are evident along with several items including hand made clay bricks and a dark olive green square gin bottle base exhibiting the mark of a sabot type four fingered holding device. The latter is significant as it is suggestive of a date of manufacture as early as the 1830s/40s and probably no later than the 1870s. The setting is cleared save for several mature Hawthorn trees and an abundance of thistles. At least 1 and possibly two waterholes are located in close proximity to the site." (GHD 2007: Appendix B, 20)

The location of this site (F29) is indicated on Figure 4.2. The site was assessed by GHD as having high significance, which they defined as being *"representative of key functions of the fort (or other thematic category of site). They generally survive in a form that retains the ability to demonstrate these key functions"*. (GHD 2007: Appendix B, 1)

The Conservation Plan inventory contains no record for the Contractors Hut, which the 1912 plan indicates was situated immediately southeast of the current study area.

4.2.2 Porter Hill access road upgrade (Jackman 2018)

A targeted heritage impact assessment was undertaken by Gondwana Heritage Solutions in 2018 in response to proposed upgrade works along the Porter Hill access road (Jackman 2018). The assessment focused on features identified within the 2007 CMP that were within or immediately adjacent to the road formation and potentially impacted by proposed works. No road furniture of significance was identified in proximity to the current study area. A small dam (Waterhole 1 in Figure 4.2, intersected by the south east corner of the study area) was noted as the proposed works involved extending the existing table drain to a new tailout drain at that location, however the heritage values of the feature were not assessed as it was considered unlikely to relate to Commonwealth defense usage.¹⁸

¹⁸ Grazing leases were held over the land between 1912 and 1937 NAA P1325: 1794, 2107, 9728, 10166, 11232, 12718

4.2.3 Hawthorn Fire Trail assessment (Huys 2020)

In 2020 City of Hobart engaged Cultural Heritage Management Australia (CHMA) to undertake a historic heritage assessment of a proposed fire trail (Hawthorn Fire Trail) running between 40 Nicholas Drive and the third switchback on the Fort Nelson access road where the proposed Sly Grog Track diversion also connects (Huys 2020). Huys undertook further site recording of F29, which was intersected by the proposed fire trail, but did not identify any other historic heritage features or areas of elevated potential along the route. The expanded description of F29 is reproduced below.

"The features associated with the historic site complex includes the foundations of a dwelling, an associated stone wall, small dam, a hawthorn tree, and a scatter of clay brick, ceramic pieces and glass.

The dwelling foundations measure 8m (north-south) x 5m, and are built from locally sourced dolerite stone. The foundations are only just exposed to the surface, and are up to 1m wide (see Plate 1). A small dry stone wall feature runs in an east direction, down slope from the northern edge of the foundations. This wall is partially intact, and measures 23m in length, up to 1.5m wide, and 0.5m high. Again, the wall is constructed from locally obtained dolerite stone (see Plate 2). Approximately 5m to the west of the dwelling foundations is a single mature hawthorn tree (see Plate 3), and immediately to the west of the hawthorn tree is a small depression, approximately 4m in diameter and 1.5m deep, which appears to have been a dam. Scattered across the site area are clay brick, ceramic and glass pieces (see Plates 4 and 5). The glass pieces include the base of a dark green bottle. Figure 6 is a plan showing the location of the key features associated with the site, with Table 1 providing the summary details for the key site features.

Based on a cursory inspection of the historic artefact assemblage present at the site (the glass and ceramic pieces), and the size and nature of the dwelling foundations, it appears that this site may represent the remains of a domestic dwelling, possibly dating to the 19th Century. The site area has clearly undergone some level of disturbance, however, the key features of the site (foundations and drystone walling are still reasonably intact. The soils in this area are typically quite shallow, with the bedrock dolerite exposed to the surface across the hill slopes. This means that there is a limited potential for sub-surface artefact deposits to be present."
(Huys 2020: 15)

4.2.4 Other sources

City of Hobart staff have recently identified two additional depressions during investigations for the Sly Grog Track realignment. The features are situated on the south side of the saddle c. 90m west of Porter Hill access road and denoted as Waterholes 1 & 2 on Figure 4.2. GPS point locations were provided by City of Hobart as background information for this project. No formal recording was carried out at the time of discovery.

With the exception of the 1912 sketch plan of Fort Nelson (Figure 3.2), no historic maps or plans were located during the current assessment to indicate the presence of features of potential historic interest in the study area. This is not an uncommon situation, and in an attempt to understand the cumulative legacy of historical land use, public LiDAR data was examined for evidence of major structures, such as roads, drains and other earthworks not indicated in official documents. LiDAR data for kunanyi / Mt Wellington collected as part of a 2011 joint state and local government agency

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mapping project representing Mineral Resources Tasmania (DSG), State Emergency Services, Land Tasmania (DPIPWE), Hobart, Glenorchy and Kingborough Councils. The data was accessed via the LIST Hillshade layer, which is based on a 1m horizontal grid rendering with vertical accuracy of 15cm.¹⁹

In addition to the four previously identified heritage features (Figure 4.2 Waterholes, 1, 2 & 3, and F29 – which also includes an excavated depression), several lineations were interpreted from the LIST Hillshade layer for subsequent field verification. These potential features are also illustrated in Figure 4.2). No attempt was made to classify lineations at desktop level.

¹⁹ <https://www.thelist.tas.gov.au/app/content/data/geo-meta-data-record?detailRecordUID=a511d8b4-f3c1-46db-aba3-dbd2d55e930e>



5. Survey Results

5.1 Previously identified heritage features

ID	Description	Image
F29	<p>Unidentified building complex</p> <p>F29a - Previously recorded by GHD in 2007 as F29 and re-recorded by Huys (2020), the complex contains the remains of a small building, stone wall and a domestic artefact scatter. The building site comprises a levelled platform partially benched and partially raised covering an area c. 15m NS x 5-7m EW, seemingly the base for an "L"-shaped structure or two closely spaced or attached structures, possibly a dwelling and outbuilding. The larger and slightly higher northern area contains a collapsed stone mound, probably representing the remains of brick-lined fireplace, which has a mature hawthorn tree growing from it (F29d). The tree may have self-propagated from a planted specimen which no longer survives. Fragments of orange sandstock brick are spread around the site, particularly on the downhill side. The eastern edge of the building site is delineated by a relict drystone footing wall.</p> <p>F29 - b A stone alignment comprising two parallel courses of inward cambered dolerite fieldstones with a c. 60cm base width, extends to a distance of c. 24m from the south-east corner of the building site, the downhill portion being concealed by tumbled stone. The feature, which is aligned roughly at right angles to the building platform, appears to be the remains of a drystone field wall of standard battered form and around 4-5' high, although some tumbled stone may have been scavenged.</p> <p>F29c - The building platform and upslope portion of the stone alignment is encompassed within a low density artefact scatter, comprising late 19thC- early 20thC artefact types, including container and window glass, domestic ceramics – including Rockingham glaze, transfer printed, flow blue and banded (non-mocha) earthenware, lead and salt-glazed stoneware, alcohol and condiment bottle glass, bone (sheep and bovine) and metal objects. The main scatter extends for. c-20m downslope of building site. The scatter appears surficial, however buried waste deposits may be present.</p> <p>The age and occupation history of the site is not known. It may be the house referred to in the HTG valuation rolls after 1869 as the visible domestic artefacts appear to date from the second half of the 19th - first quarter of the 20th C. Window glass is 1.4mm small pane flat glass without crown striations and likely improved cylinder glass post-dating c. 1840. Artefact dating suggests the place is not related to the activities of Edward Garth or Edward Fisher junior. Although situated on private land, the building may have been demolished soon after Fort Nelson was completed as it has a clear line of enfilade to the gun emplacements 150m away and would have represented an unacceptable security risk.</p>	 <p>Remains of drystone footing, east side of building platform</p>  <p>Drystone wall base course, northeast of building site</p>  <p>Late 19th-early 20th C. artefact cache assembled by walkers. Artefacts have been dispersed by pedestrian and bike activity along the existing walking track to the Fort Nelson access road.</p>

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HF1	<p>Pit 1</p> <p>Originally recorded by GHD and Huys as part of the building complex, pit 1 is an ovoid pit measuring c.5m NS x 4m EW excavated to a depth of 1m into decomposed dolerite bedrock immediately upslope of the F29a building platform. Spoil is spread around the lower east side for a distance of 3m impinging on the F29a building site, so is assumed to be later.</p> <p>The pit is not located on a watercourse and has no evidence of lining, so is unlikely to be for water storage. Being upslope or and so close to the presumed dwelling part of the building it is unlikely to have been a toilet or waste dump.</p> <p>The pit may be a temporary defensive entrenchment associated with military manoeuvres, such as those reported at Fort Nelson in 1908 and 1909, as reported below.</p> <p>At the annual Easter training camp in April 1908 an attack was planned to command the battery by destructive fire and attack it from the rear. The attacking party proceeded inland along the crest of hills to the designated position. The defending Engineers' garrison got wind of the plan however and surrounded the fort with 'mines' successfully repelling the invaders (<i>Mercury</i> 21 April 1908).</p> <p>Another mock attack was staged the following Easter. This time however, the attacking force "<i>marched along Proctor's-Road after being ordered to take the forts in reverse, and cut across hilly country, one party under Captain Douglas getting a position to command Fort Nelson. The main body of the Rangers, under Major Eaton Brown, with Major Morrisby as guide, came down over a precipitous hill at the rear of Fort Nelson and entered it without opposition</i>" (<i>Mercury</i> 13 April 1909).</p> <p>It was not unusual, and often necessary for military manoeuvres to occur on private land. Normally this was with the permission of the landowner, however Section 69 of the <i>Defence Act 1903</i> allowed for any land to be declared a manoeuvre area without requiring landowner permission.</p>	
HF2	<p>Pit 2</p> <p>Rectilinear excavation measuring c. 7m EW x 4m NS and <1m deep, running sub-parallel to the hill face between 180m and 185m contours on the south side of the saddle between Mt Nelson and Porter Hill. Spoil has been formed up as a linear mound along the south (downhill) side, with the lowest spot at the southeast corner.</p> <p>As with Pit 1 and Pit 3, Pit 2 is not situated on a watercourse and does not appear to have served for water storage. The pit is due south (magnetic) of Pit 1 on a line that also passes through Pit 2. While it may be tempting to consider that it may be an pit dug for the purpose of concealing contraband, its form and survival suggests it is significantly younger than 200 years old and a more plausible explanation is a temporary defensive entrenchment associated with military manoeuvres, such as those reported at Fort Nelson in 1908 and 1909.</p>	

Pit 1 at rear (west) of F29

Pit 2, south side of saddle overlooking Cartwright Creek

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HF3	<p>Pit 3</p> <p>Rectilinear excavation measuring c. 7m EW x 3m NS and <0.8m deep, running across the hill face between 185m and 190m contours on the south side of the saddle between Mt Nelson and Porter Hill, approximately 17m north of Pit 2. Spoil has been formed up as a linear mound along the south (downhill) side, with the lowest spot at the southeast corner.</p> <p>As with Pit 1 and Pit 2, Pit 3 is not situated on a watercourse and does not appear to have served for water storage. The pit is on a NS magnetic line that also passes through Pit 1 and Pit 2. As with both of these features Pit 3 may be a temporary defensive entrenchment associated with military manoeuvres, such as those reported at Fort Nelson in 1908 and 1909.</p>	 <p>Pit 3, south side of saddle overlooking Cartwright Creek</p>
HF4	<p>Small dam</p> <p>The feature is a shallow crescent-shaped depression at the external apex of the third switchback on the Fort Nelson/Porter Hill access road, which is situated on the crest of the saddle separating the Mt Nelson Spur from Porter Hill. The depression is 14m NS x 7m-EW and <1m deep, with spoil formed into a curved bund with a 3m base thickness on the southwestern side. The depression lies on a natural flow path between the road topside table drain and south side of the saddle draining into Cartwright Creek, and appears to have been constructed as a small dam to capture road runoff, there being no other sources of water at the saddle crest.</p> <p>The dam lies within 20m of the location of the Contractors Hut shown on the 1912 Fort Nelson sketch plan, so may reflect an associated activity, such as providing incidental water for road-building or horses involved in the works. It is unlikely to have been associated with fort construction as turbid water is not suitable for concrete-making.</p> <p>Given the strong likelihood that water for construction and roadmaking tasks was either carted or pumped to the work sites and stored in tanks, a more plausible explanation is that the dam may relate to leasing of the land for stock grazing in the years between 1912 and 1949 sale to Esmond Dorney. Further historical research is required to firmly attribute this feature.</p>	 <p>Small crescent-shaped dam at bend of Fort Nelson Road.</p>

Table 5.1 Previously located/recorded heritage features confirmed during survey

Five previously identified heritage features discussed in the desktop review and illustrated in Figure 4.2 were re-inspected during the site survey with revised descriptions provided in Table 5.1. The only substantive changes to the records for those features is that for the current study Pit 1 has been extracted and tentatively linked with Pit 2 and Pit 3 as potential defence-related items rather than being considered part of the 19th C. residence complex. The residence complex was re-recorded as comprising four discrete elements (F29a -F29d).



5.2 Features identified during survey

Seven features or feature groups not described in previous assessments were documented during the field survey. Summary descriptions are provided in Table 5.2. Features HF8 and HF9 comprise several elements that have been grouped for thematic reasons.

ID	Description	Image
HF5	<p>Pit 4</p> <p>Small rectilinear excavation measuring c. 4m EW x 2m NS and <0.8m deep, angling across the hill face between 185m and 190m contours on the south side of the saddle between Mt Nelson and Porter Hill, midway between and approximately 12m east of a line between Pit 2 and Pit 3. 2. Spoil has been formed up as a 2m-wide linear mound along the south (downhill) side, with the lowest spot at the southeast corner being below the floor level of the pit, indicating a free-draining structure.</p> <p>Pit 4 is very close to, and constructed in the same manner as Pit 2 and Pit 3, suggesting they form part of a group of related features possibly associated with military manoeuvres, such as those reported at Fort Nelson in 1908 and 1909.</p>	 <p>Small rectilinear excavation with downslope bund, part of a group with pit 2 and Pit 3</p>
HF6	<p>Track formation</p> <p>One of the features of potential interest extracted from the LIST Hillside map was confirmed by survey to be the alignment of a shallow benched track or road formation running from the crest of the Mt Nelson spur at c. 204m elevation downhill in a northerly direction for a distance of 100m. It was not followed downhill beyond this point as the entire surveyed expression lies outside the study area. The visible feature comprises a narrow benched linear formation 2.5m wide with topside cuttings up to 30cm. A recent mountain bike track follows the formation for c. 25m.</p> <p>The age and function of the feature have not been determined.</p>	 <p>Overgrown benched formation, partially overprinted by mountain bike track</p>
HF7	<p>Possible track formation</p> <p>A low linear east-west trending bench 2.5m wide with a shallow topside ledge was traced for a distance of c. 50m above the 170m elevation contour downhill of Pit 2. The formation appeared to continue to the west, following the line of a Hillshade lineation. An easterly continuation of the feature could not be traced on the ground due to vegetation cover.</p> <p>The feature may be the remains of a mid-20th C. logging track. It was not investigated further as it lies outside the study area.</p>	 <p>Linear cutting along topside of possible benched road formation</p>
HF8	<p>Property boundary markers</p> <p>A series of likely related elements was located along the boundary of the 1908 Commonwealth land acquisition:</p>	

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	<p>HF8a Split eucalypt fence post, 1.4m long, 190cm wide and max. 8cm thick, on approximate property boundary within 1m of steel Y-bar boundary peg.</p> <p>HF8b Split eucalypt fence post, 1m long, 12cm wide and max. 9cm thick with 4 point double twist barbed wire, on approximate property boundary</p> <p>HF8c Broken split eucalypt fence post, 1.35m long, 11cm wide and max. 9cm thick lying on ground approximately 6m east of property boundary</p> <p>HF8d Split eucalypt fence post, 1.4m long, 12cm wide and max. 6cm thick, lying on ground at north end of property boundary stone alignment.</p> <p>HF8e Rectangular mound of split dolerite measuring 3m x 1m parallel to property boundary.</p> <p>HF8f Alignment of 9 visible dolerite fieldstones spaced roughly 3' apart and aligned along the boundary over a distance of 9m, possible fence-post armouring.</p> <p>HF8g linear dolerite fieldstone clearance mound beside and parallel to boundary line, measuring 5.5m x 1.8m and stacked up to 3 courses high.</p> <p>It is likely, although unproven, that at least some elements, such as the stone alignment and clearance mounds, relate to the original fencing which was presumably erected by the Commonwealth as a condition of compulsory acquisition. From 1912 grazing lessees for the 71 acres block were required to 'keep fences in repair', suggesting that a fence on this alignment was erected by then (<i>Mercury</i> 3 July 1912).</p>	 <p>From top left, HF8a, HF8b, HF8c, HF8d, HF8e, HF8f, HF8g</p>
HF9	<p>Tree stumps</p> <p>A number of relict tree stumps was observed within the study area, indicating a history of timber getting, land clearing and bushfire. Six examples were documented during the assessment that fall within 3m of the GPS or flagged track route which may warrant management.</p> <p>HF9a Small axe cut tree stump 1m high, 30cm DBH with horizontal notch 150mm below top.</p> <p>HF9b Small cut stump 1m high, 25cm DBH with possible vertical axe-cut notch 150mm below top.</p> <p>HF9c Remains of charred tree stump 1.2m high, DBH >50cm</p> <p>HF9d Charred tree stump, 1m high, 80cm DBH</p> <p>HF9e Charred axe-cut tree stump 1.3m high, 70cm DBH</p> <p>HF9f Chain-sawn tree stump 1m high, 50cm DBH</p>	 <p>From top left, HF9a, HF9b, HF9c, HF9e, bottom HF9d, HF9f</p>

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HF10	<p>Water lines</p> <p>3/4 inch galvanised water line running up gully towards Dorney residence with later 25mm poly water line beside, bypasses small dam HF4. Steel line terminates beside existing Mt Nelson walking track.</p>	 <p>¾ inch steel water line with later poly line to Dorney residence</p>
HF11	<p>Small roadside cutting</p> <p>A small irregular cutting measuring 8m x 4m at the top, enclosing a space 4m x 2m at the base, is located on the southeast side of the hairpin road bend c. 15m east of the small dam HF4, approximately in the location of the Contractors Hut depicted on the 1912 sketch plan of Fort Nelson sketch plan. The sides of the cutting have eroded, concealing the floor of the feature. No footings, fireplace, brick stone or other structural remains are visible at surface. a c. 3m length of barbed wire runs around the southwest side of the cutting, possibly the remains of a former fence.</p> <p>The contractors hut was probably a small demountable building used as a site office or tool store, so the absence of surviving structural remains would be unremarkable.</p> <p>It is unclear whether the hut relates to the original 1907-1908 establishment works or to the raft of works commissioned by the Commonwealth after 1911, such as constructing the caretakers hut, officers' quarters and men's huts etc. Its depiction on the 1912 plan suggests the latter.</p>	 <p>Small levelled cutting beside road bend, possible Contractor's hut site</p>

Table 5.2 Additional historic heritage features identified during survey

The majority of LIST tentative Hillshade lineations intersecting the study area were either not able to be identified on the ground, or were natural features such as animal tracks. Only two lineations were subsequently confirmed as possible historic features: HF6 and HF7 in Table 5.2.

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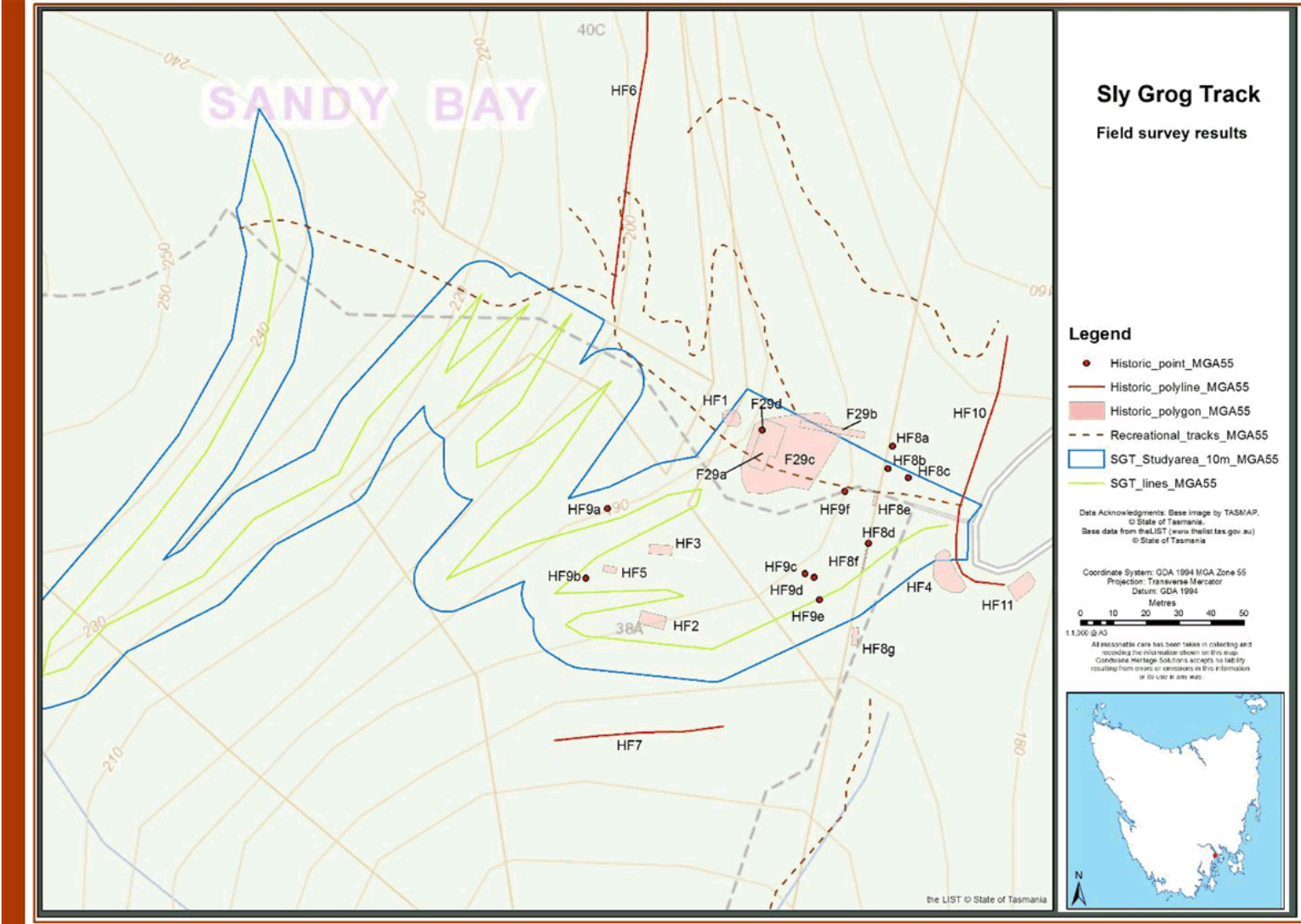


Figure 5.1: Survey results

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6. Assessing cultural significance

The assessment of cultural significance in this assessment references the criteria contained in the *Historic Cultural Heritage Act 1995* (HCH Act). Furthermore, the current assessment adopts the themes and statements of significance contained in the Porter Hill Conservation Plan (GHD 2007) which extend beyond the heritage listed area to encompass F29 and therefore logically also cover the majority of features identified by this assessment. References to State and Local listing thresholds are based on the assessment framework contained in Heritage Tasmania's *Assessing Historic Heritage Significance* (2011).

(a) the place is important to the course or pattern of Tasmania's history;

Some of the identified heritage features, including HF1, HF2, HF3, HF5, HF8 and HF11 possibly may be associated with Commonwealth activities, including construction, boundary delineation and training manoeuvres. If so, they illustrate some of the challenges associated with operating a military facility in the midst of an existing settled district and attempts to address some of the strategic weaknesses of the location.

Features associated with likely non-defence activities, such as F29, HF4, HF6, HF7, HF9 and HF10 have limited capacity to demonstrate aspects of land use around the southern fringes of Hobart during the late 19th-early 20th C. Such site types are not uncommon and are unlikely to meet thresholds for statutory heritage listing at Local or State level.

(b) the place possesses uncommon or rare aspects of Tasmania's history;

With exception of Fort Direction which is still operational, surviving Derwent defence network sites primarily demonstrate standardised and designed aspects of the system, such as gun emplacements and magazines, rather than retaining evidence of how the establishments were used and maintained. Ephemeral features such as trenches and entanglements that illustrate aspects of daily life and the evolution of places to meet emerging needs are rarely preserved following decommissioning and conversion to other uses. Boundary fencing separating defence land from private land is standard practice and is unlikely to be rare, however given the challenges of defending the fort from land attack the proximity of HF1, HF2, HF3 and HF5 adds particular salience to surviving boundary features.

Features associated with likely non-defence activities, such as F29, HF4, HF6, HF7, HF9 and HF10 are not uncommon around Hobart or across Tasmania generally, and are unlikely to meet thresholds for statutory heritage listing at Local or State level.

(c) the place has the potential to yield information that will contribute to an understanding of Tasmania's history;

The potential defence-related features HF1, HF2, HF3, HF5, HF8 and HF11 demonstrate standard low-technology construction methods with no particular evidence of design or planning, limiting their value as potential targets of archaeological investigation. At a landscape level however, the distribution of the features in the landscape has the potential to illustrate aspects of labour organisation and training which are otherwise not recorded.

Features associated with likely non-defence activities, such as HF4, HF6, HF7, HF9, HF10 and particularly F29 have limited potential to yield information about local land use but in the absence

of topical archaeological research questions are unlikely to meet thresholds for statutory heritage listing at Local or State level.

(d) the place is important in demonstrating the principal characteristics of a class of place in Tasmania's history;

The potential defence-related features HF1, HF2, HF3, HF5, HF8 and HF11 potentially demonstrate once common aspects of construction and use of Derwent defence establishments on the fringe of urban settlement and have the capacity to contribute to the representative value of Fort Nelson.

Features associated with likely non-defence activities, such as F29, HF4, HF6, HF7, HF9 and HF10 may be representative of local land use themes, however without comparative data that indicates they are particularly well preserved examples are unlikely to meet thresholds for statutory heritage listing at Local or State level.

(e) the place is important in demonstrating a high degree of creative or technical achievement;

The potential defence-related features HF1, HF2, HF3, HF5, HF8 and HF11 demonstrate standard low-technology construction methods with no particular evidence of creativity in design or execution.

Features associated with likely non-defence activities, such as F29, HF4, HF6, HF7, HF9 and HF10 similarly display aspects of typical or vernacular construction, and are unlikely to meet thresholds for statutory heritage listing at Local or State level.

(f) the place has a strong or special association with a particular community or cultural group for social or spiritual reasons;

There is no evidence to support assessment against this criteria.

(g) the place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history;

The assessment has failed to make a direct connection between surviving features and notable early settlers of Sandy Bay including Edward Garth and Edward Fisher. The land on which the pre-defence features are located was owned by MHA William St Paul Gellibrand and for a brief period his brother MLC Walter Angus Bethune Gellibrand prior to Commonwealth acquisition, however there is no clear connection between the careers of either man with surviving fabric.

(h) the place is important in exhibiting particular aesthetic characteristics.

Although shrouded in regenerating bushland, the identified historic features do not materially contribute to the sense of the fort remains existing '*in harmony with their natural surroundings*' (GHD 2007: 42). Most of the scrub is of more recent age than the historic features, as evidenced by the remains of tree stumps around the margins of the remaining clearings, and the current setting is arguably a neglected landscape in terms of articulating military design/aesthetic principles which highlight the importance of invigilating and actively managing risk.

6.1 Relative significance rankings

The foregoing statements of significance against HCHA criteria relate to the combined assemblage of identified historic features. Individual features have varying capacity to demonstrate the criteria however, and it is usual for heritage assessments to rank individual features according to

the contribution each makes to the heritage significance as a whole and as a basis for prioritising management.

The significance ranking used in this assessment uses the three-tier hierarchy contained in the Porter Hill Conservation Plan which is reproduced in full below (GHD 2007: Appendix B, p1).

High significance

Feature/s of high significance are those places, sites, items or features considered representative of key functions of the fort (or other thematic category of site). They generally survive in a form that retains the ability to demonstrate these key functions.

A place, site, item or feature identified as having very high significance should be retained in its planned or intact form where possible.

Changes should generally only be made to recover or reveal the significant form or to make safe where occupation or visitation for the purpose of interpretation is envisaged.

Medium significance

An assessment of medium significance applies to places, sites, items or features that represent the typical, standard, often utilitarian elements of the fort (or other thematic category of site). They may be ancillary elements or elements which are of insufficient integrity to warrant a higher significance rating. While, individually, these features are not of high significance they contribute to the understanding of the development or evolution of the fort (or other thematic category of site) and should be retained wherever possible.

Low significance

These features contribute little to the overall understanding or appreciation of the fort (or other thematic category of site). Features of low heritage value may also have been significantly altered, thus diminishing heritage value.

These features may be retained or removed to suit present or future operational requirements.

Relative significance rankings for individual features identified or confirmed by field survey are provided in Table 6.1. Features potentially associated with Commonwealth-period activities are shaded in grey.

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Feature_ID	Condition	Significance rank
F29a - Building site	Poor	Medium
F29b - Stone wall	Poor	Medium
F29c - Artefact scatter	Poor	Medium
F29d - Hawthorn	Good	Low-Medium
HF1 - Pit 1	Fair	Medium-High
HF2 - Pit 2	Fair, overgrown	Medium-High
HF3 - Pit 3	Fair, overgrown	Medium-High
HF4 - Small dam	Fair	Low-Medium
HF5 - Pit 4	Fair, overgrown	Medium-High
HF6 - Track formation	Fair-Poor	Low-Medium
HF7 - Possible track formation	Poor	Low
HF8a - Fence post	Fair, still standing	Medium
HF8b - Fence post	Poor, charred and collapsed	Medium
HF8c - Fence post	Poor, broken and displaced	Low-Medium
HF8d - Fence post	Poor, weathered with charred end, collapsed	Medium
HF8e - Stone mound	Fair	Medium-High
HF8f - Stone alignment	Fair	Medium-High
HF8g - Stone mound	Fair	Medium-High
HF9a - Tree stump	Fair, charred	Low-Medium
HF9b - Tree stump	Poor, charred and hollowed	Low-Medium
HF9c - Tree stump	Poor, charred and hollowed	Low
HF9d - Tree stump	Poor, charred and hollowed	Low-Medium
HF9e - Tree stump	Fair, charred and partially hollowed	Low-Medium
HF9f - Tree stump	Fair	Low
HF10 - Water lines	Fair-Good	Low
HF11 - Small cutting	Poor	Medium

Table 6.1 Historic feature relative significance rankings

7. Heritage policy and approvals

7.1 Environment and Biodiversity Conservation Act 1999

The proposed works do not affect any places listed on active heritage registers managed by the Commonwealth Government, consequently approval under the EPBCA Act is not required.

7.2 Historic Cultural Heritage Act 1995

Places on the Tasmanian Heritage Register are protected by the provisions of the *Historic Cultural Heritage Act 1995* (HCHA). Under the HCHA it is illegal to undertake works within the boundary of a listed place without heritage approval in the form of a Planning Permit or Certificate of Exemption.

Works are defined under the HCH Act as including:

- (a) any development; and
- (b) any physical intervention, excavation or action which may result in a change to the nature or appearance of the fabric of a place; and
- (c) any change to the natural or existing condition or topography of land; and
- (e) any removal of vegetation or topsoil;

Works that are eligible for a Certificate of Exemption are outlined in Heritage Tasmania's *Works Guidelines for Historic Heritage Places* (Tasmanian Heritage Council 2015).

The eastern end of the current study area, including c. 35m of proposed track connecting with the Fort Nelson access road, intersects land title 231548/1 which forms part of the area permanently registered on the Tasmanian Heritage Register for Fort Nelson (THR-ID 8721). Works within this area will require heritage approval under the HCH Act.

The proposed works will likely involve vegetation removal, excavation, hard landscaping and signage within the THR-listed area. Exemption thresholds considered applicable for these activities are listed under 2.3 (Introducing new elements), 4.1 (Interpretation signboards), 7.2 (Excavation and ground disturbance), 13.5 (Removing plantings), 13.6 (Removing wood or branches, hedge trimming and pruning), 13.7 (Hard landscaping) with Heritage Tasmania's *Works Guidelines*.

In order to qualify for an exemption, it will be necessary to lodge an *Exemption Application Form* with Heritage Tasmania containing details of the proposed works (i.e. detailed construction drawings) and other relevant information demonstrating that the works will meet the relevant exemption criteria. It will also be necessary to demonstrate compliance with Porter Hill Conservation Plan policies for conserving external heritage values. A Certificate of Exemption does not obviate the need for a proponent to obtain Local Government planning approval where this is required.

7.3 Hobart Interim Planning Scheme 2015

Works occurring within the boundary of a Heritage Place or within the overlay extent of a Heritage Precinct or Cultural Landscape Precinct fall under the provisions of the HIPS Historic Heritage Code (E13.0), the purpose of which is '*To recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological*

potential by regulating development that may impact on their values, features and characteristics' (E13.1.1).

Under Section E13.5 (Application Requirements) Council may require proponents to provide additional information including heritage impact assessments, statement of archaeological potential, statement of compliance, reports on social, economic or other impacts etc. which may also need to cover potential impacts on adjacent Heritage Code items.

The eastern end of the study area, including c. 35m of track connecting with the Fort Nelson access road intersects an area listed in Table E 13.1 (Heritage Places ID-1202) which covers the whole of the intersected title 231548/1. It does not appear that constructing a new shared path is exempt from the Heritage Code, consequently a planning permit will be required. Consultation with City of Hobart Planning officers should occur to determine the specific development standards and application requirements that apply to the proposed works.

7.4 Porter Hill Conservation Plan

The Porter Hill Conservation Plan (GHD 2007) covers the THR and HIPS listed areas and contains several policies relating to the wider setting of the fort complex, referred to as Bushland Area, that are relevant to the proposed track realignment and will be critical to address, both to conserve heritage values and support applications for statutory approvals. Relevant parts of these policies are reproduced below:

Policy 1 – General Conservation Policy

Low level remains of Fort Nelson should be maintained in their ruinous form.

A Heritage Impact Statement shall be prepared prior to any proposal to disturb ground in the vicinity of features identified as being of high and/or medium significance. Items of movable cultural heritage should be inventoried and left in situ unless it is necessary to remove them for conservation or in response to a risk issue. Hobart City Council should develop and implement a policy for curation of items that are to be either relocated and/or stored.

Porter Hill should not be accessible to the public until site security; safety measures and visitor management measures have been put in place.

Recommended strategies and actions

Ensure that statutory obligations and the policies in this CMP are known and understood by relevant Hobart City Council staff and any contractors or others engaged to undertake any works at the site.

Policy 4 - Wider Elements

All wider elements (i.e., those outside the nucleus of Fort, described earlier as the interface between magazine & battery and the former Dorney Residence) such as the caretakers quarters and barracks, site of the latrines and other structures (including guard house, pump house), the parade ground, machine gun emplacements, road including switchbacks, the network of tracks, paths, landscaping and remnant stone/barbed wire fencing shall be retained in situ, accessible and readily interpretable.

Recommended strategies and actions

The planted Hawthorns at the 19th century occupation site (Feature 19) shall be retained in situ. All other Hawthorns that have naturalized into the surrounding land (and that are not identifiable associated with any other 19th century occupation site) and thistles may be removed as per weed eradication programs using techniques that avoid ground disturbance. For the removal of naturalized Hawthorns, the plants should be cut at the base and the cut trunk painted with herbicide. Thistles should be destroyed by herbicide spraying.

Policy 6 – Ongoing Inventorying & Recording

Heritage planning, provision for ongoing inventory and recording shall be incorporated into the HCCs management of Porter Hill.

Recommended strategies and actions

To contain costs, opportunities for training of Hobart City Council staff in historic site recognition and recording with an audit component could be explored in preference to engagement of external consultants. Audits are to be carried out by the Hobart City Council, Cultural Heritage Officer.

Policy 7 – Interpretation

Where public visitation is proposed an Interpretation Plan should be prepared. Such a plan would provide specific guidelines for interpretive themes, content, actions and indicative costs of the strategy.

Recommended strategies and actions

Interpretation should seek to explain in creative and imaginative ways the history and heritage of Porter Hill including but not limited to; the history of smuggling of contraband and mid-late 19th century occupation, the establishment and operation of Fort Nelson, the link with advances in seismological theory, the Dorney family's occupation of the hill with emphasis on Esmond Dorney's occupancy, influences and outlook on life that cumulatively provided the inspiration for the various residences and the close relationship with the setting and threats arising from bushfires that prompted rebuilds.

7.5 Porter Hill Conservation Covenant 2012

A conservation covenant (D40231) applies to 26.4ha of the THR and HIPS listed areas, plus other land totalling approximately 7ha. The eastern end of the current study area, including c. 35m of track connecting with the Fort Nelson access road, intersects Area 1 of the covenanted land (being a portion of 231548/1) which is part of the Bushland Area referred to in the Porter Hill Conservation Plan.

Sections 4.1-4.3 of the conservation covenant set out the General Covenants that oblige the City of Hobart (the Owner) 'not to undertake activities that will cause damage to, or degradation, of the Natural Values.' Of particular relevant to the proposed track realignment are prohibitions against:

4.2 (c) Introduction of Foreign Material except materials for the maintenance and construction of infrastructure, fences or carriageways as authorised in writing by the Minister;

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4.2 (d) Off-road use of vehicles except for emergency purposes, or for the purpose of assisting the maintenance or construction of infrastructure or carriageways;

4.2 (h) Use of herbicides and other chemicals except for registered herbicides or pesticides for the purpose of controlling Exotic Species that threaten the Natural Values as authorised by the Minister in writing;

4.2 (i) Removal or disturbance of soil, rock or other mineral resources except for the purposes of maintenance and construction of fences, carriageways or infrastructure and for revegetation activities;

4.2 (k) Building or placement of infrastructure, fences or carriageways except:

(i) for the purposes of fencing to protect the Land from activities on adjoining land or to meet property boundary fencing commitments to adjoining landowners;

(ii) for the purpose of constructing additional fences or constructing additional carriageways as authorised in writing by the Minister;

(iii) for the purpose of supporting land management activities or managing public visitation of the Land as authorised in writing by the Minister;

4.2 (m) Clearance of Native vegetation except:

(iii) for the purposes of maintenance of infrastructure or fences as authorised in writing by the Minister;

(iv) for the for the purposes of constructing infrastructure or additional carriageways and additional fences as authorised in writing by the Minister;

Under section 4.3, the City of Hobart is obliged:

(a) to use their best endeavours to ensure that Exotic Species that threaten the natural values of the Land do not become established;

(b) to use best endeavours to eliminate or control established Exotic Species that threaten the Natural values of the land by observing the weed management prescriptions and feral animal control prescriptions issued for the Land by the Minister;

(d) to maintain fences if those fences are necessary to protect the natural values of the Land;

Meeting these and potentially other objectives of the conservation covenant will be critical in demonstrating compliance with the HIPS objectives for the Heritage Place portion as well as for obtaining the authorisation of the Minister for the proposed works within the covenanted area.

8. Heritage management recommendations

Managing the historic heritage values within the proposed Sly Grog Track realignment involves avoiding or minimising impacts associated with construction and use of the new track and remediating impacts associated with use of the existing tracks within the study area. Management recommendations for both are given below. Specific recommended management actions for individual historic features are listed in Table 8.1.

8.1 Managing impacts associated with new construction and use

The lower half of the proposed new track alignment passes close to several historic features, including excavated pits (HF2, HF3, HF5), small dam (HF4), tree stumps (HF9a-e) and features deemed to be associated with the c. 1908 boundary fence (HF8d-f). It is possible to avoid all of these features with minor adjustments of the track alignment. While these features range in significance, they all contribute to understanding the history of land use within the study area and should be retained wherever possible.

Recommendation 1

Undertake minor adjustments of the proposed track alignment to avoid all features identified in this report. Individual features should be protected during track construction within temporary 2m radius flagged exclusion zones.

Several features, including boundary items HF8a-f occur within the area covered by the THR listing, HIPS Historic Heritage Code and Conversation Covenant for Porter Hill. Works within this area requires specific heritage and planning approval and Ministerial authorisation (refer Section 7).

Recommendation 2

All works within the THR, HIPS and covenant area must accord with the policies and strategies outlined in the relevant management documents, with approvals being obtained prior to works.

8.2 Managing impacts associated with existing use

Existing use compromises the historic heritage values in several ways. The main access track and a smaller informal side track pass through the F29 complex, creating additional wear on remaining structural fabric and trampling and eroding cultural deposits. There is evidence of artefact dispersal and fossicking, which further diminished the archaeological potential of the site. Permanently closing the existing tracks is necessary to manage the ongoing impacts of pedestrian and bike usage and reduce the risk of fossicking.

Recommendation 3

The existing walking track and sections of informal tracks on CoH-owned land leading to or through the F29 complex should be permanently closed and rehabilitated.

Ongoing pedestrian and bike movement through the F29 area also increase the likelihood that environmental weeds present within the F29 clearing, including thistles and hawthorn, may be spread into adjacent bushland, resulting in pressure to remove potentially significant examples

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such as F29d and relict plantings, which should be retained subject to monitoring of invasive effects.

Recommendation 4

The hawthorns at the 19th century occupation site (Feature 29) shall be retained in situ. Hawthorns and other environmental weeds that have naturalised into the surrounding land may be removed using techniques that avoid ground disturbance, as per the recommendations contained within the Porter Hill Conservation Plan Policy 4.

Table 8.1: Summary management recommendations for individual historic features

Feature_ID	Management
F29a - Building site	Retain in situ. No ground disturbing activities. Close existing tracks.
F29b - Stone wall	Retain in situ. No ground disturbing activities. Close existing tracks.
F29c - Artefact scatter	Retain in situ. No ground disturbing activities. Close existing tracks.
F29d - Hawthorn	Retain if feasible. Remove only if demonstrably essential to prevent bushland infestation.
HF1 - Pit 1	Retain, no ground disturbing activities.
HF2 - Pit 2	Avoid and retain in situ. No ground disturbing activities.
HF3 - Pit 3	Avoid and retain in situ. No ground disturbing activities.
HF4 - Small dam	Maintain or upgrade as required.
HF5 - Pit 4	Avoid and retain in situ. No ground disturbing activities.
HF6 - Track formation	Outside study area, not impacted
HF7 - Possible track formation	Outside study area, not impacted.
HF8a - Fence post	Retain in-situ.
HF8b - Fence post	Retain in-situ.
HF8b - Fence post	Retain in-situ or relocate upslope to property boundary.
HF8d - Fence post	Retain in-situ.
HF8e - Stone mound	Retain in situ. No ground disturbing activities.
HF8f - Stone alignment	Retain in situ. No ground disturbing activities. Re-route track a few metres to south to avoid visible stones.
HF8f - Stone mound	Retain in situ. No ground disturbing activities.
HF9a - Tree stump	Avoid and retain if feasible.
HF9b - Tree stump	Avoid and retain if feasible.
HF9c - Tree stump	Avoid and retain if feasible.
HF9d - Tree stump	Avoid and retain if feasible.
HF9e - Tree stump	Avoid and retain if feasible.
HF9f - Tree stump	Avoid and retain if feasible.
HF10 - Water lines	Retain, upgrade or remove as required.
HF11 - Small cutting	Outside study area, not impacted.

8.3 Signage and interpretation

The Porter Hill Conservation Plan recommends interpretation of public-access areas covering relevant heritage themes. Such interpretation should be subject to an Interpretation Plan for Porter Hill that considers the potential risk associated with drawing attention to sensitive sites, such as the F29 complex.

Recommendation 5

Directional signage should be installed at the ends of the new shared use track and as required for wayfinding. If interpretation signage is to be installed, a formal interpretation Plan should be prepared to guide the development of content and placement of any signs dealing with historic heritage themes.

8.4 Managing Unanticipated Discoveries

There is low theoretical potential for additional historic heritage features to be encountered during the proposed activity. Notwithstanding, any new discoveries of structures or artefacts should be considered significant until proven otherwise and managed according to the precautionary principle. The Porter Hill Conservation Plan (GHD 2007: 54) advocates City of Hobart staff be trained in historic site recognition, recording and auditing in preference to the engagement of external consultants. This recommendation is supported, subject to external advice being sought where and when required.

Recommendation 6

Any new discoveries of potential historic heritage significance should be immediately protected within a works exclusion zone of suitable size to protect the feature and reported to the City of Hobart Senior Cultural Heritage Officer for a determination on management requirement.

9. References

- Allen, S. 1967. Lord, David (1785-1847). Australian Dictionary of Biography, National Centre of Biography, Australian National University. Accessed online 17 December 2020.
- Australia ICOMOS 2013. The Burra Charter, the Australia ICOMOS Charter for Places of Cultural Significance, Burwood, Victoria
- Bennett, S., & Bennet, B. 2016. *Biographical Register of the Tasmanian Parliament 1825-1980*. Published by the House of Assembly, Parliament of Tasmania
- Evans, G. W. 1822. *A Geographical Historical and Typographical Description of Van Diemen's Land*. etc. facs.1967 William Heinemann, Griffin Press Adelaide.
- Fisher, Edward (1751-1838), People Australia, National Centre of Biography, Australia National University. <http://peopleaustralia.anu.edu.au/biography/fisher-edward-29940>. Accessed 14 December 2020
- GHD 2007. Porter Hill Conservation Plan (3 Vols). Report to Hobart City Council
- Goc, Nicola (1997). *Sandy Bay*. Gentrix Publishing, Sandy Bay, Tasmania
- Heritage Tasmania 2011. *Assessing Historic Heritage Significance for application with the Historic Cultural Heritage Act 1995. Version 5*. Department of Primary Industry Water & Environment, Hobart.
- Heritage Tasmania 2015. *Works Guidelines for Historic Heritage Places: November 2015*. Department of Primary Industry Water & Environment, Hobart.
- Huys, S. (CMA) 2020. Hawthorn Fire Trail Project Historic Heritage Assessment Report. Report to City of Hobart.
- Jackman, G. 2018. Porter Hill access road upgrade Heritage Impact assessment (HIA). Report to Sustainable Engineering., Tasmania.
- Leaman, D. E. 1997. Features of Jurassic dolerite intrusions at Cape Surville, Lynwood, Single Hill and Mount Nelson, Tasmania. *Papers & Proceedings of the Royal Society of Tasmania*, Vol. 131, 1997. Pp13-20.
- Lloyd, P. J. 2017. The first 100 years of Tariffs in Australia: the Colonies. University of Melbourne.
- Prinsep, A. 1833. The journal of a voyage from Calcutta to van Diemen's land, comprising a description of that colony during a six month's residence. Smith, Eder and Co, Cornhill, 1833
- Rowntree, A and Rowntree, F., & Mackaness, G. 1959. The early settlement of sandy Bay. Mercury Press Hobart.
- Quilty, P. G., Hill, P. J., Exon, N. F., Baillie, P. W., Everard, J. L., Forsythe, S. M., Calvert, C. R., Bottrill, R. S., Taheri, J., Bayer, E. E., Doyle, R. B., O'Reilly, S. Y., Zhang, M., Macphail, M., Hill, R. S., Partridge, A. D., Jordan, G. J. and S. Lewis 2014. Cretaceous – Neogene evolution of Tasmania. In Corbett, K. D., Quilty, P. G. and C. R. Calver (Eds) Geological Evolution of Tasmania. *Geological Society of Australia (Tasmanian Division) Special Publication 24*.
- Spannwick, S. and Kidd, D. 2000. Hobart Soil Report. *Reconnaissance Soil Map series of Tasmania*. Revised edition. Department of Primary Industries, Water and Environment, Tasmania.

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Welling, A. (Envirodynamics) 2020. Natural Values Assessment For the proposed Sly Grog Track, Bicentennial Park. Report for City of Hobart September 2020.

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Appendices

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A THR Fort Nelson datasheet

Tasmanian Heritage Register Datasheet



134 Macquarie Street (GPO Box 618)
Hobart Tasmania 7001
Phone: 1300 850 332 (local call cost)
Email: enquiries@heritage.tas.gov.au
Web: www.heritage.tas.gov.au

Name: Fort Nelson
Status: Permanently Registered
Tier: State

THR ID Number: 8721
Municipality: Hobart City Council

Location Addresses	Title References	Property Id
24 GARDENIA GR, SANDY BAY 7005 TAS	252509/2	2900846
24 GARDENIA GR, SANDY BAY 7005 TAS	152401/1	2900846
24 GARDENIA GR, SANDY BAY 7005 TAS	231548/1	2900846



Untitled

Untitled

No copyright on file

No copyright on file

Setting: Located on a prominent hilltop with sweeping 270 degree views. The house is surrounded by native bushland.

Description: The site consists of the remains of Fort Nelson and a 1978 dwelling. The fort remains include reinforced concrete gun emplacement, observation point and magazines. There are also foundations of barracks and the fort commander's residence as well as early steel telegraph poles from Sandy Bay Road. The residence is a circular dwelling steel-framed structure on a concrete brick base and with large areas of glass wall. It was erected on the eastern gun emplacement. It features floor to ceiling windows giving views to the river from Bruny Island to the city of Hobart. Two small rectangular wings provide accommodation for bedrooms and services. The roof is a series of shallow barrels clad in corrugated iron. A small office/dwelling has been erected on the observation post site. The house is surrounded by native bushland and is accessed from Churchill Avenue via a narrow paved lane.

History: Fort Nelson was built in 1909 as part of the Derwent River defence system. After purchasing it from the Commonwealth in 1949 the well-known architect, Esmond Dorney, and his wife built a small residence on one of the two gun emplacements. A main house was built on the second emplacement in 1967, then replaced with a smaller dwelling in 1978 after being destroyed in a bushfire. The original 1949 dwelling was destroyed in fires in January 1998.

Statement of Significance:
(non-statutory summary)
No Statement is provided for places listed prior to 2007

Significance:

The Heritage Council may enter a place in the Heritage Register if it meets one or more of the following criteria from the Historic Cultural Heritage Act 1995:

- a) The place is important to the course or pattern of Tasmania's history.
- Fort Nelson is of cultural heritage significance as the final phase of shore-based defences erected along the Derwent River after European settlement. The infrastructure and the operations of the fort are easily understood by the remaining fabric.

Wednesday, January 20, 2021

Page 1 of 2

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- b) The place possesses uncommon or rare aspects of Tasmania's history.
 Fort Nelson is of cultural heritage significance as a rare and relatively intact early twentieth century defensive fort along the Derwent River.
- c) The place has the potential to yield information that will contribute to an understanding of Tasmania's history.
 Fort Nelson is of cultural heritage significance as it has the potential to yield information on the operation of a defensive installation in the first half of the twentieth century.
- d) The place is important in demonstrating the principal characteristics of a class of place in Tasmania's history.
 Fort Nelson is of cultural heritage significance because it demonstrates the principal characteristics of an early twentieth century defensive installation. The house is of cultural heritage significance as it demonstrates the principal characteristics of a fine Late Twentieth Century Organic residence utilising its site and remnant historic fabric.
- e) The place is important in demonstrating a high degree of creative or technical achievement.
 The house is of cultural heritage significance as it demonstrates a high degree of creative and technical achievement in building a residence in an isolated location on an existing historic site.
- f) The place has a strong or special association with a particular community or cultural group for social or spiritual reasons.
- g) The place has a special association with the life or works of a person, or group of persons, of importance in Tasmania's history.
 Fort Nelson is of cultural heritage significance for its association with the military in Tasmania. The house is of cultural heritage significance for its association with the major postwar Tasmanian architect, Esmond Dorney.
- h) The place is important in exhibiting particular aesthetic characteristics.

PLEASE NOTE This data sheet is intended to provide sufficient information and justification for listing the place on the Heritage Register. Under the legislation, only one of the criteria needs to be met. The data sheet is not intended to be a comprehensive inventory of the heritage values of the place, there may be other heritage values of interest to the Heritage Council not currently acknowledged.

Mischa Pringle

From: aboriginal@heritage.tas.gov.au
Sent: Thursday, 19 November 2020 3:17 PM
To: Mischa Pringle
Subject: Application for an Aboriginal Heritage Search
Attachments: Unanticipated Discovery Plan.pdf; AHT Fact Sheet - Stone Artefacts.PDF

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

RE: ABORIGINAL HERITAGE REGISTER SEARCH**Sly Grog Track Reroute - Bicentennial Park**

Dear Mischa,

Aboriginal Heritage Tasmania (AHT) has completed your requested search of the Aboriginal Heritage Register (AHR) regarding the proposed reroute of the Sly Grog walking track between Nicholas Fire Trail and Dorney House Access Road. AHT can advise that there are no Aboriginal heritage sites recorded within or near the proposed track alignment.

Following a review of previous reports, and noting the steepness of the terrain in the area, it is believed that there is a low probability of Aboriginal heritage being present.

Accordingly, AHT have no objection to the project proceeding provided that it is guided by the attached Unanticipated Discovery Plan. If at any time during works you or your works personnel suspect Aboriginal heritage, cease works immediately and contact AHT for advice.

Please be aware that all Aboriginal heritage in Tasmania is protected under the *Aboriginal Heritage Act 1975* (the Act). Please also be aware that there are requirements under the Act to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister.

The Unanticipated Discovery Plan should be kept on site during ground disturbing works, to aid you and your works personnel in meeting your requirements under the Act in the event that Aboriginal heritage is identified. Your works personnel should be briefed about the process outlined in the Unanticipated Discovery Plan and made aware of their obligations under the Act during site inductions and tool box meetings.

Attached for your reference is an information sheet about the type of Aboriginal heritage that may be present within the project area, stone artefacts. This may also be distributed to your works personnel to assist them in recognizing this site type.

If you have any queries please do not hesitate to contact AHT.

Kind Regards,

Claire Keating

Aboriginal Heritage Tasmania

Natural and Cultural Heritage Division

Department of Primary Industries, Parks, Water and Environment

Level 8, 59 Liverpool Street, Hobart

GPO Box 44, Hobart, TAS, 7001

p 03 6165 3152

e aboriginal@heritage.tas.gov.au

www.aboriginalheritage.tas.gov.au

www.dpipwe.tas.gov.au





Enquiries to: City Planning
Phone: (03) 6238 2715
Email: coh@hobartcity.com.au

17 March 2021

Mischa Pringle (City of Hobart)
16 Elizabeth Street
HOBART TAS 7000

mailto:pringlem@hobartcity.com.au

Dear Sir/Madam

**NICHOLAS DRIVE & 1 A ENTERPRISE ROAD & 38 A NICHOLAS DRIVE & 24
GARDENIA GROVE, SANDY BAY
WORKS ON COUNCIL LAND NOTICE OF LAND OWNER CONSENT TO LODGE A
PLANNING APPLICATION - GMC-21-19**

Site Address:

1A Enterprise Road, 38A Nicholas Drive, Nicholas Drive and 24 Gardenia Grove, Sandy Bay

Description of Proposal:

New/realigned Mountain Bike Track
'Sly Grog Track Re-Route'

Applicant Name:

Mischa Pringle, C/o- City of Hobart

PLN (if applicable):

n/a

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.


Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make

Hobart Town Hall
50 Macquarie Street
Hobart TAS 7000

Hobart Council Centre
16 Elizabeth Street
Hobart TAS 7000

City of Hobart
GPO Box 503
Hobart TAS 7001

T 03 6238 2711
F 03 6234 7109
E coh@hobartcity.com.au
W hobartcity.com.au

 CityofHobartOfficial
ABN 39 055 343 428
Hobart City Council

as the statutory planning authority.

This consent does not constitute an approval to undertake any works and does not authorise the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully



(N D Heath)

GENERAL MANAGER

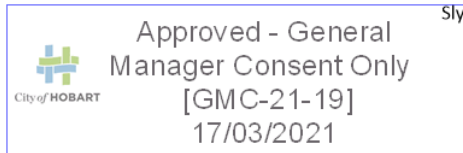
Relevant documents/plans:

Cover Letter

Map 1 by City of Hobart

Sly Grog Track Reroute

Cover letter



Sly Grog Track Reroute

Summary

Sly Grog Track is a shared use track located on the eastern slopes of Bicentennial Park, Sandy Bay. The track follows a steep alignment, and poses an ongoing safety and environmental risk. This proposal undertakes to realign the track in order to improve the safety for all users, reduce erosion and other environmental damage, and to provide a key link in the wider bushland recreational track network.

Map 1 provides an overview of the existing and proposed alignments, and additional natural value, heritage and geological information.

Background

Sly Grog Track is a 260 metre (m) Class 5¹ shared use track, located between Nicholas Fire Trail in Bicentennial Park and Dorney House Fire Trail on Porter Hill. It is a natural surface trail, ranging between 0.5- 1.5m in width, with an average gradient of 27%. The overall character is that of an informal track, with no formed drainage or evidence of surface treatment. No signage is currently in place.

The location has been identified as a major gap in the City of Hobart's recreational track and trail network, the improvement of which will result in a significant long term social and community benefit through the enhancement of the network, and improved visitor experience in the City's open space.

The location of the track corridor provides a key recreational access point to Bicentennial Park, Mount Nelson and further bushland areas for residents of Sandy Bay and Taroona, and similarly provides Mount Nelson residents access to the suburbs below.

The safety of users on the existing track is cause for concern, due to its steep gradient (27% avg.) and the nature of the surface material, which becomes extremely slippery in wet conditions. This causes the track to be effectively untrafficable at times. This safety concern is amplified by the track's shared use designation, as mountain bike users may find the route impassable in wet conditions, or extremely dangerous when descending on the slick surface, contributing to possible user conflict, or injury to themselves or other users.

The fall-line alignment of the existing track is contributing to environmental damage, primarily erosion caused by water flow and recreational traffic.

The lack of shared use suitability of the existing track has resulted in the illegal construction of an alternative route on a parcel of private land to the north. This track is also having detrimental

¹ In accordance with AS2156.1 *Walking Track Classification and Signage*, a 'Class 5' walking track has the following general characteristics:

- Limited modification to natural surface, track alignment may be indistinct in places.
- Minimal cleaning and debris along the track.
- May include steep sections of unmodified surfaces.
- Users require a moderate level of specialized skills such as navigation skills.

Sly Grog Track Reroute

environmental impacts due to its alignment and unsustainable construction techniques, resulting in erosion caused by water flow and recreational traffic.

Proposed Works

The Sly Grog Track Reroute project undertakes to construct a new shared use track between Nicholas Fire Trail and Dorney House Fire Trail. The Sly Grog Track Reroute project is being undertaken in accordance with the *Capital City Strategic Plan 2019-2029*, where it supports the achievement of numerous outcomes under *Pillar 6: Natural Environment*, in particular through the following strategies:

6.1.2

Strengthen open space connectivity, in partnership with stakeholders, prioritising links between the river, bushland and the mountain, through acquisitions and other opportunities.

6.2.1

Support initiatives for residents and visitors to build their connection to nature.

6.5.4

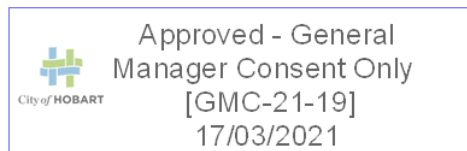
Develop and enhance the network of walking, cycling, mountain biking and other recreational tracks and trails throughout the City's open space network.

The track will be built to a Class 3² standard, in accordance with *AS2156.1 Walking Track Classification and Signage* and will fall within the guidelines for an Intermediate (Blue)³ difficulty trail in accordance with the *Mountain Bike Australia (MTBA) Trail Difficulty Rating System 2019*. The track will have an estimated length of 1040m, with a width of 0.6m-1.2m and an average gradient of 6%. It will be constructed using local materials, with a natural surface, and rock armouring as required. Intersections at either end will be signposted as per current City of Hobart signage guidelines for bushland areas.

The construction of the new alignment will result in a fit-for-purpose shared use track that forms a key link in the wider recreational network, and allows for recreational access by a wider range of users.

The gentle gradient and suitable construction techniques will provide a sustainable track, with adequate drainage at regular intervals, and hardening of the surface where necessary.

The new alignment will better suit cyclists, reducing the use of the illegally constructed route on private land, and allowing it to rehabilitate naturally.



² In accordance with *AS2156.1 Walking Track Classification and Signage*, a 'Class 3' walking track has the following general characteristics:

- Generally a modified surface, sections may be hardened.
- Width generally less than 1,200mm and kept mostly clear of intrusions and obstacles.
- May exceed 1:10 for short sections but generally no steeper than 1:10.
- Users may encounter natural hazards such as steep slopes, unstable surfaces and minor water crossings.

³ In accordance with the *Mountain Bike Australia (MTBA) Trail Difficulty Rating System 2019*, an 'Intermediate (Blue)' mountain bike track has the following description:

- Single trail with moderate gradients, variable surface and obstacles.
- May include steep sections Suitable for skilled mountain bikers with mountain bikes

Sly Grog Track Reroute

Additionally, the impact of the newly constructed track will be offset by the closure and rehabilitation of the existing alignment, significantly reducing its ongoing environmental and heritage impacts.

A Natural Values Assessment (NVA) has been undertaken, with a survey area encompassing a distance of 10m either side of the proposed alignment. The summary of the NVA report is as follows:

An on-ground survey of the proposed Sly Grog Track determined that the survey site supports the threatened vegetation community, *Eucalyptus globulus* dry forest (DGL), which also provides potential foraging habitat for the critically endangered swift parrot.

The vegetation of the survey area is listed as threatened under Tasmanian legislation. No Commonwealth-listed threatened communities occur in the survey area. There is a low likelihood of threatened flora species occurring within the area.

There will be no reduction in the extent or viability of the threatened blue gum community. No known significant habitat for threatened fauna species will be impacted by the proposed works, providing trees are not removed or damaged. No significant impacts on natural values is anticipated from track construction or use by walkers and cyclists.

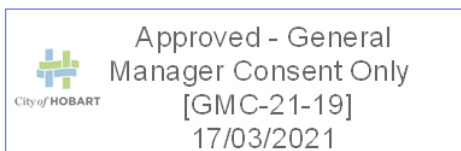
There is no need to alter the proposed track alignment for protection of natural values aside from ensuring adequate horizontal separation between earthworks (soil disturbance) and tree trunks. This assessment of natural values impacts, and recommendations, also applies to alternative track alignments within the survey area.

As per the recommendations of the NVA report, no trees (>20cm DBH) will be removed or damaged, and a buffer will be established around larger trees (>50cm DBH), with a minimum 2m separation between base of trunk and nearest edge of track. It is expected this buffer may be required around six trees within the track corridor (see Map 1), and others as identified during the construction process. Vegetation clearance will be limited to 2m width along route alignment. Additional requirements will be followed as recommended by the NVA report.

Alternative locations have been sought to achieve this recreational connection without the disturbance of high priority biodiversity values, however the corridor is restricted by private land boundaries to the north and south. The central location of the proposed track corridor is the only suitable connection point that will provide the significant long term community benefit the project will achieve.

Land Stability layers on the City of Hobart GIS system have identified rockfall hazard zones in several locations along the proposed alignment (see Map 1). Controls will be implemented to ensure no personnel or public are present in likely runout areas during construction in those areas, and construction crews will follow the *City of Hobart Boulder Hazard Assessment SOP (2020)* during works. A geotechnical assessment will be undertaken along sections where the final track alignment falls within a rockfall hazard zone, to identify any hazards and required controls prior to public use.

A desktop assessment undertaken by Aboriginal Heritage Tasmania (AHT) found that there are no Aboriginal heritage sites recorded within or near the proposed track alignment. Following a review of previous reports, and noting the steepness of the terrain in the area, AHT believe that there is a low probability of Aboriginal heritage being present. Accordingly, AHT have no objection to the project proceeding provided that it is guided by their Unanticipated Discovery Plan. If at any time during works personnel suspect Aboriginal heritage, works will cease immediately and AHT will be contacted for advice.



Sly Grog Track Reroute

The eastern end of the proposed realignment will include an estimated 20m section of track located within the Fort Nelson heritage site, a place that is heritage registered in Table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015*. As such, a Historic Heritage Assessment (HHA) has been undertaken along the track alignment, and encompassing an additional area surrounding previously identified heritage sites thought to be related to the Fort Nelson site. The summary of assessment results begins with the following:

Five previously recorded heritage features identified by desktop review were confirmed and re-recorded during survey. These included an 19th-early 20thC building site, a probable early-mid 20th C dam and three pits that are interpreted as possible defence manoeuvre earthworks.

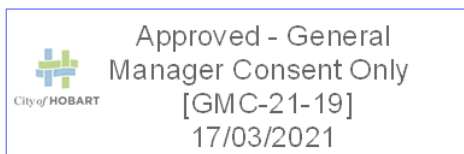
Seven additional features were documented during the field survey. Two of these features comprise several elements that have been grouped together for thematic reasons. Four features identified by survey that appear to relate to non-defence activities include two possible track formations, a series of seven tree stumps and a pair of water lines. Three features considered to reflect defence use include the possible site of the 1912 works Contractors Hut, remains relating to the post-1908 subdivision fencing and one additional pit possibly relating to defence manoeuvres.

As per the recommendations of the HHA report, the identified historic heritage features (see Map 1) will be located, and exclusion zones established at a 2m radius. Any new discoveries of potential historic heritage significance will be immediately protected within a works exclusion zone of suitable size to protect the feature and reported to the City of Hobart Senior Cultural Heritage Officer for a determination on management requirement. The closure of the existing track alignment will also aid in the management of ongoing user impacts and reduce the risk of fossicking occurring at identified sites. Additional requirements will be followed as per the HHA report.

A Certificate of Exemption for the works within the Fort Nelson heritage site has been issued by the Tasmanian Heritage Council.

The area of the Fort Nelson heritage site is also covered by the *Porter Hill Nature Covenant (2012)*. The Department of Primary Industries, Parks, Water and Environment has confirmed the authorisation contained within the current Nature Conservation Plan for Porters Hill (2011) supports the planned works.

Bicentennial Park is one of the City's major bushland reserves, and provides an outstanding resource for the local community. The improvement of recreational access to and from this reserve is considered to have a significant long term social and community benefit that is environmentally sustainable.





Mischa Pringle

From: Jill Hickie
Sent: Thursday, 12 November 2020 9:32 AM
To: Mischa Pringle
Subject: TRIM: FW: Ministerial approval to undertake track works - Porter Hill Conservation Covenant

Morning Mischa

Received the authorisation (ie ministerial approval) from DPIWE PLCP for the Sly Grog Track works.
See email below.

Cheers
Jill

Jill Hickie | Senior Park Planner | City Amenity
6238 2887 | 0408 382878

From: Page, Cindy [mailto:Cindy.Page@dpipwe.tas.gov.au]
Sent: Wednesday, 11 November 2020 3:42 PM
To: Jill Hickie
Subject: RE: Ministerial approval to undertake track works - Porter Hill Conservation Covenant

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Jill

The information, in particular the maps and the report Natural Values Assessment, is sufficient for us to confirm the authorisation contained within the current Nature Conservation Plan for Porters Hill (2011) supports the planned works.

The works should be undertaken as recommended in 6.1 of the Natural Values Assessment prepared by Andy Welling (eniro-dynamics).

This email along with your request and supporting information will be filed as a record confirming the planned works and authorisation.

Regards

Cindy Page

Cindy Page
Quality Assurance Officer
Private Land Conservation Program
Natural & Cultural Heritage Division
Department of Primary Industries, Parks, Water and Environment
GPO Box 44, HOBART, Tas., 7001
Phn: 6165 4387

Please note: I work Monday - Thursday

For general enquiries relating to conservation on private land please contact:
PrivateLandConservation.Enquiries@dpipwe.tas.gov.au

From: Jill Hickie <hickiej@hobartcity.com.au>
Sent: Thursday, 5 November 2020 4:52 PM
To: Page, Cindy <Cindy.Page@dpipwe.tas.gov.au>
Cc: Mischa Pringle <pringlem@hobartcity.com.au>
Subject: Ministerial approval to undertake track works - Porter Hill Conservation Covenant

Filed in Library: [Link to document M726650](#)
Hello Cindy

The City of Hobart is proposing to construct a new shared use track at Porter Hill that will reroute a current track alignment that is seriously eroding and not environmentally sustainable in its current alignment. Twenty metres (20m) of new track route track is proposed to be located within the Porter Hill conservation covenant (D40231). A planning application is to be submitted for new track works and is currently being prepared.

Under Section 4.2. (k) (iii) of the Porter Hill conservation covenant the council is required to apply for Ministerial approval to undertake these works.

I note however section 7.18 (i) & (ii) and 7.19 of in the *Nature Conservation Plan for Porter Hill Reserve (November 2011)* states that this uses are acceptable.

Please let me know if this will be exempted or you require a formal letter of application.

Many thanks

Jill Hickie
Senior Park Planner | City Amenity



CITY OF HOBART

50 Macquarie Street, Hobart, Tasmania, Australia, 7000 | hobartcity.com.au
Telephone (03) 6238 2887 | Mobile 0408 382878

I acknowledge the palawa people as the Traditional Owners and ongoing custodians of lutruwita (Tasmania).
I pay my respects to their Elders past, present and emerging.

This communication and any files transmitted with it are intended for the named addressee, are confidential in nature and may contain legally privileged information.

The copying or distribution of this communication or any information it contains, by anyone other than the addressee or the person responsible for delivering this communication to the intended addressee, is prohibited.

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Please consider the environment - Do you really need to print this email?

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Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7001
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: n/a
EXEMPTION: 3326
REGISTERED PLACE: 8721
FILE: 10-66-82THC
APPLICANT: Mischa Pringle, City of Hobart
DATE: 24 February 2021

CERTIFICATE OF EXEMPTION

(*Historic Cultural Heritage Act 1995*)

The Place: Fort Nelson, 24 Gardenia Grove, Sandy Bay.

Thank you for your application for a Certificate of Exemption for works to the above place. Your application has been approved by the Heritage Council under section 42(3)(a) of the *Historic Cultural Heritage Act 1995* for the following works:

Works: Realignment of a shared use track linking Porter Hill to Bicentennial Park. The eastern end of the existing track is located within the Fort Nelson heritage listed place, with a section of approximately 20m of the proposed realigned track located within the Fort Nelson site.

Documents: The application includes an exemption application form; *Proposed Sly Grog Track Reroute, Porter Hill Sandy Bay – Historic Heritage Assessment Final Report* Revision 0.1 dated 09/02/2021 by Gondwana Heritage Solutions; and *SGTR – Heritage Map* dated February 2021.

Comments: The existing track follows a steep alignment, with the new alignment designed to improve safety and reduce erosion and environmental damage. The Gondwana Heritage Solutions report includes reference to the Porter Hill CMP (GHD 2007) and includes a field survey to identify potential heritage features. In order to avoid identified historic features, the report recommends minor adjustment to the proposed track alignment and there are five other recommendations including an unanticipated discovery protocol. The applicant has agreed that the work will be carried out in accordance with all six recommendations. The proposed work is considered to meet with the eligibility criteria for a certificate of exemption for landscaping work, as described in Section 13 of the Heritage Council's *Works Guidelines*.

A copy of this certificate will be forwarded to the local planning authority for their information. Please note, this certificate of exemption is an approval under the *Historic Cultural Heritage Act 1995* only. This certificate is not an approval under any other Act. Further approvals such as planning, building or plumbing may be required. For information regarding these or any other approval, contact your local Council.

Further information on the types of work that may be eligible for a certificate of exemption is available in the Heritage Council's *Works Guidelines for Historic Heritage Places*. The Works Guidelines can be downloaded from www.heritage.tas.gov.au

Please contact Deirdre Macdonald on 0419 589 283 or 1300 850 332 if you require further information.



Deirdre Macdonald
Heritage Advisor – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 48805	FOLIO 7
EDITION 2	DATE OF ISSUE 01-Jul-2015

SEARCH DATE : 02-Nov-2020

SEARCH TIME : 02.08 PM

DESCRIPTION OF LAND

City of HOBART
Lot 7 on Sealed Plan 48805
Derivation : Part of 110 Acres Gtd to E Fisher
Prior CT 4777/8

SCHEDULE 1

B447983 TRANSFER to HOBART CITY COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 48805 EASEMENTS in Schedule of Easements
SP 48805 COVENANTS in Schedule of Easements
SP 48805 FENCING PROVISION in Schedule of Easements
SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

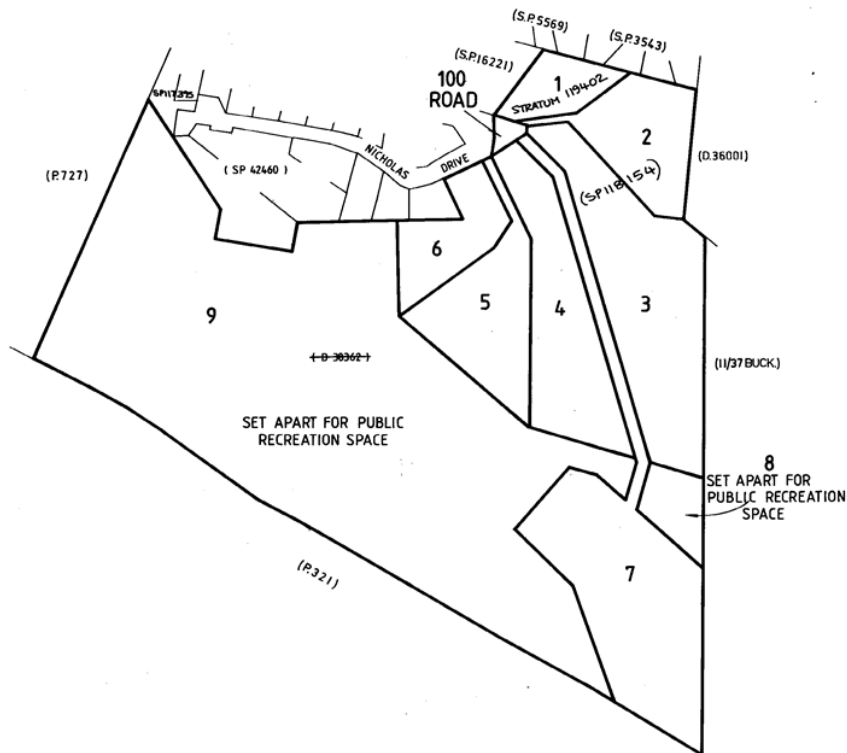
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: MAKATI INVESTMENTS PTY LTD, THYSS PTY LTD SANDRA KING, SUSAN SHIRLEY FLEMING, JOHN ALFRED MAY JOHANNA-MARIA GANER, PETER MICHAEL SHARP, VICKI LEE SHARP	PLAN OF SURVEY by Surveyor..... P.S. FLEMING of land situated in the CITY OF HOBART SCALE 1:2500 MEASUREMENTS IN METRES	Registered Number: SP48805 Approved Effective from 28 MAY 2021 Recorder of Titles
Title Reference: CT 4567 / 13		
Grantee: PART OF 110 ACRES GRANTED TO EDWARD FISHER		

LOT 9 IS COMPILED FROM CT 4567 / 13 AND THIS SURVEY



TASHP MUNICIPAL CODE NO. 2.1	LAST TASHP UPI NO. 12435	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY MARKERS TO BE CROSS REFERENCED ON THIS PLAN		



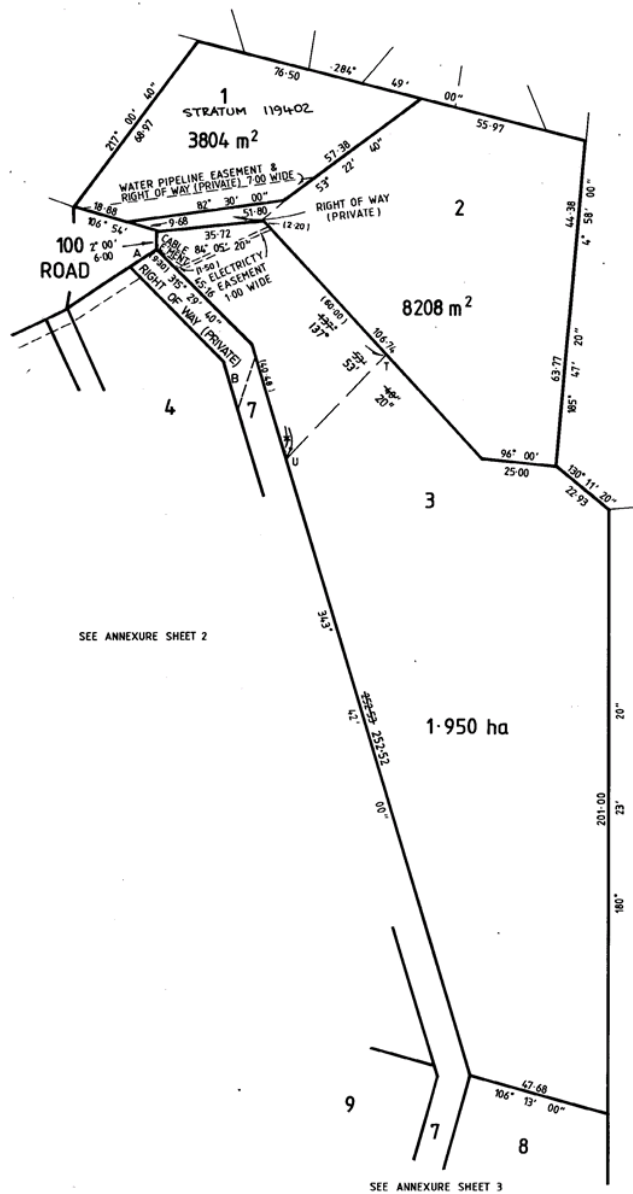
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No.1 (of 4 annexures) to plan by Surveyor P. S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/12/91 and that certificate extends to the detail shown on this sheet. Surveyor: <i>P. S. Fleming</i>	Registered Number: SP48805
Signed for the purposes of identification <i>Reynolds Toul</i> Council Clerk	Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S.S. FLEMING, J. A. MAY, P. R. DWYER, P. M. SHARP Title Reference: CT 4567/13 V. L. SHARP	Scale 1:1000 Measurements in Metres





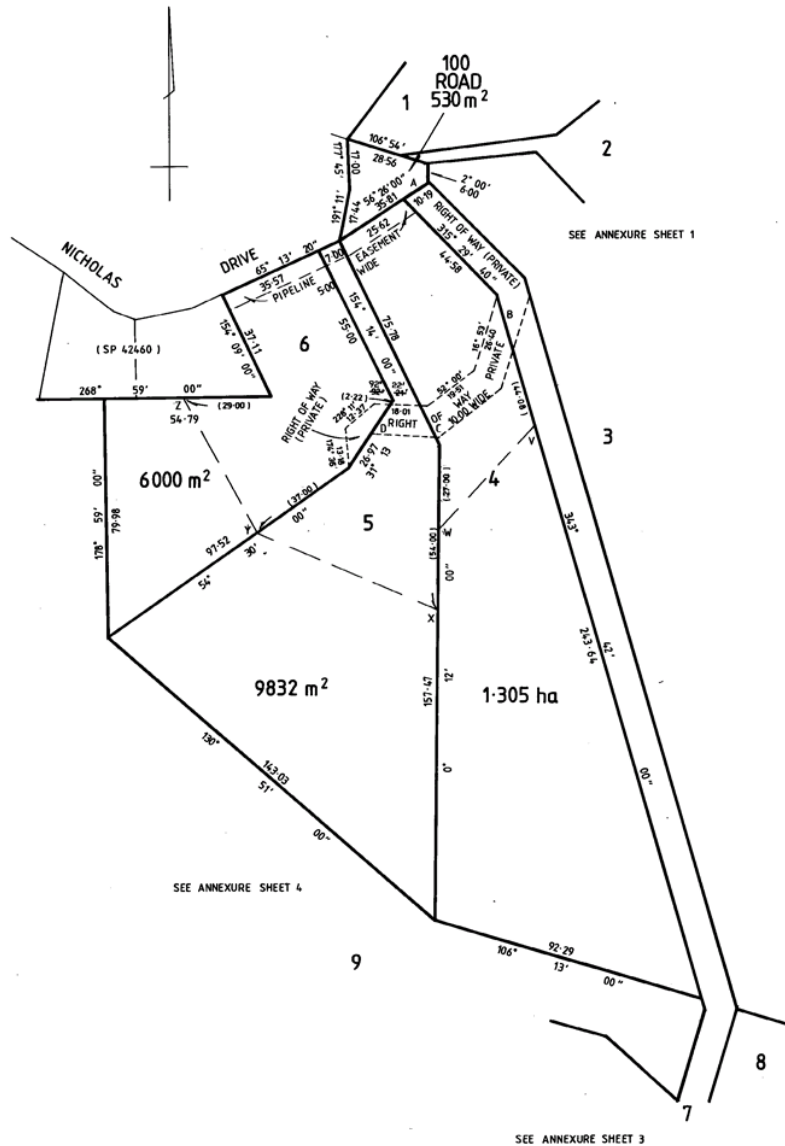
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 2 (of 4 annexures) to plan by Surveyor P.S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>ACTING Town Clerk</i> <i>Neut Austin</i> Council Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S. FLEMING, J.A. MAY, G.R. BOWER , P.M. SHARP Title Reference: CT 4567/13 V.L. SHARP	Scale 1:1000 Measurements in Metres





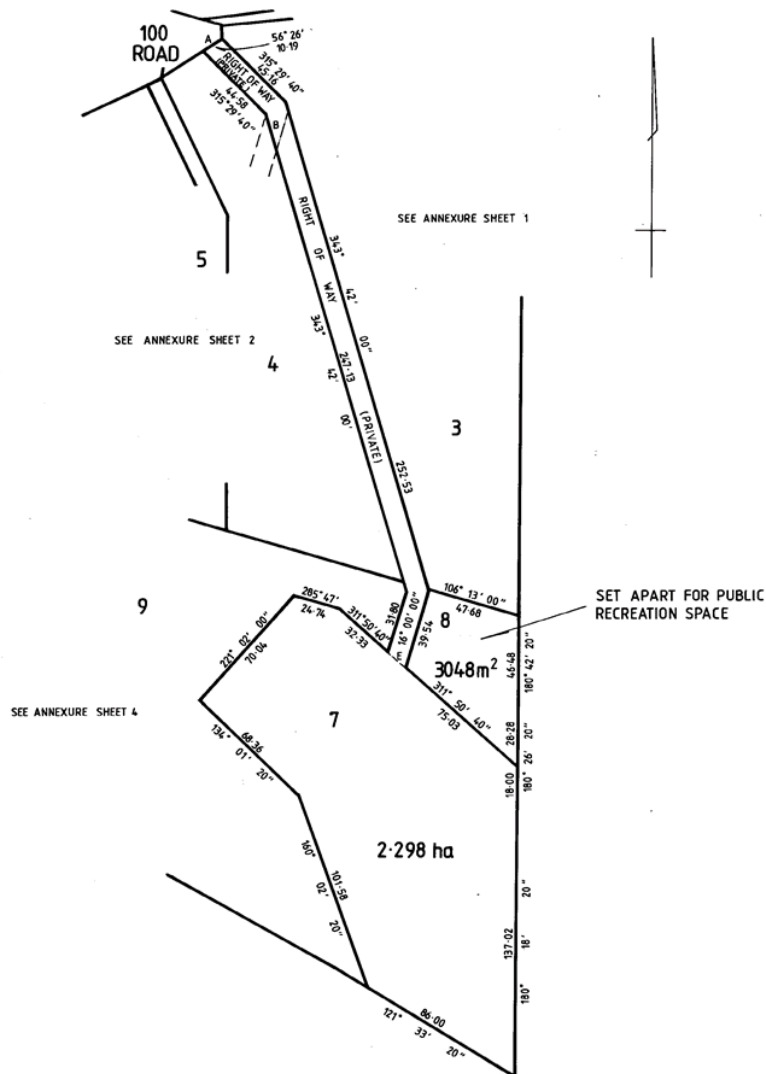
FOLIO PLAN

RECORDED OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>ANNEXURE SHEET No. 3</p> <p>(of 4 annexures) to plan by Surveyor P S FLEMING</p>	<p>This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/12/19, and that certificate extends to the detail shown on this sheet.</p>	<p>Registered Number:</p> <p>SP48805</p>
<p>Signed for the purposes of identification</p>	<p>Surveyor: <u>P.S. Fleming</u></p>	<p>Scale 1: 1500</p>
<p><i>George David</i> Deputing Clerk</p> <p><i>Mount Alexander</i></p>	<p>Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S.FLEMING, J.A MAY, R.R. DUFFY, P.M SHARP</p> <p>Title Reference: CT 4567/13 V.L SHARP</p>	<p>Measurements in Metres</p>





FOLIO PLAN

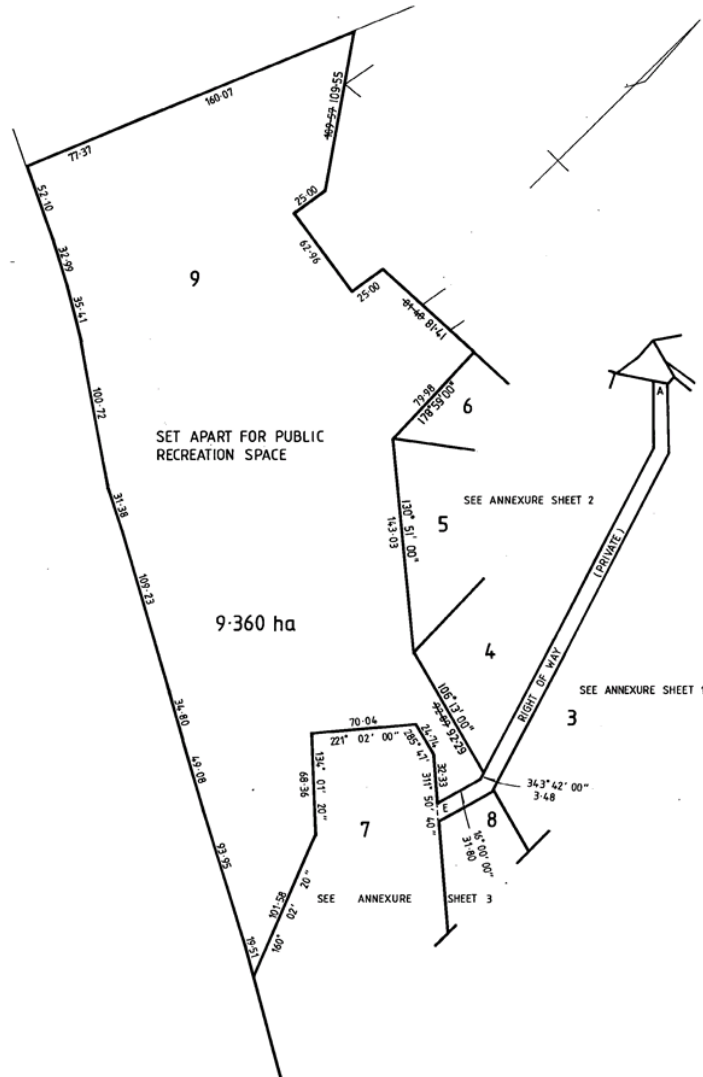
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 4 (of 4 annexures) to plan by Surveyor P S FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Acridy Tash</i> General Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S.FLEMING, J.A.MAY, G.R.DWYER , P.M.SHARP Title Reference: V.L. SHARP CT. 4567 / 13	Scale 1: 2000 Measurements in Metres

LOT 9 IS COMPILED FROM CT 4567/13 AND THIS SURVEY



**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**SCHEDULE OF EASEMENTS****PLAN NO.****SP48805**

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENTS

LOT 1 is SUBJECT TO a right of carriageway and water pipeline easement (appurtenant to LOT 2) over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 1 is TOGETHER WITH a right of carriageway over the RIGHT OF WAY (PRIVATE) within LOT 2 and shown on the Plan.

LOT 2 is SUBJECT TO a right of carriageway (appurtenant to LOT 1) over the RIGHT OF WAY (PRIVATE) shown on the Plan.

LOT 2 is TOGETHER WITH a right of carriageway and water pipeline easement over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 2 is TOGETHER WITH an ELECTRICITY EASEMENT 1.00m wide shown on the Plan.

LOT 3 is SUBJECT TO an ELECTRICITY EASEMENT 1.00m wide (appurtenant to LOT 2) shown on the Plan.

LOT 3 is SUBJECT TO the CABLE EASEMENT shown on the Plan.

LOT 3 & LOT 4 are TOGETHER WITH a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

LOT 4 is SUBJECT TO a right of carriageway (appurtenant to LOT 5 and LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked BC and shown on the Plan.

LOTS 4, 5 & 6 are SUBJECT TO the PIPELINE EASEMENT 5.00m wide shown on the Plan.

LOT 5 is SUBJECT TO a right of carriageway (appurtenant to LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked DC and shown on the Plan.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

LOT 5 is TOGETHER WITH:(a) a right of carriageway over that portion of
RIGHT OF WAY (PRIVATE) 10.00m wide marked ABC and shown on the Plan.(b) a right of carriageway over that portion of land
called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is SUBJECT TO a right of carriageway (appurtenant to LOT 5) over that
portion of land called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is TOGETHER WITH a right of carriageway over that portion of RIGHT OF
WAY (PRIVATE) 10.00m wide marked ABCD and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway (appurtenant to LOTS 3, 4, 5 and 6)
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked AB
and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway and right of footway (appurtenant to
LOTS 8 and 9) over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide
marked ABE and shown on the Plan.LOT 8 and LOT 9 are TOGETHER WITH a right of carriageway and right of footway
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked ABE
and shown on the Plan.Covenant (a) hereon amended by me pursuant to Request to Amend No. E12519
made under Section 103 of the Local Government (Building & Miscellaneous
Provisions) Act 1993

COVENANTS

14 / 9 / 2015

Alice Kawa
Recorder of TitlesThe owners of Lots 1, 2, 3, 4, 5 and 6 on the Plan covenant with the Vendors and
the owners of Lots 7, 8, 9 and 100 to the intent that the burden of these
covenants may run with and bind the Covenantors' Lot and every part thereof and
that the benefit thereof may be annexed to and devolve with each and every part
of Lots 7, 8, 9 and 100 on the Plan to observe the following stipulations:

- (a) Not without the written consent of the Corporation of the City of Hobart
to erect on each of Lots 3, 4, 5 and 6 more than one dwelling.
- (b) Not without the written consent of the Corporation of the City of Hobart
to erect on Lot 1 more than three dwellings.
- (c) Not without the written consent of the Corporation of the City of Hobart
to erect on Lot 2 more than six dwellings.
- (d) Not without the written consent of the Corporation of the City of Hobart
to erect, place or maintain any building or structure upon such Lot or
any part thereof unless and until the exterior design plans and finish
of such building or structure (including materials intended to be used
therein) and its location or placement on such Lot, have been approved
by the City of Hobart or its duly authorised Officer or agent.
- (e) Not without the written consent of the Corporation of the City of Hobart
to remove any trees from such Lot except in accordance with Council
By-Laws and the City of Hobart Tree Preservation Interim Order.
- (f) Not without the written consent of the Corporation of the City of Hobart
to erect, place or maintain any building or structure on Lots 3, 4, 5
and 6 south of the lines TU, VW, XY and YZ respectively shown on the Plan.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

48805

FENCING PROVISION

The Vendors, in respect of each Lot shown on the Plan, shall not be required to fence.

INTERPRETATION

"Electricity Easement" shall mean:

A right for the owner or owners for the time being of the dominant tenement to make and lay, underground, any wires and conduits for the purpose of conveying electricity in and through portion of the servient tenement marked "Electricity Easement 1 metre wide" on the plan, TOGETHER WITH the right for the said owner or owners or their workmen from time to time and at all times to enter upon the said easement to inspect, repair and maintain such wires and conduits without doing unnecessary damage to the land comprising the servient tenement, and making good any damage occasioned to the servient tenement thereby.

"Pipeline Easement" shall mean:

The full and free right and liberty for the Lord Mayor Aldermen and Citizens of the City of Hobart (herein called "the Corporation") to lay and forever maintain water mains of such size and number as the Corporation may from time to time require through all that strip of land marked "Pipeline Easement" hereon and together with the right at all times to enter upon the said strip of land for the purposes of inspecting repairing and laying additional mains thereon and for all purposes whatsoever in connection with the repair and maintenance of such mains under The Hobart Water Acts 1925-1936 and The Hobart Corporation Acts 1953 for the purpose of the Hobart Water Supply.

"Cable Easement" shall mean:

The full and free right and liberty for the Hydro Electric Commission to lay and maintain cables and installations for the transmission of electrical energy under and along the strip of land marked "Cable Easement" on the plan passing through such Lot with the right for the Hydro Electric Commission its servants workmen and others authorised by it at all times to enter into and upon the said strip of land for the purpose of laying inspecting repairing and maintaining any such cables without doing unnecessary damage to the said strip of land and making good all damage occasioned thereby.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

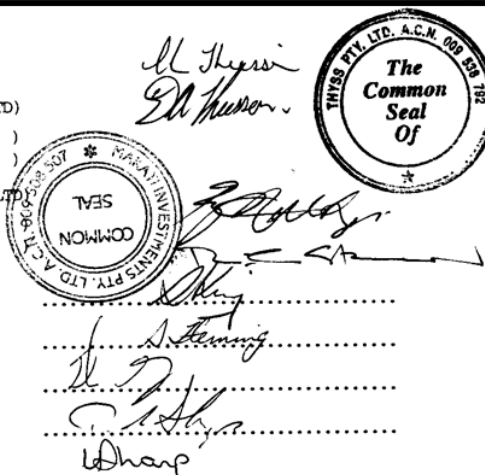


48805

THE COMMON SEAL of THYSS PTY LTD)
was hereunto affixed in the
presence of:

AND THE COMMON SEAL of MAKATI PTY LTD
was hereunto affixed in the
presence of:

AND SIGNED by SANDRA KING,
SUSAN SHIRLEY FLEMING,
JOHN ALFRED MAY,
PETER MICHAEL SHARP,
and VICKI LEE SHARP



As ALL being the registered proprietors of the land comprised in
Certificate of Title, Volume 4567 Folio 13 in the presence of:

SIGNED BY THE HOBART
SAVING BANK PTY LTD
attorney: **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
under Power No. 65/2660
(and the said **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
declares that they have received No
Notice of revocation of the
said Power) in the presence of
Witness **BANK OFFICER**
HOBART

PRINCIPAL OFFICER
Karen Potter
MANAGER, LEGAL

SIGNED for and on behalf of
COMMONWEALTH BANK OF AUSTRALIA
by its duly constituted Attorney
GEOFFREY JOHN ROWLANDS
under Power of Attorney No. 65/2660
who hereby certifies that he has
received no notice of revocation
of the said Power and in the
presence of:
C.D. Bank Loans Officer
COMMONWEALTH BANK OF AUSTRALIA
by its Attorney
Deputy Chief State Manager Tasmania
SENIOR MANAGER
81 ELIZABETH STREET, HOBART TAS.

