



# CITY OF HOBART

AGENDA  
OPEN PORTION OF THE COUNCIL MEETING  
MONDAY, 7 JUNE 2021  
AT 5:00 PM



## THE MISSION

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

## OUR VALUES

THE COUNCIL IS:

### PEOPLE

We care about people – our community, 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 work to high ethical and professional standards and are accountable for delivering outcomes for our community.

## VISION

### OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.

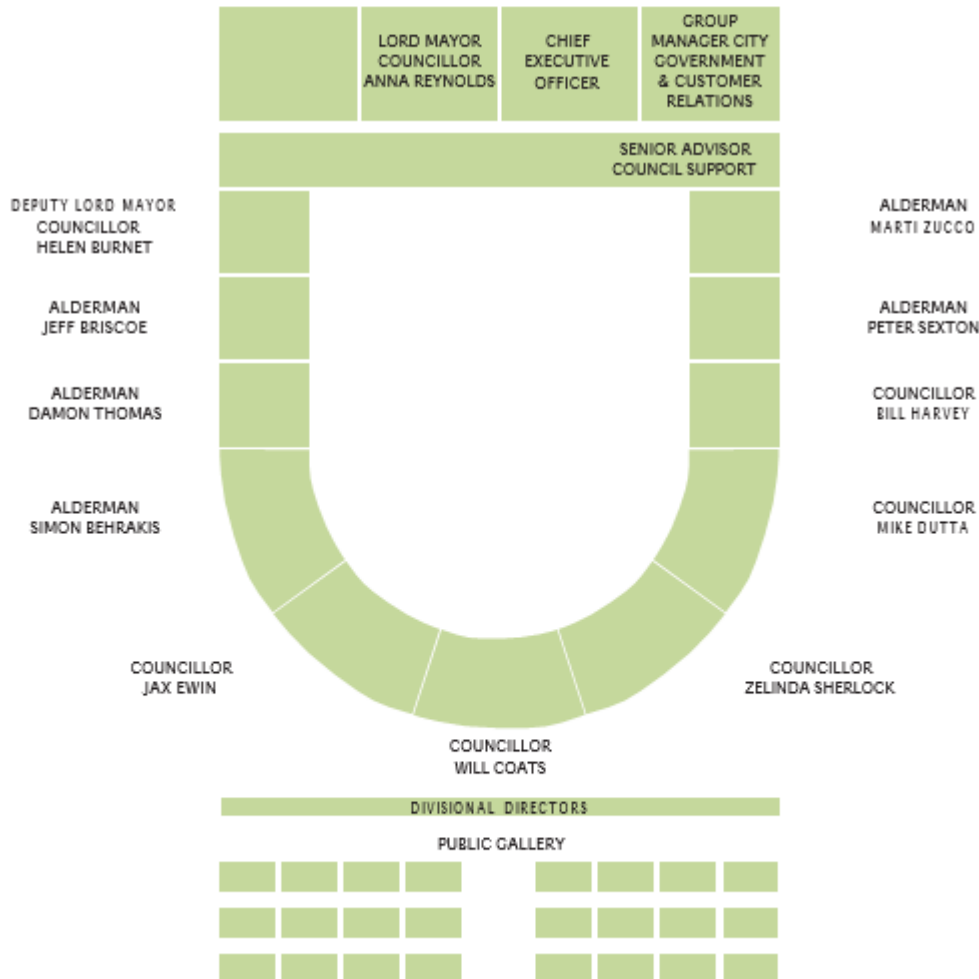
Connections between nature, history, culture, businesses and each other are the heart of our city.

We are brave and caring.

We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.



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## **ORDER OF BUSINESS**

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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL ON MONDAY, 7 JUNE 2021 AT 5:00 PM.**

**Kelly Grigsby**  
**Chief Executive Officer**

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).

This meeting of the Council 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*.