This is the schedule of easements attached to the plan of **MAKATI INV. P/L, THYSS P/L, S. KING**
(Insert Subdivider's Full Name)

S.S. FLEMING, J.A. MAY, P.M. SHARP & V.L. SHARP affecting land in

4567/13

(Insert Title Reference)

Sealed by **HOBART CITY COUNCIL** on **13th MAY** 1991

Solicitor's Reference

Brent Armstrong
Council Clerk/Town Clerk

05/6/3124

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 48805	FOLIO 9
EDITION 1	DATE OF ISSUE 03-Aug-1993

SEARCH DATE : 02-Nov-2020

SEARCH TIME : 02.09 PM

DESCRIPTION OF LAND

City of HOBART
Lot 9 on Sealed Plan 48805
Derivation : Part of 110 Acres Gtd to E Fisher
Prior CT 4777/10

SCHEDULE 1

B288725 B386537 B418704 THYSS PTY. LTD., MAKATI INVESTMENTS
PTY. LTD., SANDRA KING and SUSAN SHIRLEY FLEMING
(jointly as between themselves) of thirteen undivided
1/72 shares, JOHN ALFRED MAY of seven undivided 1/72
shares and PETER MICHAEL SHARP and VICKI LEE SHARP
(jointly as between themselves) of thirteen undivided
1/72 shares as tenants in common

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 48805 EASEMENTS in Schedule of Easements
SP 48805 COVENANTS in Schedule of Easements
SP 48805 FENCING PROVISION in Schedule of Easements
SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

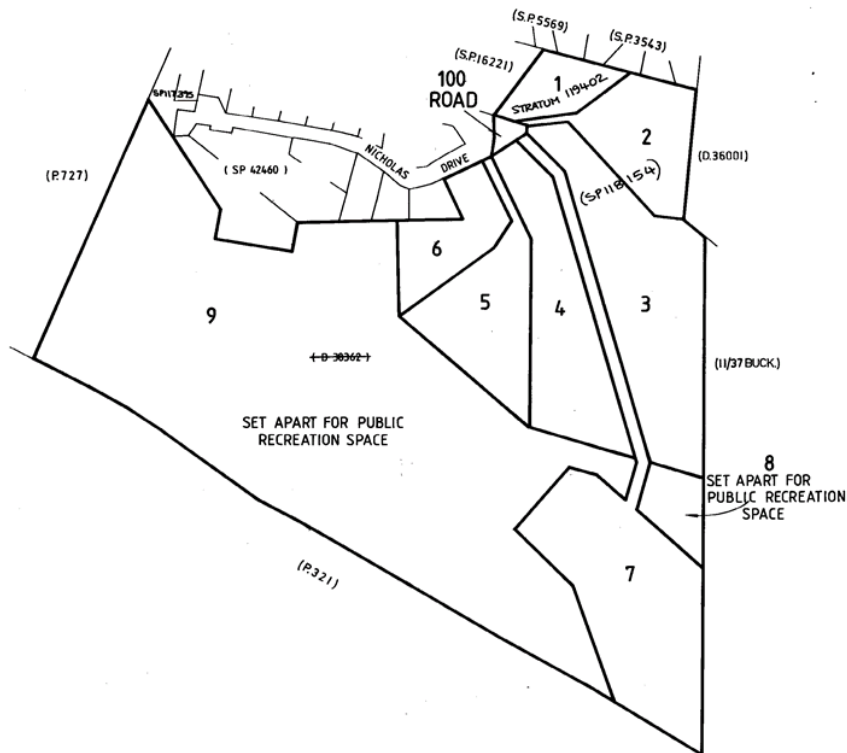
RECORDED OF TITLES

Issued Pursuant to the Land Titles Act 1980



<p>Owner: MAKATI INVESTMENTS PTY LTD, THYSS PTY LTD SANDRA KING, SUSAN SHURLEY FLEMING JOHN ALFRED MAY SANDRA RUTH SHARP, PETER MICHAEL SHARP, VICKI LEE SHARP</p>	<p>PLAN OF SURVEY by Surveyor..... P. S. FLEMING of land situated in the</p>	<p>Registered Number: SP48805</p>
<p>Title Reference: CT 4567 / 13</p>	<p>CITY OF HOBART</p>	<p>Approved Effective from 28 MAY 1991</p>
<p>Grantee: PART OF 110 ACRES GRANTED TO EDWARD FISHER</p>	<p>SCALE 1:2500 MEASUREMENTS IN METRES</p>	<p><i>Michael</i> Recorder of Titles</p>

LOT 9 IS COMPILED FROM CT 4567 / 13 AND THIS SURVEY



TASHAP MUNICIPAL CODE NO. 2-1	LAST TASHAP UPI NO. 12635	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN		



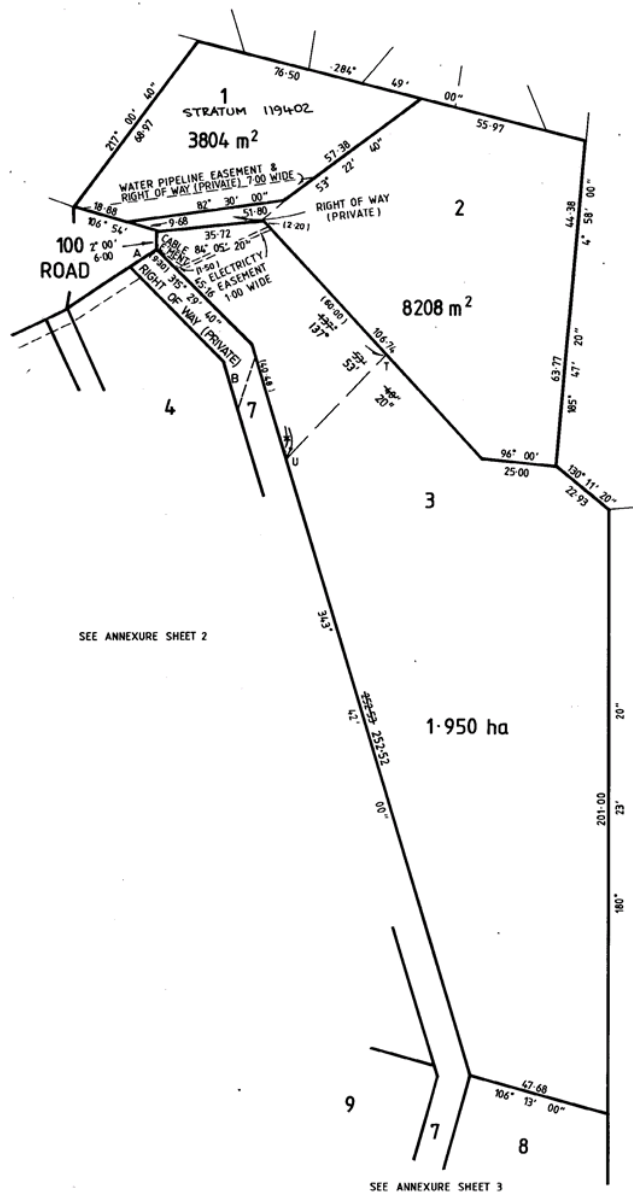
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No.1 (of 4 annexures) to plan by Surveyor P. S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/12/91 and that certificate extends to the detail shown on this sheet. Surveyor: <i>P. S. Fleming</i>	Registered Number: SP48805
Signed for the purposes of identification <i>Reynolds Toul</i> Council Clerk	Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S.S. FLEMING, J. A. MAY, P. R. DWYER, P. M. SHARP Title Reference: CT 4567/13 V. L. SHARP	Scale 1:1000 Measurements in Metres





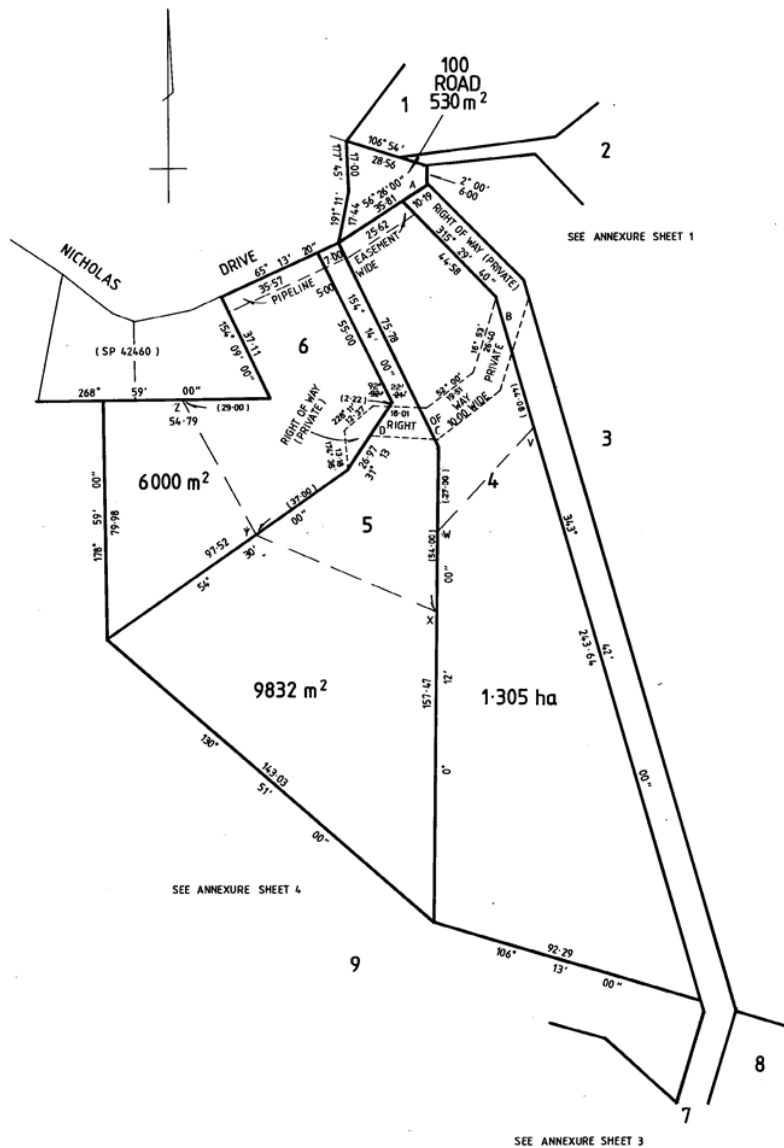
FOLIO PLAN

RECORDER OF TITLES

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ANNEXURE SHEET No. 2 (of 4 annexures) to plan by Surveyor P.S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>ACTING Town Clerk</i> <i>Neut Austin</i> Council Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S. FLEMING, J.A. MAY, G.R. BAKER , P.M. SHARP Title Reference: CT 4567/13 V.L. SHARP	Scale 1:1000 Measurements in Metres





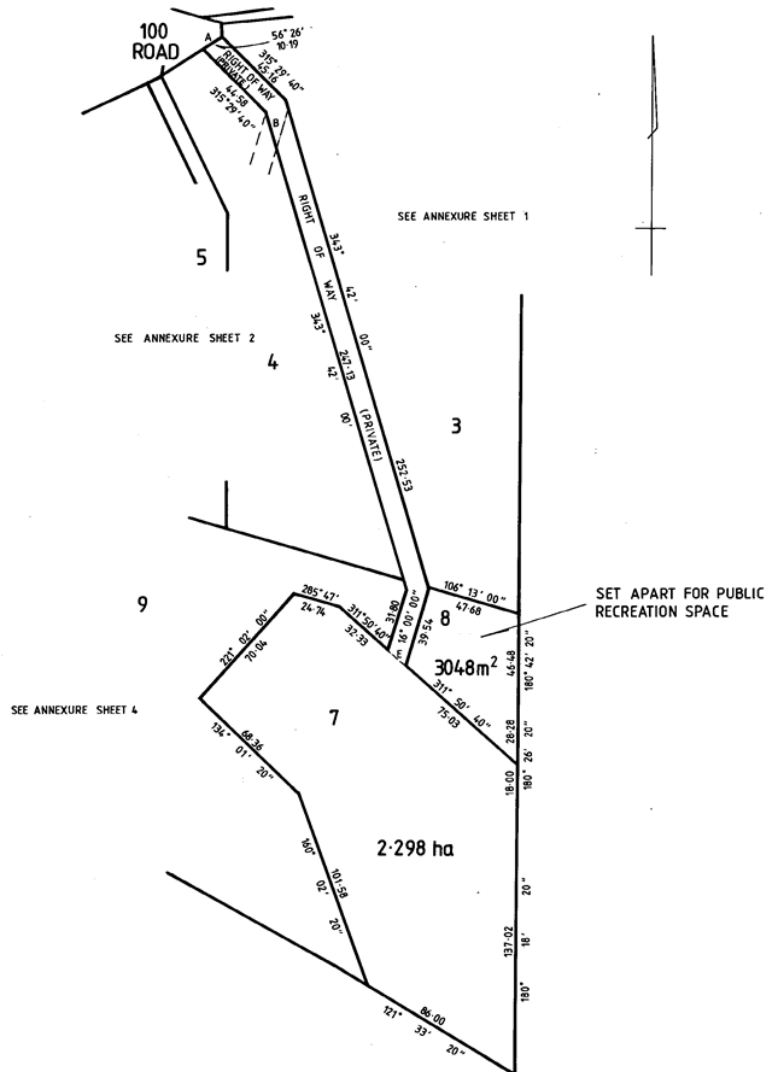
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 3 (of 4 annexures) to plan by Surveyor P. S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Permy Baul</i> General Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S. S. FLEMING, J. A. MAY, OR OWNER , P. M. SHARP Title Reference: CT 4567 / 13 V.L. SHARP	Scale 1:1500 Measurements in Metres





FOLIO PLAN

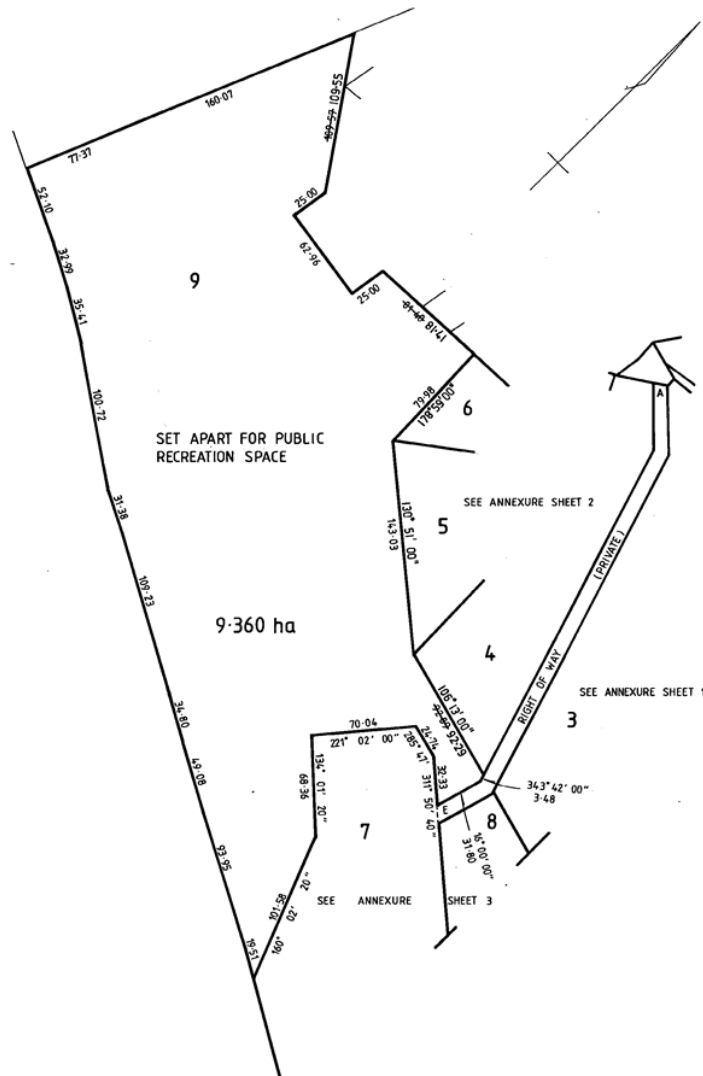
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ANNEXURE SHEET No. 4 (of 4 annexures) to plan by Surveyor P S FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Acridy Tash</i> General Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S.FLEMING, J.A.MAY, G.R.DWYER , P.M.SHARP Title Reference: V.L. SHARP CT. 4567 / 13	Scale 1: 2 000 Measurements in Metres

LOT 9 IS COMPILED FROM CT 4567/13 AND THIS SURVEY





PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA
Issued pursuant to the Valuation of Land Act 2001PROPERTY ID: 7713361
MUNICIPALITY: HOBARTPROPERTY ADDRESS: NICHOLAS DRIVE
SANDY BAY TAS 7005

PROPERTY NAME:

TITLE OWNER: 48805/9 : THYSS PTY. LTD., MAKATI INVESTMENTS PTY. LTD., SANDRA KING,
SUSAN SHIRLEY FLEMING, JOHN ALFRED MAY, PETER MICHAEL SHARP, VICKI
LEE SHARP

INTERESTED PARTIES: CITY OF HOBART

POSTAL ADDRESS: GPO BOX 503
(Interested Parties) HOBART TAS 7001

MAIN IMPROVEMENTS SUMMARY

Improvements: PUBLIC REC. SPACE
Improvement Sizes Improvement: Area:
(Top 3 by Size): OTHER IMPROVEMENTSNumber of
Bedrooms:Construction Year
of Main Building:

Roof Material:

Wall Material:

Land Area: 9.36 hectares

LAST VALUATIONS

Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
05/01/2015	01/07/2014	\$250,000	\$250,000	\$10,000	REVALUATION
22/12/2008	01/10/2008	\$234,000	\$234,000	\$9,360	REVALUATION

No information obtained from the LIST may be used for direct marketing purposes.

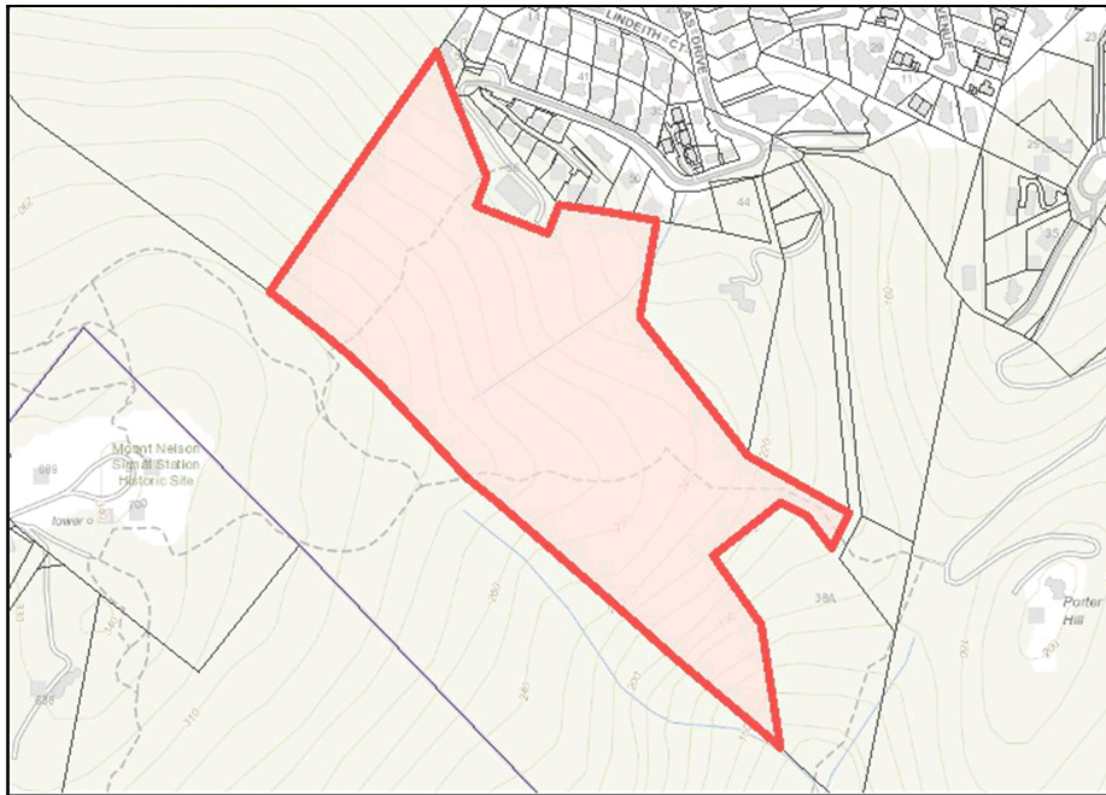
Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

While all reasonable care has been taken in collecting and recording the information shown above, this Department assumes no liability resulting from any errors or omissions in this information or from its use in any way.

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PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA
Issued pursuant to the Valuation of Land Act 2001**Explanation of Terms**

Property ID - A unique number used for Valuation purposes.

Date Inspected - The date the property was inspected for the valuation.

Levels At - Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.

Land Value - Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.

Capital Value - Capital Value is the total value of the property (including the land value), excluding plant and machinery.

AAV - Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.

Interested Parties - This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).

Postal Address - This is the last advised postal address for the interested parties.

Multiple Tenancies - Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.

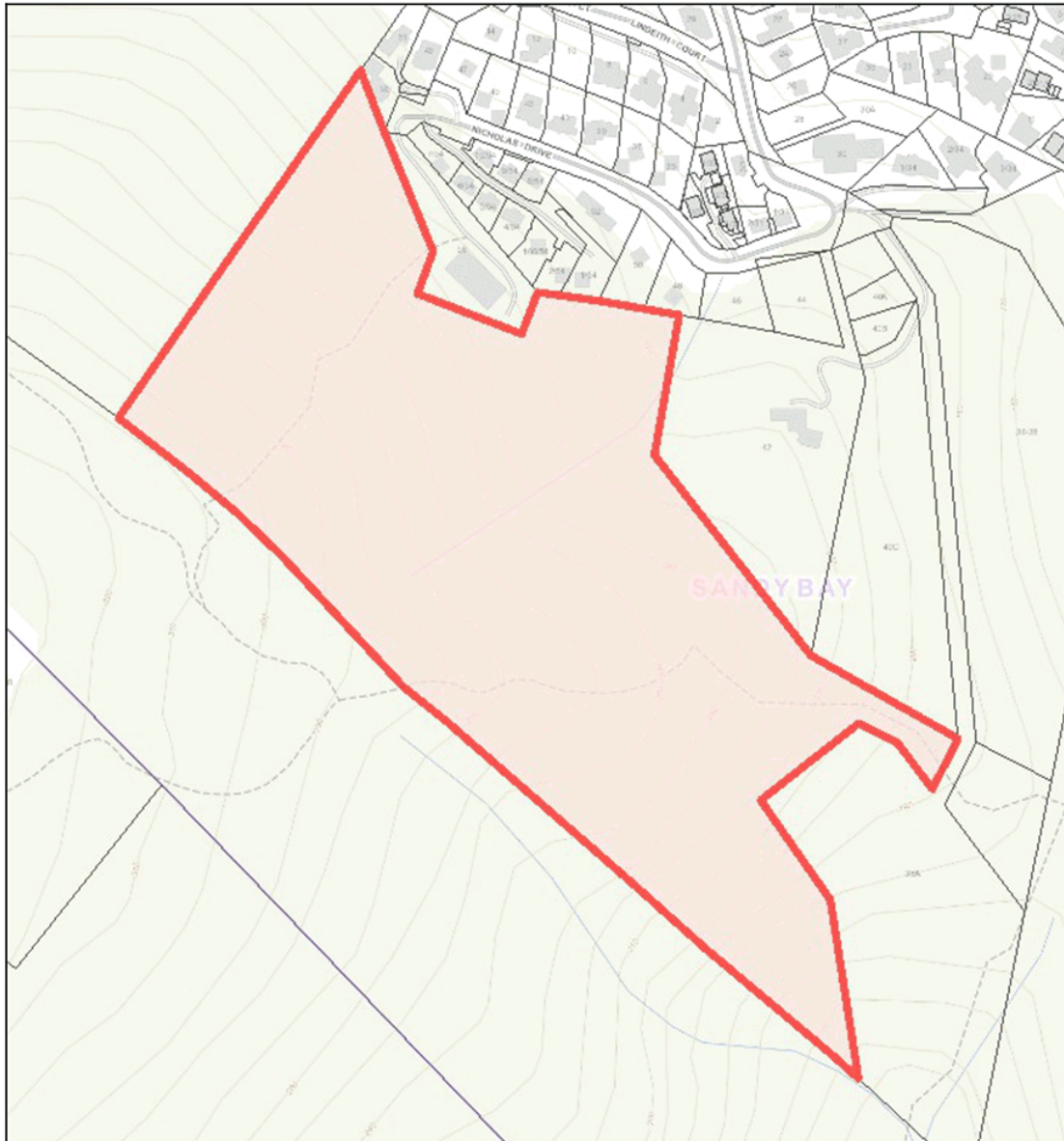


PREMIUM PROPERTY Information Report

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Land Tasmania



PROPERTY ID: **7713361**
PROPERTY ADDRESS: **NICHOLAS DRIVE
SANDY BAY TAS 7005**
CONSTRUCTION YEAR:



PREMIUM PROPERTY Information Report

PROPERTY DETAILS - NICHOLAS DR SANDY BAY

Property Name:		
Land Use:	Other - PARK,RECREATION AREA AUTHORITY (valuation purposes only)	
Improvements:	PUBLIC REC. SPACE	
Improvement Sizes (Top 3 by Size):	Improvement:	Area:
	OTHER	
	IMPROVEMENTS	
Number of Bedrooms:		
Construction Year of Main Building:		
Roof Material:		
Wall Material:		
Land Area:	9.36 hectares	
Title References:	48805/9	
Municipality:	HOBART View Municipality Information Report	
Title owner:	48805/9 : THYSS PTY. LTD., MAKATI INVESTMENTS PTY. LTD., SANDRA KING, SUSAN SHIRLEY FLEMING, JOHN ALFRED MAY, PETER MICHAEL SHARP, VICKI LEE SHARP	
Interested parties:	CITY OF HOBART	
Postal address:	GPO BOX 503	
(Interested Parties)	HOBART TAS 7001	

OWNERSHIP HISTORY - NICHOLAS DR SANDY BAY

TYPE	NAME	ADDRESS	FROM	TO
Ownership	CITY OF HOBART	GPO BOX 503 HOBART TAS 7001	01/07/1993	
Ownership	SUSAN SHIRLEY FLEMING, SANDRA KING, MAKATI INVESTMENT PTY LTD, JOHN ALFRED MAY, PETER MICHAEL SHARP, VICKI LEE SHARP, THYSS PTY LTD	NICHOLAS DRIVE SANDY BAY TAS 7005	15/08/1991	01/07/1993

SALES STATISTICS - (Other - PARK,RECREATION AREA AUTHORITY) - SANDY BAY (Last 12 Months)

Number of Sales:	0
Highest Sales Price:	
Median Sales Price:	
Mean Sales Price:	
Lowest Sales Price:	

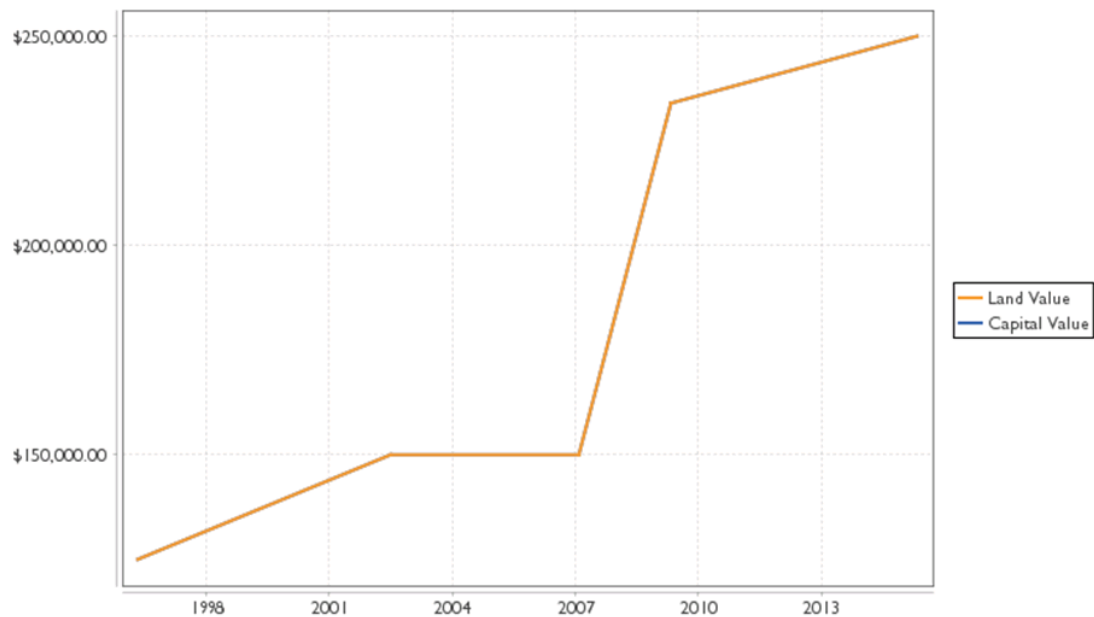
PREMIUM PROPERTY Information Report

LAST 5 SALES - (Other) - SANDY BAY [View in LISTmap](#)

ADDRESS	CONTRACT DATE	SALE PRICE
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PROPERTY VALUATIONS - NICHOLAS DR SANDY BAY

DATE INSPECTED	LEVELS AT	LAND	CAPITAL	AAV	REASON
05/01/2015	01/07/2014	\$250,000	\$250,000	\$10,000	REVALUATION
22/12/2008	01/10/2008	\$234,000	\$234,000	\$9,360	REVALUATION
30/01/2007	01/07/2001	\$150,000	\$150,000	\$6,000	LUC AMENDED FOR ADJUSTMENT FACTOR PROJECT
04/04/2001	01/07/2001	\$150,000	\$150,000	\$6,000	REVALUATION
16/10/1995	01/01/1996	\$125,000	\$125,000	\$5,000	REVALUATION
29/11/1991	01/07/1990				PART FROM 7567405



PREMIUM PROPERTY Information Report

AERIAL IMAGERY



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**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**SCHEDULE OF EASEMENTS****PLAN NO.****SP48805**

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENTS

LOT 1 is SUBJECT TO a right of carriageway and water pipeline easement (appurtenant to LOT 2) over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 1 is TOGETHER WITH a right of carriageway over the RIGHT OF WAY (PRIVATE) within LOT 2 and shown on the Plan.

LOT 2 is SUBJECT TO a right of carriageway (appurtenant to LOT 1) over the RIGHT OF WAY (PRIVATE) shown on the Plan.

LOT 2 is TOGETHER WITH a right of carriageway and water pipeline easement over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 2 is TOGETHER WITH an ELECTRICITY EASEMENT 1.00m wide shown on the Plan.

LOT 3 is SUBJECT TO an ELECTRICITY EASEMENT 1.00m wide (appurtenant to LOT 2) shown on the Plan.

LOT 3 is SUBJECT TO the CABLE EASEMENT shown on the Plan.

LOT 3 & LOT 4 are TOGETHER WITH a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

LOT 4 is SUBJECT TO a right of carriageway (appurtenant to LOT 5 and LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked BC and shown on the Plan.

LOTS 4, 5 & 6 are SUBJECT TO the PIPELINE EASEMENT 5.00m wide shown on the Plan.

LOT 5 is SUBJECT TO a right of carriageway (appurtenant to LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked DC and shown on the Plan.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

LOT 5 is TOGETHER WITH:(a) a right of carriageway over that portion of
RIGHT OF WAY (PRIVATE) 10.00m wide marked ABC and shown on the Plan.(b) a right of carriageway over that portion of land
called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is SUBJECT TO a right of carriageway (appurtenant to LOT 5) over that
portion of land called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is TOGETHER WITH a right of carriageway over that portion of RIGHT OF
WAY (PRIVATE) 10.00m wide marked ABCD and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway (appurtenant to LOTS 3, 4, 5 and 6)
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked AB
and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway and right of footway (appurtenant to
LOTS 8 and 9) over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide
marked ABE and shown on the Plan.LOT 8 and LOT 9 are TOGETHER WITH a right of carriageway and right of footway
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked ABE
and shown on the Plan.Covenant (a) hereon amended by me pursuant to Request to Amend No. E12519
made under Section 103 of the Local Government (Building & Miscellaneous
Provisions) Act 1993

COVENANTS

14 / 9 / 2015

Alice Kawa
Recorder of Titles

The owners of Lots 1, 2, 3, 4, 5 and 6 on the Plan covenant with the Vendors and the owners of Lots 7, 8, 9 and 100 to the intent that the burden of these covenants may run with and bind the Covenantors' Lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of Lots 7, 8, 9 and 100 on the Plan to observe the following stipulations:

- (a) Not without the written consent of the Corporation of the City of Hobart to erect on each of Lots 3, 4, 5 and 6 more than one dwelling.
- (b) Not without the written consent of the Corporation of the City of Hobart to erect on Lot 1 more than three dwellings.
- (c) Not without the written consent of the Corporation of the City of Hobart to erect on Lot 2 more than six dwellings.
- (d) Not without the written consent of the Corporation of the City of Hobart to erect, place or maintain any building or structure upon such Lot or any part thereof unless and until the exterior design plans and finish of such building or structure (including materials intended to be used therein) and its location or placement on such Lot, have been approved by the City of Hobart or its duly authorised Officer or agent.
- (e) Not without the written consent of the Corporation of the City of Hobart to remove any trees from such Lot except in accordance with Council By-Laws and the City of Hobart Tree Preservation Interim Order.
- (f) Not without the written consent of the Corporation of the City of Hobart to erect, place or maintain any building or structure on Lots 3, 4, 5 and 6 south of the lines TU, VW, XY and YZ respectively shown on the Plan.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

48805

FENCING PROVISION

The Vendors, in respect of each Lot shown on the Plan, shall not be required to fence.

INTERPRETATION

"Electricity Easement" shall mean:

A right for the owner or owners for the time being of the dominant tenement to make and lay, underground, any wires and conduits for the purpose of conveying electricity in and through portion of the servient tenement marked "Electricity Easement 1 metre wide" on the plan, TOGETHER WITH the right for the said owner or owners or their workmen from time to time and at all times to enter upon the said easement to inspect, repair and maintain such wires and conduits without doing unnecessary damage to the land comprising the servient tenement, and making good any damage occasioned to the servient tenement thereby.

"Pipeline Easement" shall mean:

The full and free right and liberty for the Lord Mayor Aldermen and Citizens of the City of Hobart (herein called "the Corporation") to lay and forever maintain water mains of such size and number as the Corporation may from time to time require through all that strip of land marked "Pipeline Easement" hereon and together with the right at all times to enter upon the said strip of land for the purposes of inspecting repairing and laying additional mains thereon and for all purposes whatsoever in connection with the repair and maintenance of such mains under The Hobart Water Acts 1925-1936 and The Hobart Corporation Acts 1953 for the purpose of the Hobart Water Supply.

"Cable Easement" shall mean:

The full and free right and liberty for the Hydro Electric Commission to lay and maintain cables and installations for the transmission of electrical energy under and along the strip of land marked "Cable Easement" on the plan passing through such Lot with the right for the Hydro Electric Commission its servants workmen and others authorised by it at all times to enter into and upon the said strip of land for the purpose of laying inspecting repairing and maintaining any such cables without doing unnecessary damage to the said strip of land and making good all damage occasioned thereby.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

THE COMMON SEAL of THYSS PTY LTD)
was hereunto affixed in the
presence of:

AND THE COMMON SEAL of MAKATI PTY LTD
was hereunto affixed in the
presence of:

AND SIGNED by SANDRA KING,
SUSAN SHIRLEY FLEMING,
JOHN ALFRED MAY,
PETER MICHAEL SHARP,
and VICKI LEE SHARP



As ALL being the registered proprietors of the land comprised in
Certificate of Title, Volume 4567 Folio 13 in the presence of:

SIGNED BY THE HOBART
SAVING BANK PTY LTD
attorney: **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
under Power No. 65/2660
(and the said **STEPHEN PRYOR**
and **KAREN ELIZABETH POTTER**
declares that they have received No
Notice of revocation of the
said Power) in the presence of
Witness
BANK OFFICER
HOBART

PRINCIPAL OFFICER
Karen Potter
MANAGER, LEGAL

SIGNED for and on behalf of
COMMONWEALTH BANK OF AUSTRALIA
by its duly constituted Attorney
GEOFFREY JOHN ROWLANDS
under Power of Attorney No. 65/2660
who hereby certifies that he has
received no notice of revocation
of the said Power and in the
presence of:
C.D. Bank Loans Officer
COMMONWEALTH BANK OF AUSTRALIA
by its Attorney
Deputy Chief State Manager Tasmania
SENIOR MANAGER
81 ELIZABETH STREET, HOBART TAS.

This is the schedule of easements attached to the plan of **MAKATI INV. P/L, THYSS P/L, S. KING**
(Insert Subdivider's Full Name)

S.S. FLEMING, J.A. MAY, P.M. SHARP & V.L. SHARP affecting land in

4567/13

(Insert Title Reference)

Sealed by **HOBART CITY COUNCIL** on **13th MAY** 1991

Solicitor's Reference

Brent Armstrong
Council Clerk/Town Clerk



COUNCIL CERTIFICATE

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



8805

APPROVAL BY LOCAL AUTHORITY

Insert here any qualification to the approval under section 468(12), section 472 or section 477B of the Local Government Act 1962. Rule through any blank space.

The subdivision shown in this Plan is approved

PURSUANT TO SECTION 468 (12) OF THE LOCAL GOVERNMENT ACT 1962 THE CORPORATION CANNOT GUARANTEE A WATER SUPPLY FOR ANY FIXTURES THAT ARE REQUIRED TO SERVICE A FLOOR LEVEL ABOVE 217.0 METRES BASED ON STATE DATUM

Seal

In witness whereof the common seal of the LORD MAYOR, ALDERMEN AND CITIZENS OF THE CITY OF HOBART

has been hereunto affixed, pursuant to a resolution of the Council of the said municipality passed the 13th day of MAY, 1991, in the presence of us

Members
Grant Munster ACTING TOWN Council Clerk

COUNCILS REFERENCE 72101003

TO BE COMPLETED WHEN ADDITIONAL SHEETS ARE ANNEXED:

Detailed drawings of the parcels shown in this plan are contained in the additional sheet/s annexed hereto and signed by us

P. Fleming Surveyor
Grant Munster ACTING TOWN Council Clerk

TO BE COMPLETED AND SIGNED BY COUNCIL CLERK OR OWNER

For the purposes of section 464 of the Local Government Act 1962, the owner has nominated/ I nominate

As his/my solicitor Mr. R.E. Naga

As his/my surveyor Mr. P.S. Fleming

Grant Munster ACTING TOWN Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 7/7/90

Survey finished 5/2/91

Error of Close See Calc

OFFICE EXAMINATION

Plot Checked

Mathematically Checked *1759*

Examined as to boundaries

Entered on Card

Surveyor's Certificate

I, Peter Spencer Fleming of Hobart

in Tasmania, registered surveyor, hereby certify that this plan:

Requires the approval of the local authority, which has been obtained (or, does not require the approval of any local authority)

Dated this 7th day of February, 1991.

P. Fleming
 Registered Surveyor

Surveyors Reference

06-K 5810

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 137356	FOLIO 1
EDITION 6	DATE OF ISSUE 24-Feb-2004

SEARCH DATE : 02-Nov-2020

SEARCH TIME : 02.02 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Plan 137356

Derivation : Part of Lot 60 220ac.Gtd. to D. Lord.

Prior CT 133361/1

SCHEDULE 1C496464 APPLICATION: HOBART CITY COUNCIL Registered
24-Feb-2004 at 12.07 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

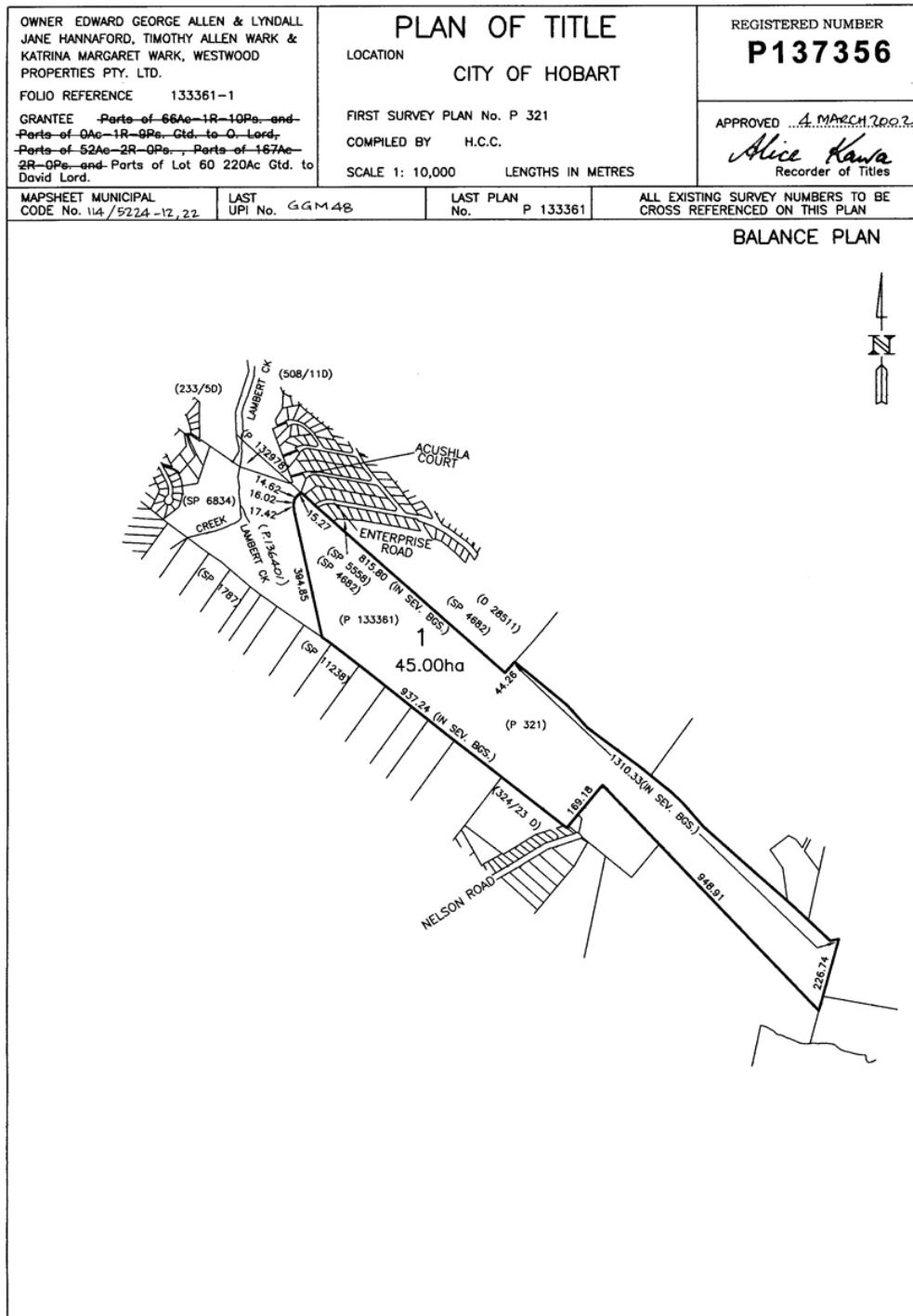
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



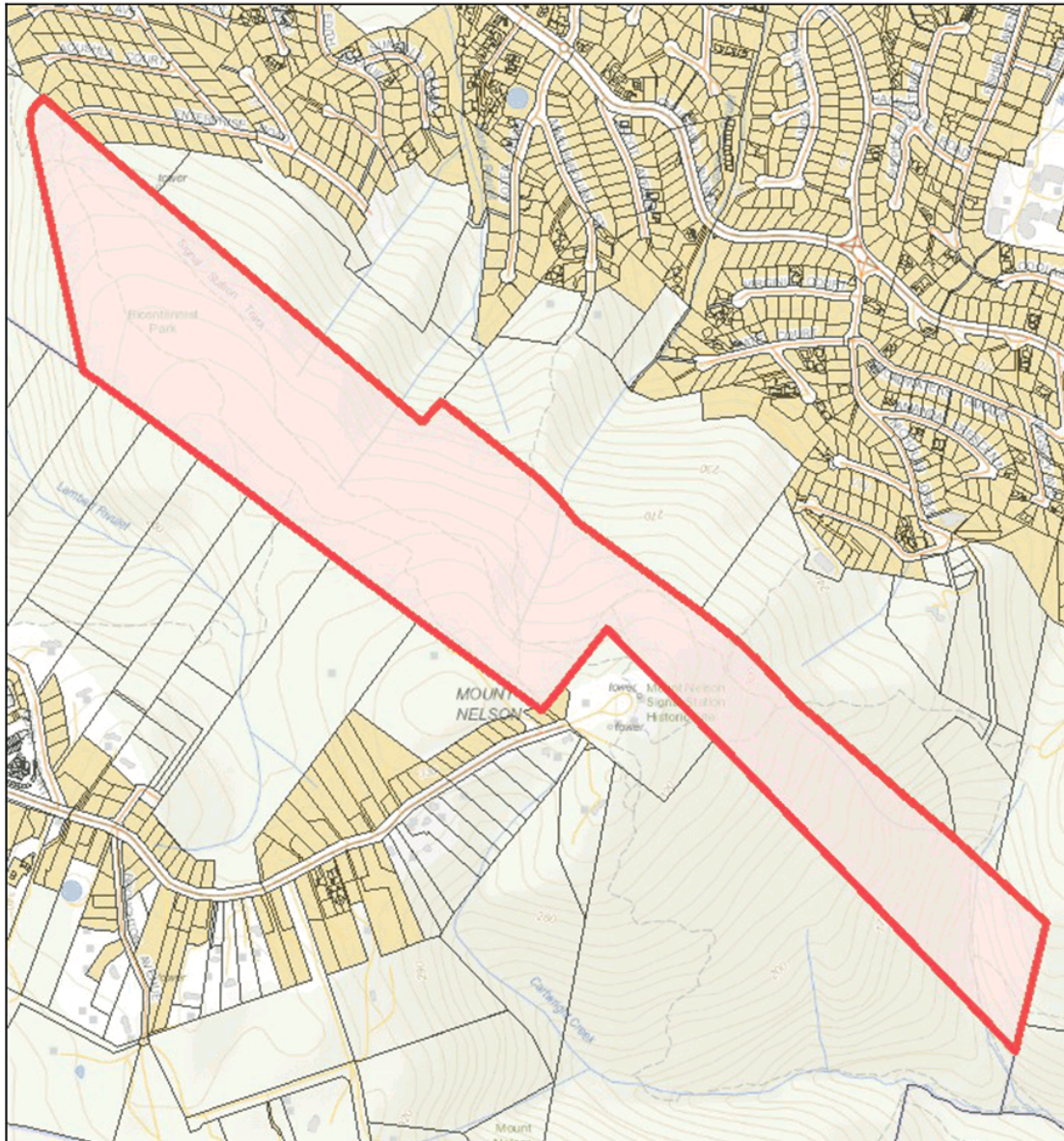


PREMIUM PROPERTY Information Report

Land Tasmania



PROPERTY ID: **2105084**
PROPERTY ADDRESS: **1A ENTERPRISE ROAD
SANDY BAY TAS 7005**
CONSTRUCTION YEAR:



PREMIUM PROPERTY Information Report

PROPERTY DETAILS - 1A ENTERPRISE RD SANDY BAY

Property Name:	
Land Use:	Residential - VACANT-ENGLOBO/BROAD HECTARES (valuation purposes only)
Improvements:	
Improvement Sizes (Top 3 by Size):	Improvement: Area:
Number of Bedrooms:	
Construction Year of Main Building:	
Roof Material:	
Wall Material:	
Land Area:	45.0 hectares
Title References:	137356/1
Municipality:	HOBART View Municipality Information Report
Title owner:	137356/1 : HOBART CITY COUNCIL
Interested parties:	HOBART CITY COUNCIL
Postal address:	GPO BOX 503
(Interested Parties)	HOBART TAS 7001

OWNERSHIP HISTORY - 1A ENTERPRISE RD SANDY BAY

TYPE	NAME	ADDRESS	FROM	TO
Ownership	HOBART CITY COUNCIL	GPO BOX 503 HOBART TAS 7001	23/12/2003	
Ownership	KATRINA MARGARET WARK, TIMOTHY ALLEN WARK, WESTWOOD PROPERTIES PTY LTD	PO BOX 231 MARGATE TAS 7054	12/11/2003	23/12/2003
Ownership	EDWARD GEORGE ALLEN, LYNDALL JANE HANNAFORD, KATRINA MARGARET WARK, TIMOTHY ALLEN WARK, WESTWOOD PROPERTIES PTY LTD	SKYE FARM BROUGHTON AV MOUNT NELSON TAS 7007	30/07/2001	12/11/2003
Ownership	EDWARD GEORGE ALLEN, LYNDALL JANE HANNAFORD, KATRINA MARGARET WARK, TIMOTHY ALLEN WARK, WESTWOOD PROPERTIES PTY LTD	SKYE FARM BROUGHTON AV MOUNT NELSON TAS 7007	30/07/2001	12/11/2003

PROPERTY SALES - 1A ENTERPRISE RD SANDY BAY

CONTRACT DATE	REAL ESTATE	CHATELS	OTHER	SETTLEMENT DATE
30/10/2003	\$1,400,000			12/11/2003

SALES STATISTICS - (Residential - VACANT-ENGLOBO/BROAD HECTARES) - SANDY BAY (Last 12 Months)

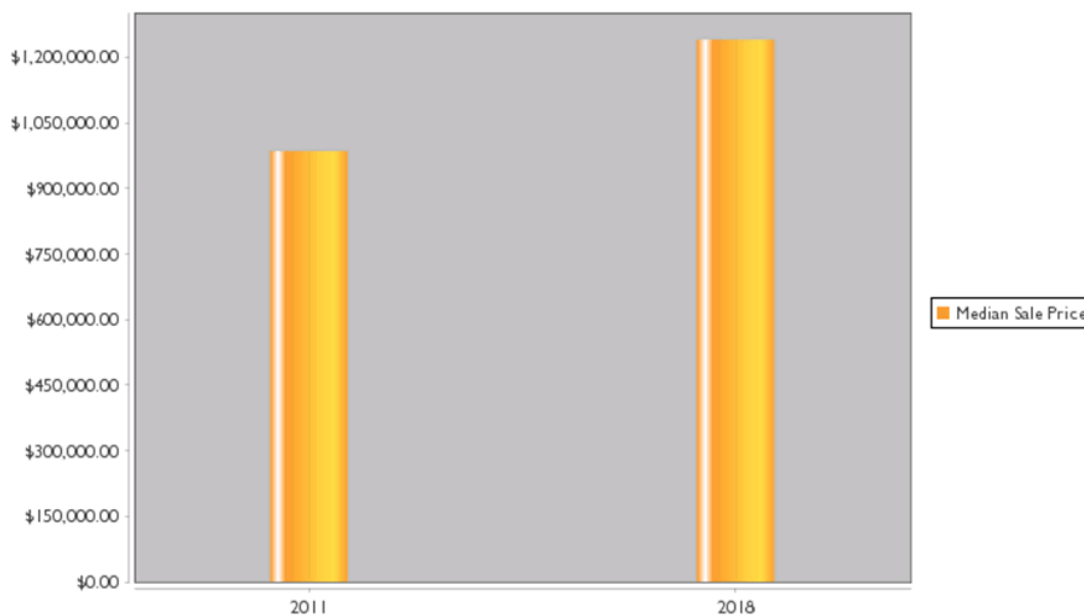
Number of Sales:	0
Highest Sales Price:	
Median Sales Price:	
Mean Sales Price:	
Lowest Sales Price:	

PREMIUM PROPERTY Information Report

LAST 5 SALES - (Residential) - SANDY BAY [View in LISTmap](#)

ADDRESS	CONTRACT DATE	SALE PRICE
12A BECTIVE ST SANDY BAY TAS 7005	24/07/2020	\$485,000
604 SANDY BAY RD SANDY BAY TAS 7005	11/06/2020	\$450,000
7 MCAULAY RD SANDY BAY TAS 7005	14/05/2020	\$350,000
Lot 4 NICHOLAS DR SANDY BAY TAS 7005	06/03/2020	\$560,000

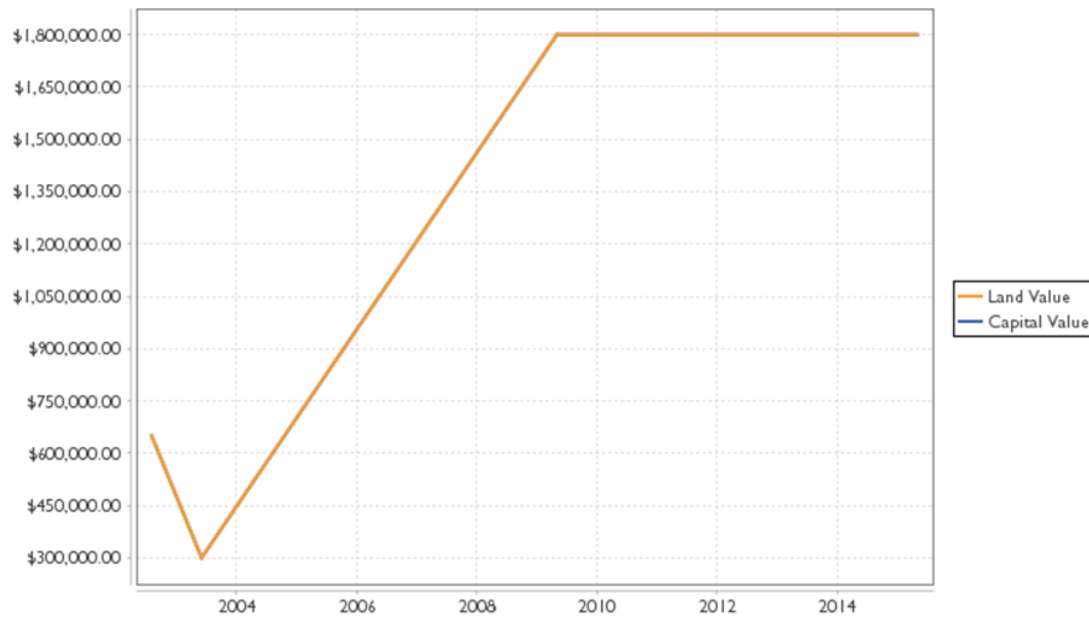
SALES TRENDS - (Residential - VACANT-ENGLOBO/BROAD HECTARES) - HOBART (Last 10 Years)



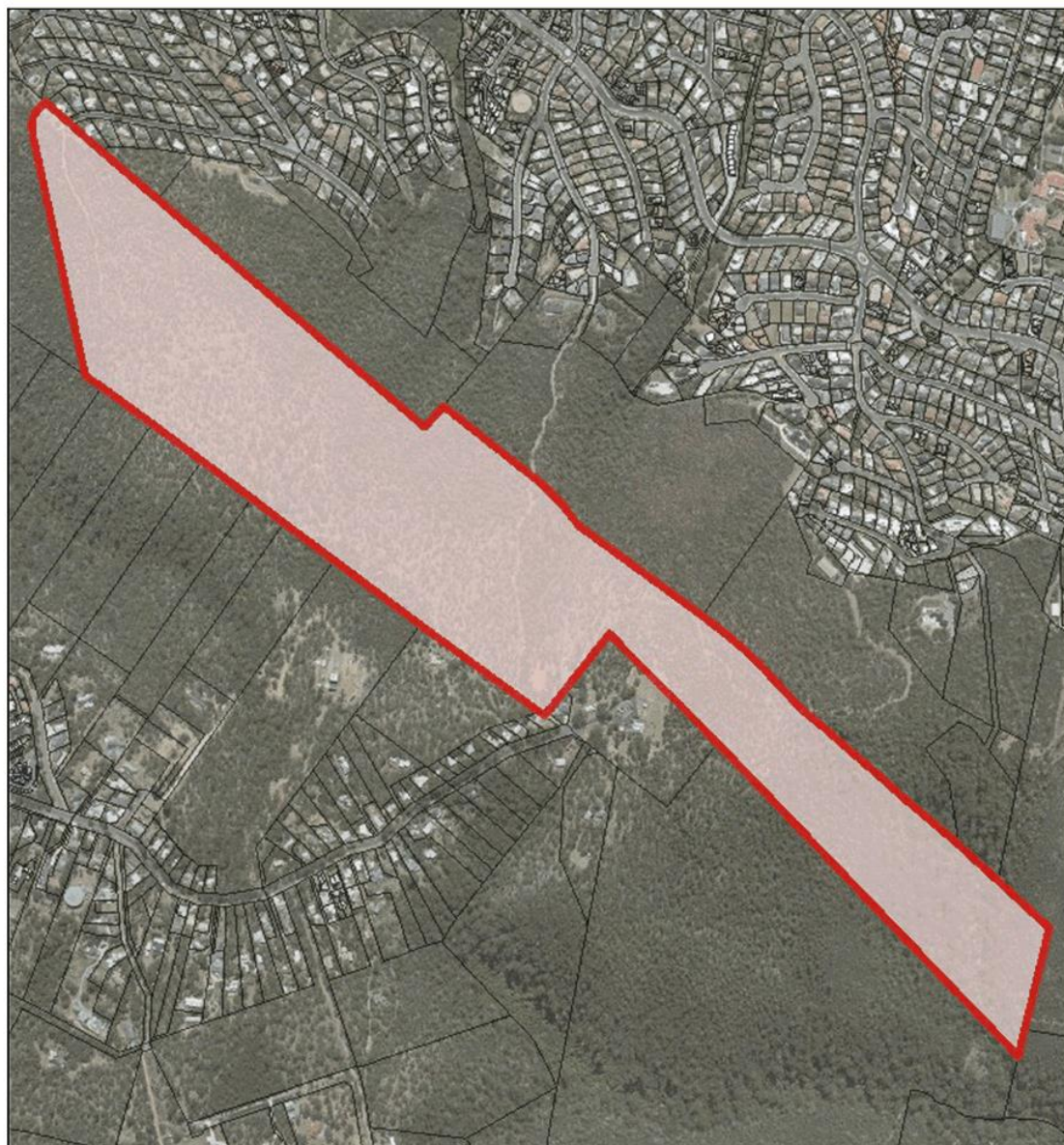
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PROPERTY VALUATIONS - 1A ENTERPRISE RD SANDY BAY

DATE INSPECTED	LEVELS AT	LAND	CAPITAL	AAV	REASON
16/01/2015	01/07/2014	\$1,800,000	\$1,800,000	\$72,000	REVALUATION
16/03/2009	01/10/2008	\$1,800,000	\$1,800,000	\$72,000	REVALUATION
23/06/2003	01/07/2001	\$300,000	\$300,000	\$12,000	VALUES AMENDED ERROR OF FACT..EFFECTIVE 1/7/02
01/07/2002	01/07/2001	\$650,000	\$650,000	\$26,000	BALANCE FROM 1954797



AERIAL IMAGERY



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**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 231548	FOLIO 1
EDITION 5	DATE OF ISSUE 01-Jun-2006

SEARCH DATE : 02-Nov-2020

SEARCH TIME : 02.15 PM

DESCRIPTION OF LAND

Parish of QUEENBOROUGH, Land District of BUCKINGHAM
Lot 1 on Plan 231548
Derivation : Part of 30 Acres Gtd. to D. Anderson
Prior CT 3173/18

SCHEDULE 1

C631240 TRANSFER to HOBART CITY COUNCIL Registered
01-Jun-2006 at noon

SCHEDULE 2

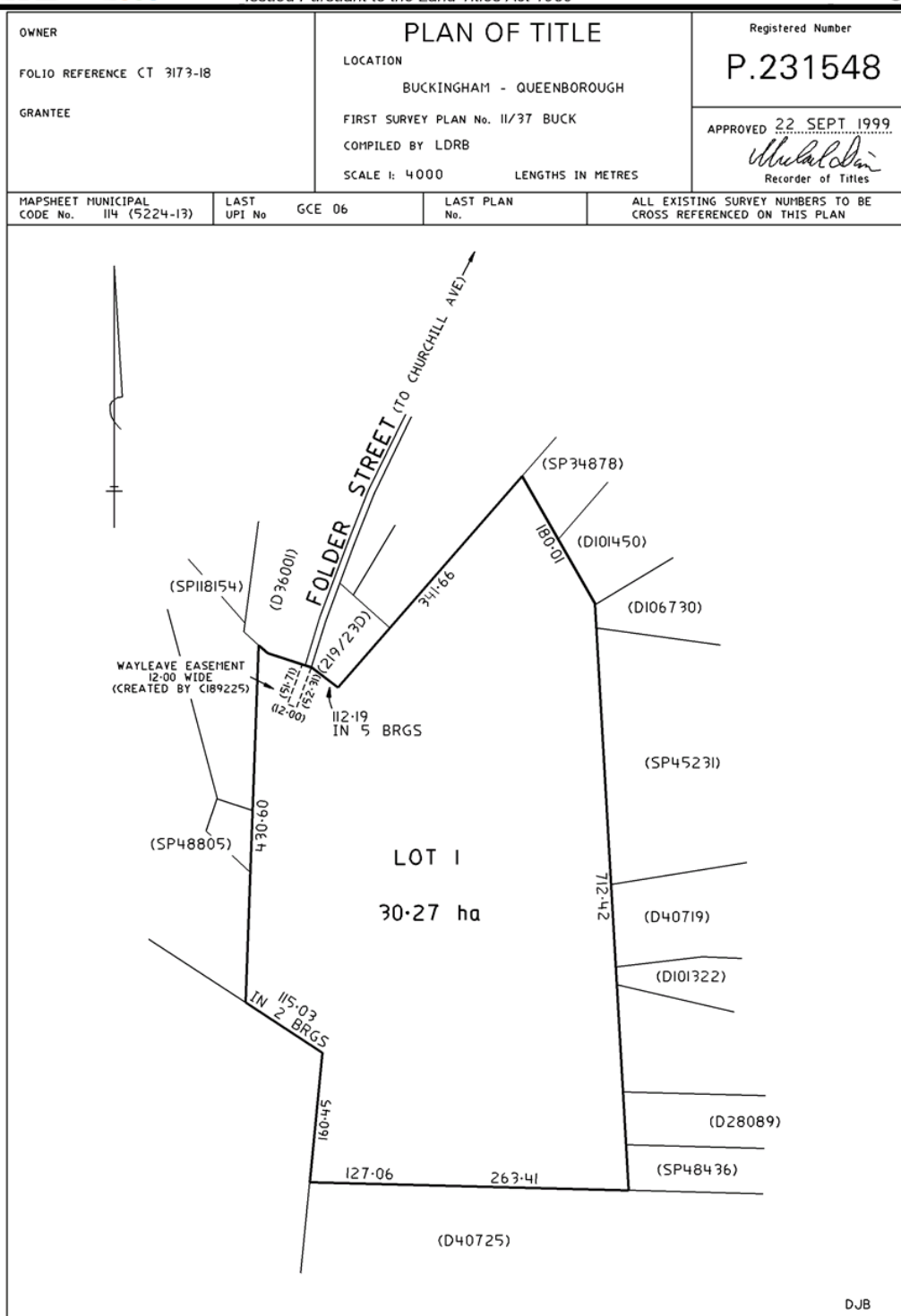
Reservations and conditions in the Crown Grant if any
C189225 BURDENING WAYLEAVE EASEMENT fully defined therein
with the benefit of a restriction as to user of land
in favour of AURORA ENERGY PTY LTD over the land
marked 'WAYLEAVE EASEMENT 12.00 WIDE' on P.231548
Registered 05-Oct-1999 at noon
D40231 INSTRUMENT creating Restrictive Covenants pursuant to
section 34 Nature Conservation Act 2002 (affecting
part of the said land within described) Registered
07-May-2012 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



Tasmanian
Government



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 48805	FOLIO 8
EDITION 1	DATE OF ISSUE 03-Aug-1993

SEARCH DATE : 31-Mar-2021

SEARCH TIME : 07.36 AM

DESCRIPTION OF LAND

City of HOBART
Lot 8 on Sealed Plan 48805
Derivation : Part of 110 Acres Gtd to E Fisher
Prior CT 4777/9

SCHEDULE 1

B288725 B386537 B418704 THYSS PTY. LTD., MAKATI INVESTMENTS
PTY. LTD., SANDRA KING and SUSAN SHIRLEY FLEMING
(jointly as between themselves) of thirteen undivided
1/72 shares, JOHN ALFRED MAY of seven undivided 1/72
shares and PETER MICHAEL SHARP and VICKI LEE SHARP
(jointly as between themselves) of thirteen undivided
1/72 shares as tenants in common

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 48805 EASEMENTS in Schedule of Easements
SP 48805 COVENANTS in Schedule of Easements
SP 48805 FENCING PROVISION in Schedule of Easements
SP 48805 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



COUNCIL CERTIFICATE

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



8805

APPROVAL BY LOCAL AUTHORITY

Insert here any qualification to the approval under section 468(12), section 472 or section 477B of the Local Government Act 1962. Rule through any blank space.

The subdivision shown in this Plan is approved

PURSUANT TO SECTION 468 (12) OF THE LOCAL GOVERNMENT ACT 1962 THE CORPORATION CANNOT GUARANTEE A WATER SUPPLY FOR ANY FIXTURES THAT ARE REQUIRED TO SERVICE A FLOOR LEVEL ABOVE 217.0 METRES BASED ON STATE DATUM

Seal

In witness whereof the common seal of the LORD MAYOR, ALDERMEN AND CITIZENS OF THE CITY OF HOBART

has been hereunto affixed, pursuant to a resolution of the Council of the said municipality passed the 13th day of MAY, 1991, in the presence of us

Members
Peter Munster ACTING TOWN Council Clerk

COUNCILS REFERENCE 72101003

TO BE COMPLETED WHEN ADDITIONAL SHEETS ARE ANNEXED:

Detailed drawings of the parcels shown in this plan are contained in the additional sheet/s annexed hereto and signed by us

Peter Fleming Surveyor
Peter Munster ACTING TOWN Council Clerk

TO BE COMPLETED AND SIGNED BY COUNCIL CLERK OR OWNER

For the purposes of section 464 of the Local Government Act 1962, the owner has nominated/ I nominate

As his/my solicitor Mr. R.E. Naga

As his/my surveyor Mr. P.S. Fleming

Peter Munster ACTING TOWN Council Clerk/Owner

TO BE FILLED IN BY SURVEYOR

Survey commenced 7/7/90

Survey finished 5/2/91

Error of Close See Cals

OFFICE EXAMINATION

Plot Checked

Mathematically Checked

Examined as to boundaries

Entered on Card

Surveyor's Certificate

I, Peter Spencer Fleming of Hobart

in Tasmania, registered surveyor, hereby certify that this plan:

Requires the approval of the local authority, which has been obtained (or, does not require the approval of any local authority)

Dated this 7th day of February, 1991.

Peter Fleming Registered Surveyor

Surveyors Reference

06-K 5810



FOLIO PLAN

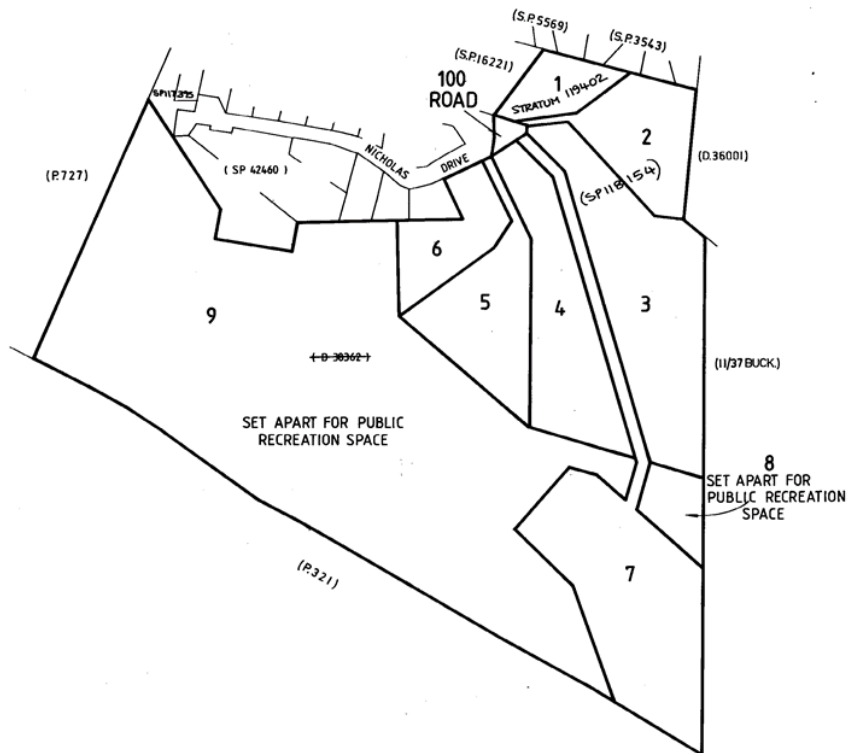
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: MAKATI INVESTMENTS PTY LTD, THYSS PTY LTD SANDRA KING, SUSAN SHIRLEY FLEMING, JOHN ALFRED MAY JOHANNA-MARIA GANER, PETER MICHAEL SHARP, VICKI LEE SHARP	PLAN OF SURVEY by Surveyor..... P.S. FLEMING of land situated in the	Registered Number: SP48805
Title Reference: CT 4567 / 13	CITY OF HOBART	Approved Effective from 28 MAY 2001
Grantee: PART OF 110 ACRES GRANTED TO EDWARD FISHER	SCALE 1:2500 MEASUREMENTS IN METRES	Recorder of Titles

LOT 9 IS COMPILED FROM CT 4567 / 13 AND THIS SURVEY



TASHP MUNICIPAL CODE NO. 2.1	LAST TASHP UPI NO. 12435	LAST SURVEY PLAN NO.
ALL EXISTING SURVEY MARKERS TO BE CROSS REFERENCED ON THIS PLAN		



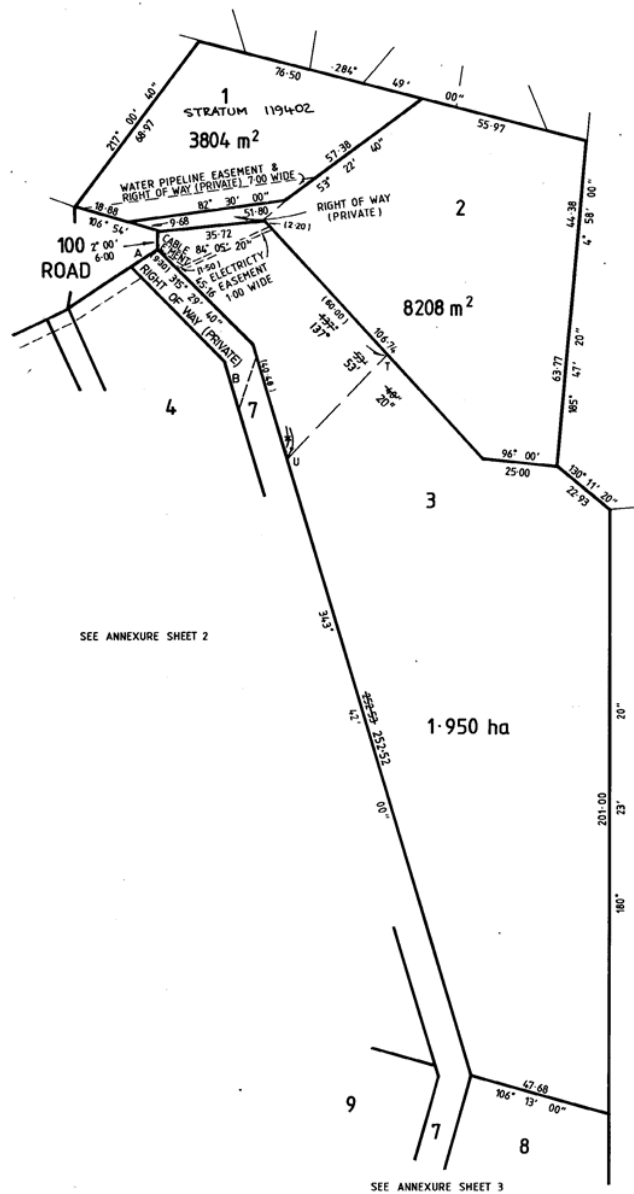
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No.1 (of 4 annexures) to plan by Surveyor P. S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/12/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Reynolds Toul</i> Council Clerk	Surveyor: <i>P. S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S.S. FLEMING, J. A. MAY, P. R. DWYER, P. M. SHARP Title Reference: CT 4567/13 V. L. SHARP	Scale 1:1000 Measurements in Metres





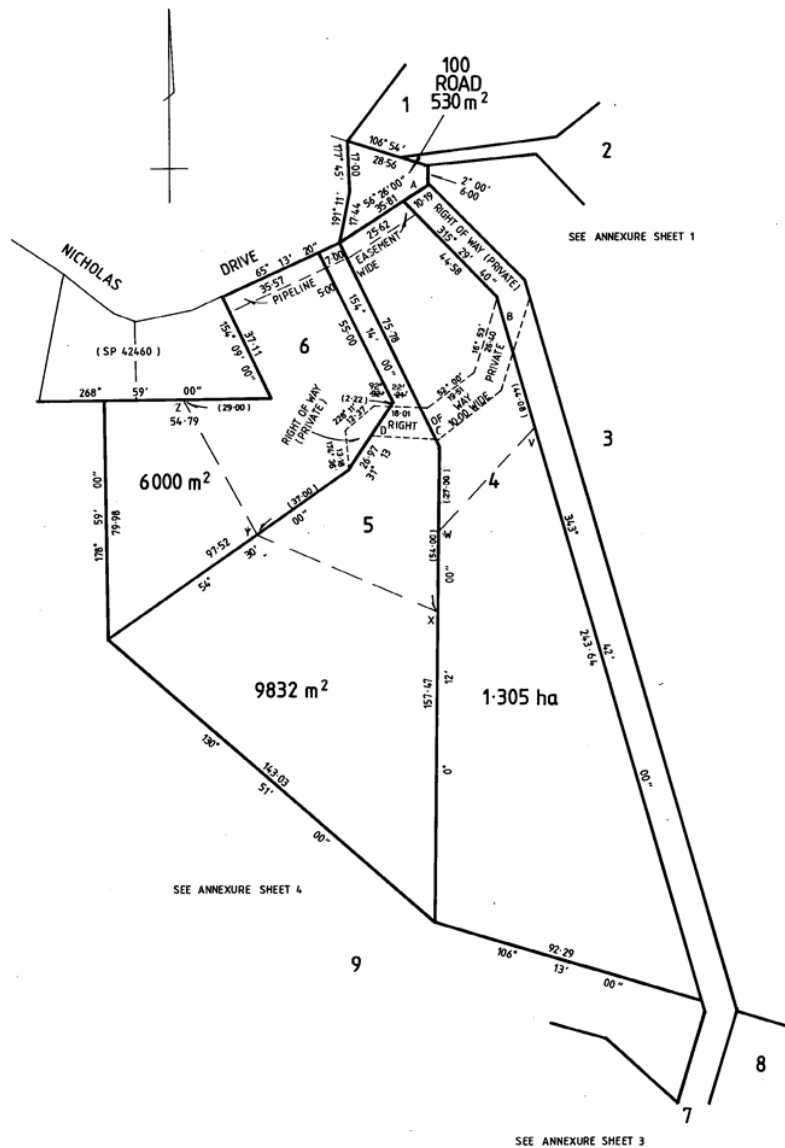
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 2 (of 4 annexures) to plan by Surveyor P.S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>ACTING Town Clerk</i> <i>Neut Austin</i> Council Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S. FLEMING, J.A. MAY, G.R. BAKER , P.M. SHARP Title Reference: CT 4567/13 V.L. SHARP	Scale 1:1000 Measurements in Metres





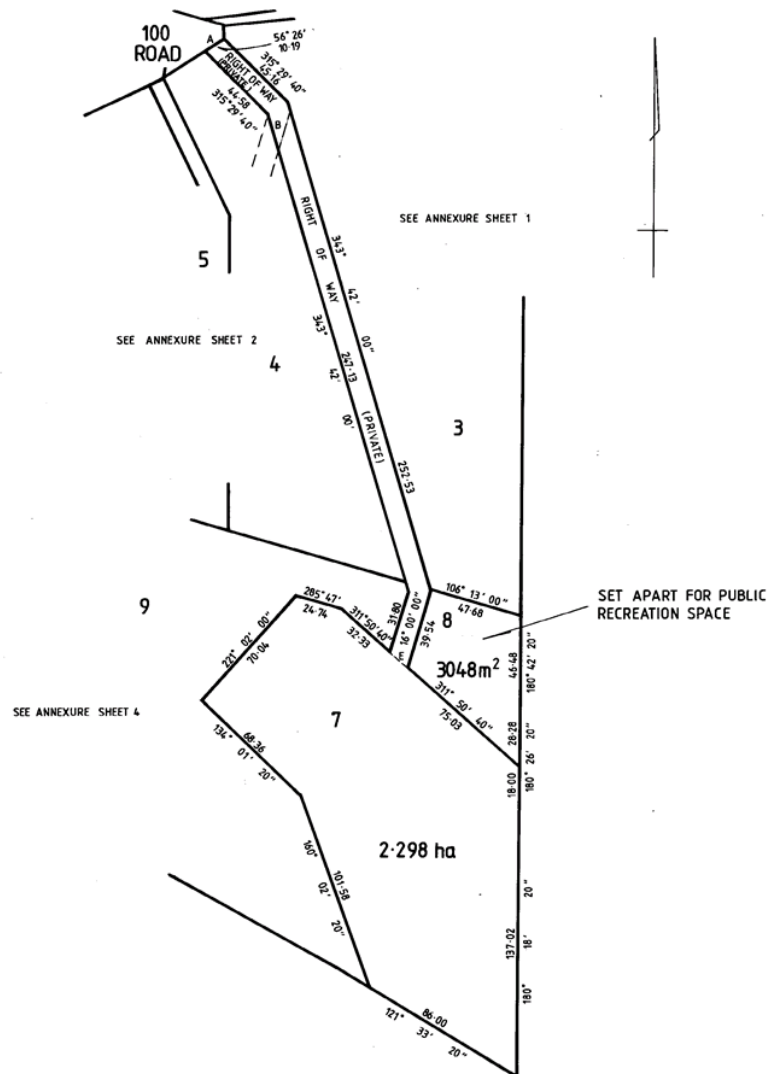
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 3 (of 4 annexures) to plan by Surveyor P. S. FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Permy Baul</i> General Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S. KING, S. S. FLEMING, J. A. MAY, G. R. BOWER , P. M. SHARP Title Reference: CT 4567 / 13 V. L. SHARP	Scale 1:1500 Measurements in Metres





FOLIO PLAN

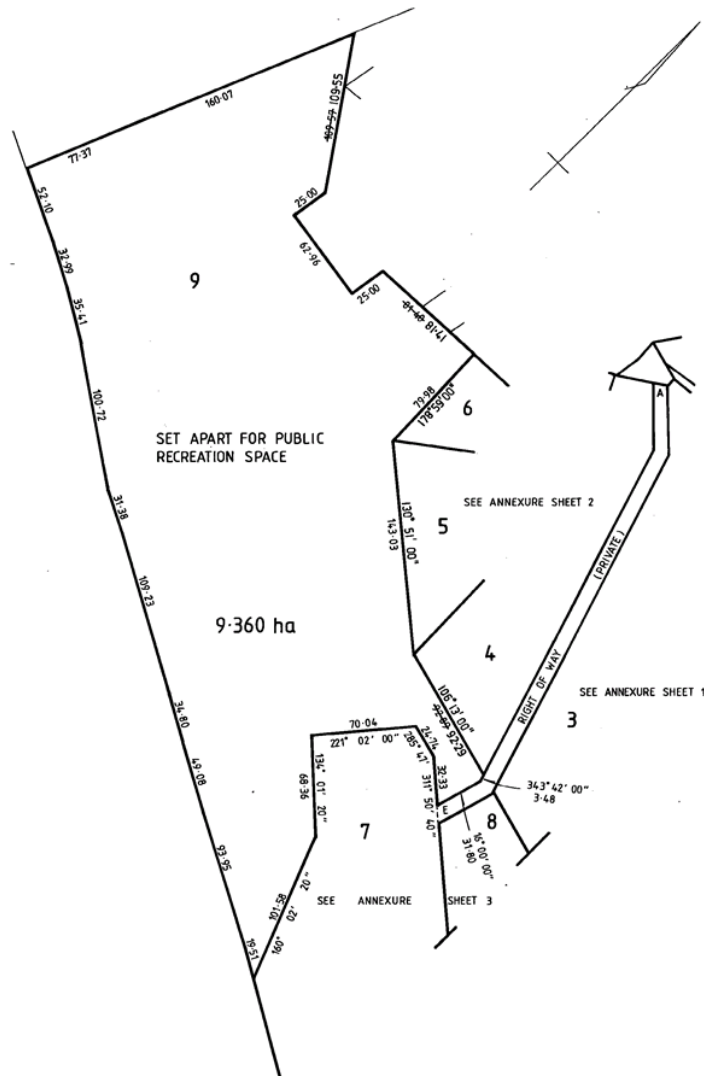
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE SHEET No. 4 (of 4 annexures) to plan by Surveyor P S FLEMING	This sheet contains detailed drawings of parcels shown on the index plan to which it is attached, which plan is verified by my certificate dated 7/2/91 and that certificate extends to the detail shown on this sheet.	Registered Number: SP48805
Signed for the purposes of identification <i>Acridy Tash</i> General Clerk	Surveyor: <i>P.S. Fleming</i> Owner: THYSS PTY LTD, MAKATI INVESTMENTS PTY LTD S.KING, S.S.FLEMING, J.A.MAY, G.R.DWYER , P.M.SHARP Title Reference: V.L. SHARP CT. 4567 / 13	Scale 1: 2000 Measurements in Metres

LOT 9 IS COMPILED FROM CT 4567/13 AND THIS SURVEY



**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**SCHEDULE OF EASEMENTS****PLAN NO.****SP48805**

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENTS

LOT 1 is SUBJECT TO a right of carriageway and water pipeline easement (appurtenant to LOT 2) over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 1 is TOGETHER WITH a right of carriageway over the RIGHT OF WAY (PRIVATE) within LOT 2 and shown on the Plan.

LOT 2 is SUBJECT TO a right of carriageway (appurtenant to LOT 1) over the RIGHT OF WAY (PRIVATE) shown on the Plan.

LOT 2 is TOGETHER WITH a right of carriageway and water pipeline easement over the RIGHT OF WAY (PRIVATE) AND WATER PIPELINE EASEMENT 7.00m wide shown on the Plan.

LOT 2 is TOGETHER WITH an ELECTRICITY EASEMENT 1.00m wide shown on the Plan.

LOT 3 is SUBJECT TO an ELECTRICITY EASEMENT 1.00m wide (appurtenant to LOT 2) shown on the Plan.

LOT 3 is SUBJECT TO the CABLE EASEMENT shown on the Plan.

LOT 3 & LOT 4 are TOGETHER WITH a right of carriageway over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked AB and shown on the Plan.

LOT 4 is SUBJECT TO a right of carriageway (appurtenant to LOT 5 and LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked BC and shown on the Plan.

LOTS 4, 5 & 6 are SUBJECT TO the PIPELINE EASEMENT 5.00m wide shown on the Plan.

LOT 5 is SUBJECT TO a right of carriageway (appurtenant to LOT 6) over that portion of RIGHT OF WAY (PRIVATE) 10.00m wide marked DC and shown on the Plan.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

LOT 5 is TOGETHER WITH:(a) a right of carriageway over that portion of
RIGHT OF WAY (PRIVATE) 10.00m wide marked ABC and shown on the Plan.(b) a right of carriageway over that portion of land
called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is SUBJECT TO a right of carriageway (appurtenant to LOT 5) over that
portion of land called RIGHT OF WAY (PRIVATE) and shown on the Plan.LOT 6 is TOGETHER WITH a right of carriageway over that portion of RIGHT OF
WAY (PRIVATE) 10.00m wide marked ABCD and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway (appurtenant to LOTS 3, 4, 5 and 6)
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked AB
and shown on the Plan.LOT 7 is SUBJECT TO a right of carriageway and right of footway (appurtenant to
LOTS 8 and 9) over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide
marked ABE and shown on the Plan.LOT 8 and LOT 9 are TOGETHER WITH a right of carriageway and right of footway
over that portion of land called RIGHT OF WAY (PRIVATE) 10.00m wide marked ABE
and shown on the Plan.Covenant (a) hereon amended by me pursuant to Request to Amend No. E12519
made under Section 103 of the Local Government (Building & Miscellaneous
Provisions) Act 1993COVENANTS

14 / 9 / 2015

Alice Kawa
Recorder of TitlesThe owners of Lots 1, 2, 3, 4, 5 and 6 on the Plan covenant with the Vendors and
the owners of Lots 7, 8, 9 and 100 to the intent that the burden of these
covenants may run with and bind the Covenantors' Lot and every part thereof and
that the benefit thereof may be annexed to and devolve with each and every part
of Lots 7, 8, 9 and 100 on the Plan to observe the following stipulations:

- (a) Not without the written consent of the Corporation of the City of Hobart
to erect on each of Lots 3, 4, 5 and 6 more than one dwelling.
- (b) Not without the written consent of the Corporation of the City of Hobart
to erect on Lot 1 more than three dwellings.
- (c) Not without the written consent of the Corporation of the City of Hobart
to erect on Lot 2 more than six dwellings.
- (d) Not without the written consent of the Corporation of the City of Hobart
to erect, place or maintain any building or structure upon such Lot or
any part thereof unless and until the exterior design plans and finish
of such building or structure (including materials intended to be used
therein) and its location or placement on such Lot, have been approved
by the City of Hobart or its duly authorised Officer or agent.
- (e) Not without the written consent of the Corporation of the City of Hobart
to remove any trees from such Lot except in accordance with Council
By-Laws and the City of Hobart Tree Preservation Interim Order.
- (f) Not without the written consent of the Corporation of the City of Hobart
to erect, place or maintain any building or structure on Lots 3, 4, 5
and 6 south of the lines TU, VW, XY and YZ respectively shown on the Plan.

**SCHEDULE OF EASEMENTS**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

48805

FENCING PROVISION

The Vendors, in respect of each Lot shown on the Plan, shall not be required to fence.

INTERPRETATION

"Electricity Easement" shall mean:

A right for the owner or owners for the time being of the dominant tenement to make and lay, underground, any wires and conduits for the purpose of conveying electricity in and through portion of the servient tenement marked "Electricity Easement 1 metre wide" on the plan, TOGETHER WITH the right for the said owner or owners or their workmen from time to time and at all times to enter upon the said easement to inspect, repair and maintain such wires and conduits without doing unnecessary damage to the land comprising the servient tenement, and making good any damage occasioned to the servient tenement thereby.

"Pipeline Easement" shall mean:

The full and free right and liberty for the Lord Mayor Aldermen and Citizens of the City of Hobart (herein called "the Corporation") to lay and forever maintain water mains of such size and number as the Corporation may from time to time require through all that strip of land marked "Pipeline Easement" hereon and together with the right at all times to enter upon the said strip of land for the purposes of inspecting repairing and laying additional mains thereon and for all purposes whatsoever in connection with the repair and maintenance of such mains under The Hobart Water Acts 1925-1936 and The Hobart Corporation Acts 1953 for the purpose of the Hobart Water Supply.

"Cable Easement" shall mean:

The full and free right and liberty for the Hydro Electric Commission to lay and maintain cables and installations for the transmission of electrical energy under and along the strip of land marked "Cable Easement" on the plan passing through such Lot with the right for the Hydro Electric Commission its servants workmen and others authorised by it at all times to enter into and upon the said strip of land for the purpose of laying inspecting repairing and maintaining any such cables without doing unnecessary damage to the said strip of land and making good all damage occasioned thereby.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



48805

THE COMMON SEAL of THYSS PTY LTD)
was hereunto affixed in the
presence of:

AND THE COMMON SEAL of MAKATI PTY LTD
was hereunto affixed in the
presence of:

AND SIGNED by SANDRA KING,
SUSAN SHIRLEY FLEMING,
JOHN ALFRED MAY,
PETER MICHAEL SHARP,
and VICKI LEE SHARP



As ALL being the registered proprietors of the land comprised in
Certificate of Title, Volume 4567 Folio 13 in the presence of:

SIGNED BY THE HOBART

SAYINGS BANK OFFICER

attorney: **STEPHEN PRYOR**and **KAREN ELIZABETH POTTER**under Power No. **65/2660**(and the said **STEPHEN PRYOR**and **KAREN ELIZABETH POTTER**

declares that they have received No

Notice of revocation of the

said Power) in the presence of

BANK OFFICER
Witness **HOBART**

PRINCIPAL OFFICER

Karen Potter

MANAGER, LEGAL

SIGNED for and on behalf of
COMMONWEALTH BANK OF AUSTRALIA
by its duly constituted Attorney

GEOFFREY JOHN ROWLANDS

under Power of Attorney No. 65/2660

who hereby certifies that he has
received no notice of revocation
of the said Power and in the
presence of:

C.D. Bank Loans Officer

COMMONWEALTH BANK OF AUSTRALIA
by its Attorney

Rowlands

Deputy Chief State Manager Tasmania

SENIOR MANAGER**81 ELIZABETH STREET, HOBART TAS.**

This is the schedule of easements attached to the plan of **MAKATI INV. P/L, THYSS P/L, S. KING**
(Insert Subdivider's Full Name)

S.S. FLEMING, J.A. MAY, P.M. SHARP & V.L. SHARP affecting land in

4567/13

(Insert Title Reference)

Sealed by **HOBART CITY COUNCIL** on **13th MAY** 19**91**

Solicitor's Reference

Brent Armstrong
Council Clerk/Town Clerk

Application Referral Environmental Development Planner - Response

From:	Rowan Moore Environmental Development Planner 13 May 2021
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	38 A NICHOLAS DRIVE, SANDY BAY 1 A ENTERPRISE ROAD, SANDY BAY 24 GARDENIA GROVE, SANDY BAY NICHOLAS DRIVE (CT 48805/8), SANDY BAY NICHOLAS DRIVE (CT 48805/9), SANDY BAY
Proposal:	Shared Use Trail Realignment
Application No:	PLN-21-193
Assessment Officer:	Cameron Sherriff,

Referral Officer comments:

Codes Applicable:

Code	Applicable	Exempt	Permitted	Discretionary
E1.0 Bushfire-Prone Areas	No			
E3.0 Landslide	Yes	No	No	Yes - E3.7.1 P1
E9.0 Attenuation	No			
E10.0 Biodiversity	Yes	No	No	Yes - E10.7.1 P1(c)
E11.0 Waterway & Coastal	No			
E15.0 Inundation Prone Areas	No			
E16.0 Coastal Erosion	No			
E18.0 Wind & Solar Energy	No			
E20.0 Acid Sulfate Soils	No			

Assessment:

Approval is sought to realign the 'Sly Grog Track' in Bicentenntial Park, Sandy Bay, by constructing a new track and abandoning the existing track. According to the application, the existing track is unsafe and subject to erosion due to its steepness.

The existing shared-use track is approximately 260m in length with an average gradient of 27%. The proposed new track would be approximately 1040m in length with a width of 0.6-1.2m and an average gradient of 6%. The new track would be constructed using local materials only, with a natural surface, and rock armouring as required.

The final track alignment will be determined on-site, within a corridor 10 metres either side of the marked alignment on the plans. Drainage features would be constructed as required no more than 20m apart or closer as site conditions dictate.

Track construction is to be undertaken manually and with small, light-weight machinery as required, to limit the footprint and visual impact. Natural ground surface cut and fill requirements will be minimised and kept to no greater than 0.5m for cut batters and 1m for fill batters, from natural ground level. Where unavoidable, dry stone retaining walls (to be kept under 1m high) will be constructed to secure any steep batters from potential landslip and erosion hazards.

The track surface is to be formed from native mineral soil and rock. Where there is insufficient mineral soil, borrow pits may be established. Borrow pits would not be battered and would not to exceed 2m³ volume or be > 1.5m deep. According to the application, borrow pits would be located to minimise aesthetic impact, preferably below drain outlets or within the track footprint, and would be backfilled with organic soil, excess rock, and covered with leaf litter.

The application indicates that areas for special construction treatments and exclusion zones will be marked out on site prior to construction, including all heritage features, rockfall zones and significant trees.

After completion of works, it is proposed that disturbed areas outside the track carriageway will be reshaped to normal ground levels and surfaced with surrounding vegetative debris. The outward slopes of corners and track batters would be covered with organic soil, leaf litter or vegetation to blend in with surrounds.

Landslide Code

The Code applies because development is proposed within a Landslide Hazard Area. Approximately 200m of the proposed track would pass through Low and Medium Landslide Hazard Areas (refer to Figure 1 below). The areas have been modelled as being susceptible to rockfall.



Figure 1: Landslide hazard areas and approximate track alignment

No Code exemptions apply.

The relevant standards are under clause E3.7.1. There is no acceptable solution for A1. Performance criterion P1 states the following:

Buildings and works must satisfy all of the following:

- (a) no part of the buildings and works is in a High Landslide Hazard Area;*
- (b) the landslide risk associated with the buildings and works is either:*
 - (i) acceptable risk; or*
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.*

No works are proposed within a High Landslide Hazard Area.

The application proposes the following to address the risk of rockfall:

Land Stability layers on the City of Hobart GIS system have identified rockfall hazard zones in several locations along the proposed alignment (see Map 1). Controls will be implemented to ensure no personnel or public are present in likely runout areas during construction in those areas, and construction crews will follow the City of Hobart Boulder Hazard Assessment SOP (2020) during works. A geotechnical assessment will be undertaken along sections where the final track alignment falls within a rockfall hazard zone, to identify any hazards and required controls prior to public use...

Potential rockfall zones are marked on Map 1. Due consideration must be given to possible rockfall risk in these areas, and methodology adjusted accordingly. While works are being undertaken in these areas, construction crew must ensure that no personnel or public are

within the runout areas. If it is determined that the work presents a hazard to recreational users, controls should be implemented to prevent public access into the hazardous zone until works are completed and the hazard is no longer present. A geotechnical assessment of the track alignment where it passes through the rockfall zones must be completed post construction and prior to public access.

When undertaking works involving or adjacent to large rocks, assessments should be undertaken as per the City of Hobart's Boulder Hazard Assessment SOP, with High > 2m boulders to be assessed by City of Hobart Supervisor – Track Management or delegated council officer prior to treatment.

The general overall approach proposed is considered adequate to achieve a tolerable level of risk. However, the statements are inconsistent with regard to excluding public access prior to completion of the works, and a condition is recommended prohibiting public access until after the geotechnical assessment and any recommendations have been implemented. It is also recommended that a more detailed risk management plan for construction, prepared by a suitably qualified person, and approved by the planning authority, be required by permit condition as rockfall risk will not be limited to the modelled runout areas and also needs to be addressed within source areas. The Boulder Hazard Assessment SOP is light on detail and methodology.

Biodiversity Code

The Code applies because the disturbance of native vegetation is proposed within a biodiversity protection area (BPA).

Standing vegetation is proposed to be cleared along a 2m wide corridor along the route alignment, with cut vegetation placed into the surrounding bush, out of sight where possible. The total area affected would be approximately 2000m².

The application includes the following comments about vegetation impact:

As per the recommendations of the NVA report, no trees (>20cm DBH) will be removed or damaged, and a buffer will be established around larger trees (>50cm DBH), with a minimum 2m separation between base of trunk and nearest edge of track. It is expected this buffer may be required around six trees within the track corridor (see Map 1), and others as identified during the construction process...

Track is to be aligned to avoid large habitat and/or dangerous trees. Trees with potential to fall or drop limbs on the proposed tracks are to be assessed for risk to users. Assessments are to be conducted by a qualified arborist or tree assessor using a recognised methodology such as QTRA, VALID or similar. A tree audit assessment to be undertaken and any required works to be completed prior to handover.

There may also be impact upon native vegetation from the borrow pits.

A Natural Values Assessment was submitted with the application. The main findings of the assessment are:

- The native vegetation community on the site is '*Eucalyptus globulus* dry forest' (DGL).
- The canopy trees are multi-aged and the oldest cohort is nearing old-growth stage, with branch and trunk hollows beginning to develop, some crown senescence and prominent fire scars.
- The vegetation is in good condition with few weeds, some fallen logs, adequate

eucalypt recruitment and a generally healthy canopy.

- No threatened flora species listed under the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* were observed.
- Ten introduced plant species were recorded during the survey, with most of these confined to the open grassy area (clearing) near the eastern end of the survey site.
- Hawthorn poses a significant risk of invading and transforming the understorey of the native forest.
- No threatened fauna species listed under the *Threatened Species Protection Act 1995* or under the *Environment Protection and Biodiversity Conservation Act 1999* were observed during the survey.
- Four threatened fauna species have been recorded within 500 m of the site and an additional six species have been recorded within 2 km since 1950.
- Of the 10 threatened fauna species recorded within 2km of the site, 3 species are unlikely to use the site and 3 species may use the land for foraging, but not nesting. For the remaining 4 species, there is only marginal nesting habitat for wedge-tailed eagles and no obvious suitable hollows for swift parrots (but could be present) but there is suitable nesting habitat for eastern quolls and eastern barred bandicoots. The land is also foraging habitat for these four species.

The assessment summarises the importance of the habitat for threatened species as follows:

There is suitable habitat for several threatened species in the area, including wide-ranging species such as the grey goshawk, masked owl, Tasmanian devil, eastern barred bandicoot and eastern quoll. No nest or den sites were observed during the survey.

Suitable foraging habitat for swift parrots occurs throughout the survey area, with large mature blue gums providing higher quality foraging habitat. In most cases, mature eucalypt trees in the survey area are probably not quite old enough to provide suitable nesting habitat for swift parrots and other hollow-nesting fauna but are important for future habitat. Several mature and one old-growth eucalypts were mapped during the survey (Figure 2).

Potential impacts associated with the proposal are summarised in the assessment report as follows:

*The proposed track is located in a threatened vegetation community, *Eucalyptus globulus* dry forest (DGL), which will be subject to minor modification by removal of some understorey vegetation. The community will not be reduced in extent and will retain its ecological characteristics (e.g. structure, species composition, habitat features, recruitment processes).*

There is a very low likelihood of threatened flora being present and impacted.

Wide-ranging mobile threatened fauna species, such as raptors and marsupial carnivores, are likely to visit the survey area. Removal of mature trees will impact actual or potential nesting habitat for hollow-nesting threatened species such as the swift parrot.

Impacts on habitat for threatened fauna species are expected to be negligible, unless nesting or denning sites are disturbed or destroyed. However, this is unlikely since no den sites were detected during the on-ground survey and there is no need to remove old growth trees and there are no large fallen logs on the track alignment.

Impacts on non-threatened species and other natural values is likely to be minimal given the small spatial extent of works. There may be no need to remove living or dead trees. If necessary, removal of some smaller live or dead trees (under 20 cm DBH) would have little impact on the structure and integrity of the vegetation community...

*Vegetation clearing, earthworks, machinery use and importation of materials such as gravel pose a risk of introducing weeds to the area. Most of the site is free of significant weeds. Track construction works may spread weeds within the site (including seeds in soil). The plant species present have a low risk of *Phytophthora cinnamomi* (Pc) infection and standard weed hygiene measures are adequate.*

No Code exemptions apply to the proposal.

The relevant standards are under clause E10.7.1. The proposal does not comply with acceptable solution A1(a), A1(b) or A1(c).

The biodiversity value of the vegetation under Table E10.1 of the Code is 'high' because the vegetation community is listed as threatened under the *Nature Conservation Act 2002*. The relevant part of the performance criterion therefore is:

Clearance and conversion or disturbance must satisfy the following...

(c) if high priority biodiversity values:

(i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development;

(ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire-resistant design of habitable buildings;

(iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values;

(iv) special circumstances exist;

The main way the development has been designed and located to minimise impacts is by routing the track to avoid the mature trees, which provide the most significant habitat values. Even smaller trees of DBH 20-50cm would be retained. In addition, drainage features have been included in the design which will help to minimise erosion and only local soil and rock will be used minimising the risk of new weed introductions.

The submitted Natural Values Assessment includes the following recommendations to minimise impacts:

- *Do not remove or damage any trees (> 20 cm DBH).*
- *If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately and contact DPIPWE Threatened Species Section.*
- *Vegetation clearance and soil disturbance should be limited to the width of the track.*
- *Do not remove coarse woody debris from the site.*
- *Minimise use of importing foreign aggregates if possible. If surfacing is required, it should be sourced from a weed-free source.*
- *Follow standard weed hygiene procedures during track construction.*
- *Commence work at the top of the site and proceed in an easterly (downhill) direction to limit spread of weeds, which are localised at the lower end of the proposed track.*
- *Control of Forget-Me-Not (*Myosotis* sp.) and sticky weed (*Galium aparine*) by hand*

pulling should be undertaken in conjunction with track construction works. Soil from areas where forget-me-not is growing should not be moved from those locations.

Impacts associated with the development are considered sufficiently minimised to comply with P1(c)(i) subject to conditions requiring:

- Trees with a DBH of greater than 20cm are not removed, unless assessed by an arborist as too dangerous to keep.
- No works within 2m of the trunks of mature trees, unless assessed by an arborist as too dangerous to keep.
- No importation of soil onto the site, unless certified as weed free in accordance with the relevant Australian Standard.
- Clearing along the route is limited to 2m in width.
- The location of any borrow pits, to be subject to the prior approval of the planning authority.
- Implementation of a Construction Management Plan, including weed hygiene, soil and water management measures and tree protection measures.
- Works must commence at the uphill end of the track and works downhill.
- If evidence of raptor nesting, swift parrot nesting or marsupial denning is observed, work must stop immediately, and appropriate management measures, to the satisfaction of the planning authority must be approved, prior to work recommencing.

No bushfire management measures are proposed so P1(c)(ii) is not applicable.

There is an opportunity to comply with P1(c)(iii), which requires the remaining vegetation to be retained and improved, by managing weeds in the area. It would be unreasonable for weed management requirements to apply to all of the land covered by the relevant titles, so a condition has been recommended requiring the implementation of an approved weed management plan for the area within 40m of the track on titles owned by Council.

With regard to P1(c)(iv), 'special circumstances' is defined as follows:

means particular circumstances associated with the proposed use or development that justify loss of high priority biodiversity values.

Special circumstances are considered to exist if one or more of the following apply:

(a) the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location;

(b) ongoing management cannot ensure the survival of the high priority biodiversity values on the site and there is little potential for recruitment or for long term persistence;

(c) the development is located on an existing lot within the Low Density Residential, Rural Living or Environmental Living Zone and is for a single dwelling and/or associated residential outbuildings or works;

Sub-clauses (b) and (c) do not apply so the proposal must meet sub-clause (a) to be approved. Significant long-term economic benefits are not expected, so significant social benefits must be demonstrated.

According to the application, *'the location has been identified as a major gap in the City of Hobart's recreational track and trail network, the improvement of which will result in a significant long term social and community benefit through the enhancement of the network, and improved visitor experience in the City's open space'.*

The application includes the following commentary regarding the benefits of the proposed

development:

The location of the track corridor provides a key recreational access point to Bicentennial Park, Mount Nelson and further bushland areas for residents of Sandy Bay and Taroona, and similarly provides Mount Nelson residents access to the suburbs below.

The safety of users on the existing track is cause for concern, due to its steep gradient (27% avg.) and the nature of the surface material, which becomes extremely slippery in wet conditions. This causes the track to be effectively untrafficable at times. This safety concern is amplified by the track's shared use designation, as mountain bike users may find the route impassable in wet conditions, or extremely dangerous when descending on the slick surface, contributing to possible user conflict, or injury to themselves or other users.

The fall-line alignment of the existing track is contributing to environmental damage, primarily erosion caused by water flow and recreational traffic.

The lack of shared use suitability of the existing track has resulted in the illegal construction of an alternative route on a parcel of private land to the north. This track is also having detrimental environmental impacts due to its alignment and unsustainable construction techniques, resulting in erosion caused by water flow and recreational traffic...

The construction of the new alignment will result in a fit-for-purpose shared use track that forms a key link in the wider recreational network, and allows for recreational access by a wider range of users.

The gentle gradient and suitable construction techniques will provide a sustainable track, with adequate drainage at regular intervals, and hardening of the surface where necessary. The new alignment will better suit cyclists, reducing the use of the illegally constructed route on private land, and allowing it to rehabilitate naturally.

Additionally, the impact of the newly constructed track will be offset by the closure and rehabilitation of the existing alignment, significantly reducing its ongoing environmental and heritage impacts...

Alternative locations have been sought to achieve this recreational connection without the disturbance of high priority biodiversity values, however the corridor is restricted by private land boundaries to the north and south. The central location of the proposed track corridor is the only suitable connection point that will provide the significant long term community benefit the project will achieve...

Bicentennial Park is one of the City's major bushland reserves, and provides an outstanding resource for the local community. The improvement of recreational access to and from this reserve is considered to have a significant long term social and community benefit that is environmentally sustainable...

Sly Grog Track forms a link between Nicholas Fire Trail in Bicentennial Park, and Dorney House Fire Trail on Porter Hill. It provides recreational access between Lower Sandy Bay/Taroona and Mount Nelson/Bicentennial Park. The existing track alignment is informal in nature, with an average gradient of 27%, making it unsuitable for shared use access and too difficult for recreational use by the wider community and costly to maintain. A realignment will improve safety and accessibility, while reducing the environmental impact and ongoing maintenance requirements.

In my opinion it has been adequately demonstrated that the development would lead to significant, long-term social benefits for the community.

The proposal is recommended for approval subject to the recommended conditions.

Recommended Conditions:

Refer to conditions

Recommended Advice:

N/A

Application Referral Cultural Heritage - Response

From:	Sarah Waight
Recommendation:	Proposal is acceptable subject to conditions.
Date Completed:	
Address:	38 A NICHOLAS DRIVE, SANDY BAY 1 A ENTERPRISE ROAD, SANDY BAY 24 GARDENIA GROVE, SANDY BAY NICHOLAS DRIVE (CT 48805/8), SANDY BAY NICHOLAS DRIVE (CT 48805/9), SANDY BAY
Proposal:	Shared Use Trail Realignment
Application No:	PLN-21-193
Assessment Officer:	Cameron Sherriff,

Referral Officer comments:

This application is for the rerouting of a shared use track between the Bicentennial park and the Dorney House Fire Trail - a heritage listed site. There is an estimated 20m section of track within this site.

The Porters Hill or Fort Nelson site includes the remains of a reinforced gun emplacement and associated military related features and a house designed by Esmond Dorney and built in 1978. It is significant for its military and architectural associations.

A Historic Heritage Assessment (Gondwana Heritage Solutions, Feb 2021) has been undertaken along the track alignment as well as additional areas in the surrounding area thought to be related to the Fort Nelson site.

The survey identified five (5) previously recorded sites:

- a 19th- early 20th century building site
- probable early to mid 20th century dam
- three pits - possibly defence manoeuvre earthworks

The field survey identified additional features:

- four associated features related to non-defence activities including 2 track formations, a series of tree stumps and a pair of water lines
- three features related to defence use including the possible site of the 1912 works contractors hut, remains of the post 1908 subdivision fencing and one pit relating to defence manoeuvres.

As a result of the field survey and desktop study, the proposed track was realigned to the current proposal. The HHA recommends a temporary 2 metres radius exclusion zone during track construction.

The track is called the Sly Grog Track, a name that has evolved and become attached to this project.

The HHA briefly explores the history of alcohol, taxation, alcohol smuggling, specifically within the Sandy Bay locale and Fort Nelson in order to provide some rationale or otherwise for the naming of the track. The matter of the historical accuracy has already been raised by the author

of this report and the project manager of the track project and identified that the sources of some earlier references (ie the Porter Hill CMP which references *Sandy Bay, A Social History* by Nicola Goc) are not correct and indicate that the storey telling has got ahead of itself.

It is important to restate that advice and that the name Porter Hill first appears in newspapers in the 1850s as the home on Brown's Road (Sandy Bay Road) of William Vince. It was not the name given because of the portage of alcohol as part of the sly grog trade as has been reported in the Goc book and thereafter repeated. It was the name of Vince's house which is listed for sale when he left the colony in the 1870s. He was the one who set his house up as an inn and it was licensed as the Porter Hill Inn. Today it is now called the Riverview Hotel, although what stands today is not what was Porter Hill Inn. It is possible that the name Porter Hill came from, like so many place names in Tasmania, a prominent peak in Staffordshire in England.

The HHA has not identified a direct link between alcohol smuggling and the location of the proposed track. It is recommended that the Sly Grog Track name not be used and more verifiable historically accurate options are explored, eg the Fort Nelson construction period is one such example. It is also recommended that the naming of the track be given further consideration and this will be a condition of the permit. It is also considered that all recommendations in regard to historical features and sites identified within the HHA be taken on board and that interpretation signage be incorporated into the track development to deal with historic heritage themes.

The works within the Porters Hill heritage listed site must be assessed against E13.7.1 P1 Demolition. The works to the landscape for the track are minor and do not result in loss of significant fabric or landscape elements. The proposal satisfies E13.7.1 P1.

The new work is minor and is of a design and using construction techniques appropriate for its bushland park setting. It is concluded that the proposal does not result in the loss of significance of the listed site. The proposal satisfies E13.7.2 P1, P2 and P3.

Condition of permit are required. The proposal satisfies the relevant performance criteria of the Historic Heritage Code of the Scheme.

Sarah Waight
Senior Cultural Heritage Officer
4 May 2021

**7.1.3 607 - 627 Nelson Road, Mount Nelson - Subdivision (9 Additional
Lots, Road, Lot, Public Open Space Lot
and Balance) - ETA-21-27
File Ref: F21/48126**

Memorandum of the Acting Director City Planning of 26 May 2021 and
attachments.

Delegation: Council



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

607 - 627 Nelson Road, Mount Nelson - Subdivision (9 Additional Lots, Road, Lot, Public Open Space Lot and Balance) - ETA-21-27

Introduction:

This memorandum relates to a request to extend the time in which to substantially commence planning permit PLN-14-01177-01 for Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607-627 Nelson Road, Mount Nelson. The request was made on 3 February 2021.

The original planning report and approved plan of subdivision are provided as **Attachment A** to this memorandum.

Background:

On 19 November 2018, planning approval was granted by the full Council for Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607-627 Nelson Road, Mount Nelson.

The development was assessed under the *City of Hobart Planning Scheme 1982*. There were four discretions:

1. Schedule D – Siting and Landscaping – Clause D.6 Watercourse Setback: Whereby there would be works within 10m of the top of the bank of a watercourse
2. Schedule I – Clearing of Land – Clause I.2 Clearing more than 500sqm: The proposal included disturbance of more than 500m² of land where the permitted standard allows clearing of 500m² within 2 consecutive years.
3. Schedule K – Rescode – Clause K.3.1 PC1.4 Residential Density: Whereby seven lots would not meet the permitted 25m frontage and two lots would not meet the 25m inscribed circle.
4. Schedule Q – Storm Surge and Flood Prone Land – Clause Q.5.1 P1 Standards for Development within Flood Prone Land: Whereby part of the site is classified as flood prone land.

Four (4) representations were received within the statutory advertising period with concerns about the non-compliance with the current planning scheme, bushfire hazards, and unacceptable impacts on environmental and ecological values. No appeal was lodged with the Resource Management and Planning Appeal Tribunal, and as such, the date the planning permit commenced was the date of approval, 19 November 2018.

The applicant has two years from the date of the permit to substantially commence the development, which is 19 November 2020, and six additional months until 19 May 2021 to request a two year extension of time in which to substantially commence. There has been no work undertaken to date. It is noted that a substantial amount of design work is underway by the applicant to meet the conditions of planning approval. An application for condition endorsement has been lodged with the Council, however it has not been granted because additional information is required from the applicant. The applicant has indicated that the need for the extension of time in which to substantially commence the planning permit is because the 'gaining of engineering approval has delayed construction commencement'.

The applicant has requested a two year extension of time (until 19 November 2022) within which to substantially commence the work. The request is made under section 53(5)(b) of the *Land Use Planning and Approvals Act 1993*. The request was made on 3 February 2021, which is within the six month additional period allowed under this provision.

Evaluation:

Extension of time delegation:

Normally, requests for an extension of time to substantially commence a permit are determined at officer level under delegation. However, that officer delegation can only be exercised when the 'strategic intent of the relevant planning scheme has not significantly changed'. The applicant lodged the development application as a valid application in 2014, at which time the *City of Hobart Planning Scheme 1982* was in force. However, on 20 May 2015, that changed with the *Hobart Interim Planning Scheme 2015* coming into force. If the provisions of the *Hobart Interim Planning Scheme 2015* represent a significant change in the strategic intent to the provisions of the *City of Hobart Planning Scheme 1982* so far as they are applicable to the development, delegation to determine the request to extend the time in which to substantially commence the permit rests with the Council.

The strategic intent of the planning scheme:

When the proposal was assessed under the *City of Hobart Planning Scheme 1982*, the property was located within the Residential 2 Zone, and setback from the watercourse, land clearing residential density and flood prone land were the discretions.

The property is now located within the Low Density Residential, Environmental Living and Rural Living Zone under the *Hobart Interim Planning Scheme 2015*. The proposed development would be sited predominantly in the Low Density Residential Zone and partially in the Environmental Living Zone.

The development standards for subdivision in the Rural Living Zone include minimum permitted frontage of 30m. In regards to frontage, the majority of lots would not comply with the permitted standard, however there is discretion to approve a frontage of down to 6m for a normal lot and 3.6m for an internal lot. It is proposed that lot 8 would have a frontage of 5.8m and would not be an internal lot. This would not comply with the minimum discretionary frontage and as such cannot be approved under the current planning scheme.

Under the previous *City of Hobart Planning Scheme 1982*, bushfire and landslide issues were dealt with under Principle 22, Site Suitability. In the current *Hobart Interim Planning Scheme 2015*, these issues have been formalised into codes. When assessed originally, vegetation removal was assessed under Schedule I Clearing of Land of the *City of Hobart Planning Scheme 1982*. Under that planning scheme, it was permitted to clear up to 500m² within two consecutive years, with a discretion to approve larger areas subject to assessment against the relevant criteria. Under the current *Hobart Interim Planning Scheme 2015*, the site is subject to the Biodiversity Code under clause E10.0, which includes specific standards relating to subdivision. The Council's Environmental Development Planner has reconsidered the proposal against the provisions of the *Hobart Interim Planning Scheme 2015* and has provided the following comments:

The strategic intent of the *Hobart Interim Planning Scheme 2015* (HIPS) has shifted towards a more prescriptive protection of biodiversity values than the protections under the *City of Hobart Planning Scheme 1982*. In particular, the HIPS affords greater protection to priority fauna habitat. The site is documented as containing priority fauna habitat.

Although a full assessment of the subdivision proposal against the requirements of the Biodiversity Code of the HIPS has not been undertaken, it is questionable whether clause E10.8.1 P1 would be met. This is due to the potential impacts on priority biodiversity values (swift parrot habitat) resulting from the development, particularly the potential extent of clearing for bushfire hazard management. The Australian conservation status of the swift parrot was raised from Endangered to Critically Endangered in May 2016 under schedules to the *Environment Protection and Biodiversity Conservation Act 1999*. This status change occurred after the implementation of HIPS, as was therefore not considered in the current approval.

In summary, the permit extension is recommended for refusal given that the strategic intent of the planning scheme has changed to afford greater protection to biodiversity values.

In regards to engineering aspects of the application, such as vehicle access and servicing, the Council's Development Engineer has provided the following assessment:

In a council related engineering context, the proposal can still be accepted under either Acceptable Solutions or Performance Criteria for each relevant clause of the *Hobart Interim Planning Scheme 2015*.

Accordingly, the change in zone, land clearing and biodiversity protection requirements are considered to have significantly changed the strategic intent of the planning scheme provisions applicable to the site. Therefore, delegation to determine the request for an extension of time to substantially commence the permit rests with the Council.

Conclusion:

The strategic intent of the *Hobart Interim Planning Scheme 2015* has significantly changed in respect of 607-627 Nelson Road, Mount Nelson as the site is now within the Low Density Residential Zone and the Biodiversity Code applies. Therefore delegation to determine the request to extend the time in which to substantially commence the permit rests with the Council.

As a consequence of the change in strategic intent of the planning scheme provisions applicable to the site, if this proposal for a 9 lot subdivision at 607-627 Nelson Road, Mount Nelson was submitted under the current planning scheme, it could not be approved because one of the lots cannot meet the absolute minimum frontage. A full assessment against the biodiversity code provisions would also be required.

On that basis it is recommended that the Council does not grant the request for an extension of time in which to substantially commence the planning permit.

If the Council refuses to grant the extension of time request, the permit will lapse and cannot be acted on. There is no provision under the *Land Use Planning and Approvals Act 1993* to appeal an extension of time refusal. However, the applicant can lodge a new development application to be assessed under the current *Hobart Interim Planning Scheme 2015*.

If the Council grants the request for an extension of time to the planning permit, the applicant will have until 19 November 2022 to substantially commence the work.

RECOMMENDATION



That the Council refuse to grant the extension of time in which to substantially commence planning permit PLN-14-01177-01.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/48126

Attachment A: PLN-14-01177-01 - 607-627 Nelson Road - MOUNT NELSON - Committee Report ↓ 
Attachment B: PLN-14-01177-01 - 607-627 NELSON ROAD MOUNT NELSON TAS 7007 - CPC Agenda Documents ↓ 



City of HOBART

APPLICATION UNDER CITY OF HOBART PLANNING SCHEME 1982

Committee:	13 November 2018
Council:	19 November 2018
Expiry Date:	20 November 2018
Application No:	PLN-14-01177-01
Address:	607-627 Nelson Road, Mount Nelson and Adjacent Road Reserve
Applicant:	Hugh Clement, PDA Surveyors
Proposal:	Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance)
Representations:	Four (4)
Discretion:	Schedule D – Siting and Landscaping Schedule I – Clearing of Land Schedule K – Rescode Schedule Q – Flood Prone Land

1. Executive Summary

- 1.1. Planning approval is sought for Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607 to 627 Nelson Road. More specifically, the proposal is for nine residential lots that range in size from 1006sqm to 2065sqm, to be located in the south western corner of the site and accessed off Hargrave Place. The proposal also incorporates a 19,500sqm public open space lot, that will be located behind the residential lots and connect with other Council owned park land at the rear of what was 3 Hargrave Place.
- 1.2. The application was validly lodged in 2014, and as such is required to be assessed under the former *City of Hobart Planning Scheme 1982*. The proposal relies on performance criteria under that planning scheme in relation to the following:
 - 1.2.1. Schedule D – Siting and Landscaping – Clause D.6 Watercourse Setback.
 - 1.2.2. Schedule I – Clearing of Land – Clause I.2 Clearing more than 500sqm.
 - 1.2.3. Schedule K – Rescode – Clause K.3.1 PC1.4 Residential Density.
 - 1.2.4. Schedule Q – Storm Surge and Flood Prone Land – Clause Q.5.1 P1 Standards for Development within Flood Prone Land.
- 1.3. Four (4) representations were received during the statutory advertising period between 10 and 24 October 2018.

1.4. The proposal is recommended for approval subject to conditions.

1.5. The final decision is delegated to the Council.

2. Site Detail

2.1. The site is 607 to 627 Nelson Road, which is a large 90,137sqm site accessed off Nelson Road and extending to the boundary of the Council's Bicentennial Park.



Figure 1: The site is highlighted yellow.

2.2. The site is well vegetated and has the headwaters of Lambert Creek within it.

2.3. The site is zoned Residential 2 (Reserved Residential) under the *City of Hobart Planning Scheme 1982*.

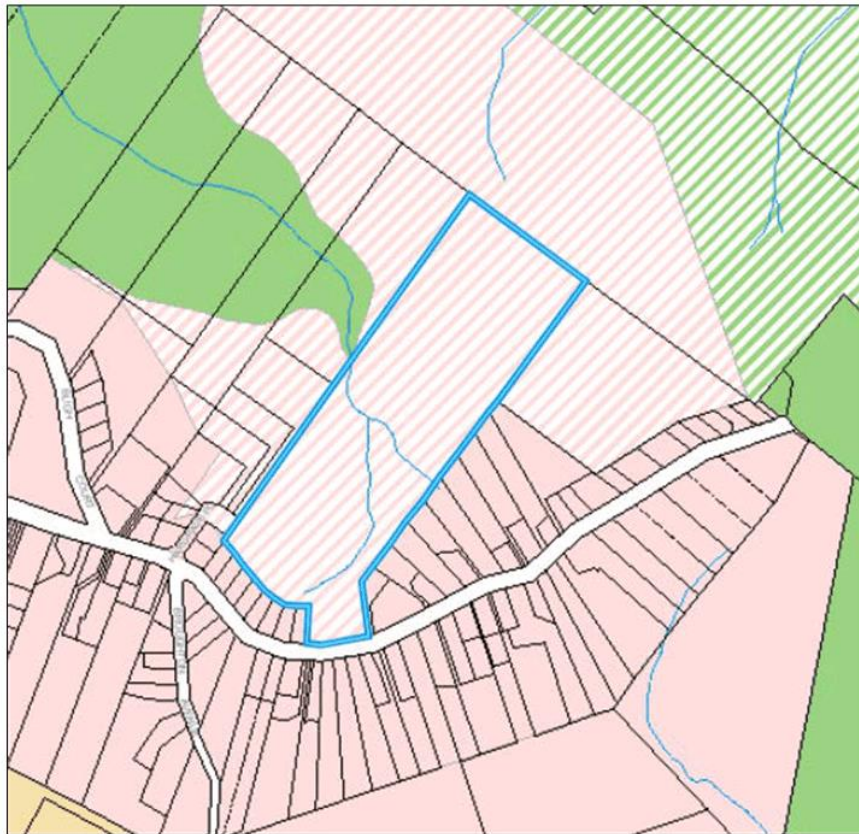


Figure 2: The site is bordered in blue. The light pink denotes Residential 2 zoning. The pink stripes denote Residential 2 (Reserved Residential) zoning under the City of Hobart Planning Scheme 1982.



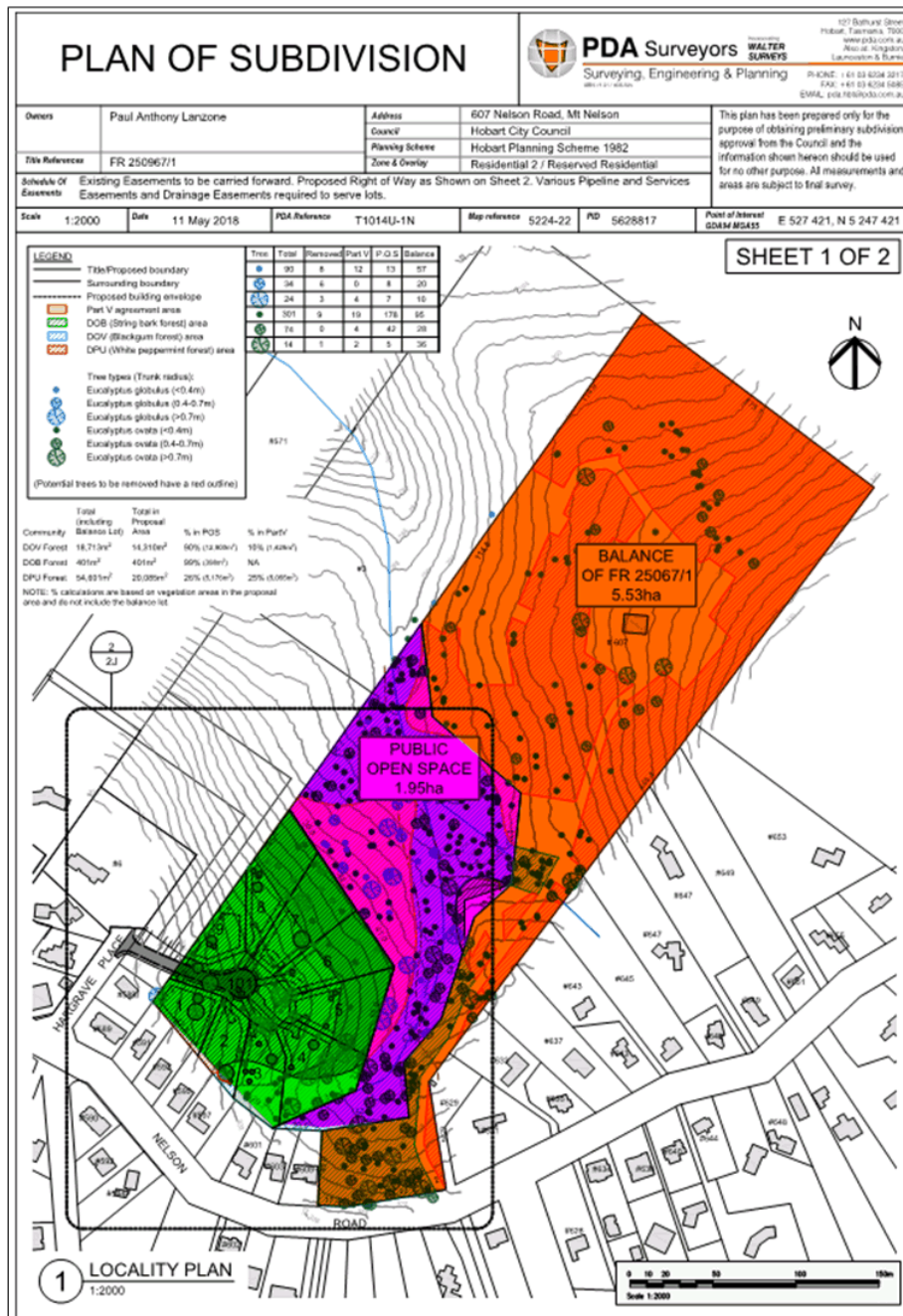
Figure 3: Access to the site off Nelson Road.



Figure 4: Access to the site off Hargrave Place.

3. Proposal

- 3.1. The proposal is to create nine additional lots at 607 to 627 Nelson Road, Mount Nelson. The nine additional lots are located in the south western portion of the site. The lots range in size from 1006sqm (lot 9) to 2065sqm (lot 4). All lots will slope with varying degrees of steepness, and generally down in a south west to north east direction. All residential lots will be connected to reticulated services. Stormwater from the lots would be collected and discharged into Council infrastructure (Lambert Rivulet). All nine lots will gain access off a new road extension to Hargrave Place. The proposal includes a new road lot of 1746sqm.
- 3.2. The proposal also includes a large public open space lot, of 19,500sqm. This public open space lot will encompass Lambert Rivulet and will connect into the Council owned public open space at the rear of what was 3 Hargrave Place. While the lot does not have direct frontage to Nelson Road, the public will be able to access it via a public right of way over the balance lot.
- 3.3. The remaining 55,300sqm of the site is the balance lot.



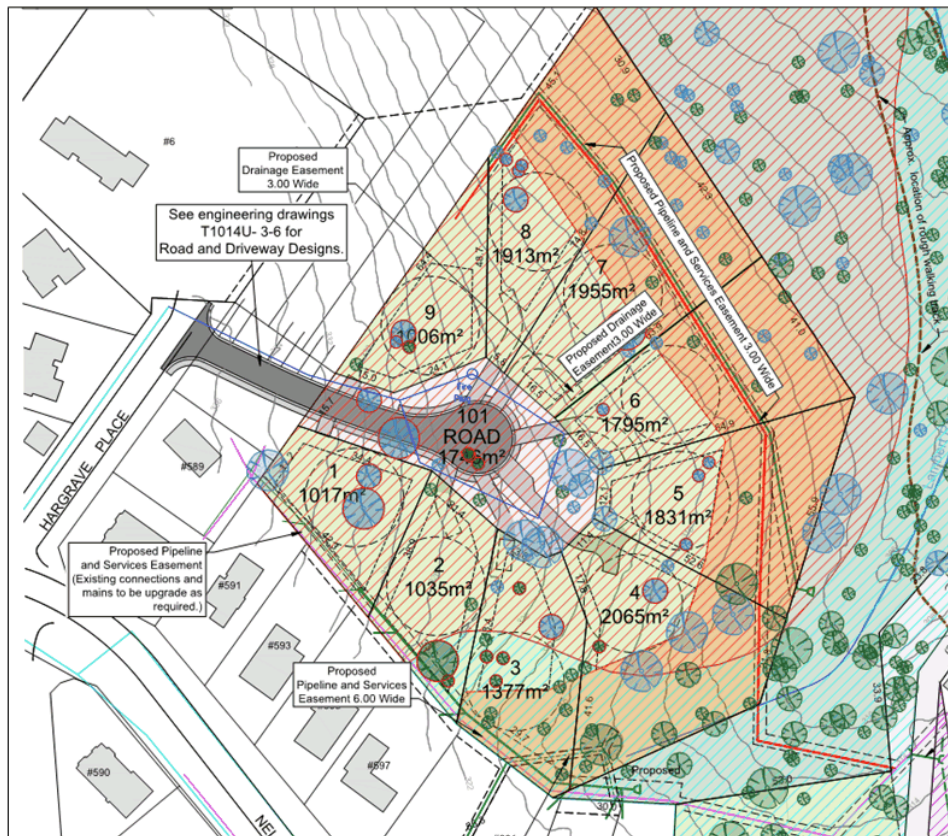


Figure 6: The proposed subdivision, focussing on area where the nine additional lots are to be located.

4. Background

- 4.1. The application was lodged validly in 2014, when the *City of Hobart Planning Scheme 1982* was still in force, with the *Hobart Interim Planning Scheme 2015* yet to be enacted. The application must be assessed against the planning scheme which was in force at the time the application was validly made, therefore the proposal must be assessed against the *City of Hobart Planning Scheme 1982*.
- 4.2. For reference, under the current *Hobart Interim Planning Scheme 2015* the site has three zonings: Low Density Residential, Environmental Living and Rural Living. The lot sizes in the Low Density Residential zone must be between 1000sqm and 2500sqm. In the Environmental Living zone the minimum lot size is 100,000sqm. In the Rural Living zone the minimum lot size is 10,000sqm. The image below shows the current zoning of the site.

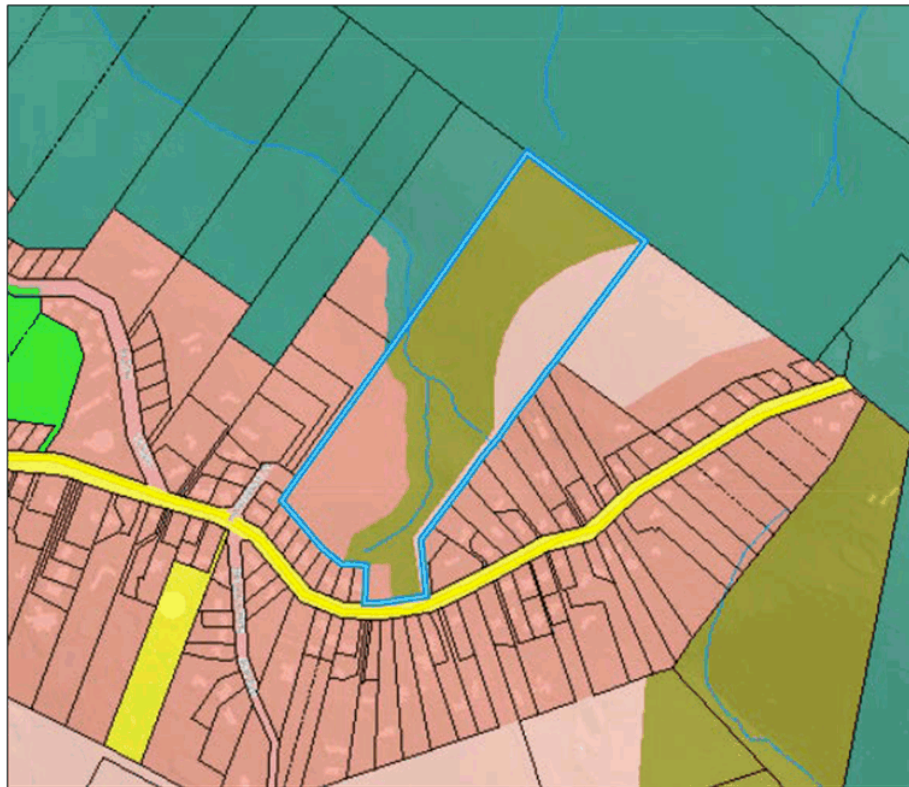


Figure 7: The subject site is bordered in blue. The colours denote the zoning of the site under the current Hobart Interim Planning Scheme 2015. Dark pink denotes the Low Density Residential zone. The green is the Environmental Living zone, and the light pink denotes Rural Living zoning.

- 4.3. Noting that the application was originally submitted in 2014, the applicant and Council officers (including from stormwater, surveying, roads, development appraisal, open space, environmental planning, and development engineering) have worked together for an extensive period of time to get the application to this point. As originally submitted, the proposal was for 12 residential lots and an 8595sqm public open space lot. This original iteration of the application was advertised in 2017 and received six (6) objections.

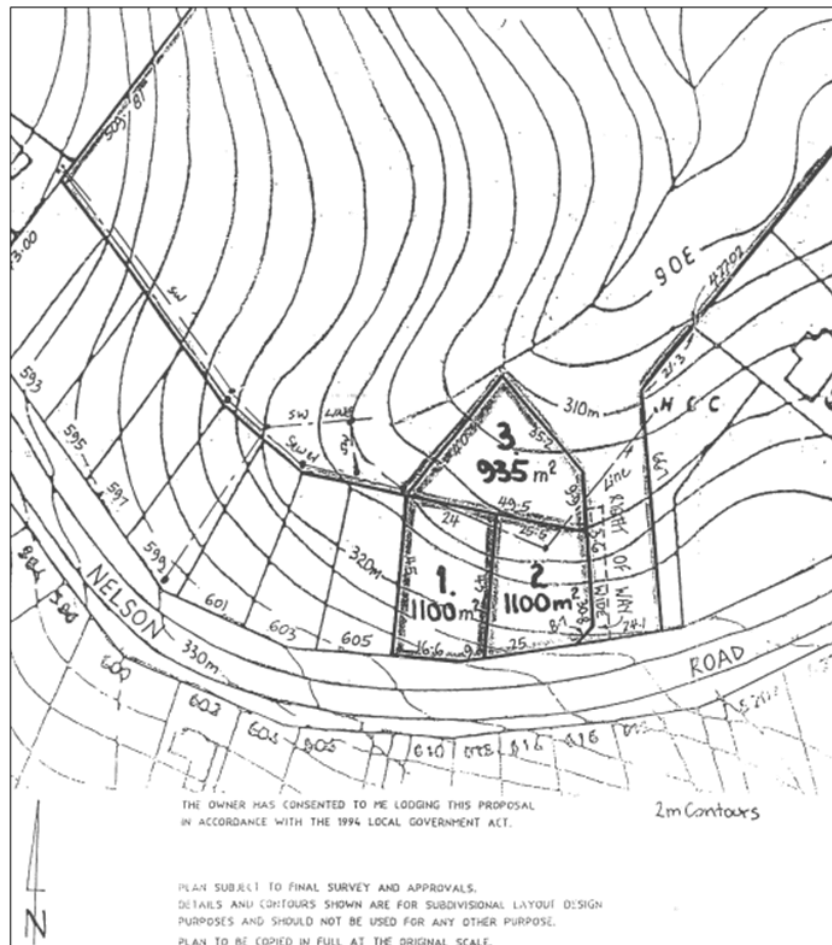


Figure 8: The subdivision as originally advertised. Note the number of proposed lots is 12, including lots 6, 7 and 8 which front directly onto Nelson Road, and that the size of the public open space lot is 8595sqm.

- 4.4. Council officers indicated that they would be unlikely to support the proposal in that configuration, primarily due to concerns about environmental and ecological impacts. As a consequence of extensive discussions, the applicant amended the design of the proposal to that now before the Council, which more than doubles the amount of public open space to 19,500sqm, and reduces the number of lots to nine. Importantly, the land which fronts directly onto Nelson Road is no longer proposed to be subdivided.
- 4.5. When the application was submitted in 2014, the adjoining land was not a Council owned road reserve but was part of 3 Hargrave Place. The owner of that property was properly notified in accordance with the requirements of the

Land Use Planning and Approvals Act 1993. The works required in what is now the Council's road reserve are not, based on advice from the Council's Manager Development Compliance, considered to warrant General Manager consent for the lodging of the application given they are for typical road works to be undertaken within a road reserve.

- 4.6. There are a number of existing approvals for the site, that relate primarily to the north eastern end of the site. In 2013, approval for a house was granted, which is now under construction (PLN-13-01265-01). In 2014, a large extension to the house was approved (PLN-14-00374-01). Later in 2014, ten self-contained visitor accommodation units were approved adjacent to the north western boundary, and these are also under construction (PLN-14-00971-01). In 2015, further alterations to the under-construction house were approved (PLN-15-00805-01). There is a live but 'on hold' application for a reception, lounge, storage and BBQ shelter under PLN-17-2, all associated with the approved visitor accommodation units.
- 4.7. The applicant has also undertaken illegal works on the site, including built structures and vegetation clearing. The Council's Development Compliance Unit is in the process of investigating these illegal works under compliance action ENF-18-141.
- 4.8. In 1996, approval for a three lot subdivision was granted (961282). The subdivision sought to create two new lots fronting Nelson Road, adjacent to the current access, and a third lot behind.



Concerns Raised by Representors
<i>Environmental:-</i>
I object to the application on the basis that its approval would completely ruin the amenity of my property, where I have lived for more than 60 years in a bush setting and fundamentally alter the nature of the Mt Nelson community.
It must be noted that the ecological impact associated with managing Lots 1-9 in their entirety as a hazard management area is not specifically considered in the supporting documentation. The ECOtas addendum report does not specifically consider the current proposed layout, nor does it acknowledge that the total area of bushland that is proposed to be heavily modified (i.e. the sum area of Lots 1-9). The further information provided more recently by PDA Surveyors indicates that the proposed Part 5 Agreement includes a requirement to protect specific trees within the defined Part 5 Agreement Area whilst trees within the building areas will be removed. The associated impacts are considered in general terms by the applicant however no further evidence from a suitably trained ecological consultant has been provided.
The proposal simply does not minimise impacts on natural values as far as is practicable.
<p>I commend the proponent for incorporating some of the required information and amending the proposed subdivision to exclude most identified areas of Eucalyptus ovata forest on the site. This will undoubtedly reduce the impact of the proposed subdivision on the natural values of the area and region.</p> <p>There now exists opportunity to ensure long-term protection of these values in the development of a Part 5 Agreement over the balance of the subdivision area and also on the larger proposed lot ('residual'). In order to meaningfully protect the natural values on the area the following measures should be incorporated into the Part 5 Agreement:</p> <ul style="list-style-type: none"> • All mapped E.ovata forest on the residual lot should be included in the agreement. • The agreement should include measures to correctly assess and protect root protection zones for all works as per Australian Standard - 4970-2007- Protection-of-Trees-on Development Sites. • Specify proposed rehabilitation, landscaping and the measures proposed to reduce erosion, maintain the ecological and hydrological values of waterways and protect public infrastructure. • Specify performance standards for the above environmental works. <p>The development and implementation of a meaningful Part 5 Agreement should minimise impacts of this development and ensure the development is more consistent with the character of the area and its importance as habitat for threatened species.</p>
Although a formal vegetation site survey was performed in 2004, it states that a number of threatened flora species may have been missed due to the timing of the survey. No additional survey appears to have been performed since 2004. Similarly there is no evidence that any formal on-site survey for habitat use by threatened fauna (e. g. scats, dens, remote camera monitoring). There has been no additional

input in relation to the proposal from the ecological consultants in the relation to the current amended application. It is also clear that based on the PDA (2018) letter the site has improved in ecological condition since 2004. The ET (2016) report did not do any formal surveying for threatened vegetation species. At this time the presence of any threatened, vulnerable or rare vegetation species is based on a survey 14 years ago.

The assessment of ecological impacts by Et (2016) restricts its discussion to the areas of the original subdivision and proposed public space. It is clear however that in the time between the original NB (2005) report and the Et (2016) letter that a development had occurred in the northern portion of the title. There is no discussion as to the relevance of impacts of this development (vegetation clearing, road access or bushfire management) on the ecological values of the site as whole. It is apparent that some of the impacts of the development on the northern part of the title (removal of habitat trees, removal or modification of DOV) are similar to the current development. What, if any, prescriptions were imposed on this development and how do they relate to the current proposal?

No assessment has been carried out on the potential effect to waterways (specifically the Lambert Rivulet and downstream waterbodies) by the proposed increase in residential density and its associated infrastructure.

A waterway and coastal protection zone is present around all of the Lambert Rivulet. This zone is in close proximity to lot 5 and around 400m² is within lot 4. No consideration has been given in relation to the impacts of disturbance or clearance and conversion of the riparian zone of the creek. Similarly there is no assessment of impacts on water quality or quantity in the rivulet by the development. It should be noted that runoff from the proposed new road and residences in the original proposal was transferred directly to the rivulet via stormwater infrastructure. It is not clear on the new plan where stormwater will be collected and discharged.

The subdivision has the potential to significantly reduce vegetation cover. There is now an assessment of the of Swift Parrot foraging habitat (Blue Gum and Black Gums) that will be removed or retained.

There is no assessment of the extent or proportion of clearing of vegetation other than Blue and Black Gums. The majority of the subdivision area is characterised as *Eucalyptus pulchella* (DPU) forest. Based on the assessment of Blue and Black gums (which are considered sub-dominant in this vegetation type) there is likely to be a significant amount of *E. pulchella* within the subdivision area that may be high quality habitat trees for hollow dwelling species. Similarly although the Blue and Black gums are assessed based on their foraging quality and quantity the presence of 38 trees >0.7m in diameter and potentially many similarly sized *E. pulchella* habitat trees indicates that the site should be assessed as potential nesting habitat for swift parrots.

Clearance of Blue Gums and Black gum should be considered against the Swift Parrot Species Habitat Planning Guideline – working draft 5 November 10 to determine its potential as foraging and breeding habitat. Reductions in foraging area within 10km of nesting sites are considered a likely contributing cause of Swift Parrot decline. There is a number of known Swift Parrot nesting sites within 10km of the site. The quantification of Blue and Black Gums confirms that there is a significant amount of high or medium quality foraging habitat present but a

proportion of these will be removed (4 trees >0.7m diameter and 6 trees 0.4-0.7m diameter). The proposal includes an area of POS and a proportion of the new lots will be subject to a Part 5 agreement that presumably will protect the environmental attributes of these trees. However, a significant proportion of the Blue and Black Gums on the site will be on the balance of the lot with no formal protection.

The NB (2005) report considers the potential for environmental impacts both at the subdivision and further development stage (residential living) however Et (2016) considers that consideration of impacts at a later stage of development is inappropriate. The development will lead to loss of foraging habitat within a known foraging area of Swift Parrots. In addition the additional infrastructure and traffic could lead to direct impacts on this species through collision with vehicles and other infrastructure. Clearly the majority of impacts from the development will come when residences are built on the lots (e.g. vegetation clearance, bird strike, weed spread, stormwater runoff, predation by domestic animals), however many of these impacts relate to the position and size of the lots and should be considered at the design stage in order to properly consider mitigation strategies for all stages of the development.

The Et (2016) letter purports that any removal of Blue Gum and Black Gums within the DPU forest should be considered in the context of the area of trees to be retained (presumably as an offset) in the open public space. This is inconsistent with the current offset principles where the offset area should be as far as possible "like for like". DPU and DOV are different forest communities, at this site both contain Black Gums but the DPU is likely to have a higher proportion of Blue Gums based on the NB (2005) report.

Both Blue gums and Black Gums provide foraging habitat when they flower. Generally these two species flower at different times providing a longer foraging time for Swift Parrots. Both these species therefore should be afforded a very high level of protection with as many trees as possible being retained and protected both within the project area and on the balance of the title.

Based on the maps provided in the amended proposal (2018) there will still be a loss (~400m²) or substantial modification (~1400m²) of DOV in lots 2, 3 and 4. It is important to consider that when dealing with a relatively small patch of a forest community that long term viability is dependent on successful recruitment and long term health. Generally bushfire hazard management actions (clearance of understory, removal of coarse woody debris, thinning of canopy trees) would substantially reduce recruitment success and also provide greater potential for the establishment of environmental weeds. It is clear from the mapped distribution of Black Gums that most of the Bushfire Management zone contains small to medium sized Black Gums and that recruitment of this species is occurring upslope from the creek into the subdivision area (particularly lots 6, 7 and 8). Retention of the smaller Black and Blue Gum trees should be a priority within the bushfire management zone.

The proposal intends to retain some of the DOV in a public open space, however there does not appear to be a proposal to formally protect the remainder of the DOV on the balance of the lot. How the designation of DOV as a public open space will preserve this community is not discussed. Whilst a part 5 agreement is discussed in relation to the development area of the site the mapping indicates that this will only cover the area of bushfire management indicated on the plan. No

overall vegetation management plan is proposed either in relation to native vegetation or weed species.

Formal reservation of all of the remaining DOV community and all the remaining Blue and Black Gum trees on the title should be a high priority.

An objective of the Resource Management and Planning System for Tasmania (RMPS) is to promote 'sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity'. The RMPS definition of sustainable development includes 'avoiding, remedying or mitigating any adverse effects of activities on the environment'. The starting point for the consideration of impacts of a development on significant ecological values is through a mitigation hierarchy. The first consideration is whether impacts can be avoided or minimised, followed by remedying of the impacts on site, followed by mitigation options within the footprint area of the development, followed by offsetting some or all of the residual impacts (Guidelines for Natural Value surveys DIPWE, 2015).

Clearly the current proposal has the potential to impact a number of significant ecological values however no options for avoidance of these impacts is discussed. Although some of these ecological values have been considered in detail there is no holistic consideration of the proposal in the light of all of the known on-site values or potential threats. For instance a portion of the DOV community has already been removed to provide road access to the southern portion of the site, impacts from this development is already apparent (building site clearance and down-slope vegetation clearance). The density of the Swift Parrot foraging habitat (Blue Gum and Black Gums) in the proposed subdivision and the removal of DOV make it probable that a subdivision in the North eastern half of the lot may have led to a smaller environmental impact.

If a development elsewhere on the site was impractical reducing the scale of the currently proposed subdivision could significantly reduce its impact. On the basis of the information available, a smaller 4-5 lot proposal in the south-western corner of the block (incorporating lots 1, and 9, some of the road reserve and some of the southern portions of lots 7 and 8) could have retained all of the DOV and provided a bushfire hazard area that impacted far fewer Blue and Black Gums.

Although the Et (2016) letter states that the proportion of vegetation to be retained would satisfy any legislative requirements it does not supply any data (or reference to current guidelines) to support this contention. Vegetation mitigation strategies are based on both quantity (number of trees or area) and quality, as well as consideration of understory species and other habitat features (i.e. litter and logs). No quantitative assessment of vegetation condition (other than the enumeration of Blue and Black Gums) is provided. The most relevant document in relation to considering offsets is the 2013 document Guidelines for the use of Biodiversity Offsets in the local planning approval process (GBFO). These guidelines set out seven principles that should be followed when planning an offset. Key principles in the guidelines are:

Principle 1. Offsets are the final component of a mitigation hierarchy Impacts should in the first instance be avoided; alternatives to minimise and remedy must also be thoroughly addressed and only in the event that these actions cannot achieve satisfactory results for biodiversity conservation, impacts should be offset; and

Principle 2. Offsets must deliver a net benefit for biodiversity conservation When taken as a whole, the benefits of an offset action(s) must be greater than the scope of the adverse impacts on biodiversity values.

It appears that Et (2016) considers that both these principles will be delivered through the provision of 0.85ha of retained DOV regardless of the potential loss of ecological values through clearing or substantially modifying more than 0.6ha of DOV and 1.5ha of DPU. There is no consideration as whether any of these impacts could be avoided or minimised. There is also no consideration of the relative ecological values of the impacted versus retained areas of vegetation. On balance it appears extremely unlikely that the proposal as currently configured would lead to a net benefit for biodiversity conservation.

A primary consideration in relation to the potential impacts of the development on EPBC listed species is whether these would be sufficient to trigger an assessment under the commonwealth EPBC Act. Four species listed as endangered or critically endangered by the commonwealth are considered to have suitable habitat that is likely to be degraded by the proposal.

Et (2016) argued that in their opinion a referral was not warranted in relation to impacts on Swift Parrot foraging or breeding habitat, no assessment of potential impacts on the other species was considered. Neither of the ecological assessment documents provided quantitative advice on impacts to any of the EPBC listed species.

Potential impacts are defined on the EPBC Act website is "if there is a real chance or possibility" of the development causing;

- one or more of the National Heritage values to be lost
- one or more of the National Heritage values to be degraded or damaged
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

The onus is on the proponent to provide the information required to determine and to decide if an action should be referred under the EPBC Act. Based on the current information it would be impossible to determine the level of impact of the development of any of the listed species. Clearly the loss of habitat for these species will lead to heritage values being "altered, modified and diminished" the question remains whether this will lead to "a real chance or possibility" of significant effects to the viability of the species. On balance given the precarious state of the Swift Parrot and the importance of conservation of habitat for the other species it would be prudent that the proposal was referred to the commonwealth for assessment.

In addition the lack of a formal survey of threatened vegetation or fauna species for 14 years makes it unclear if EPBC listed species are present.

The current proposal has quantified the number and size both Blue and Black Gums on the site. This has shown that the subdivision will lead to the loss of a number of these trees (17 Blue and 10 Black Gums) but will protect a proportion within the POS and Part 5 area (46 Blue and 250 Black Gums). The remainder of the block however still retains a significant number of these trees (87 Blue and 129 Black Gums). It is particularly worrying that of the larger trees >0.7m diameter (with the highest foraging value) four will be removed and of the remaining 35 trees 16 (46%) are not afforded any protection. Similarly 48 of the 102 trees in the medium

value foraging range (0.4-0.7m diameter) are on the balance of the lot.

As some of the Swift Parrot foraging resource will be removed it is important to afford formal protection to all Blue and Black Gum trees on the lot. A possible addition to the requirements of the Part 5 agreement or the addition of a vegetation management plan as part of the conditions of approval could afford this protection.

The DOV forest community is classified at the highest level of threat - endangered and inadequately reserved at both statewide and bioregional level. The current development proposal will lead to significant disturbance or the clearance and conversion of DOV. The actual amount to be cleared or disturbed has not been defined but may be as much as 0.2ha. The most current estimates of the status of DOV at both a state and bioregional (IBRA 6) level are reported the Analysis of comprehensiveness of existing conservation reserves and proposed additions to the Tasmanian forest reserves system (2012). This report gives an estimate for pre European area of DOV for the state of 186,000ha and a current extent of 17,733ha indicating a decline of 90.5% since settlement. It also estimates that only 23% of the current DOV is within reserves at the state level. In terms of the South-East bioregion (that includes the City of Hobart) DOV is estimated to have covered 47,000ha prior to European settlement and to have declined to 4,285ha by 2012, a 91% loss. The percentage of DOV reserved in the South-East bioregion is 22%. Based on the Convention on Biological Diversity strategic plan for biodiversity 2011-2020 all vegetation groups should be preserved at 17% of pre European levels within protected areas. Based on these criteria all current areas of DOV should be protected.

An underlying assumption in the ecological assessments for the proposal is that partial clearance of (DOV) is justified on the basis that the retention of a proportion of this community will lead to a higher level of protection than if left in its present state. The assumption is that the DOV currently has no or little protection and that the transfer of a portion of this community to a different tenure (public open space) will provide a better long term environmental outcome. In reality any disturbance to this community under the present tenure would trigger the provisions of the *Forest Practices Act 1985*. Clearing or disturbance of any amount of this community on public or private land would require a Forest Practice Plan (FPP) certified by a Forest Practice Officer under the provisions of the Forest Practice Code and the *Forest Practices Act 1985*.

Under the *Forest Practices Act 1985* clearance of a Threatened Native Vegetation Community is only allowed if one or more of four circumstances are present:

- (a) the clearance and conversion is justified by exceptional circumstances;*
- (b) the activities authorised by the forest practices plan are likely to have an overall environmental benefit;*
- (c) the clearance and conversion is unlikely to detract substantially from the conservation of the threatened native vegetation community;*
- (d) the clearance and conversion is unlikely to detract substantially from the conservation values in the vicinity of the threatened native vegetation community.*

The application for a development approval under LUPPA however provides an exemption from the requirement for a FPP under the Forest Practice Regulations 2009. This exemption transfers assessment of impacts on Threatened Native Vegetation Communities impacted by a development to local government when a

development is approved. Crucially the *Forest Practices Act 1985* provides a high level of protection when clearance of a TNVC is proposed in the absence of a development permit.

In the context of the current proposal it is important that the status and protection of as much of the ecological values of the DOV community that is impacted by the development is retained by the provisions of the Part 5 agreement. Similarly the management prescriptions within the POS should have the intention of retaining and improving the quality of the DOV community. It would also be prudent to increase the size of the POS to encompass all of the DOV within the balance of the lot (particularly the area between 605 and 629 Nelson Road in to the south of the POS) to ensure future development is constrained to areas of lower ecological value.

It remains for the Council to consider the appropriateness of clearing some DOV as part of this proposal in the light of the objectives of sustainable development as defined by Schedule 1 of LUPAA. In the first instance the Council needs to consider the current protection of this community against its status after the proposal is approved. Secondly they need to be satisfied that the change of status is likely to deliver a better long term ecological outcome for the community even when a portion of it has been removed.

Planning Scheme Compliance:-

The proposal does not comply with the Hobart Interim Planning Scheme 2015. (Note that the proposal must be assessed against the City of Hobart Planning Scheme 1982, which was the planning scheme in force at the time that the application was validly lodged.)

Bushfire:-

Importantly, the BHMP requires that the entire area of Lots 1-9 is required to be managed as a 'hazard management area'. Furthermore, it is silent with respect to the actual extent of vegetation removal that is required. 'Hazard management area' has a defined meaning in the Planning Scheme and is essentially land that is maintained in a minimum fuel condition to prevent the spread of fire. In the absence of any prescriptions or guidance within the BHMP, it must be assumed that future owners may remove all vegetation, with the exception of the specific trees identified for retention on the amended subdivision plans. The absence of any guidance will also make it extremely difficult for building surveyors to assess whether future building work meets the requirements of the BHMP.

The new proposal provides a 'Part 5 Agreement Area' that encompasses the rear part of Lots 3-8. It is understood that this is intended to provide a mechanism for ensuring each landowner can establish and manage the required hazard management area in the event that the neighbouring lots have not yet been developed. Curiously the Part 5 Agreement Area does not include the front half of the subject lots, hence the benefitting lot owner would only have the right to maintain the rear portion of an undeveloped neighbouring land whilst adjoining land immediately on either side of the building work (the front half of the neighbouring lots) would be left in a hazardous state. This clearly will not provide the required level of protection from bushfire hazard. Furthermore, the proposed Part 5 arrangement unnecessarily sets up a complex legal arrangements that Council will be required to enforce under s.60A of the *Land Use Planning and Approvals Act 1993*.

A far better simpler solution to address the hazard on adjoining lots would be for the BHMP to require that building areas and hazard management areas be established by the subdivider as part of the civil works and maintained in perpetuity by the respective owners to ensure all building areas can achieve BAL-19.

If the application is to be approved, Council will need to consider conditioning the permit to require the proposed building areas at a minimum are cleared by the subdivider and maintained by owners in perpetuity.

6. Assessment

- 6.1. The proposal is to be assessed against the *City of Hobart Planning Scheme 1982*.
- 6.2. The site is located in the Residential 2 (Reserved Residential) zone and Precinct 37D - The Mount Nelson Precinct.
- 6.3. The proposal is for subdivision of residentially zoned land.
- 6.4. The proposal has been assessed against the following:
 - 6.4.1. Part 4 – Principles of Development Control
 - 6.4.2. Part 5 – Residential 2 (Reserved Residential) Zone Objective and The Mount Nelson Precinct 37D Statement of Desired Future Character.
 - 6.4.3. Schedule A - Use
 - 6.4.4. Schedule B – Density
 - 6.4.5. Schedule D – Siting and Landscaping
 - 6.4.6. Schedule E – Traffic Access and Parking
 - 6.4.7. Schedule I – Clearing of Land
 - 6.4.8. Schedule K – Rescode
 - 6.4.9. Schedule Q – Flood Prone Land
- 6.5. The proposal relies on performance criteria to satisfy the following:
 - 6.5.1. Schedule D – Siting and Landscaping – Clause D.6 Watercourse Setback
 - 6.5.2. Schedule I – Clearing of Land – Clause I.2 Clearing more than 500sqm
 - 6.5.3. Schedule K – Rescode – Clause K.3.1 PC1.4 Residential Density
 - 6.5.4. Schedule Q – Storm Surge and Flood Prone Land – Clause Q.5.1 P1

Standards for Development within Flood Prone Land

6.6. Each performance criteria is assessed below.

6.7. Schedule D – Siting and Landscaping – Clause D.6 Watercourse Setback

6.7.1. Clause D.6.1 requires development to be setback 10m from the top of the bank of any open watercourse.

6.7.2. Development is defined to include subdivision. The proposed subdivision includes works within 10m of Lambert Rivulet.

6.7.3. The subdivision does not meet the acceptable solution, and must therefore satisfy the corresponding performance criterion at clause D.6.2, which states:

Council may exercise its discretion to refuse or permit any development which departs from the setbacks specified in D.6.1. Council will only approve a reduction in the specified setback where it can be demonstrated that:

- a) there will be minimum adverse impact upon the environment,*
- b) no compromising of recreational opportunities,*
- c) there will be no increased risk of any hazard such as flooding, erosion or land instability level, and*
- d) there will be no constraint on access to a Council or other utility service.*

6.7.4. With respect to (a), the Council's Environmental Development Planner provides as follows:

The drainage line through proposed lots 4 and the southern portion of the proposed public open space lot provides minimal habitat values given its ephemeral nature and lack of defined watercourse features such as bed and banks. Impacts upon natural values as a result of these works can be minimised through:

- *Implementation of a construction management plan including a soil and water management plan. The key issues that need to be addressed are minimising the area of disturbance, installing sediment and erosion control measures and revegetation of disturbed areas.*
- *Provision of a stormwater quality treatment system below the proposed outfalls.*
- *Extension of the proposed stormwater mains closer to the drainage line.*
- *Provision of scour protection at the proposed outfalls.*

Conditions to this effect are recommended below or have been recommended by Council's Environmental Engineering Unit.

6.7.5. With respect to (b), the land is currently privately owned and therefore there are no public recreational opportunities to be lost, although it is

acknowledged that the site is used informally by people in the area. However, the subdivision will result in an increase in recreational opportunities by formalising an addition to Bicentennial Park. The Council's Environmental Development Planner has also commented as follows:

Recreational opportunities are unlikely to be affected by the proposed works within the waterway setback area, particularly if stormwater outfalls are moved closer to the creek to avoid the creation of nuisance stormwater areas.

- 6.7.6. With respect to (c), the Council's Environmental Engineering Unit has indicated support for the proposal subject to conditions. The following assessment has been provided:

Flooding risks are considered to be minimal for the subdivision itself, given this is the very top of the catchment for Lambert Rivulet. Instability for the majority of the site is considered to also be minimal based off geology for the Mt Nelson area, as it is largely comprised of Jurassic dolerite acting as the bedrock/outcrops. However, due to the historic creek line that passes through lot 4 and 5 there may be some potential stability issues with the natural ground at these locations, but this is more specifically tied the consideration of future development on these lots.

The primary concern for the site is the potential for erosion due to the increase and concentration of flow from the development. While particular details on flows / erosion controls at the discharge point have not formed part of the application; these would be considered detailed elements. Conditions will be added which require detainment of flows to suitable levels as well as outfall control measures to mitigate erosion, which is in-line with Part A.2 of the State Policy Considerations – Implementation of the State Policy on Water Quality Management.

In terms of future risks for development on these lots, flooding and instability risks will be assessed in greater detail via the planning scheme requirements tied to the specific dwelling proposal / lot limitations.

- 6.7.7. With respect to (d), the Council's Development Engineer has indicated support for the proposal, subject to conditions.

- 6.7.8. The proposal complies with the performance criterion.

6.8. Schedule I – Clearing of Land – Clause I.2 Clearing more than 500sqm

- 6.8.1. The acceptable solution provides that up to 500m² of vegetation may be cleared.
- 6.8.2. The proposal includes more than 500m² of vegetation clearing, as a consequence of the works associated with the subdivision (i.e. road, services).

- 6.8.3. The proposal doesn't meet the acceptable solution, therefore it must satisfy the performance criterion at clause 1.4 which states as follows:

Council, in considering applications for the destruction or removal of soil or vegetation not exempt under Clause 1.3 above, shall take into account:-

- (a) the nature and extent of the vegetation to be destroyed or removed;*
- (b) the proposed means of destruction or removal of vegetation;*
- (c) possible soil erosion, land instability or drainage channels and the proposed measures to mitigate adverse effects;*
- (d) the protection of watercourses and water quality including the impact of land clearing on critical riparian areas for protecting water catchments, watershed recharge areas, springs, wetlands, flood plains, and estuaries;*
- (e) the protection of the amenity value of the vegetation and the general area and its cultural landscape and heritage significance;*
- (f) the protection of biodiversity, including species, genetic and ecosystem diversity, rare, vulnerable or endangered species, habitat and wildlife corridors; and*
- (g) any hazards the vegetation poses to health, welfare and safety of persons and property, including the risks from fire.*

- 6.8.4. The Council's Environmental Development Planner has undertaken a thorough assessment of the above criteria and concludes as follows:

The proposed subdivision will have direct and indirect impacts upon significant environmental values present on the site, both through subdivision works and future development of the proposed residential lots. The subdivision would impact a vegetation community ('Eucalyptus ovata forest and woodland') which is listed as threatened under the Nature Conservation Act 2002, and which is also likely to be listed as a matter of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBCA). The Comprehensive Regional Assessment forest classification system places this community in the highest status level of threat ('endangered') and the nomination under the EPBCA is for the community to be classified as 'critically endangered' (also the highest status of threat aside from 'extinct in the wild' and 'extinct'). The subdivision would also result in the loss of foraging habitat for a species (swift parrot) listed under the Threatened Species Protection Act 1995 in the highest category of threat ('endangered') and listed as a matter of national environmental significance under the EPBCA as 'critically endangered'. The subdivision may also impact upon breeding habitat for the swift parrot.

On balance, my recommendation is that Council exercises discretion under clause 1.2 of Schedule 1 of the Scheme.

- 6.8.5. The officer's full report is provided at Attachment C.
- 6.8.6. The officer's assessment does not address subclause (e), which refers

to the impact of the clearing on amenity and landscape values of the 'general area'. The extent of clearing is minor compared to the extent of land being provided as public open space, and being retained in the balance lot. The clearing proposed is restricted to that required to facilitate the subdivision, and is not proposing additional and unnecessary vegetation clearing. The majority of the clearing will not be readily apparent from Nelson Road, being located off Hargrave Place, which slopes relatively steeply down away from Nelson Road. While there will definitely be a change to the appearance of this portion of land as a consequence of the subdivision, it is not considered to have an unacceptable impact on the amenity or landscape values of the 'general area', with the bushland character and feel of Mount Nelson to be maintained.

6.8.7. The proposal satisfies the performance criterion.

6.9. Schedule K – Rescode – Clause K.3.1 PC1.4 Residential Density

6.9.1. The acceptable solution at clause AS1.3 specifies that lots are to have an inscribed circle and frontage of 25m.

6.9.2. Lots 2, 3, 4, 5, 6, 7 and 8 do not meet the 25m frontage. Lots 2 and 8 do not meet 25m inscribed circle.

6.9.3. The lots not meeting the acceptable solution must therefore satisfy the performance criterion at clause PC1.4, which states:

Lots shall have the appropriate area, dimensions, and frontage for the siting and construction of a dwelling and ancillary outbuildings, the provision of private open space, convenient vehicle access and parking subject to the following absolute minimum standards:

2) Lots with a gradient of 20% or greater shall have:-

(a) an area not less than 500m²;

(b) a minimum frontage of 3.6m in accordance with Clause B.8.3(i)

Council may require building envelopes to be shown on the subdivision plan which define the limits for the siting, and wall and roof height of any dwelling and/or building.

6.9.4. All lots are generously sized and are in excess of the permitted size of 1000m² and well in excess of the 500m² absolute minimum. Similarly all lot frontages are in excess of the 3.6m standard, with lot 8 having the smallest frontage at 5.8m. All lots have more than adequate space to provide for a residential dwelling, ancillary outbuildings and associated space for gardens and parking and access. The table below sets out the proposed lots' size and frontage.

LOT	SIZE (m ²)	FRONTAGE (m)
1	1017	34.4

2	1035	21.4
3	1377	17.5
4	2065	11.4
5	1831	12.1
6	1795	16.5
7	1955	16.5
8	1913	5.8
9	1006	39.1
Public Open Space	19,500	-
Road	1746	15.7
Balance	55,300	76.1

- 6.9.5. It is noted that the site is within the Residential 2 Zone (Reserved) and Precinct 37D. The objective of the zone and the precinct statement of desired future character provide as follows:

The Objective of the Residential 2 Zone is to sustain and enhance the character and amenity of areas of predominantly detached houses, with limited development of complementary dwelling-types and minimum intrusion or further development of non-residential uses not necessary to serve local residents.

And

These Precincts should continue to develop primarily with detached housing in a bushland setting. The use of materials that blend with the colours and textures of the natural vegetation should be encouraged. Two storey houses will be allowed where they do not interfere with the skyline. Precinct 37D is reserved for residential subdivisions pending the availability of services.

- 6.9.6. The proposal provides large lots which will facilitate detached residential development that is able to retain the bushland character and feel present in Mount Nelson. External finishes on subsequently proposed dwellings that blend with the colours and textures of the natural vegetation can be encouraged when development applications are submitted for them. The proposed subdivision is considered to be consistent with the zone objective and precinct statement.

- 6.9.7. The *City of Hobart Planning Scheme 1982* also provides the following

Principle of Development in relation to subdivision:

Within the Residential and Rural Zones, the subdivision of land, other than minor boundary adjustments, shall not be permitted unless it is in conformity with the desired future character of its Precinct and it can be demonstrated that such subdivision will either:

(a) lead to an increase in population density whose needs can be met by existing community and physical services without deleterious effect on the environment; or

(b) ensure the orderly, proper and incremental expansion of the existing residential area of the City, and provide adequate physical and community service facilities and amenities for such an extension.

- 6.9.8. As noted above the proposal is considered to accord with the precinct statement, and it is considered that the existing community and physical services can meet the additional demand created by the proposed nine lots.

- 6.9.9. Specifically in relation to 'Reserved Residential' zoned land, the planning scheme provides at clause B.10.1:

The several areas shown on 'the Plan' with the notation 'Reserved Residential' shall not be further subdivided into lots until provision has been made for vehicular access and the supply of reticulated services to the satisfaction of the Council.

- 6.9.10. All lots will be connected to reticulated services and will have vehicular access.

- 6.9.11. Noting all of the above, the proposal complies with the performance criterion.

6.10. Schedule Q – Storm Surge and Flood Prone Land – Clause Q.5.1 P1 Standards for Development within Flood Prone Land

- 6.10.1. Schedule Q applies because parts of the site meet the definition of flood-prone land (Lambert Rivulet and the areas immediately adjacent the Lambert Rivulet).

- 6.10.2. The proposal does not meet the acceptable solution at clause Q.5.1 A1 because it is for subdivision.

- 6.10.3. The performance criteria at clause Q.5.1 P1.1 provides as follows:

The design and siting of development must:

(a) have habitable rooms with a FFL above the storm surge level or at least 300mm above the flood level where new buildings or subdivision are proposed, and

(b) ensure the free flow of flood or tidal waters; and

(c) avoid concentrating flood or tidal waters, or intensifying flow velocity on land up or downstream; and

(d) avoid net loss of flood storage and or conveyance on land within

the Floodplain; and

(e) avoid damage to or loss of existing or future proposed buildings or works, and the associated potential risk to human life from potential flood/storm surge; and

(f) not increase the level of risk of hazard for the site or for adjoining or nearby properties or infrastructure; and

(g) avoid or minimise the risk of water pollution from inundation of any materials, substances or wastes on the site.

- 6.10.4. The Council's Environmental Development Planner has assessed the proposal against the above performance criteria and commented as follows:

Flooding issues for the proposed new lots will be minimal as the areas where dwellings would be constructed are outside the flood areas.

The free flow of flood waters will be maintained under the proposal. Concentration will not occur. There would be no increased risk of flood damage, risk to human life or water pollution associated with flooding.

Requirements for inundation free land under Local Government (Building and Miscellaneous Provisions) Act 1993 will also be met.

- 6.10.5. The officer's full report is provided at Attachment C.

- 6.10.6. The proposal complies with the performance criterion.

7. Discussion

- 7.1. Planning approval is sought for Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607 to 627 Nelson Road.
- 7.2. The application was advertised and received four (4) objections. The concerns raised in the objections included non-compliance with the current planning scheme, bushfire hazards, and unacceptable impacts on environmental and ecological values.
- 7.3. The proposal was validly lodged under the *City of Hobart Planning Scheme 1982* and is considered to perform well in relation to the discretions invoked under that planning scheme.
- 7.4. The proposal includes a large almost 20,000sqm public open space lot, which adjoins directly with the Council's Bicentennial Reserve at the rear of what was formerly 3 Hargrave Place. Although the lot does not have direct frontage to Nelson Road, there is a public right of way over the balance lot which will give the public direct access from Nelson Road onto the public open space lot and into Bicentennial Reserve. Council also owns the former TasWater pump station at 629 Nelson Road, and this could in the future provide a more formal public entry into Bicentennial Reserve off Nelson Road at this point. Refer to image below.

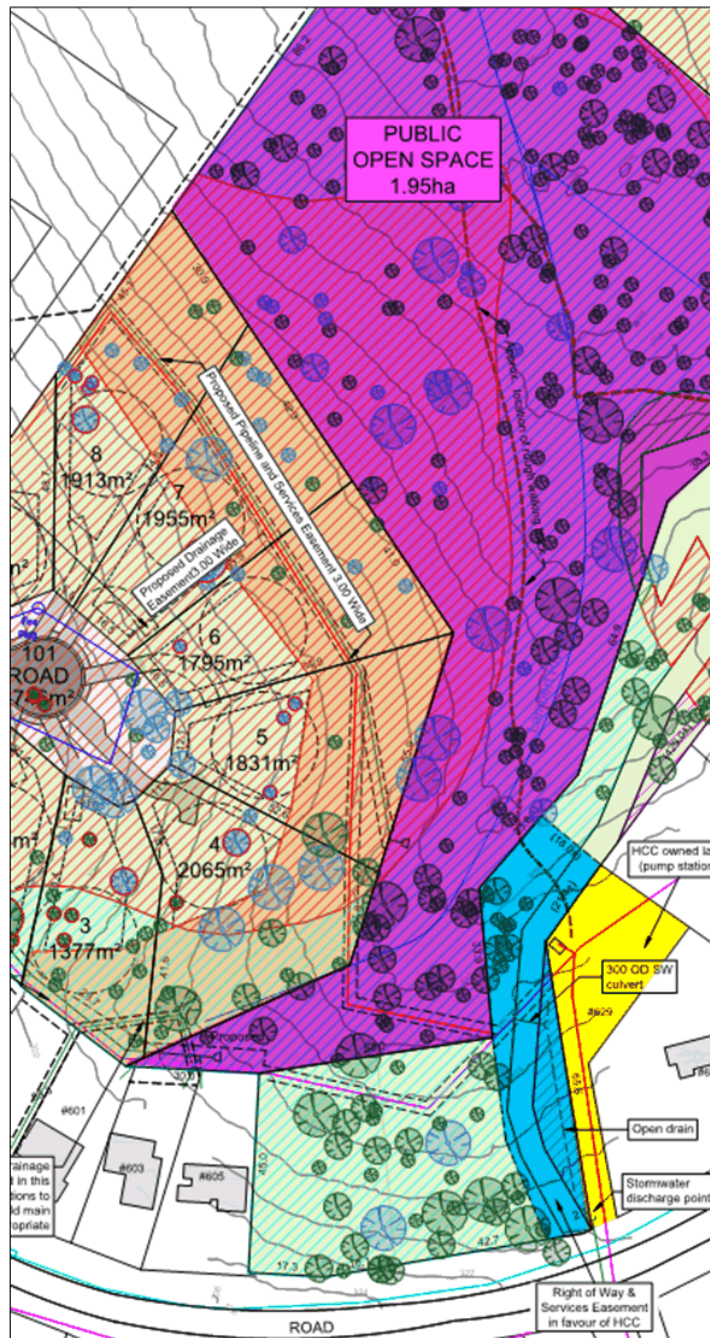


Figure 10: The public open space lot is shown highlighted purple. The public right of way off Nelson Road is shown highlighted blue. The Council's land at 629 Nelson Road (pump station) is shown highlighted yellow.

- 7.5. The proposal has been assessed and supported subject to conditions by the Council's Environmental Development Planner, Development Engineer, Road and Environmental Engineering Unit, and Surveying Services Unit.

7.6. The report of the Council's Environmental Development Planner is provided at Attachment C.

7.7. The proposal is recommended for approval subject to conditions.

8. Conclusion

8.1. The proposed Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607 to 627 Nelson Road, Mount Nelson and Adjacent Road Reserve satisfies the relevant provisions of the *City of Hobart Planning Scheme 1982* and is recommended for approval.

9. Recommendation

That:

Pursuant to the *City of Hobart Planning Scheme 1982*, the Council approve the application for Subdivision (9 Additional Lots, Road Lot, Public Open Space Lot and Balance) at 607 to 627 Nelson Road, Mount Nelson and Adjacent Road Reserve for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-14-01177-01 - 607-627 Nelson Road - MOUNT NELSON – Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

TW

The use and/or development must comply with the requirements of TasWater as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2014/01071-HCC dated 18 June 2018 as attached to the permit.

Reason for condition

To clarify the scope of the permit.

ENG sw2

Where all approved works have been completed and prior to the sealing of the final survey plan, the developer must submit a recorded CCTV inspection and

associated report of any new public stormwater infrastructure, taken no more than one month prior to commencement of the maintenance period. A maintenance period of 12 months (roads, piped infrastructure) or 24 months (vegetated stormwater infrastructure) will apply. Council will perform a final inspection at the end of the maintenance period. Should any rectification works be required, these must be done at the Developer's cost within a time frame specified by Council, and an additional 12 month maintenance period may be applied.

Advice: A maintenance bond of 5% of the contract value of the works will be required by Council. Upon the expiry of the maintenance period, please contact the Council's Project and Development Inspector on telephone 6238 2967 to arrange the final inspection prior to the release of the security bond.

Reason for condition

To ensure that the Lots are serviced by adequate public infrastructure.

ENG sw4

The new storm water connections for the existing lots fronting Nelson Road must be constructed and existing abandoned connections sealed at the owner's expense, prior to the sealing of the final plan.

Detailed engineering drawings must be submitted and approved, prior to commencement of work. The detailed engineering drawings must include the location and size of the proposed connections

All work required by this condition must be undertaken in accordance with the approved detailed engineering drawings.

Advice: Once the detailed engineered drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Unit to initiate an application for service connection.

Reason for condition

To ensure the site is drained adequately.

ENG sw5

The new stormwater system must be constructed prior to the sealing of the final plan. All costs associated with works required by this condition are to be met by the owner.

Engineering design plans in accordance with the relevant standards and specifications must be submitted and approved prior to the commencement of works. The engineering design plans must:

1. Be certified by a suitably qualified and experienced engineer.
2. Show the direction of stormwater run-off.
3. Include independent drainage and a point of discharge for each lot.
4. Show in both plan and longitudinal section the proposed stormwater infrastructure including (but not limited to): connections, flows, velocities, hydraulic grade lines, clearances, cover, gradients, sizing, material, pipe class, adequate working platforms around manholes, easements and inspection openings.
5. Include the associated calculations and catchment area plans. The stormwater system must be designed using the major/minor concept with the major system catering for 1% AEP flows as at 2100 (i.e. including climate change loading) from a fully developed catchment, and the minor (underground pipe) system sized to accommodate 5% AEP flows from a fully-developed catchment.
6. Provide sufficient detail to demonstrate that overland flow from the 1% AEP storm event is contained and safely conveyed within the proposed overland flow path (and drainage easement).
7. Detail suitable erosion and scour protection at the drainage outfall points.
8. Provide details of infrastructure to convey stormwater from Nelson Road to Lambert Rivulet via the proposed public open space.

All work required by this condition must be undertaken in accordance with the approved engineering design drawings.

Advice:

- *The proposed drainage outfalls should discharge as near as practicable to the defined rivulet centreline.*
- *Drainage from Nelson Rd passing through the public open space must be*

conveyed formally in public infrastructure.

- *Once the engineering design drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).*
- *Please note that once the condition endorsement has been issued you will need to contact Council's City Infrastructure Division to obtain a Permit to Construct Public Infrastructure.*

Reason for condition

To ensure Council's hydraulic infrastructure meets acceptable standards.

ENG sw6

Construction of the proposed infrastructure must not adversely impact the Lambert Rivulet. A Construction Management Plan must be submitted and approved prior to commencement of works. The plan must:

- 1. Be prepared by a suitably qualified and experienced person.**
- 2. Detail the proposed works and construction methodology including the machinery expected to be used in the vicinity of the rivulet, the potential adverse environmental impacts of the construction activity and suitable methods of mitigating those impacts.**
- 3. Include a relevant impact monitoring system and schedule.**

All work required by this condition must be undertaken in accordance with the approved plan.

Reason for condition

To ensure the protection of the Council's hydraulic infrastructure.

ENG 1

The cost of repair of any damage to the Council infrastructure resulting from the implementation of this permit, must be met by the owners within 30 days of the completion of the development or as otherwise determined by the Council. Any damage must be immediately reported to Council.

A photographic record of the Council infrastructure adjacent to the subject site

must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENG 3b

The design of the access driveways must be submitted and approved, prior to the commencement of work.

The design must:

1. Be prepared and certified by a suitably qualified engineer.
2. Be generally in accordance with the Australian Standard AS/NZS2890.1:2004.
3. Where it deviates from AS/NZS2890.1:2004, demonstrate that the design will provide a safe and efficient access, and enable safe, easy and efficient use.
4. Show dimensions, levels, gradients and transitions, and other details as Council deem necessary to satisfy the above requirement, including showing:
 - a. Long sections for the driveways onto each lot.
 - b. Practical access onto each lot. I.e. construction vehicles must be able to access and park within the lots.
 - c. A sealed driveway up to the front boundary of each lot, noting that driveways must be sealed where subject to a right of way.

- d. **A separate long section along the inside wheel track where there is a bend in a driveway with a centerline gradient exceeding 20%.**
- e. **A long section along the centerline for the driveway onto lot 4 (where separate from shared driveway to lot 5) demonstrating acceptable gradients. Refer to Advice clause immediately below.**

All work required by this condition must be undertaken in accordance with the approved design.

Advice: Once the design has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Access onto lot 4 should branch off the shared driveway with lot 5 before the bend north towards lot 5, that is, try to avoid turning left then right with steep gradients.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 3c

The access driveways must be constructed in accordance with the design drawings approved by Condition ENG 3b.

Prior to the sealing of the final plan, documentation by a suitably qualified engineer certifying that the driveways have been constructed in accordance with the above drawings must be lodged with Council.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

The access driveway to each lot approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the satisfaction of the Council's Director City Infrastructure prior to the sealing of the final plan.

Reason for condition

To ensure the safety of users of the access driveway, and so that it does not detract

from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG r7

Residential underground power to each lot and street lighting must be installed prior to the sealing of the final plan.

A street lighting design for all roads and footways must be submitted and approved, prior to sealing of the final plan. The street lighting design must:

- 1. Be in accordance with AS/NZS 1158.3.1 category P4 series to the requirements of Tas Networks and Council;**
- 2. Include Tas Networks light standard supplied poles and energy-efficient road light fittings; and**
- 3. Be certified by a qualified person.**

All work required by this condition must be undertaken in accordance with the approved street lighting design.

Advice: Once the street lighting design has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

ENG r8

The subdivision must provide adequate services to meet future development.

Engineering drawings must be submitted and approved prior to commencement of work on the site. The engineering drawings must:

- 1. Be prepared and certified by a suitable qualified professional and experienced engineer.**
- 2. Be in accordance with LGAT-Tasmania Standard Drawings and Subdivision Guidelines 2013, the Department of State Growth Specifications and all other relevant Standards, Guidelines and procedures or to the approval of the Director City Infrastructure.**

3. Show long and cross sections of the footpaths, footway and driveways onto each lot and concept landscaping plan.
4. Show the existing and new driveway access design onto the existing lots 3, 5 and 7 Hargrave Place.
5. Show the existing and new intersection design from Hargrave Place onto the new road and include the location of the power pole and stay-wire with any modifications required.
6. Show location of fences, barriers or landscaping required adjacent to footpaths due to slope of land.
7. Show parking restrictions in particular No Stopping around cul-de-sac and on one side of the road when less than 7m wide to allow fire trucks to gain access.
8. Show any embankment easements.
9. Include designs of any excavation and/or any batter fill and/or any earth-retaining structures (i.e. embankments, cuttings, fills, retaining walls) and associated structures certificates for any structures. The design must:
 - a. Show the batter filling be designed in accordance with AS1289 and/or earth retaining structure be designed in accordance with AS4678, with a design life in accordance with table 3.1 typical application major public infrastructure works.
 - b. Take into account any additional surcharge loadings as required by relevant Australian Standards and any Geotechnical findings.
 - c. Detail any mitigation measures required.
 - d. The structure certificated and/or design should note accordingly the above.
10. Include design and certification of pedestrian and vehicle barriers in accordance with the Department of State Growth Specifications Guidelines and procedures, Australian/New Zealand Standard AS/NZS 1170.1 and/or the (IPWEA) LGAT - Tasmania Standard Drawings. Upon completion the barriers must be inspected by a qualified engineer and a certification submitted to the Council, confirming that the installed barriers comply with the above requirement.
11. Include a safe design of structures assessment in accordance with the Safe Design of Structures Code of Practice (as adopted under section 274

of the *Work Health and Safety Act 2012*) and supply to the Council any documentation for the ongoing maintenance and replacement of any structures within the Highway Reservation.

All work required by this condition must be constructed in accordance with the approved engineering drawings.

Advice: Once the engineering drawings have been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

SURV 1

The applicant must submit to the Council a copy of the surveyor's survey notes at the time of lodging the final plan.

Reason for condition

To enable the Council to accurately update cadastral layers on the corporate Geographic Information System.

SURV 2

The final plan and schedule of easements must be submitted and approved in accordance with section 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Reason for condition

To ensure that the subdivision is carried out in accordance with the Councils requirements under the provisions of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

SURV 3

The final plan and schedule of easements must be submitted and approved under section 89 *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The final plan and schedule of easements must provide easements to the satisfaction of the council:

1. Over any proposed or existing stormwater, water or sewer mains passing through the lots on the final plan, in favour of the Hobart City Council and/or TasWater.
2. Over any existing or proposed overland flow paths in favour of the Hobart City Council.
3. Over any existing or proposed private right of ways, drainage and/or service easements in favour of the lots they are required to serve.
4. Over any existing, proposed or required road embankments or road batters in favour of the Hobart City Council.
5. Over the proposed right of way and services easement in favour of the Hobart City Council.

Advice: Easement widths should be in general accordance with the LGAT (2013) Tasmanian Subdivision Guidelines.

Reason for condition

To ensure that there are no impediments to the provision of public and private services and access to the lots.

SURV 5

The proposed Road and Public Open Space lots are to be transferred in fee simple to the Council at nominal consideration.

Prior to the sealing of the final plan an executed and stamp duty assessed Land Titles Office transfer instrument is to be forwarded to the Council together with a cheque made payable to the Land Titles Office for the associated Land Titles Office registration fees.

Reason for condition

To ensure that titles to the proposed road and public open space lots issue in the Council.

SURV 12

Lots 5, 6, 7, and 8 on the final plan are to be notated in accordance with the provisions of section 83(5)(a)(ii) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, to the effect that the Hobart City Council

cannot provide a means of gravity reticulated stormwater disposal for the parts of the lots on the north-eastern and eastern side of the of the proposed Pipeline and Services Easement 3.00 Wide passing through the lots.

The final plan must be submitted for approval by Council. The final plan must be notated to the satisfaction of Council.

Reason for condition

To ensure that the restriction in the Council's ability to provide a means of gravity reticulated stormwater disposal is noted on the final plan.

SURV 13

The final plan is to be notated in accordance with the provisions of section 83(7) (b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* to the effect that the Tasmanian Water and Sewerage Corporation cannot provide a means of gravity reticulated sewerage disposal from lots 5, 6, 7 and 8 on the north-eastern and eastern side of the proposed Pipeline and Services Easement 3.00 Wide passing through the lots.

The final plan must be submitted for approval by Council.

The final plan must be notated to the satisfaction of the Council.

Reason for condition

To ensure that the limitation in TasWater's ability to provide a means of gravity reticulated sewerage disposal from Lots 5, 6, 7 and 8 is noted on the final plan.

SUB s1

An amendment to Sealed Plan No. 12788 to delete the Rights of Drainage (appurtenant to Lots 1 to 5 on Sealed Plan No. 12788) over the Drainage Easement marked A. B. C. on SP 127888 and (appurtenant to Lots 6, 7 and 8 on Sealed Plan No. 127888) marked D.B.C. on SP 127888 burdening C.T. 250967/1 is to be lodged concurrently at the Land Titles Office with the sealed final plan of survey for the subdivision.

Reason for condition

To ensure that redundant rights of drainage are not brought forward to burden lots in the subdivision.

SUB s2

The Highway Reservation area at the cul-de-sac must be minimised while still providing frontage to the properties. The engineering plans must be amended to reduce the amount of land to be dedicated as Highway Reservation to the satisfaction of the Director City Infrastructure prior to commencement of work on the site. Any other associated plans affected must be amended accordingly prior to commencement of work on the site.

Reason for condition

To reduce the amount of Highway Reservation that would be required to be maintained by the City.

OPS 1

The title boundary shared between the Public Open Space lot as shown on the final plan of subdivision, and the adjoining lots (Lots 4, 5, 6, 7, and 8 and the Balance) must be clearly marked by the owner on the ground before any works commence.

Reason for condition

To protect the riparian and recreational values of the Public Open Space lot.

OPS 4

The lot notated as Public Open Space (1.95ha) on the final plan of subdivision must be transferred to the Council in fee simple for nominal consideration, prior to the sealing of the final plan.

The final boundaries of the Public Open Space must be modified along the eastern boundary to the satisfaction of the Director Parks and City Amenity.

Advice: It is noted that the amended boundary is to be in accordance with that agreed 29 October 2018 during the site meeting.

Reason for condition:

Approval of the subdivision will create further demand upon Hobart's Public Open Space System. The land acquired will contribute to Hobart City Council's open space network for recreational use.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil

and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted and approved, prior to the commencement of work. The SWMP must be prepared in accordance with:

1. The Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#); and
2. The Waterways and Wetlands Works Manual (DPIWE, 2003).

The SWMP must detail remediation works.

All work required by this condition must be undertaken in accordance with the approved SWMP.

Advice: Once the SWMP has been approved, the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ENV 9

No vegetation clearing or disturbance may occur other than the minimum necessary to facilitate the essential subdivision works (i.e. construction of road, driveways and provisions of services).

Reason for condition

To clarify the scope of the permit

ENV 12

An approved Weed Management Plan (WMP) for Lots 1 to 9, 101 and the public open space lot, must be implemented.

A WMP must be submitted and approved prior to the commencement of works.

The WMP must:

1. Identify and illustrate the woody environmental weeds on the site;

2. Set out an environmentally-appropriate methodology and program for eradicating these weeds (including appropriate disposal) based on defined management zones (noting that eradication of many species will require follow-up treatments for several years, however weed management prescriptions for the public open space lot must be limited to primary works only);
3. Include a concise action table that provides clear and detailed actions, the area to be targeted, the timing of each action and the persons/parties responsible for undertaking all actions;
4. Include requirements to notify the Council in writing of progress in implementation of the plan;
5. Include a simple map of the property that defines the management zones for specific actions;
6. Include prescriptions to minimise impacts on native vegetation and minimise soil disturbance; and
7. Include a prohibition on the planting of potentially invasive species listed in Council's Restricted Plant List;
8. Specify that no soil is to be imported onto the site unless it is certified weed propagule free in accordance with Australian Standard AS4419 Soils for Landscaping and Garden Use; and
9. Be clear and concise so that follow-up treatments can be easily implemented by future landowners (however the bulk of primary weed control works must be scheduled to occur as part of the subdivision works).

Advice: Once the weed management plan has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To ensure the development does not contribute to the spread of weeds and to offset the biodiversity impacts associated with the development.

ENV 3

The hazard management areas shown on the bushfire hazard management

plan by Geo-Environmental Solutions dated June 2018 (MRH10690v3) are not approved and must not be implemented.

Reason for condition

To clarify the scope of the permit

ENV 4

The public road and fire-fighting water supply system must be designed and constructed in accordance with prescriptions of the bushfire report and bushfire hazard management system by Geo-Environmental Solutions dated June 2018 (MRH10690v3).