**ELECTED MEMBERS:**

Lord Mayor A M Reynolds  
Deputy Lord Mayor H Burnet  
Alderman M Zucco  
Alderman J R Briscoe  
Alderman Dr P T Sexton  
Alderman D C Thomas  
Councillor W F Harvey  
Alderman S Behrakis  
Councillor M S C Dutta  
Councillor J Ewin  
Councillor Dr Z E Sherlock  
Councillor W N S Coats

**APOLOGIES:** Nil.

**LEAVE OF ABSENCE:** Nil.

**1. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 24 May 2021](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

**2. TRANSFER OF AGENDA ITEMS**

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Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

**3. COMMUNICATION FROM THE CHAIRMAN**

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#### **4. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 25 May 2021  
Purpose: Budget Workshop

Date: 1 June 2021  
Purpose: Affordable House and Homelessness Commitment

#### **5. PUBLIC QUESTION TIME**

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#### **6. PETITIONS**

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#### **7. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

##### **RECOMMENDATION**

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

#### **8. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

Elected Members 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 Council has resolved to deal with.

## REPORTS OF COMMITTEES

### CITY PLANNING COMMITTEE

#### 9. COUNCIL 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 Council 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 Council will act as a planning authority in respect to those matters appearing under this heading on the agenda, inclusive of any supplementary items.

The Council 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.

##### 9.1 **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**

Ref: Open [CPC 7.1.2](#), 31/05/2021  
Application Expiry Date: 8 June 2021

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 attached to item 7.1.2 of the Open City Planning Committee agenda of 31 May 2021 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 C

#### 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.

**9.2 607 - 627 Nelson Road, Mount Nelson - Subdivision (9 Additional Lots, Road, Lot, Public Open Space Lot and Balance) - ETA-21-27**  
**File Ref: F21/48126**

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Ref: Open [CPC 7.1.3](#), 31/05/2021

That the item be referred to the Council without recommendation.

Attachment A: City Planning Committee Agenda of 31 May 2021 - Item 7.1.3 - 607-627 Nelson Road, Mount Nelson - Subdivision (9 Additional Lots, Road, Lot, Public Open Space Lot and Balance) - ETA-21-27 - Original Documentation



**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**

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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 500m<sup>2</sup> of land where the permitted standard allows clearing of 500m<sup>2</sup> 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 500m<sup>2</sup> 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.

Item No. 7.1.3

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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 



## 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*.



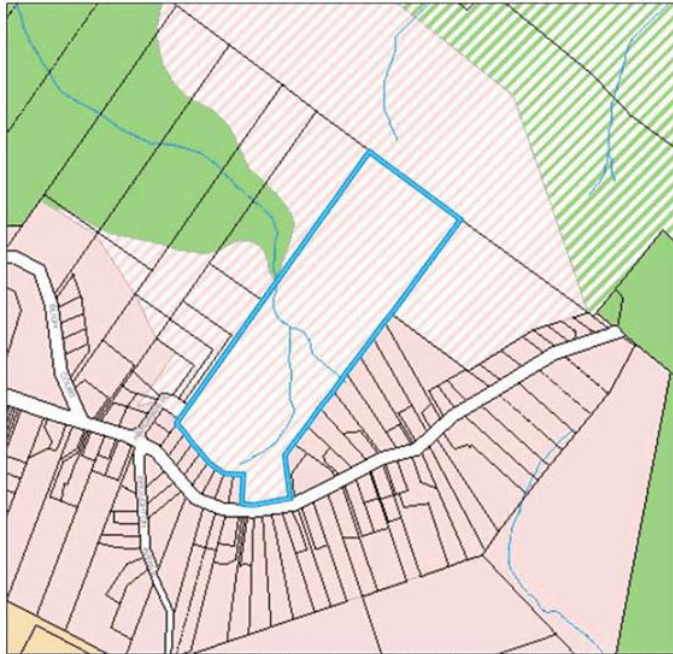


Figure 2: The site is bordered in blue. The light pink denotes Residential 2 zoning. The pink stripes denote Residential 2 (Reserved Residential) zoning under the City of Hobart Planning Scheme 1982.



*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.