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by bushfires

ENV 5

Prior to sealing of the final plan, certification from a suitably qualified person must be submitted to the Council confirming that the public road and fire-fighting water supply system have been designed and constructed in accordance with prescriptions of the bushfire report and bushfire hazard management system by Geo-Environmental Solutions dated June 2018 (MRH10690v3).

Reason for condition

To reduce the risk to life and property, and the cost to the community, caused by bushfires

ENV s1

An approved Construction Environmental Management Plan (CEMP) must be implemented.

A CEMP must be submitted and approved prior to the commencement of works.

The CEMP must:

1. Show all areas of proposed subdivision works, including ground disturbance and vegetation clearing, in relation to the vegetation

communities, swift parrot foraging trees, watercourses and drainage lines;

2. Show all swift parrot foraging trees proposed to be removed, or likely to have their root zones disturbed;
3. Specify the proposed works methodology, particularly for vegetation clearing and soil disturbance, and particularly for proposed works within the public open space lot;
4. Demonstrate that vegetation clearing, vegetation disturbance and soil disturbance has been minimised as far as practicable, and that vegetation and soil disturbance will be the minimum necessary to facilitate the essential subdivision works;
5. Include proposed measures to help ensure that vegetation and soil disturbance is compliant with the approved CEMP, particularly works in proximity to swift parrot foraging trees, the *Eucalyptus ovata* dry forest/woodland vegetation community and the watercourse/drainage lines;
6. Include measures to minimise the risk of erosion and sediment transport;
7. Include measures to minimise the risk weed introductions/transfers (including machinery and vehicle washdown and management of any imported soil);
8. Include measures to rehabilitate area of temporary disturbance, including replacement of removed vegetation; and
9. Identify responsible persons, monitoring and maintenance measures.

All measures and works required by this condition must be undertaken in accordance with the approved CEMP.

Advice: Once the CEMP has been approved the Council will issue a condition endorsement (see general advice on how to obtain condition endorsement).

Reason for condition

To minimise the potential for impacts to vegetation and watercourses from the construction works

ENV s2

A Part 5 Agreement pursuant to section 71 of the *Land Use Planning and Approvals Act 1993* must be registered on the new Titles for lots 1 to 9 at the time of issue.

The Agreement must specify that unless the written consent of the Council is obtained:

1. The approved Weed Management Plan must be implemented and complied with;
2. No removal of native vegetation may occur;
3. All development must be generally in accordance with the WWF-Australia publication *Minimising The Swift Parrot Collision Threat: Guidelines and recommendations for parrot-safe building design (2008)*; and
4. The owner(s) (Owner A) must allow the owner(s) (Owner B) of an adjacent lot to establish and maintain a bushfire hazard management area on the land owned by Owner A, in accordance with a bushfire hazard management plan based on BAL-19 or lesser separation distances certified by an accredited bushfire hazard practitioner, and approved as part of a permit granted under the *Building Act 2016*, at any time the land owned by Owner A that is within the hazard management area under the approved bushfire hazard management plan of Owner B is not in accordance with the prescriptions for the hazard management area as specified in the approved bushfire hazard management plan.

The Council will have its solicitors prepare the Agreement for signing by property owner(s). The Council will then lodge the Agreement with the Lands Titles Office. The cost of preparing the Agreement and registration with the Land Titles Office is to be met by the applicant. Please contact the Development Appraisal Planner on 6238 2715 to initiate preparation of the Agreement.

Reason for condition

To ensure future development on the lots can achieve an acceptable level of bushfire risk

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you

may need to obtain an approval. Visit the Council's website for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT PLANNING

If a condition endorsement is required by a planning condition above, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's online services e-planning

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied). Detailed instructions can be found [here](#).

CONDITION ENDORSEMENT ENGINEERING

All engineering drawings required to be submitted and approved by this planning permit must be submitted to the City of Hobart as a CEP (Condition Endorsement) via the City's [Online Service Development Portal](#). When lodging a CEP, please reference the PLN number of the associated Planning Application. Each CEP must also include an estimation of the cost of works shown on the submitted engineering drawings. Once that estimation has been confirmed by the City's Engineer, the following fees are payable for each CEP submitted and must be paid prior to the City of Hobart commencing assessment of the engineering drawings in each CEP:

Value of Building Works Approved by Planning Permit Fee:

Up to \$20,000: \$150 per application.

Over \$20,000: 2% of the value of the works as assessed by the City's Engineer per assessment.

These fees are additional to building and plumbing fees charged under the Building and Plumbing Regulations.

Once the CEP is lodged via the [Online Service Development Portal](#), if the value of building works approved by your planning permit is over \$20,000, please contact the City's Development Engineer on 6238 2715 to confirm the estimation of the cost of works shown on the submitted engineering drawings has been accepted.

Once confirmed, please call one of the City's Customer Service Officers on 6238 2190 to make payment, quoting the reference number (i.e. CEP number) of the Condition Endorsement you have lodged. Once payment is made, your engineering drawings will be assessed.

BUILDING PERMIT

Building permit in accordance with the Building Act 2016. Click here for more information.

PLUMBING PERMIT

Plumbing permit in accordance with the Building Act 2016, Building Regulations 2016 and the National Construction Code. Click here for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

Permit for the occupation of the public highway for construction or special event (e.g. placement of skip bin, crane, scissor lift etc). Click here for more information.

Occupational license for structures in the Hobart City Council highway reservation, in accordance with conditions to be established by the Council. Click here for more information.

Road closure permits for construction or special event. Click here for more information.

Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click here for more information.

PERMIT TO CONSTRUCT PUBLIC INFRASTRUCTURE

Permit to construct public infrastructure with a 12 month maintenance period and bond (please contact the Hobart City Council's City Infrastructure Division to initiate the permit process).

NEW SERVICE CONNECTION

New service connection (please contact the Hobart City Council's City Infrastructure Division to initiate the application process).

STORM WATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Hydraulic Services By law. Click here

for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Highways By law. [Click here for more information.](#)

STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT - standard drawings. [Click here for more information.](#)

COUNCIL RESERVES

This permit does not authorise any works on the adjoining Council land. Any act that causes, or is likely to cause damage to Council's land may be in breach of the Council's Parks, Recreation and Natural Areas Bylaw and penalties may apply. The by law is available [here](#).

WEED CONTROL

Effective measures are detailed in the Tasmanian Washdown Guidelines for Weed and Disease Control: Machinery, Vehicles and Equipment (Edition 1, 2004). The guidelines can be obtained from the Department of Primary Industries, Parks, Water and Environment website.

FEES AND CHARGES

[Click here for information on the Council's fees and charges.](#)

DIAL BEFORE YOU DIG

[Click here for dial before you dig information.](#)

PART 5 AGREEMENT

This property possesses conservation values which may be of national environmental significance (habitat for the endangered Swift Parrot). The proposed development includes activities that may adversely impact on these values (removal of *Eucalyptus globulus* and *Eucalyptus ovata* trees), and therefore may be subject to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. It is therefore recommended that the applicant refer the proposal to the Commonwealth Environment Minister for determination as to whether the development requires approval under the *Environment Protection and Biodiversity Conservation Act 1999*. For more information on how to make a referral visit

Environment Australia's [website](#).

SUBDIVISION ADVICE

All conditions imposed by this permit are in accordance with the *Local Government Building and Miscellaneous Provisions) Act 1993* and the *Conveyancing and Law of Property Act 1884*. Refer to www.thelaw.tas.gov.au.

For information regarding standards and guidelines for subdivision works click [here](#).

A permit to construct public infrastructure must be obtained for any public infrastructure works and includes a 12 month maintenance period (please contact the Council City Infrastructure Divisions to initiate the permit process)

Infrastructure to be designed and constructed in accordance with the (IPWEA) LGAT [Tasmanian Standard Drawings](#) (TSD).

Naming of new roads is undertaken by Council as per the Rules for Place Names in Tasmania by the Nomenclature Board of Tasmania. New roads should be named before the final plan of subdivision is approved by Council. The road naming process takes at least three months. Please contact Council's Road Services Engineer for advice on naming new roads.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Rohan Probert)

Manager Development Appraisal

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 5 November 2018

Attachment(s):

Attachment B - CPC Agenda Documents

Attachment C - Planning Referral Officer Environmental Development Planner Report

Application for
planning permit

DEVELOPMENT APPLICATION
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.

Planning Authority: Hobart City Council

DES-F-0102/1
20/5/2005

OFFICE USE ONLY

Application
Number

ALL APPLICATIONS

Location of proposed development

607-627 Nelson Rd
Mt. Nelson Postcode 7007

Certificate of Title No.

CT 250967/1

Lot No.

1

Applicant's name*

PDA Surveyors
o.b.o

Applicant's postal address

127 Bathurst St.
Hobart Postcode 7000 Facsimile 0417515 400
Email hugh.clement@pda.com.au

Owner's name*

Paul
Lanzoni

Owner's postal address

As Above BH Telephone
Postcode Facsimile
Email

Contact person*

As Above

Contact person's postal address

As Above BH Telephone
Postcode Facsimile
Email

* See page 4 for definitions

DESCRIPTION OF PROPOSED DEVELOPMENT

Please tick the appropriate box or boxes. If they don't accurately describe your proposal, please detail under 'Other'

- ☐ New house
- ☐ House extension/addition
- ☐ Demolition
- ☐ Partial Demolition
- ☐ Fencing
- ☐ Change of use (please specify)
- ☒ Subdivision

☐ Other (please specify)

.....

.....

.....

.....

.....

Present use(s) of land and buildings

Residential

Have you had pre-application discussions with a Council Planning Officer?

☒ Yes ☐ No

If "Yes" please give officer's name if known

Peter Fleming

Please visit www.hobartcity.com.au if you wish to make an appointment with a planning officer prior to lodgement.Customer Service Centre, Hobart Council Centre, 16 Elizabeth Street (GPO Box 503) Hobart TAS 7001 Australia Ausdoc DX198
Telephone (03) 6338 2715 Fax (03) 6338 2186 (Int 61 3 6338 2186) email hcc@hobartcity.com.au Internet <http://www.hobartcity.com.au>

Application for planning permit covered	DEVELOPMENT APPLICATION DOCUMENT
	This document is one of the documents submitted in support of an application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.
	Planning Authority: Hobart City Council

FLOOR AREA *Refer to definition of floor area in relevant planning scheme*

Existing floor area m ²	Proposed floor area (total) m ²	Site area m ²
---------------------------------------	---	-----------------------------

CAR PARKING ON SITE

Number existing	Number proposed
-----------------	-----------------

VALUE

Value of work (inclusive of GST) \$
--

SITE CONTAMINATION *This information determines whether a site may need a contamination assessment before it is further developed*

Have any potentially contaminating uses been undertaken on this site? ☐ Yes ☐ No ☐ Don't know

TASMANIAN HERITAGE REGISTER

Is this property on the Tasmanian Heritage Register? ☐ Yes ☐ No

Please note: Two additional sets of drawings are to accompany the THC Works Application (failure to do so will result in a copying charge)

NON RESIDENTIAL USE DEVELOPMENT

NOTE: This section must be completed for all applications for non-residential use/development.

HOURS OF BUSINESS

What days and hours of operation are proposed for the business ☐ Are the proposed hours of business different from the existing use or situation? ☐ No ☐ Yes Please complete details below.

	From	To		From	To
Monday to Friday			Monday to Friday		
Saturday			Saturday		
Sunday			Sunday		

DEVELOPMENT APPLICATION DOCUMENT	
This document is one of the documents relevant to the application for planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.	
NON-RESIDENTIAL DEVELOPMENTS	
Planning Authority: Hobart City Council	

Application for planning permit continued

NUMBER OF EMPLOYEES

List the total number of people who will be working on the site.

	TOTAL EMPLOYEES		MAXIMUM EMPLOYEES AT ANY ONE TIME	
	Part time	Full time	Employees (total)	Time of day/week
Existing (previous) use				
Proposed use				

GOODS DELIVERIES

Will there be any goods deliveries to and from the site? ☐ No ☐ Yes *Please estimate the number and type of Vehicles and how often they will make trips.*

	Type/size of vehicle	Number of vehicles	Trip frequency per day/week/month

PLANT/MACHINERY

Is there any large plant or machinery that would need to be installed or used on site such as refrigeration units and generators

☐ No ☐ Yes

If yes, please list the type of machinery and ensure location, dimensions etc are clearly marked on your plans.

OUTDOOR STORAGE / SEATING / NUMBER OF BEDS

Is outdoor storage proposed? ☐ No ☐ Yes

If yes, please ensure your plans show where the outdoor storage areas are and what type of goods are stored. This information will help us assess the impact of the proposal on amenity.

If you are proposing a night club, cafe or the like, what is the number of seats proposed including the capacity at any bar area?

Please ensure the arrangements are shown on your plans. This information enables us to assess the car parking arrangements.

If you are proposing a hotel, motel, visitor accommodation, hostel or the like, what is the number of beds proposed?

Please ensure the beds are clearly indicated on your plans. This information enables us to assess the car parking arrangements.

SIGNAGE

Is any signage proposed? ☐ No ☐ Yes

If Yes, please show clearly on the plans of existing (if applicable) and proposed signage.

Application for planning permit	DEVELOPMENT APPLICATION DOCUMENT
	This document is one of the documents submitted in support of the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.
ALL APPLICATIONS	Planning Authority: Hobart City Council


In respect to page one of this application the "Applicant's name" means the name of the person making the application. The applicant will be advised of the determination in respect of the application. The applicant will be written to if additional information is required.

The "Owner's name" is the owner as described in the definition below of owner.

The "Contact Person" is the person that should be contacted in respect to any matters relating to the application up to its determination. In most cases the applicant and contact person will be the same. However, in the instance of an applicant being an architectural firm (ie XYZ Architects) the contact person may be an architect (ie I. Draw). The contact person (unless they are the same as the applicant) will not be advised of the decision of Council.

DECLARATION BY APPLICANT (mandatory)


I declare that the information given is a true and accurate representation of the proposed development, and I am liable for the payment of Council application processing fees even in the event of the development not proceeding. I understand that the information and materials provided with this development application may be made available to the public in electronic form on the Council's website. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Hobart City Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.

Signature:  Name (please print): Hugh Clement Date: 4/4/2017

IF APPLICANT IS NOT THE OWNER

If the applicant is not the owner of the land, the applicant must include a declaration that he/she has notified the owner/s

I hereby declare that I am the applicant for the development/change of use at the address detailed in this application for a planning permit, and that I have notified the owner/s of the land that I am making this application, in accordance with Section 52 (1a) Land Use Planning Approvals Act 1993.

Signature of applicant:  Name (please print): Hugh Clement Date: 4/4/2017
Name/s of owner/s notified: Trg Conzone edgoinap Date notified: 2/10/14

DEFINITION OF OWNER

"owner" means any one or more of the following:

- a in the case of a fee simple estate in land - the person in whom that estate is vested;
- b in the case of land not registered under the Land Titles Act 1980 and subject to a mortgage - the person having, for the time being, the equity of redemption in that mortgage;
- c in the case of land held under a tenancy for life - the person who is the life tenant;
- d in the case of land held under a lease of a term not less than 99 years or for a term of not less than such other prescribed period - the person who is the lessee of the land;
- e in the case of land in respect of which a person has a prescribed interest - that person;
- f in the case of Crown land within the meaning of the Crown Lands Act 1976, the Crown in right of the State of Tasmania;

but does not include the holder of an interest in land other than the Crown in the right of Tasmania if the interest of the holder cannot reasonably be discovered by search of the Register within the meaning of the Land Titles Act 1980 or a search conducted at the Registry within the meaning of the Registration of Deeds Act 1935.

COUNCIL OR CROWN LAND

If the land that is the subject of this application is owned or administered by either the Crown or Hobart City Council, the consent of the Minister of the Crown or the General Manager of the Council, whichever is applicable, must be included here. This consent should be completed and signed by either the Minister, the General Manager of Hobart City Council, or their delegate (as specified in Subsections 52 (1D-1G) of the Land Use Planning and Approvals Act 1993).

I being responsible for the administration of land at

declare that I have given permission for the making of this application for

Date Signature

(This consent is for the making of the application only, and does not constitute landlord consent for the development to occur.)

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 250967	FOLIO 1
EDITION 4	DATE OF ISSUE 19-Nov-2013

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.
Planning Authority: Hobart City Council

SEARCH DATE : 09-Oct-2014
SEARCH TIME : 06.56 PM

DESCRIPTION OF LAND

City of HOBART
Lot 1 on Plan 250967
Derivation : Part of 507 Acres and 100 Acres Gtd. to R.L.
Murray
Prior CT 3780/24

SCHEDULE 1

C601111 & D102195 TRANSFER to PAUL ANTHONY LANZONE
Registered 19-Nov-2013 at 12.02 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BURDENING EASEMENT: Right of Drainage [appurtenant to Lots 1 to 5 on Sealed Plan No. 12788) over the Drainage Easement marked A.B.C. on SP 12788
BURDENING EASEMENT: Right of Drainage [appurtenant to Lots 6, 7 and 8 on Sealed Plan No. 12788) over the Drainage Easement marked D.B.C. on SP 12788
105977 BOUNDARY FENCES CONDITION in Transfer
A355834 FENCING PROVISION in Transfer
C857560 CAVEAT by Jean Florence Margaret Broughton
Registered 20-Oct-2008 at noon
D106614 MORTGAGE to Westpac Banking Corporation Registered
19-Nov-2013 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME	FOLIO
155437	1
EDITION	DATE OF ISSUE
5	17-Oct-2013

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 14/10/2014.
Planning Authority: Hobart City Council

SEARCH DATE : 14-Oct-2014

SEARCH TIME : 03.37 PM

DESCRIPTION OF LAND

City of HOBART

Lot 1 on Sealed Plan 155437

Derivation : Part of 507 Acres Gtd. to Robert Lathrop Murray

Prior CTs 149051/11 and 149051/12

SCHEDULE 1

M425997 TRANSFER to INGER LANZONE Registered 17-Oct-2013 at
12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP155437 EASEMENTS in Schedule of Easements

SP155437 FENCING COVENANT in Schedule of Easements

SP155437 WATER SUPPLY RESTRICTION

SP155437 SEWERAGE AND/OR DRAINAGE RESTRICTION

SP9793 SP149051 FENCING COVENANT in Schedule of Easements

D9802 BURDENING EASEMENT: a drainage easement (appurtenant
to Lot 2 on Sealed Plan 155437) over the said land
within described Registered 12-May-2011 at 12.01 PM

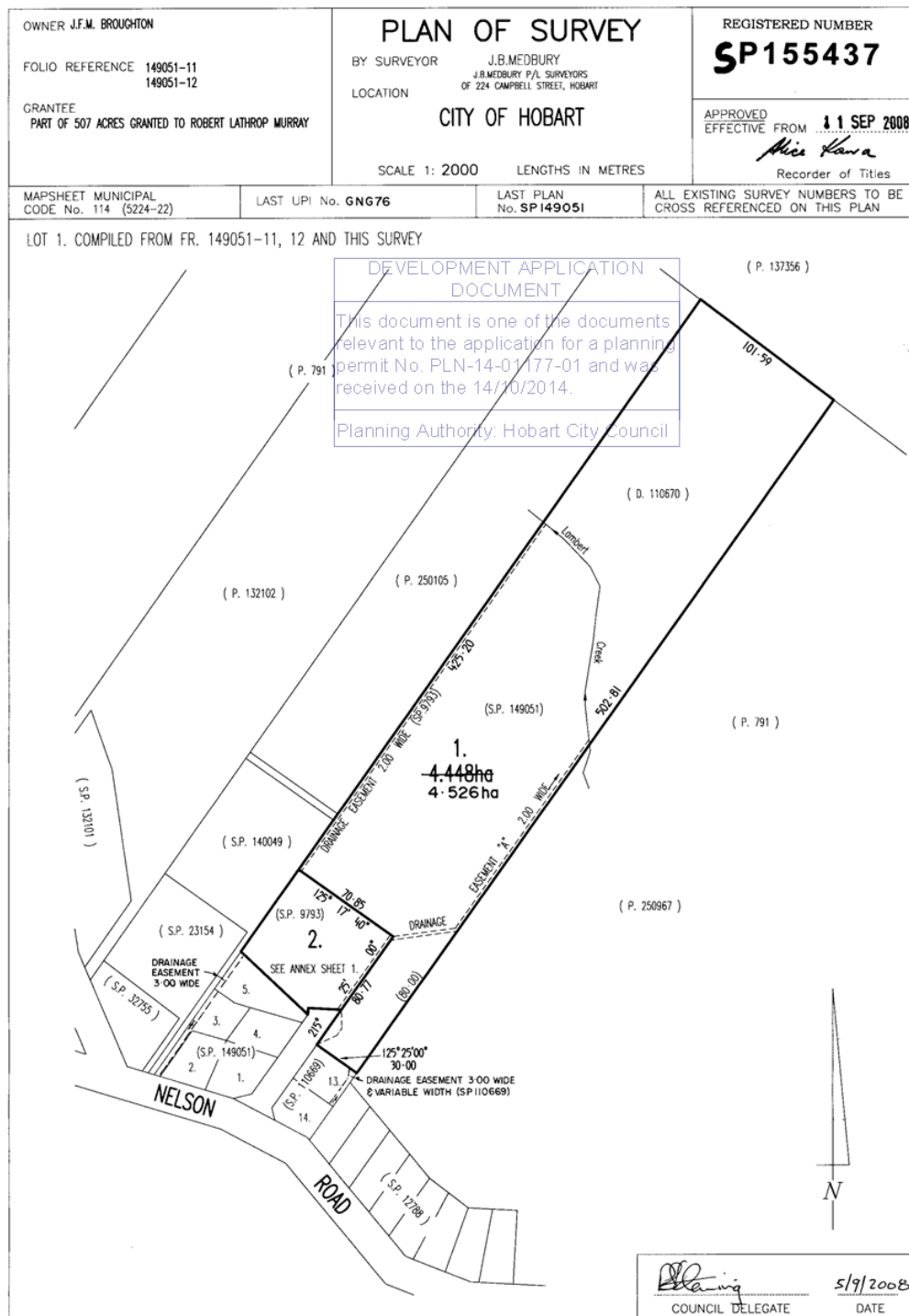
105977 BOUNDARY FENCES CONDITION in Transfer

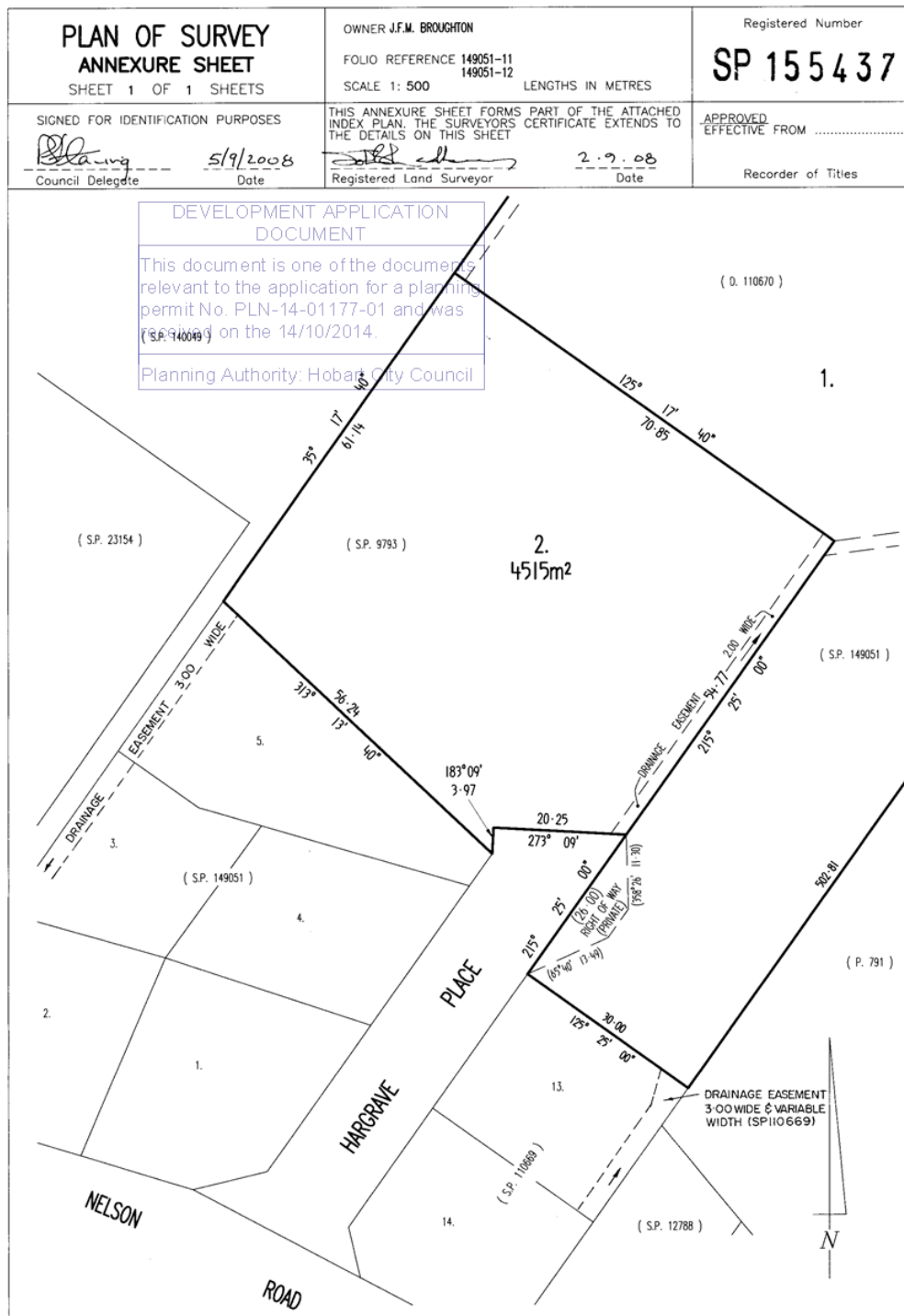
C720998 AGREEMENT pursuant to Section 71 of the Land Use
Planning and Approvals Act 1993 Registered
26-Sep-2006 at noon

M441585 CAVEAT by PWB Lawyers Pty Ltd Registered 22-Oct-2013
at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations







SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS	Registered Number
NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	SP 155437

PAGE 1 OF 2 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

EASEMENTS

- ✓ Lot 1 on the Plan is SUBJECT TO a right of carriageway in favour of Hobart City Council over the portion of Lot 1 on the plan thereon marked RIGHT OF WAY (PRIVATE).
- ✓ Lot 1 on the Plan is SUBJECT TO a right of drainage in favour of Hobart City Council over the strip of land passing through Lot 1 on the plan and thereon marked DRAINAGE EASEMENT "A" 2.00 WIDE.
- ✓ Lot 1 on the Plan is SUBJECT TO a right of drainage appurtenant to Lot 2 on the Plan over the strip of land passing through Lot 1 on the Plan and thereon marked DRAINAGE EASEMENT "A" 2.00 WIDE.
- ✓ Lot 1 on the Plan is SUBJECT TO a right of drainage (appurtenant to Lot 1 on Sealed Plan Number SP9793) over the strip of land passing through Lot 1 on the Plan and thereon marked DRAINAGE EASEMENT 2.00 WIDE (SP.9793).
- ✓ That part of Lot 1 on the Plan which was formerly comprised in Folio of the Register Volume 110670 Folio 1 is TOGETHER WITH a right of drainage over the strip of land marked DRAINAGE EASEMENT 3.00 WIDE & VARIABLE WIDTH on ~~Sealed Plan Number SP149051~~ the plan
- ✓ Lot 2 on the Plan is TOGETHER WITH a right of drainage over the strip of land passing through Lot 1 on the Plan and thereon marked DRAINAGE EASEMENT "A" 2.00 WIDE.

J. Broughton (USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Jean Florence Margaret Broughton	PLAN SEALED BY: Hobart City Council
FOLIO REF: 149051/11 & 12	DATE: <u>5/9/2018</u>
SOLICITOR: <u>62359311</u>	<u>5628796</u>
& REFERENCE: Murdoch Clarke RCM:B0142279	REF NO. <u>5628796</u>
	<i>[Signature]</i> Council Delegate

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



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 2 PAGES	Registered Number SP 155437
SUBDIVIDER: Jean Florence Margaret Broughton FOLIO REFERENCE: 149051/11 & 12	

Lot 2 on the Plan is SUBJECT TO a right of drainage in favour of Hobart City Council over the strip of land passing through Lot 2 on the Plan and thereon marked DRAINAGE EASEMENT "A" 2.00 WIDE.

That part of Lot 2 on the Plan which was formerly comprised in Folio of the Register Volume 9793 Folio 1 is TOGETHER WITH a right of drainage over the strip of land passing through Lot 1 on the Plan and thereon marked DRAINAGE EASEMENT 2.00 WIDE (SP.9793).

Those parts of Lots 1 and 2 on the Plan which were formerly comprised in Folio of the Register Volume 149051 Folio 12 are TOGETHER WITH a right of drainage over the strip of land passing through Lots 3 and 5 on Sealed Plan Number SP149051 and thereon marked DRAINAGE EASEMENT 3.00 WIDE on the plan.

FENCING COVENANTS

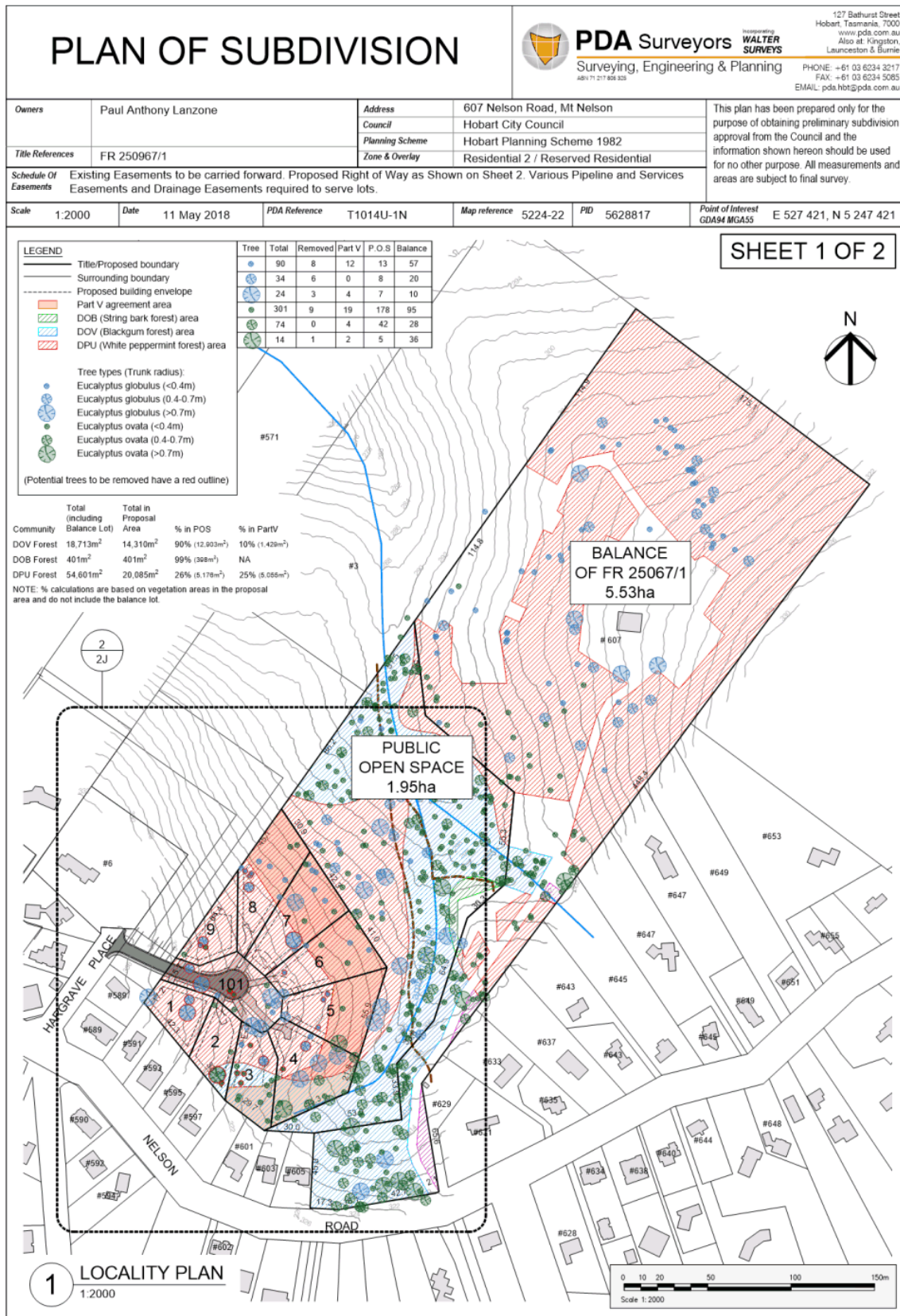
~~The Lots on the Plan are subject to the fencing covenants created by Sealed Plan Number SP9793 and Sealed Plan Number SP149051.~~

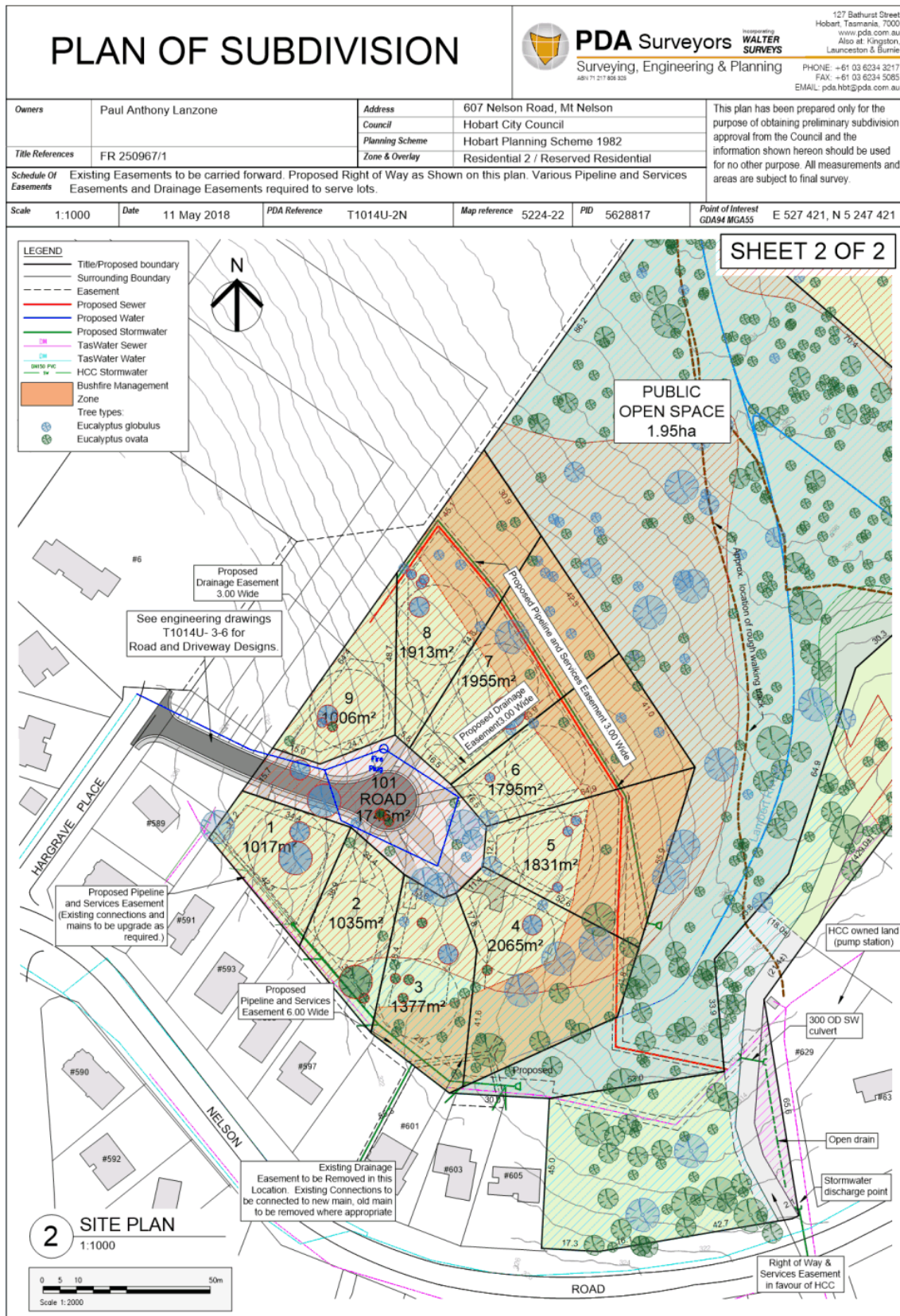
The owner or owners of each Lot on the Plan covenant with the Vendor, **JEAN FLORENCE MARGARET BROUGHTON**, that the Vendor shall not be required to fence.

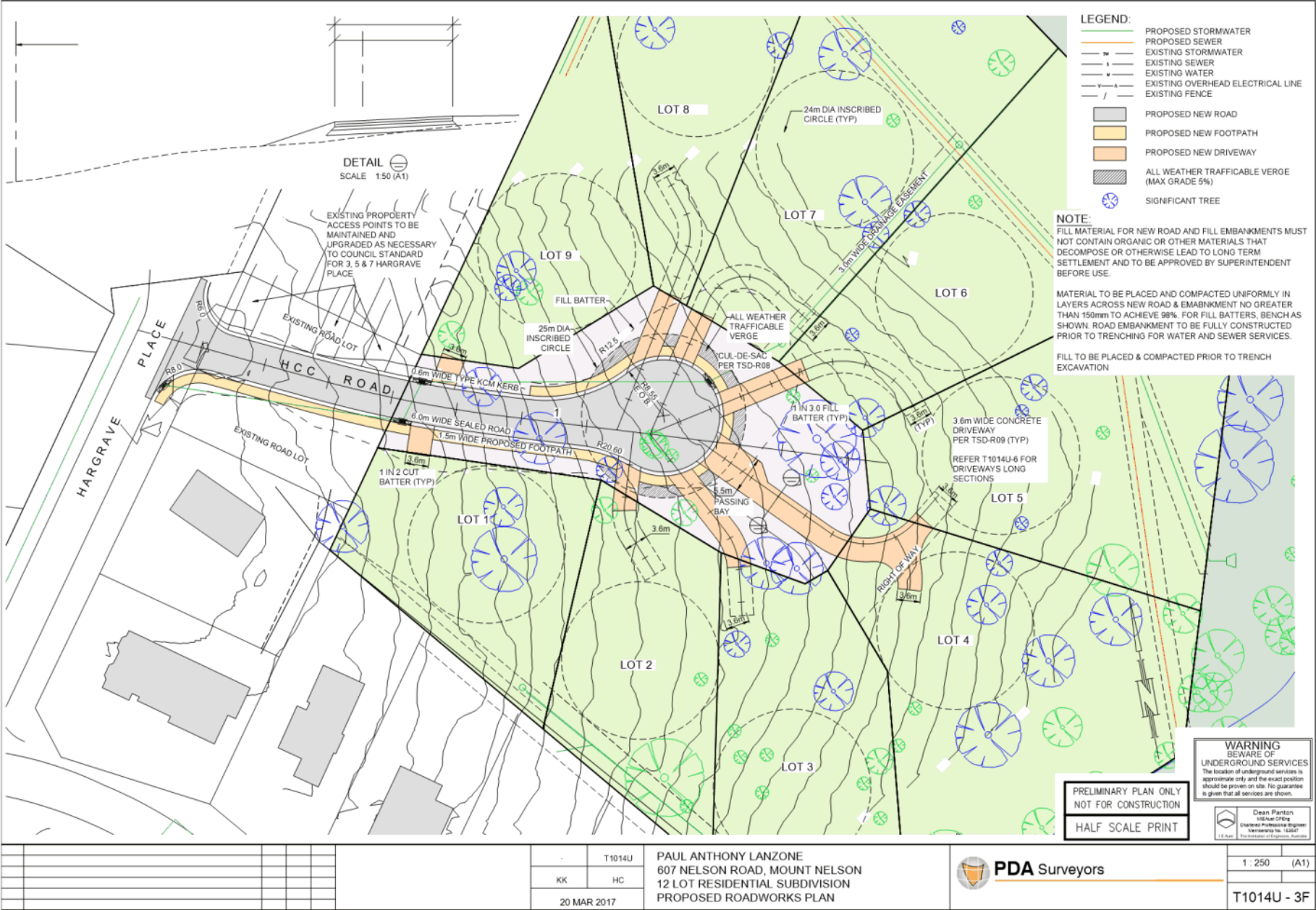
SIGNED by **JEAN FLORENCE**)
MARGARET BROUGHTON the)
 registered proprietor of the land) *J. Broughton*
 comprised and described in Folio) (Jean Florence Margaret Broughton)
 of the Register Volume 149051)
 Folios 11 and 12 in the presence of:)

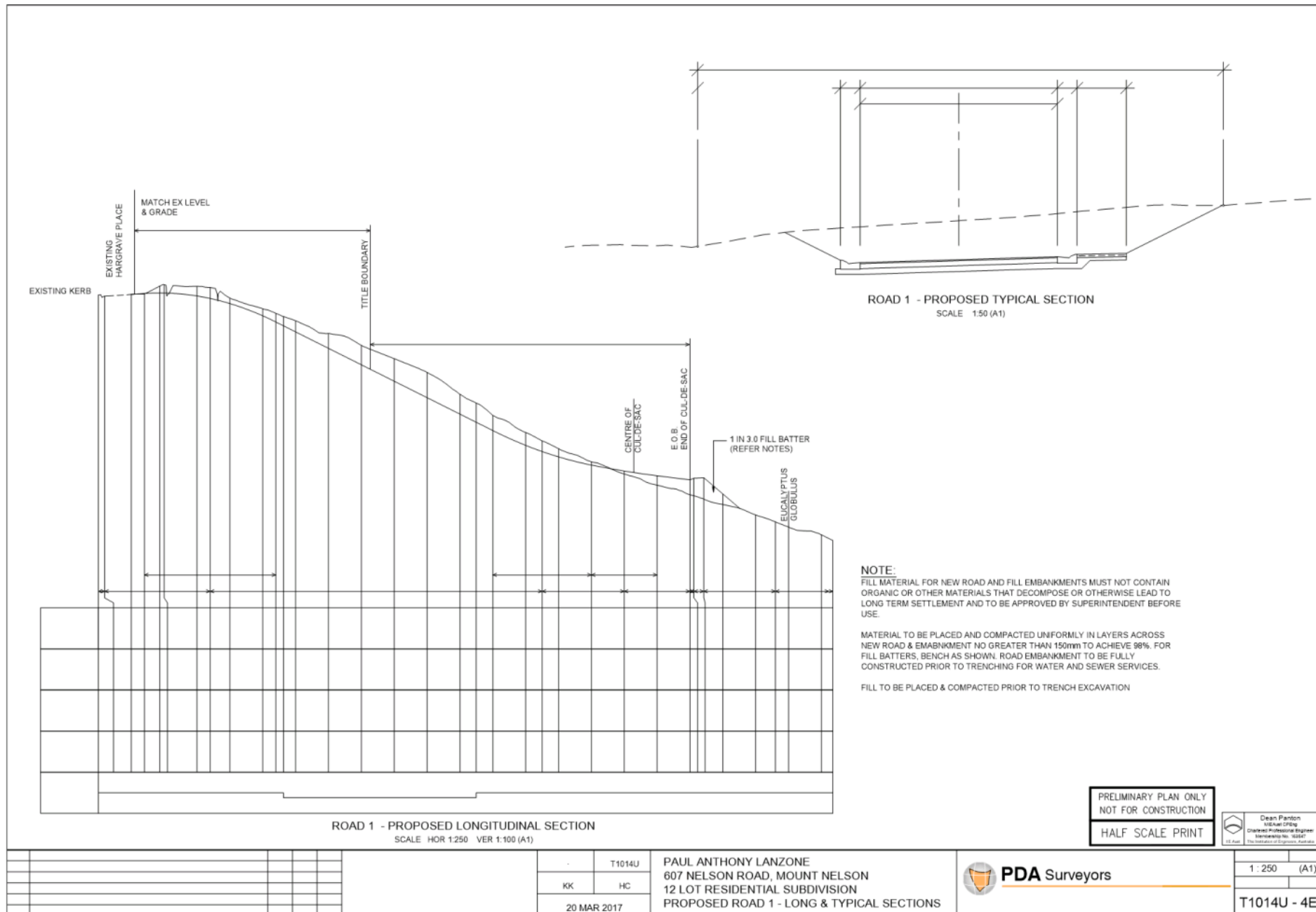
WITNESS: *[Signature]*
 FULL NAME: **ROBERT CHRISTOPHER MANNING**
 ADDRESS: **10 VICTORIA STREET, HOBART**
 OCCUPATION: **SOLICITOR**

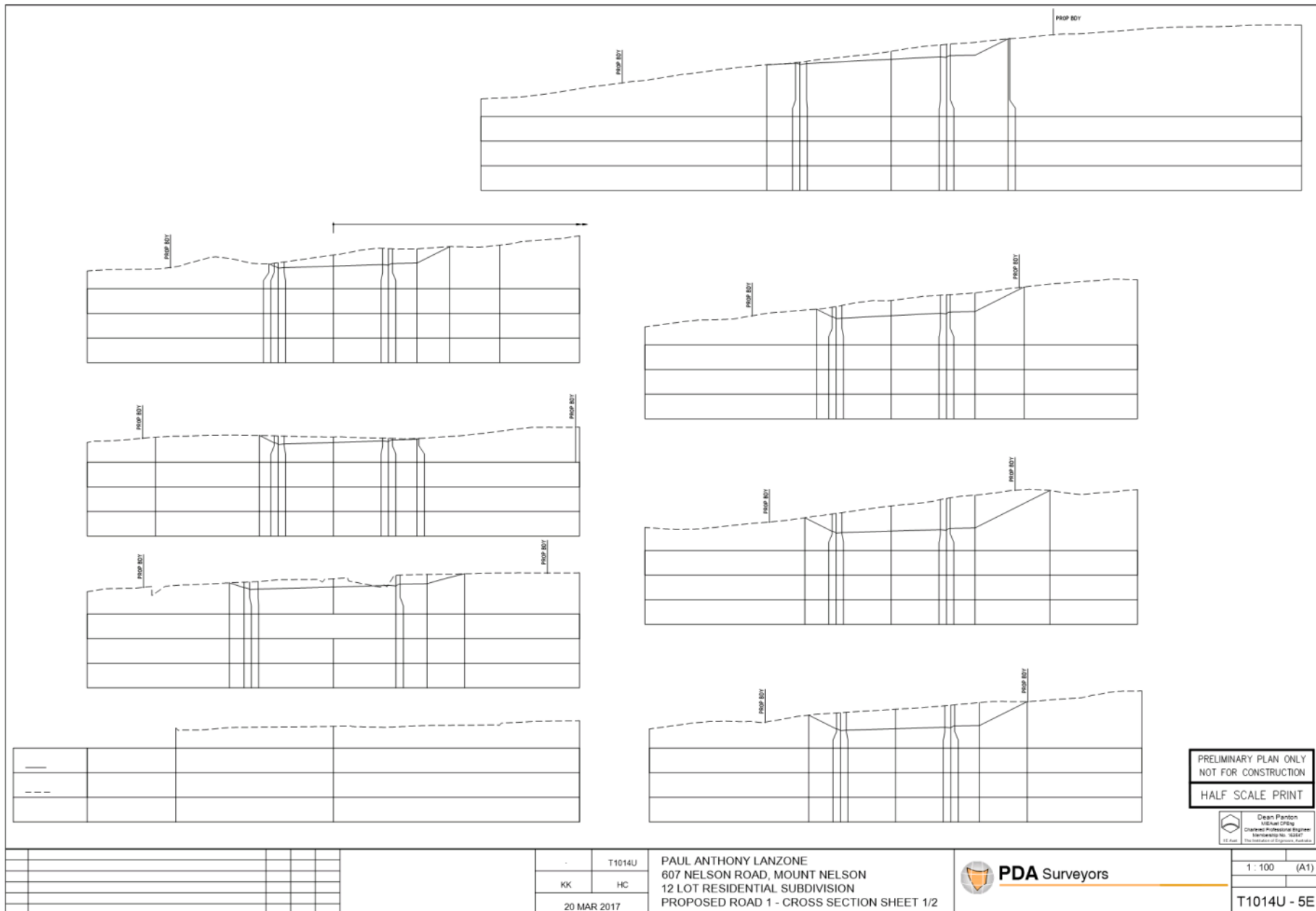
NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

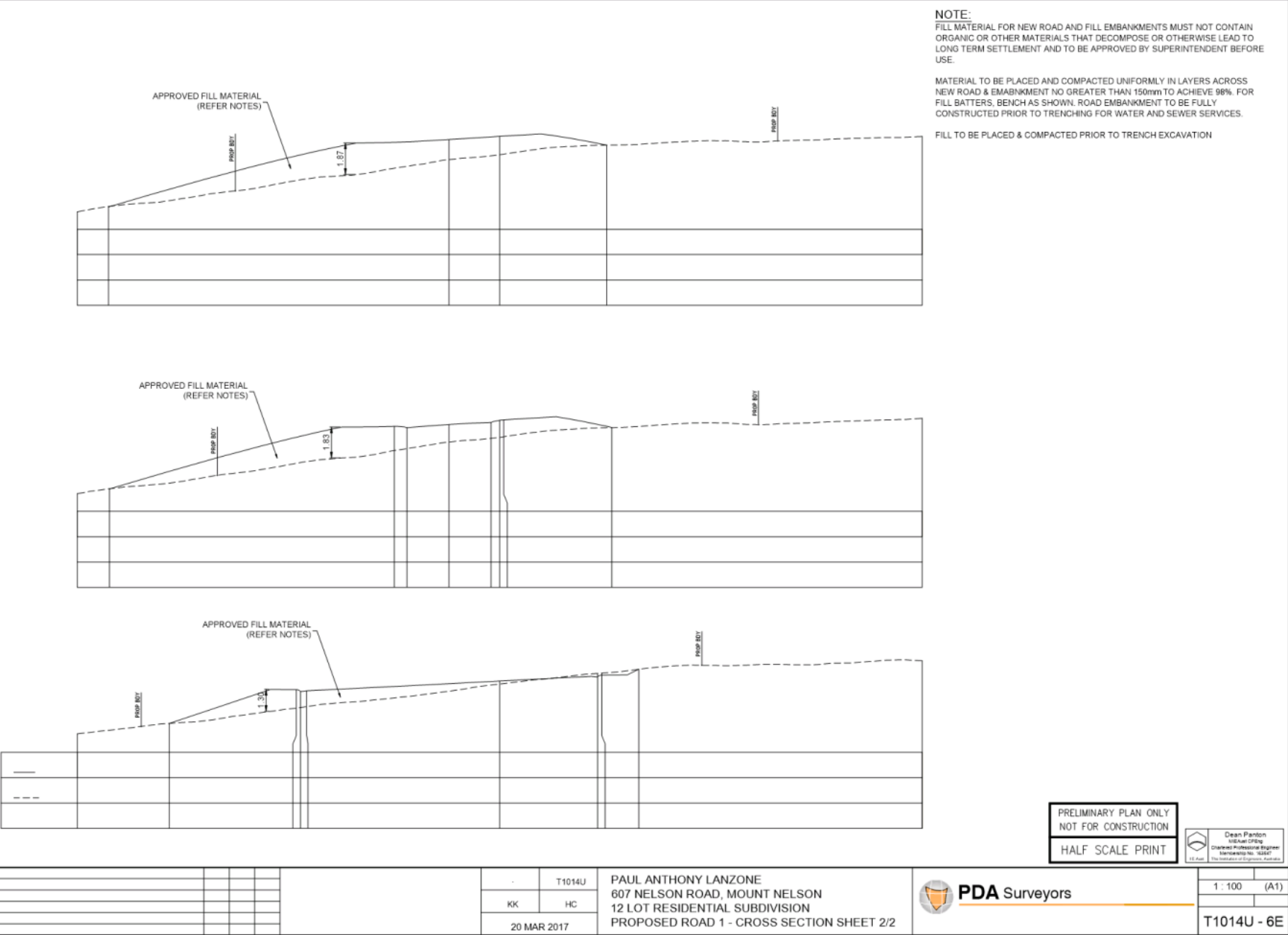














HOBART

C.M. Terry, B. SURV. (Tas.), M.SSI. (Director)
 H. Clement, B. SURV. (Tas.), M.SSI. (Director)
 M.S.G. Denholm, B. GEOM. (Tas.), M.SSI. (Director)
 T.W. Walter, Dip. Surv & Map. (Director)
 A.M. Peacock, B. APP. SC. (SURV), M.SSI. (Consultant)
 D. Pantou, B.E. M.I.E. AUST., C.P.ENG. (Consultant)
 A. Collins, Ad. Dip. Surv & Map. (Senior Associate)
 M. McQueen, B.E., M.I.E. AUST., C.P.ENG. (Associate)
 L.H. Kiely, Ad. Dip. Civil Eng. Cert IV I.T., (Associate)

KINGSTON

A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSI. (Director)

LAUNCESTON

J.W. Dent, OAM, B. SURV. (Tas.), M.SSI. (Director)
 M.B. Reid, B. GEOM.(HONS) (Tas.), M.SSI. M.A/PM (Associate)

BURNIE/DEVONPORT

A.J. Hudson, B. SURV. (Tas.), M.SSI. (Director)
 A.W. Eberhardt, B. GEOM. (Tas.), M.SSI. (Director)



PDA Surveyors
 Surveying, Engineering & Planning
 ABN 71 217 806 325

Incorporating
**WALTER
 SURVEYS**

127 Bathurst Street
 Hobart Tasmania, 7000
 Phone (03) 6234 3217

ABN 71 217 806 325
 Email: pda.hbt@pda.com.au
 www.pda.com.au

Our Ref: T1014U

L180814_U1014U re response to email

14th August 2018

Dear Rowan,

Please see below, in response to the further information and plan changes you requested in your e-mail dated 16th May 2018.

- The plans have been amended to show an updated vegetation map which reflects the current lot boundaries and shows all vegetation communities within the subject land.
- A key has been included on the plan indicating the trunk sizes of trees in the subject area. Three trunk diameter classes have been used: <0.4m; 0.4-0.7m and >0.7m.
- A table has been included on the plan providing a breakdown of:
 - The proportion of endangered DOV forest protected in the POS and under the Part 5 Agreement;
 - The numbers and proportion of blue gum and black gum trees protected in the POS and Part 5 Agreement, broken down by size class; and
 - The numbers of blue gum and black gum trees which will be lost as result of the proposed development.
- We do not propose to conduct quantitative vegetation condition assessments as Council Officers have been on site and can corroborate the qualitative observations made below.

The original North Barker report indicated that the vegetation in the former horse paddocks in the south-west of the subject land was degraded as a result of past management practices, particularly grazing. Based on the photographs and descriptions in the North Barker report, it is clear that the general condition of the vegetation in the area of the former horse paddocks has improved in the intervening period with the removal of horses and the cessation of grazing by stock.

The improved vegetation condition in this area means that there are no longer areas comprised entirely of exotic pasture grasses and weeds, and that there is some recruitment of native shrubs and trees within the former horse paddocks. Areas mapped by North Barker as 'slightly degraded' are now of similar condition to the surrounding understorey, although weed species are still present. Using the same general qualitative classification adopted by the authors, areas mapped by North Barker as 'highly degraded' could now be described as 'moderately degraded' and areas mapped as 'moderately degraded' could now be described as 'slightly degraded'.

Despite the improvements in condition, the paddock areas still contain a higher proportion of exotic species and a lower diversity of native species than the less disturbed parts of the property. There has also been little, if any, effort to control

OFFICES ALSO AT:

- | | | | |
|--|----------------|------------------------------------|----------------|
| • 6 Freeman Street, Kingston, 7050 | (03) 6229 2131 | • 16 Emu Bay Road, Deloraine, 7304 | (03) 6362 2993 |
| • 8/16 Main Road, Huonville, 7109 | (03) 6264 1277 | • 6 Queen Street, Burnie, 7320 | (03) 6431 4400 |
| • 3/23 Brisbane Street, Launceston, 7250 | (03) 6331 4099 | • 63 Don Road, Devonport, 7310 | (03) 6423 6875 |

environmental weeds on the property since the North Barker report. As a result, the range and distribution of environmental weeds is very similar today, with occurrence concentrated in the area of the former horse paddocks and in the south of the property adjoining Nelson Rd.

In terms of the significant environmental values that occur on site:

- the condition of the understorey is not directly relevant to the retention of habitat trees for Swift Parrots, but it is possible that trees will be healthier and provide better quality habitat if the surrounding understorey vegetation is native and in good condition; it is certainly true that these trees will provide better habitat for a whole range of other native fauna species if they occur within a healthy and diverse natural environment;
 - the area of land proposed for protection under a Part 5 Agreement will be subject to a management regime aimed at reducing fire hazard and is likely to result in an open, grassy understorey, but agreement conditions will require weed management and encourage retention of a native ground cover;
 - the forest on the property that is in the best condition is proposed to be reserved in the POS lot, including the bulk of the endangered DOV forest.
5. The updated plan shows to the best of our knowledge the blue gum and black gum trees that will need to be removed or impacted in the construction of sewer and stormwater infrastructure.
 6. The number of trees indicated as being retained under the Part 5 Agreement reflects a commitment to retain every tree possible in these areas in the planning and development of the site. We do not believe it will be necessary to lose any trees in these areas as a result of infrastructure development, but some root disturbance to some trees may occur, subject to final engineering design. Because this area doubles as the Bushfire Hazard Management Area for Lots 4-8, the number of trees which can be retained will probably change over time. Growth of trees and spread of canopies will increase fire hazard and may result in selective thinning to maintain the required canopy separation in the vicinity of dwellings.
 7. To the best of our knowledge, pending final engineering design, the only trees that will need to be removed are indicated on the updated plan.
 8. A revised copy of the BHMP and bushfire report is attached along with the updated plan of subdivision.

Yours faithfully
PDA Surveyors

Per:



Hugh Clement
Director/Registered Surveyor



28 Suncrest Avenue
Lenah Valley, TAS 7008
mark@ecotas.com.au
www.ecotas.com.au
(03) 62 283 220 (personal)
0407 008 685 (mobile)
ABN 83 464 107 291

Hugh Clement
Director
PDA Surveyors
127 Bathurst Street
Hobart, TAS 7000

8 September 2016

Dear Hugh

RE: Statement of findings

Response to correspondence from Hobart City Council dated 27 May 2015

607-627 Nelson Road, subdivision (12 lots): Application No. PLN-14-01177-01

Please find following some statements in response to Council's request for further information in regard to ecological matters related to PLN-14-01177-01 (607-627 Nelson Road – subdivision into 12 lots).

Specifically, correspondence from Council indicated the following:

6. Please provide an updated flora and fauna assessment. The update must be prepared by a suitably qualified and experienced person in accordance with the attached Flora and Fauna Assessment Brief (December 2010).

Advice: The flora and fauna assessment titled 607-627 Nelson Road, Mt Nelson, Vegetation Assessment January 5 2005 – CRO02 is now almost 10 years old. An update to this assessment is necessary paying particular attention to the area where the subdivision will be occurring.

I was provided with the original ecological assessment of the title area undertaken by North Barker Ecosystem Services, titled:

North Barker Ecosystem Services (NBES) (2005). *607-627 Nelson Rd, Mt Nelson: Vegetation Assessment, January 5 2005 – CRO02*. Report for P&A Lanzone.

I have reviewed that report and undertaken a site assessment on 12 August 2016 in the company of Hugh Clement (PDA – planning and engineering aspects) and Mark van den Berg (MRH Environment & Resource Planning – bushfire hazard management planning).

In my opinion, the report by North Barker Ecosystem Services is thorough, detailed and appropriately addressed ecological matters. While I concur with Council that it has now been approximately a decade since the report was prepared, I do not believe that a whole new report is necessary. Rather, I will address specific matters below.

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Assessment standards

Since the production of the report by North Barker Ecosystem Services (NBES), the Department of Primary Industries, Parks, Water & Environment (DPIPWE) have released two versions of guidelines for environmental consultants to follow for assessment of development proposals (one in 2009, the other in 2015). In this period, Hobart City Council (and now City of Hobart) have also released their own guidelines for this type of assessment. It is noted that reports produced by NBES prior to 2009 already adhered to the guidelines that were to come and their assessment standards and report format essentially set the benchmark in DPIPWE's guidelines.

On this basis, I find that apart from some very minor (and inconsequential) matters of interpretation, production of a new report to slightly more formally adhere to the *Guidelines for Natural Values Surveys - Terrestrial Development Proposals* (DPIPWE 2015) is not warranted and the present statement is restricted to some more specific matters.

Vegetation classification

In my opinion, the vegetation mapping provided in NBES (2005) is accurate and suitable for consideration of approval of the subdivision, including development of any offset/mitigation strategies and bushfire hazard management planning. I base this statement on my site assessment of 12 August 2016 at which time I reviewed the NBES (2005) mapping by walking through the forest between Lambert Rivulet and Nelson Road/Hargraves Place.

I note in particular the statement made by NBES (2005) in relation to the "*Eucalyptus ovata* forest and woodland" (TASVEG code: DOV), a threatened vegetation type close to Nelson Road, including *Eucalyptus obliqua* as a sub-dominant canopy species. This was considered at some length on site because some of the vegetation originally mapped as DOV has now been cleared as part of the approved access to the northern part of the title on the other side of Lambert Rivulet and if now mapped, part of the slope adjacent to Nelson Road could be included in "*Eucalyptus obliqua* dry forest" (TASVEG code: DOB), a non-threatened vegetation type. This is mentioned because it is part of my consideration of the potential impact of the subdivision proposal on ecological values and the appropriateness of the proposed offset.

The area proposed for subdivision supports two TASVEG 3.0 vegetation types, namely:

- "*Eucalyptus ovata* forest and woodland" (TASVEG code: DOV): classified as threatened under Schedule 3A of the Tasmanian Nature Conservation Act 2002; extent, condition and description as per mapping by NBES (2005); and
- "*Eucalyptus pulchella* forest and woodland" (TASVEG code: DPU): not threatened; extent, condition and description as per mapping by NBES (2005).

Since 25 November 2009, the administrative control on clearing of vegetation (including those classified as threatened under Schedule 3A of the Tasmanian *Nature Conservation Act 2002*) associated with actions requiring a permit under the relevant planning scheme approved under the *Land Use Planning and Approvals Act 1993*, lies with the local government authority. This includes the development of appropriate offsets/mitigation within the constraints of the planning scheme.

I have reviewed the most recent plan of subdivision provided by PDA and strongly endorse the proposal to exclude development along Lambert Rivulet, with virtually all the DOV (threatened) vegetation captured within this proposed reserve. My understanding is that there can now be a headwater to sea reserve along Lambert Rivulet, capturing a range of vegetation types including some high quality DOV on this particular title (which extends to the title to the west). While development on the slope adjacent to Nelson Road will result in a small loss of DOV (as mapped), in my opinion this is acceptable in the context of the proposed reserved system along Lambert Rivulet. I understand that it is also possible to include additional public open space adjacent to the public right of way, which may capture some additional DOV vegetation.

Threatened flora

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The original report by NBES did not find any sites of threatened flora from the forest south of Lambert Rivulet. My additional site assessment concurs with this finding.

There is no requirement for a permit under Section 51 of the Tasmanian *Threatened Species Protection Act 1995* nor a referral under the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* in relation to threatened flora.

Threatened fauna

Since the assessment by NBES (2005), there have been some minor changes to the lists of fauna included on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, as follows:

- eastern quoll (*Dasyurus viverrinus*): now listed as Endangered on the EPBCA (not listed on TSPA);
- Tasmanian devil (*Sarcophilus harrisii*): now listed as endangered on both the TSPA and EPBCA;
- Tasmanian masked owl (*Tyto novaehollandiae* subsp. *castanops*): now also listed on the EPBCA as Vulnerable (was originally considered by NBES (2005) and I concur with their commentary); and
- swift parrot (*Lathamus discolor*): status upgraded on EPBCA to Critically Endangered (see comments below).

Other species were considered by NBES (2005) and I concur with their findings and statements.

In relation to the eastern quoll and Tasmanian devil, there is no direct evidence of use of the site by these species, although the large expanse of native vegetation in the area is almost certainly part of the range of one or more individuals of these species (and the spotted-tailed quoll). Given the level of proposed vegetation retention along Lambert Rivulet and the lack of specific sites (e.g. dens) requiring active management, no further recommendations are made in relation to these species.

In relation to the swift parrot, NBES (2005) made the following statements:

"The location of the property is of strategic significance from a conservation perspective. It incorporates the headwaters of Lambert Gully which is mostly located within the HCC managed Skyline Reserve. It includes significant forest community habitat for one listed plant species and a number of foraging trees for the Swift Parrot.

The site includes core foraging habitat for the swift parrot (*Lathamus discolor*). Of particular significance are the black gums (*E. ovata*) and the larger canopy blue gums".

I concur with these statements.

"The design of any subdivision proposal has not been developed at this stage and so comments can only be generalised rather than specific.

The impact of any subdivision will depend on the extent of bushland clearance of the lots. Clearance, weed spread, predation by pets and effluent spread could all impact on the biological values. The most significant impact is the potential loss of the foraging habitat of the swift parrot".

I concur with these statements but note that they pre-date the approval of the balance lot to the north of Lambert Rivulet and the revised subdivision design that now includes a large reserve along Lambert Rivulet.

"There is however opportunity through the planning approvals process to achieve an outcome that secures the most significant areas for conservation. The current practice of horse grazing, perfectly acceptable within the current zoning has destroyed much of the conservation values of one small area and these impacts have been extended in recent times to new areas which will ultimately themselves be degraded. The understorey is replaced with pasture species and weeds and the processes of natural recruitment are prevented resulting in the long term decline and ultimate loss of native vegetation from the system. It would be preferable to

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lose a portion of the vegetation to residential development to ensure certain security for the balance”.

I concur with these statements and note that the proposed subdivision design includes reservation of virtually all the threatened vegetation (DOV) and much of the potential foraging habitat of the swift parrot.

“The presence of swift parrot foraging habitat within close proximity to residences can result in an increased bird strike hazard resulting from collisions with fences and windows. Any additional housing potentially increases this risk although guidelines developed to minimise this hazard would reduce the risk”.

While I concur with the statement by NBES (2005) I do not believe that specific mitigation that can be applied at the level of subdivision planning is practical. There are some guidelines available (*Minimising the Swift Parrot Collision Threat: Guidelines and Recommendations for Parrot-safe Building Design* – WWF (2008)) that may be applicable for individual residences, although I am reluctant to endorse these because of the practicality of their application and the lack of supporting evidence for some of the specific guidelines. That said, some of the general principles I believe are sound but these should only be applied to a more detailed proposal (such as a residence) and will need to be considered very much on a case-by-case basis.

“Foraging habitat is widespread throughout the property in the form of blue gums and black gums.

Detailed mapping of the locations of foraging trees would be necessary to determine the extent of this habitat and the scale of any impacts”.

I do not believe that detailed mapping of individual trees is warranted. This statement was made prior to the revised subdivision proposal that essentially captures the majority of the DOV and many of the larger blue gums.

“The swift parrot is listed as endangered under the Commonwealth *Environment Protection and Biodiversity Act 1999*. Any losses of blue gums or black gums will require referral to Dept of Environment and Heritage (DEH) in Canberra before any action takes place which could affect the local habitat or individuals of this species. A development that involves the loss of any trees should be determined as a ‘controlled action’ and a proposition to offset any losses should be presented to ensure that DEH support the proposal and provide the necessary permit”.

In the period in which the NBES (2005) report was produced, the prevailing opinion appeared to be that any loss of any blue gum or black gum constituted a significant impact on the swift parrot and referral under the EPBCA was required. In my opinion, this view is no longer valid and any proposal needs to be considered against the Commonwealth Department of the Environment’s *Significant Impact Guidelines* policy statement (CofA 2013) to determine if referral to the department is required.

In my opinion, with respect to the swift parrot, any proposed disturbance within the study area will not constitute a “significant impact” because while there may be a loss of/disturbance to a small area of potential habitat, the loss is not such that it is likely to lead to a long-term decrease in the size of an important population of a species; reduce the area of occupancy of an important population; fragment an existing important population into two or more populations; adversely affect habitat critical to the survival of a species; disrupt the breeding cycle of an important population; modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline (see below); result in invasive species that are harmful to a threatened species becoming established in the threatened species’ habitat; introduce disease that may cause the species to decline; or interfere substantially with the recovery of the species (these criteria are those listed in the *Guidelines*).

Under the *Guidelines*, “habitat critical to the survival of a species or ecological community” refers to areas that are necessary for activities such as foraging, breeding, roosting, or dispersal. Such habitat may be, but is not limited to: habitat identified in a recovery plan for the species or ecological community as habitat critical for that species or ecological community; and/or habitat listed on the Register of Critical Habitat maintained by the minister under the EPBCA.

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"Critical Habitat" has not been defined or registered for the swift parrot. Its habitat, however, is well understood, and includes forest and woodland dominated by, or supporting *Eucalyptus globulus* and/or *Eucalyptus ovata*, as is present within the title. While these areas are necessary for foraging, to qualify as a significant impact, any loss would need to be such that it would "modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline". Recognising that incremental loss of trees is a genuine risk to a species such as the swift parrot (i.e. "death by a thousand cuts"), classifying the loss of a small number of trees from a much larger forest extent, which will include substantial formal reservation of the majority of the forest dominated the key foraging habitat trees is difficult to justify. On this basis, my opinion is that this proposal does not warrant referral under the EPBCA.

"Likewise the swift parrot is listed as endangered on the schedules of the Tasmanian *Threatened Species Protection Act 1995*. It would be worthwhile first gaining support from the Unit of the proposal. It is likely that DEH will consult the TSU for their view on the proposal.

A 'permit to take' will need to be applied for at the Threatened Species Unit, DPIWE to disturb the potential habitat of the parrot. The TSU are understood to be developing guidelines for offset conservation. In the meantime a benchmark of 5:1 is sought whereby 5 times the number of plants to be affected is to be protected for conservation. Ideally these trees should be identified on site".

In my opinion, this statement is not correct. Under Section 51 of the TSPA, a permit is required to knowingly "take" (which includes kill, injure, catch, damage, destroy and collect), keep, trade in or process any specimen of a listed species. Potential habitat of threatened fauna is more complex to manage under Section 51 of the Act because unless works would result in the "taking" of a specimen, a permit under the Act is not technically possible. However, it is usual for development proposals involving the disturbance of potential habitat of threatened species listed on the Act to be referred to DPIPWE for advice. In the absence of being in a position to issue a permit under Section 51 of the Act, DPIPWE's Policy & Conservation Advice Branch (PCAB) may make recommendations to a development proponent in regard to managing habitat of threatened species and/or may endorse or comment on proposed offset/mitigation strategies. Whether Council seeks such advice from PCAB (DPIPWE) or not is an internal matter. In my opinion, the proponent has offered an offset/mitigation strategy in relation to threatened vegetation and potential habitat of the swift parrot that should be strongly endorsed by all parties because it will result in a headwater to sea reserve along Lambert Rivulet connecting several reserves and will include substantial areas of habitat for the swift parrot (and other threatened fauna species). I rarely encounter such well-considered land use proposals that far exceed nominal benchmarks set under different planning systems (e.g. 5% public open space, ratios of 5:1, etc.).

Weeds

The NBES (2005) report is comprehensive with respect to both declared weeds (under the Tasmanian *Weed Management Act 1999*) and environmental weeds (other species with potential to become invasive).

Bushfire hazard management

The site assessment of 12 August 2016 was in the company of Hugh Clement (PDA – planning and engineering aspects) and Mark van den Berg (MRH Environment & Resource Planning – bushfire hazard management planning) such that the constraints presented by ecological values could be incorporated into such bushfire hazard management planning. My conclusion was that because of the extensive reserve proposed along Lambert Rivulet that fire management on individual lots could be developed in accordance with present guidelines without the need for specific consideration of individual trees.

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Please do not hesitate to contact me if you have further queries.

Yours sincerely



Mark Wapstra
Senior Scientist/Manager



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DEVELOPMENT APPLICATION DOCUMENT
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Planning Authority: Hobart City Council

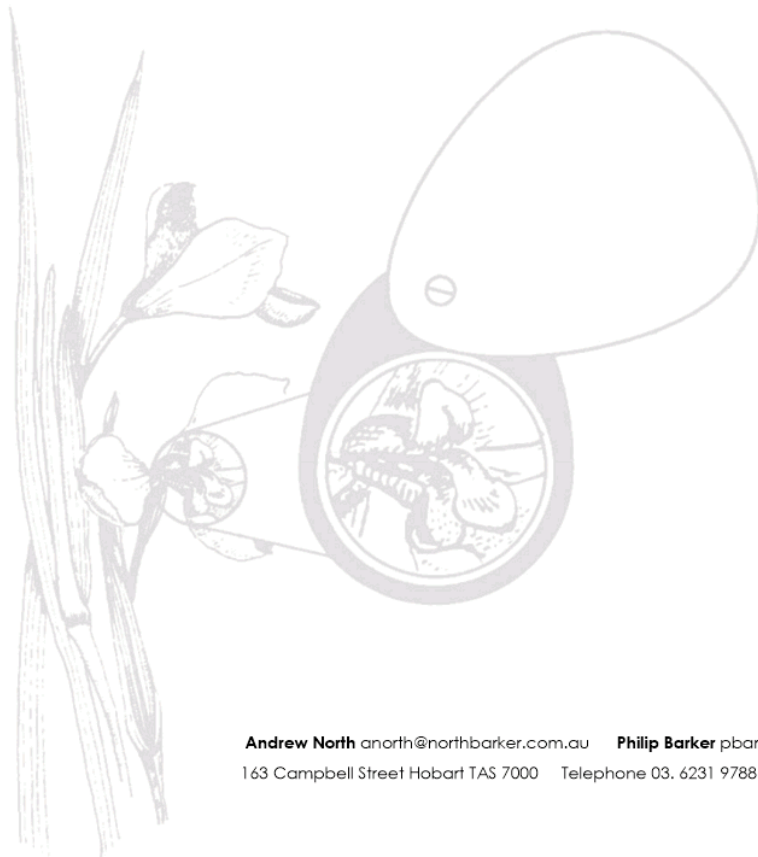
northbarker
ECOSYSTEM SERVICES

607-627 Nelson Rd,
Mt Nelson

VEGETATION ASSESSMENT

January 5 2005 – CRO02

For P&A Lanzone



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	<div>DEVELOPMENT APPLICATION DOCUMENT</div> <div>This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.</div>	<div>607-627 Nelson Rd, Mt Nelson</div> <div>Flora and Fauna Habitat Assessment</div> <div>5_01_05</div>
: 20 December 2004	Planning Authority: Hobart City Council	

Andrew North

: Timed Meander Search Procedure¹

Subdivision potential is being investigated for 607-627 Neslon Rd, Mt Nelson. *NorthBarker Ecosystem Services* have been contracted to undertake a flora and fauna habitat survey of the property to meet HCC planning requirements. This report is the result of the survey which, as well as presenting the flora and fauna values of the allotment, considers any requirements for a Permit for the disturbance of threatened species and the need for a Forest Practices Plan. This report includes a review of the potential of the site to support threatened species known to occur in the vicinity of the area.

The design of any development plans have not been presented at the stage of undertaking the survey.

In addition to native plant species, all non-native species have been recorded with emphasis on 'declared weeds' listed in the *Weed Management Act 1999* plus any environmental weeds.

The survey was undertaken in early summer. Although this is perhaps the optimum time to capture the broadest range of species on site, there are likely to be some species present that could have been overlooked during the survey. These include winter and spring flowering orchids. However all threatened plant species known from the Hobart area are considered in the light of habitat suitability.

The size of the study area is approximately 9.1 hectares. It is situated within the 500 mm to 625 mm annual rainfall zone. The geology is Jurassic dolerite supporting fertile clay rich soils with significant surface rocks and underling bedrock exposed in some locations content. The study area occurs in the Tasmanian South East bioregion.

The property is located just off the northern ridge of Mt Nelson. It includes the headwaters of Lambert Rivulet and associated upper slopes. Aspect is generally northerly and varies from northwest through to north-easterly.

The property is entirely characterised by native bushland although the western end has been utilised for horse grazing for many years which has impacted on the structure and floristics. Existing residences adjoin the property to the east and south generally up slope. Downslope it is contiguous with an extensive area of bushland that includes a Council Reserve to the north. There is a small Council Reserve adjacent to the Nelson Rd end of the property that is used to house a sewerage pumping station.

The vegetation mapping for the study area is correctly shown on the Hobart City Council Vegetation Map. The study area supports two native vegetation communities – Black Gum (*E. ovata*) shrubby forest and White Peppermint (*E. pulchella*) grassy forest.

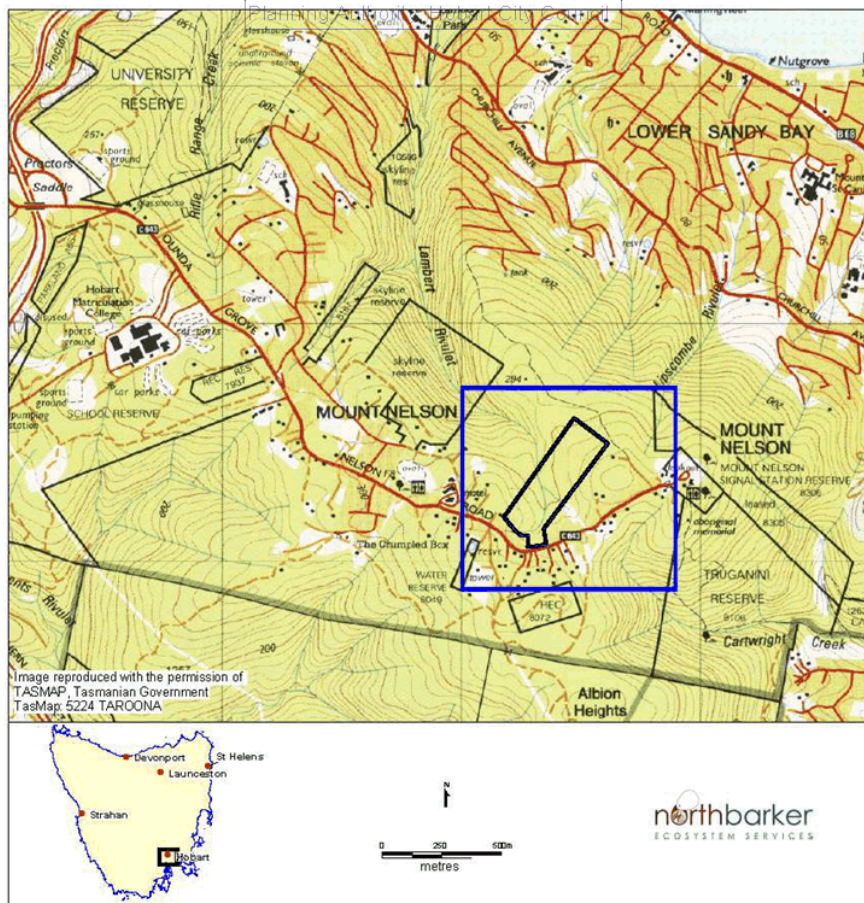
¹ Goff *et al*, 1982

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607-627 Nelson Rd, Mt Nelson
Flora and Fauna Habitat Assessment
5_01_05



The communities are assigned to the following TASVEG community and are discussed as follows:

Eucalyptus ovata

This is associated with the moist environments around the Lambert Creek and an unnamed tributary occupying 2.4 ha. It also includes the slopes adjoining Nelson Rd where stringybark (*E. obliqua*) is sub dominant and there is a more open understorey similar to the *E. pulchella* dominated grassy forest. Generally this community is characterised by a secondary tree / tall shrub layer of blackwood (*Acacia melanoxylon*), prickly mimosa (*A. verticillata*) and banksia (*B. marginata*). A dense ground shrub layer includes Parrot bush (*Goodenia ovata*) and manuka (*Leptospermum scoparium*). Sword sedge (*Lepidosperma elatius*) is a dominant ground cover. Blackberry is common forming scattered patches throughout the community and regionally.

E. ovata forest is classified as the highest level of threat - endangered at both state-wide and bioregional level. Favoured habitat is associated with floodplains and fertile alluvial soils consequently it has suffered significantly to land clearance. Less than

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13000 ha remain in Tasmania representing approximately 7% of the original pre European extent. Of 3250 ha mapped in the Southeast bioregion only 206 ha are protected in conservation reserves. The HCC vegetation map identifies 31 ha of *E. ovata* forest/woodland in Hobart of which 11 ha are protected in public reserves.



E. ovata

Eucalyptus pulchella

This dominates the vegetation on the property occupying 2.4 ha and is widespread on the dolerite hills of Mt Nelson. The example is richly diverse including Blue Gum (*E. globulus*) and Black Gum (*E. ovata*) as subdominants. Secondary trees and shrubs include She oak (*A. verticillata*) on the driest and steepest slopes, notably in the northwest corner, prickly box (*Bursaria spinosa*), bull oak (*A. littoralis*), native cherry (*Exocarpos cupressiformis*), blanket leaf (*Bedfordia salicina*). Prominent low shrubs include prickly beauty (*Pultenaea juniperina*), rice flower (*Pimelea nivea*), daisy bush (*Olearia ramulosa*) and typical prostrate shrubs of this community such as *Astroloma humifusum*, *Lissanthe strigosa*, *Acrotriche serrulata*, *Pimelea humilis*, *Bossiaea prostrata* and *Hibbertia hirsuta*. A diverse herb layer includes a moderately dense range of grasses and graminoids plus a variety of herbs. A full list of the floristic composition of each community is provided in Appendix 1.

This facies of *E. pulchella* forest is significant for the prominence of blue gum (*E. globulus*) which is co-dominant in places.

This community is widespread and common state-wide with 152000 ha mapped representing 76% of its pre European extent. In the Southeast Bioregion there are 143000 ha of which 32000 ha are protected in reserves. In Hobart there are 886 ha mapped of which 376 ha are protected in reserves.

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E. pulchella

Equivalent described floristic community ²	Equivalent Mapped TASVEG Community	State-wide Conservation Priority	Regional Conservation Priority ³
Grassy and Shrubby <i>E. ovata</i> forest			
DRY-gOV Grassy <i>E. ovata</i> forest DRY-shOV Shrubby <i>E. ovata</i> forest	Shrubby <i>E. ovata</i> forest OV	Endangered Inadequately reserved	Endangered Inadequately reserved
<i>Eucalyptus pulchella</i> forest			
DRY-gPUL – Grassy <i>E. pulchella</i> forest	<i>E. pulchella</i> / <i>E. globulus</i> / <i>E. viminalis</i> grassy shrubby dry sclerophyll forest P	Not threatened adequately reserved	Not threatened adequately reserved

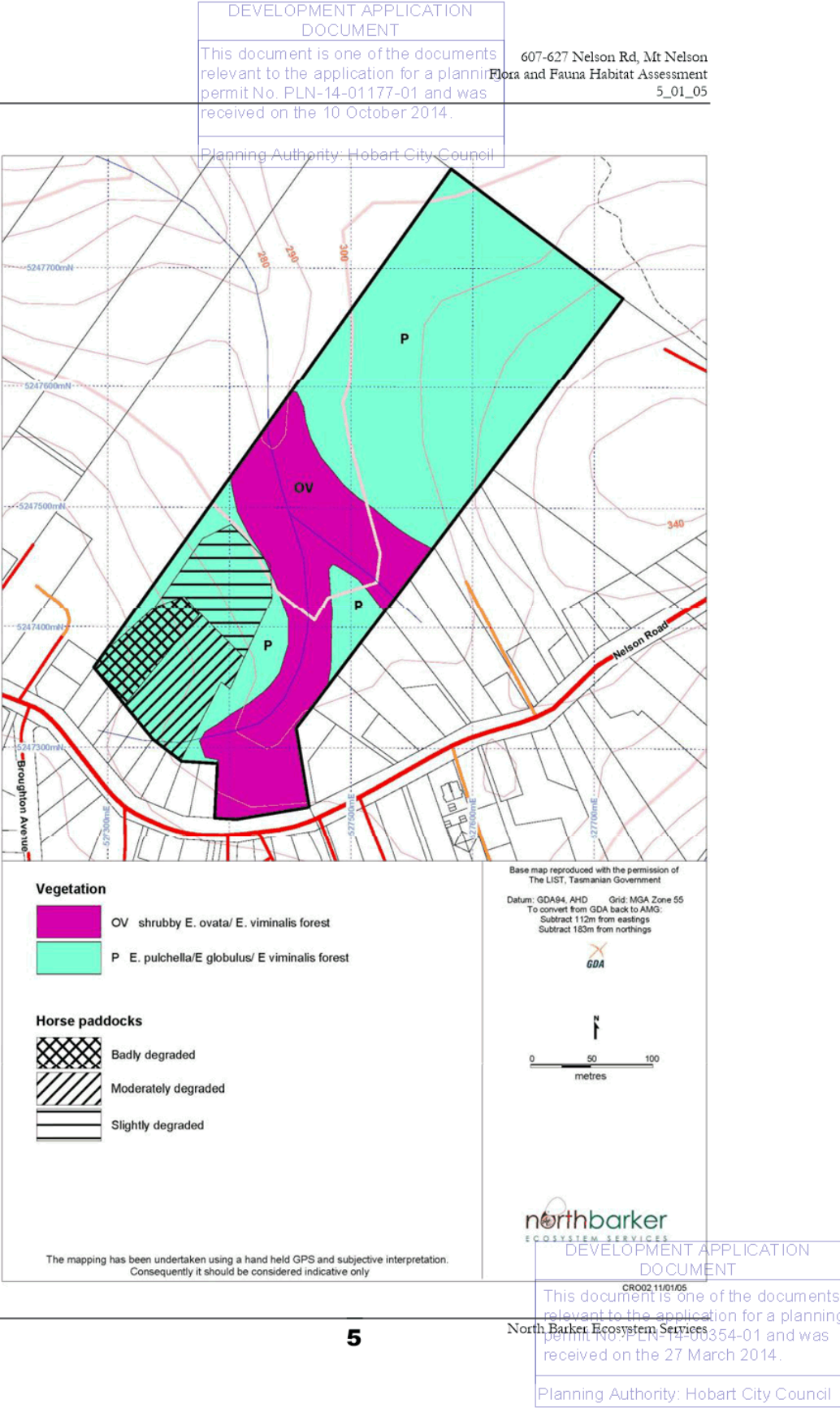
² Kirkpatrick et al 1995, North et al 1998

³ CARSAG 2003

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A total of 141 species were recorded (including 30 introduced species) - full species list given at the end of the report.

No vascular plant species of National conservation significance, listed in the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* were recorded.

One vascular plant species of state conservation significance listed on schedule 5 (rare) of the *Tasmanian Threatened Species Protection Act 1995* was recorded - tall wallaby grass (*Austrodanthonia procera*). The population is small given that it was recorded from only a single location. Accurate measurement of population numbers was not possible due to the timing of the survey. It is likely to be in the high 10s to low hundreds. Native grasses were just commencing flowering and the distinctive characteristics of this species are not obvious at the time of survey. There are other species of superficially similar wallaby grasses on the property. Positive identification requires the presence of flowering material necessary to distinguish it from other similar species of wallaby grass.

The presence of tall wallaby grass - *Austrodanthonia procera* is unsurprising. The author has recorded it from many properties in Hobart and particularly in the Mt Nelson area. It has been documented from 45 locations of which nearly half (21) occur on land managed by Hobart City Council⁴. It is also widespread in the Meehan Range where it has been recorded from several reserves. Elsewhere there are scattered records from the Midlands and East Coast. This plant is reserved in East Risdon State Reserve, Meehan Range Conservation Area, and several council reserves including The Domain, Knocklofty Reserve, Ridgeway Reserve, and Waverly Flora Park.

Species	Conservation Status ⁵		Observations/Comments
	State	National	
<i>Austrodanthonia procera</i> Tall wallaby grass	Rare	-	Recorded during this survey
<i>Austrodanthonia popinensis</i> Roadside wallaby grass	Endangered	Endangered	Recorded from University Reserve. Not present in study area
<i>Carex gunniana</i> Mountain sedge	Rare	-	Potential habitat in association with the creeklines but not observed
<i>Carex tasmanica</i> Curly Sedge	-	Vulnerable	Potential habitat in association with the creeklines but not observed
<i>Cynoglossum australe</i> Australian hound's tongue	Rare	-	Marginal habitat – this is a species of coastal environments and dry rocky hillsides
<i>Euphrasia scabra</i> Yellow eyebright	Endangered	-	Historic records only from area. Not observed, but likely to be outside flowering season
<i>Genoplesium nudum</i>	Rare	-	Not observed although outside

⁴ North Barker 2004

⁵ *Tasmanian Threatened Species Protection Act 1995*, Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

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Species	Conservation Status ⁵		Observations/Comments
	State	National	City Council
Tiny midge orchid			flowering period
<i>Juncus amabilis</i> Gentle rush	Rare	-	Potential habitat in association with the creeklines but not observed
<i>Lepidium hyssopifolium</i> Basalt peppercress	Endangered	Endangered	Not recorded and unlikely to have been overlooked
<i>Lepidium pseudotasmanicum</i> Shade peppercress	Rare	-	Known from a nearby locations but not observed.
<i>Scleranthus brockiei</i> Brock knawel	Rare	-	Dry open habitat. Possibly suitable habitat present, although unlikely to have been overlooked.
<i>Scleranthus fasciculatus</i> Spreading knawel	Vulnerable	-	Marginal habitat this species is more typically associated with deeper soils. Not observed and unlikely to have been overlooked.
<i>Senecio squarrosus</i> Leafy groundsel	Rare	-	Potential habitat but not observed. This species responds to fire and is known from nearby sites of similar habitat so there is a reasonable chance of its occurrence
<i>Vittadinia muelleri</i> Narrow leaf New Holland daisy	Rare	-	Not observed potential habitat limited to rock plate habitats which were targeted in survey

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The property includes a number of typical environmental weeds known to occur throughout bushland on Mt Nelson. Many of these are scattered at moderately low densities as being bird sown introductions from nearby gardens. Most alarming is an apparent proliferation of a heath species – *Erica arborea*. Although the author has been aware of localised infestations of this species on Mt Nelson it appears to be 'on the move' and has the potential to be a serious environmental weed that would impact on the management of the nearby Skyline Reserve.



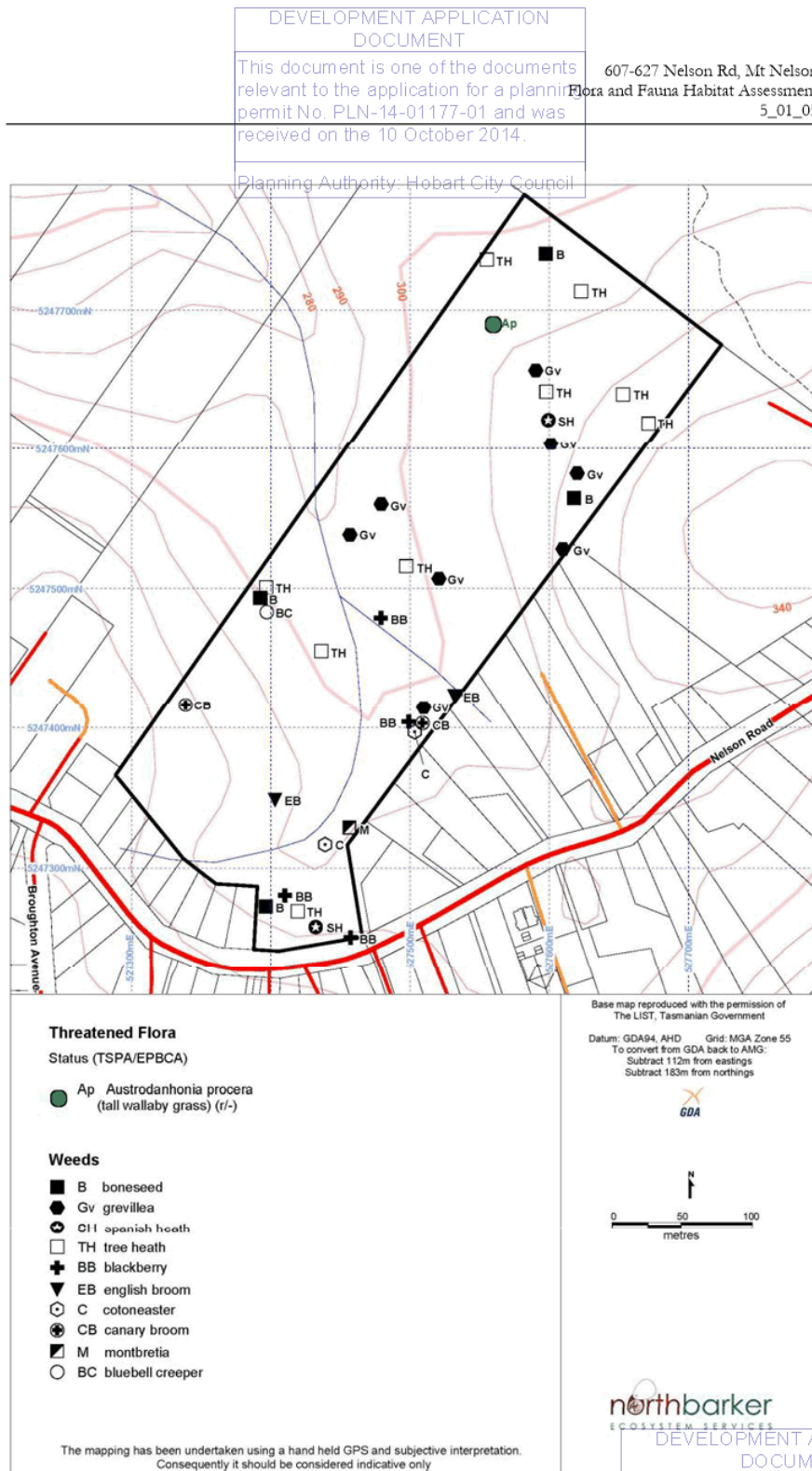
Erica arborea

Blackberry (*Rubus fruticosus*) is widespread and locally prominent within the moist soils associated with the drainage lines where it forms some large patches up to 10m across.

This species is listed as a 'declared weed' under the *Weed Management Act 1999 Section 9*. Other declared weeds recorded include Boneseed (*Chrysanthemoides monilifera*), English Broom (*Cytisus scoparius*), Canary Broom (*Genista monspessulana*), Fennel (*Foeniculum vulgare*) and Spanish Heath (*Erica lusitanica*).