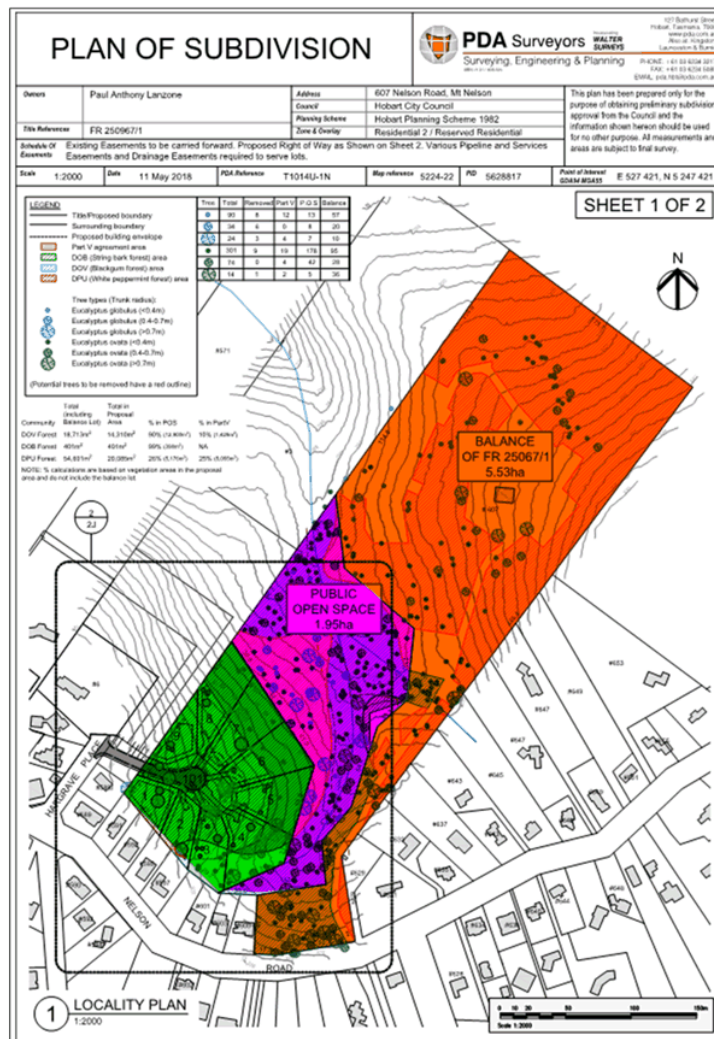


Figure 5: The proposed plan of subdivision. The nine additional lots (and road lot) are shown all highlighted green. The public open space lot is shown highlighted pink. The balance lot is shown highlighted orange.



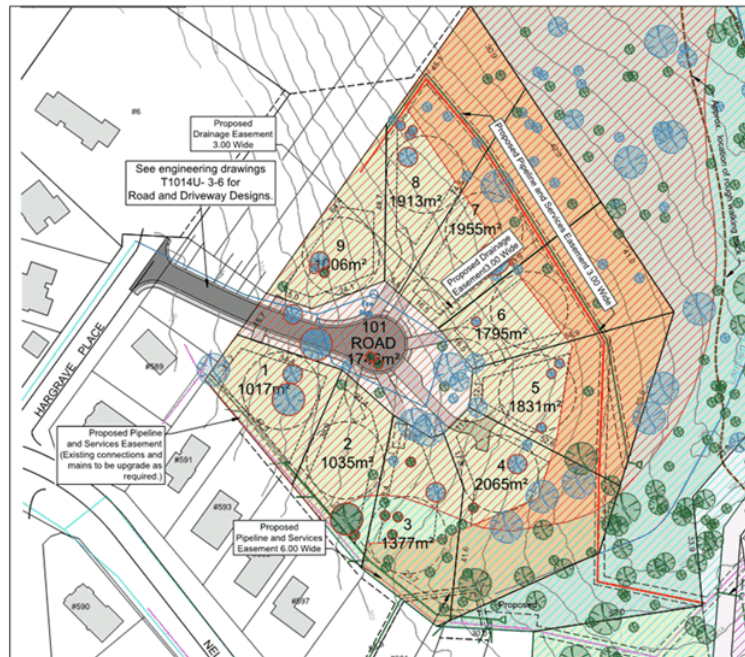


Figure 6: The proposed subdivision, focussing on area where the nine additional lots are to be located.

#### 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.

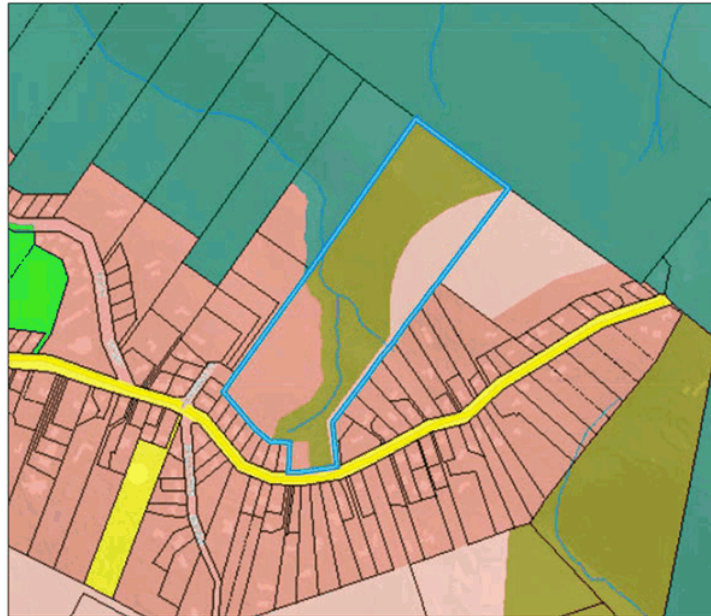


Figure 7: The subject site is bordered in blue. The colours denote the zoning of the site under the current Hobart Interim Planning Scheme 2015. Dark pink denotes the Low Density Residential zone. The green is the Environmental Living zone, and the light pink denotes Rural Living zoning.

- 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.



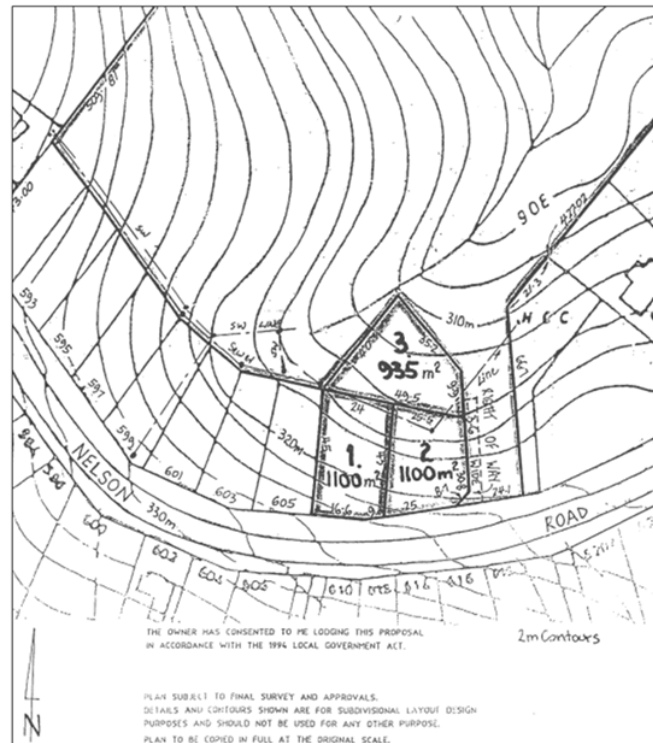


Figure 9: The approved plan of subdivision for 961282.

- 4.9. The conditions of approval on the planning permit did not approve lot 3, and specified building envelopes on lots 1 and 2 to protect environmental values. The permit was not acted on and has now lapsed. Under the current subdivision proposal the lots shown as 1 and 2 in Figure 9 above form part of the balance lot, and the majority of lot 3 forms part of the public open space, and some forming part of proposed lot 4.
5. **Concerns Raised By Representors**
  - 5.1. Four (4) representations were received during the statutory advertising period 10 to 24 October 2018.
  - 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.