Other notable environmental weeds include Montbretia (*Crocasmia Xerocosmiflora*), Bluebell Creeper (*Sollya heterophylla*), *Grevillea* hybrids and *Cotoneaster* spp.

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Lathamus discolor Listed as both nationally and on a state-wide basis, this is a nectivorous summer visitor that relies primarily on Blue Gum (*Eucalyptus globulus*) and Black Gum (*E. ovata*) during the breeding season. The annual breeding success of the Swift Parrot is related to the timing and abundance of the irregular Blue Gum flowering. The birds also depend upon the more regular flowering Black Gum for foraging. The main threat to this species is habitat loss. One difficulty in curtailing the loss of habitat is the incremental nature of the loss as many large and small stands are cleared independently for various reasons over time. The sum of combined small losses is significant.

The Swift Parrot's core foraging and breeding habitat is largely in the south east of Tasmania but also in parts of the north. *E. ovata* and *E. globulus* trees in the study area are an important foraging habitat for the Swift Parrot. Birds were recorded on the property foraging in blue gums during the survey. They are known to be frequent visitors to blue gums just to the north of the property and nest in a gully behind Hobart College.

Blue Gums *E. globulus* are widespread across the property. Black gums *E. ovata* are abundant along the drainage lines but also extend into *E. pulchella* forest in the south west portion of the property.

Species	Conservation Status ⁶		Observations/Comments
	State	National	
Tasmanian Masked Owl <i>Tyto novaehollandiae castanops</i>	Endangered	-	Suitable habitat – may be present. Very remote chance of breeding habitat may utilise habitat for hunting.
Swift Parrot <i>Lathamus discolor</i>	Endangered	Endangered	The Blue gums and black gums provide core foraging habitat and potentially suitable nesting trees appear to be present.
Grey goshawk <i>Accipiter novaehollandiae</i>	Endangered	-	Low suitability. No breeding habitat present but casual visitation possible.
Forty-spotted pardalote <i>Pardalotus quadragintus</i>	Endangered	Endangered	Core habitat is <i>Eucalyptus viminalis</i> . No such trees were observed during the survey. Nearest known colony in Taroona although they are regular visitors to Lambert Gully downstream of the property.
Spotted-tailed quoll <i>Dasyurus maculatus</i>	Rare	Vulnerable	Has been recorded within the last 12 years from within 5 km of the study area. However because of the site's close proximity to residential areas, it is not likely to be of highly favourable habitat for this species.

The location of the property is of strategic significance from a conservation perspective. It incorporates the headwaters of Lambert Gully which is mostly located

⁶ Tasmanian Threatened Species Protection Act 1995, Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

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within the HCC managed Skyline Reserve. It includes significant forest community habitat for one listed plant species and a number of foraging trees for the Swift Parrot.

The presence of the rare plant species Tall wallaby Grass (*Austrodanthonia procera*) is not regarded as highly significant in the overall conservation context of this species.

An assessment of flora and fauna conservation values throughout Hobart that considered the implications to Council planning decisions identified seven plant species (that include *A. procera*) listed in the TSPA 1995 that are common and well reserved in the municipality. It suggested that:

“It is unlikely that a planning application for a site that was found to support any these species should be refused outright on the basis of their occurrence”.⁷

The site includes core foraging habitat for the swift parrot (*Lathamus discolor*). Of particular significance are the black gums (*E. ovata*) and the larger canopy blue gums.

Eucalyptus ovata forest is arguably one of the most significant forest communities in the State and is currently very poorly captured in public reserves. The community on site is in moderately good condition and structurally intact although it has some weed infestations.

Overall the site can make a contribution to conservation. The presence of a significant area of dry forested vegetation in relatively good condition and in close proximity to Hobart would provide a refuge for a number of plant and animal species. This property has been recommended in the Skyline Reserve Management Plan for acquisition into the existing reserve system in the area.⁸




⁷ North Barker 2004

⁸ HCC 1998

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North Barker Ecosystem Services

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The design of any subdivision proposal has not been developed at this stage and so comments can only be generalised rather than specific.

The impact of any subdivision will depend on the extent of bushland clearance of the lots. Clearance, weed spread, predation by pets and effluent spread could all impact on the biological values. The most significant impact is the potential loss of the foraging habitat of the swift parrot.

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There is however opportunity through the planning approvals process to achieve an outcome that secures the most significant areas for conservation. The current practice of horse grazing, perfectly acceptable within the current zoning has destroyed much of the conservation values of one small area and these impacts have been extended in recent times to new areas which will ultimately themselves be degraded. The understorey is replaced with pasture species and weeds and the processes of natural recruitment are prevented resulting in the long term decline and ultimate loss of native vegetation from the system. It would be preferable to lose a portion of the vegetation to residential development to ensure certain security for the balance.

The presence of swift parrot foraging habitat within close proximity to residences can result in an increased bird strike hazard resulting from collisions with fences and windows. Any additional housing potentially increases this risk although guidelines developed to minimise this hazard would reduce the risk.

Foraging habitat is widespread throughout the property in the form of blue gums and black gums.

Detailed mapping of the locations of foraging trees would be necessary to determine the extent of this habitat and the scale of any impacts .

The swift parrot is listed as endangered under the Commonwealth *Environment Protection and Biodiversity Act 1999*. Any losses of blue gums or black gums will require referral to Dept of Environment and Heritage (DEH) in Canberra before any action takes place which could affect the local habitat or individuals of this species. A development that involves the loss of any trees should be determined as a 'controlled action' and a proposition to offset any losses should be presented to ensure that DEH support the proposal and provide the necessary permit.

Likewise the swift parrot is listed as endangered on the schedules of the Tasmanian *Threatened Species Protection Act 1995*. It would be worthwhile first gaining support from the Unit of the proposal. It is likely that DEH will consult the TSU for their view on the proposal.

A 'permit to take' will need to be applied for at the Threatened Species Unit, DPIWE to disturb the potential habitat of the parrot. The TSU are understood to be developing guidelines for offset conservation. In the meantime a benchmark of 5:1 is sought whereby 5 times the number of plants to be affected is to be protected for conservation. Ideally these trees should be identified on site.

Any impacts to threatened plant species Tall Wallaby Grass (*A. procera*) listed under the TSPA will require a similar permit from TSU. Recognising the adequate conservation of this plant species in the Hobart area it is likely that a good and supported outcome for the swift parrot would override concerns for this species. It is likely that any land secured will include habitat for this species.

There are six weed species listed as 'declared weeds' under the *Weed Management Act 1999*. They are subject to management plans under the *Act*. All of the six species have widespread infestations in Hobart Municipality which is classed as Zone B for them and as a result containment is the objective which includes prevention of spread from the municipality, spread to other properties and spread to properties containing threatened plant communities and threatened flora and fauna species. Properties containing these weeds should quarantine all things likely to carry the weed leaving the property such as machinery and footwear. Soil, gravel and rubbish leaving the

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property should be sourced from sites not containing the weed. These actions are part of a policy of implementation a local integrated management plan.

Properties containing these weeds are potential subject to the directives of the Regional Weed Management Officer. For further information on weed control, the DPIWE weed management strategies should be consulted.

The Land Use Planning and Approvals Act 1993 (LUPA) states that 'in determining an application for a permit, a planning authority must (amongst other things) seek out the objectives set out in Schedule 1'⁹

Schedule 1 includes 'The objectives of the Resource Management and Planning System of Tasmania' which are (amongst other things):

'To promote sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity'

Sustainable development includes 'avoiding, remedying or mitigating any adverse effects of activities on the environment'

The positive approach to achieving the best long term conservation outcome for the property should be a driver in the planning approvals process. The opportunity provided through this project to ensure positive conservation management for the most significant values on the property should be taken. The consideration of adequate offsets for any incurred losses to secure the most significant areas for conservation should be sought.

Changes to the *Forest Practices Act 1997 and Regulations* introduce in January 2002¹¹ require a Forest Practices Plan (FPP) where the clearing of forest is in excess of 1 hectare or 1 tonne of timber. Refer Appendix 3. Areas that conform to 'vulnerable land' as defined by the legislation require a Forest Practices Plan even for the harvesting of a single tree. Any vegetation within 10m of the drainage lines, or within the vicinity of threatened species habitat – tall wallaby grass or swift parrot foraging habitat will require an FPP.

Under a Bilateral Agreement¹² with the Commonwealth of Australia, linked to the extension of the Natural Heritage Trust, the Tasmanian Government has committed to a review of the Permanent Forest Estate Policy which is to include changes to the *Forest Practices Act 1985* that will :

'Prevent the clearance and conversion of all rare, vulnerable and endangered forest communities on private and public land except... 'in exceptional circumstances, where the conversion will not substantially detract from the conservation of that forest community or conservation values within the immediate area'¹³.

Eucalyptus ovata forest is an endangered community and as such is affected by this 'moratorium'. It is unlikely that a Forest Practices Plan could be obtained for development that affects areas supporting this community. Other bushland within the property is not affected by this moratorium, however the threatened species

⁹ section 51(2) (b) – Part 4 Enforcement of Planning Control – Division 2 Development Control LUPA 1993

¹⁰ page 56 - LUPA 1993

¹¹ Forest Practices Board 2002

¹² Commonwealth of Australia / State of Tasmania 2003

¹³ section 116 and 119 (Commonwealth of Australia / State of Tasmania 2003)

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issues would have to be resolved to the satisfaction of TSU and Environment & Heritage before a FPP could be certified.	
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Incumbent with the achievement of residential development in bushland is a need to ensure that the risk of fire damage meets requirements set out by the Tasmania Fire Service. Guidelines developed by the Fire Service include the establishment of a *Building Protection Zone* and a *Fuel Modified Buffer Zone*. Fuel levels in both zones require active management. This can have a significant impact upon the integrity of the vegetation and upon biodiversity values and potential for natural recruitment in the long term. There is a challenge reconciling bushfire hazard minimisation with the protection and maintenance of biodiversity values in bushland areas. Residential development at this site even on a small scale could result in broader impacts to the adjacent bushland to meet any bushfire hazard minimisation requirements. A fire management plan should be developed that identifies a prescription for management of bushland for retention that is designed to ensure the best viability of the vegetation and include measures to allow for recruitment in the long term.

The current situation within the property provides no long term security or certainty for the conservation of existing biodiversity values. These values are present through benign neglect rather than through any management intent. The ongoing proliferation of environmental weeds, not least *Erica arborea* which this author believes is potentially a very serious future weed, presents a broader dilemma to the management of bushland across Mt Nelson. Furthermore there is currently nothing to prevent the landowner choosing to manage the property in a manner that is consistent with the existing Planning Scheme but which causes long term degradation of the values. The degrading impacts of horse grazing is graphically shown on this property. The approval of a development application consequently could therefore present an opportunity to secure the long term conservation of some of better quality parts of the property which are also the most strategically important relative to surrounding bushland.

The importance of maintaining existing trees wherever possible needs to be stressed. It will be many years before planted trees reach a size and maturity that allows flowering to provide a worthwhile food source for the swift parrot. It is thought that blue gums reach their most prolific flowering when they are 400mm in diameter or larger.

The potential opportunity to secure parts of this property for conservation and improve its management which would also contribute to improving the conservation value of the adjoining bushland reserve suggests there is a clear potential to achieve a positive outcome for conservation.

The development application should clearly identify the extent of bushland clearance and quantify the number of trees that will be affected and the number (proportion) that can be secured for conservation to offset these losses.

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Bryant, S. & Jackson, J. (1999). *Tasmania's Threatened Fauna Handbook: what, where and how to protect*. Threatened Species Unit, Parks & Wildlife Service, Hobart.

CARSAG (2003). Revision of CARSAG Forest Scores. Internal Memorandum from R.Knight to CARSAG 29th January 2003

Commonwealth of Australia (1999). *Environment Protection and Biodiversity Conservation Act 1999. No. 91, 1999*

Goff, F.G, Dawson, G.A. and Rochow, J.J. (1982). Site examination for threatened and endangered plant species. *Environmental Management* 6 (4) pp 307-316.

Land Use Planning And Approvals Act (1993). Tasmanian State Government, No.70 of 1993. Government Printer, Hobart, Tasmania

North, A.J., Johnson, K., Ziegler, K., Duncan, F., Hopkins, K, Ziegeler, D., Watts, S. (1998). *Flora of Recommended Areas for Protection and Forest Reserves in Tasmania*. Forestry Tasmania / Forest Practices Board / Parks & Wildlife Service, Hobart.

North Barker (2004). Flora and Fauna Habitat Identification and Assessment Process. For Hobart City Council

Threatened Species Protection Act 1995. Tasmanian State Government, No.83 of 1995. Government Printer, Hobart, Tasmania

Tasmanian State Government (1999). *Tasmanian Weed Management Act 1999. No. of 1999*. Government Printer, Hobart, Tasmania.

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Appendix 1 – Plant Communities

Planning Authority: Hobart City Council

DRY goV – Grassy *E. ovata* forest

Grid Reference: 527420E, 5247258N
Accuracy: within 50 metres
Recorder: Andrew North
Date of Survey: 15 Dec 2004

Trees: *Acacia melanoxylon*, *Allocasuarina littoralis*, *Bursaria spinosa*, *Eucalyptus obliqua*, *Eucalyptus ovata*, *Eucalyptus pulchella*

Tall Shrubs: *Acacia dealbata*, *Acacia verticillata verticillata*, *Banksia marginata*, *Leptospermum scoparium scoparium*

Shrubs: *Cotoneaster glaucophyllus*, *Daviesia ulicifolia ulicifolia*, *Epacris impressa*, *Exocarpos strictus*, *Goodenia ovata*, *Pultenaea juniperina*, *Rubus fruticosus*

Low Shrubs: *Lissanthe strigosa*, *Pimelea humilis*

Herbs: *Acaena echinata*, *Acaena ovina velutina*, *Arthropodium milleflorum*, *Dianella revoluta*, *Foeniculum vulgare*, *Geranium potentilloides*, *Gonocarpus tetragynus*, *Goodenia lanata*, *Hypericum gramineum*, *Leptorhynchos nitidulus*, *Oxalis perennans*, *Picris angustifolia*, *Plantago lanceolata*, *Plantago varia*, *Prunella vulgaris*, *Ranunculus lappaceus*, *Sanguisorba minor*, *Senecio glomeratus*, *Senecio quadridentatus*, *Stylidium graminifolium*, *Taraxacum officinale*, *Veronica gracilis*, *Vicia sativa nigra*, *Wahlenbergia gymnoclada*

Graminoids: *Carex breviculmis*, *Diplarrena moraea*, *Lepidosperma laterale*, *Lomandra longifolia*, *Schoenus apogon*

Grasses: *Agrostis capillaris*, *Arrhenatherum elatius bulbosum*, *Austrostipa pubinodis*, *Dactylis glomerata*, *Deyeuxia quadriseta*, *Dichelachne crinita*, *Lachnagrostis aemula aemula*, *Poa rodwayi*, *Poa sieberiana*, *Themeda triandra*

Climbers: *Billardiera longiflora longiflora*, *Cassytha pubescens*, *Sollya heterophylla*

DRY-shOV - Shrubby *E. ovata* forest

Grid Reference: 527477E, 5247485N
Accuracy: within 50 metres
Recorder: Andrew North
Date of Survey: 15 Dec 2004

Trees: *Acacia melanoxylon*, *Eucalyptus ovata*

Tall Shrubs: *Acacia verticillata verticillata*, *Banksia marginata*, *Leptospermum scoparium scoparium*, *Ozothamnus ferrugineus*

Shrubs: *Cassinia aculeata*, *Coprosma quadrifida*, *Exocarpos strictus*, *Goodenia ovata*, *Olearia glandulosa*, *Rubus fruticosus*

Herbs: *Acaena novae-zelandiae*, *Pratia pedunculata*, *Veronica gracilis*

Graminoids: *Juncus articulatus*, *Juncus subsecundus*, *Lepidosperma elatius*

Grasses: *Holcus lanatus*, *Poa tenera*

DRY-gPUL – Grassy *E. pulchella* forest

Grid Reference: 527560E, 5247691N
Accuracy: within 50 metres
Recorder: Andrew North
Date of Survey: 15 Dec 2004

Trees: *Allocasuarina littoralis*, *Allocasuarina verticillata*, *Bursaria spinosa*, *Eucalyptus globulus globulus*, *Eucalyptus pulchella*

Tall Shrubs: *Bedfordia salicina*, *Exocarpos cupressiformis*, *Leptospermum scoparium scoparium*

Shrubs: *Acacia genistifolia*, *Bossiaea prostrata*, *Epacris impressa*, *Exocarpos strictus*, *Leptecophylla divaricata*, *Olearia ericoides*, *Olearia ramulosa*, *Pimelea nivea*, *Pultenaea juniperina*

Low Shrubs: *Acrotriche serrulata*, *Astroloma humifusum*, *Hibbertia hirsuta*, *Lissanthe strigosa*, *Phyllanthus australis*, *Pimelea humilis*

Herbs: *Acaena echinata*, *Arthropodium milleflorum*, *Brachyscome spathulata glabra*, *Bulbine glauca*, *Centaureum erythraea*, *Dianella brevicaulis*, *Dianella revoluta*, *Gastrodia sesamoides*, *Gonocarpus tetragynus*, *Goodenia lanata*, *Helichrysum scorpioides*, *Hypochoeris radicata*, *Leptorhynchos nitidulus*, *Leptorhynchos squamatus*, *Linum marginale*, *Microseris lanceolata*

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	<div style="border: 1px solid black; padding: 2px;"> <i>Plantago varia</i>, <i>Senecio glomeratus</i>, <i>Solenogyne dominii</i>, <i>Sphaerolobium minus</i>, <i>Thelymitra peniculata</i>, <i>Wahlenbergia gymnoclada</i> <i>Carex breviculmis</i>, <i>Diplarrhena moraea</i>, <i>Lepidosperma curtisiae</i>, <i>Lepidosperma laterale</i>, <i>Lomandra longifolia</i>, <i>Schoenus apogon</i> </div>	
Graminoids:		
Grasses:	<div style="border: 1px solid black; padding: 2px;"> <i>Austrodanthonia caespitosa</i>, <i>Austrodanthonia procera</i>, <i>Austrostipa semibarbata</i>, <i>Deyeuxia quadriseta</i>, <i>Dichelachne rara</i>, <i>Lachnagrostis aemula aemula</i>, <i>Poa rodwayi</i>, <i>Themeda triandra</i> </div>	
Climbers:	<div style="border: 1px solid black; padding: 2px;"> <i>Cassytha pubescens</i>, <i>Comesperma volubile</i> </div>	

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Appendix 2. Vascular plant Species list

Status codes:

ORIGIN

i - introduced
 en - endemic to Tasmania
 t - within Australia, occurs only in Tas.

NATIONAL SCHEDULE

EPBC Act 1999
 C - critically endangered
 E - endangered
 V - vulnerable

STATE SCHEDULE

TSP Act 1995
 e - endangered
 v - vulnerable
 r - rare

Name	Common name	Status
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DICOTYLEDONAE

APIACEAE

<i>Foeniculum vulgare</i>	fennel, aniseed, dill	i
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ASTERACEAE

<i>Bedfordia salicina</i>	tasmanian blanket leaf	en
<i>Brachyscome aculeata</i>	hill or coarse daisy	
<i>Brachyscome spathulata glabra</i>	blue daisy	
<i>Cassinia aculeata</i>	dolly bush	
<i>Chrysanthemoides monilifera monilifera</i>	boneseed	i
<i>Cirsium vulgare</i>	spear thistle	i
<i>Helichrysum scorpioides</i>	curling everlasting	
<i>Hypochoeris radicata</i>	cat's ear	i
<i>Leptorhynchos nitidulus</i>	shiny buttons	
<i>Leptorhynchos squamatus</i>	scaly buttons	
<i>Microseris lanceolata</i>	native dandelion	
<i>Olearia ericoides</i>	heathy daisy bush	en
<i>Olearia erubescens</i>	daisy bush	
<i>Olearia floribunda</i>	heath daisy bush	
<i>Olearia glandulosa</i>	swamp daisy bush	
<i>Olearia phlogopappa</i>	dusty daisy bush	
<i>Olearia ramulosa</i>	twiggy daisy bush	
<i>Ozothamnus ferrugineus</i>	tree everlasting	
<i>Ozothamnus scutellifolius</i>	scale-leaf everlasting	en
<i>Picris angustifolia</i>	hawkweed ox-tongue	
<i>Senecio glomeratus</i>	fireweed	
<i>Senecio quadridentatus</i>	cotton fireweed	
<i>Solenogyne dominii</i>	flat-herb, flatweed	
<i>Taraxacum officinale</i>	common dandelion	i

CAMPANULACEAE

<i>Pratia pedunculata</i>	matted pratia	
<i>Wahlenbergia gymnoclada</i>	naked bluebell	

CASUARINACEAE

<i>Allocasuarina littoralis</i>	black sheoak, bullock	
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Name	Common name	Status
<i>Allocasuarina verticillata</i>	sheoak, drooping sheoak	
CLUSIACEAE		
<i>Hypericum gramineum</i>	small st. johns wort	
DILLENIACEAE		
<i>Hibbertia hirsuta</i>	hairy guinea-flower	en
EPACRIDACEAE		
<i>Acrotriche serrulata</i>	ant's delight	
<i>Astroloma humifusum</i>	native cranberry	
<i>Epacris impressa</i>	common heath	
<i>Leptecophylla divaricata</i>	divaricate cheeseberry	en
<i>Leucopogon virgatus virgatus</i>	common beard-heath	
<i>Lissanthe strigosa</i>	peach berry	
ERICACEAE		
<i>Erica arborea</i>	tree heath, bruyere, heath	i
<i>Erica lusitanica</i>	spanish heath	i
EUPHORBIACEAE		
<i>Phyllanthus australis</i>	austral spurge	
FABACEAE		
<i>Bossiaea prostrata</i>	creeping bossiaea	
<i>Cytisus scoparius</i>	english broom	i
<i>Daviesia ulicifolia ulicifolia</i>	spiky bitterpea	
<i>Dillwynia cinerascens</i>	grey parrot pea	
<i>Genista monspessulana</i>	canary broom	i
<i>Pultenaea juniperina</i>	prickly beauty	
<i>Sphaerolobium minus</i>	globe pea	
<i>Vicia sativa nigra</i>	narrow leaved vetch, vetch, tare	i
GENTIANACEAE		
<i>Centaurium erythraea</i>	common centaury	i
GERANIACEAE		
<i>Geranium potentilloides</i>	mountain geranium	
<i>Geranium solanderi</i>	austral cranesbill	
GOODENIACEAE		
<i>Goodenia lanata</i>	native primrose	
<i>Goodenia ovata</i>	parrot's food, hop goodenia	
HALORAGACEAE		
<i>Gonocarpus tetragynus</i>	common raspwort	
LAMIACEAE		
<i>Prunella vulgaris</i>	heal-all, self-heal	
20		
DEVELOPMENT APPLICATION DOCUMENT		
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 27 March 2014.		
North Barker Ecosystem Services		
Planning Authority: Hobart City Council		

DEVELOPMENT APPLICATION DOCUMENT		
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.		607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05
Name	Common name	Status
Planning Authority: Hobart City Council		
LAURACEAE		
<i>Cassytha pubescens</i>	hairy dodder-laurel	
LINACEAE		
<i>Linum marginale</i>	wild or native flax	
MIMOSACEAE		
<i>Acacia dealbata</i>	silver wattle	
<i>Acacia genistifolia</i>	spreading or early wattle	
<i>Acacia melanoxylon</i>	blackwood	
<i>Acacia stricta</i>	hop wattle	
<i>Acacia verticillata verticillata</i>	prickly mimosa	
MYRTACEAE		
<i>Eucalyptus globulus globulus</i>	tasmanian blue gum	
<i>Eucalyptus obliqua</i>	stringybark	
<i>Eucalyptus ovata</i>	black gum	
<i>Eucalyptus pulchella</i>	white peppermint	en
<i>Leptospermum scoparium scoparium</i>	manuka	
OXALIDACEAE		
<i>Oxalis perennans</i>	native wood-sorrel	
PITTOSPORACEAE		
<i>Billardiera longiflora longiflora</i>	purple apple-berry	
<i>Bursaria spinosa</i>	prickly box, blackthorn	
<i>Pittosporum bicolor</i>	cheesewood	
<i>Pittosporum crassifolium</i>	karo	i
<i>Sollya heterophylla</i>	bluebell creeper	i
PLANTAGINACEAE		
<i>Plantago lanceolata</i>	common plantain	i
<i>Plantago varia</i>	variable plantain	
POLYGALACEAE		
<i>Comesperma volubile</i>	blue love creeper	
PROTEACEAE		
<i>Banksia marginata</i>	silver banksia, honeysuckle	
<i>Grevillea rosmarinifolia</i>	grevillea	i
<i>Grevillea sp.</i>	grevillea hybrid	i
<i>Grevillea victoriae</i>	grevillea	i
<i>Lomatia tinctoria</i>	guitar plant	en
RANUNCULACEAE		
<i>Ranunculus lappaceus</i>	common buttercup	

DEVELOPMENT APPLICATION DOCUMENT		
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.		607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05
Name	Common name	Status
Planning Authority: Hobart City Council		
ROSACEAE		
<i>Acaena echinata</i>	sheeps burr	
<i>Acaena novae-zelandiae</i>	buzzy, biddy-widdy	
<i>Acaena ovina velutina</i>	sheep's burr	
<i>Cotoneaster franchetii</i>	cotoneaster	i
<i>Cotoneaster glaucophyllus</i>	grey-leaved cotoneaster	i
<i>Cotoneaster</i> sp.	cotoneaster	i
<i>Crataegus monogyna</i>	hawthorn,	i
<i>Rubus fruticosus</i>	blackberry, bramble	i
<i>Sanguisorba minor</i>	salad burnet	i
RUBIACEAE		
<i>Coprosma quadrifida</i>	native currant	
RUTACEAE		
<i>Boronia pilosa pilosa</i>	hairy boronia	
<i>Correa reflexa reflexa</i>	common correa	
<i>Philotheca verrucosa</i>	fairy wax-flower	
SANTALACEAE		
<i>Exocarpos cupressiformis</i>	native cherry	
<i>Exocarpos strictus</i>	dwarf cherry, pale fruit ballart	
SAPINDACEAE		
<i>Dodonaea viscosa spatulata</i>	broadleaf hop-bush	
SCROPHULARIACEAE		
<i>Veronica gracilis</i>	slender speedwell	
STYLIDIACEAE		
<i>Stylidium graminifolium</i>	common trigger plant	
THYMELAEACEAE		
<i>Pimelea humilis</i>	common or dwarf rice-flower	
<i>Pimelea nivea</i>	round-leaf rice-flower, cotton bush	en
VIOLACEAE		
<i>Viola hederacea</i>	ivy-leaf violet	
MONOCOTYLEDONAE		
CYPERACEAE		
<i>Carex breviculmis</i>	sedge	
<i>Isolepis crassiuscula</i>	alpine club-rush	
<i>Lepidosperma curtisiae</i>	sedge	
<i>Lepidosperma elatius</i>	tall sword-sedge	
<i>Lepidosperma laterale</i>	variable or broad sword-sedge	

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607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05		
Name	Common name	Status
<i>Schoenus apogon</i>	common or fluke bog-rush	
IRIDACEAE		
<i>Crocasmia Xcrocasmiiiflora</i>	montbretia	i
<i>Diplarrena moraea</i>	white flag iris, butterfly iris	
JUNCACEAE		
<i>Juncus articulatus</i>	rush, jointed rush	i
<i>Juncus subsecundus</i>	finger rush	
LILIACEAE		
<i>Arthropodium milleflorum</i>	pale vanilla-lily	
<i>Bulbine glauca</i>	bluish bulbine-lily	
<i>Dianella brevicaulis</i>	flax lily	
<i>Dianella revoluta</i>	black-anther flax-lily	
<i>Dianella tasmanica</i>	blue berry, tasman flax-lily	
ORCHIDACEAE		
<i>Gastrodia sesamoides</i>	potato orchid	
<i>Microtis unifolia</i>	common onion orchid	
<i>Thelymitra ixioides</i>	spotted sun orchid	
<i>Thelymitra peniculata</i>	sun orchid	
POACEAE		
<i>Agrostis capillaris</i>	brown top bent grass	i
<i>Arrhenatherum elatius bulbosum</i>	bulbous oat grass	i
<i>Austrodanthonia caespitosa</i>	common wallaby-grass	
<i>Austrodanthonia procera</i>	tall wallaby grass	r
<i>Austrodanthonia setacea</i>	bristle wallaby-grass	
<i>Austrostipa pubinodis</i>	tall spear-grass	
<i>Austrostipa semibarbata</i>	fibrous spear-grass	
<i>Austrostipa stuposa</i>	corkscrew spear-grass	
<i>Dactylis glomerata</i>	cocksfoot, orchard grass	i
<i>Deyeuxia quadriseta</i>	reed bent grass	
<i>Dichelachne crinita</i>	long-hair plume-grass	
<i>Dichelachne rara</i>	scarce plume-grass	
<i>Holcus lanatus</i>	velvet grass, yorkshire fog grass	i
<i>Lachnagrostis aemula aemula</i>	blown grass	
<i>Poa rodwayi</i>	rodway's poa	
<i>Poa sieberiana</i>	tussock or snow grass	
<i>Poa tenera</i>	slender tussock grass	
<i>Themeda triandra</i>	kangaroo grass	
XANTHORRHOACEAE		
<i>Lomandra longifolia</i>	sagg	

DEVELOPMENT APPLICATION DOCUMENT
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Planning Authority: Hobart City Council

607-627 Nelson Rd, Mt Nelson
 Flora and Fauna Habitat Assessment
 5_01_05

APPENDIX 3 - LAND CLEARING REGULATIONS

Forest Practices Board, 2001 – Information Sheet on Land Clearing - From:
www.fpb.tas.gov.au.

Any forest area in excess of 1 ha or 100 tonnes of timber (which ever is the lesser) per year on non-vulnerable land upon any one property will require a Forest Practices Plan (FPP). This will apply even if no commercial wood is produced.

“Forest” clearing includes any woody vegetation, whether seedling or mature, that has a potential height of 5m or more.

Clearing will not be permitted on defined vulnerable land (see definition below) such as streamside reserves, machinery exclusion zones, drainage lines, swamps, habitat clumps or habitat strips. The only exception this will be the guidelines for protection of public safety or to maintain existing infrastructure, up to 5 tonnes of timber per year or 1 hectare (which ever is the lesser) per year on any property.

For the landowner this now means:

To clear land in excess of 1 hectare or 100 tonnes you will need a certified FPP certified by a Forest Practices Officer and yourself as landowner.

The protection of vulnerable land is regarded as a duty of care.

Vulnerable land includes land that-

- Is within a streamside reserve or machinery exclusion zone as defined in the Forest Practices Code. The Forest Practices Code prescribes the following buffer widths:
 - Class 1 river- 40 m either side of stream channel
 - Class 2 stream- 30 m either side of stream channel
 - Class 3 stream- 20 m either side of stream channel
 - Class 4 stream- 10 m either side of stream channel
- Has steep slopes, in excess of the limits prescribed in Table 7 of the Forest Practices Code, 11° to 19° depending on rock type.
- Has high to very high soil erodibility (Appendix 7 Forest Practices Code).
- Contains threatened species.
- Contains vulnerable karst (limestone) soils
- Contains areas of forest reserved from logging under a current or expired FPP.

A FPP is required for any harvesting within vulnerable land except where:

- The owner of the land gives consent; and
- Harvesting of trees is necessary to protect public safety or to maintain existing infrastructure such as roads, fences and buildings; and
- The volume of timber harvested is less than 5 tonnes, or the area less than 1 hectare (whichever is the lesser) on any property in one year.

Other exemptions

- A FPP is not required for the harvesting of timber or the clearing of trees on land for the following purposes-
 - Easements for powerlines
 - Gas pipelines
 - Public roads

Failure to comply with the Forest Practices Act and Forest Practices Regulations can result in substantial penalties. For further information contact any office of Forestry Tasmania, Private Forests Tasmania, forest companies or the Forest Practices Board.

DEVELOPMENT APPLICATION DOCUMENT
This document is one of the documents relevant to the application for a planning permit No. PLN-14-00354-01 and was received on the 27 March 2014.
Planning Authority: Hobart City Council

North Barker Ecosystem Services



Proposed Subdivision 607 - 627 Nelson Road, Mount Nelson.

Bushfire Management Planning Report

Applicant: PDA Surveyors



June 2018 MRH10690v3

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Disclaimer

The measures contained in Australian Standard 3959-2009 cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions. Reasonable steps have been taken to ensure that the information contained within this report is accurate and reflects the conditions on and around the lot at the time of assessment. The assessment has been based on the information provided by you or your designer. Authorship: This report was prepared by Mark Van den Berg BSc. (Hons.) FPO (planning) of MRH Environment & Resource Planning. Base data for mapping: TasMap, Digital and aerial photography: Mark Van den Berg, LIST.

Executive Summary

Title reference/s:	250967/1
Address:	607 - 627 Nelson Road, Mount Nelson, Tas
Owner:	P. A. Lanzone
Applicant:	PDA Surveyors
Municipality:	City of Hobart
Zoning:	Residential 2 / Reserved Residential
Planning Scheme	City of Hobart planning Scheme 1982
Land size:	Total ~9.2 Ha
Proposal:	9 lot subdivision plus balance
Bushfire Attack Level	Compliant with provisions of Planning Directive 5.1.

A nine lot plus balance subdivision is proposed for the address described above. The proposal occurs within a bushfire prone area. Statutory instruments require that bushfire management is taken into account through the design and planning process for this sub-division. The proposal has been assessed and has been found to be compliant with all relevant legislation, codes of practice and guidelines, specifically Planning Directive No.5.1 – Bushfire-prone areas Code, AS3959- 2009 Construction of buildings in bushfire-prone areas, incorporating amendments 1, 2 and 3. A Bushfire Hazard Management Plan has been prepared and certified, it accompanies the planning documentation furnished as part of this development application. Part 5 agreements will be required for all lots to ensure that vegetation can be managed in a low threat condition until such time as all lots within the sub-division are developed and classified as low threat.

1.0 Introduction

This Bushfire Management planning report has been completed to form part of supporting documentation for a planning permit application for a proposed nine lot plus balance subdivision. The proposed subdivision occurs in an area that has been identified as being Bushfire-prone.

1.1 Scope

This report was commissioned to facilitate an integrated approach between subdivision and building on a lot, primarily to ensure that sufficient separation of building areas from bushfire-prone vegetation may be achieved. All comment, advice and fire suppression measures are in relation to compliance with the City of Hobart Planning Scheme 1982, Australian Standards AS 3959-2009 Construction of buildings in bushfire-prone areas.

This assessment describes the subject area and surrounding lands in the context of bushfire management for subdivisions and a bushfire threat assessment. The bushfire threat assessment has been completed to inform subdivision design so that appropriate separation distances between individual lots and the bushfire threat can be achieved in addition to other measures to reduce the impact of bushfire on communities.

1.2 Purpose

This Bushfire Management Planning Report (BMPR) is intended to provide information in relation to the proposed subdivision and the bushfire environment in which it is located. It will demonstrate compliance with the relevant planning scheme, specifically the provision of hazard management areas, public access and water supply requirements; determine the required separation distances for achieving potential sites within proposed lots not exceeding BAL-19 using the methodology described in Australian Standard 3959-2009 Construction of buildings in bushfire-prone areas (AS 3959-2009).

1.3 Limitations

A site inspection has been undertaken and report provided on the understanding that: The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development. Impacts of future development and vegetation growth have not been considered. Management of bushfire hazards will be required as individual lots are developed. This report identifies that each lot is capable of accommodating development not exceeding BAL-19 of *AS3959-2009 Construction of Buildings in Bushfire-prone Areas (AS3959-2009)*, and that access and water requirements for development in bushfire-prone areas are consistent with the requirements of Planning Directive 5.1.

1.4 Authorship

This report has been completed by Mark Van den Berg BSc. (Hons) FPO (planning) of Geo-Environmental Solutions, Accredited Person under Section 60B of the *Fire Service Act 1979*. Accreditation number – BFP-108, scope 1, 2, 3A, 3B, 3C.

1.5 Site inspection/survey

The site was inspected/surveyed on the 18/06/2018 all proposed lots were inspected on the ground using the proposed subdivision layout provided at (appendix 2).

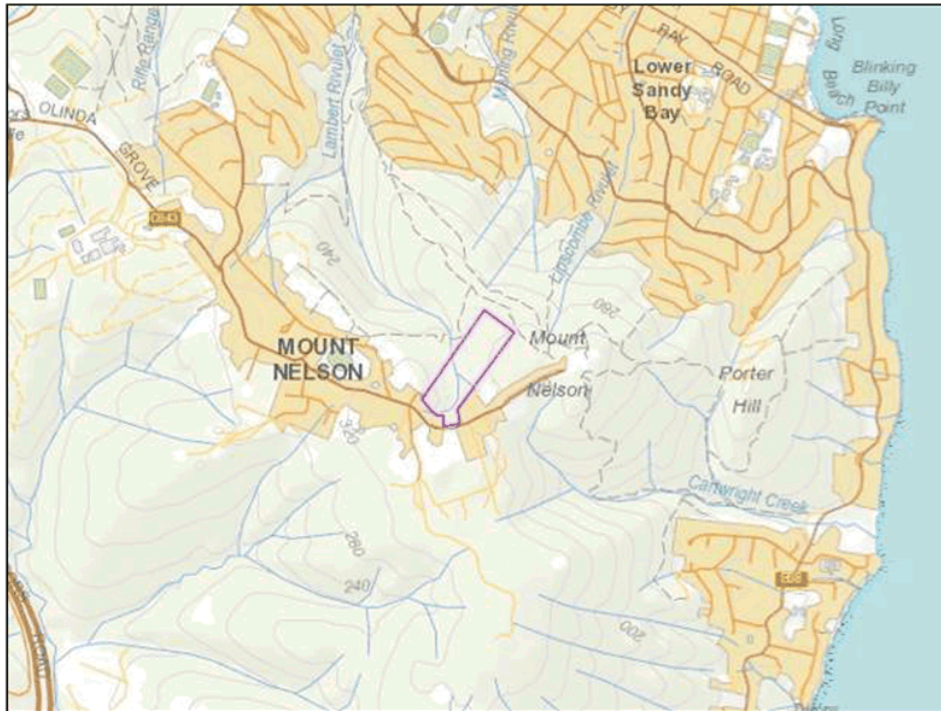


Figure 1. The location of the subject area is outlined in pink and shows the site in a topographical context.

2.0 Site description

2.1 Title

The subject area comprises private land on one title, 607-627 Nelson Road, Mount Nelson, title No. 250967/1. The subject site occurs in the City of Hobart municipal area and is administered through the City of Hobart Planning Scheme 1982 and is zoned Residential 2 and Residential Reserve under this planning scheme, both zones make provision for subdivision (figure 1).

2.2 Topographical context

The subject site occurs on a lengthy, broad north-west – south-east ridge line providing moderate to steep north-easterly aspects, although there is significant micro-topographical variability (figure 1). The area is vegetated with forest vegetation types as defined in AS3959-2009. Adjacent lands to the west and south are predominantly urban in nature with numerous retained patches of native remnant vegetation scattered throughout. Lands to the north and east are undeveloped and pose a significant bushfire threat (figure 2).



Figure 2. The subject area is outlined in pink and shows the site in a local landscape context.

3.0 Proposal

It is proposed that a nine lot plus balance subdivision be developed on the site described as per the proposed plan of subdivision in appendix 1. The proposed development occurs within the Residential 2 and Residential Reserve zones. Access to the lots will be by way of a new cross from a new road and from Nelson Road.

4.0 Bushfire Threat Assessment

This proposal involves the creation of new lots with the intention of residential use.

4.1 Vegetation

Vegetation within the subject area is described as forest (figures 3 and 4) under the classification system found in *AS3959-2009*. This vegetation unit is approximately 8.5 hectares in extent and is contiguous with other forest vegetation types at a landscape scale. Lands to the north and east consist of forest and woodland vegetation types, predominantly under the management of the Hobart City Council. Lands to the south and west contain a mosaic or residential urban style developments with significant native vegetation retained within private lots as well as significant patches of native vegetation remnants (figure 2).



Figures 3 & 4. Lands within and adjacent the proposed subdivision area carry a mosaic cover of grasslands and woodland vegetation with little to no understorey.

4.2 Slope

The effective slope in relation to the individual proposed lots within the subdivision range from 4° downslope to 9° downslope and are variable with regard to aspect. The broader subject area

would be described as moderate and rolling with few dramatic features, slopes would rarely exceed 20° for areas greater than 1 hectare size.

4.3 Assessment

An assessment of the bushfire attack level as per AS3959-2009 was undertaken for each proposed lot to determine the required width of hazard management areas to yield building areas of not greater than BAL-19 in Table 2.4.4 of AS3959-2009. The vegetation present is assessed as, 'forest' and or excluded from the assessment as per AS3959-2009. The Bushfire assessment tables are found in appendix 1.

The assessment has been completed measuring distances from the proposed building areas as shown on the BHMP.

5.0 Results

This bushfire assessment has been completed using the methodology of AS3959-2009 for determining the bushfire attack level for each building area (as shown on the bushfire hazard management plan). The assessment is based on the assumption that land within each lot is managed in a low fuel condition such that it can be assessed as low threat vegetation in accordance with the vegetation classifications of AS3959-2009. As a result it will be necessary to establish a part 5 agreement for each lot giving the owner of the lot the right to manage fuels on adjacent lots to the extent necessary to meet the separation requirements for the Bushfire Attack Level Determined for the lot. This will be necessary until adjacent lots are developed and don not constitute or contribute to the bushfire risk.

5.1 Hazard management areas

The provision of specific hazard management areas is required to achieve BAL-12.5 and BAL-19 at the site for each lot. The width of hazard management areas is shown on the Bushfire Hazard Management Plans associated with this report and as detailed in appendix 1.

5.2 Public & Property access

The establishment of public access is required and will meet the minimum standards for public roads as per Table E1 of Planning Directive 5.1 Bushfire-prone Areas Code. Design and construction standards for property access for each lot will not be required in this circumstance, as property access is not required to access a water connection point, consistent with Table E2, element A, of Planning Directive 5.1 Bushfire-prone Areas Code.

5.3 Water Supplies for firefighting

Water supplies for firefighting for all lots will be provided by a new hydrant located within the new road. All building areas are within a 120 metre hose lay of the hydrant. Water supplies will be required to meet the standards specified in Table E4 of Planning Directive 5.1 Bushfire-prone Areas Code.

Table 1. Bushfire Attack Level for each Lot.

Lot Number	Bushfire Attack Level (BAL)	Lot Number	Bushfire Attack Level (BAL)
Lot 1	BAL-12.5	Lot 6	BAL-19
Lot 2	BAL-12.5	Lot 7	BAL-19
Lot 3	BAL-12.5	Lot 8	BAL-19
Lot 4	BAL-19	Lot 9	BAL-12.5
Lot 5	BAL-19		

6.0 Compliance

Compliance with Planning Directive 5.1 Bushfire-prone Areas Code, 1st September 2017.

E1.6 Development Standards, Acceptable solutions.

Table 2. Compliance with Planning Directive 5.1 Bushfire-prone Areas Code.

Item	Compliance
E1.6.1 Subdivision: Provision of hazard management areas	
A1 (b) The proposed plan of subdivision: (i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision; (ii) shows the building area for each lot; (iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and (iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL-19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas.	Compliant. Hazard management areas provided not exceeding BAL-19 for all lots. Provision for internal part 5 agreements required, BHMP attached and certified.
E1.6.2 Subdivision: Public and firefighting access	
A1 (b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that: (i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and (ii) is certified by the TFS or an accredited person.	Proposed plan of subdivision compliant with Table E1 and E2. No fire trails proposed.
E1.6.3 A1 Subdivision: Provision of water supply for fire-fighting purposes	
A. Distance between building area to be protected and water supply. The following requirements apply: (a) the building area to be protected must be located within 120m of a fire hydrant; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area. B. Design criteria for fire hydrants The following requirements apply: (a) fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 – 2011-3.1 MRWA 2nd Edition; and	Compliant. Provision for reticulated water supplies required on BHMP consistent with Table E4.

Item	Compliance
(b) fire hydrants are not installed in parking areas. C. Hardstand A hardstand area for fire appliances must be: (a) no more than 3m from the hydrant, measured as a hose lay; (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access	

7.0 References

Australian Building Codes Board 2013, *National Construction Code, Building Code of Australia 2012*, Australian Building Codes Board, Canberra.

Building Amendment (Bushfire-Prone Areas) Regulations 2014

Determination, Director of Building Control – Requirements for Building in Bushfire-Prone Areas, version 2.1 29th August 2017. Consumer, Building and Occupational Services, Department of Justice, Tasmania

Standards Australia 2009, *Construction of buildings in bushfire prone areas*, 3rd edn incorporation amendments 1, 2 and 3 Standards Australia, Sydney.

Tasmanian Planning Commission 2017, *Planning Directive No.5.1 – Bushfire prone Areas Code*. Tasmanian Planning Commission, Hobart. September 1st 2017.

The Bushfire Planning Group 2005, *Guidelines for development in bushfire prone areas of Tasmania – Living with fire in Tasmania*, Tasmania Fire Service, Hobart.

City of Hobart Planning Scheme 1982.

Appendix 1- Bushfire Attack Level assessment tables

Lots 1, 2 and 3

Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to >100 metres	Not required	BAL-LOW
	--	--			
	--	--	--		
	--	--	--		
East	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 51 metres	Not required	BAL-12.5
	Forest^	>0 to 5° downslope	51 to >100 metres		
	--	--	--		
	--	--	--		
South	Exclusion 2.2.3.2 (e, f)^	upslope	0 to >100 metres	Not requires	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		
West	Exclusion 2.2.3.2 (e, f)^	upslope	0 to 62 metres	Not required	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		

^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

Lot 4 and lot 5

Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 62 metres	Not required	BAL-12.5
	Forest^	>0 to 5° downslope	62 to >100 metres		
	--	--	--		
	--	--	--		
East	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 27 metres	27 metres	BAL-19
	Forest^	>0 to 5° downslope	27 to 70 metres		
	Forest^	upslope	70 to >100 metres		
	--	--	--		
South	Exclusion 2.2.3.2 (e, f)^	flat 0°	0 to 23 metres	23 metres (Lot 4)	BAL-19
	Forest^	flat 0°	41 to 57 metres		
	Exclusion 2.2.3.2 (e, f)^	upslope	57 to >100 metres		
	--	--	--		
West	Exclusion 2.2.3.2 (e, f)^	upslope	0 to >100 metres	Not required	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		

In completing the assessment for lots 4 and 5 the most conservative parameters have been used to determine the Bushfire Attack Level.

^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

Lot 6 and Lot 7

Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North-east	Exclusion 2.2.3.2 (e, f)^	>5° to 10° downslope	0 to 34 metres	34 metres	BAL-19
	Forest^	>5° to 10° downslope	34 to >100 metres		
	--	--	--		
	--	--	--		
South-east	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 35 metres	Not required	BAL-19
	Forest^	>0 to 5° downslope	35 to 56 metres		
	Forest^	upslope	56 to >100 metres		
	--	--	--		
South-west	Exclusion 2.2.3.2 (e, f)^	flat 0°	0 to >100 metres	Not required	BAL-LOW
	--	--			
	--	--			
	--	--	--		
North-west	Exclusion 2.2.3.2 (e, f)^	upslope	0 to >100 metres	Not required	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		

In completing the assessment for lots 6 and 7 the most conservative parameters have been used to determine the Bushfire Attack Level.

^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

Lot 8

Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North-east	Exclusion 2.2.3.2 (e, f)^	>5° to 10° downslope	0 to 34 metres	34 metres	BAL-19
	Forest^	>5° to 10° downslope	34 to >100 metres		
	--	--	--		
	--	--	--		
South-east	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 80 metres	Not required	BAL-12.5
	Forest^	>0 to 5° downslope	80 to >100 metres		
	--	--	--		
	--	--	--		
South-west	Exclusion 2.2.3.2 (e, f)^	upslope	0 to >100 metres	Not requires	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		
North-west	Exclusion 2.2.3.2 (e, f)^	upslope	0 to 60 metres	Not required	BAL-12.5
	Forest^	upslope	60 to >100 metres		
	--	--	--		
	--	--	--		

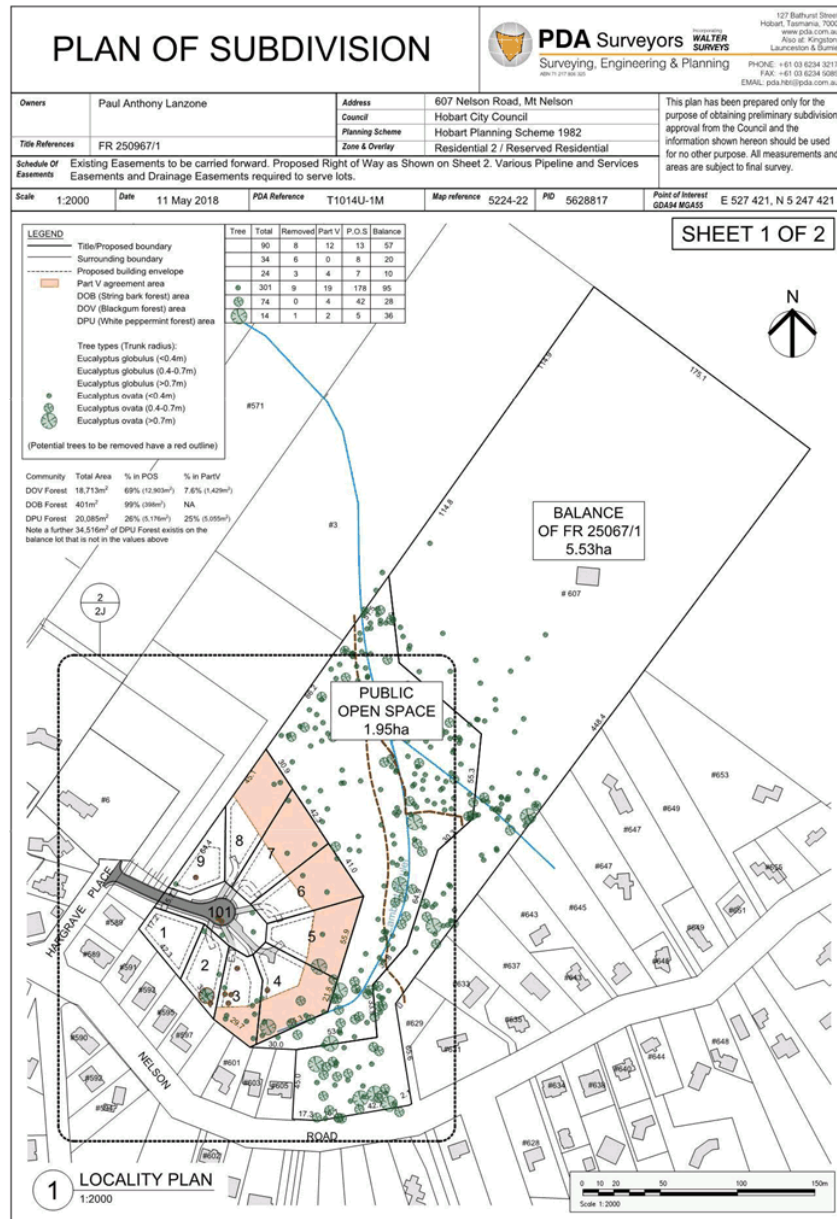
^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

Lot 9

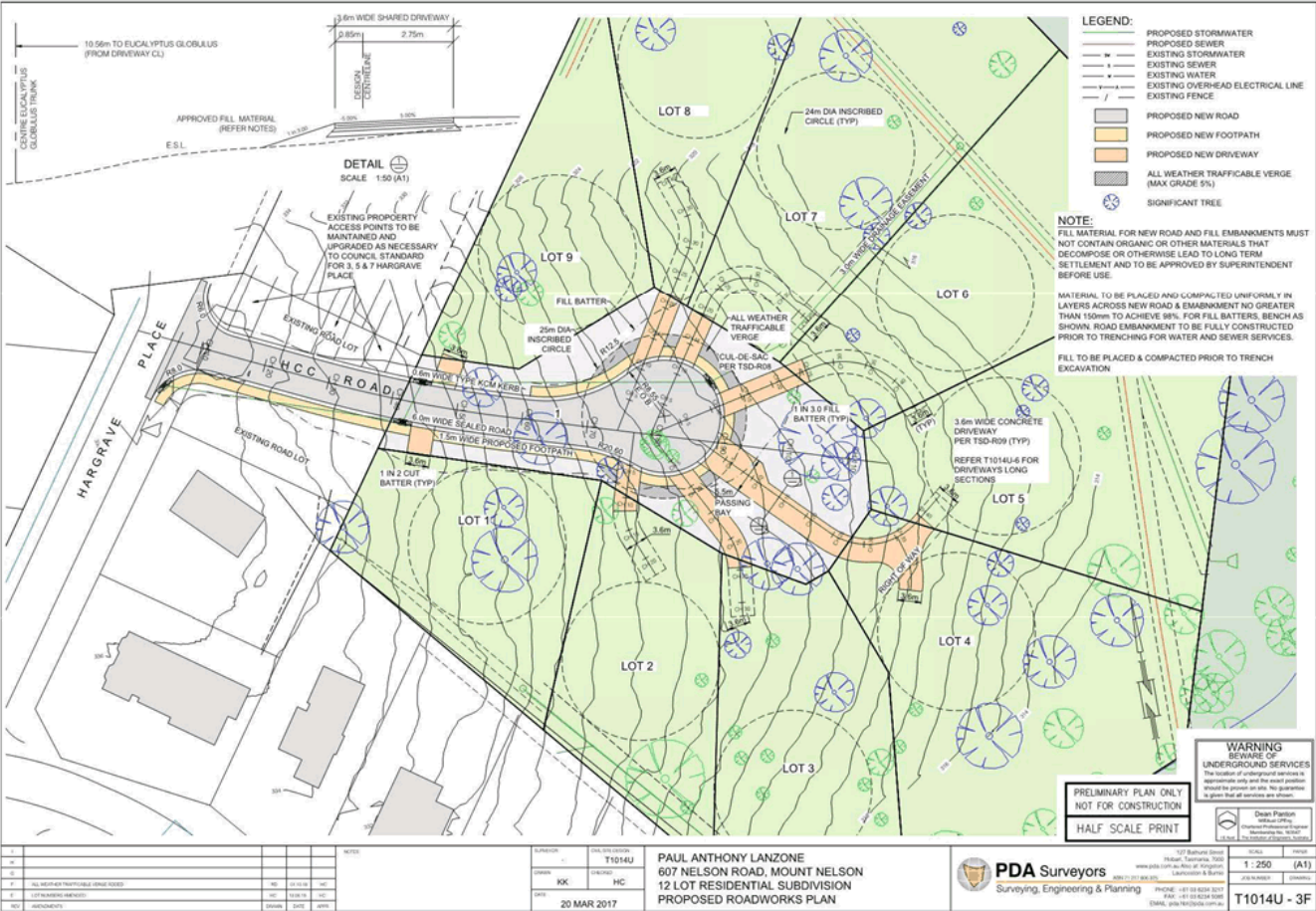
Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North-east	Exclusion 2.2.3.2 (e, f)^	>5° to 10° downslope	0 to 62 metres	Not required	BAL-12.5
	Forest^	>5° to 10° downslope	62 to >100 metres		
	--	--	--		
	--	--	--		
South-east	Exclusion 2.2.3.2 (e, f)^	>0 to 5° downslope	0 to 93 metres	Not required	BAL-12.5
	Forest^	>0 to 5° downslope	93 to >100 metres		
	--	--	--		
	--	--	--		
South-west	Exclusion 2.2.3.2 (e, f)^	upslope	0 to >100 metres	Not required	BAL-LOW
	--	--	--		
	--	--	--		
	--	--	--		
North-west	Exclusion 2.2.3.2 (e, f)^	upslope	0 to 62 metres	Not required	BAL-12.5
	Forest^	upslope	62 to >100 metres		
	--	--	--		
	--	--	--		

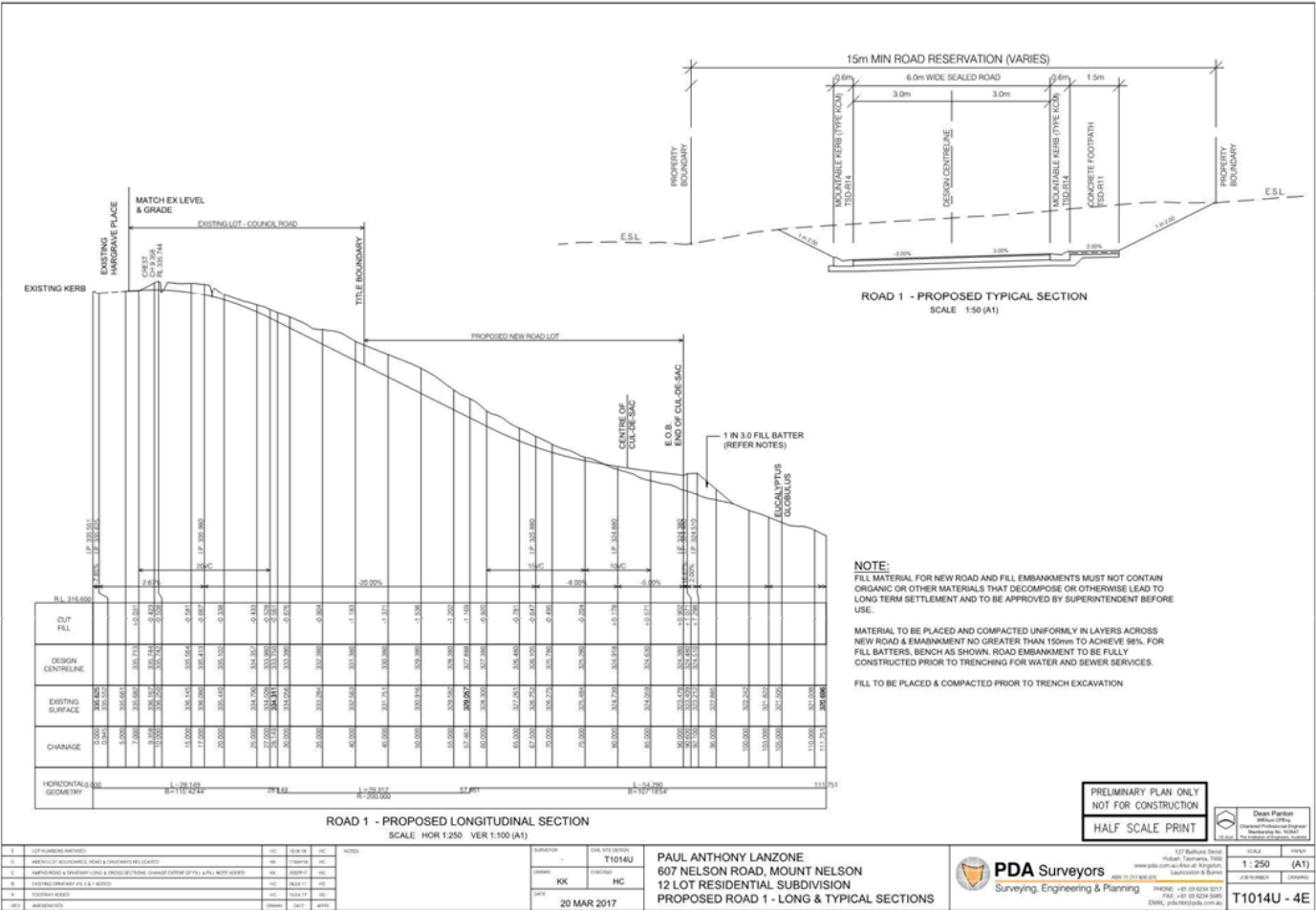
^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

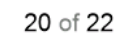
Appendix 2 Site Plan

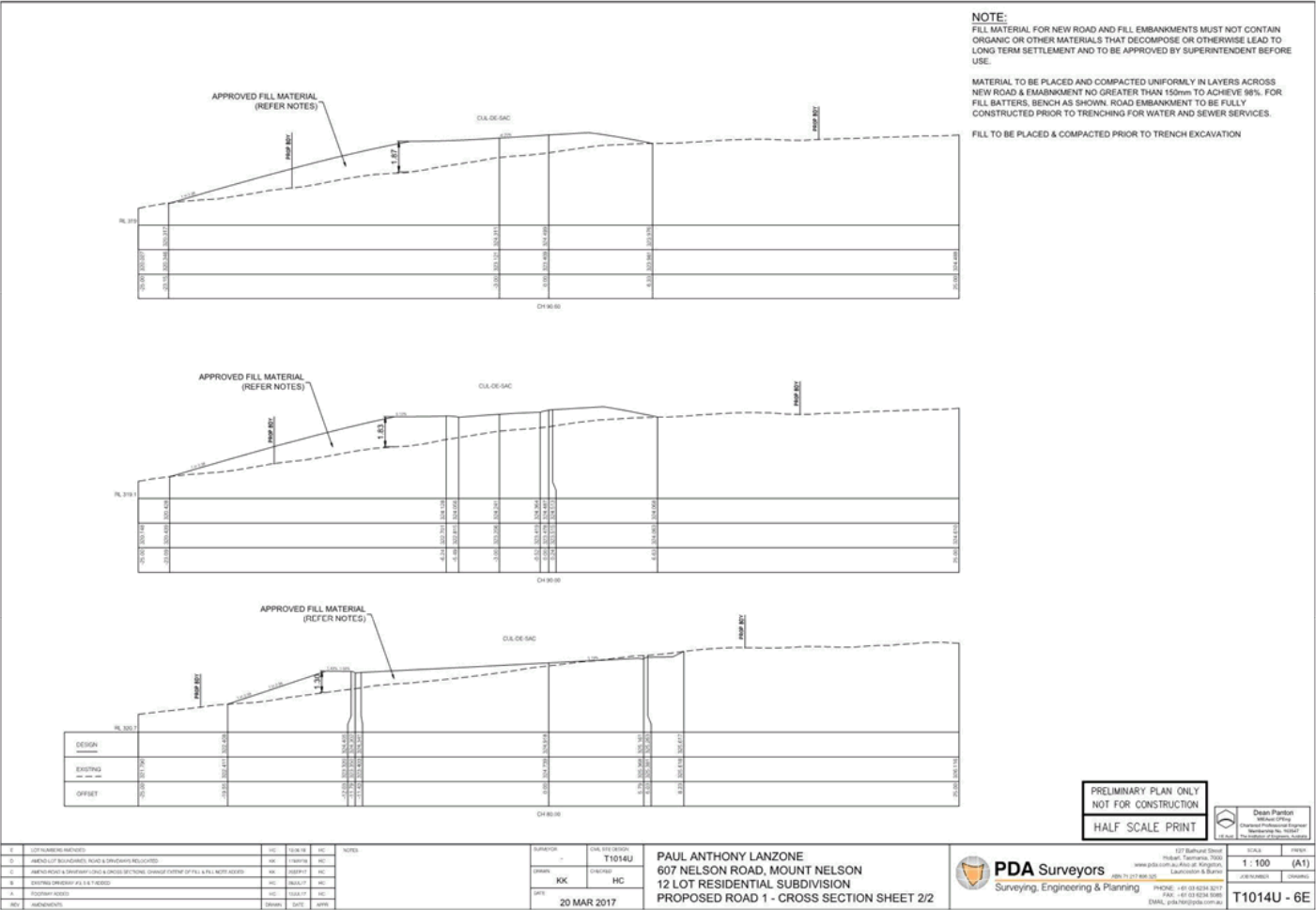


Appendix 3 – Public roadworks

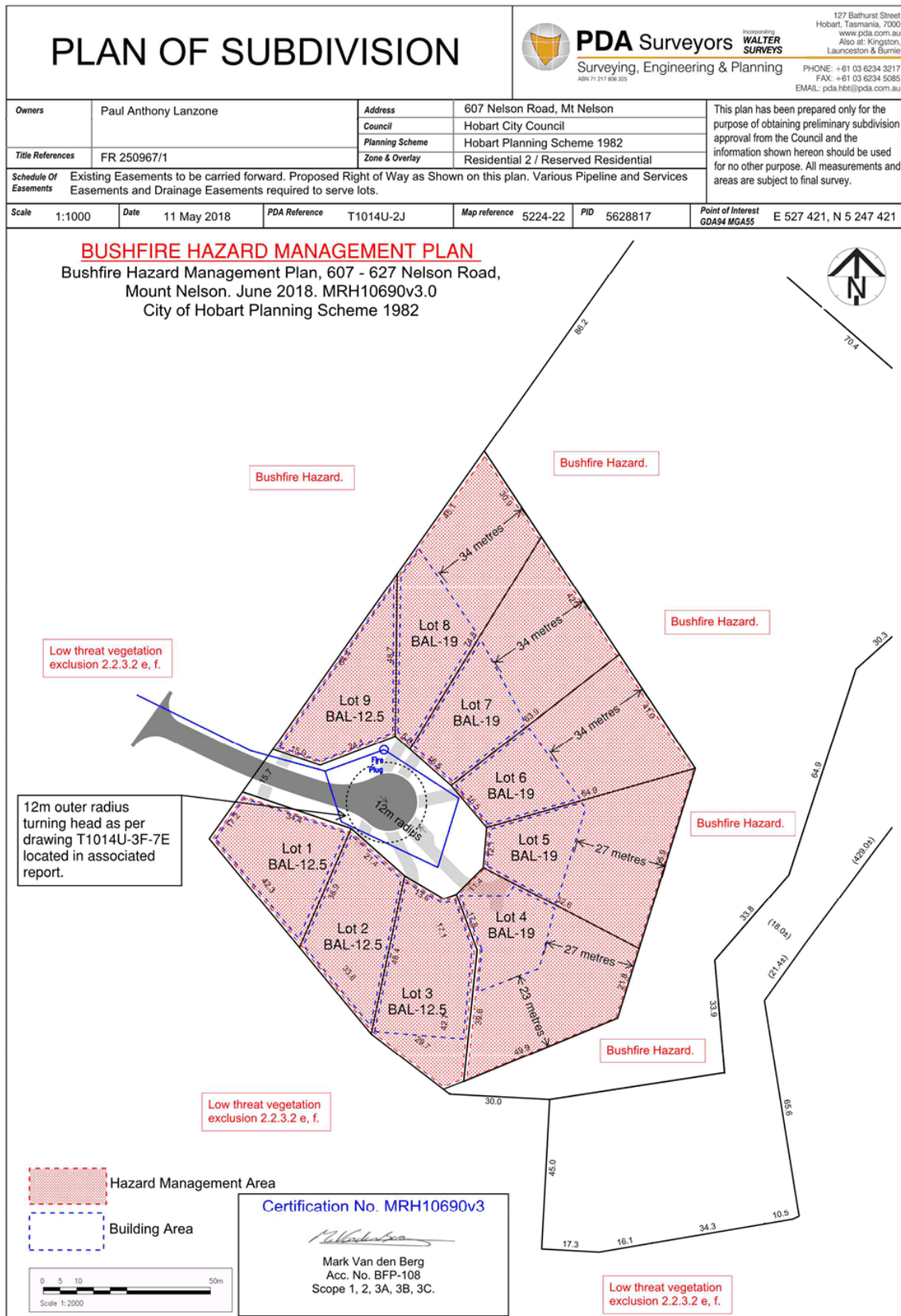












BUSHFIRE HAZARD MANAGEMENT PLAN

Bushfire Hazard Management Plan, 607 - 627 Nelson Road,
Mount Nelson. June 2018. MRH10690v3.0
City of Hobart Planning Scheme 1982

Public access**Objective:**

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, fire fighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

Public Roads

Unless the development standards in the zone require a higher standard, the following apply:

- (a) two-wheel drive, all-weather construction;
- (b) load capacity of at least 20t, including for bridges and culverts;
- (c) minimum carriageway width is 7m for a through road, or 5.5m for a dead-end or cul-de-sac road;
- (d) minimum vertical clearance of 4m;
- (e) minimum horizontal clearance of 2m from the edge of the carriageway;
- (f) cross falls of less than 3 degrees (1:20 or 5%);
- (g) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads;
- (h) curves have a minimum inner radius of 10m;
- (i) dead-end or cul-de-sac roads are not more than 200m in length unless the carriageway is 7 metres in width;
- (j) dead-end or cul-de-sac roads have a turning circle with a minimum 12m outer radius; and
- (k) carriageways less than 7m wide have 'No Parking' zones on one side, indicated by a road sign that complies with Australian Standard AS1743-2001 Road signs-Specifications.

Property access

Design and construction standards for property access for each lot will not be required in this circumstance, property access is not required to access a water connection point, consistent with Table E2, element A, of Planning Directive 5.1 Bushfire-prone Areas Code.

Reticulated Water Supplies for Firefighting

A. Distance between building area to be protected and water supply.

The following requirements apply:

- (a) the building area to be protected must be located within 120m of a fire hydrant; and
- (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.

B. Design criteria for fire hydrants

The following requirements apply:

- (a) fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply Code of Australia WSA 03 - 2011-3.1 MRWA 2nd Edition; and
- (b) fire hydrants are not installed in parking areas.

C. Hardstand A hardstand area for fire appliances must be:

- (a) no more than 3m from the hydrant, measured as a hose lay;
- (b) no closer than 6m from the building area to be protected;
- (c) a minimum width of 3m constructed to the same standard as the carriageway; and
- (d) connected to the property access by a carriageway equivalent to the standard of the property access.

Hazard management areas.

Hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 □ 2009
Construction of buildings in bushfire-prone areas have been provided.

For the development of new residential buildings;

A new building must:

- (a) Be located on the lot so as to be provided with a HMA no smaller than the required separation distances for the BAL determined at the time of subdivision; and
- (b) Have a HMA established in accordance with a certified bushfire hazard management plan.

The attached bushfire hazard management plan is certified and provides for the above conditions to be met. Separation distances and hazard management areas (where required) are given and will provide for an acceptable level of residual risk.

BUSHFIRE-PRONE AREAS CODE**CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND
APPROVALS ACT 1993**

1. Land to which certificate applies²

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

City of Hobart Planning Scheme 1982

Street address:

607 Nelson Road, Mount Nelson.

Certificate of Title / PID:

C.T.: 250967/1

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

N/A

Certificate of Title / PID:

N/A

2. Proposed Use or Development**Description of Use or Development:**

Proposed residential subdivision, nine lots plus balance. New public access, new property access and new water supplies.

Code Clauses:☐ **E1.4 Exempt Development**☐ **E1.5.1 Vulnerable Use**☐ **E1.5.2 Hazardous Use**☒ **E1.6.1 Subdivision****3. Documents relied upon**

¹ This document is the approved form of certification for this purpose, and must not be altered from its original form.

² If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

Documents, Plans and/or Specifications

Title:	Plan of Sub-division 607 Nelson Road Mount Nelson		
Author:	PDA Surveyors		
Date:	May 2018	Version:	T1014U-1M

Bushfire Hazard Report

Title:	Bushfire Management Report 607 Nelson Road Mount Nelson, June 2018. MRH10690v3		
Author:	Geo-Environmental Solutions (Mark Van den Berg)		
Date:	21/6/2018	Version:	3.0

Bushfire Hazard Management Plan

Title:	Bushfire Hazard Management Plan 607 Nelson Road Mount Nelson, June 2018. MRH10690v3		
Author:	Geo-Environmental Solutions (Mark Van den Berg)		
Date:	21/06/2018	Version:	3.0

Other Documents

Title:			
Author:			
Date:		Version:	1.0

4. Nature of Certificate

<input type="checkbox"/>	E1.4 – Use or development exempt from this code		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.4 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.5.1 – Vulnerable Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.1 P1	Residual risk is tolerable	
<input type="checkbox"/>	E1.5.1 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.1 A3	Bushfire hazard management plan	
<input type="checkbox"/>	E1.5.2 – Hazardous Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.2 P1	Residual risk is tolerable	
<input type="checkbox"/>	E1.5.2 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.2 A3	Bushfire hazard management plan	
<input checked="" type="checkbox"/>	E1.6 – Development standards for subdivision		
	E1.6.1 Subdivision: Provision of hazard management areas		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
<input type="checkbox"/>	E1.6.1 A1 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/>	E1.6.1 A1 (b)	Provides BAL 19 for all lots	Bushfire Management Report 607 Nelson Road Mount Nelson, June 2018. MRH10690v3
<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	

E1.6.2 Subdivision: Public and fire fighting access			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.2 A1 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	Bushfire Management Report 607 Nelson Road Mount Nelson, June 2018. MRH10690v3

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.3 A1 (a)	Insufficient increase in risk	
<input checked="" type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	Bushfire Management Report 607 Nelson Road Mount Nelson, June 2018. MRH10690v3
<input type="checkbox"/>	E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.3 A2 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A2 (b)	Static water supply complies with Table E5	
<input type="checkbox"/>	E1.6.3 A2 (c)	Static water supply is consistent with the objective	

5. Bushfire Hazard Practitioner³

Name:	Mark Van den Berg	Phone No:	03 62231839
Address:	29 Kirksway Place	Fax No:	
	Battery Point	Email Address:	mvandenberg@geosolutions.net.au
	Tas		7004
Accreditation No:	BFP – 108	Scope:	1, 2, 3a, 3b, 3c

6. Certification

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.	<input type="checkbox"/>
--	--------------------------

or

There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.	<input type="checkbox"/>
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and/or

The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.	<input checked="" type="checkbox"/>
---	-------------------------------------

Signed:
certifier



Date: 1/10/2018

Certificate No: MRH10690v3

³ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at www.fire.tas.gov.au.



Submission to Planning Authority Notice

Council Planning Permit No.	PLN-14-01177-01		Council notice date	15/10/2014
TasWater details				
TasWater Reference No.	TWDA 2014/01071-HCC		Date of response	18 June 2018
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242	
Response issued to				
Council name	HOBART CITY COUNCIL			
Contact details	coh@hobartcity.com.au			
Development details				
Address	607-627 NELSON RD, MOUNT NELSON		Property ID (PID)	5628817
Description of development	Subdivision			
Schedule of drawings/documents				
Prepared by		Drawing/document No.	Revision No.	Date of Issue
PDA		Plan of Subdivision Sheet 2		11 May 2018
Conditions				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:				
CONNECTIONS, METERING & BACKFLOW				
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 				
ASSET CREATION & INFRASTRUCTURE WORKS				
<ol style="list-style-type: none"> 3. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains. 4. Prior to applying for a Permit to Construct the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction. 5. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction. 6. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements. 7. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the Plan of Subdivision, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater. 8. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must 				



apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.

9. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
 - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
10. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
11. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
12. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
13. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

14. Prior to the Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made.
15. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.

DEVELOPMENT ASSESSMENT FEES

16. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees



will be indexed, until the date they are paid to TasWater, as follows:

- a. \$999.38 for development assessment; and
 - b. \$221.40 for Consent to Register a Legal Document
17. The payment is required within 30 days of the issue of an invoice by TasWater.
18. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

For information on TasWater development standards, please visit
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Authorised by

Jason Taylor
Development Assessment Manager

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

7.1.4 19 BLUESTONE RISE, LENA VALLEY - DWELLING
PLN-21-207 - FILE REF: F21/48194

Address: 19 Bluestone Rise, Lenah Valley
Proposal: Dwelling
Expiry Date: 1 June 2021
Extension of Time:
Author: Victoria Maxwell

RECOMMENDATION

That pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-207 19 BLUESTONE RISE LENA VALLEY TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Natural runoff from the undeveloped upslope catchment must be safely conveyed through the site without causing any nuisance to third-party land by concentrating or relocating the flows.

Advice:

Council notes that the private plumbing and landscaping design should take the natural runoff and springs known in the area into consideration, to avoid damage and nuisance to the development.

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

SW 9

Prior to occupancy or the commencement of the approved use (whichever occurs first), detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

- 1. include detailed design and revised supporting calculations of the detention tank showing:**
 - 1. detention tank sizing such that the maximum flow rate from the development is 2.5L/s up to the 5% AEP event, as per the registered dealing on the title;**
 - 2. the layouts, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;**
 - 3. the discharge rates and emptying times; and**
 - 4. all assumptions must be clearly stated;**

2. **include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.**

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, ramps, and parking module (parking spaces, and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS 2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Advice:

It is advised that designers consider the detailed design of the access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, ramps, and parking module (parking spaces, and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 11

Prior to first occupation or commencement of use (whichever occurs first), the proposed crossover between 19 Bluestone Rise and the City highway reservation must be designed and constructed in general accordance with:

1. **LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways;**
2. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11- v1; or**
3. **A Council City Infrastructure Division approved alternate design.**

Advice:

Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).

It is advised that designers consider the detailed design of the crossover, access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from the Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.

Please contact Council's City Amenity Division to discuss approval of alternate designs. Based on a site specific assessment, Council's City Amenity Division Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.

You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

- 1. Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**

2. **Be repaired and reinstated by the owner to the satisfaction of the Council.**

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

All work required by this condition must be undertaken in accordance with the approved SWMP.

Advice:

This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

Prior to any commencement of work on the site or commencement of use the following additional permits/approval may be required from the Hobart City Council.

CONDITION ENDORSEMENT

If any condition requires that further documents are submitted and approved, you will need to submit the relevant documentation to satisfy the condition via the Condition Endorsement Submission on Council's [online services e-planning portal](#). Detailed instructions can be found [here](#).

A fee of 2% of the value of the works for new public assets (stormwater infrastructure, roads and related assets) will apply for the condition endorsement application.

Once approved, the Council will respond to you via email that the condition has been endorsed (satisfied).

Where building approval is also required, it is recommended that documentation for condition endorsement be submitted well before submitting documentation for building approval. Failure to address condition endorsement requirements prior to submitting for building approval may result in unexpected delays.

BUILDING PERMIT

You may need building approval in accordance with the *Building Act 2016*. Click [here](#) for more information.

This is a Discretionary Planning Permit issued in accordance with section 57 of the *Land Use Planning and Approvals Act 1993*.

PLUMBING PERMIT

You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

OCCUPATION OF THE PUBLIC HIGHWAY

You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

STORMWATER

Please note that in addition to a building and/or plumbing permit, development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

WORK WITHIN THE HIGHWAY RESERVATION

Please note development must be in accordance with the Hobart City Council's Infrastructure By law. Click [here](#) for more information.

DRIVEWAY SURFACING OVER HIGHWAY RESERVATION

If a coloured or textured surface is used for the driveway access within the Highway Reservation, the Council or other service provider will not match this on any reinstatement of the driveway access within the Highway Reservation required in the future.

STORMWATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

FEES AND CHARGES



Click [here](#) for information on the Council's fees and charges.



DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

PART 5 AGREEMENT

The planning authority consents to the owner(s) not implementing and maintaining the Bushfire Management Plan referred to in Part 5 Agreement E192106 provided that the submitted bushfire hazard management plan certified by J Blowfield dated 24 September 2020 is implemented and complied with.

Attachment A: PLN-21-207 - 19 BLUESTONE RISE LENA
VALLEY TAS 7008 - Planning Committee or
Delegated Report  

Attachment B: PLN-21-207 19 BLUESTONE RISE LENA
VALLEY TAS 7008 - CPC Agenda Documents  

**APPLICATION UNDER HOBART INTERIM PLANNING SCHEME 2015**

Type of Report: Committee
Committee: 31 May 2021
Expiry Date: 1 June 2021
Application No: PLN-21-207
Address: 19 BLUESTONE RISE , LENA VALLEY
Applicant: Andrew and Tanith Cashin
99 Bowen Road
Proposal: Dwelling
Representations: 0
Performance criteria: Front setback
Building envelope
Site area and Private Open Space location
Layout of Parking area

1. Executive Summary

- 1.1 Planning approval is sought for a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008.
- 1.2 More specifically the proposal includes:
- construction of a two storey 4 bedroom, 3 bathroom dwelling with parking for 3 vehicles on site,
 - the dwelling is divided by a walkway link between the master bedroom and associated facilities and the main living space on the ground floor with 3 bedroom on the upper floor,
 - a deck and court yard are provided on the south eastern and south western sides of the dwelling with a 13m2 colourbond storage shed proposed in the south eastern corner,
 - the road reserve to the west of the driveway will be slightly encroached to enable easier access to the garage. This required a small retaining structure in the road reserve. GMC-21-13 granted owner consent for such works.
- 1.3 The proposal relies on performance criteria to satisfy the following standards and codes:

- 1.3.1 Low Density Residential Zone - Front Setback, Building Envelope, Site Area and Location of Private Open Space
 - 1.3.2 Parking and Access Code - Layout of parking spaces
- 1.4 No representations were received during the statutory advertising period between 27th April and 11th May 2021.
- 1.5 The proposal is recommended for approval subject to conditions.
- 1.6 The final decision is delegated to the City Planning Committee, because the proposal includes Council land within the road reserve and required General Manager's Consent.

2. Site Detail

- 2.1 The site is located on the southern side of the new subdivision on Bluestone Rise. Surrounding uses are vacant or developing residential lots on either side of the new road. Further to the north, east and south, land is vacant and undeveloped bush.



Figure 1: Site Plan (Geo Cortex, 2021)

The site is a north and west facing residential lot. It slopes down to the road and also to the west. The slope is approximately 1:5, dropping 10m over 51m. The site is cleared and put down to grass.



Figure 2: Real estate views of the subject site in relation to the subdivision (realestate.com.au, 2020)

3. Proposal

3.1 Planning approval is sought for a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008.

3.2 More specifically the proposal includes:

- construction of a two storey 5 bedroom, 3 bathroom dwelling with parking for 3 vehicles on site,
- the dwelling is divided by a walkway link between the master bedroom and associated facilities and the main living space on the ground floor with 3 bedroom on the upper floor and a 5th bedroom behind the garage and accessed off the kitchen area,
- a deck and court yard are provided on the south eastern and south western sides of the dwelling with a 13m2 colourbond storage shed proposed in the south eastern corner,
- the road reserve to the west of the driveway will be slightly encroached to enable easier access to the garage. This required a small retaining structure in the road reserve. GMC-21-13 granted owner consent for such works.

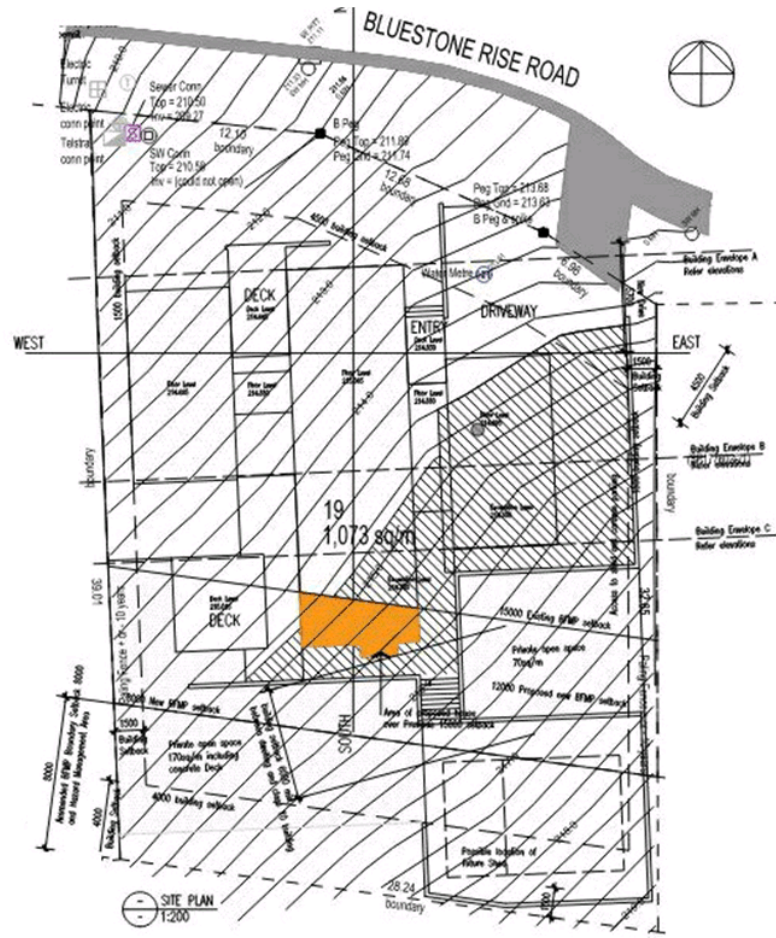


Figure 3: Applicant Site plan (Preston Lane, 2021)

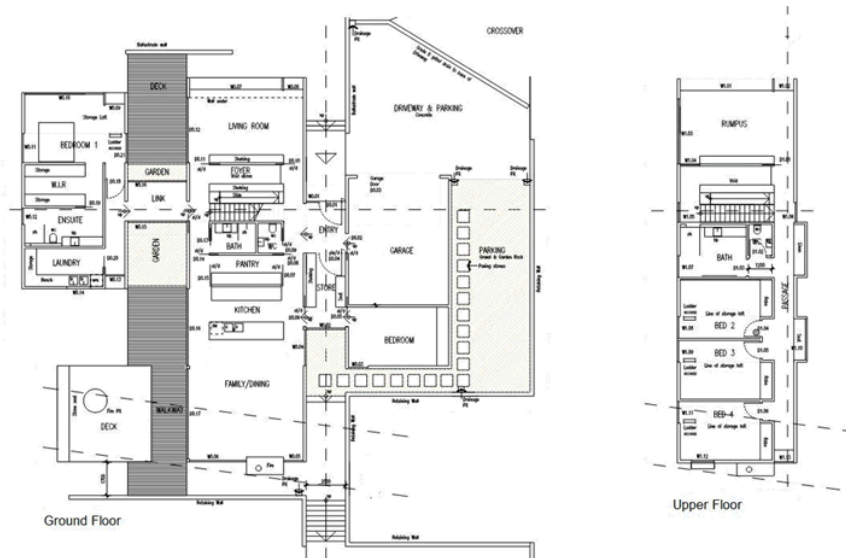


Figure 4: Ground and Upper floors (Preston Lane, 2021)

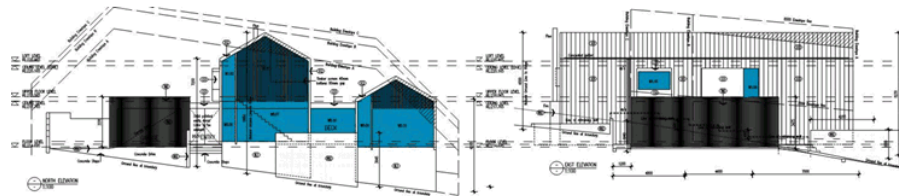


Figure 5: North (front) and East elevations (Preston Lane, 2021)

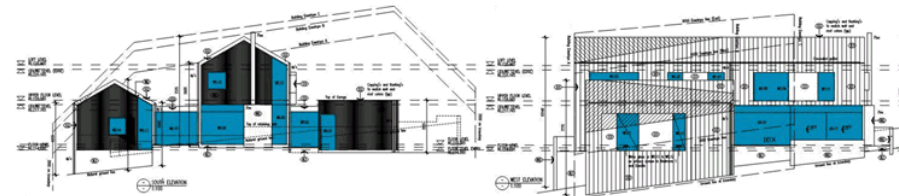


Figure 6: South (rear) and west elevations (Preston Lane, 2021)



Figure 7: Sunshade Diagrams 21st June (Preston Lane, 2021)

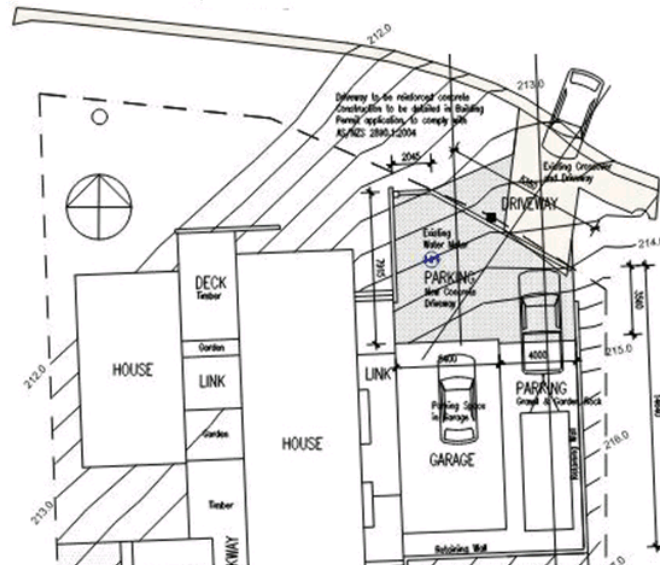


Figure 8: Driveway detail (Preston Lane, 2021)

4. Background

- 4.1 This site was approved as part of the subdivision application (PLN-15-003710-01).
- 4.2 An application was lodged in December 2020 for the same proposal. Because it required GMC for works within the road reserve, that application was withdrawn, GMC applied for and now the current application has been submitted.
- 4.3 General Manager Consent was provided on 11 March 2021, under GMC-21-13.

5. Concerns raised by representors

- 5.1 No representations were received during the statutory advertising period between 27th April and 11th May 2021.

6. Assessment

- 6.1 The *Hobart Interim Planning Scheme 2015* is a performance based planning scheme. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria, the Council may approve or refuse the proposal on that basis. The ability to approve or refuse the proposal relates only to the performance criteria relied on.
- 6.2 The site is located within the Low Density Residential zone of the *Hobart Interim Planning Scheme 2015*.
- 6.3 The existing use is vacant land. The proposed use is Residential - Single Dwelling. The existing use is a NPR use in the zone. The proposed use is a NPR use in the zone.
- 6.4 The proposal has been assessed against:
- 6.4.1 Part D - 12 Low Density Residential Zone
- 6.4.2 E6.0 Parking and Access Code
- 6.4.3 E7.0 Stormwater Management Code
- 6.5 The proposal relies on the following performance criteria to comply with the applicable standards:
- 6.5.1 Low Density Residential Zone:
- Building Envelope and Front Setback - 12.4.2 P2 and P3*
Site area: 12.4.3 P1
Private Open Space location – Part D 12.4.3 P2
- 6.5.2 Parking and Access Code:
- Layout of parking area - 6.7.5*

6.6 Each performance criterion is assessed below.

6.7 Setback and Building Envelope Part D 12.4.2 P1

6.7.1 The acceptable solution at clause 12.4.2 A1 requires setback of 4.5m from the front boundary.

6.7.2 The proposal includes front setback of 4.6m.

6.7.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.7.4 The performance criterion at clause 12.4.2 P1 provides as follows:

A dwelling must:

(a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and

(b) have regard to streetscape qualities or assist the integration of new development into the streetscape.

6.7.5 As there is not a defined building line in the street yet, it is difficult to determine the relationship with existing building. There are applications on adjacent lots (NBW-19-259 for 17 Bluestone Rise and PLN-20-324 - 21 Bluestone Rise). The latter has planning approval only at the time of writing so may not yet go ahead. Comparison of building footprints shows that 17 Bluestone has a similar setback to this proposal. The reduced setback is due to the angled frontage to move into the cul de sac bowl. 21 Bluestone Rise is within the cul de sac bowl and has a significant setback to take advantage of the elevated views at the rear of the site. The streetscape is still establishing, without a defined character yet and so this provision is not relevant.

It is considered that the reduced setback is not significant and can be supported as whilst the building is tall, the setback discretion is only for a small portion of the north eastern corner of the dwelling on the angled frontage, whilst the rest of the dwelling angles more to due north.

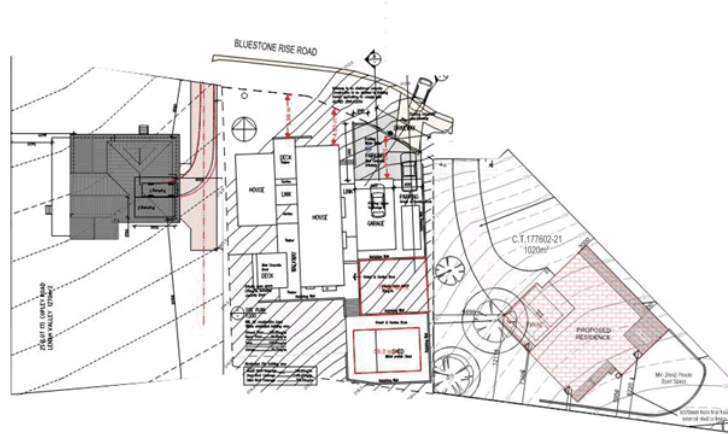


Figure 9: 17, 19 and 21 Bluestone Rise site plans (G Tiley, Preston Lane, West Elevation, 2021)

6.7.6 The proposal complies with the performance criterion.

6.8 Building Envelope Part D 12.4.2 P3

6.8.1 The acceptable solution at clause 12.4.2 A3 requires development to fit within a 3D building envelope.

6.8.2 The proposal includes portions of the building on the north eastern and north western side that extend outside the building envelope.

6.8.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.8.4 The performance criterion at clause 12.4.2 P3 provides as follows:

The siting and scale of a dwelling must:

(a) not cause unreasonable loss of amenity by:

(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or

(ii) overshadowing the private open space of a dwelling on an adjoining lot; or

(iii) overshadowing of an adjoining vacant lot; or

(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

(b) provide separation between dwellings on adjoining lots that is

compatible with that prevailing in the surrounding area.

- 6.8.5 Because the lots are not yet developed (a)(i), (ii) and (b) are not relevant. Sunshade diagrams show overshadowing of 17 Bluestone Rise at 9am, but the rest of the day free from shading by the proposal. 21 Bluestone Rise is not affected by this proposal before 3pm on 21st June.

The visual bulk, whilst tall, is centrally located on the site. View from 21 Bluestone Rise will view an oblique angle of the main living and sleeping building. However, none of the views are of a blank wall face on to the dwelling.

The proposal is considered acceptable in this instance.

- 6.8.6 The proposal complies with the performance criterion.

6.9 Site coverage - 12.4.3 P1

- 6.9.1 The acceptable solution at clause 12.4.3 A1 and A2 requires no more than 25% of the site to be covered by roofed structure and for the location of private open space to be directly accessible from a habitable room.
- 6.9.2 The proposal includes 27.5% roofed areas and the private open space located in two spots, behind the dwelling and garage in the south east corner and a deck accessed from the walkway in the south west corner.
- 6.9.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.
- 6.9.4 The performance criterion at clause 12.4.3 P1 provides as follows:

P1 Dwellings must have:

(a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:

(i) outdoor recreational space consistent with the projected requirements of the occupants; and

(ii) operational needs, such as clothes drying and storage; and

(b) have reasonable space for the planting of gardens and landscaping.

(c) not be out of character with the pattern of development in the

surrounding area; and

(d) not result in an unreasonable loss of natural or landscape values.

and

P2 A dwelling must have private open space that:

(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:

(i) conveniently located in relation to a living area of the dwelling; and

(ii) orientated to take advantage of sunlight.