Concerns Raised by Representors
<b>Environmental:-</b>
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.
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.  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:
<ul style="list-style-type: none"> <li>• All mapped E.ovata forest on the residual lot should be included in the agreement.</li> <li>• 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.</li> <li>• Specify proposed rehabilitation, landscaping and the measures proposed to reduce erosion, maintain the ecological and hydrological values of waterways and protect public infrastructure.</li> <li>• Specify performance standards for the above environmental works.</li> </ul>
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.
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 400m<sup>2</sup> 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 (~400m<sup>2</sup>) or substantial modification (~1400m<sup>2</sup>) 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 500m<sup>2</sup> of vegetation may be cleared.
- 6.8.2. The proposal includes more than 500m<sup>2</sup> 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 500m<sup>2</sup>;*

*(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 1000m<sup>2</sup> and well in excess of the 500m<sup>2</sup> 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 <sup>2</sup> )	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.



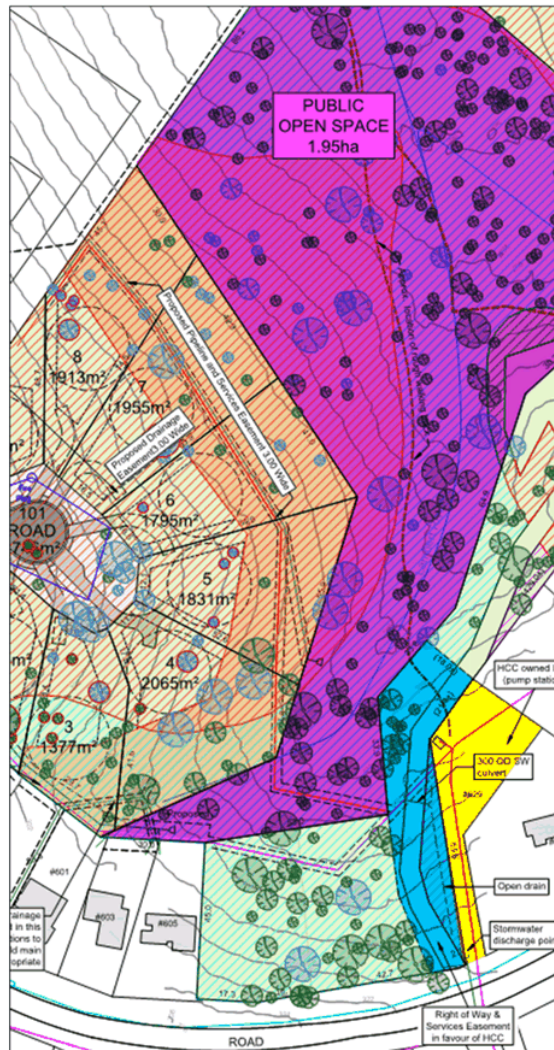


Figure 10: The public open space lot is shown highlighted purple. The public right of way off Nelson Road is shown highlighted blue. The Council's land at 629 Nelson Road (pump station) is shown highlighted yellow.

- 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 Amenities.

*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](http://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

<b>Location of proposed development</b> 607-627 Nelson Rd Mt. Nelson Postcode 7009		<b>Certificate of Title No.</b> CT 250967/1 Lot No. 1
<b>Applicant's name*</b> PDA Surveys o.b.o.	<b>Applicant's postal address</b> 127 Bathurst St. Hobart Postcode 7000 Facsimile 0417 515 400 Email hugh.clement@pda.com.au	
<b>Owner's name*</b> Paul Lanzoni	<b>Owner's postal address</b> As Above Postcode BH Telephone Facsimile Email	
<b>Contact person*</b> -	<b>Contact person's postal address</b> As Above Postcode BH Telephone 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](http://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 6228 2186) email [hcc@hobartcity.com.au](mailto:hcc@hobartcity.com.au) Internet <http://www.hobartcity.com.au>



## Application for planning permit

<p>DEVELOPMENT APPLICATION DOCUMENT</p> <p>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.</p> <p>Planning Authority: Hobart City Council</p>
---

## ALL APPLICATIONS

FLOOR AREA *Refer to definition of floor area in relevant planning scheme*

Existing floor area m <sup>2</sup>	Proposed floor area (total) m <sup>2</sup>	Site area m <sup>2</sup>
---------------------------------------	---	-----------------------------

## CAR PARKING ON SITE

Number existing	Number proposed	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.
Planning Authority: Hobart City Council

Application for planning permit continued

## NON-RESIDENTIAL DEVELOPMENTS

## 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

<p>DEVELOPMENT APPLICATION DOCUMENT</p> <p>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.</p> <p>Planning Authority: Hobart City Council</p>
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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.