6.9.5 The proposal has a number of areas of private open space, which can be landscaped, used as an extension of the living space as well as being used for clothes drying and storage. The private open space is not out of character with the pattern of development and does not result in any loss of natural or landscape values for the area. The deck will receive more than 3 hours of sunlight in the south west corner and is designed as an outdoor living area.

6.9.6 The proposal complies with the performance criterion.

6.10 Parking and Access Code - Layout of Parking area - 6.7.5

6.10.1 The acceptable solution at clause 6.7.5 A1 requires parking and access to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking in terms of gradient, headroom, etc.

6.10.2 The proposal includes a gradient in excess of the Acceptable Solution limit of 5%. And it relies on the Performance Criteria limit of up to 10%

6.10.3 The proposal does not comply with the acceptable solution; therefore assessment against the performance criterion is relied on.

6.10.4 The performance criterion at clause 6.7.5 P1 provides as follows:

The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

- 6.10.5 The application was referred to Council's Development Engineer, who advised the following;

The layout of the parking area must satisfy either Acceptable Solutions or Performance Criteria for each clause of the Hobart Interim Planning Scheme 2015 (HIPS 2015).

Documentation submitted to date does not satisfy the Acceptable Solution for clause E6.7.5 and as such, shall be assessed under Performance Criteria.

Acceptable Solution A1: - NON COMPLIANT

The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 "Design of Parking Modules, Circulation Roadways and Ramps" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 "Headroom" of the same Standard.

- Car Parking Space Dimensions (AS2890.1 Fig 2.2 = 2.4x5.4m Class 1A): - Submitted documentation appears able to satisfy this requirement
- Car Parking Space Design Envelope (AS2890.1 Fig 5.2 300mm clearance on side): - Submitted documentation appears able to satisfy this requirement
- Headroom: (AS2890.1 Fig 5.3 = 2.2m clearance): - Submitted documentation appears able to satisfy this requirement
- Parking Space Gradient (<5%): - Submitted documentation appears unable to satisfy this requirement, FFL
- Garage Door Width & Apron (AS2890.1 Fig 5.4 = >2.4m wide = 7m wide apron): - Submitted documentation appears able to satisfy this requirement
- Parking Module Gradient (manoeuvring area 5% Acceptable Soln, 10% Performance): - Submitted documentation appears to satisfy this requirement but assessed under Performance Criteria, SECTION C
- Driveway Gradient & Width (AS2890.1 Section 2.6 = <25% and >3m): - Submitted documentation appears able to satisfy this requirement

- Transitions (AS2890.1 Section 2.5.3 = 12.5% summit, 15% sag = >2m transition): - Submitted documentation appears able to satisfy this requirement

- Vehicular Barriers (AS2890.1 Section 2.4.5.3 = 600mm drop, 1:4 slope): - Submitted documentation appears able to satisfy this requirement

Performance Criteria - P1: The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

- Acceptable, submitted documentation appears to satisfy this requirement

6.10.6 The proposal complies with/does not comply with the performance criterion.

7. Discussion

7.1 Planning approval is sought for a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008.

7.2 The application was advertised and no representations were received.

7.3 The proposal has been assessed against the relevant provisions of the planning scheme and is considered to perform well.

7.4 The proposal has been assessed by other Council officers, including the Council's Development Engineer, Stormwater Officer and Environmental Development Planner. The officers have raised no objection to the proposal, subject to conditions.

7.5 The proposal is recommended for approval.

8. Conclusion

8.1 The proposed a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008 satisfies the relevant provisions of the *Hobart Interim Planning Scheme 2015*, and as such is recommended for approval.

9. Recommendations

That: Pursuant to the *Hobart Interim Planning Scheme 2015*, the City Planning Committee, in accordance with the delegations contained in its terms of reference, approve the application for a Dwelling at 19 BLUESTONE RISE LENA VALLEY TAS 7008 for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

GEN

The use and/or development must be substantially in accordance with the documents and drawings that comprise PLN-21-207 19 BLUESTONE RISE LENA VALLEY TAS 7008 - Final Planning Documents except where modified below.

Reason for condition

To clarify the scope of the permit.

ENG sw1

All stormwater from the proposed development (including but not limited to: roofed areas, ag drains and impervious surfaces such as driveways and paved areas) must be drained to the Council's stormwater infrastructure prior to first occupation or commencement of use (whichever occurs first).

Natural runoff from the undeveloped upslope catchment must be safely conveyed through the site without causing any nuisance to third-party land by concentrating or relocating the flows.

Advice: Council notes that the private plumbing and landscaping design should take the natural runoff and springs known in the area into consideration, to avoid damage and nuisance to the development.

Reason for condition

To ensure that stormwater from the site will be discharged to a suitable Council approved outlet.

SW 9

Prior to occupancy or the commencement of the approved use (whichever

occurs first), detention for stormwater discharges from the development must be installed.

A stormwater management report and design must be submitted and approved as a Condition Endorsement, prior to the issue of any approval under the *Building Act 2016* or the commencement of work on the site (whichever occurs first). The stormwater management report and design must be prepared by a suitably qualified engineer and must:

1. include detailed design and revised supporting calculations of the detention tank showing:
 1. detention tank sizing such that the maximum flow rate from the development is 2.5L/s up to the 5% AEP event, as per the registered dealing on the title;
 2. the layouts, the inlet and outlet (including long section), outlet size, overflow mechanism and invert level;
 3. the discharge rates and emptying times; and
 4. all assumptions must be clearly stated;
2. include a supporting maintenance plan, which specifies the required maintenance measures to check and ensure the ongoing effective operation of all systems, such as: inspection frequency; cleanout procedures; descriptions and diagrams of how the installed systems operate; details of the life of assets and replacement requirements.

All work required by this condition must be undertaken and maintained in accordance with the approved stormwater management report and design.

Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

ENG 3a

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, ramps, and parking module (parking spaces, and manoeuvring area) must be designed and constructed in accordance with Australian Standard AS/NZS2890.1:2004 (including the requirement for vehicle safety barriers where required), or a Council approved alternate design certified by a suitably qualified engineer to provide a safe and efficient access, and enable safe, easy and efficient use.

Advice:

- *It is advised that designers consider the detailed design of the access and*

parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this condition.

Reason for condition

To ensure the safety of users of the access and parking module, and compliance with the relevant Australian Standard.

ENG 4

Prior to first occupation or commencement of use (whichever occurs first), the access driveway, ramps, and parking module (parking spaces, and manoeuvring area) approved by this permit must be constructed to a sealed standard (spray seal, asphalt, concrete, pavers or equivalent Council approved) and surface drained to the Council's stormwater infrastructure.

Reason for condition

To ensure the safety of users of the access driveway and parking module, and that it does not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

ENG 11

Prior to first occupation or commencement of use (whichever occurs first), the proposed crossover between 19 Bluestone Rise Road and the City highway reservation must be designed and constructed in general accordance with:

1. **LGAT Standard Drawing - Urban - TSD-R09-v1 – Urban Roads Driveways;**
2. **LGAT Standard Drawing - Footpath - Urban Roads Footpaths TSD-R11-v1; or**
3. **A Council City Infrastructure Division approved alternate design.**

Advice:

- *Local Government Association (LGAT) Tasmanian Standard Drawings (TSD) can be viewed electronically via the [LGAT Website](#).*
- *It is advised that designers consider the detailed design of the crossover, access and parking module prior to finalising the Finished Floor Level (FFL) of the parking spaces (especially if located within a garage incorporated into the dwelling), as failure to do so may result in difficulty complying with this*

condition.

- *Please note that your proposal does not include adjustment of footpath levels. Any adjustment to footpath levels necessary to suit the design of proposed floor, parking module or driveway levels will require separate agreement from Council's Road Services Engineer and may require further planning approvals. It is advised to place a note to this effect on construction drawings for the site and/or other relevant engineering drawings to ensure that contractors are made aware of this requirement.*
- *Please contact Council City Infrastructure Division to discuss approval of alternate designs. Based on a site specific assessment, Council City Infrastructure Division Road Engineer may permit extending non-approved concrete slab crossover, and where non-standard kerb and channel exists a concrete plinth to Council standards may be permitted for construction at the gutter.*
- *You are likely to require a Permit to Open Up and Temporarily Occupy a Highway (for work within the highway reservation). Click [here](#) for more information.*

Reason for condition

In the interests of vehicle user safety and the amenity of the development.

ENG 1

Any damage to council infrastructure resulting from the implementation of this permit, must, at the discretion of the Council:

1. **Be met by the owner by way of reimbursement (cost of repair and reinstatement to be paid by the owner to the Council); or**
2. **Be repaired and reinstated by the owner to the satisfaction of the Council.**

A photographic record of the Council's infrastructure adjacent to the subject site must be provided to the Council prior to any commencement of works.

A photographic record of the Council's infrastructure (e.g. existing property service connection points, roads, buildings, stormwater, footpaths, driveway crossovers and nature strips, including if any, pre-existing damage) will be relied upon to establish the extent of damage caused to the Council's infrastructure during construction. In the event that the owner/developer fails to provide to the Council a photographic record of the Council's infrastructure, then any damage to the Council's infrastructure found on completion of works will be deemed to be the responsibility of the owner.

Reason for condition

To ensure that any of the Council's infrastructure and/or site-related service connections affected by the proposal will be altered and/or reinstated at the owner's full cost.

ENV 2

Sediment and erosion control measures, in accordance with an approved soil and water management plan (SWMP), must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the Council's satisfaction.

A SWMP must be submitted as a Condition Endorsement prior to the issue of any approval under the *Building Act 2016* or the commencement of work, whichever occurs first. The SWMP must be prepared in accordance with the Soil and Water Management on Building and Construction Sites fact sheets (Derwent Estuary Program, 2008), available [here](#).

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Advice: This condition requires further information to be submitted as a Condition Endorsement. Refer to the Condition Endorsement advice at the end of this permit.

Reason for Condition

To avoid the pollution and sedimentation of roads, drains and natural watercourses that could be caused by erosion and runoff from the development.

ADVICE

The following advice is provided to you to assist in the implementation of the planning permit that has been issued subject to the conditions above. The advice is not exhaustive and you must inform yourself of any other legislation, by-laws, regulations, codes or standards that will apply to your development under which you may need to obtain an approval. Visit the Council's [website](#) for further information.

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You may need plumbing approval in accordance with the *Building Act 2016*, *Building Regulations 2016* and the National Construction Code. Click [here](#) for more information.

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You may require a Permit to Open Up and Temporarily Occupy a Highway (for work in the road reserve). Click [here](#) for more information.

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STORM WATER / ROADS / ACCESS

Services to be designed and constructed in accordance with the (IPWEA) LGAT – standard drawings. Click [here](#) for more information.

FEES AND CHARGES

Click [here](#) for information on the Council's fees and charges.

DIAL BEFORE YOU DIG

Click [here](#) for dial before you dig information.

PART 5 AGREEMENT

The planning authority consents to the owner(s) not implementing and maintaining the Bushfire Management Plan referred to in Part 5 Agreement E192106 provided that the submitted bushfire hazard management plan certified by J Blowfield dated 24 September 2020 is implemented and complied with.



(Victoria Maxwell)

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



(Ben Ikin)

Senior Statutory Planner

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Date of Report: 14 May 2021

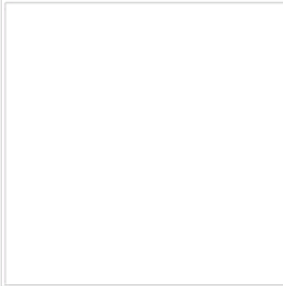
Attachment(s):

Attachment B - CPC Agenda Documents

Planning: #228610

Property

19 BLUESTONE RISE LENA VALLEY TAS 7008

**People**

Applicant

*

Andrew and Tanith Cashin
99 Bowen Road
LUTANA TAS 7009
0407 544 522
andrew@bellala.com.au

Owner

*

Andrew and Tanith Cashin
99 Bowen Road
LUTANA TAS 7009
0407 544 522
andrew@bellala.com.au

Entered By

DANIEL LANE
45 GOULBURN STREET
HOBART TAS 7000
03 6231 2923
daniel@prestonlane.com.au

Use

Single dwelling

Details

Have you obtained pre application advice?

☒ Yes

If YES please provide the pre application advice number eg PAE-17-xx

Victoria Maxwell

Are you applying for permitted visitor accommodation as defined by the State Government Visitor Accommodation Standards? Click on help information button for definition. If you are not the owner of the property you MUST include signed confirmation from the owner that they are aware of this application.

*

☐ No

Is the application for SIGNAGE ONLY? If yes, please enter \$0 in the cost of development, and you must enter the

number of signs under Other Details below.

*

- ☐ No

If this application is related to an enforcement action please enter Enforcement Number

-

Details

What is the current approved use of the land / building(s)?

*

Residential

Please provide a full description of the proposed use or development (i.e. demolition and new dwelling, swimming pool and garage)

*

New Dwelling and Garage

Estimated cost of development

*

750000.00

Proposed floor area (m2)

Site area (m2)

Existing floor area (m2)

295.61

1073

Carparking on Site

N/A

Total parking spaces

Existing parking spaces

☐ Other (no selection chosen)

3

0

Other Details

Does the application include signage?

*

☐ No

How many signs, please enter 0 if there are none involved in this application?

*

0

Tasmania Heritage Register

Is this property on the Tasmanian Heritage Register?

- ☐ No

Documents

Required Documents

Title (Folio text and Plan and Schedule of Easements)

*

19 Bluestone Rise FolioText-177602-19.pdf

Title (Folio text and Plan and Schedule of Easements)

*

19 Bluestone Rise FolioPlan-177602-19.pdf

Title (Folio text and Plan and Schedule of Easements)

*

19 Bluestone Rise FolioText-177602-19.pdf

Title (Folio text and Plan and Schedule of Easements)

*

19 Bluestone Rise Title Agreement 192104.pdf

Title (Folio text and Plan and Schedule of Easements)

*

19 Bluestone Rise Title agreement E192106.pdf

Plans (proposed, existing)

*

19 Bluestone Rise Drawings 30-03-21.pdf

GM or Crown consent

19 Bluestone Rise GMC Approval 11-03-21 - 19 BLUESTONE RISE LENA VALLEY TAS .pdf

Covering Letter
19 Bluestone Rise Resubmitted Planning Application 30-03-21.pdf
Supporting Documents
Concept Servicing Plan
19 Bluestone Rise JMG SW Calculations.pdf
Concept Servicing Plan
19 Bluestone Rise SW Layout.pdf
Bushfire Management Plan
19 Bluestone Rise, Lenah Valley - Bushfire Hazard Management Report 2020.pdf
Shadow Diagrams
19 Bluestone Rise Shadow Diagrams.pdf



Hobart City Planning Department
16 Elizabeth Street
Hobart, Tasmania 7000

Attention: Victoria Maxwell

Re: 19 Bluestone Rise, Lenah Valley New Submission
Application No. PLN-20-886 (withdrawn)

30th March 2021

Dear Victoria

I refer to the above planning permit application submitted on the 16th December 2020 and withdrawn on the 11th March 2021.

We have amended the documents previously submitted to include the required General Managers Consent, Stormwater and sewer drainage plans and parking layouts.

As discussed previously, much of the assessment has been done and satisfied with the General Managers Consent being the catalyst for the original submission being withdrawn.

A complete set of planning documents has been resubmitted for a Planning Permit.

We hope that with these new documents, incorporating all requirements requested by council, the assessment can be completed.

Please do not hesitate to call us on 62312923 should you require any further information

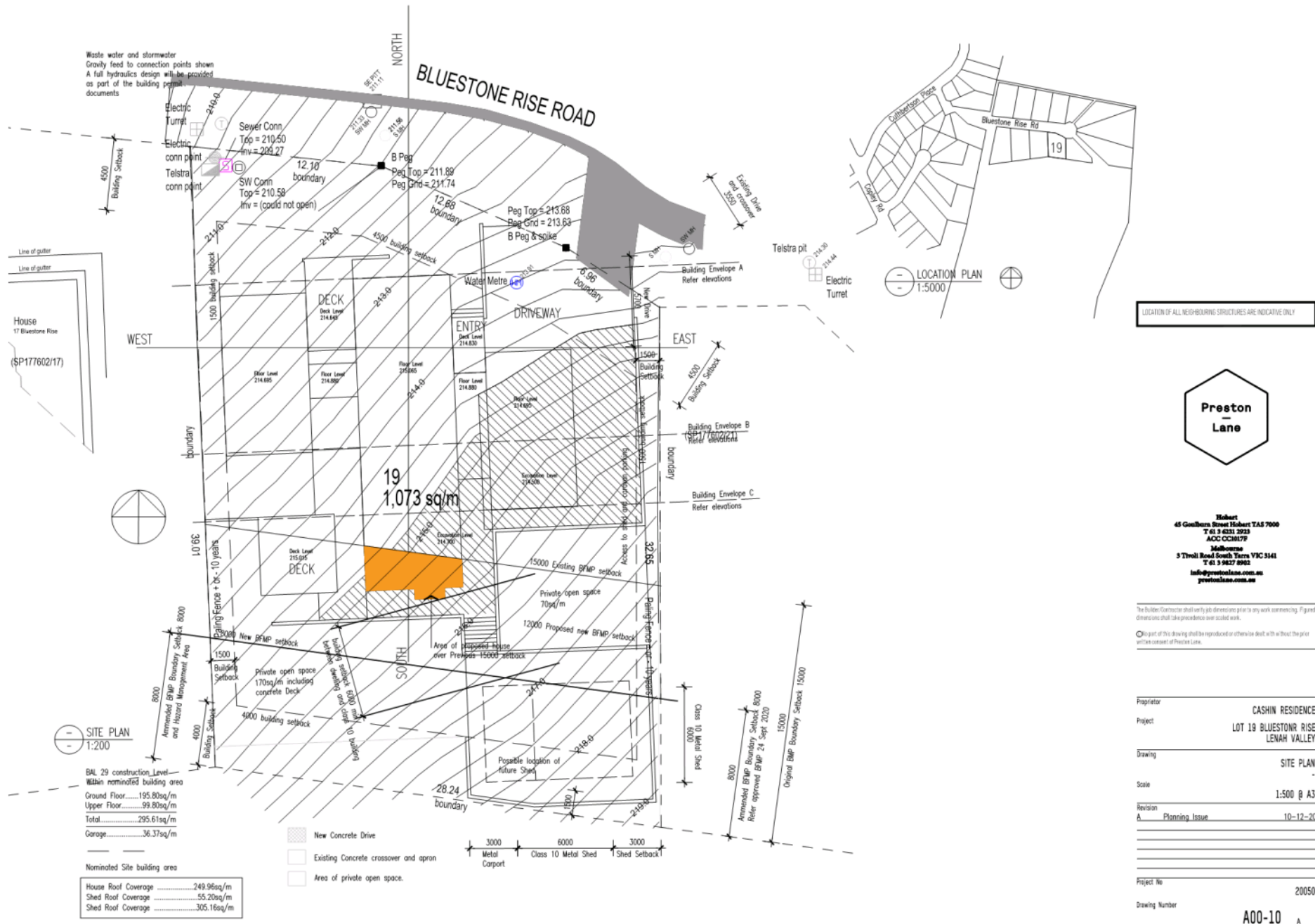
Yours Sincerely

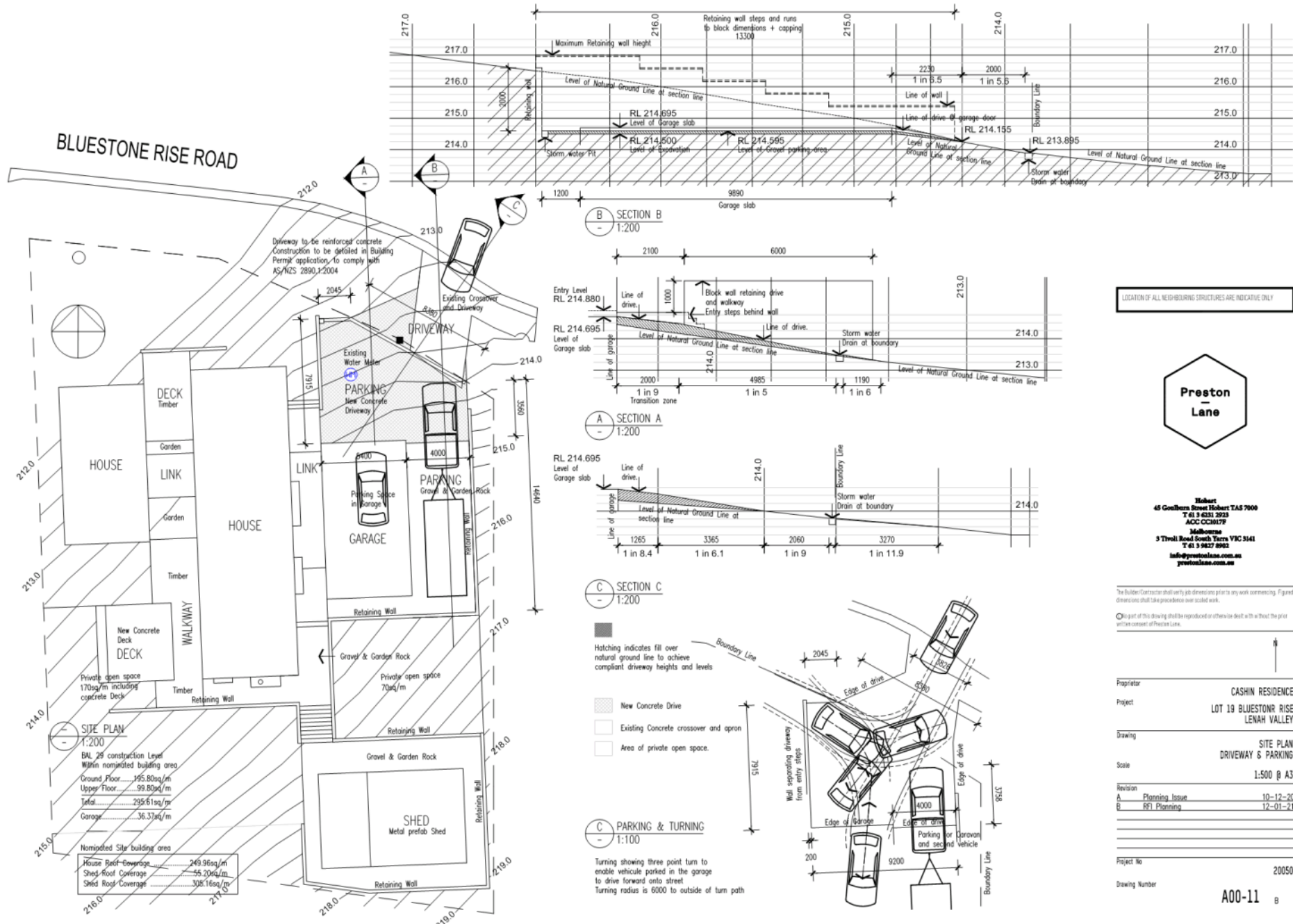
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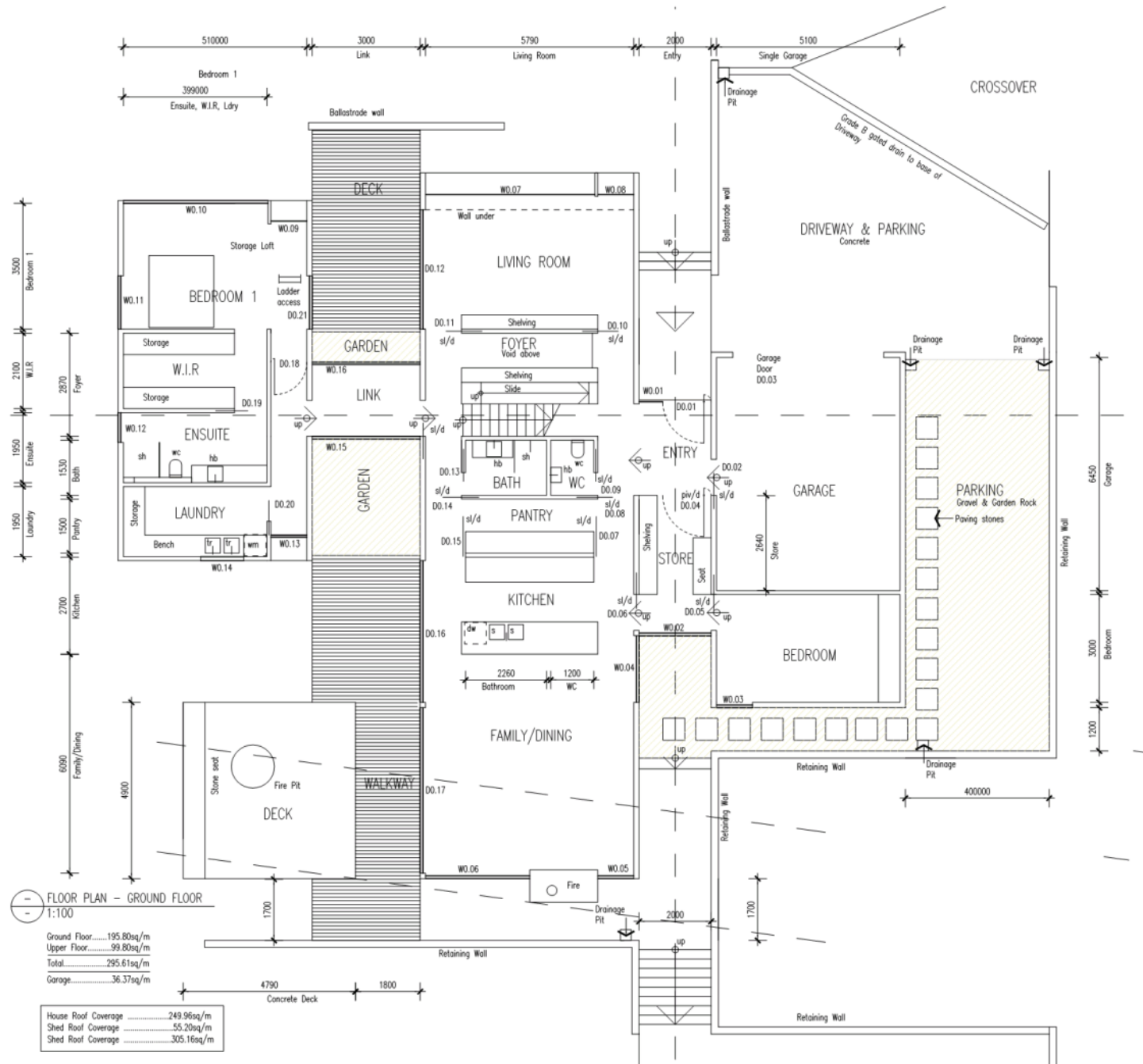
A handwritten signature in black ink, appearing to read "Daniel Lane".

Daniel Lane
Director









LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F

Melbourne
3 Tivoli Road South Yarra VIC 3141
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The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTON RISE LENAH VALLEY

Drawing GROUND FLOOR PLAN

Scale 1:100 @ A3

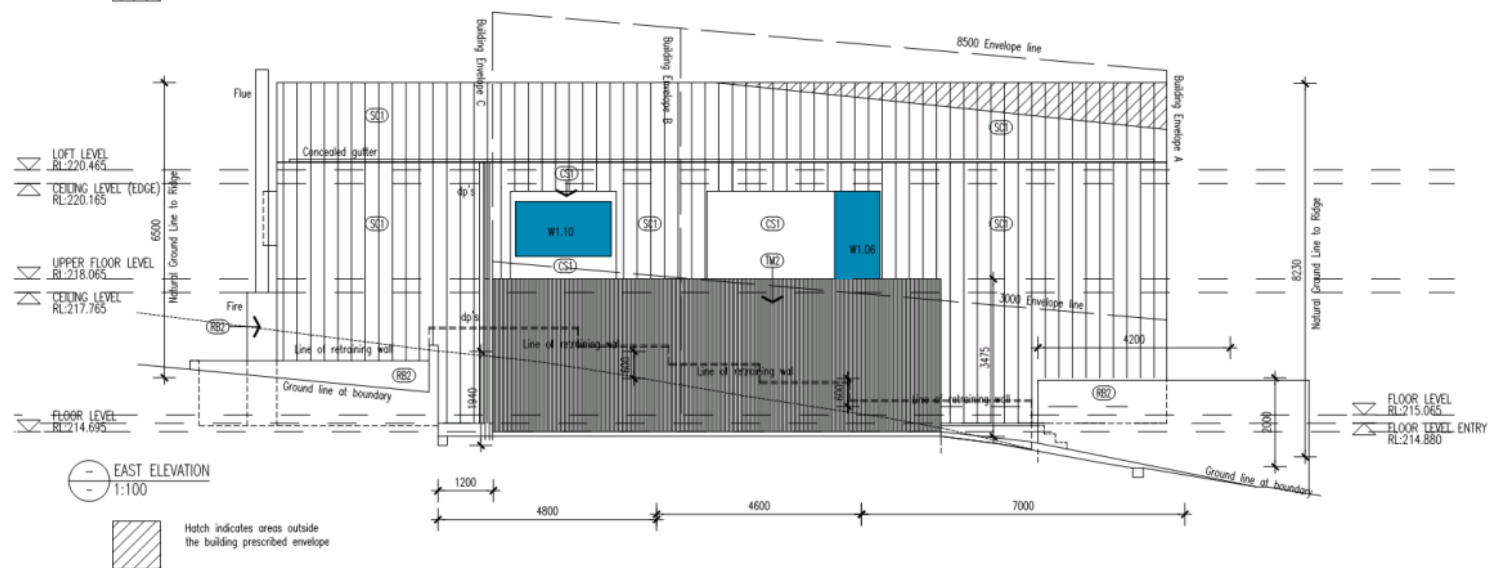
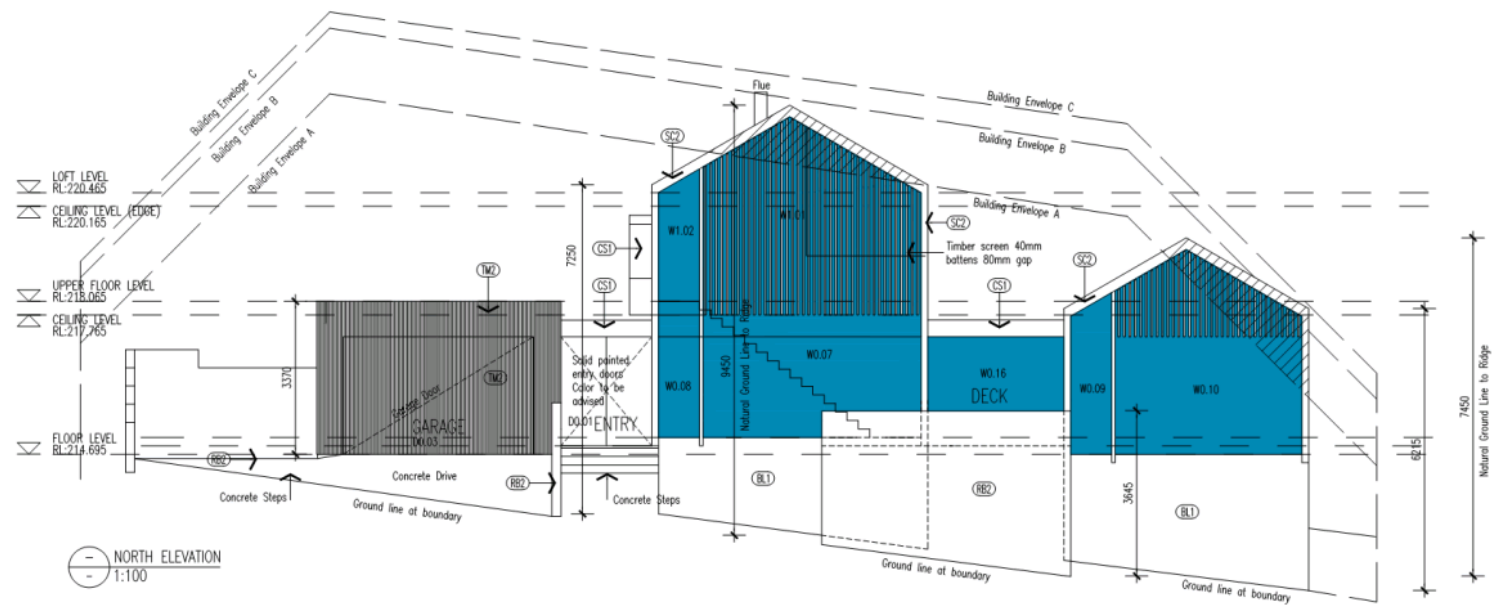
Revision		
A	Planning Issue	10-12-20

Project No. 20050

Drawing Number A02-00

A02-00 A





- FINISHES**
- (BL1) Natural Grey blockwork
 - (RB2) Rendered blockwork, in Neutral Tones
 - (CS1) 9mm cement sheet cladding, silicon seal built joints point finish Neutral tones
 - (CS2) 6mm cement sheet cladding, silicon seal built joints point finish Neutral tones Protected horizontal surfaces
 - (TM1) 40 x 40 Spotted Gum timber batten screen
 - (TM2) Spotted Gum timber cladding
 - (SC1) Structural Metal cladding Colorbond matt range Color Neutral Tones
 - (SC2) Capping's and flashing's to match wall and roof colors
 - (AW1) Window and door frames to be powdercoated aluminium Neutral Tones.

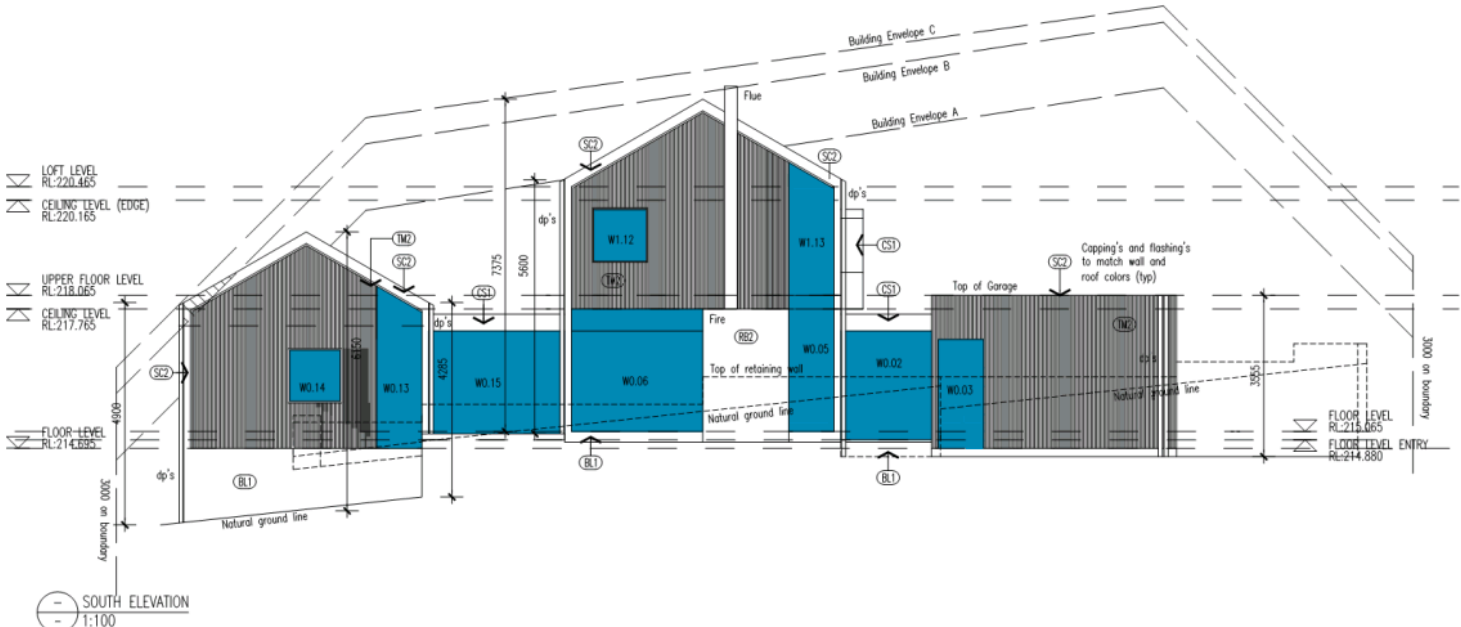
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	ELEVATIONS PLANNING
Scale	1:100 @ A3
Revision	10-12-20
A Planning Issue	
Project No	20050
Drawing Number	A04-00 A



- FINISHES**
- (BL) Natural Grey blockwork
 - (RB) Rendered blockwork, in Neutral Tones.
 - (CS) 9mm cement sheet cladding, silicon seal butt joints paint finish Neutral tones
 - (SC) 6mm cement sheet cladding, silicon seal butt joints paint finish Neutral tones Protected horizontal surfaces.
 - (TM) 40 x 40 Spotted Gum timber batten screen
 - (TM) Spotted Gum timber cladding
 - (SC) Structural Metal cladding Colorbond matt range Color Neutral Tones
 - (SC) Capping's and flashing's to match wall and roof colors
 - (AW) Window and door frames to be powdercoated aluminium Neutral Tones.

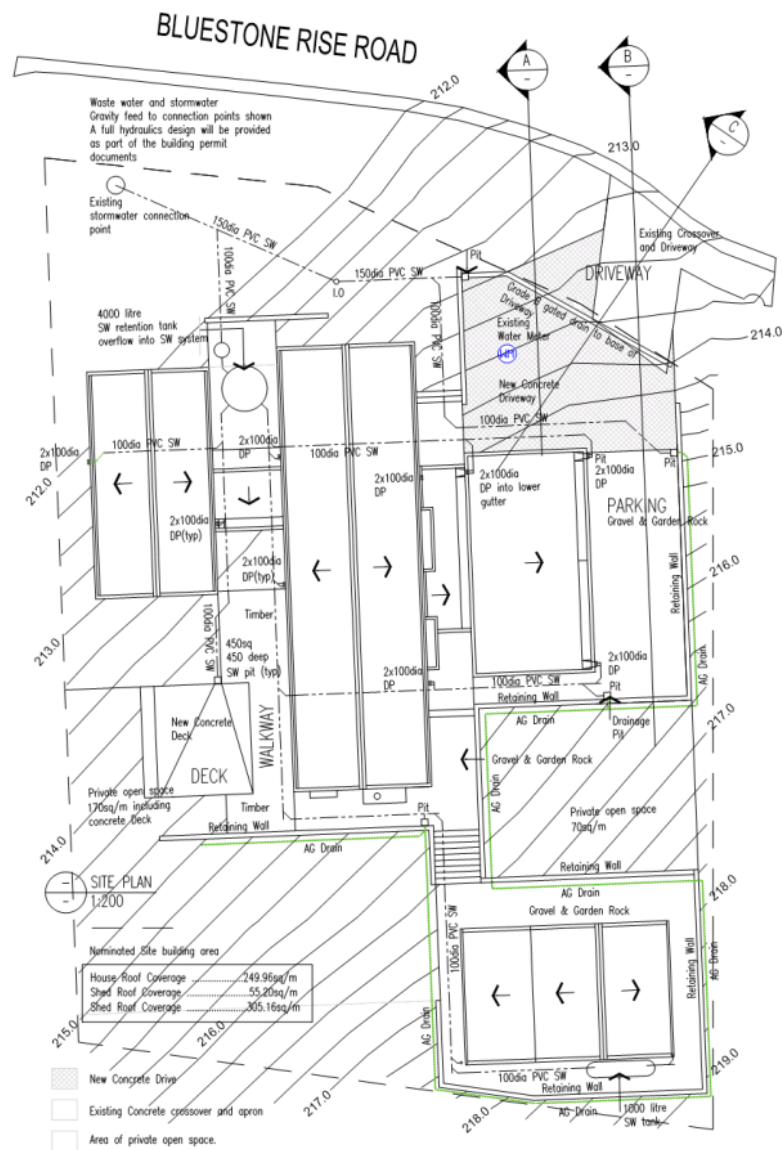
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The Builder/Contractor shall verify all dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	ELEVATIONS PLANNING
Scale	1:100 @ A3
Revision	10-12-20
A Planning Issue	
Project No	20050
Drawing Number	A04-01 A



LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY

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1

Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONR RISE LENAH VALLEY

Drawing _____ SITE PLAN
DRAINAGE LAYOUT

Scale _____

Revision		1:500 @ A3
A	Planning Issue	10-12-20
B	RFI Planning	12-01-21
C	SW Layout ammendments	19-02-21

Project No. 20050

Drawing Number **A00-12** C

19 Bluestone Rise

Stormwater Calculations

IFD Table

Rainfall mm/hr							
	Annual Exceedance Probability (% AEP)						
	1	2	3	4	5	6	7
	63.20%	50%	20%	10%	5%	2%	1%
1	61.8	70.4	99	120	142	173	199
2	53.3	60.3	82.6	98.2	114	134	149
3	47.2	53.4	73.7	88	102	121	136
4	42.5	48.2	67	80.5	94.2	113	128
5	38.8	44.1	61.7	74.4	87.5	106	120
7	33.4	38	53.5	64.9	76.9	93.9	108
10	28	31.9	45.2	55	65.4	80.5	93
15	22.7	25.8	36.5	44.6	53.1	65.4	75.7
20	19.4	22.1	31.2	38	45.1	55.5	64.1
25	17.2	19.5	27.5	33.4	39.6	48.5	55.9
30	15.5	17.6	24.8	30	35.5	43.4	49.8
45	12.4	14.1	19.7	23.7	27.9	33.6	38.3
60	10.6	12.1	16.8	20.1	23.5	28.1	31.8
90	8.6	9.76	13.5	16.1	18.6	22.1	24.7
120	7.41	8.42	11.6	13.8	15.9	18.8	20.9
180	6.03	6.86	9.47	11.2	12.9	15.1	16.8
270	4.91	5.61	7.76	9.19	10.6	12.4	13.7
360	4.23	4.85	6.74	8	9.21	10.8	12
540	3.41	3.92	5.5	6.56	7.57	8.94	9.98
720	2.9	3.34	4.72	5.65	6.56	7.78	8.73
1080	2.27	2.62	3.74	4.51	5.27	6.31	7.12
1440	1.88	2.18	3.12	3.78	4.44	5.34	6.05
1800	1.61	1.86	2.68	3.26	3.84	4.63	5.27
2160	1.41	1.63	2.35	2.86	3.38	4.09	4.66
2880	1.14	1.31	1.89	2.3	2.73	3.3	3.76
4320	0.821	0.944	1.35	1.64	1.95	2.35	2.67
5760	0.646	0.741	1.05	1.28	1.51	1.81	2.05
7200	0.537	0.613	0.864	1.04	1.22	1.46	1.65
8640	0.462	0.527	0.738	0.886	1.03	1.23	1.39
10080	0.408	0.466	0.648	0.774	0.899	1.07	1.2
7200	0.483	0.554	0.776	0.928	1.08	1.3	1.47
8640	0.411	0.471	0.656	0.779	0.906	1.08	1.23
10080	0.36	0.412	0.569	0.67	0.779	0.929	1.06

19 Bluestone Rise

Stormwater Calculations

ToC (Undeveloped)

Time of Concentration - Sheet, Channel and Pipe								
Section	Description	Method					Unit	Comment
1	Roof	Assumed			ToC	0.00	min	Assumed
2	Pipe	Pipe			L	0	m	Max pipe length
					H1	0.00		AHD at start of pipe
					H2	0.00		AHD at bottom of pipe
					dH	0.00		Fall in pipe
					Grade	0.00%		Grade of pipe
					Pipe Dia	0.00		Pipe diameter
					Velocity	0.00		Velocity of water in pipe
					ToC	0.00	min	Travel time in pipe
3	Sheet Flow	Hortons			H1	219.5	m	AHD at top of max flow path
					H2	209.0	m	AHD at bottom of max flow path
					dH	10.5	m	Change in height of flow path
					L	50	m	Max flow length
					Grade	21.00	%	Average grade of site
					Surface	Poorly grassed surface	-	Surface description
					N	0.035	-	Hortons surface roughness
					ToC	7.49	min	$Tcs=107*N*(L^{.333})/(S^{.2})$

Time of Concentration - Selection for future use			
ToC	7	min	Sheet, Channel & Pipe

19 Bluestone Rise

Stormwater Calculations

ToC (Developed)

Time of Concentration - Sheet, Channel and Pipe								
Section	Description	Method					Unit	Comment
1	Roof	Assumed			ToC	2.00	min	Assumed
2	Pipe	Pipe			L	50	m	Max pipe length
					H1	0.50		AHD at start of pipe
					H2	0.00		AHD at bottom of pipe
					dH	0.50		Fall in pipe
					Grade	1.00%		Grade of pipe
					Pipe Dia	0.15		Pipe diameter
					Velocity	0.86		Velocity of water in pipe
					ToC	0.97	min	Travel time in pipe
3	Sheet Flow	Hortons			H1		m	AHD at top of max flow path
					H2		m	AHD at bottom of max flow path
					dH		m	Change in height of flow path
					L	50	m	Max flow length
					Grade	0.00	%	Average grade of site
					Surface	Average grassed surface	-	Surface description
					N	0.045	-	Hortons surface roughness
					ToC	0.00	min	$T_{cs}=107*N*(L^{.333})/(S^{.2})$

Time of Concentration - Selection for future use			
ToC	5	min	Sheet, Channel & Pipe
assume 5mins			

19 Bluestone Rise
Existing Site

Stormwater Calculations

Pre D (Impervious Areas)

Total Site Area	1073	m ²			
	0.1073	Ha			
	Buildings/Roof	Roads	Gravel	Grass/Landscape	
1	0			1073	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
Sum	0	0	0	1073	1073
Factor	1	1	0.8	0.4	N/A
Impervious Area	0	0	0	429.2	429.2
			% Impervious		40%
	0				

19 Bluestone Rise

Existing Site:

Stormwater Calculations

Total Area: 1073 m²
0.1073 Ha

Post D (Impervious Areas)

	Buildings/Roof	Roads	Gravel	Grass/Landscape
1	240	100	60	615
2		70		
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				

					Total
Sum	240	170	60	615	1085
Factor	1	1	0.8	0.4	N/A
Impervious Area	240	170	48	246	704
			% Impervious		65%

240
0.024

19 Bluestone Rise

Time of Concentration			
C _{1,10}	25	mm	10% AEP, 60min Rainfall
A=	1073	m ²	Insert Catchment Area
A=	0.00107	Km ²	Calculated in Km ²
tc=	7	mins	Whole Number Tc

Stormwater Calculations

Impervious Area		
Existing Hardstand Area=	429.2	m ²
Total Area =	1073	m ²
Fraction Impervious =	40%	

Runoff Coefficient		
Fraction impervious =	40%	
C _{1,10} =	0.100	Formula - Refer ARR Book VIII
C₁₀ =	0.42	Runoff Coefficient

Pre D Flows (East)

Frequency Conversion Factors -Refer AR&R 1987										
ARI (years)	1	2	5	10	20	40	60	80	50	100
Factor, F _y	0.8	0.85	0.95	1	1.05	1.2	1.17	1.19	1.15	1.2

Peak Catchment Flows For Varied 5% AEP Storm Durations		
AEP	Duration (min)	Flow (m ³ /s)
5%	5	0.019
5%	10	0.015
5%	15	0.013
5%	25	0.012
5%	45	0.012
5%	90	0.009
5%	120	0.007
5%	180	0.005
5%	270	0.004
5%	360	0.002
5%	540	0.002
5%	720	0.002

Peak Catchment Flows For Given AEP at T.O.C.			
AEP	I _{tc,y} (mm/h)	Flow (m ³ /s)	Flow + 29% CC (m ³ /s)
63.20%	33.4	0.0033	0.004
50.00%	38.0	0.0040	0.005
20.00%	53.5	0.0064	0.008
10.00%	64.9	0.0081	0.010
5.00%	76.9	0.0101	0.013
2.00%	93.9	0.0135	0.017
1.00%	108.0	0.0162	0.021

19 Bluestone Rise

Time of Concentration			
C _{1,10}	25	mm	10% AEP, 60min Rainfall
A=	1073	m ²	Insert Catchment Area
A=	0.00107	Km ²	Calculated in Km ²
tc=	5	mins	Whole Number Tc

Stormwater Calculations

Impervious Area		
Existing Hardstand Area=	704	m ²
Total Area =	1073	m ²
Fraction Impervious =	66%	

Runoff Coefficient		
Fraction impervious =	66%	
C _{1,10} =	0.100	Formula - Refer ARR Book VIII
C10 =	0.62	Runoff Coefficient

Post D Flows (East)

Frequency Conversion Factors -Refer AR&R 1987										
ARI (years)	1	2	5	10	20	40	60	80	50	100
Factor, F _y	0.8	0.85	0.95	1	1.05	1.2	1.17	1.19	1.15	1.2

Peak Catchment Flows For Varied 5% AEP Storm Durations		
AEP	Duration (min)	Flow (m ³ /s)
5%	5	0.017
5%	10	0.013
5%	15	0.010
5%	20	0.009
5%	25	0.008
5%	30	0.007
5%	45	0.005
5%	60	0.005
5%	90	0.004
5%	120	0.003
5%	180	0.003
5%	270	0.002

Peak Catchment Flows For Given AEP at T.O.C.			
AEP	I _{tc,y} (mm/h)	Flow (m ³ /s)	Flow + 29% CC (m ³ /s)
63.20%	38.8	0.0058	0.007
50.00%	44.1	0.0070	0.009
20.00%	61.7	0.0109	0.014
10.00%	74.4	0.0139	0.018
5.00%	87.5	0.0171	0.022
2.00%	106.0	0.0227	0.029
1.00%	120.0	0.0268	0.035

19 Bluestone Rise

Stormwater Calculations

Boyd's Formula (5%)

Catchment & Flow Details			Comments
Catchment Area =	0.107	Ha	
10 Year Runoff Coefficient =	0.62	-	
20 Year Effective Catchment Area =	0.07	Ha	
Restricted Outflow Requirement =	0.01	m ³ /s	Site Runoff: pre development 5% AEP, 23min (ToC) storm duration.

Detention Calculation			NO Climate Change				29% Climate Change			
Storm Duration	5% AEP	5% AEP + 29% CC	Q _i	Q _o	V ₁	S _{max}	Q _i	Q _o	V ₁	S _{max}
(min)	Intensity (mm/hr)	Intensity (mm/hr)	(m3/s)	(m3/s)	(m3)	(m3)	(m3/s)	(m3/s)	(m3)	(m3)
1	142.00	183.2	0.028	0.010	1.67	1.06	0.036	0.010	2.15	1.54
2	114.00	147.1	0.022	0.010	2.68	1.46	0.029	0.010	3.45	2.24
3	102.00	131.6	0.020	0.010	3.59	1.77	0.026	0.010	4.63	2.81
4	94.20	121.5	0.018	0.010	4.42	1.99	0.024	0.010	5.70	3.28
5	87.50	112.9	0.017	0.010	5.13	2.10	0.022	0.010	6.62	3.59
10	65.40	84.4	0.013	0.010	7.67	1.60	0.016	0.010	9.90	3.83
15	53.10	68.5	0.010	0.010	9.35	0.24	0.013	0.010	12.06	2.95
20	45.10	58.2	0.009	0.010	10.58	-1.56	0.011	0.010	13.65	1.51

Lot 19 Bluestone Rise

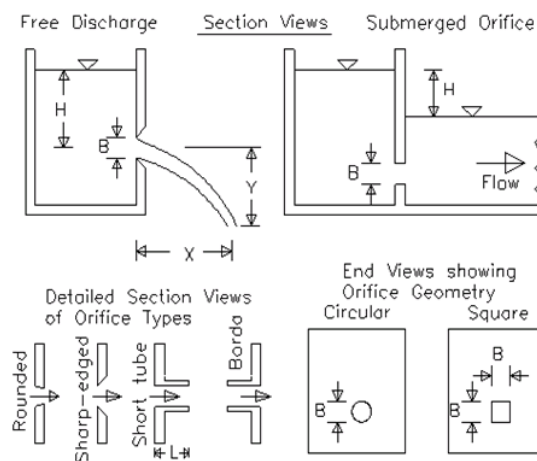
Stormwater Calculations

Orifice Analysis

Max Flow Allowed		0.010	m3/s
$Q = C_o A \sqrt{2gH}$			
a) Submerged Orifice			
No. orifices	1		
Orifice diameter (m)	0.738	Should be >2.54cm	
Head above orifice (m)	0.55		
Head, H (m)	0.55	Should be >1.25m	
Co	0.6		
Orifice Area (m2)	0.428		
Flow, Q (m3/s) per orifice	0.843		
Total Flow, Q (m3/s)	0.843		
b) Free Discharge Orifice			
No. orifices	1		
Orifice diameter (m)	0.07	Should be >2.54cm	
Head above orifice (m)	1		
Head, H (m)	0.965	Should be >1.25m	
Co	0.6		
Orifice Area (m2)	0.004		
Flow, Q (m3/s) per orifice	0.010		
Total flow, Q (m3/s)	0.010		

Comments:

Iterate orifice diameter (for submerged or free discharge) until Total Flow is less than Max Flow Allowed.



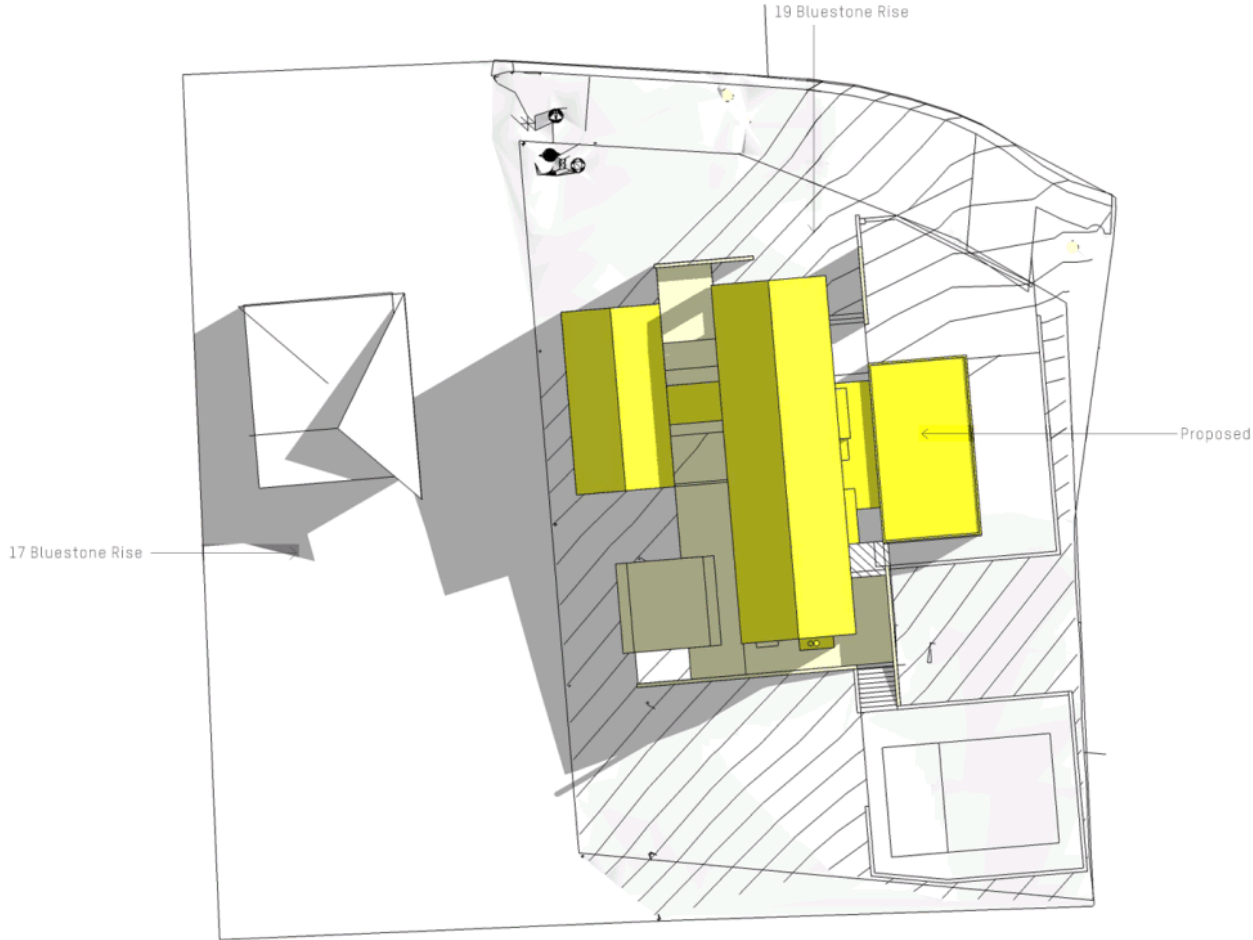


19 BLUESTONE RISE

Andrew Cashin

Shadow Diagrams
Wednesday 27th January 2021

60 Barrack Street Hobart Tas 7000
T 61 3 6231 2923
daniel@prestonlane.com.au



Proposed: 21st March 9:00

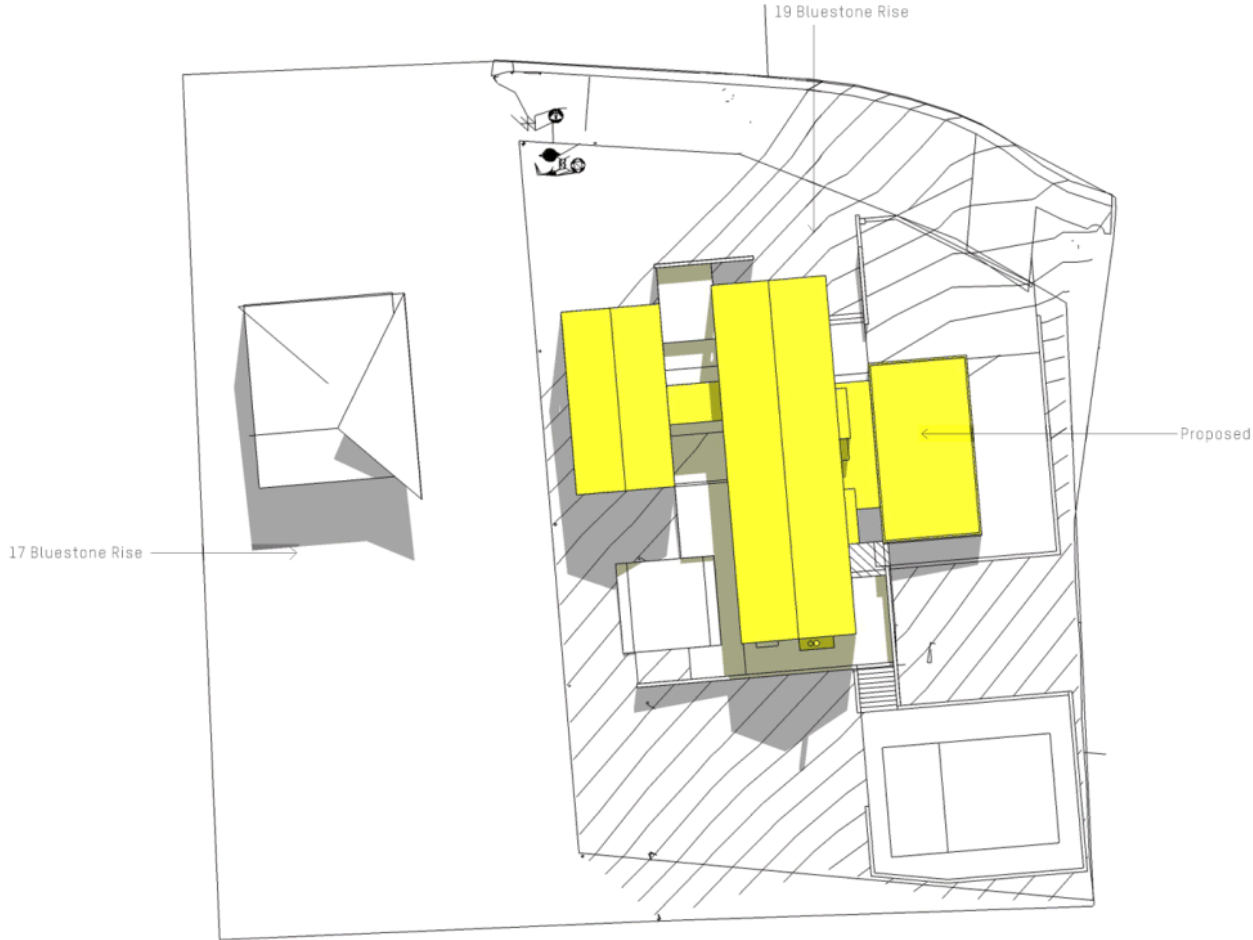


19 BLUESTONE RISE

Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST MARCH 9:00





Proposed: 21st March 12:00

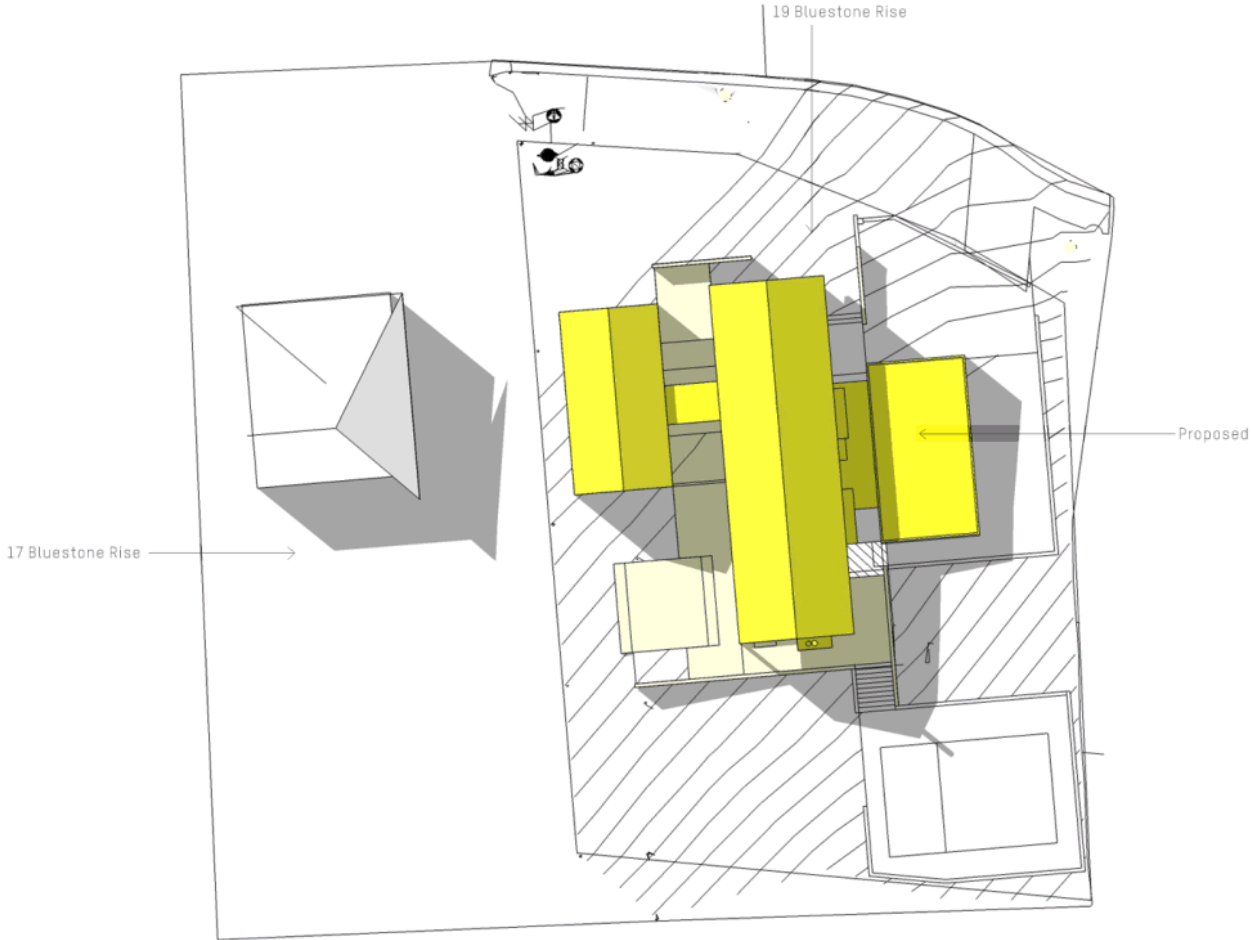


19 BLUESTONE RISE

Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST MARCH 12:00





Proposed: 21st March 3:00

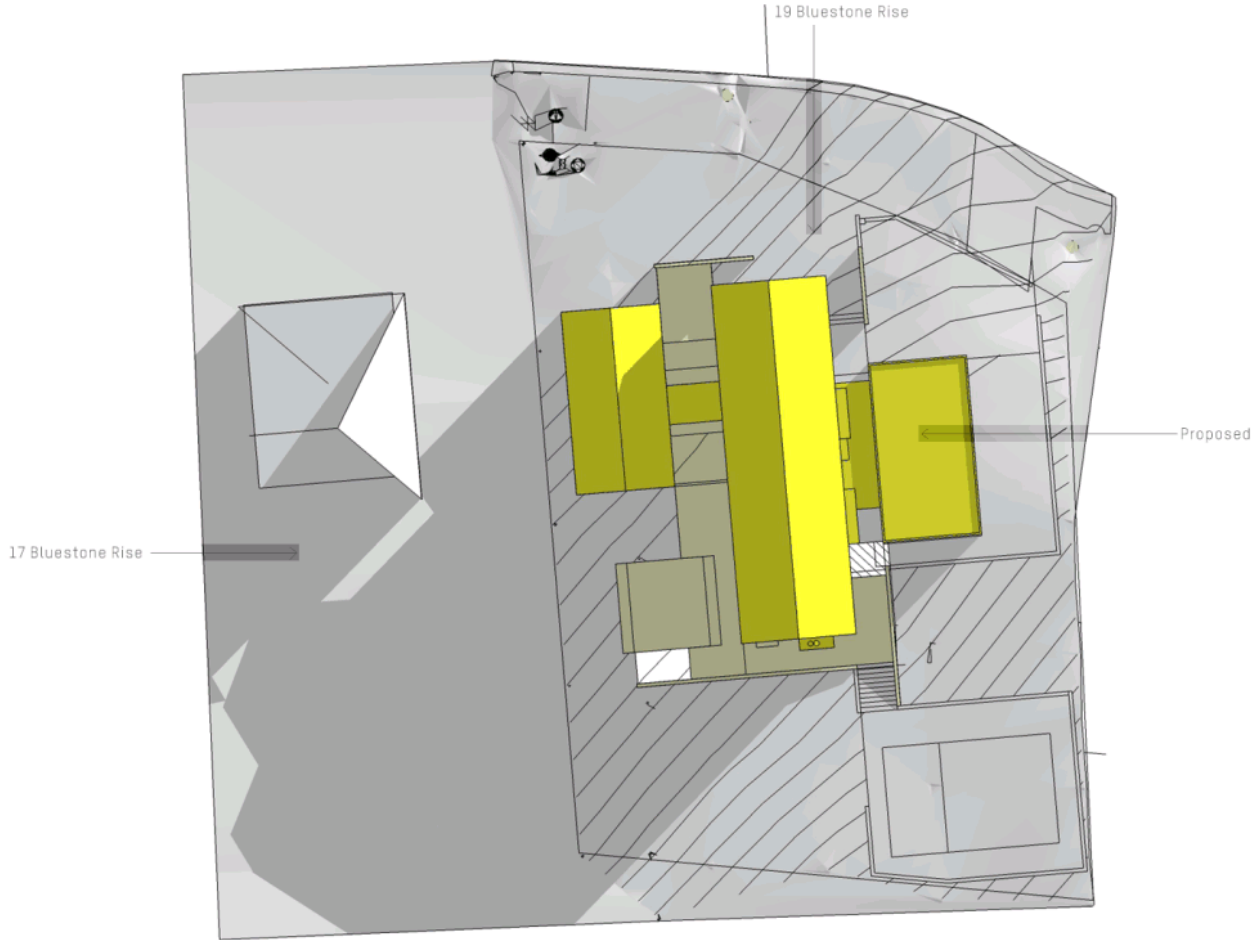


19 BLUESTONE RISE

Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST MARCH 3:00





Proposed: 21st June 9:00

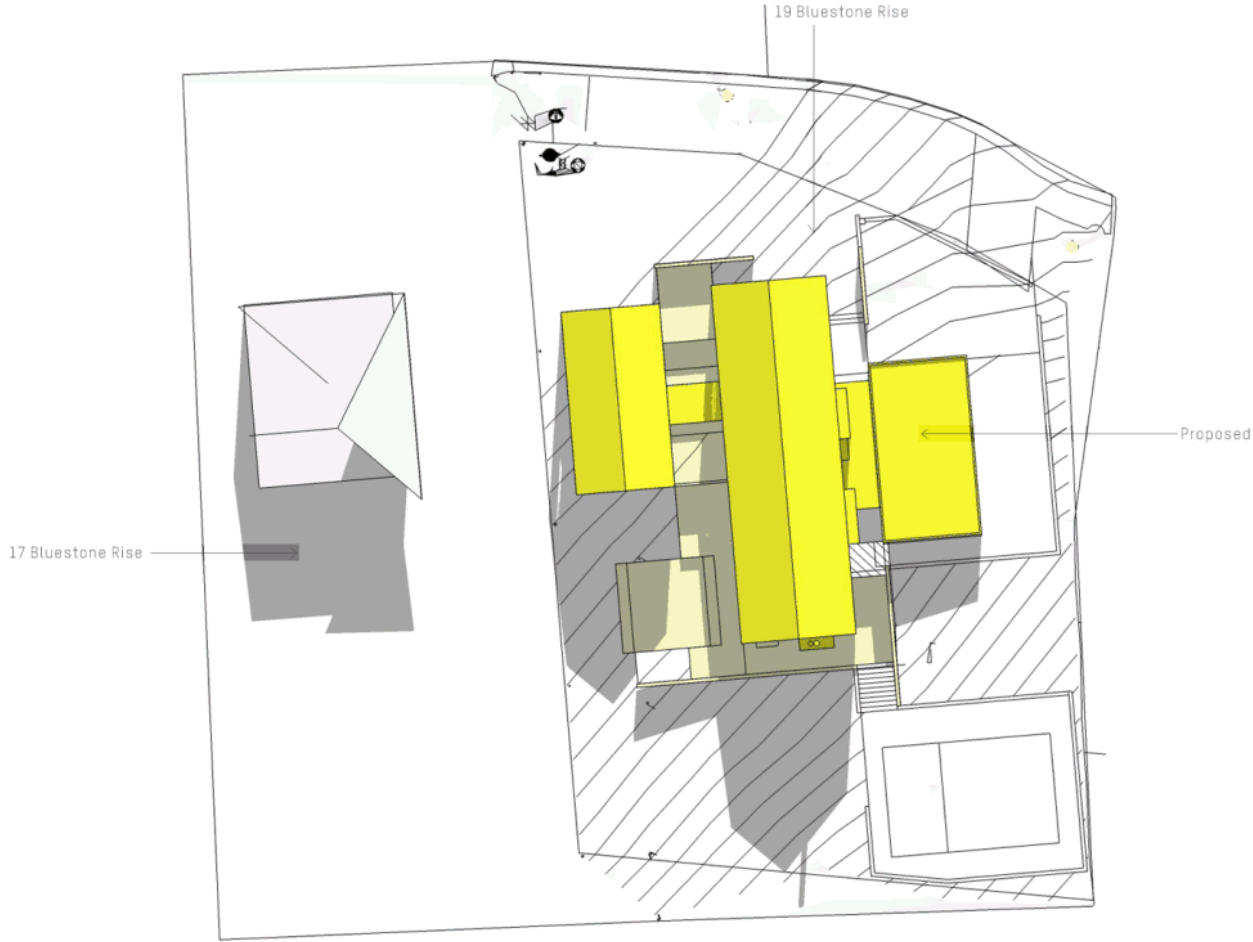


19 BLUESTONE RISE

Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST JUNE 9:00





Proposed: 21st June 12:00

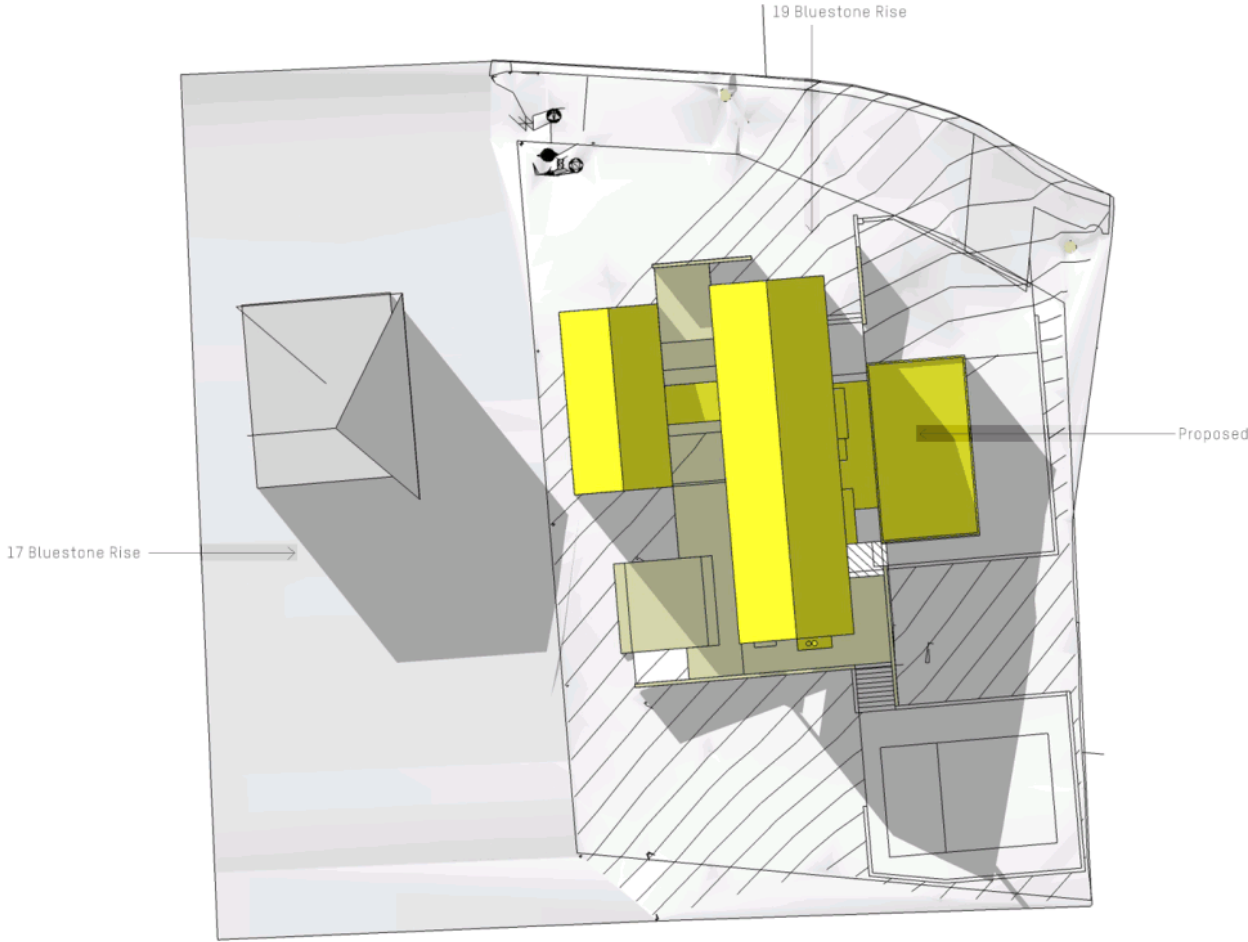


19 BLUESTONE RISE

Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST JUNE 12:00





Proposed: 21st June 3:00

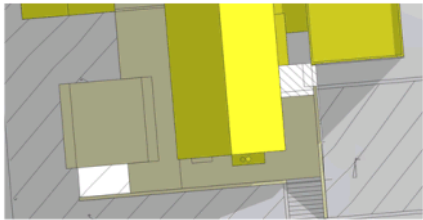


19 BLUESTONE RISE

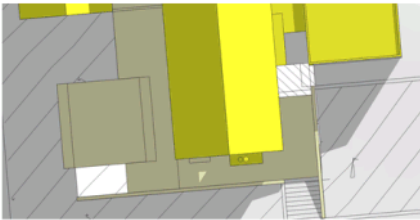
Andrew Cashin
Shadow Diagrams
Wednesday 27th January 2021

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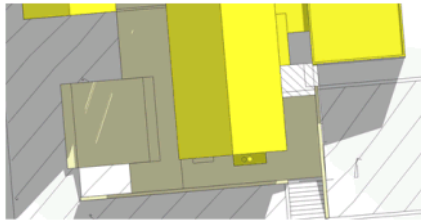




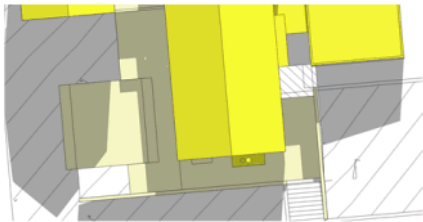
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Deck Area: 23.4m
Sun Light Area: 0m2



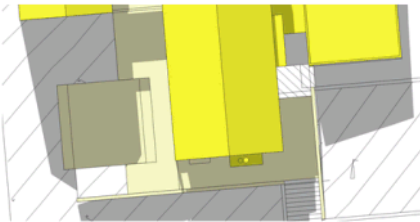
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Deck Area: 23.4m
Sun Light Area: 0m2



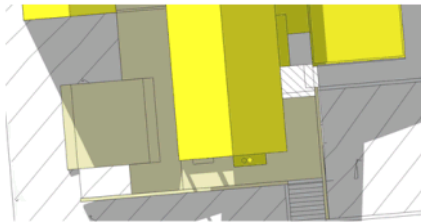
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Deck Area: 23.4m
Sun Light Area: 0m2



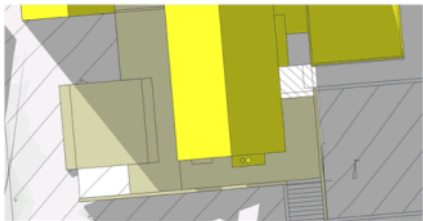
Proposed: 21st June 12:00
Deck Area: 23.4m
Sun Light Area: 8.5m2



Proposed: 21st June 1:00
Deck Area: 23.4m
Sun Light Area: 1m2



Proposed: 21st June 2:00
Deck Area: 23.4m
Sun Light Area: 3.2m2



Proposed: 21st June 9:00
Deck Area: 23.4m
Sun Light Area: 12.1m2



19 BLUESTONE RISE

Andrew Cashin

Shadow Diagrams
Wednesday 27th January 2021

SHADOW DIAGRAM: 21ST JUNE 9:00 - 3:00 (DECK)



North

19 BLUESTONE RISE, LENA VALLEY

BUSHFIRE HAZARD MANAGEMENT REPORT

Date: 24 September 2020
Author: Jacqui Blowfield
Accreditation Number BFP - 102

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ireneinc PLANNING AND URBAN DESIGN

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1. INTRODUCTION

1.1 AUTHOR STATEMENT

I am an Accredited Person under Section 60B of the Fire Services Act 1979 (Accreditation number BFP - 102) with scope of work - 1, 2, 3A, 3B and 3C.

The assessment undertaken and opinions expressed within this report have been undertaken by the author, based on a site visits undertaken including on 24 September 2020 and the additional desktop information available.

1.2 LIMITATIONS

The assessments within this report have been undertaken in accordance with the provisions of *Australian Standard 3959 Construction of buildings in bushfire-prone areas*, E1.0 Bushfire-Prone Areas Code (Interim Planning Schemes as amended 1 September 2017) and the Director's Determination - Requirements for Building in Bushfire-Prone Areas (transitional) (16 March 2020).

I have taken all reasonable steps to ensure that the information provided in this assessment is accurate and reflects the conditions on and around the site at the date of this report.

The Bushfire Attack Level assessment detailed within the Bushfire Hazard Management Report has been undertaken, in accordance with *Australian Standard 3959:2018 Construction of buildings in bushfire-prone areas*, this Standard provides as follows:

"This Standard is primarily concerned with improving the ability of buildings in designated bushfire-prone areas to better withstand attack from bushfire thus giving a measure of protection to the building occupants (until the fire front passes) as well as to the building itself.

Improving the design and construction of buildings to minimize damage from the effects of bushfire is but one of several measures available to property owners and occupiers to address damage during bushfire...

The measures set out in this Standard to improve construction, and thus better equip a building to withstand the effects from bushfire, may also be used as a guide for those who wish to voluntarily adopt such measures in situations where regulatory compliance is not mandated.

...It should be borne in mind that the measures contained in this Standard cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and extreme weather conditions..."¹

¹ Forward, AS3959-2018

The Bushfire Attack Level (BAL) Assessment undertaken is, in accordance with AS3959-2009², has utilised a Fire Danger Index (FDI) of 50. On days where the forecast Fire Danger Rating is Severe, Extreme or Catastrophic the FDI is predicted to exceed 50.

The assessment of vegetation within 100m of the site is based the qualities of the vegetation on the day of inspection and does not provide for changes in classification due to unanticipated growth or vegetation planting beyond the management areas described on the Bushfire Hazard Management Plan, or failure to maintain management areas described in a minimal fuel condition.

The Bushfire Hazard Management Plan is to be read together with the entirety of this report. Copies of this report, in its entirety, should be provided to all current and future owners of the subject land.

1.3 BACKGROUND

The subject site is part of a subdivision which had a BHMP approved at the time of subdivision which included a BAL 19 Building area for the lot, this report provides an assessment of a BAL 29 Building area.

1.4 PROPOSAL SCOPE

The proposed use and development is for a residential single dwelling, the site plans indicating the site layout proposed are in Attachment 2.

² Clause 2.2, AS3959-2018

2. THE SITE

2.1 SITE DESCRIPTION

Address: 19 Bluestone Rise, Lenah Valley

PID: 9558893 & Title Reference: 177602/19

Lot Area: 1074m²

The location of the subject site in Lenah Valley, is described in the following figure:

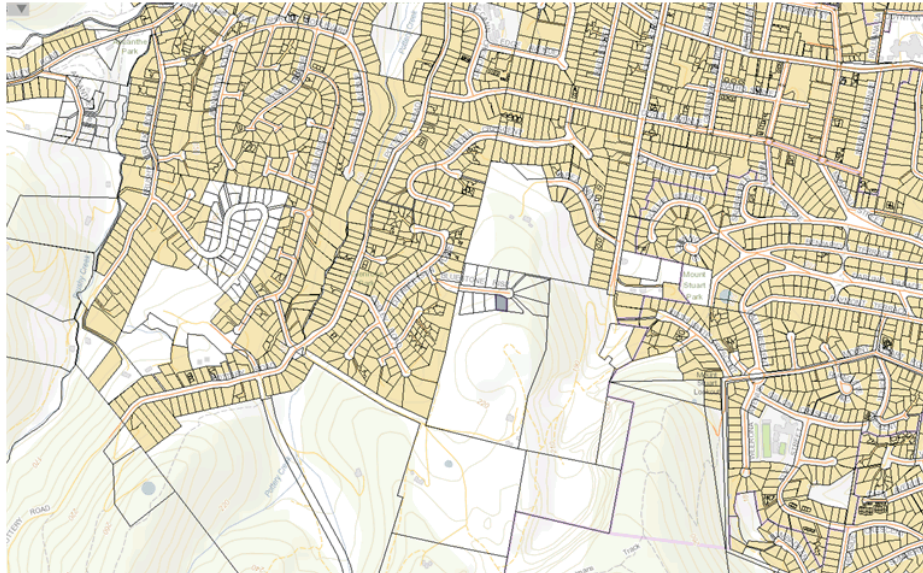


Figure 1: Locality Map with topographic from www.theLIST.tas.gov.au © The State of Tasmania

2.2 SITE DETAILS

The following section provides a description of the characteristics of the land and adjacent land.

2.2.1 LOCALITY

The Following figure describes the site and surrounds including the other Bluestone Rise lots and 25 Copley Road which were all part of the original subdivision and which are included within the previous subdivision bushfire hazard management plan.

Some of the lots in Bluestone Rise are developed or in the construction phase, including a completed dwelling at No. 17, directly west and adjacent to the site. Dwellings are also in various stages of construction at No's. 6, 8 & 15.



Figure 2: Aerial with ESRI imagery, cadastre and 5m contours from www.theLIST.tas.gov.au © The State of Tasmania

2.2.2 PLANNING

The subject land is within the Hobart Interim Planning Scheme 2015. The land and other Bluestone Rise lots are zoned Low Density Residential as describe in the following figure:

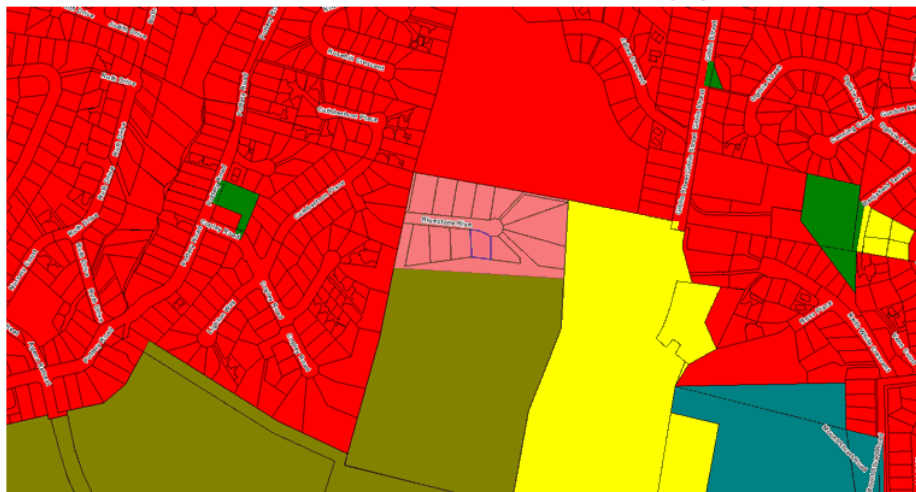


Figure 3: Zoning plan with Interim Scheme Zones, cadastre & road names from www.theLIST.tas.gov.au © The State of Tasmania

Further as described in the above figure the surrounding land is zoned Environmental Living, General Residential and Utilities.

The site is also covered by the mapped Bushfire Prone Areas and Biodiversity Protection Area Overlays related to the Planning Scheme Codes.

2.2.3 TOPOGRAPHY AND ORIENTATION

The subject site at 19 Bluestone Rise has a grade of 1:6 sloping to the north west, the surrounding topography includes a steep slope up from the rear of the lot to the south and a steep slope down eastwards to Giblin Street. There is a more moderate slope to Cuthbertson Place to the west and a gentle slope northward over the residential land off Jabez Crescent.

2.2.4 VEGETATION DESCRIPTION

Prior to the subdivision the land was partially cleared and partially containing *Eucalyptus pulchella* forest and woodland. Most of the previous vegetation has been cleared as part of the subdivision works.

The existing BHMP approved as part of the subdivision establishes HMA and Building areas which cover the entirety of the residential lots as well as strips of land within the balance parcel (25 Copley Road), the approved HMA within 25 Copley includes the area within 8m of the boundary of the subject site.

2.2.5 SITE PHOTOS AND SITE ANALYSIS PLAN



Figure 4: Site analysis with ESRI imagery, cadastre, 5m contours from www.theLIST.tas.gov.au © The State of Tasmania

The previous figure describes the area of land which is within 100m of the site and also shows the land managed as either HMA or Building area under the previous BHMP, on both the residential Bluestone Rise lots as well as 25 Copley Road.

The following images further describe the site:



Figure 5: Site viewed southeast towards 21 Bluestone Rise



Figure 6: Site viewed west down Bluestone Rise with dwelling at No. 17 in frame



Figure 7: Subject site with 25 Copley Road at rear

3. BUSHFIRE ATTACK LEVEL ASSESSMENT

3.1 TYPE OF DEVELOPMENT OR WORK ASSESSED

New dwelling

3.2 EXCLUSIONS - LOW THREAT VEGETATION AND NON-VEGETATED AREAS

In accordance with Clause 2.2.3.2 of AS 3959-2018:

The following vegetation shall be excluded from a BAL assessment:

- (a) *Vegetation of any type that is more than 100m from the site.*
- (b) *Single areas of vegetation less than 1ha in area and not within 100m of other areas of vegetation being classified.*
- (c) *Multiple areas of vegetation less than 0.25ha in area and not within 20m of the site, or each other or of other vegetation being classified vegetation.*
- (d) *Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of the length and not within 20m of the site or each other, or other areas of vegetation being classified vegetation.*
- (e) *Non-vegetated areas, that is, areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.*
- (f) *Vegetation regarded as low threat due to factors such as flammability, moisture content or fuel load. This includes grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses (such as playing areas and fairways), maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantation, market gardens (and other non-curing crops), cultivated gardens, commercial nurseries, nature strips and windbreaks.*

NOTES:

- 1 *Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognisable as short-cropped grass for example, to a nominal height of 100mm).*
- 2 *A windbreak is considered a single row of trees used as a screen or to reduce the effect of wind on the leeward side of the trees.*

The subject site and surrounds include land to be managed as low threat vegetation through the previously established subdivision BHMP, the requirements of which have been incorporated as a requirement on the title of the lots through Part 5 agreements.

The managed land includes all the residential Bluestone Rise lots as well as parts of the balance land at 25 Copley Road which, relevant to this assessment includes an area 8m wide along the rear boundary of the subject site.

3.3 ASSESSMENT TABLE - BUILDING AREA ON BHMP

VEGETATION WITHIN 100m											
Vegetation classification	North		South		East		West				
	Northeast		Southwest		Southeast		Northwest				
A. Forest			✓		✓						
B. Woodland											
C. Shrubland											
D. Scrub											
E. Mallee / Mulga											
F. Rainforest											
G. Grassland	✓										
Exclusions (where applicable) from clause 2.2.3.2							✓				
DISTANCE OF THE SITE FROM CLASSIFIED VEGETATION (see clause 2.2.4)											
Distance to classified vegetation	Distances in metres										
	65m		16m		100m		>100m				
EFFECTIVE SLOPE OF LAND UNDER THE CLASSIFIED VEGETATION (see clause 2.2.5)											
Slope under the classified vegetation	Upslope										
	Upslope/0°			Upslope/0°		✓	Upslope/0°			Upslope/0°	
	Downslope										
	>0 to 5°		✓	>0 to 5°			>0 to 5°		✓	>0 to 5°	
	>5 to 10°			>5 to 10°			>5 to 10°			>5 to 10°	
	>10 to 15°			>10 to 15°			>10 to 15°			>10 to 15°	
	>15 to 20°			>15 to 20°			>15 to 20°			>15 to 20°	
BAL for each side	LOW		29		LOW		LOW				

Notes: This assessment is based on AS3959:2018 Table 2.6, FDI 50 (1090K). On days where fire danger is classified as Severe, Extreme or Catastrophic the exceed FDI 50.

3.3.1 SITE ASSESSED BUSHFIRE ATTACK LEVEL

The building area is assessed as BAL 29.

For construction measure relevant for BAL 29 refer to Section 7 of AS 3959:2018.

4. BUSHFIRE-PRONE AREAS CODE

In accordance with the Planning Scheme, the Bushfire Prone Areas Code applies to applications relating to vulnerable uses, hazardous uses and subdivision. The Code is therefore not relevant to the proposal.

5. BUILDING ACT 2000

5.1 RELEVANT DEFINITIONS

The following definitions are provided:

<i>Accredited person</i>	<i>means accredited bushfire hazard assessor as defined in the Building Regulations 2014, the Chief Officer, or a delegate of the Chief Officer</i>
<i>AS 3959-2018</i>	<i>means Australian Standard AS 3959-2018 Construction of buildings in bushfire-prone areas</i>
<i>BCA</i>	<i>means Volumes 1 and 2 of the National Construction Code as defined in the Building Act 2016</i>
<i>Bushfire Attack Level (BAL)</i>	<i>means the bushfire attack level as determined by an accredited person in accordance with AS 3959 - 2018</i>
<i>Bushfire Hazard Management Plan (BHMP)</i>	<i>means as defined in the Fire Service Act 1979</i>
<i>Carriageway</i>	<i>means the section of road formation which is used by traffic, and includes all the area of the traffic lane pavement together with the formed shoulders</i>
<i>Firefighting water point</i>	<i>means the point where a fire appliance is able to connect to a water supply for firefighting purposes. This includes a coupling in the case of a fire hydrant, offtake or outlet, or the minimum water level in the case of a static water body (including a dam, lake or pool)</i>
<i>Hazard management area (HMA)</i>	<i>means the area, between a habitable building or building area and bushfire-prone vegetation, which provides access to a fire front for firefighting, which is maintained in a minimal fuel condition and in which there are no other hazards present which will significantly contribute to the spread of a bushfire</i>
<i>Hose lay</i>	<i>means the distance between two points established by a fire hose laid out on the ground, inclusive of obstructions;</i>
<i>NASH Standard - Steel Framed Construction in Bushfire Areas</i>	<i>means the document entitled NASH Standard - Steel Framed Construction in Bushfire Areas published by the National Association of Steel-Framed Housing Inc., as referenced in the National Construction Code;</i>
<i>Property access</i>	<i>means the carriageway which provides vehicular access from the carriageway of a road onto land, measured along the centre line of the carriageway, from the edge of the road carriageway to the nearest point of the building area</i>

5.2 APPLICATION

As specified in clause 2.(1) the Determination applies as follows:

- (1) *This Determination applies to a building located in a bushfire-prone area of the following Class:*
- (a) *Class 1;*
 - ... and
 - (f) *Class 10a that is closer than 6 metres to a habitable building.*
- (2) *Despite subsection (1), this Determination does not apply to buildings which are integral to the agricultural use of the land and which are not normally occupied.*

The proposal being assessed is a Class 1a building.

NATIONAL CONSTRUCTION CODE 2016 VOLUME ONE
PART A3 CLASSIFICATION OF BUILDINGS AND STRUCTURES
A3.2 Classifications

Buildings are classified as follows:

Class 1: one or more buildings which in association constitute—

- (a) *Class 1a — a single dwelling being—*
 - (i) *a detached house; or*
 - (ii) *one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or*

5.3 DEEMED-TO-SATISFY REQUIREMENT

5.3.1 CONSTRUCTION REQUIREMENTS (4.1)

REQUIREMENT	RESPONSE
(1) <i>Building work (including additions or alterations to an existing building) in a bushfire-prone area must be designed and constructed in accordance with an Acceptable Construction Manual determined by the BCA, being either: -</i> (a) <i>AS 3959-2018; or</i> (b) <i>Nash Standard - Steel Framed Construction in Bushfire Areas</i> <i>as appropriate for a BAL determined for that site.</i>	The building area provided on the BHMP has been assessed as BAL 29, construction in accordance with AS 3959 is required by condition on the plan.
(2) <i>Subclause (1)(a) is applicable to the following:</i> (a) <i>a Class 1, 2 or 3 building; or</i> (b) <i>a Class 10a building or deck associated with a Class 1, 2 or 3 building.</i>	The assessed building is a class 1a building and therefore the construction requirements above are applicable and are therefore required as condition of the BHMP.
(3) <i>Subclause (1)(b) is applicable to the following:</i> (a) <i>a Class 1 building; or</i> (b) <i>a Class 10a building or deck associated with a Class 1 building.</i>	N/A

- (4) *Despite subsection (1) above, variations from requirements specified in 1(a) and 1(b) are as specified in Table 4.1 below.* Consideration of possible shielding to be determined by the building surveyor.

- (5) *Despite subsections (1) and (4) above, performance requirements for buildings subject to BAL 40 or BAL Flame Zone (BAL-FZ) are not satisfied by compliance with subsections (1) or (4) above.* The BHMP does not propose BAL 40 or FZ.

Comment: this means that where BAL 40 or BAL FZ is assessed, the Performance Requirements are not satisfied by complying with the Deemed-to-Satisfy Requirements.

Table 4.1 Construction Requirement & Construction Variations

Column 1 Element		Column 2 Requirement
B	Shielding provisions under Section 3.5 of AS3959-2018.	To reduce construction requirements due to shielding, building plans must include suitable detailed elevations or plans that demonstrate that the requirements of Section 3.5 of the Standard can be met. <i>Comment: Application of Section 3.5 of the Standard cannot result in an assessment of BAL-LOW</i>

5.3.2 PROPERTY ACCESS (4.2)

REQUIREMENT	RESPONSE
(1) <i>A new building constructed in a bushfire-prone area must be provided with property access to the building area and the firefighting water point, accessible by a carriageway, designed and constructed as specified in subsection (4) below.</i>	The subject site has direct frontage to the public road (Bluestone Rise), and the hydrant is located directly opposite the site. The distance from the furthest part of the Building area and the public road and hydrant is less than 90m and therefore in accordance with Table 4.2 (A) there is no specified design and construction requirements for the property access.
(2) <i>For an addition or alteration to an existing building ...</i>	
(3) <i>For an addition or alteration to an existing building ...</i>	
(4) <i>Vehicular access from a public road to a building must:</i>	
(a) <i>Meet the property access requirements described in Table 4.2;</i>	
(b) <i>Include access from a public road to within 90 metres of the furthest part of the building measured as a hose lay; and</i>	
(c) <i>Include access to the hardstand area for the firefighting water point.</i>	

Table 4.2 Requirements for Property Access

Column 1	Column 2
Element	Requirement
A	<p>Property access length is less than 30 metres; or access is not required for a fire appliance to access a firefighting water point.</p> <p>There are no specified design and construction requirements.</p>

5.3.3 WATER SUPPLY FOR FIRE FIGHTING (4.3)

REQUIREMENT	RESPONSE
(1) A new building constructed in a bushfire-prone area, must be provided with a water supply dedicated for firefighting purposes as specified in subsections (4) and (5) below.	The site is located entirely within 120m of the hydrant on the opposite side of Bluestone Rise which was installed as part of the subdivision. The site therefore meets to requirements for provision of a water supply.
(2) For an addition or alteration to an existing building ...	
(3) For an addition or alteration to an existing building ...	
(4) Water supplies for firefighting must meet the requirements described in Tables 4.3A or 4.3B.	
(5) The water supply must be:	
(a) Provided from a fire hydrant or static water supply;	
(b) Located within the specified distance from the building to be protected; and	
(c) Provided with a hardstand and suitable connections.	

Table 4.3A Requirements for Reticulated Water Supply for Fire fighting

Column 1	Column 2
Element	Requirement
A	<p>Distance between building area to be protected and water supply</p> <p>The following requirements apply:</p> <p>(a) The building area to be protected must be located within 120 metres of a fire hydrant; and</p> <p>(b) The distance must be measured as a hose lay, between the firefighting water point and the furthest part of the building area.</p>
B	<p>Design criteria for fire hydrants</p> <p>The following requirements apply:</p> <p>(a) Fire hydrant system must be designed and constructed in accordance with TasWater Supplement to Water Supply</p>

		Code of Australia WSA 03 - 2011-3.1 MRWA Edition 2.0; and (b) Fire hydrants are to be installed outside of the minimum access road width, and clear of any passing bay or parking area, to ensure access at all times to reticulated water for fire suppression.
C	Hardstand	A hardstand area for fire appliances must be provided: (a) No more than three metres from the hydrant, measured as a hose lay; (b) No closer than six metres from the building area to be protected; (c) With a minimum width of three metres constructed to the same standard as the carriageway; and (d) Connected to the property access by a carriageway equivalent to the standard of the property access.

5.3.4 HAZARD MANAGEMENT AREAS (4.4)

REQUIREMENT	RESPONSE
(1) A new building constructed in a bushfire-prone area must be provided with a HMA of sufficient dimensions and which provides an area around the building which separates the building from the bushfire hazard and complies with subsections (4), (5) and (6) below.	<p>The Building area on the BHMP for the subject site is assessed as providing separation distances required for BAL 29.</p> <p>The subject site was provided with a BAL 19 Building area at the time of subdivision and therefore the BHMP does not meet the Deemed to satisfy requirements of (4) of this part.</p> <p>Consideration of the Performance requirements are therefore relevant and considered in the following section of this report.</p>
(2) For an addition or alteration to an existing building ...	
(3) For an addition or alteration to an existing building ...	
(4) The HMA must comply with Table 4.4; and	
(5) The HMA for a particular BAL must have the minimum dimensions required for the separation distances specified for that BAL in Table 2.6 of AS 3959-2018; and	
(6) The HMA must be established such that fuels are reduced sufficiently, and other hazards are removed such that the fuels and other hazards do not significantly contribute to the bushfire attack.	

Table 4.5 Hazard Management Area Requirements

Column 1	Column 2
Element	Requirement
A Hazard management areas for new	A new building must:

	<i>buildings on lots provided with a BAL at the time of subdivision.</i>	<p>(a) <i>Be located on the lot so as to be provided with a HMA no smaller than the required separation distances for the BAL determined at the time of subdivision; and</i></p> <p>(b) <i>Have a HMA established in accordance with a certified bushfire hazard management plan.</i></p>
B	<i>Hazard management areas for new buildings on lots not provided with a BAL at the time of subdivision.</i>	<p>A new building must:</p> <p>(a) <i>Be located on the lot so as to be provided with a HMA no smaller than the separation distances required for BAL 29; and</i></p> <p>(b) <i>Have an HMA established in accordance with a certified bushfire hazard management plan.</i></p>

5.3.5 EMERGENCY PLAN (4.5)

REQUIREMENT	RESPONSE
<p>(1) <i>An emergency plan must be provided for:</i></p> <p>(a) <i>New buildings and additions and alterations to buildings classified as an accommodation building (Class 1b, Class 2, or Class 3) other than a group home for persons with a disability, a respite centre or a residential aged care facility or similar; or</i></p> <p>(b) <i>A new building, extension or addition to a building, or change of use classified as a vulnerable use, constructed in a bushfire-prone area; and</i></p>	<p>The proposed dwelling is a 1a building and as such there is no requirement for an emergency plan.</p>

5.4 PERFORMANCE REQUIREMENTS

The BHMP addresses the Performance Requirements as follows:

REQUIREMENT	RESPONSE
<p>(1) <i>A building to which this Determination applies must, to the degree necessary, be:</i></p> <p>(a) <i>Designed and constructed to reduce the ignition from bushfire, appropriate to the -</i></p> <p>(i) <i>Potential for ignition caused by burning embers, radiant heat or flame generated by bushfire; and</i></p> <p>(ii) <i>Intensity of the bushfire attack on the building;</i></p> <p>(b) <i>Provided with vehicular access to the site to assist firefighting and</i></p>	<p>The BHMP includes conditions which require the proposed dwelling be located within the BAL 29 Building area and be constructed in accordance with the requirements for BAL 29 of AS 3959-2018.</p> <p>The BAL 29 construction located within the Building area provided are considered to be appropriate to reduce the ignition from bushfire to meet the requirements of this Performance Requirement.</p> <p>The subject site is provided with water and access in accordance with the Deemed to</p>

<i>emergency personnel to defend the building or evacuate occupants;</i>	comply standards, in that the site and Building area have direct frontage to the public road and there is an existing hydrant located in close proximity.
(c) <i>Provided with access at all times to a sufficient supply of water for firefighting purposes on the site; and</i>	On this basis the Performance requirements related to access and water supply are considered to be met.
(d) <i>Provided with appropriate separation of the building from the bushfire hazard.</i>	The separation provided by HMA's by the site BMHP as well as the HMA external to the site provided by the prior subdivision BHMP combine to provide appropriate separation of buildings from the bushfire hazard to meet this Performance Requirement. Consultation with TFS has been undertaken and officers have confirmed that TFS would be supportive of BAL 29 separation for the site.
(2) <i>The performance requirement specified in subclause (1)(a) is applicable to the following:</i> (a) <i>a Class 1, 2 or 3 building; or</i> (b) <i>a Class 10a building or deck associated with a Class 1, 2 or 3 building.</i>	The assessment is for a class 1A building and the Performance Requirements for construction specified in (1)(a) is relevant and provided for through the conditions on the BHMP.

ATTACHMENTS

TITLE: (ATTACHMENT 1)

SUBDIVISION BHMP: (ATTACHMENT 2)

PLANS: (ATTACHMENT 3)

SITE BHMP: (ATTACHMENT 4)

BUILDING FORM 55: (ATTACHMENT 5)

ATTACHMENT 1: TITLE



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 177602	FOLIO 19
EDITION 3	DATE OF ISSUE 08-Oct-2019

SEARCH DATE : 21-Oct-2019

SEARCH TIME : 02.36 PM

DESCRIPTION OF LAND

City of HOBART
Lot 19 on Sealed Plan 177602
Derivation : Part of 47A-1R-0P Gtd. to L. Roope
Prior CT 30380/4

SCHEDULE 1

M782228 TRANSFER to ANDREW GEOFFREY CASHIN and TANITH
BULL-CASHIN Registered 08-Oct-2019 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP177602 FENCING COVENANT in Schedule of Easements
SP 30380 FENCING COVENANT in Schedule of Easements
E192104 AGREEMENT pursuant to Section 78 of the Land Use
Planning and Approvals Act 1993 Registered
06-Sep-2019 at 12.04 PM
E192106 AGREEMENT pursuant to Section 78 of the Land Use
Planning and Approvals Act 1993 Registered
06-Sep-2019 at 12.05 PM
E196183 MORTGAGE to AFSH Nominees Pty Ltd Registered
08-Oct-2019 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



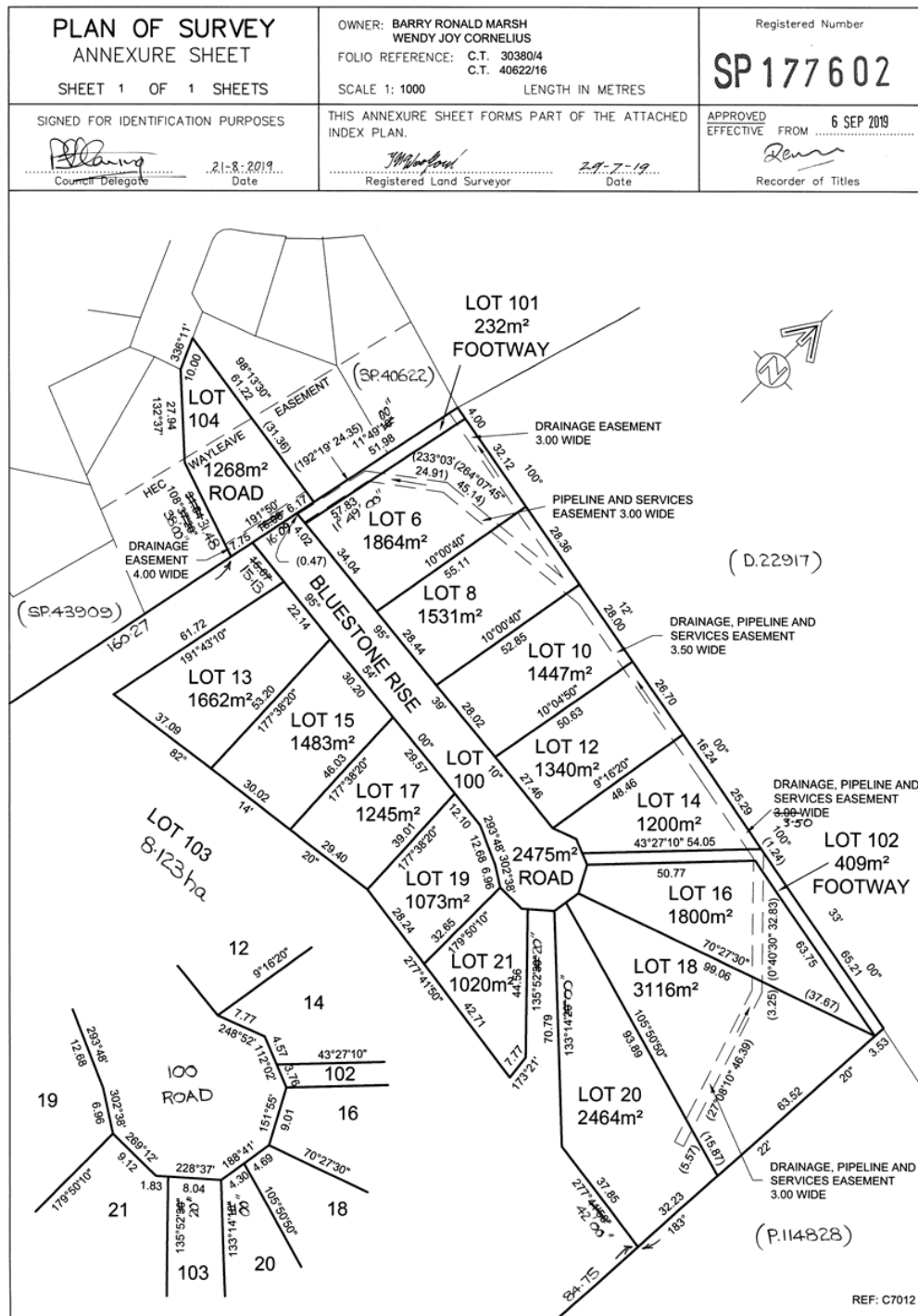
<p>OWNER: BARRY RONALD MARSH WENDY JOY CORNELIUS</p> <p>FOLIO REFERENCE: C.T. 30380/4 C.T. 40622/16</p> <p>GRANTEE: Part of 47A-1R-0Ps. Gtd. to L. Roope. Part of 66 acres loc. to John Orchard.</p>	<p>PLAN OF SURVEY</p> <p>BY SURVEYOR: TONY WOOLFORD 72 GRAHAMS ROAD, MT RUMNEY PH 0418 248 569</p> <p>LOCATION: CITY OF HOBART</p> <p>SCALE 1: 2000 LENGTHS IN METRES</p>	<p>REGISTERED NUMBER SP177602</p> <p>APPROVED EFFECTIVE FROM 6 SEP 2019</p> <p><i>[Signature]</i> Recorder of Titles</p>
<p>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</p>		
<p><i>[Signature]</i> Registered Land Surveyor</p> <p>16-7-19 Date</p>	<p><i>[Signature]</i> Council Delegate</p> <p>21-8-2019 Date</p>	



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ATTACHMENT 2: SUBDIVISION BHMP



**BUSHFIRE HAZARD MANAGEMENT PLAN -
STANDARD CONDITIONS:**

HAZARD MANAGEMENT AREAS

1. Hazard Management Areas and Building Areas described on this Bushfire Hazard Management Plan are to be established and maintained as low threat vegetation, as grassland managed in a minimal fuel condition, maintained lawns or cultivated gardens. Some trees may be retained within areas where they can be provided with both horizontal and vertical canopy separation.

NOTE: Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognisable as short-cropped grass for example, to a nominal height of 100mm).

2. Suitable covenants or Part 5 agreements are to be included on the titles of all lots, including the balance, to provide for ongoing maintenance of bushfire protection measures.

LOCATION OF BUILDINGS

3. No habitable buildings, or non-habitable buildings located within 6m of a habitable building, are to be located outside of the building area.

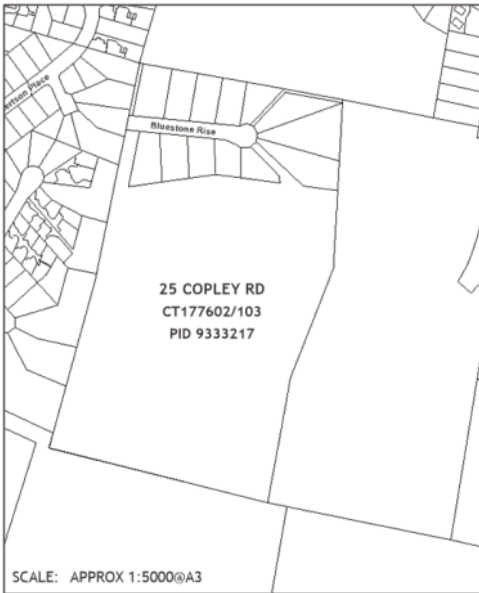
CONSTRUCTION REQUIREMENTS

4. Buildings within the Building Areas are to be constructed in accordance with the requirements for BAL 19, of Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas.

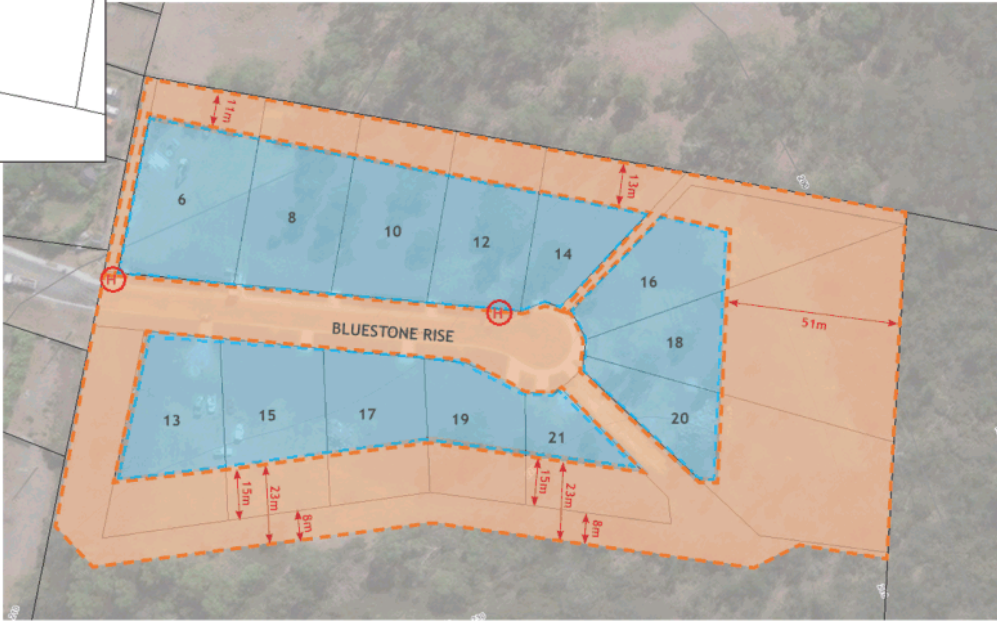
MAINTENANCE SCHEDULE

5. Maintenance of areas with the Bushfire Hazard Management Plan should include:

- Property accesses are maintained including required vegetation clearances;
- Vegetation must be maintained to retain clearance for a height of 4m, above all access carriageways, and 0.5m each side of the carriageway;
- Within the Hazard Management Areas and Building Areas:
 - Prune larger trees to establish and maintain horizontal and vertical canopy separation;
 - Prune low hanging trees to ensure separation from ground litter;
 - Removal of fallen limbs, leaf & bark litter;
 - Remove fallen limbs, leaf & bark litter from roofs, gutters and around the building;
 - Cut lawns and grass areas short (less than 100mm) and maintain;
 - Remove or minimise areas of pine bark and other flammable garden mulch; and
 - Minimise storage of petroleum fuels.
- From the property access on approach from a public road.



PROPERTY ADDRESS	TITLE REFERENCE	PROPERTY ID
6	177602/6	9558883
8	177602/8	9558884
10	177602/10	9558885
12	177602/12	9558886
13	177602/13	9558887
14	177602/14	9558888
15	177602/15	9558889
16	177602/16	9558890
17	177602/17	9558891
18	177602/18	9558892
19	177602/19	9558893
20	177602/20	9333217
21	177602/21	9558895



BUSHFIRE HAZARD MANAGEMENT PLAN
BLUESTONE RISE SUBDIVISION
DATE: 07/09/2020
PAGE: 1 OF 1
SCALE: APPROX 1:750@A3



BHMP NOTES:

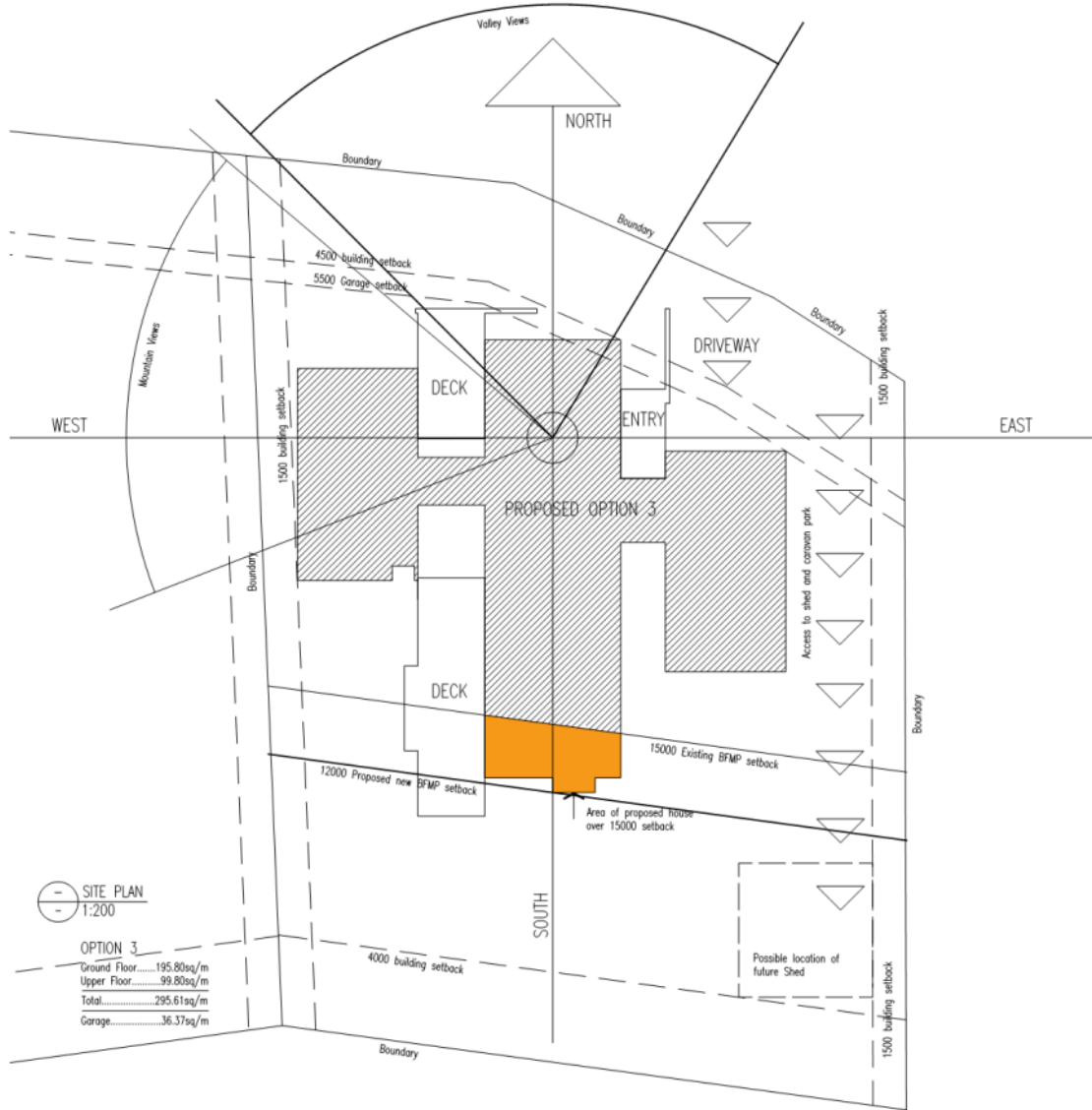
THIS PLAN SHOULD BE READ IN CONJUNCTION WITH THE REPORT TITLED: 22 CUTHBERTSON PLACE & 25 COPLEY ROAD BUSHFIRE HAZARD MANAGEMENT PLAN AND REPORT (REVISED) (BLUESTONE RISE & 25 COPLEY ROAD, LENA VALLEY), J. BLOWFIELD (IRENE INC PLANNING AND URBAN DESIGN) ACCREDITATION NO. BFP-102, 7 SEPTEMBER 2020.

PLAN USES BASE PLAN FROM WWW.THELIST.TAS.GOV.AU © THE STATE OF TASMANIA

- HAZARD MANAGEMENT AREA
- BUILDING AREA
- HYDRANT

ATTACHMENT 3: PLANS





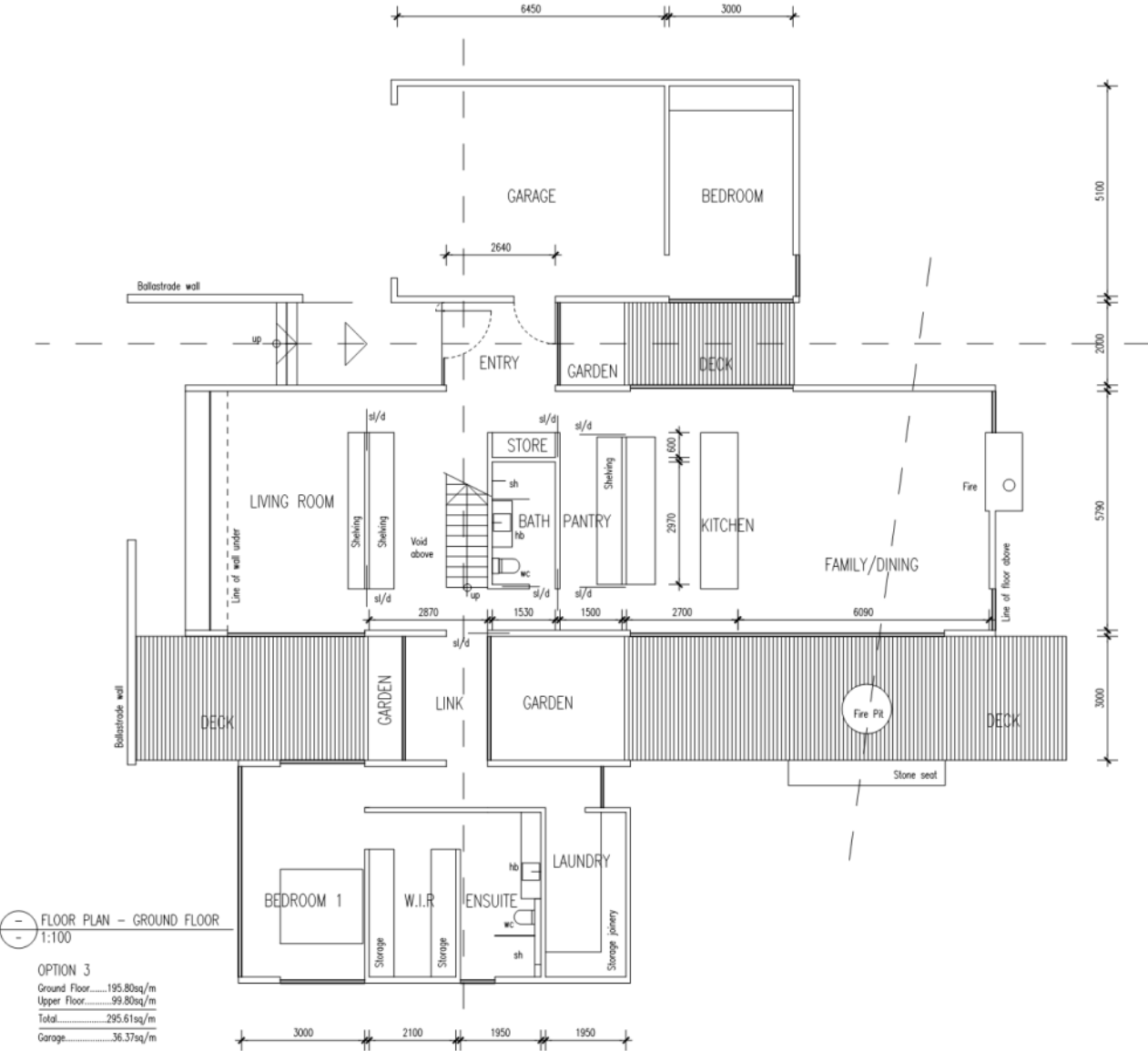
LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



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45 Goulburn Street Hobart TAS 7000
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AOC OC06179
Melbourne
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T 61 3 9827 8982
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify all dimensions prior to any work commencing. Figure dimensions shall take precedence over scaled work.
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	SITE PLAN OPTION 3
Scale	1:500 @ A3
Revision	
Project No	20050
Drawing Number	A00-11



FLOOR PLAN - GROUND FLOOR
1:100

OPTION 3

Ground Floor.....195.80sq/m
Upper Floor.....99.80sq/m
Total.....295.61sq/m
Garage.....36.37sq/m

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY

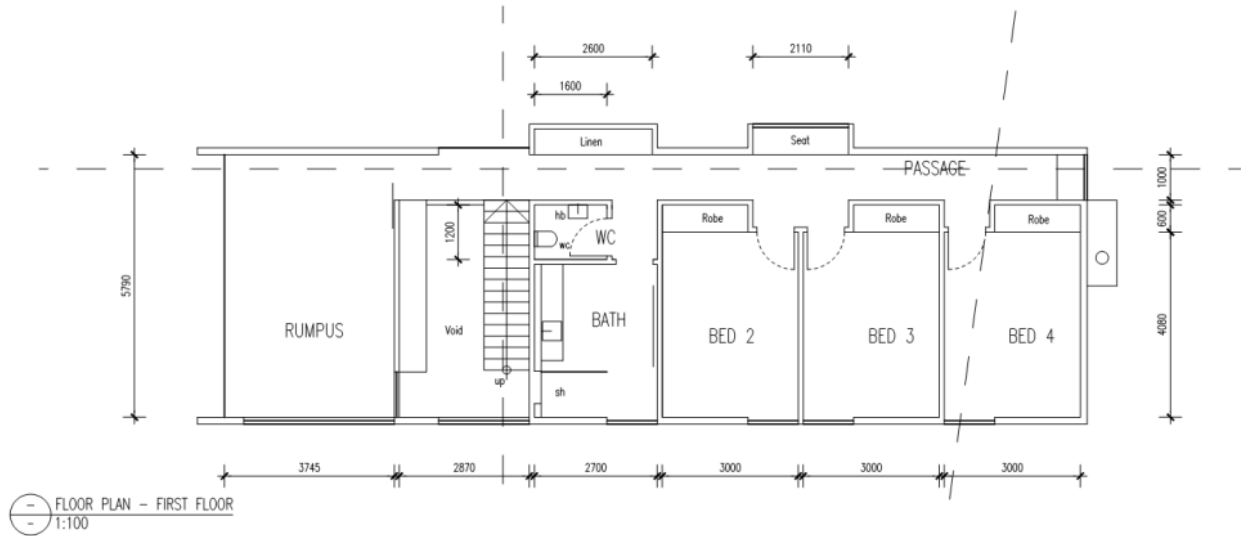


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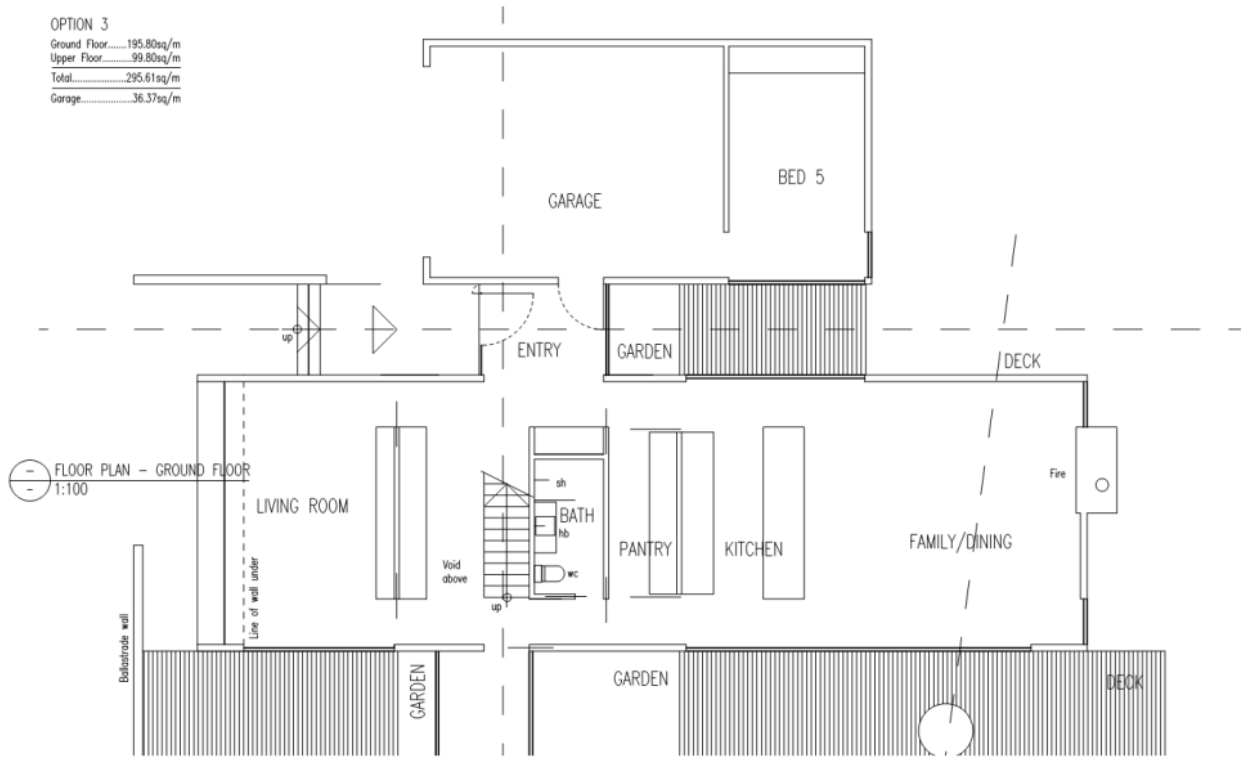
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTON RISE LENAH VALLEY
Drawing	UPPER FLOOR PLAN OPTION 3
Scale	1:100 @ A3
Revision	
Project No	20050
Drawing Number	A02-04



OPTION 3
Ground Floor.....195.80sq/m
Upper Floor.....99.80sq/m
Total.....295.61sq/m
Garage.....36.37sq/m



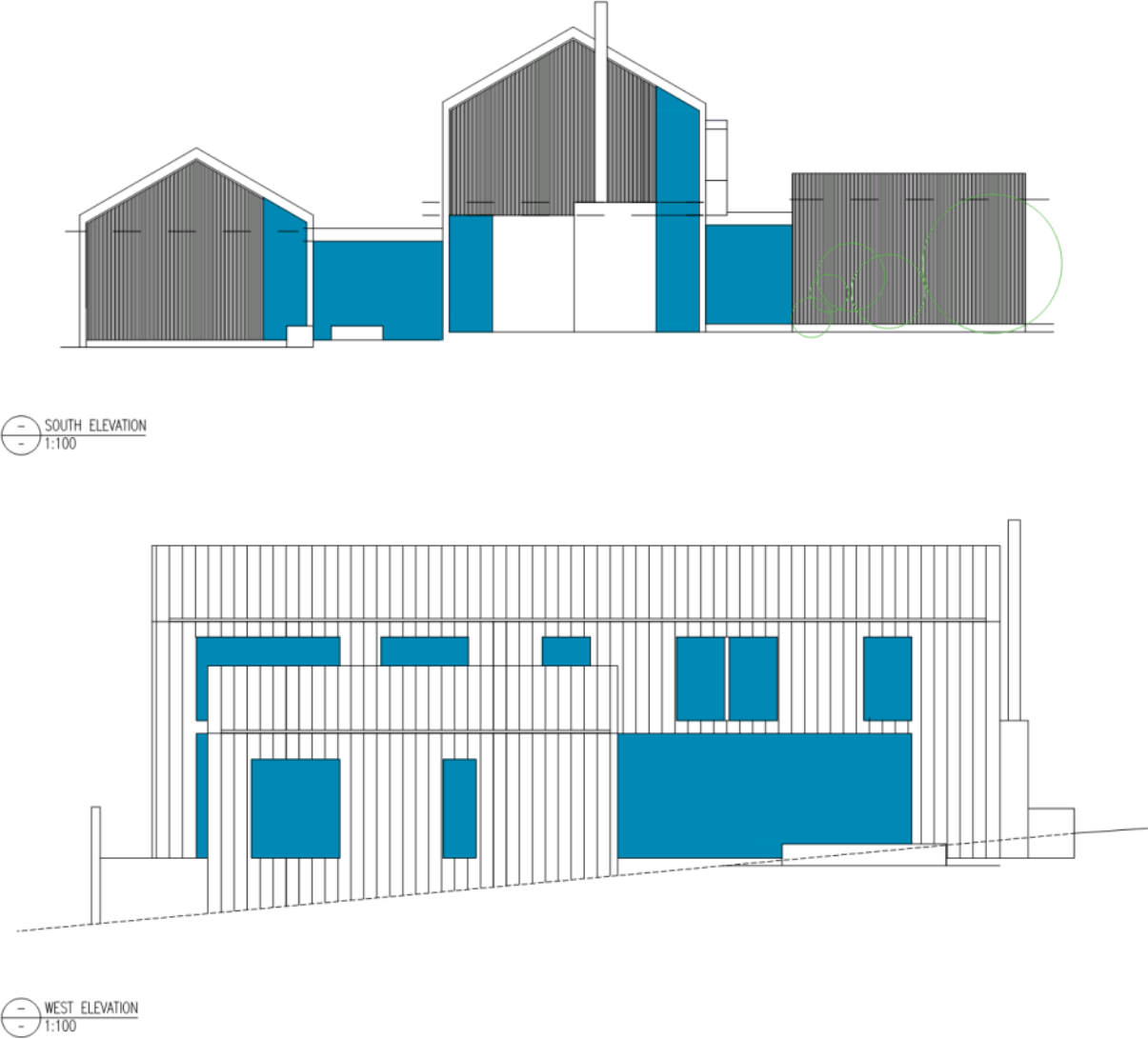
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	UPPER FLOOR PLAN OPTION 3
Scale	1:100 @ A3
Revision	
Project No	20050
Drawing Number	A02-05



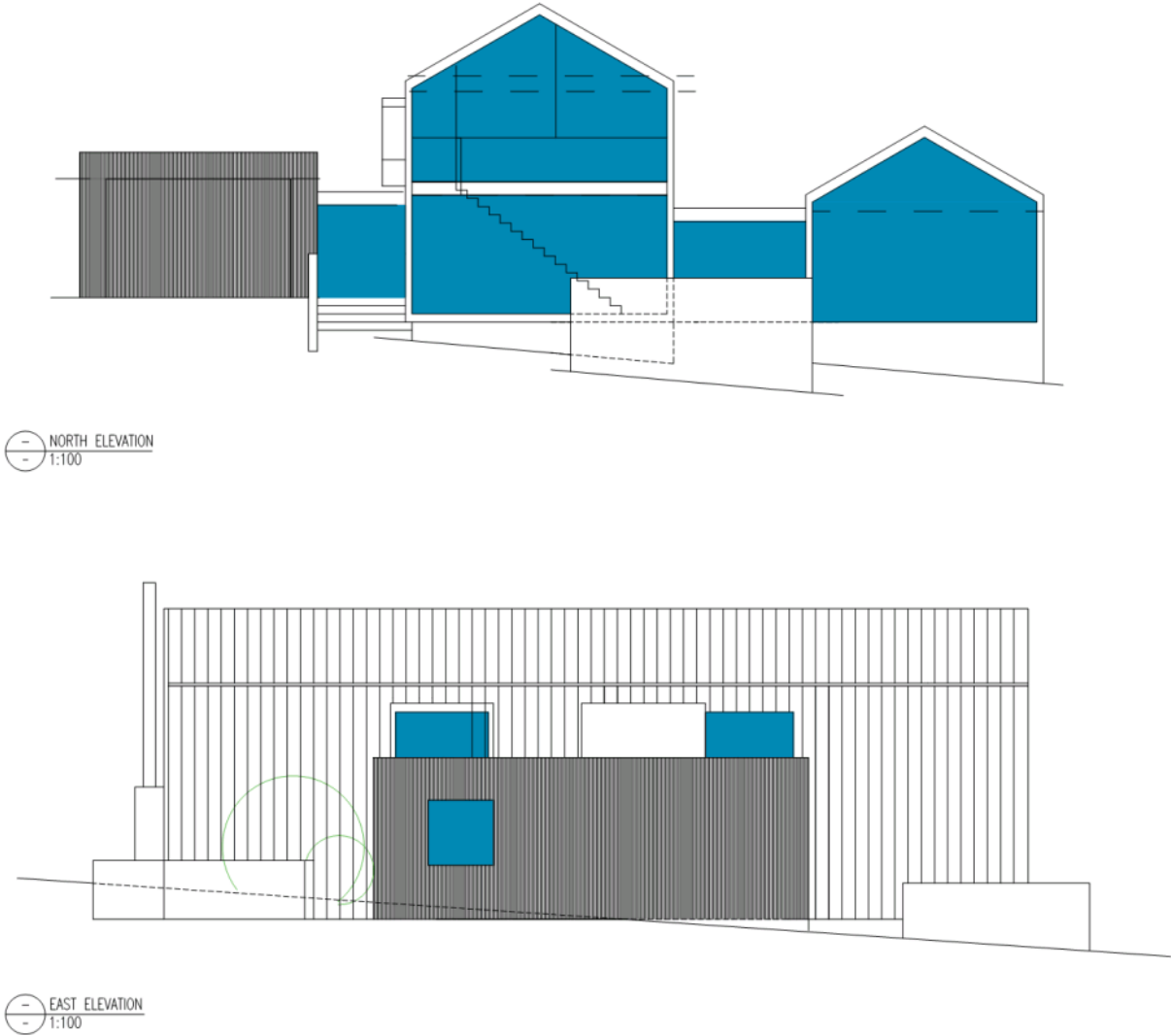
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Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	ELEVATIONS OPTION 3
Scale	1:100 @ A3
Revision	
Project No	20050
Drawing Number	A04-04



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AOC OC36179
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info@prestonlane.com.au
prestonlane.com.au

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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	ELEVATIONS OPTION 3
Scale	1:100 @ A3
Revision	
Project No	20050
Drawing Number	A04-05

ATTACHMENT 4: SITE BHMP



**BUSHFIRE HAZARD MANAGEMENT PLAN
CONDITIONS:**

CONSTRUCTION REQUIREMENTS

1. The dwelling, including any attached structures such as decks, are to be located within the Building Area and are to be constructed in accordance with the requirements for BAL 29, of Australian Standard 3959-2009 Construction of buildings in bushfire-prone areas.

2. Any separate non-habitable 10A buildings, including if located outside the Building Area are to be separated from the dwelling by no less than 6m.

HAZARD MANAGEMENT AREAS

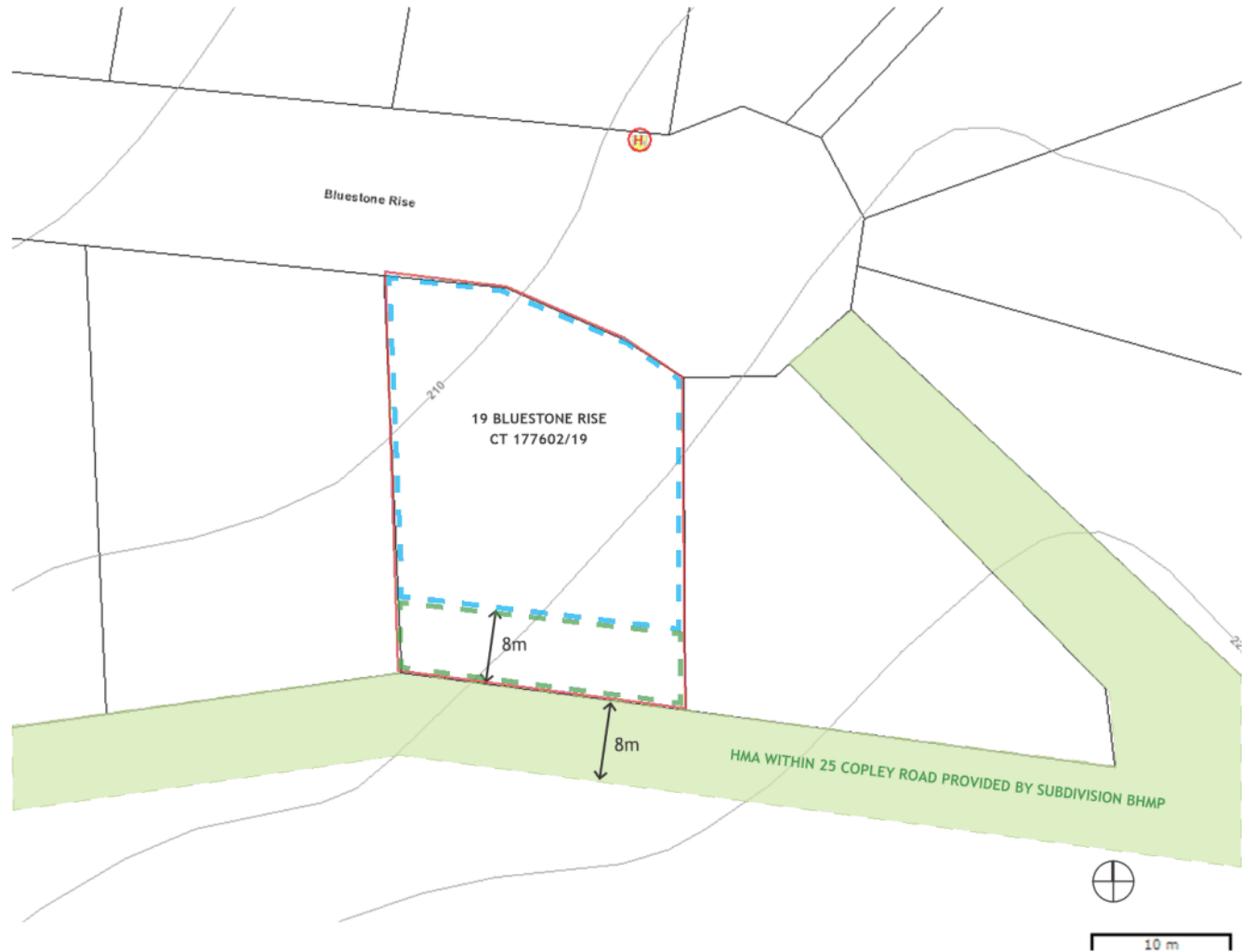
3. All parts of the lot including the Hazard Management Area described are to be maintained as low threat vegetation, as grassland managed in a minimal fuel condition, maintained lawns or cultivated gardens.

NOTE: Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognisable as short-cropped grass for example, to a nominal height of 100mm).

MAINTENANCE SCHEDULE

4. Maintenance of areas with the Bushfire Hazard Management Plan should include:

- Property accesses are maintained including required vegetation clearances;
- Vegetation must be maintained to retain clearance for a height of 4m, above all access carriageways, and 0.5m each side of the carriageway;
- Within the lot including the Hazard Management Area:
 - Prune larger trees to establish and maintain horizontal and vertical canopy separation;
 - Prune low hanging trees to ensure separation from ground litter;
 - Removal of fallen limbs, leaf & bark litter;
 - Remove fallen limbs, leaf & bark litter from roofs, gutters and around the building;
 - Cut lawns and grass areas short (less than 100mm) and maintain;
 - Remove or minimise areas of pine bark and other flammable garden mulch; and
 - Minimise storage of petroleum fuels.



BUSHFIRE HAZARD MANAGEMENT PLAN
19 BLUESTONE RISE, LENA VALLEY
TITLE REF: CT 177602/19
DATE: 24/09/2020
PAGE: 1 OF 1



CERTIFIED BY: J Blowfield
ACCREDITATION NO: 102
SCOPE OF ACCREDITATION: 1, 2, 3A, 3B & 3C

BHMP NOTES:

This plan should be read in conjunction with 19 Bluestone Rise, Lenah Valley - Bushfire Hazard Management Report, Ireneinc Planning & Urban Design, 24 September 2020.

This plan uses cadastre parcels from www.thelist.tas.gov.au (c) The State of Tasmania.

- BAL 29 BUILDING AREA
- HAZARD MANAGEMENT AREA
- TITLE BOUNDARY
- EXISTING HYDRANT

ATTACHMENT 5: BUILDING FORM 55

**CERTIFICATE OF QUALIFIED PERSON – ASSESSABLE
ITEM**

Section 321

To: Owner /Agent
 Address
 Suburb/postcode

Form **55****Qualified person details:**

Qualified person: Jacqui Blowfield
 Address: 49 Tasma Street Phone No: 03 6234 9281
 North Hobart 7000 Fax No:
 Licence No: BFP - 102 Email address: jacqui@ireneinc.com.au
 Qualifications and Insurance details: Accredited to report on bushfire hazards under Part IVA of the Fire Service Act 1979. (description from Column 3 of the Director of Building Control's Determination)
 Speciality area of expertise: Analysis of hazards in bushfire-prone areas (description from Column 4 of the Director of Building Control's Determination)

Details of work:

Address: 19 Bluestone Rise Lot No: 19
 Lenah Valley 7008 Certificate of title No: 177602
 The assessable item related to this certificate: BHMP for residential dwelling (description of the assessable item being certified)
Assessable item includes –
 - a material;
 - a design
 - a form of construction
 - a document
 - testing of a component, building system or plumbing system
 - an inspection, or assessment, performed

Certificate details:

Certificate type: Bushfire Hazard (description from Column 1 of Schedule 1 of the Director of Building Control's Determination)

This certificate is in relation to the above assessable items, at any stage, as part of – (tick one)

☒ building work, plumbing work or plumbing installation or demolition work

OR

☐ a building, temporary structure or plumbing installation

In issuing this certificate the following matters are relevant –

Documents:

19 Bluestone Rise, Lenah Valley - Bushfire Hazard Management Report, by Ireneinc Planning & Urban Design, dated 24 September 2020

Relevant
calculations:

BAL Assessment contained within *19 Bluestone Rise, Lenah Valley - Bushfire Hazard Management Report*, by Ireneinc Planning & Urban Design, dated 24 September 2020

References:

AS3959-2018 Construction in Bushfire Prone Areas

Substance of Certificate: (what it is that is being certified)

Bushfire Hazard Management Plan (BHMP) & BAL Assessment

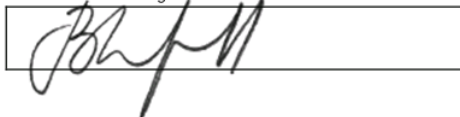
Scope and/or Limitations

As detailed within *19 Bluestone Rise, Lenah Valley - Bushfire Hazard Management Report*, by Ireneinc Planning & Urban Design, dated 24 September 2020

I certify the matters described in this certificate.

Qualified person:

Signed:



Certificate No:

2020 005

Date:

24/9/2020



Enquiries to: City Planning
Phone: (03) 6238 2715
Email: coh@hobartcity.com.au

11 March 2021

Paul Newman (Preston Lane)
45 Goulburn Street
HOBART TAS 7000

mailto: paul@prestonlane.com.au

Dear Sir/Madam

**19 BLUESTONE RISE, LENA VALLEY - WORKS IN ROAD RESERVE NOTICE OF
LAND OWNER CONSENT TO LODGE A PLANNING APPLICATION - GMC-21-13**

Site Address:

19 Bluestone Rise, Lenah Valley

Description of Proposal:

Dwelling involving the road reservation and stormwater network

Applicant Name:

Paul Newman, Preston Lane

PLN (if applicable):

PLN-20-886

I write to advise that pursuant to Section 52 of the *Land Use Planning and Approvals Act 1993*, I grant my consent on behalf of the Hobart City Council as the owner/administrator of the above land for you to make application to the City for a planning permit for the development described above and as per the attached documents.

Please note that the granting of the consent is only for the making of the application and in no way should such consent be seen as prejudicing any decision the Council is required to make as the statutory planning authority.

This consent does not constitute an approval to undertake any works and does not authorise

Hobart Town Hall
50 Macquarie Street
Hobart TAS 7000

Hobart Council Centre
16 Elizabeth Street
Hobart TAS 7000

City of Hobart
GPO Box 503
Hobart TAS 7001

T 03 6238 2711
F 03 6234 7109
E coh@hobartcity.com.au
W hobartcity.com.au

CityofHobartOfficial
ABN 39 055 343 428
Hobart City Council

the owner, developer or their agents any right to enter or conduct works on any Council managed land whether subject to this consent or not.

If planning approval is granted by the planning authority, you will be required to seek approvals and permits from the City as both landlord, land manager, or under other statutory powers (such as other legislation or City By-Laws) that are not granted with the issue of a planning permit under a planning scheme. This includes the requirement for you to reapply for a permit to occupy a public space under the City's Public Spaces By-law if the proposal relates to such an area.

Accordingly, I encourage you to continue to engage with the City about these potential requirements.

Yours faithfully



(N D Heath)

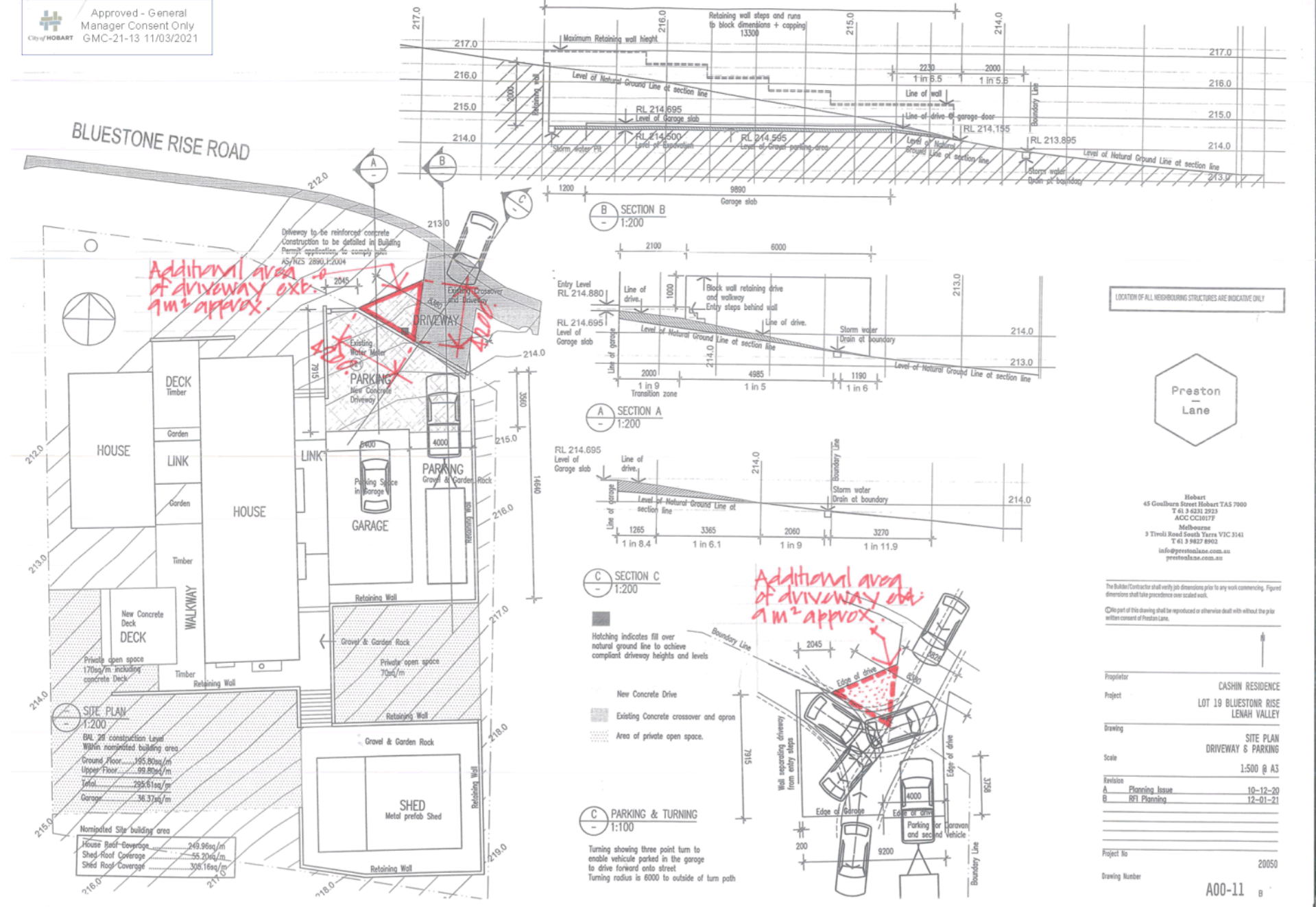
GENERAL MANAGER

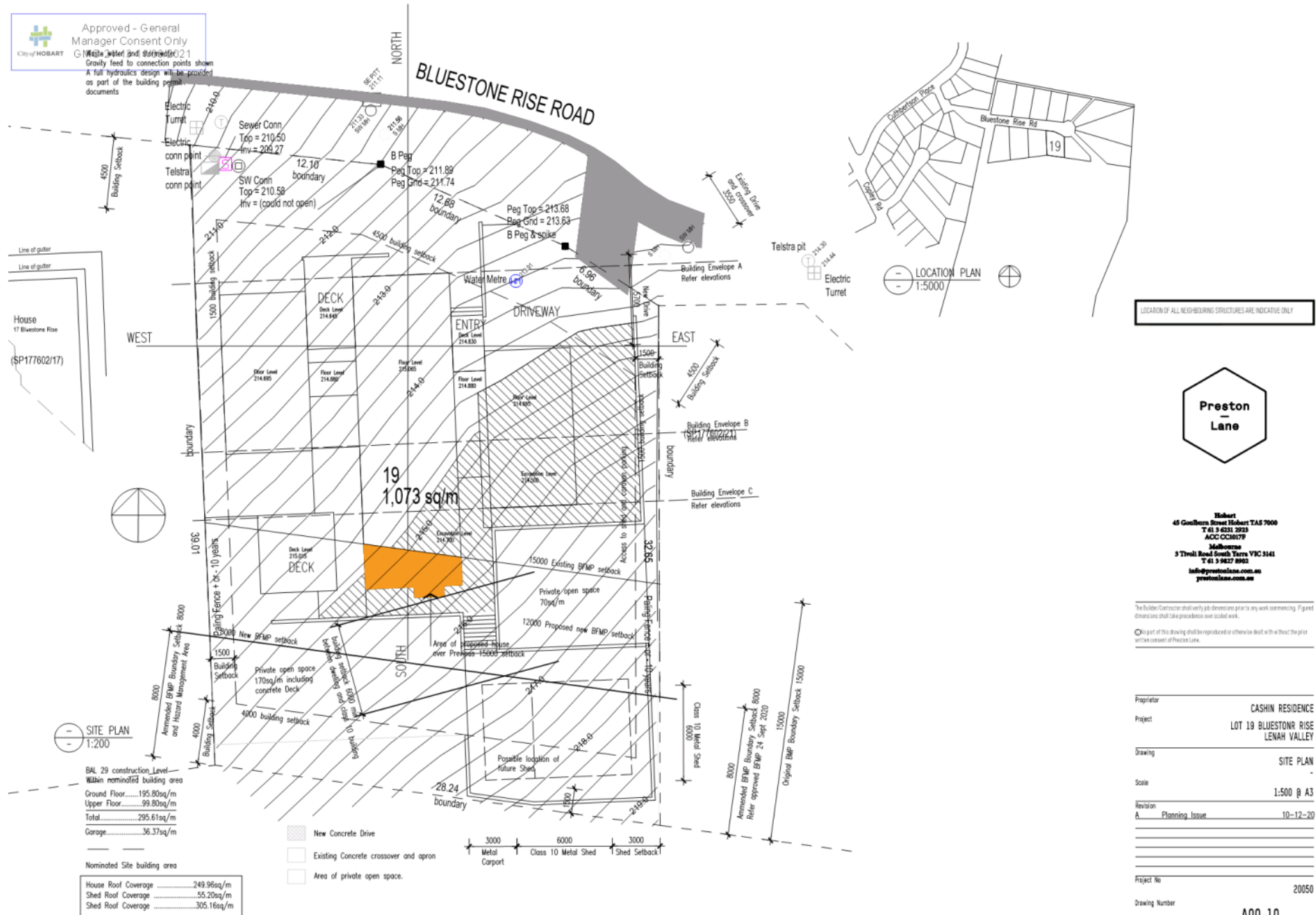
Relevant documents/plans:

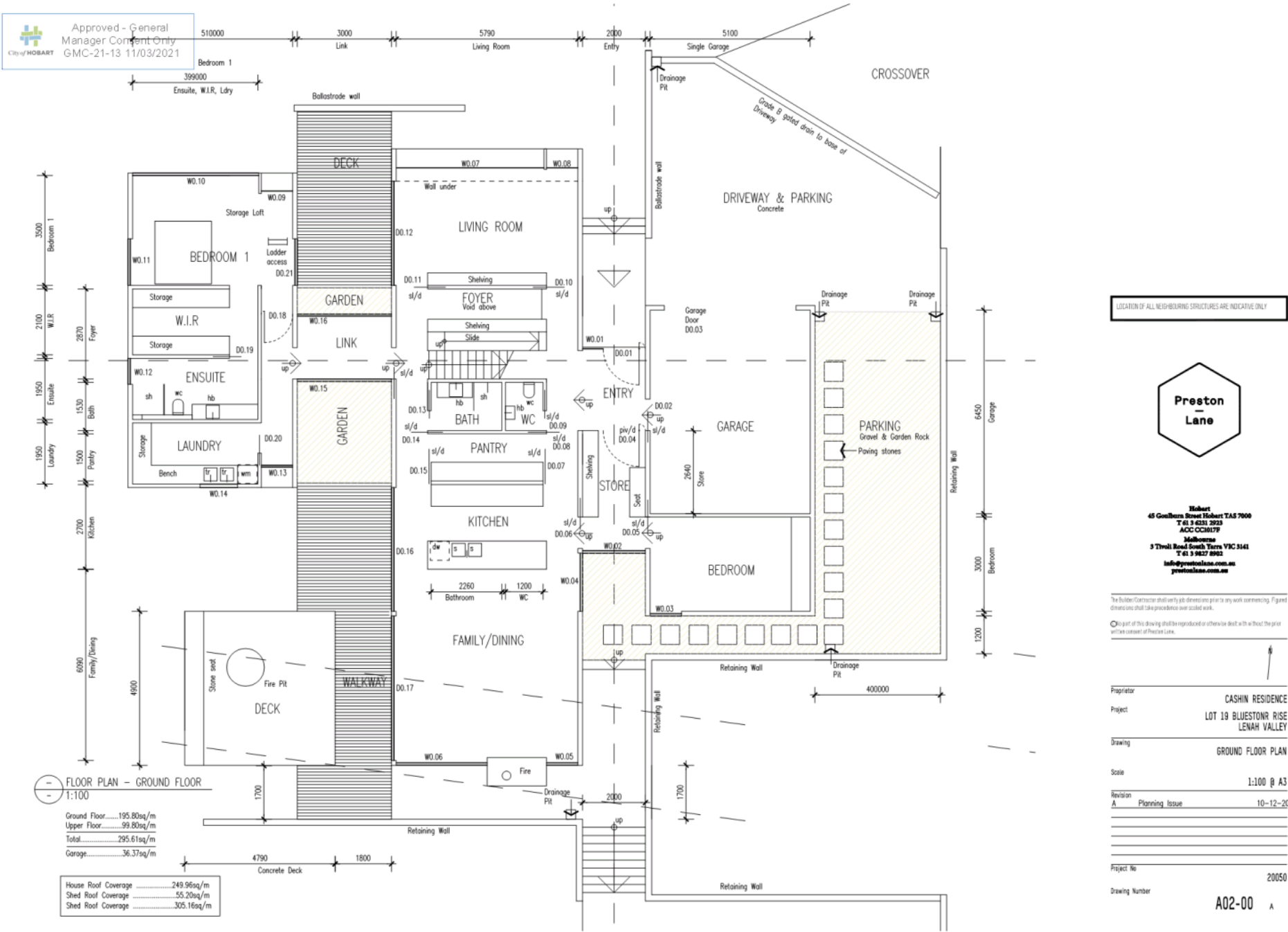
Plans - Preston Lane - Rev A - Project No 20050



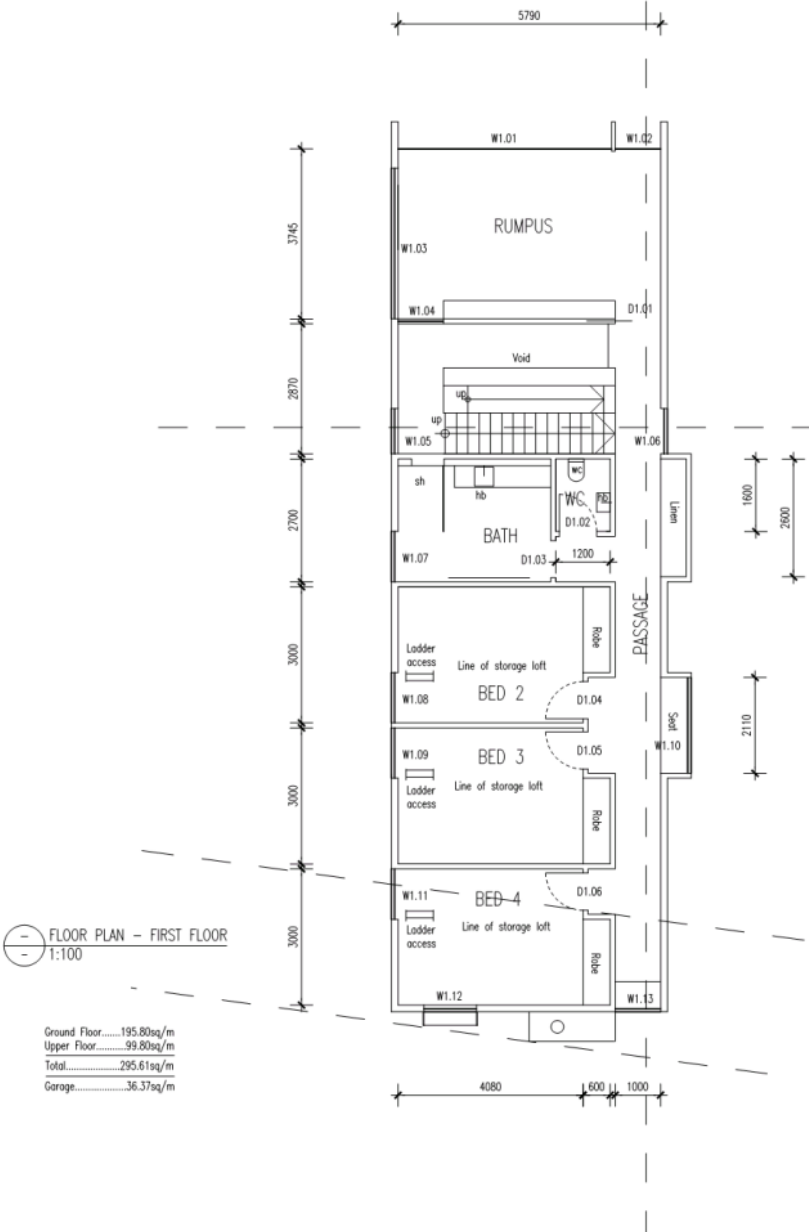
Approved - General
Manager Consent Only
GMC-21-13 11/03/2021







Approved - General
Manager Consent Only
GMC-21-13 11/03/2021



LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



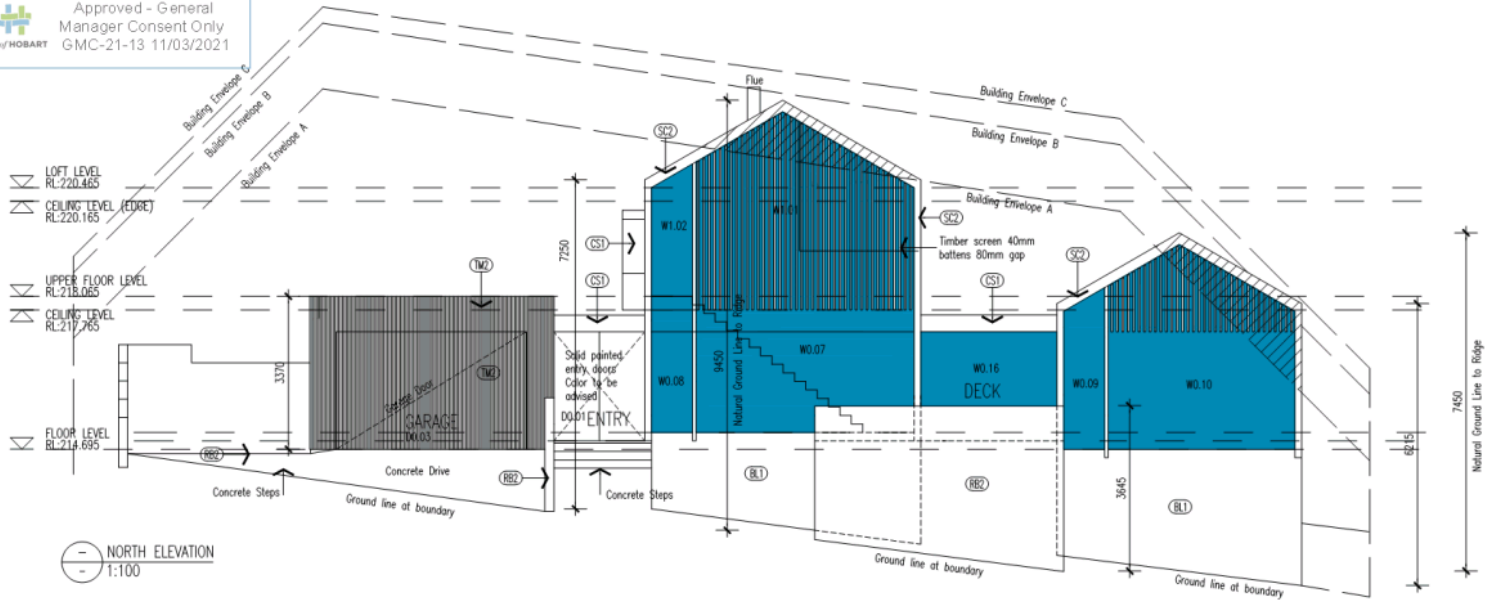
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AOC OC06179
Melbourne
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info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify all dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

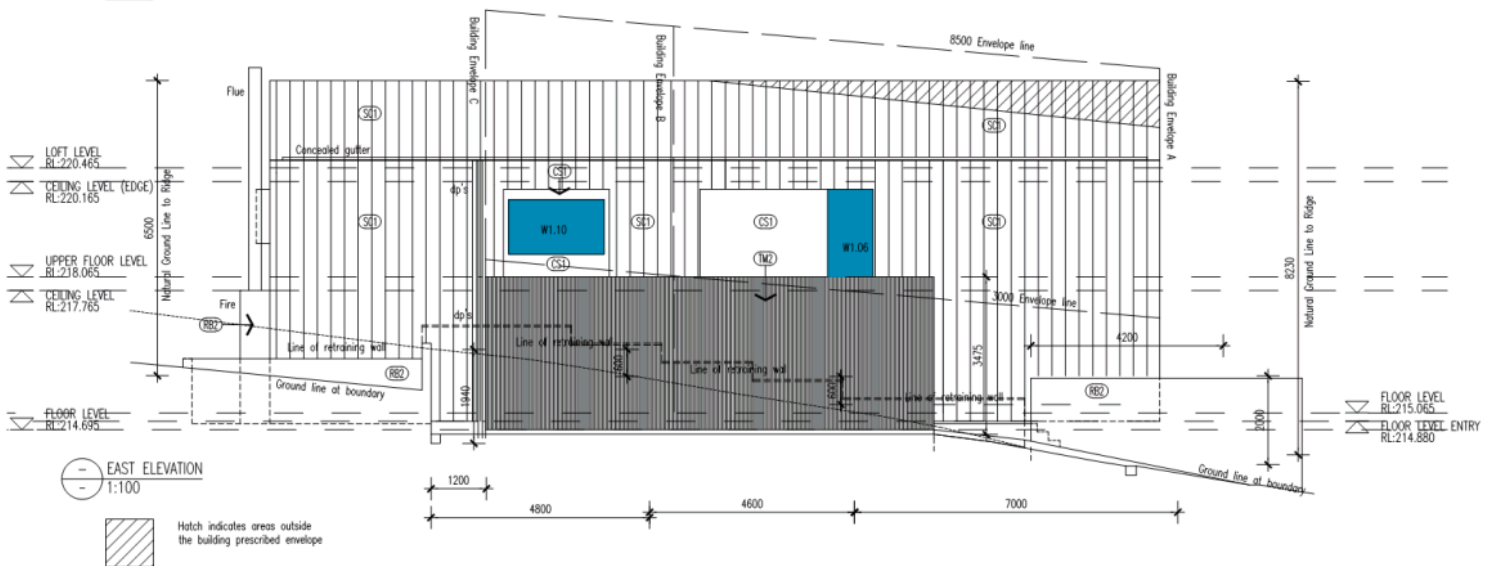
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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	UPPER FLOOR PLAN OPTION 1
Scale	1:100 @ A3
Revision	
A	Planning Issue 10-12-20
Project No	20050
Drawing Number	A02-01 A

Approved - General
Manager Consent Only
GMC-21-13 11/03/2021



Hatch indicates areas outside
the building prescribed envelope



Hatch indicates areas outside
the building prescribed envelope

- FINISHES**
- (BL1) Natural Grey blockwork
 - (RB2) Rendered blockwork, in Neutral Tones.
 - (CS1) 9mm cement sheet cladding, silicon seal built joints point finish Neutral tones
 - (CS2) 6mm cement sheet cladding, silicon seal built joints point finish Neutral tones
 - (SC2) Protected horizontal surfaces.
 - (TM1) 40 x 40 Spotted Gum timber batten screen
 - (TM2) Spotted Gum timber cladding
 - (SC1) Structural Metal cladding Colorbond matt range Color Neutral Tones
 - (SC2) Capping's and flashing's to match wall and roof colors
 - (AW1) Window and door frames to be powdercoated aluminium Neutral Tones.

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY

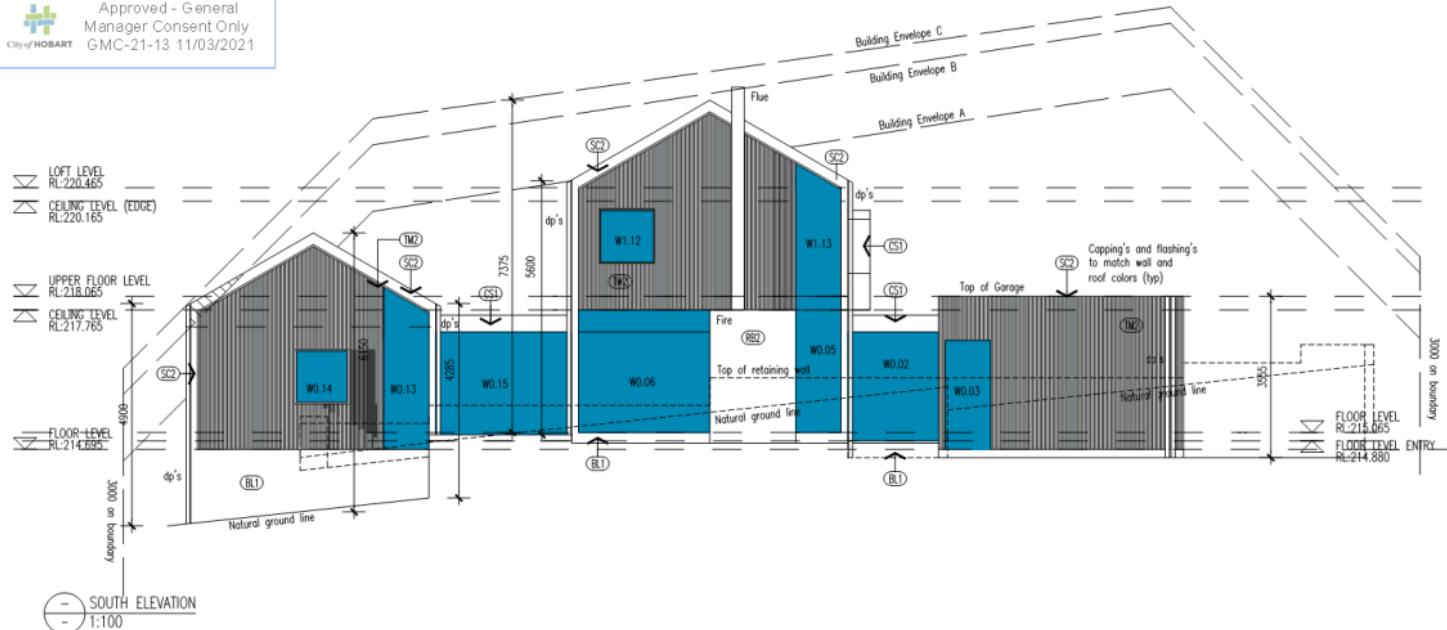
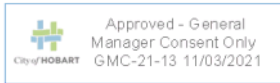


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AOC OC06177
Mathew
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T 61 3 9827 8982
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify all dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTONE RISE LENAH VALLEY
Drawing	ELEVATIONS PLANNING
Scale	1:100 @ A3
Revision	10-12-20
A Planning Issue	
Project No	20050
Drawing Number	A04-00 A



FINISHES

- (BL1) Natural Grey blockwork
- (RB2) Rendered blockwork, in Neutral Tones.
- (CS1) 9mm cement sheet cladding, silicon seal butt joints paint finish Neutral tones
- (CS2) 6mm cement sheet cladding, silicon seal butt joints paint finish Neutral tones Protected horizontal surfaces.
- (TM1) 40 x 40 Spotted Gum timber batten screen
- (TM2) Spotted Gum timber cladding
- (SC2) Structural Metal cladding Colorbond matt range Color Neutral Tones
- (SC3) Capping's and flashing's to match wall and roof colors
- (AW1) Window and door frames to be powdercoated aluminium Neutral Tones.

LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 3923
AOC OC36177
Melbourne
3 Thrill Road South Yarra VIC 3141
T 61 3 9827 8982
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify all dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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Proprietor CASHIN RESIDENCE
Project LOT 19 BLUESTONE RISE
LENAH VALLEY

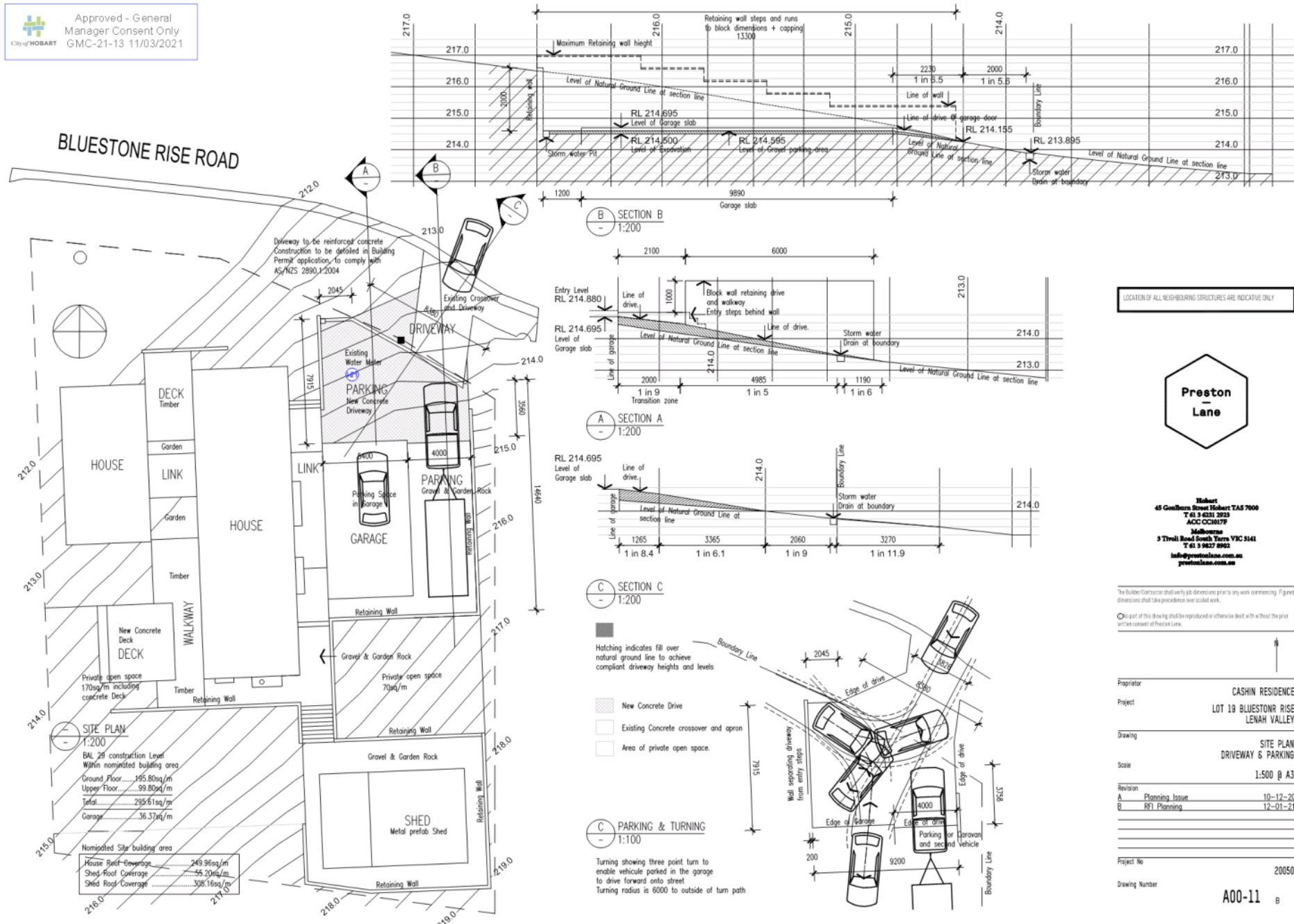
Drawing ELEVATIONS
PLANNING

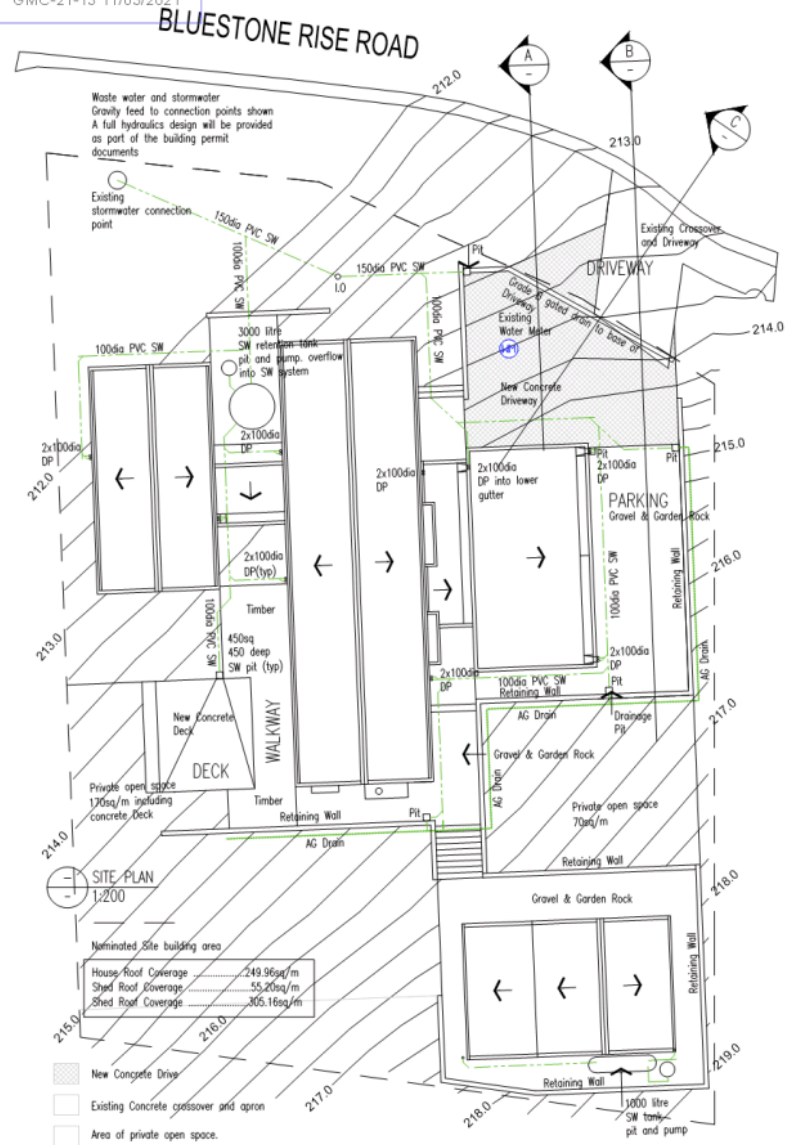
Scale 1:100 @ A3

Revision A Planning Issue 10-12-20

Project No 20050

Drawing Number A04-01 A





LOCATION OF ALL NEIGHBOURING STRUCTURES ARE INDICATIVE ONLY



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CCI017F

Melbourne
3 Tyrol Road South Yarra VIC 3141
T 61 3 9827 8962

info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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Proprietor	CASHIN RESIDENCE
Project	LOT 19 BLUESTON RISE LENAH VALLEY

Drawing

Scale

SITE PLAN
DRAINAGE LAYOUT
1:500 @ A3

Revision		
A	Planning Issue	10-12-20
B	RFI Planning	12-01-21

Project No. 20050

Drawing Number **A00-12** B

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 177602	FOLIO 19
EDITION 3	DATE OF ISSUE 08-Oct-2019

SEARCH DATE : 21-Oct-2019

SEARCH TIME : 02.36 PM

DESCRIPTION OF LAND

City of HOBART
Lot 19 on Sealed Plan 177602
Derivation : Part of 47A-1R-0P Gtd. to L. Roope
Prior CT 30380/4

SCHEDULE 1

M782228 TRANSFER to ANDREW GEOFFREY CASHIN and TANITH
BULL-CASHIN Registered 08-Oct-2019 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP177602 FENCING COVENANT in Schedule of Easements
SP 30380 FENCING COVENANT in Schedule of Easements
E192104 AGREEMENT pursuant to Section 78 of the Land Use
Planning and Approvals Act 1993 Registered
06-Sep-2019 at 12.04 PM
E192106 AGREEMENT pursuant to Section 78 of the Land Use
Planning and Approvals Act 1993 Registered
06-Sep-2019 at 12.05 PM
E196183 MORTGAGE to AFSH Nominees Pty Ltd Registered
08-Oct-2019 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



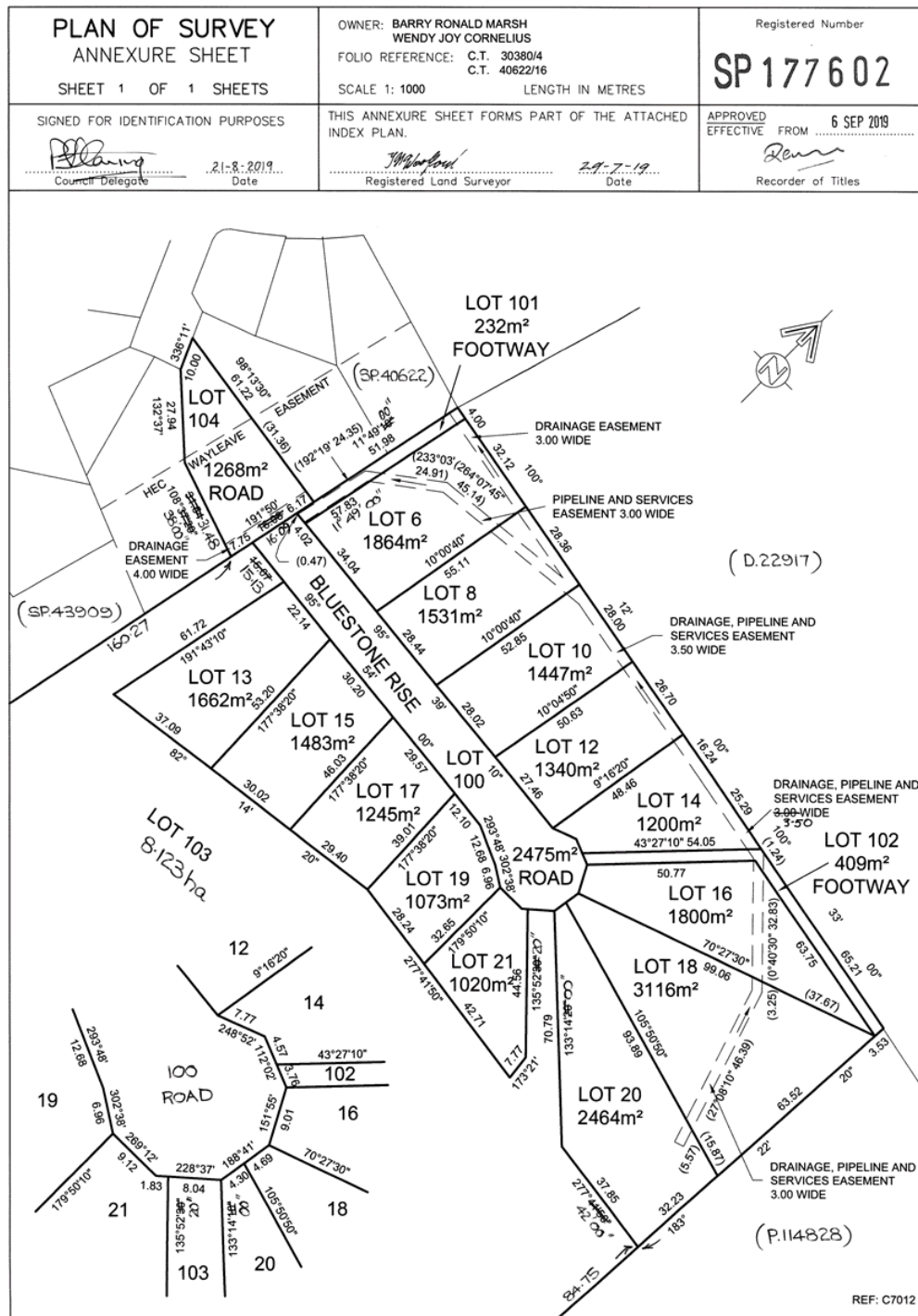
<p>OWNER: BARRY RONALD MARSH WENDY JOY CORNELIUS</p> <p>FOLIO REFERENCE: C.T. 30380/4 C.T. 40622/16</p> <p>GRANTEE: Part of 47A-1R-0Ps. Gtd. to L. Roope. Part of 66 acres loc. to John Orchard.</p>	<p>PLAN OF SURVEY</p> <p>BY SURVEYOR: TONY WOOLFORD 72 GRAHAMS ROAD, MT RUMNEY PH 0418 248 569</p> <p>LOCATION: CITY OF HOBART</p> <p>SCALE 1: 2000 LENGTHS IN METRES</p>	<p>REGISTERED NUMBER SP177602</p> <p>APPROVED EFFECTIVE FROM 6 SEP 2019</p> <p><i>[Signature]</i> Recorder of Titles</p>
<p>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</p> <p>LOT 103 COMPILED FROM C.T. 30380/4 AND THIS SURVEY</p>		
<p><i>[Signature]</i> Registered Land Surveyor</p> <p>16-7-19 Date</p>	<p><i>[Signature]</i> Council Delegate</p> <p>21-8-2019 Date</p>	



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



TASMANIAN LAND TITLES OFFICE
Notification of Agreement
under the
Land Use Planning and
Approvals Act 1993
(Section 71)



E192106

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
30380	4		

REGISTERED PROPRIETOR:

BARRY RONALD MARSH of 112 POTTERY ROAD LENAH VALLEY TAS 7008 in Tasmania

PLANNING AUTHORITY:

HOBART CITY COUNCIL

Dated this 20 day of August 2019

I **KIRSTEN ANNE TURNER**of **TOWN HALL, MACQUARIE STREET, HOBART IN TASMANIA, SOLICITOR ON
BEHALF OF**

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed
(on behalf of the Planning Authority)

Land Titles Office Use Only

LUA Version 1

REGISTERED

- 6 SEP 2019

RECORDER OF TITLES

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

I, Kirsten Anne Turner,
solicitor, certify this to be
a true copy of the original.

 10/8/2019

Deed - Part 5 Agreement

Land Use Planning and Approvals Act 1993

Date: 2 August, 2019

Parties:

1. Hobart City Council, a body corporate incorporated under the provisions of the *Local Government Act* 1993, of 16 Elizabeth Street, Hobart in Tasmania (the **Planning Authority**).
2. Barry Ronald Marsh c/- PO Box 105 South Hobart in Tasmania (the **Owner**)

Recitals:

- A. The Owner is the registered proprietor of an estate in fee simple of the Land.
- B. The Hobart City Council is the Planning Authority under the Act and for the purposes of the Planning Scheme.
- C. The Owner has submitted the Planning Application to the Planning Authority and the Planning Authority has issued the Planning Permit.
- D. The Planning Authority and the Owner have agreed that:
 - (a) the Owner must implement and maintain the Bushfire Management Plan in relation to the Land; and
 - (b) this deed be entered into by the parties.
- E. The Owner acknowledges that:
 - (a) the Land is subject to the Planning Scheme;
 - (b) this deed is being entered into pursuant to Part 5 of the Act;
 - (c) the Planning Authority will register this deed pursuant to the provisions of the *Land Titles Act* 1980 and that the effect of registration will be that the burden and benefit of any covenant contained in this deed will run with the Land as if it were a covenant to which section 102 (2) of the *Land Titles Act* 1980 applies; and
 - (d) this deed must be registered on the title to the Land and the Owner must implement the requirements of the Bushfire Management Plan prior to the occupation of the first new habitable building on the Land.



SIMMONS WOLFHAGEN

Operative Provisions:**1. Interpretation****1.1 Definitions**

In this deed, unless the contrary intention appears:

Act means *Land Use Planning and Approvals Act 1993*.

Bushfire Management Plan means the *Bushfire Hazard Management Plan and Report* for the Land prepared by Ireneinc Planning and Urban Design dated 27 August 2015 in relation to the Land, a copy of which is attached and marked "B", but as amended and/or replaced from time to time as deemed necessary by Tasmania Fire Service and/or the Planning Authority.

Development means the use and development of the Land for the purpose of Subdivision (13 lots) as more fully specified in the Planning Application.

Land means the land known as 25 Copley Road and 22 Cuthbertson Place, Lenah Valley in Tasmania and being more particularly described in Certificate of Title Volume 30380 Folio 4.

Owner means the person or persons specified in this deed and include the person or persons from time to time registered or entitled to be registered by the Recorder of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of the Land and include a mortgagee in possession.

Planning Application means application number PLN-15-00371-01 lodged with the Planning Authority.

Planning Permit means the permit dated 19 October 2016 approving the Planning Application subject to certain conditions and restrictions as contained in the permit a copy of which is attached hereto and marked "A".

Planning Scheme means the City of Hobart Planning Scheme 1982.

1.2 Rules for interpreting this deed

In this deed, unless the contrary intention appears:

- (a) one gender includes the other;
- (b) the singular number include the plural and vice versa;
- (c) a reference to a person includes a corporation, unincorporated body or authority;
- (d) clause headings are inserted for convenience only and will be ignored in the interpretation of this deed;
- (e) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (f) the schedule and annexures to this deed form part of this deed; and
- (g) a party includes its successors, assigns, executors and administrators.

2. Confirmation of recitals

Each of the parties to this deed confirms the recitals that relate to that party.

SIMMONS WOLFHAGEN

3. Covenants by Owner

In consideration of the Permit Authority granting the Planning Permit, the Owner hereby covenants with the Permit Authority to:

- (a) implement the Bushfire Management Plan in relation to the Land prior to the occupation of the first new dwelling on the Land; and
- (b) maintain and comply with the Bushfire Management Plan in relation to the Land;

unless the written consent of the Planning Authority is first obtained.

4. Effect of the deed upon registration**4.1 Covenants to run with Land**

The parties agree and declare that the obligations imposed on the Owner under this deed are intended to take effect as covenants:

- (a) the burden of which will run with the Land as if they were covenants to which section 102 (2) of the *Land Titles Act 1980* applies; and
- (b) which shall bind the Owner, its successors, transferees and permitted assigns, and the registered proprietor or proprietors for the time being of the Land.

4.2 Agreement Under Section 71 of Part 5 of the Act

The parties agree that without limiting or restricting the respective powers to enter into this deed and, in so far as it can be so treated, this deed is made pursuant to section 71 of the Act.

4.3 Commencement of Agreement

This deed shall commence on the day that the deed is signed by all parties.

5. Registration & costs

The Owner agrees that:

- (a) an application, pursuant to section 78 of the Act shall be made by the Planning Authority to the Recorder of Titles for the registration of this deed on the folio of the Register constituting the title to the Land (and any other land to which this deed relates); and
- (b) the Owner must bear the costs and disbursements associated with the preparation, negotiation and registration of this deed including any costs or disbursements incurred or to be incurred by the Planning Authority.

6. No fettering of the Planning Authority's powers

The parties acknowledge and agree that this deed does not fetter or restrict the power or discretion of the Planning Authority in any way, including to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the Land or relating to any use or development of the Land.

7. Notices

Any notice under this deed may be served by delivering, either personally or by registered mail, to the parties.



SIMMONS WOLFHAGEN

Execution:

Executed as a deed.

The Common Seal of the Hobart City Council was
hereunto affixed in the presence of:

Deputy General Manager/Director Corporate Services

Manager Legal & Governance

SIGNED BY Barry Ronald Marsh in the presence of:

Signature of Witness

Signature

Name & Occupation of witness

Address of Witness

John Marsh / Retired
24 Norwood Ave, Taroona TAS 703

Westpac Banking Corporation as the registered proprietor of Mortgage B589040 consents to this deed as evidenced by its execution hereunder:

Signed for and on behalf of
WESTPAC BANKING CORPORATION
ABN 33 007 457 141 by its Attorney:

before me:

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and Occupation of Witness

WESTPAC BANKING CORPORATION
by its Attorney who declares that he/shc
has received no notice of revocation of
the said power:Under Power of Attorney registered in the
Registry of Deeds number 72/5446

Ruby Shah
 Tier Three Attorney
 The Mortgage Centre

*Bankhead Consultants Pty Ltd ACN 009 495 050 incorporated in registration of this deed & agreement
 as executor, by caveat M72687 & M738777 affecting title of the registered volume 56280 F4
 by the executor's solicitor.*

Phillip Kimber
 Legal Practitioner
 Butler McIntyre & Butler
 20 Murray St, HOBART

Tel: (03) 6222 9444

Carlton Dixon
 Investment & Lending Manager
 Butler McIntyre & Butler
 20 Murray Street
 HOBART TAS 7000
 Tel: (03) 6222 9444

TASMANIAN LAND TITLES OFFICE

Transfer

Section 58 Land Titles Act 1980.



M782228

THE TRANSFEROR for the consideration specified below (receipt of which from the transferee is hereby acknowledged) HEREBY TRANSFERS to the TRANSFEREE the estate and interest specified in the land described hereunder subject to the mortgages and encumbrances registered thereon including any created by dealings lodged for registration before the lodging of this transfer.

DESCRIPTION OF LAND		
Folio of the Register		If subject to existing mortgages - list here. If part of land - describe part. If easement created - describe easement.
Volume	Folio	
177602	19	

Estate and Interest: **in fee simple**

Transferor:

BARRY RONALD MARSH

Transferee:

TANITH BULL-CASHIN and ANDREW GEOFFREY CASHIN of 99 BOWEN ROAD LUTANA TAS 7009

Consideration:

\$390,000.00

Date:

Signed:

Witness(Signature):

(Print Full Name):

(Full Postal Address):

:

Land Titles Office Use Only

T

Version 1 (TOLD)

Duty

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Created 18-Sep-2019 03:09PM

TASMANIAN LAND TITLES OFFICE
Notification of Agreement
under the
Land Use Planning and
Approvals Act 1993
(Section 71)



E192104

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
30380	4		

REGISTERED PROPRIETOR:

BARRY RONALD MARSH of 112 POTTERY ROAD LENAH VALLEY TAS 7008 in Tasmania

PLANNING AUTHORITY:

HOBART CITY COUNCIL

Dated this 20 day of August 2019

I **KIRSTEN ANNE TURNER**of **TOWN HALL, MACQUARIE STREET, HOBART IN TASMANIA, SOLICITOR ON BEHALF OF**

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed 
(on behalf of the Planning Authority)

Land Titles Office Use Only

LUA Version 1

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

I, Kirsten Anne Turner,
solicitor, certify this to be
a true copy of the original.

 20/8/2019

BUTLER McINTYRE & BUTLER
Lawyers

LAND USE PLANNING & APPROVALS ACT

PART 5 AGREEMENT

Stormwater detention system

Website: www.bmbtas.com
Address: 20 Murray Street, Hobart TAS 7000
Postal: GPO Box 980, Hobart TAS 7001
Phone: 03 6222 9444
Email: pkimber@bmbtas.com
Our ref: PAK 183166

Page 2 of 5 Pages

PARTIES:**Hobart City Council** of City Hall, Macquarie St, Hobart Tasmania (the "Planning Authority")**AND****Barry Ronald Marsh** of 112 Pottery Rd, Lenah Valley, Tasmania 7008 (the "Owner")**RECITALS:**

- A. The Owner is the registered proprietor of an estate in fee simple of the land described in folio of the register volume 30380 folio 4 (the "Land").
- B. The Planning Authority is the Planning Authority under the Land Use Planning and Approvals Act 1993 (the "Act") and the Local Government (Building & Miscellaneous) Provisions Act 1993 (the "Miscellaneous Act"), for the purposes of the City of Hobart Planning Scheme 1982 (the "Scheme"). The Land is subject to the provisions of the Scheme.
- C. The Owner is proposing to subdivide the Land as detailed in Planning Permit PLN-15-00371-01.
- D. A condition of the above permit ENGsws1 relates to stormwater management, including provision of a stormwater detention system and plan, and a Part 5 Agreement to support the obligations in the system and plan.
- E. Within the plan, the Owner has provided details and calculations of the discharge rate at the boundary of each lot that the Owner is advised by consulting engineers will ensure sufficient stormwater management for the site. The said condition of the permit requires that the discharge rate for each lot in the plan of subdivision will be attached to a Part 5 Agreement for each lot. This document is intended to be that relevant Part 5 Agreement.
- F. The Planning Authority and the Owner have agreed to enter into this Agreement pursuant to Part 5 of the Act and the Planning Authority will register this Agreement pursuant to the provisions of Section 78 of the Act and that the effect of registration will be that the burden of any covenant contained in this Agreement will run with the land to which the Agreement relates as if it were a covenant to which Section 102(2) of the Land Titles Act 1980 applies.

OPERATIVE PROVISIONS:**1. DEFINITIONS & INTERPRETATIONS****Definitions****"Act"** means the Land Use Planning and Approvals Act 1993.**"Agreement"** means this Deed of Agreement.**"Discharge rate"** means the stormwater from the impervious area of each individual lot must flow via on site detention of minimum storage of 3 kilo litres, with a 40 mm outlet, with a maximum discharge rate of 2.5 litres per second into the public stormwater reticulation system.**"Land"** has the meaning ascribed to it in recital A.**"Owner"** means the person or persons from time to time registered or entitled to be registered by the Recorder of Titles as proprietor or proprietors of an estate in fee simple in the land or any part of the land and includes a Mortgagee in possession.**"Permit"** means the Planning Permit Application No. PLN 15 – 00371-01 approved on the 19 October 2016 by the Hobart City Council.

General Interpretation

In this Agreement unless the context otherwise requires:

- (a) reference to the Planning Authority includes a reference to any new Council which has jurisdiction in respect to the land established pursuant to Part 2 of the Local Government Act 1993 or any other legislation or proclamation;
- (b) a reference to any legislation or any legislative provision includes any statutory modification or re-enactment of, or legislative provision substituted for, and any subordinate legislation issued under, that legislation or legislative provisions;
- (c) the singular includes the plural and vice versa;
- (d) a reference to an individual person includes a corporation, partnership, joint venture, association, authority, trust, State or government, or vice versa;
- (e) a reference to any gender includes all genders;
- (f) a reference to a recital, clause, schedule, annexure or exhibit is to a recital, clause, schedule, annexure or exhibit of or to this Agreement;
- (g) a recital, schedule, annexure or a description of the parties forms part of this Agreement;
- (h) a reference to any agreement or document is to that agreement or document (and, where applicable, any of its provisions) as amended, innovated, supplemented, or replaced from time to time;
- (i) a reference to any party in this Agreement or any other document or arrangement includes that party's executors, administrators, substitutes, successors and permitted assigns.
- (j) where an expression is defined another part of the special grammatical form of that expression has a corresponding meaning.

Headings

In this Agreement, headings are for convenience of reference only and do not affect interpretation.

2. CONFIRMATION OF RECITALS

Each of the parties to this Agreement confirms the recitals that relate to that party.

3. EFFECT OF AGREEMENT AND REGISTRATION**Agreement under Section 71 of Part 5 of the Act**

The parties agree that without limiting or restricting the respective powers to enter into this agreement and, in so far as it can be so treated, this Agreement is made pursuant to Section 71 of the Act.

Covenants to Run with the Land

The parties agree and declare that the obligations imposed on the Owner under this Agreement are intended to take effect as covenants the burden of which will run with the Land to which the Agreement relates as if they were covenants to which Section 102(2) of the Land Titles Act 1980 applies and shall bind the Owner, its successors, transferees and permitted assigns, the registered proprietor or proprietors for the time being of the land.

Registration of the Agreement

An application pursuant to Section 78 of the Act shall be made by the Planning Authority to the Recorder of Titles for the registration of this Agreement on the Folio of the Register constituting the title to any land to which the Agreement relates.

Commencement of the Agreement

Page 4 of 5 Pages

This Agreement commences on the day that separate titles are issued by the Recorder of Titles for the lots shown on the Plan and Permit.

4. **OWNERS COVENANTS**

- 4.1 In consideration of the Council granting the Permit allowing the subdivision, the Owner and their successors in title hereby covenant and agree with the Council that:

The Owner, whilst registered proprietor of each individual lot on the plan, and subsequent to transfer by the Owner, subsequent registered proprietors in respect of each respective lot they own as registered proprietor, they will maintain on each respective lot for on site detention of stormwater in accordance with the said stormwater management plan, storage of 3 kilo litres with a 40mm outlet, with a maximum discharge rate of 2.5 litres per second into the public stormwater reticulation system (the "Discharge rate").

5. **NO FETTERING OF THE PLANNING AUTHORITY'S POWERS**

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Planning Authority to make any decision or impose any requirement or conditions in connection with the granting of any planning approval or certification of any plans of subdivision relating to the land or relating to the use or development of the land.

6. **NOTICES**

Any notice under this Agreement may be served by delivering either personally or by registered mail to the parties.

Page 5 of 5 Pages

Executed as a Deed this 20 day of August 2019

Executed by **HOBART CITY COUNCIL** by affixing of
the Common Seal of the Planning Authority pursuant
to a resolution of the Planning Authority passed the
24 day of June 2019 in the presence of:



[Signature]
DEPUTY GENERAL MANAGER

[Signature]
MANAGER LEGAL & GOVERNANCE

Executed **Barry Ronald Marsh** by signing
As a deed, in the presence of

Witness signature.....

B Marsh signature.....

Name

Phillip Kimber
Legal Practitioner
Butler McIntyre & Butler
20 Murray St, HOBART
Tel: (03) 6222 9444

Address

Executed by **WESTPAC BANKING CORPORATION**
mortgagee pursuant to registered mortgage B792292
affecting Folio of the Register volume 30380 folio 4

WESTPAC BANKING CORPORATION
by its Attorney who declares that he/she
has received no notice of revocation of
the said power:

[Signature]
Antonio Varricchio
Tier Three Attorney

Under Power of Attorney registered in the
Registry of Deeds number 7215446

Signed for and on behalf of
WESTPAC BANKING CORPORATION
ABN 33 007 457 141 by its Attorney:

before me:

Signature of Witness

[Signature]
Name of Witness (BLOCK LETTERS)

Signed P A Kimber - Solicitor

Address and Occupation of Witness
BANK OFFICER

25 Pierson Street
LOCKLEYS SA 5032

Witness signature.....

Name

Address

Carlton Dixon
Investment & Lending Manager
Butler McIntyre & Butler
20 Murray Street
HOBART TAS 7000
Tel: (03) 6222 9444

8. REPORTS

8.1 Draft Southern Tasmanian Regional Cat Management Strategy File Ref: F21/47669; 17/65

Report of the Manager Development Compliance of 26 May 2021 and attachments.

Delegation: Council

REPORT TITLE: DRAFT SOUTHERN TASMANIAN REGIONAL CAT MANAGEMENT STRATEGY**REPORT PROVIDED BY:** Manager Development Compliance**1. Report Purpose and Community Benefit**

1.1. The purpose of this report is to:

1.1.1. Present the draft Southern Tasmania Regional Cat Management Strategy 2021-2026 (the Strategy) (**Attachment A**) and;

1.1.2. To obtain Council endorsement of Strategy.

2. Report Summary

2.1. The Council has been requested to endorse the Southern Tasmania Regional Cat Management Strategy 2021-2026.

2.2. The Strategy was developed by representatives from the majority of the southern councils, the State Government, Ten Lives Cat Centre, RSPCA, and the Australian Veterinary Association who collectively comprise the Southern Cat Management Working Group.

2.3. The Strategy identifies actions for cat management for Southern Tasmania that participants may undertake on a voluntary opt-in basis.

2.4. The City of Hobart currently deliver or are able to deliver approximately 60% of the actions in the Strategy with the balance unable to be implemented due to lack of available resources and funding.

3. Recommendation

That the Council endorse the Southern Tasmania Regional Cat Management Strategy 2021-2026 noting that endorsement is provided on the basis that:

- (i) The Strategy does not bind the City of Hobart to particular actions; and***
- (ii) Implementation of the actions not already delivered by the City of Hobart will only be undertaken when resource levels are increased through financial assistance or other forms of support from the State Government or through on-going and recurrent revenue streams introduced under the Cat Management Act 2009.***

4. Background

- 4.1. In 2018 the Tasmanian Government funded three Regional Cat Management Coordinators across Tasmania to help implement aspects of the Tasmanian Cat Management Plan 2017-2022.
- 4.2. In late 2018, the Southern Cat Management Working Group was formed to look at cat management at a regional level, identifying shared challenges and possible solutions in relation to cat management. The Working Group is made up of representatives from the majority of the southern councils, the State Government, Ten Lives Cat Centre, RSPCA, and the Australian Veterinary Association. The City of Hobart actively participates in the Working Group with the Manager Development Compliance a member of the Working Group.
- 4.3. The Working Group identified the potential benefits of developing a Southern Tasmania Cat Management Strategy, and this received in principle support from the twelve southern councils. Throughout 2020, the Working Group developed the Strategy with the assistance of a consultant.
- 4.4. The Strategy is intended as a guiding document for key partners and stakeholders, such as Cat Management Facilities, RSPCA, the Australian Veterinary Association, the State Government and councils.
- 4.5. The Strategy adopts a voluntary opt-in approach and does not bind participants to particular actions or resourcing.
- 4.6. The Strategy identifies eight areas of focus for cat management across Southern Tasmania, and notes actions relevant to each area.
- 4.7. Table 1 (below) shows the eight issues and the desired outcomes as reflected in the Strategy.

	Areas of focus	Desired outcome
1	Increasing education and awareness of responsible cat ownership	For all cat owners to understand and practice responsible cat ownership.
2	Protecting significant conservation, commercial and community assets	To have significant conservation, commercial and community assets identified with appropriate strategies developed to mitigate cat related impacts at priority sites.
3	Reducing the stray cat population	To reduce the stray cat population and maintain it at a low level, using best practice cat management techniques.
4	Uncontrolled cat breeding and welfare concerns	For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained, including by addressing cat hoarding cases with a coordinated response.

5	Increasing cat management capacity and accessibility to cat management services throughout the region	To increase cat management capacity and access to cat management services across the region, ensuring rural and remote communities have access to services.
6	Compliance in relation to the <i>Cat Management Act 2009</i>	For all cat owners and community members to comply with their legal obligations for responsible cat ownership and management.
7	Improved knowledge to better inform cat management	To have cat management in the region guided by best available science and regionally-relevant data to support evidence-based decision making.
8	Strategic governance and resourcing	For the Southern Cat Management Strategy to be successfully delivered across the region by Strategy participants.

Table 1: The eight cat management issues and corresponding desired outcomes as identified in the draft *Southern Tasmania Regional Cat Management Strategy*

- 4.8. The Strategy provides direction for future cat management activities and encourages collaboration for implementation, while retaining flexibility to enable participants to engage as they require and where resources permit.
- 4.9. The Strategy provides a shared focus to coordinate priorities and actions using limited collective resources for greatest effect in the region. This includes:
 - 4.9.1. A common intent across the region for strategic priorities and joint action, with flexibility for participation;
 - 4.9.2. Productive use of the resources of Council and others and aligned with state initiatives and investment;
 - 4.9.3. The right for Council to determine its commitment of resources to actions for priorities it shares with the region;
 - 4.9.4. Greater capacity for collaboration to address difficult cat management issues and avoid conflicting directions.
- 4.10. The Strategy has been endorsed by Kingborough, Tasman and Southern Midlands councils with the remaining councils considering support for the strategy.
- 4.11. The City of Hobart is already delivering on 32% of the proposed actions with a further 28% able to delivered when the need arises (for example, cat management covenants on land near high conservation areas) or through the introduction of minor changes (for example, updates to the City of Hobart website) (see **Attachment B**).

- 4.12. However, there are 40% of actions which are unable to be implemented due to lack of available resources and funding.

5. Proposal and Implementation

- 5.1. It is proposed that Council endorse the Strategy noting that endorsement is provided on the basis that:
- 5.1.1. The Strategy does not bind councils to particular actions; and
 - 5.1.2. That implementation of the actions not already delivered by the City of Hobart will only be undertaken when resource levels are increased through financial assistance and other forms of support from the State Government or through on-going and recurrent revenue streams introduced under the Act.

6. Strategic Planning and Policy Considerations

- 6.1. The Strategy aligns with Pillar 6 of the Capital City Strategic Plan 2019–29: The natural environment is part of the city and biodiversity is preserved, secure and flourishing.

7. Financial Implications

- 7.1. The endorsement of the Strategy does not require specific financial commitments from Council.
- 7.2. If Council at any time chooses to undertake certain actions based upon the Strategy, those actions would need to be costed and budgeted at that time.

8. Legal, Risk and Legislative Considerations

- 8.1. Cat management is governed by the *Cat Management Act 2009* which is administrated by the State Government. The *Cat Management Act 2009* has recently been amended; some changes commenced on 1 March 2021, and others will come into effect on 1 March 2022.
- 8.2. When the *Cat Management Act 2009* was introduced it was acknowledged in the Second Reading Speech that there was a clear intention not to impose new obligations on Councils, rather a regime of voluntary action was facilitated by the legislative power to take action, for example by the ability to make by-laws in relation to cat management and declare council-controlled land as prohibited areas. This approach was widely welcomed by local government.
- 8.3. The *Tasmania Cat Management Plan 2017-2022* was adopted by the State Government in 2017. The Plan was expressed to represent the first comprehensive and collaborative approach to managing cats in Tasmania an expressly identified that cat management was a shared responsibility across all levels of government, business and the community.

- 8.4. When commenting on the draft *Cat Management Plan 2017-2022* before its adoption, the City of Hobart expressed concern about the transfer of responsibility for cat management to councils without on-going and recurrent financial assistance to ensure that councils can increase their resources to meet the increase in responsibilities.
- 8.5. Similarly, for the objectives in the Strategy to effectively implemented and enforced, Council will require increased resources to meet the increased responsibilities. It will be difficult for the City of Hobart to deliver all the actions without the issue of funding being addressed.

9. Environmental Considerations

- 9.1. The impacts of cats on native wildlife, agriculture and communities are widely accepted. Cats require management to reduce their impacts across these areas.
- 9.2. The Strategy presents a comprehensive approach to dealing with cats across the various domestic and natural environments that they currently occupy with the notable exception of feral cats. The large majority of complaints received by the City of Hobart relate to feral cats and there are no actions in the Strategy addressing the impact of feral cats.

10. Social and Customer Considerations

- 10.1. Recent changes to state legislation is expected to bring greater expectations in the community for cat management.
- 10.2. The Strategy has the potential to raise expectations for Council to act, fund the cost of such actions, and/or force Council to act to maintain continuity with state and regional partners.
- 10.3. However, it does recognise that participation is subject to individual capacity and priorities. Acting alone is potentially more risky with less benefit for the community and the environment. The Strategy reduces risks of being out of step with community expectations and with other councils, stakeholders and experts.

11. Community and Stakeholder Engagement

- 11.1. The Strategy was produced with input from councils, key partners and industry stakeholders including:
 - Southern Councils
 - Tasmanian Cat Management Project
 - RSPCA Tasmania
 - Ten Lives Cat Centre
 - Local Government Association of Tasmania
 - Tasmanian Government- Parks & Wildlife Services and Biosecurity Tasmania
 - Australian Veterinary Association

- 11.2. The Strategy also identifies actions to undertake community consultation and engagement in relation to cat management as a part of the Strategy.

12. Delegation

- 12.1. The decision to endorse the Strategy must be considered by Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Kirsten Turner

**MANAGER DEVELOPMENT
COMPLIANCE**

Date: 26 May 2021
File Reference: F21/47669; 17/65

Attachment A: Southern Cat Management Draft Strategy 2021- 2026 ↓ 
Attachment B: Southern Cat Management Draft Strategy - City of Hobart
Action Analysis ↓ 

SOUTHERN TASMANIA

REGIONAL CAT MANAGEMENT STRATEGY

(2021-2026)



Working draft January 2021 V1
Not for further distribution

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**REGIONAL CAT
MANAGEMENT STRATEGY**

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Working draft January 2021 V1
Not for further distribution

**Prepared by the Southern Cat Management Coordinator
in collaboration with:**

- ▶ Brighton Council,
- ▶ Central Highlands Council,
- ▶ Clarence City Council,
- ▶ Derwent Valley Council,
- ▶ Glamorgan Spring Bay Council,
- ▶ Glenorchy City Council,
- ▶ Hobart City Council,
- ▶ Huon Valley Council,
- ▶ Kingborough Council,
- ▶ Southern Midlands Council,
- ▶ Sorell Council,
- ▶ Tasman Council,
- ▶ Australian Veterinary Association,
- ▶ RSPCA Tasmania,
- ▶ Ten Lives Cat Centre,
- ▶ Biosecurity Tasmania- Department of Primary Industries, Parks, Water and Environment, and
- ▶ Tasmania Parks and Wildlife Service - Department of Primary Industries, Parks, Water and Environment

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1. Introduction

The Southern Tasmanian Cat Management Strategy 2021-2026 (the Strategy) has been developed to provide an aspirational and long-term framework within which partner organisations can voluntarily contribute, collaborate and align cat management efforts within the southern region, towards agreed and shared outcomes.

The Strategy has sought collaboration from a range of partner organisations including the Tasmanian Government (Biosecurity Tasmania and Tasmania Parks and Wildlife Service), Brighton Council, Central Highlands Council, Clarence City Council, Derwent Valley Council, Glamorgan Spring Bay Council, Glenorchy City Council, Hobart City Council, Huon Valley Council, Kingborough Council, Southern Midlands Council, Sorell Council, Tasman Council, the Australian Veterinary Association, RSPCA Tasmania and Ten Lives Cat Centre.

Cats are an integral part of Tasmanian society as beloved pets; they are highly valued companions and studies have shown that owning a cat can be good for the health of the owner. However, cats also pose a threat to Tasmanian native wildlife, agriculture and communities through predation, spread of disease and creation of nuisance. Cats and their impacts will continue to be an issue which require management. Tasmanians are increasingly recognising the negative impacts that cats can have and there is growing community expectation that all levels of Government will participate in cat management.

How to use this Regional Cat Management Strategy

The Strategy recognises that the twelve councils and other key stakeholders of the southern region will have different priorities, capabilities, and resources for cat management. The Strategy adopts an opt-in approach which enables all councils and other stakeholders to participate in cat management to the extent that they require and are able to resource, while keeping them aligned with the actions of the other partners in the region.

The Strategy sets out eight areas of focus for Southern Tasmania, and highlights actions that can be undertaken by individual organisations, as well as collaborative region wide initiatives. Collaboration across the region will improve efficiency, consistency and reduce costs of cat management.

The actions identified in the Strategy largely consist of three approaches: information sharing, information gathering and active cat management. The majority of the actions relate to information sharing and information gathering. This includes key actions such as providing educational information to the public on responsible cat ownership and collecting data so that organisations involved in cat management have access to essential information which will help inform management decisions and approaches.

The three key focuses emerging from the Strategy which relate to active cat management include: identification and use of best practice cat management techniques when undertaking cat management programs, increasing accessibility to cat management facility services across the region and progress on a collaborative and proactive approach to addressing cat hoarding situations. The Strategy is a high-level document which identifies actions which need to be taken, however,

several of the actions are significant projects which will require further scoping and planning outside of this Strategy.

The Strategy is designed to help participants to identify their chosen priority actions, and consideration will need to be given to the resourcing required to deliver those actions.

Support for the Strategy's implementation exists from the Regional Cat Management Coordinator and many of the actions are already underway in some councils with resources and support available from the Regional Cat Management Coordinator through TassieCat.

Why do we need to manage cats better?

A paper released in 2020 estimates that in Australia 390 million animals are killed by domestic cats annually, of which, 241 million are native. A roaming pet cat kills an average of 186 animals a year, of which, 115 are native, and because of their unnaturally high densities in urban areas, they exert a predation pressure that is 30-50 times higher per square kilometre than that of feral cats (Legge *et al.* 2020). The result is that millions of native animals are killed in Tasmania each year by pet cats, in addition to the impacts of stray and feral cats.

These numbers do not include the death of native animals through the transmission of toxoplasmosis, a disease for which cats are the primary host. Toxoplasmosis also impacts livestock and can cause miscarriage and still-births, particularly in sheep. The cost of toxoplasmosis to the agricultural industry in Tasmania is estimated to be \$1.7 million annually (Department of Primary Industries, Parks, Water and Environment 2015). Toxoplasmosis can also cause miscarriage in pregnant women and severe illness for those with low immunity. It is estimated that around 40% of domestic cats carry toxoplasmosis (Sumner & Ackland 1999). A roaming domestic cat is much more likely to contract and spread the disease, than a contained cat.

Roaming pet cats can cause discord in the community. Many property owners feel frustrated at neighbours' cats being allowed to visit their property uninvited, harass their pets, defecate in sandpits and vegetable gardens, hunt wildlife, create noise disturbances at night and spray on their doorstep. Domestic cats in Australia have been found to roam significant distances, with an average home-range of 1 hectare, and in some cases up to 31 hectares (Roetman *et al.* 2017).

However, cats also bring a lot of joy and companionship to their owners, and this role they play in the community is highly valued. For all of these reasons, the topic of cats and cat management can be a difficult and emotive one.

Cat management is complicated further by the ecological characteristics of the cat. Cats are highly adaptable, widespread, can reproduce at an early age and are a cautious species making them difficult to trap and manage. To ensure cat management is successful and sustainable over the long-term many on-ground actions are required to be ongoing and this can become expensive. Despite these challenges, this Strategy provides participants with practical actions they can take to achieve the goals of responsible cat ownership and best practice cat management.

Background

In 2018 the State Government funded three Regional Cat Management Coordinators to help progress cat management in Tasmania; the Southern Regional Cat Management Coordinator works across the twelve southern Tasmanian council areas. The Regional Coordinators developed TassieCat

which is a state-wide community focused education initiative, designed to educate cat owners about responsible cat ownership.

The Southern Cat Management Working Group which includes representatives from the majority of southern councils and other key stakeholders such as the Australian Veterinary Association, cat management facilities and the State Government was formed to develop a collective view on better ways to manage cats. The Working Group works to identify shared cat management challenges, possible solutions and priorities across the region. Information and discussions from the Working Group meetings have informed the development of this Strategy. The Working Group has also acted as distribution point for key educational materials produced by TassieCat including the TassieCat website, booklets, social media, and videos which promote responsible cat ownership.

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2. Vision and guiding principles

Vision

To see Southern Tasmania collectively and responsibly managing cats for the benefit of native wildlife, cat welfare, cat owners' wellbeing, community relations, human health, and agriculture.

Guiding principles

- ▶ The best outcomes result from working in collaboration; everyone has a role to play in responsible cat ownership and management.
- ▶ Responsible cat ownership is highly valued.
- ▶ Cat management and education should be proactive.
- ▶ Animal welfare is a primary management consideration.
- ▶ Domestic pet cats can contribute to the mental health and wellbeing of their owners.
- ▶ The needs of cat owners must be balanced against the impacts of cats.
- ▶ Management actions should be based on best practice.
- ▶ Significant assets must be protected from the impacts of cats.
- ▶ Cat management will require continued resourcing and assessment at all levels.
- ▶ Ongoing research is needed to best inform management.

Managing cats is a shared responsibility across many parts of the community including individual cat owners, breeders and sellers, State and Local Government, businesses, the not-for-profit animal welfare sector and others. Everyone has a role to play and by working together in a planned way, cats can continue to contribute to our quality of life with minimal impact on the environment, commercial enterprises, and others in the community.

3. Scope

Categories of cats

All cats in Tasmania are the same species (*Felis catus*) and are often conveniently categorised as domestic, stray or feral. In this Strategy the definitions from the Tasmanian Cat Management Plan apply:

- ▶ Domestic cats (or pet cats) are those which are identifiable as owned; most of their needs are supplied by their owners. They may roam beyond their owner's property, including into bush and park land, but they spend most of their time with a specific person/family/property.
- ▶ Stray cats are those found in and around cities, towns and rural properties; they may depend on some resources provided by humans but have no identifiable owner.
- ▶ Feral cats are those that live and reproduce in the wild, largely or entirely removed from humans, and survive by hunting or scavenging; none of their needs are satisfied intentionally by humans.

This Strategy focuses on domestic and stray cats in and near settled areas which are managed under the *Cat Management Act 2009* (the Act). Feral cat management sits outside the scope of the Strategy which is focused primarily on domestic cat management working with councils.

The Strategy recognises the significant role feral cat management plays in broader cat management, including efforts by primary producers and conservation land managers. There is overlap and a strong connection between the different categories of cats (domestic, stray and feral); domestic cats can move in to the stray cat population when they become lost or are abandoned, stray cats can become domestic if they are taken in by people and their needs are provided for, stray cats can become feral cats when a litter of kittens is born away from humans and they are unsocialised. Undoubtedly there is scope for stakeholders to collaborate on projects which cross into feral cat management, however, domestic and stray cats are the primary focus of this Strategy.

There is no reliable data on the number of domestic or stray cats in Southern Tasmania but national data from research by Animal Medicines Australia found that around 27% of households have cats, with an average of 1.4 cats kept per household (Animal Medicines Australia 2019). With an estimated 106,000 households, this equates to approximately 40,000 pet cats living in the southern region.

Legislation

The *Cat Management Act 2009*, *Biosecurity Act 2019*, *Animal Welfare Act 1993* and the *Tasmanian Cat Management Plan 2017-2022* provide the legislative and policy framework to achieve the broad goal of responsible cat ownership and management in Tasmania.

The *Cat Management Act 2009* is the principal legislation for managing domestic and stray cats in Tasmania. The Act aims to improve levels of responsible cat ownership and welfare, provide for effective cat management and reduce the potential negative impacts of cats on the community, agriculture and environment in Tasmania.

Feral cats are managed under the *Biosecurity Act 2019* as a biosecurity risk or impact, and industry, landowners, community or government can develop an approved biosecurity program for their control.

The *Animal Welfare Act 1993* protects the welfare of all animals, and any person who has the care or charge of an animal is bound by this Act and has a duty of care in relation to the welfare of the animal.

Both Local and State Government employ staff who are authorised under the *Cat Management Act 2009*. Authorised officers under the *Dog Control Act 2000* are automatically deemed an authorised person under the *Cat Management Act 2009*, as are those authorised under the *Animal Welfare Act 1993*, such as RSPCA inspectors.

Tasmanian Cat Management Plan

The Department of Primary Industries, Parks, Water and Environment (DPIPWE), with the support of the Cat Management Reference Group developed the *Tasmanian Cat Management Plan 2017-2022*, which is a comprehensive and collaborative state-wide approach to managing cats. It is built around seven objectives including increasing responsible pet cat ownership practices and community awareness around cat management, use of best practice techniques in relation to cat management, research and minimising the impact of cats on important conservation and agricultural assets. This Strategy is working towards contributing to many of the objectives outlined in the Plan.

Region

The southern region, for the purposes of this Strategy, covers 12 municipalities: Brighton, Central Highlands, Clarence, Derwent Valley, Glamorgan Spring Bay, Glenorchy, Hobart, Huon Valley, Kingborough, Southern Midlands, Sorell and Tasman. More than 275,000 people live in the southern region in major urban areas in Hobart and surrounds and many smaller towns servicing a diversity of rural and coastal communities.



4. Governance

This Strategy has been developed in the recognition that each participating organisation has different skills, knowledge, resources, priorities and responsibilities and that implementation roles need to be voluntary and flexible at the local level, while still achieving the vision and desired outcomes of the Strategy.

Ideally the Southern Regional Cat Management Coordinator will work with the Southern Cat Management Working Group to deliver the Strategy. The Cat Management Working Group meets several times a year and can act as a key mechanism in the delivery of the Strategy, including allowing for further detailed planning and implementation. However, if the Coordinator or Working Group are not operating, the Strategy provides direction for each stakeholder to be able to focus their cat management actions.

The Strategy is divided up into region-wide initiatives, and initiatives which individual organisations can implement. The individual initiatives allow participants to prioritise and plan for their own organisations and municipalities, while the region wide initiatives will require collaboration and resource sharing to deliver.

Progress of the Strategy should be reviewed jointly by Strategy participants annually and the Strategy updated every five years or if the *Cat Management Act 2009* is amended.

5. Areas of focus

The primary cat management issues for Southern Tasmania to be addressed by this Strategy include:

- 1) Increasing education and awareness of responsible cat ownership
- 2) Protecting significant conservation, commercial and community assets
- 3) Reducing the stray cat population
- 4) Uncontrolled cat breeding and welfare concerns
- 5) Increasing cat management capacity and accessibility to cat management services throughout the region
- 6) Compliance in relation to the *Cat Management Act 2009*
- 7) Improved knowledge to better inform cat management
- 8) Strategic governance and resourcing

For each of the primary cat management areas of focus the Strategy identifies:

- ▶ essential background information (where are we now?)
- ▶ long-term desired outcome (where do we want to be?)
- ▶ an action plan to work towards achieving the desired outcome including:
 - proposed timeframe— short term [first year], medium term [2-3 years] and long term [4-5 years]
 - priority - including high, medium and low
 - and which of the key participant/s can deliver the action.

The Action Plan is divided into two sections, one for initiatives which individual organisations can implement, and one for region wide initiatives (how are we going to get there?), and

- ▶ performance indicators including targets and performance measures where possible (how will we know we are on track?)

There is little Tasmanian baseline data in relation to cat ownership practices, cat numbers and management, consequently, a focus of this Strategy is on gathering data before significant goals can be set. A report will need to be developed compiling the baseline data this Strategy will use to measure its performance indicators.

5.1 Increasing education and awareness of responsible cat ownership

Background

A vital part of successfully managing cats relies on responsible cat ownership. More education needs to be undertaken to promote the benefits of desexing and microchipping to the general public. Desexing is essential to reduce the number of unexpected and unwanted kittens which often overwhelm cat management facilities and shelters during summer. In 2019 over 6,250 cats passed through cat management facilities and shelters in Tasmania. Promoting microchipping is also key as it significantly increases the chances of a lost pet cat being reunited with their owner.

Containment of pet cats to the owner's property prevents cats from roaming and improves their wellbeing, whilst preventing them from killing Tasmania's native wildlife or becoming a nuisance to their neighbours. One of the most regular complaints that Local and State Government receive in relation to cats is about nuisance caused by roaming cats.

The types of nuisance reported:

- ▶ Trespassing on property
- ▶ Defecating and urinating on property
- ▶ Attacking other pets including cats, rabbits, birds, dogs, chickens, and ducks
- ▶ Killing native wildlife
- ▶ Fighting at night and the noise affecting sleep of household members
- ▶ A dog defending its property against a visiting cat, resulting in the cat being injured or killed
- ▶ Dog barking as a result of visiting cat's presence
- ▶ Risk of spreading toxoplasmosis through cat faeces in vegetable gardens and sandpits

Complaints about nuisance caused by pet cats can be complicated and very difficult to resolve. Containment to private property is expected for other domestic pets and is considered best practice when keeping cats, however it is not required under the *Cat Management Act 2009*. The Act does however provide for the protection of private property from stray and roaming cats. The Act permits landholders to trap a cat found on their private property providing the cat is either returned to its owner or taken to a cat management facility.

The most common reasons that cat owners cite for not practicing containment centre around ideas that cats need to wander to be happy and healthy; that there is a low risk of harm to cats when they roam; and that it is difficult to contain cats. However, vets and cat behaviourists agree that roaming increases the risk of injuries and disease transmission, and that cats can live happily at home if their needs are provided for. Education is needed to assist people in setting up containment solutions, transitioning roaming pet cats to staying safe at home, as well as how to best provide for their cat's needs, enrichment and how to address behavioural issues.

Key components of responsible cat ownership include:

- ▶ Desexing cats by four months of age. 'Early-age desexing', which is the desexing of kittens between two to three months of age, should be encouraged because cats can become pregnant as early as

four months of age. Early-age desexing is practiced by most large Australian animal shelters and an increasing number of veterinarians.

- ▶ Microchipping cats by four months of age and ensuring contact details are always kept current with the microchip registry, as well as visible identification through collar and tag.
- ▶ Keeping cats safe at home (containment).
- ▶ Ensuring the mental and physical wellbeing of each cat.
- ▶ Not keeping more than four cats without a permit (once legislation comes into effect early in 2022).
- ▶ Routine health checks and vaccinations by a veterinarian.
- ▶ Emergency planning for a pet cat in the event of an emergency, such as a natural disaster.
- ▶ Surrendering unwanted cats and kittens to a cat management facility (not dumping them).
- ▶ Not feeding stray cats or making food available for them.

Desired outcome

For all cat owners to understand and practice responsible cat ownership.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.1.1 Provide educational information and promote responsible cat ownership to the public, using consistent messages, via: <ul style="list-style-type: none"> • Website • Social media • Booklets • Video • Print media (newsletters/articles) • Presentations 	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Veterinary clinics • Cat management facilities 	TassieCat materials available online and hardcopy-factsheets, booklets, videos, social media, posters, magnets, stickers, postcards, website
5.1.2 Use available materials when responding to public enquiries and providing advice about cat related queries (e.g. legislation, nuisance, responsible ownership, stray cats etc.).	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	TassieCat factsheets and <i>FAQ guide to handling cat-related queries from the public</i> available
5.1.3 Promote legislation and requirements of the <i>Cat Management Act 2009</i> on website and front counter.	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	TassieCat brochure available DPIPWE website
5.1.4 Keep cat related enquiry register.	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	Register to include number and nature of enquiries/complaints, including nuisance, stray cats, legislation, hoarding etc. This information can then be used to conduct targeted education programs in the future. Action linked to 5.3.2, 5.4.2, 5.7.1

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.1.5 Educate people about the problems of feeding stray cats, having un-desexed cats and abandonment of unwanted cats and advocate the use of cat management facilities.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Information available from TassieCat and cat management facilities
5.1.6 Promote EduCat to schools.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Existing education program delivered in schools by Ten Lives Cat Centre
5.1.7 Promote the practice of 'early-age desexing' to veterinary clinics.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Australian Veterinary Association 	
5.1.8 Disseminate humane trapping advice to members of the public who are considering trapping.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Cat trapping guidelines available from TassieCat and Ten Lives Cat Centre Action linked to 5.6.4
5.1.9 Work with and encourage relevant stakeholders to participate in the promotion of responsible cat ownership.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	E.g. veterinarians, breeders, shelters, wildlife & landcare organisations, community groups, online pet sales platforms, pet shops and local media. Materials available from TassieCat online and hardcopy-factsheets, booklets, videos, social media, posters, magnets, stickers, postcards, website
5.1.10 Identify barriers to responsible cat ownership in the community and explore strategies to overcome these (e.g. affordability, awareness, geographic isolation).	Medium term	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	TassieCat can provide some information, Ten Lives Cat Centre may provide additional information, and localised surveys could be conducted
5.1.11 Undertake localised community consultation on cat management to determine what issues the community perceive there to be in relation to cats (e.g. presence of stray cats, nuisance, feeding of stray cats etc.) and what steps the community would like to see undertaken.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils 	
5.1.12 Investigate the feasibility of subsidised desexing and/or microchipping program in targeted areas.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.1.13 Organise local community engagement event/s (e.g. cat expo promoting responsible cat ownership showcasing cat enclosure designs/ options) and participate in existing community events (e.g. school fairs, local festivals).	Medium term Ongoing	Low	<ul style="list-style-type: none"> • Councils • Cat management facilities • Veterinary clinics 	
5.1.14 Educate residents about steps to take in relation to their pet cat in the event of an emergency, such as natural disaster. Work with local agencies to refine a process for handling the care of pets in emergency situations.	Medium term Ongoing	Low	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.1.15 Assess the potential success and viability of mandatory cat registration (region or state-wide).	Medium term	Low	<ul style="list-style-type: none"> • Councils • State Government 	Refer to Dogs and Cats Online (Government of South Australia) for information

Performance indicators

- ▶ Increase in responsible cat ownership behaviours (desexing, microchipping, containment) by cat owners.
- ▶ Responsible cat ownership information available on all Strategy participants' websites and in foyers.
- ▶ Visitation to the TassieCat and relevant stakeholder webpages (e.g. council).
- ▶ Data collection undertaken by Strategy participants.
- ▶ Appropriate information on trapping provided by Strategy participants to the general public.
- ▶ Number of events organised or attended by Strategy participants with information available on responsible cat ownership.
- ▶ Levels of community engagement and consultation by Strategy participants in relation to cat ownership and management.
- ▶ Number of programs supporting microchipping and/or desexing.
- ▶ Number of councils with processes in place for managing pet cats in case of emergency.

5.2 Protecting significant conservation, commercial and community assets

Background

Southern Tasmania contains many significant conservation, commercial and community assets that are impacted by domestic and stray roaming cats and may require specific cat management attention. These assets include:

- ▶ Areas of high environmental significance such as national parks, conservation reserves and other natural wildlife habitat areas that are home to native animals which are at risk from predation by cats and the spread of toxoplasmosis from cats.
- ▶ Valuable commercial assets such as agricultural areas with livestock, and aquaculture and abattoir operations. Livestock (particularly sheep) are susceptible to cat-borne disease, and operations such as aquaculture and abattoirs can be impacted by hygiene issues when cats congregate in an area.
- ▶ Community assets such as entertainment precincts (playgrounds, parks, BBQ areas), shops and built up areas, waste management facilities, and primary tourist attractions, which are at risk of nuisance and hygiene impacts from cats.

The *Cat Management Act 2009* permits a person to trap a cat on their private property provided any cat trapped is returned to its owner; or taken to a cat management facility.

A cat found on private land that is more than 1 km from a place of residence; or on land used for primary production or a production premises such as an abattoir or aquaculture business, may be returned to its owner; taken to a cat management facility; or humanely destroyed.

The Act allows for cat management action (includes trap; seize, detain) to be undertaken by an authorised officer in a prohibited area which includes:

- ▶ any area of land that is managed by a public authority, or Agency within the meaning of the *State Service Act 2000*, and is reserved land¹; and
- ▶ private land that is reserved land.

A cat trapped in a prohibited area by an authorised person may be returned to its owner; or taken to a cat management facility; or humanely destroyed.

The Act provides for Local Government, after consulting with its local community, to declare an area of council-controlled land as a prohibited area; or land within the municipal area of the council to be a cat management area. Cat management action and other measures may be undertaken by persons authorised to act in these areas.

Identifying which areas are a priority for protection from cats in municipalities is a key first step, which can then be followed by cat management activities in these priority areas. Activities could include

¹ Reserved land includes reserved land under the *Nature Conservation Act 2002*; land subject to a conservation covenant under part 5 of the *Nature Conservation Act 2002*; public reserves under the *Crown Lands Act 1976*; permanent timber production zone land under the *Forest Management Act 2013*; and private timber reserves under the *Forestry Practices Act 1985*.

data collection and monitoring to understand cat presence and impacts, community education, designation of prohibited areas or cat management areas, assisted desexing and microchipping events, and, depending on the area, trapping, seizing and humane destruction of cats.

Desired outcome

To have significant conservation, commercial and community assets identified with appropriate strategies developed to mitigate cat related impacts at priority sites.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.2.1 Provide educational information on cat impacts to the community.	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	Materials available from TassieCat
5.2.2 Use best practice cat management techniques.	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	TassieCat trapping guidelines available Action linked to 5.3.4
5.2.3 Identify significant conservation, commercial and community assets susceptible to impacts from roaming cats.	Medium term	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	Regional asset classification and prioritisation guidelines can be developed to assist this process
5.2.4 Participate in collaborative cat management programs (council, community, Ten Lives), where there are issues with cats around priority areas.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	Support landowners and managers, community and conservation organisations to actively manage cats within identified priority areas
5.2.5 Establish cat management areas and cat prohibited areas where appropriate. Promote these areas and the reason for their designation (as appropriate) and use as demonstration case studies that promote best practice.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils 	Factsheet and declaration template available from TassieCat
5.2.6 Promote, protect and create habitat for native wildlife as this helps reduce their susceptibility to predation by cats.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government 	Work with NRM groups, Tasmanian Land Conservancy, Landcare Tasmania etc.
5.2.7 Consider council planning options for developments such as new subdivisions adjacent to high value conservation areas	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils 	E.g. covenants negotiated with developers to create cat management conditions on properties

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.2.8 Develop regional guidelines for the classification of conservation, commercial and community assets that are susceptible to impacts from roaming cats.	Short term	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	Consider development of guidelines at a state-wide level to ensure consistency

Performance indicators

- ▶ Regional guidelines for the classification and prioritisation of priority assets created.
- ▶ Asset protection planning undertaken by Strategy participants and maps of priority assets created for municipalities.
- ▶ Number of partnerships between Strategy participants and other stakeholders working on cat management programs in priority areas.
- ▶ Number of programs underway by Strategy participants to manage cats in relation to priority assets.

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5.3 Reducing the stray cat population

Background

Stray cats, found in and around cities, towns and rural properties may depend on some resources provided by humans but have no identifiable owner. Generally undesexed, the stray cat population can breed quickly and while potentially well-intended, members of the community feed these unowned cats which can increase their numbers rapidly and significantly, and compound impacts on wildlife and neighbours. Pet cats can also become stray cats when they are abandoned by their owners. Stray cats can interact with and ultimately, add to, the feral cat population.

Stray cat populations are difficult to manage. Sporadic and non-targeted trapping will not have a long-term beneficial effect because more stray cats are likely to repopulate the area (Lazenby *et al.* 2014) and continue breeding. For this reason, stray cat management should be ongoing, strategic and multi-faceted.

Desired outcome

To reduce the stray cat population and maintain it at a low level, using best practice cat management techniques.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.3.1 Provide educational information to the community to reduce feeding of stray cats.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Materials available from TassieCat
5.3.2 Keep cat-related enquiry register to identify stray cat hotspots.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils Cat management facilities 	Action linked to 5.1.4, 5.4.2, 5.7.1
5.3.3 Use council, cat management facility and cat shelter data to identify stray cat problem areas locally.	Medium term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Focus on these areas for education and targeted programs
5.3.4 Use best practice cat management techniques.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	TassieCat trapping guidelines available Action linked to 5.2.2
5.3.5 Encourage people to use cat management facilities when they have an unwanted cat or a cat they can no longer care for, to reduce abandonment.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Materials available from TassieCat and cat management facilities

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.3.6 Provide advice on dealing with cat behavioural issues to reduce the need for surrender of cats.	Short term Ongoing	Medium	<ul style="list-style-type: none"> • Cat management facilities • Veterinary clinics 	Materials available from TassieCat
5.3.7 Inform the public about the requirements of the <i>Cat Management Act 2009</i> and <i>Animal Welfare Act 1993</i> ; it is illegal to abandon cats.	Short term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities 	Materials available from TassieCat
5.3.8 Participate in collaborative cat management programs (council, community, Ten Lives Cat Centre), where there are issues with stray cats.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.3.9 Work collaboratively to identify potential partners, locations and arrangements for increased access to cat management services across the region to facilitate cat management programs.	Medium term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	Linked to action 5.5.5
5.3.10 Develop best practice stray cat management guidelines.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • Veterinary clinics 	In consultation with experts, investigate options to address the stray cat population and identify when trapping or other management techniques could be used effectively and sustainably

Performance indicators

- Data collection undertaken by Strategy participants in relation to stray cat complaints and feeding of stray cats.
- Identify stray cat hotspot areas in the southern region.
- Number of cat management programs undertaken by Strategy participants in stray cat hotspot areas.
- A reduction in stray cat issues in hot spot areas where cat management programs have been undertaken.

5.4 Uncontrolled cat breeding and welfare concerns

Background

The breeding of cats by unregistered breeders is an offence under the *Cat Management Act 2009*. From early 2022 the Act requires a person who wishes to breed a cat to be either a member of a cat organisation or hold a permit to breed a cat. From early 2022 there will also be a limit of four cats allowed to be kept on a property without a permit (exclusions will apply to registered cat breeders; holders of a cat breeding permit; vet practices; cat boarding facilities; cat management facilities and their foster carers).

Without suitable management, keeping a large number of cats on a single property can compromise cat welfare, impact on native wildlife and create nuisances, leading to community conflict. Cat hoarding is where individuals keep a large number of cats as pets without the ability to properly house or care for them, while at the same time denying this inability and inadvertently compromising the cats' welfare. Extreme situations of cat hoarding require careful management to ensure the welfare of both the cats and people involved. Animal hoarding is a mental health issue. In cases in Southern Tasmania more than 100 cats have been removed from properties, however without appropriate cross-agency support, cat hoarding behaviour is highly likely to reoccur. The cats from these cases are often in poor health and many require euthanasia.

Currently there is no coordinated response to hoarding cases in Southern Tasmania. A collaborative cross agency approach is essential in increasing the effectiveness of any approach, this includes participation by Ten Lives Cat Centre, RSPCA, Local Government, community support services and mental health support.

Desired outcome

For all cat breeding in the region to be only undertaken by registered or permitted breeders and animal welfare standards maintained, including by addressing cat hoarding cases with a coordinated response.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.4.1 Promote the legislative requirement that only registered breeders are permitted to breed cats.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Materials available from TassieCat
5.4.2 Keep cat-related enquiry register to identify unregistered cat breeding and hoarding.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government 	Action linked to 5.1.4, 5.3.2, 5.7.1

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.4.3 Liaise with RSPCA on suspected animal cruelty cases where necessary.	Short term Ongoing	High	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • RSPCA • Veterinary clinics 	
5.4.4 Work collaboratively with other key stakeholders in identified cat hoarding situations (RSPCA, Ten Lives, council, community services and mental health services).	Medium term Ongoing	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • RSPCA 	

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.4.5 Establish a Hoarding and Squalor Working Group. Develop a process for managing cat hoarding and feeding situations involving key stakeholders that is proactive and integrated.	Medium term	Medium	<ul style="list-style-type: none"> • Councils • State Government • Cat management facilities • RSPCA 	

Performance indicators

- ▶ Data collection undertaken by Strategy participants in relation to unregistered cat breeding and hoarding complaints.
- ▶ Establish a Hoarding and Squalor Working Group with participation from key stakeholders.
- ▶ Regional process established by Strategy participants in relation to cat hoarding cases.
- ▶ Documented case studies of successful approaches to cat hoarding situations.
- ▶ An increase in a collaborative approach undertaken by Strategy participants and other stakeholders for cat hoarding cases.

5.5 Increasing cat management capacity and accessibility to cat management services throughout the region

Background

Responsibility for cat management in Southern Tasmania is shared across many organisations and is often undertaken as part of a broader range of responsibilities. Currently, resources for cat management in each individual organisation and State and Local Government area can be limited and a collaborative approach that makes best use of existing resources and expertise is considered essential. Staff working in animal management, such as council Animal Management Officers, will need additional training over time in relation to cat management.

Currently there is only one cat management facility in Southern Tasmania, Ten Lives Cat Centre, located in Hobart's northern suburbs. Several of the southern council areas are over one hour's drive to Ten Lives Cat Centre, which makes movement of unowned or unwanted cats and kittens challenging for the public, veterinary clinics, and councils.

Cat management facilities can be established to receive stray, lost and surrendered cats. Cat management facilities are approved by the State Government and must meet certain requirements. The *Cat Management Act 2009* provides for cat management facilities to nominate a person, business, or organisation to hold and care for cats on their behalf.

Currently there are also several cat shelters in Southern Tasmania who take in unwanted or unowned cats, however they often reach capacity during kitten season. Southern shelters need to be supported to ensure they are reaching acceptable standards of care for the cats they take in, which will make partnerships between councils and shelters low risk and more appealing.

There are several models which may be used to increase accessibility to cat management services through the region. These options need to be further explored but could utilise short-term cat holding facilities, voluntary carers and transporters, local veterinary clinics or a mobile cat facility which could enable rural and remote communities to access cat management facility services more easily. Potential collaborative cost-sharing arrangements across the region could make such an approach sustainable.

Many veterinary practices currently receive healthy lost or stray cats from the community which they temporarily house and attempt to find the owners. The preferred practice is for these animals to be presented directly to a cat management facility as soon as practicable, as veterinarian clinics are not set up to adopt out or foster cats.

Desired outcome

To increase cat management capacity and access to cat management services across the region, ensuring rural and remote communities have access to services.

Action Plan**Individual council and organisation action plan**

Action	Timeframe	Priority	Participants	Notes
5.5.1 Promote the use of cat management facilities (and their nominees) to the community.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Materials available from TassieCat and cat management facilities
5.5.2 Relevant staff (animal management officers etc.) participate in training to support implementation of the <i>Cat Management Act 2009</i> .	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	Training provided by DPIPWE Action linked to 5.6.2
5.5.3 Prior to any trapping activities occurring, establish an agreed and planned approach for trapping and dealing with cats, using best practice trapping & cat management techniques.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	TassieCat trapping guidelines available
5.5.4 Establish a Memorandum of Understanding that delivers an agreed and clear process for managing stray, lost or surrendered cats.	Medium	Medium	<ul style="list-style-type: none"> Councils Cat management facilities 	

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.5.5 Identify potential partners, locations and arrangements for increased access to cat management services for municipalities that aren't located near a cat management facility.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Options to explore include a temporary cat holding facility, cat drop off points, volunteer provided cat transportation services and a mobile cat facility
5.5.6 Where appropriate promote the Standards of Care required for cat management facilities.	Medium term	Medium	<ul style="list-style-type: none"> State Government Cat management facilities Councils 	Standards of Care developed by cat management facilities and DPIPWE This document could be used by shelters as a cat welfare guide
5.5.7 Support progress towards an accreditation process for cat shelters to meet the Standards of Care.	Medium term	Medium	<ul style="list-style-type: none"> State Government Cat management facilities Councils 	
5.5.8 Consider employing a Cat Management Officer shared between several councils, sharing vehicles and equipment as appropriate.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	Use a collaborative approach across the region to make best use of available resources and expertise

Performance indicators

- ▶ Feasibility assessed of proposed options to increase accessibility of cat management services in regional areas.
- ▶ Preferred option to increase access to cat management services for regional areas identified and commenced.
- ▶ Number of partnerships between Strategy participants and other stakeholders working on cat management in the region.
- ▶ Participation by Strategy participants at *Cat Management Act 2009* training sessions.

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5.6 Compliance in relation to the *Cat Management Act 2009*

Background

The purpose of the *Cat Management Act 2009* is to provide for the control and management of cats in Tasmania. Councils may establish additional requirements for their municipality in relation to cat management through by-laws or the creation of cat prohibited areas or cat management areas.

Key aspects of the Act include:

- ▶ Compulsory de-sexing of cats from four months of age from early 2022.
- ▶ Compulsory microchipping from four months of age from early 2022.
- ▶ Limiting to four, the maximum number of cats to be kept at a property without a permit from early 2022.
- ▶ Cats cannot be sold or given away unless they are at least eight weeks of age, desexed, microchipped, wormed and vaccinated.
- ▶ Only registered or permitted breeders may breed cats.
- ▶ It is an offence to abandon a cat.

Enforcement may be performed by persons authorised under the Act. This includes persons authorised under the *Dog Control Act 2000*; officers appointed under the *Animal Welfare Act 1993*; DPIPWE officers authorised by the Secretary; non-State Service officers authorised by the Secretary of DPIPWE; and police officers.

Each council determines how much compliance they will undertake within their municipality in relation to the *Cat Management Act 2009*; this will depend on what each municipality can resource and sustain.

Desired outcome

For all cat owners and community members to comply with their legal obligations for responsible cat ownership and management.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.6.1 Inform the public about the requirements of the <i>Cat Management Act 2009</i> .	Short term Ongoing	High	<ul style="list-style-type: none"> • State Government • Councils • Cat management facilities • Veterinary clinics 	Use clear and consistent communications across multiple channels to promote cat ownership responsibilities. Materials available from TassieCat

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.6.2 Participate in relevant training to support implementation of the <i>Cat Management Act 2009</i> including for animal management officers and other relevant staff.	Short term Ongoing	High	<ul style="list-style-type: none"> State Government Councils Cat management facilities 	DPIPW to provide training sessions. Broader compliance training is an important component of this action. Action linked to 5.5.2
5.6.3 Undertake standardised data collection in relation to compliance actions under the <i>Cat Management Act 2009</i> .	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	
5.6.4 Disseminate humane trapping advice to members of the public who are considering trapping.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	Cat trapping guidelines available from TassieCat and Ten Lives Cat Centre Action linked to 5.1.8
5.6.5 Consider the development of a Cat Management Policy, compliance program, and by-laws as appropriate.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils 	Materials available from TassieCat Action linked to 5.6.6 and 5.8.5

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.6.6 Work on region wide consistency where possible in compliance approaches, policies and bylaws.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government 	Action linked to 5.6.5 and 5.8.5

Performance indicators

- ▶ Data collection undertaken by Strategy participants in relation to compliance undertaken under the *Cat Management Act 2009*.
- ▶ *Cat Management Act 2009* information available on all Strategy participants' websites and in foyers.
- ▶ Participation by Strategy participants at *Cat Management Act 2009* training sessions.
- ▶ Number of Strategy participants undertaking cat compliance activities.
- ▶ Number of councils that have introduced cat management policies or by-laws.

5.7 Improved knowledge to better inform cat management

Background

Improved knowledge about the number, distribution and behaviour of cats and the success of different management approaches is essential to designing effective programs to manage and minimise their impact on highly valued conservation, commercial and community assets in the region and generally achieve responsible cat ownership and management.

Existing research about cats and cat ownership in Tasmania is limited. Filling these gaps in knowledge will be a continuing challenge to ensure that available resources are directed towards the highest priorities using the most cost-effective management actions. Consistent approaches to collecting basic information across all parts of the region will be an important first step to better understand the scale of existing problems and to identify practical long-term solutions.

Desired outcome

To have cat management in the region guided by best available science and regionally-relevant data to support evidence-based decision making.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.71 Keep cat-related enquiry register to track number and nature of enquiries and complaints.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	Register to include number and nature of enquiries/complaints, including nuisance, stray cats, legislation, hoarding, breeding etc. Action linked to 5.1.4, 5.3.2, 5.4.2
5.72 Where possible identify and implement monitoring strategies before, during and after interventions (e.g. subsidised desexing/microchipping & education) to measure impact and effectiveness.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	
5.73 Participate in research projects (including citizen science projects such as cat tracker projects) concerning cat ecology, behaviour and management where possible.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	
5.74 Better understand community views and expectations relating to cat management via local community survey and events.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.7.5 Work towards standard data collection and reporting systems so that organisations involved in cat management have access to essential information. Create baseline data to inform and integrate into future Strategy revisions.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	E.g. intake numbers in cat management facilities & shelters, stray cat hotspots areas, number and nature of cat complaints/queries
5.7.6 Keep abreast of state-wide and national developments and continually improve evidence-based decision making for cat management.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	
5.7.7 Identify priority knowledge gaps and pragmatic options to fill these gaps with research and monitoring (e.g. facilitating university projects).	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	E.g. presence and impact of stray and pet cats in region and cases of cat hoarding
5.7.8 Disseminate information and case studies about cat management activities that have been undertaken, to share effective approaches and learnings.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	

Performance indicators

- Strategy participants undertaking data collection and reporting in relation to number and nature of cat related enquiries, complaints and interactions to help create baseline cat management data.
- Participation in monitoring and research projects by Strategy participants in relation to cat management.
- Levels of community consultation/survey by Strategy participants in relation to community views on cat ownership and management.

5.8 Strategic governance and resourcing

Background

This Strategy recognises that the twelve councils of the southern region and other key stakeholders will have different priorities, capabilities, and resources for cat management. This Strategy adopts an opt-in approach which enables all councils and other stakeholders to participate in cat management to the extent that they require and are able to resource, while keeping them aligned with the actions of the others in the region.

The Strategy identifies initiatives which individual councils and other stakeholders can implement for their own area or organisation, as well as region-wide initiatives which will require collaboration. Cat management will be most successful in the southern region if there is regional collaboration on the issue.

Desired outcome

For the Southern Cat Management Strategy to be successfully delivered across the region by Strategy participants.

Action Plan

Individual council and organisation action plan

Action	Timeframe	Priority	Participants	Notes
5.8.1 Seek ongoing funding for the Regional Cat Management Coordinator.	Short term (currently funded until 30 June 2021)	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	
5.8.2 Consider and prioritise resourcing for cat management.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government 	Resourcing will be required to deliver this Strategy
5.8.3 Ongoing commitment to regional collaboration in relation to cat management.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	
5.8.4 Continue providing a representative for the Southern Cat Management Working Group.	Short term Ongoing	High	<ul style="list-style-type: none"> Councils State Government Cat management facilities Veterinary clinics 	
5.8.5 Consider development and adoption of a council Cat Management Policy.	Short term Ongoing	Medium	<ul style="list-style-type: none"> Councils 	Policy template available from TassieCat Action linked to 5.6.5 and 5.6.6

Region-wide initiatives

Action	Timeframe	Priority	Participants	Notes
5.8.6 Review and report on the implementation of this Cat Management Strategy to the southern councils' General Managers.	Medium term Ongoing	Medium	<ul style="list-style-type: none"> Councils State Government Cat management facilities 	General Manager review should occur in the third and fifth years of the Strategy

Performance indicators

- ▶ Southern Cat Management Working Group continued with active participation by Strategy participants.
- ▶ Number of councils that have introduced cat management policies.
- ▶ Increased commitment to resourcing by Strategy participants for cat management in the region.

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6. Resources and References

TassieCat resources available for Strategy participants

- ▶ TassieCat website www.tassiecat.com
- ▶ FAQ guide to handling cat-related queries from the public
- ▶ Cat Management Policy template
- ▶ Cat Prohibited Areas and Cat Management Areas factsheet and declaration template
- ▶ TassieCat social media content (Facebook and Instagram)
- ▶ Posters and postcards
- ▶ Stickers and magnets
- ▶ *That's Cats* adverts and videos
- ▶ Tassiecat booklets, factsheets and fliers
- ▶ Keeping your cat healthy and happy at home
- ▶ Desexing and microchipping your cat
- ▶ Nuisance Cats
- ▶ Roaming Cats: common questions and misbeliefs
- ▶ Legislation for Cat Owners in Tasmania
- ▶ Guidelines for cat trapping
- ▶ Home, Sweet Home: How to keep your cat happy at home
- ▶ For the love of cats: important information you need to know as a cat owner in Tasmania
- ▶ 5 Common Cat Behavioural Issues and how to solve them
- ▶ Keeping your cat healthy: vaccinating your cat and information on feline immunodeficiency virus and feline leukemia virus
- ▶ Cat-Borne Disease: the impacts of toxoplasmosis on wildlife and human health
- ▶ Cat-Borne Diseases and Agriculture
- ▶ Surrendering a pet cat
- ▶ Stray cats
- ▶ Introducing a new cat into the household: tips and tricks
- ▶ How to train your cat to walk on a leash and harness
- ▶ Enrichment: Make staying at home fun for your cat

Other resources

- ▶ [Department of Primary Industries, Parks, Water and Environment](#)
- ▶ [Ten Lives](#) - website and Educat school program
- ▶ [RSPCA Tasmania](#) and [RSCPA Australia](#)
- ▶ [Kingborough Council](#) - *Inside with Cats* and *At Home with Cats* educational videos
- ▶ [Safe and Happy Cats](#)
- ▶ [Safe Cat, Safe Wildlife](#)

References

Legge S., Woinarski J., Dickman C., Murphy B., Woolley L. & Calver M. 2020. We need to worry about Bella and Charlie: the impacts of pet cats on Australian wildlife. *Wildlife Research* 47, 523-539.

Department of Primary Industries, Parks, Water and Environment. 2015. Unpublished assessment.

Sumner B. & Ackland M. 1999. *Toxoplasma gondii* antibody in domestic cats in Melbourne. *Australian Veterinary Journal* 77, 447-449.

Roetman P., Tindle H., Litchfield C., Chiera B., Quinton G., Kikillus H., Bruce D. & Kays R. 2017. Cat Tracker South Australia: Understanding pet cats through citizen science. Discovery Circle initiative, University of South Australia, Adelaide.

Animal Medicines Australia. 2019. Pets in Australia: A national survey of pets and people. Animal Medicines Australia: Canberra, ACT, Australia.

Lazenby B., Mooney N., & Dickman C. 2014. Effects of low-level culling of feral cats in open populations: a case study from the forests of southern Tasmania. *Wildlife Research* 41, 407-420.

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DRAFT Southern Tasmania Regional Cat Management Strategy 2021 - 2026 - City of Hobart Current Actionable by Item Priority

ORGANISATIONAL ACTIONS - (50)

PRIORITY	ARE CURRENTLY DELIVERING	No. ITEMS	ABLE TO DELIVER	No. ITEMS	CURRENTLY UNABLE TO DELIVER	No. ITEMS	ACTIONS ORG'ATION
Low					5.1.13; 5.1.14	2	2
Medium	5.7.3; 5.1.8, 5.2.3; 5.2.4; 5.2.6; 5.3.4; 5.3.5	7	5.2.5; 5.2.7; 5.3.6; 5.3.7; 5.4.4; 5.5.4	6	5.1.6; 5.1.7; 5.1.9; 5.1.10; 5.1.11; 5.1.12; 5.3.8; 5.6.5; 5.7.2; 5.7.4; 5.8.5	10	23
High	5.1.1; 5.1.2; 5.2.1; 5.2.2; 5.3.1; 5.4.3; 5.5.1; 5.5.2; 5.5.3; 5.6.1; 5.6.2; 5.6.4; 5.8.4	13	5.1.3; 5.1.4; 5.1.5; 5.3.2; 5.4.1; 5.4.2; 5.6.3; 5.7.1; 5.8.3	9	5.3.3; 5.8.1; 5.8.2	3	25
TOTAL ITEMS		20		15		15	50

REGIONAL ACTIONS - (15)

PRIORITY	ARE CURRENTLY DELIVERING	No. ITEMS	ABLE TO DELIVER	No. ITEMS	CURRENTLY UNABLE TO DELIVER	No. ITEMS	ACTIONS REGIONAL
Low					5.1.15	1	1
Medium	5.7.6	1	5.4.5; 5.8.6	2	5.3.10; 5.5.6; 5.5.7; 5.5.8; 5.6.6; 5.7.7; 5.7.8	7	10
High			5.7.5	1	5.2.8; 5.3.9; 5.5.5	3	4
TOTAL ITEMS		1		3		11	15

PRIORITY	No. ITEMS	% OF ITEMS
Currently Delivering	21	32%
Can Further Deliver	18	28%
Currently Unable to Deliver	26	40%
TOTAL ITEMS	65	100%

8.2 Delegated Decision Report (Planning)
File Ref: F21/47941

Memorandum of the Acting Director City Planning of 26 May 2021 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

Delegated Decision Report (Planning)

Attached is the delegated planning decisions report for the period 10 May 2021 to 21 May 2021.

RECOMMENDATION

That the information contained in the memorandum titled 'Delegated Decision Report (Planning)' of 26 May 2021 be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/47941

Attachment A: Delegated Decision Report (Planning) ↓ 

24 May 2021

Delegated Decisions Report (Planning)

47 applications found.

					Approved	All
Planning Description	Address	Works Value	Decision	Authority		
PLN-20-324 Dwelling	21 BLUESTONE RISE LENA VALLEY TAS 7008	\$ 670,000	Approved	Delegated		
PLN-20-418 Partial Demolition, Alterations and Extension	9 TIERSEN PLACE SANDY BAY TAS 7005	\$ 350,000	Not Required	Delegated		
PLN-20-442 Outbuilding and Vegetation Clearing	607-627 NELSON ROAD MOUNT NELSON TAS 7007	\$ 33,000	Approved	Delegated		
PLN-20-582 Change of Use to Visitor Accommodation	231 MACQUARIE STREET HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-20-616 Subdivision (Boundary Adjustment)	25 COPLEY ROAD LENA VALLEY TAS 7008	\$ 3,000	Approved	Delegated		
PLN-20-693 Dwelling	15 STEVENS FARM DRIVE WEST HOBART TAS 7000	\$ 550,000	Approved	Delegated		
PLN-20-741 Subdivision (One Additional Lot)	9 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 0	Approved	Delegated		
PLN-20-769 Partial Demolition, Alterations and Extension	91 YORK STREET SANDY BAY TAS 7005	\$ 101,000	Approved	Delegated		
PLN-20-775 Dwelling	75 ATHLEEN AVENUE LENA VALLEY TAS 7008	\$ 495,500	Approved	Delegated		
PLN-20-840 Dwelling	49 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 501,505	Approved	Delegated		
PLN-21-11 Dwelling	12 TABART STREET NEW TOWN TAS 7008	\$ 446,200	Approved	Delegated		
PLN-21-114 Dwelling	36 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 600,000	Not Required	Delegated		
PLN-21-118 Carport	5 FITZROY PLACE SANDY BAY TAS 7005	\$ 25,000	Approved	Delegated		
PLN-21-142 Demolition and Outbuilding	22 BRAMBLE STREET RIDGEWAY TAS 7054	\$ 31,000	Approved	Delegated		
PLN-21-160 Partial Change of Use to Business and Professional Services	28 LETITIA STREET NORTH HOBART TAS 7000	\$ 0	Approved	Delegated		
PLN-21-161 Outbuilding	15 ILFRACOMBE CRESCENT SANDY BAY TAS 7005	\$ 10,000	Exempt	Delegated		
PLN-21-184 Dwelling	61 BEAUMONT ROAD LENA VALLEY TAS 7008	\$ 600,000	Approved	Delegated		
PLN-21-185 Partial Demolition, Alterations, Extension, and Outbuilding	5 WYNARD STREET SOUTH HOBART TAS 7004	\$ 200,000	Approved	Delegated		
PLN-21-186 Partial Demolition, Alterations, and Extension	4 WAIMEA AVENUE SANDY BAY TAS 7005	\$ 400,000	Approved	Delegated		
PLN-21-194 Alterations to Parking and Access	119 WOODCUTTERS ROAD TOLMANS HILL TAS 7007	\$ 5,000	Approved	Delegated		
PLN-21-197 Garage and Front Fencing	129 POTTERY ROAD LENA VALLEY TAS 7008	\$ 50,000	Approved	Delegated		
PLN-21-198 Partial Demolition, Alterations, and Extension	4 HATCHERY COURT WEST HOBART TAS 7000	\$ 300,000	Approved	Delegated		
PLN-21-201 Alterations	68 NAPOLEON STREET BATTERY POINT TAS 7004	\$ 35,000	Approved	Delegated		
PLN-21-211 Partial Demolition, Alterations and Extension	25 DE WITT STREET BATTERY POINT TAS 7004	\$ 30,000	Approved	Delegated		
PLN-21-213 Partial Demolition and Retaining Wall	21 LOWER JORDAN HILL ROAD WEST HOBART TAS 7000	\$ 26,000	Approved	Delegated		
PLN-21-216 Alterations (Air Conditioning Unit)	12 ANDREW STREET NORTH HOBART TAS 7000	\$ 1,800	Approved	Delegated		
PLN-21-218 Partial Demolition, Alterations, Extension and Outbuilding	8 SPRINGVALE AVENUE NEW TOWN TAS 7008	\$ 100,000	Approved	Delegated		

CITY OF HOBART

Planning Description	Address	Works Value	Decision	Authority
PLN-21-219 Garage and Deck	28 COPLEY ROAD LENA VALLEY TAS 7008	\$ 25,000	Approved	Delegated
PLN-21-221 Demolition and Outbuilding (Garage)	5 MEREDITH STREET NEW TOWN TAS 7008	\$ 17,000	Approved	Delegated
PLN-21-222 Partial Demolition, Alterations and Extension	3 FISHER LANE SANDY BAY TAS 7005	\$ 80,000	Approved	Delegated
PLN-21-223 Partial Demolition and Alterations	5 WARNEFORD STREET HOBART TAS 7000	\$ 80,000	Approved	Delegated
PLN-21-224 Outbuilding	6 ATHLEEN AVENUE LENA VALLEY TAS 7008	\$ 20,000	Approved	Delegated
PLN-21-228 Alterations (Pergola)	41 VIEW STREET SANDY BAY TAS 7005	\$ 10,000	Approved	Delegated
PLN-21-232 Alterations and Partial Change of Use to General Retail and Hire	110 LIVERPOOL STREET HOBART TAS 7000	\$ 9,000	Approved	Delegated
PLN-21-239 Change of Use to Visitor Accommodation	11 RIDGEWAY ROAD RIDGEWAY TAS 7054	\$ 0	Approved	Delegated
PLN-21-240 Partial Demolition and Alterations (Deck and Spa)	14 BEDFORD STREET NEW TOWN TAS 7008	\$ 10,000	Approved	Delegated
PLN-21-246 Alterations	31 JENNINGS STREET NEW TOWN TAS 7008	\$ 3,330	Approved	Delegated
PLN-21-267 Signage	48 LIVERPOOL STREET HOBART TAS 7000	\$ 310	Approved	Delegated
PLN-21-269 Partial Demolition, Alterations, and Extension	7 ENTERPRISE ROAD SANDY BAY TAS 7005	\$ 120,000	Not Required	Delegated
PLN-21-275 Partial Demolition, Alterations, Swimming Pool and Pool House	10 BIRNGANA AVENUE SANDY BAY TAS 7005	\$ 50,000	Exempt	Delegated
PLN-21-300 Partial and Demolition	67 DOYLE AVENUE LENA VALLEY TAS 7008	\$ 45,000	Not Required	Delegated
PLN-21-322 Change of Use to Visitor Accommodation	47 BRAMBLE STREET RIDGEWAY TAS 7054	\$ 0	Approved	Delegated
PLN-21-331 Alterations (Solar Panels)	62 RED CHAPEL AVENUE SANDY BAY TAS 7005	\$ 2,700	Exempt	Delegated
PLN-21-332 Partial Demolition, Alterations, and Extension	19 MCGUINNESS CRESCENT LENA VALLEY TAS 7008	\$ 180,000	Not Required	Delegated
PLN-21-80 Partial Demolition, Alterations and Extension	77 HAMPDEN ROAD BATTERY POINT TAS 7004	\$ 150,000	Approved	Delegated
PLN-21-92 Partial Demolition, Alterations and Extension	20 LAURAMONT AVENUE SANDY BAY TAS 7005	\$ 280,000	Approved	Delegated
PLN-21-98 Dwelling	11 PULCHELLA DRIVE TOLMANS HILL TAS 7007	\$ 350,000	Approved	Delegated

8.3 City Planning - Advertising Report
File Ref: F21/48428

Memorandum of the Acting Director City Planning of 26 May 2021 and attachment.

Delegation: Committee



City of **HOBART**

MEMORANDUM: CITY PLANNING COMMITTEE

City Planning - Advertising Report

Attached is the advertising list for the period 10 May 2021 to 21 May 2021.


RECOMMENDATION

That the information contained in the memorandum titled 'City Planning - Advertising Report' of 26 May 2021 be received and noted.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/48428

Attachment A: City Planning - Advertising Report ↓ 

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-278	18 EARL STREET	SANDY BAY	Partial Demolition, Alterations and Extension	\$210,000	12/06/2021	ayersh	Director	13/05/2021	27/05/2021
PLN-21-123	14 THELMA DRIVE	WEST HOBART	Dwelling	\$800,000	06/06/2021	ayersh	Director	18/05/2021	01/06/2021
PLN-21-27	36 SOUTH STREET	BATTERY POINT	Partial Demolition, Alterations, Extension, and Alterations to Carparking	\$40,000	22/06/2021	baconr	Director	18/05/2021	01/06/2021
PLN-21-226	143 SANDY BAY ROAD	SANDY BAY	Partial Demolition, Alterations, Signage and Partial Change of Use to General Retail and Hire and Food Services	\$140,000	24/06/2021	langd	Director	13/05/2021	27/05/2021
PLN-21-253	33 CROSS STREET	NEW TOWN	Partial Demolition, Alterations, Parking Area and Front Fencing	\$8,000	27/06/2021	langd	Director	20/05/2021	03/06/2021
PLN-21-283	124 AUGUSTA ROAD	LENAH VALLEY	Partial Demolition, Alterations and Extension	\$110,000	20/06/2021	langd	Director	20/05/2021	03/06/2021
PLN-21-264	16 DUKE STREET	SANDY BAY	Partial Demolition, Alterations, and Extension	\$100,000	09/06/2021	langd	Director	21/05/2021	04/06/2021
PLN-21-296	6 HEATHORN AVENUE	SANDY BAY	Partial Demolition, Alterations, and Extension	\$100,000	15/06/2021	maxwellv	Director	11/05/2021	25/05/2021
PLN-21-175	6 TABART STREET	NEW TOWN	Dwelling	\$500,000	07/06/2021	maxwellv	Director	14/05/2021	28/05/2021
PLN-21-237	27 SALAMANCA PLACE	HOBART	Boundary Wall	\$20,000	05/06/2021	maxwellv	Director	17/05/2021	31/05/2021
PLN-20-173	92 HARRINGTON STREET	HOBART	Partial Demolition, Alterations and Extension	\$300,000	01/07/2021	maxwellv	Director	18/05/2021	01/06/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-200	43 PIRIE STREET	NEW TOWN	Demolition, Six Multiple Dwellings, Front Fencing, and Associated Works	\$2,400,000	14/06/2021	maxwellv	Director	21/05/2021	04/06/2021
PLN-21-313	279 ELIZABETH STREET	NORTH HOBART	Extension to Operating Hours	\$0	22/06/2021	mcclenahanm	Director	14/05/2021	28/05/2021
PLN-21-204	98 - 110 ARGYLE STREET	HOBART	Partial Demolition, Alterations, and Change of Use to Business and Professional Services	\$180,000	13/06/2021	mcclenahanm	Director	21/05/2021	04/06/2021
PLN-21-249	8 OLD PROCTORS ROAD	TOLMANS HILL	Public Toilets, Barbecue Shelter and Associated Works	\$400,000	02/06/2021	nolanm	Council (Council Land)	11/05/2021	25/05/2021
PLN-21-293	25 WELD STREET	SOUTH HOBART	Partial Demolition, Alterations, and Extension	\$180,000	14/06/2021	nolanm	Director	18/05/2021	01/06/2021
PLN-20-911	79 COLLINS STREET	HOBART	Partial Demolition and New Building for Visitor Accommodation, Hotel Industry, Food Services, and Community Meeting and Entertainment, and Associated Works	\$22,000,000	08/06/2021	sherriffc	Council (Major Development)	12/05/2021	26/05/2021
PLN-21-286	52 RYDE STREET	NORTH HOBART	Partial Demolition and Alterations	\$8,000	12/06/2021	sherriffc	Director	13/05/2021	27/05/2021
PLN-21-291	12 RED CHAPEL AVENUE	SANDY BAY	Partial Demolition and Fencing	\$14,000	14/06/2021	sherriffc	Director	14/05/2021	28/05/2021
PLN-21-116	5 MELLIFONT STREET	WEST HOBART	Partial Demolition, Garage and Front Fencing	\$50,000	08/06/2021	sherriffc	Director	18/05/2021	01/06/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-111	269 LENA VALLEY ROAD	LENA VALLEY	Partial Demolition, Alteration, Extension & Associated Hydraulic Infrastructure	\$120,000	10/06/2021	sherriffc	Council (Council Land)	21/05/2021	04/06/2021
PLN-20-907	4 A GREGSON AVENUE	NEW TOWN	Dwelling and Studio	\$320,000	05/06/2021	smeea	Director	13/05/2021	27/05/2021
PLN-21-148	1 / 6 ELLERSLIE ROAD	BATTERY POINT	Change of Use to Two Multiple Dwellings	\$10,000	01/06/2021	smeea	Director	13/05/2021	27/05/2021
PLN-21-262	74 NAPOLEON STREET	BATTERY POINT	Partial Demolition and Alterations	\$8,000	08/06/2021	smeea	Director	13/05/2021	27/05/2021
PLN-21-274	365 ELIZABETH STREET	NORTH HOBART	Partial Demolition, Alterations, and Change of Use to General Retail and Hire	\$50,000	07/06/2021	smeea	Director	14/05/2021	28/05/2021
PLN-21-289	59 DUKE STREET	SANDY BAY	Partial Demolition, Alterations, and Extension	\$200,000	15/06/2021	smeea	Director	14/05/2021	28/05/2021
PLN-21-305	4 WAYNE AVENUE	SANDY BAY	Partial Demolition, Alterations, and Extension	\$200,000	18/06/2021	smeea	Director	14/05/2021	28/05/2021
PLN-21-67	272 MACQUARIE STREET	SOUTH HOBART	Signage	\$15,000	07/06/2021	smeea	Director	17/05/2021	31/05/2021
PLN-21-199	272 MACQUARIE STREET	SOUTH HOBART	Removal and Replacement of Underground Storage Tanks and Fuel Pumps	\$500,000	09/06/2021	smeea	Director	17/05/2021	31/05/2021
PLN-20-706	98 ARGYLE STREET AND ADJACENT ROAD RESERVE		Demolition and New Building for 20 Multiple Dwellings	\$6,500,000	21/06/2021	smeea	Council (Major Development)	19/05/2021	02/06/2021

Application	Street	Suburb	Development	Works Value	Expiry Date	Referral	Proposed Delegation	Advertising Period Start	Advertising Period End
PLN-21-266	FRANKLIN WHARF	HOBART	Partial Demolition, Alterations, and Extension	\$300,000	02/06/2021	widdowsont	Director	11/05/2021	25/05/2021
PLN-21-258	4 RAYMONT TERRACE	MOUNT STUART	Partial Demolition, Alterations, Extension, and Garage	\$212,000	07/06/2021	widdowsont	Director	14/05/2021	28/05/2021

9. RESPONSES TO QUESTIONS WITHOUT NOTICE

Regulation 29(3) *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

The Chief Executive Officer reports:-

"In accordance with the procedures approved in respect to Questions Without Notice, the following responses to questions taken on notice are provided to the Committee for information.

The Committee is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman is not to allow discussion or debate on either the question or the response."

9.1 Lyndon Dadswell - Sculpture**File Ref: F21/5517; 13-1-10**

Memorandum of the Director City Planning of 19 May 2021.

9.2 Planning Schemes - Urban Design Guidelines**File Ref: F21/41378; 13-1-10**

Memorandum of the Development Planner and the Acting Director City Planning of 26 May 2021.

9.3 Auxiliary Dwellings**File Ref: F21/28539; 13-1-10**

Memorandum of the Acting Director City Planning of 26 May 2021.

9.4 55 Mount Stuart Road - Trees**File Ref: F21/41372; 13-1-10**

Memorandum of the Acting Director City Planning of 31 May 2021.

That the information be received and noted.

Delegation: Committee



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

LYNDON DADSWELL - SCULPTURE

Meeting: City Planning Committee

Meeting date: 18 January 2021

Raised by: Alderman Briscoe

Question:

Can the Director advise in relation to the removal of the Lyndon Dadswell bas-relief sculpture situated in the Commonwealth Bank building in Elizabeth Street. Why wasn't the sculpture heritage listed in the interests of Hobart being a heritage city and being one of Australia's most significant sculptures. Where is the sculpture now?

Response:

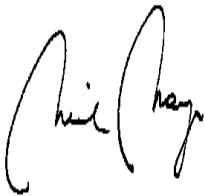
The Commonwealth Bank Building (built in 1954) is on the corner of Liverpool and Elizabeth Street. The ground floor space has been recently vacated and during that process, the Commonwealth Bank Head Office contracted Annette Larkin Fine Art in Sydney to provide advice on the art works by Lyndon Dadswell. MONA's professional art services (CAIR: Consultancy Artwork Installation and Realisation) were subsequently commissioned to remove the artworks which consists of four (4) Lyndon Dadswell statuary and one frieze of nine panels on behalf of the Commonwealth Bank. A qualified conservator inspected the artwork prior to removal and condition reports were prepared after the de-installation.

The artwork is currently in MONA's secure, temperature controlled storage space. The Lyndon Dadswell artwork remains in the ownership of the Commonwealth Bank and, to date, no decision has been made regarding their future.

The Commonwealth Bank building, and its contents, are not heritage listed in Table E13.1 of the Historic Heritage Code of the *Hobart Interim Planning Scheme 2015* therefore a permit would not be required to remove the art works.

The building has been identified for inclusion in the Scheme at a future date.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

A handwritten signature in black ink, appearing to read 'Neil Noye', with a stylized, cursive script.

Neil Noye
DIRECTOR CITY PLANNING

Date: 19 May 2021
File Reference: F21/5517; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

PLANNING SCHEMES - URBAN DESIGN GUIDELINES

Meeting: City Planning Committee

Meeting date: 19 April 2021

Raised by: Lord Mayor Reynolds

Question:

Can the Director outline if there are Australian examples of Planning Schemes with urban design guidelines embedded in them?

Response:

Some planning schemes in other Australian states do incorporate urban design guidelines, or are intending to. Some examples are detailed below (but are not intended to be an exhaustive list):

- The City of Perth incorporates a Planning Policy Manual into its planning scheme. This Planning Policy Manual includes provisions that are (in conjunction with other parts of the planning scheme) used as a basis for assessing and determining development applications. The Planning Policy Manual includes 'City Development Design Guidelines' which are a set of urban design principles and guidelines for the design of buildings and spaces to achieve an enhanced urban environment. The 'City Design Guidelines' can be accessed via this link:
[file:///C:/Users/crawfords/Downloads/41%20City%20Development%20Design%20Guidelines%20\(1\).pdf](file:///C:/Users/crawfords/Downloads/41%20City%20Development%20Design%20Guidelines%20(1).pdf)
- The City of Melbourne has prepared a planning scheme amendment that intends to introduce urban design policies into the scheme to ensure high quality human scale streets and public spaces. This amendment represents the first comprehensive review of existing urban design related policies in the Melbourne Planning Scheme since 1999. The proposed Design and Development Overlay 1 (DDO1) will be part of the Melbourne Planning Scheme itself and sets objectives, application requirements, exemptions and design outcomes and requirements for various topics (such as Urban Structure, Site Layout, Building Mass, Public Interfaces and Design Detail).

Additionally, there is a Central Melbourne Design Guide that is included as a reference document in the planning scheme that acts as an illustrated guide showing how the provisions of DDO1 can be achieved. This additional guide is non-statutory, but it covers only content that is within the scope of the statutory DDO1 policies.

More information on this amendment can be found here:

<https://participate.melbourne.vic.gov.au/amendmentc308/amendment-overview>

Victoria also has some general 'Urban Design Guidelines for Victoria', which are cited in the Victorian planning schemes as a non-statutory reference document for consideration where relevant.

- The South Australian planning system, following recent planning reform, now allows for 'Design Standards' to be introduced that support the Planning and Design Code (the planning scheme). However, it appears that to date no Design Standards have been prepared.

Some other planning schemes (such as Brisbane) refer to design frameworks, but they are non-statutory documents that assist in guiding development design.

It is worth noting that the planning systems and structure of planning schemes are different for different states. Some other states include a higher level of capacity to include guiding principles rather than the more rigid Acceptable Solution/Performance Criteria model of Tasmanian planning schemes.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Sarah Crawford
DEVELOPMENT PLANNER



Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/41378; 13-1-10

City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

AUXILIARY DWELLINGS

Meeting: City Planning Committee**Meeting date:** 29 March 2021**Raised by:** Alderman Briscoe**Question:**

Can the Director advise if auxiliary dwellings would be exempt from permits, noting the recent State Government announcement of the \$10,000 building grant. What is the extent of those permits being waived, either planning, building or heritage?

Response:

In March 2021, the State Government announced that:

- The first 250 new ancillary dwellings that are made available for long-term rental for more than two years will receive \$10,000; and
- It would provide a streamlined 'no permit required' approvals pathway for landowners to construct ancillary dwellings, such as granny flats or self-contained studios, on their existing properties.

No further details of this program were released, due to the early State election.

The Department of State Growth website currently states:

Due to the 2021 Tasmanian State Election, Guidelines for the Ancillary Dwelling Grants Program will be made available once the incoming government is in place.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/28539; 13-1-10



City of **HOBART**

Memorandum: Lord Mayor
Deputy Lord Mayor
Elected Members

Response to Question Without Notice

55 MOUNT STUART ROAD - TREES

Meeting: City Planning Committee

Meeting date: 19 April 2021

Raised by: Lord Mayor Reynolds

Question:

A condition on the planning approval for 55 Mt Stuart Road related to the planting of 2 mature trees being of similar species to those unlawfully removed. Is that condition being monitored for compliance?

Response:

Condition HER 20 of PLN-18-716 requires the replacement trees to be planted prior to first occupation of the development. Compliance with the condition will be investigated once the relevant building surveyor issues an occupancy permit which authorises occupation of the development.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Karen Abey
ACTING DIRECTOR CITY PLANNING

Date: 26 May 2021
File Reference: F21/41372; 13-1-10

10. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

An Elected Member may ask a question without notice of the Chairman, another Elected Member, the Chief Executive Officer or the Chief Executive Officer's representative, in line with the following procedures:

1. The Chairman will refuse to accept a question without notice if it does not relate to the Terms of Reference of the Council committee at which it is asked.
2. In putting a question without notice, an Elected Member must not:
 - (i) offer an argument or opinion; or
 - (ii) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The Chairman must not permit any debate of a question without notice or its answer.
4. The Chairman, Elected Members, Chief Executive Officer or Chief Executive Officer's representative who is asked a question may decline to answer the question, if in the opinion of the respondent it is considered inappropriate due to its being unclear, insulting or improper.
5. The Chairman may require a question to be put in writing.
6. Where a question without notice is asked and answered at a meeting, both the question and the response will be recorded in the minutes of that meeting.
7. Where a response is not able to be provided at the meeting, the question will be taken on notice and
 - (i) the minutes of the meeting at which the question is asked will record the question and the fact that it has been taken on notice.
 - (ii) a written response will be provided to all Elected Members, at the appropriate time.
 - (iii) upon the answer to the question being circulated to Elected Members, both the question and the answer will be listed on the agenda for the next available ordinary meeting of the committee at which it was asked, where it will be listed for noting purposes only.

11. CLOSED PORTION OF THE MEETING

That the Committee resolve by majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Planning Appeal - Mediation

The following items were discussed: -

- | | |
|----------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Committee Meeting |
| Item No. 2 | Consideration of supplementary items to the agenda |
| Item No. 3 | Indications of pecuniary and conflicts of interest |
| Item No. 4 | Planning Authority Items – Consideration of Items with Deputations |
| Item No. 5 | City Acting as Planning Authority |
| Item No. 5.1 | Applications under the Hobart Interim Planning Scheme 2015 |
| Item No. 5.1.1 | PLN-19-319 63 Davey Street Hobart TAS 7000 - Appeal - Mediation |
| | LG(MP)R 15(4)(a) |
| Item No. 6 | Responses to Questions Without Notice |
| Item No. 6.1 | Representor Concerns |
| | LG(MP)R 15(2)(i) |
| Item No. 7 | Questions Without Notice |