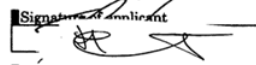
## DECLARATION BY APPLICANT (mandatory)

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: Irg Conzone adjoint Date notified: 4/10/14

## 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



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



09/10/2014

ANNEXURE TO CERTIFICATE OF TITLE

VOL. 3780 FOL. 24



Recorder of Titles

REGISTERED NUMBER

250967

Lot 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register

DEVELOPMENT APPLICATION DOCUMENT

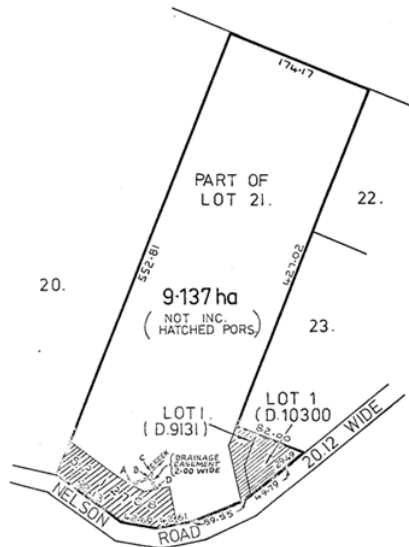
This document is one of the documents relevant to the application for a planning permit No. PLN-14-01177-01 and was received on the 10 October 2014.

Planning Authority: Hobart City Council

HOBART MEAS. IN METRES

\* 1/16

P.791





## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH DATE : 14-Oct-2014  
SEARCH TIME : 03.37 PM

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 OF TORRENS TITLE

VOLUME	FOLIO
155437	1
EDITION	DATE OF ISSUE
5	17-Oct-2013

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

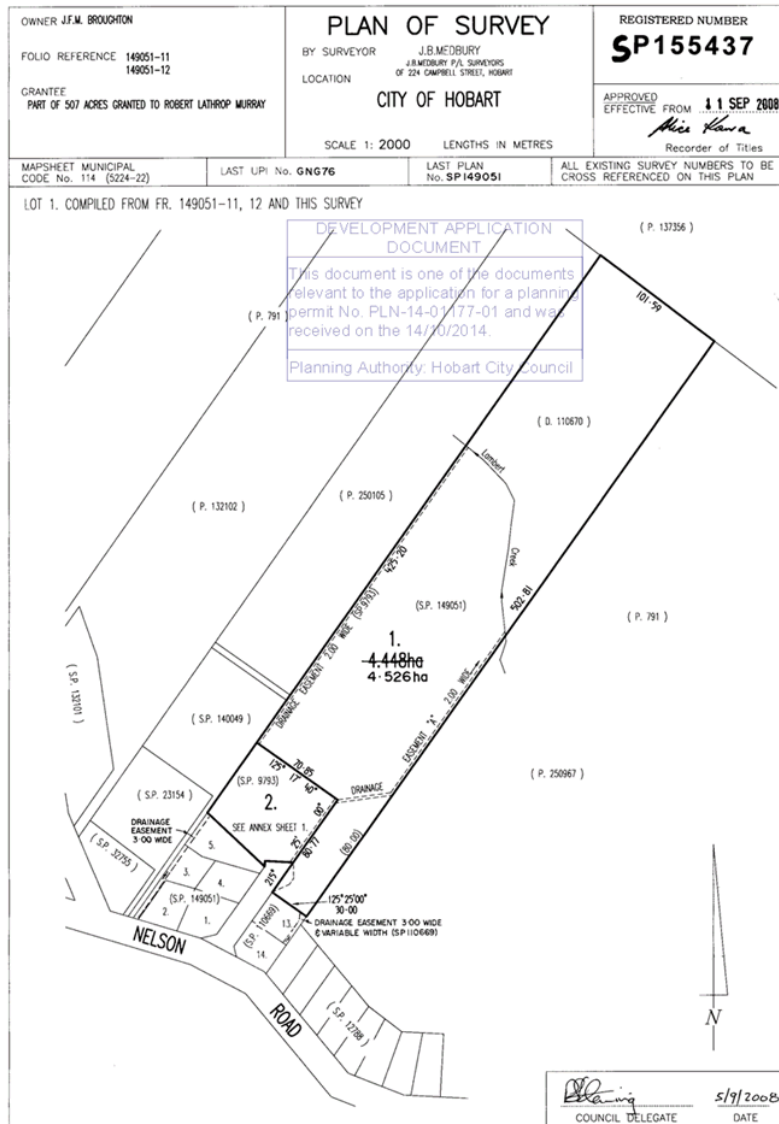
No unregistered dealings or other notations



## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

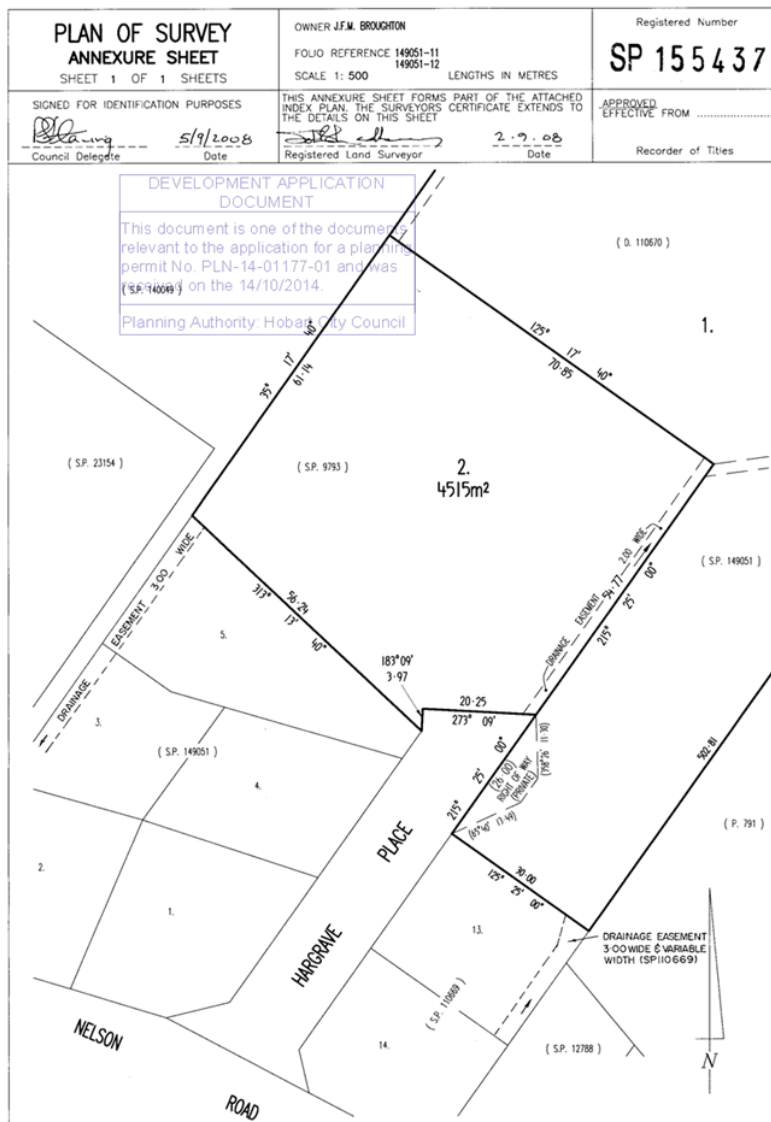




## FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980







## SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



<b>SCHEDULE OF EASEMENTS</b> <b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number <b>SP 155437</b>
--	---------------------------------------

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 FOLIO REF: 149051/11 & 12 SOLICITOR & REFERENCE: Murdoch Clarke RCM:B0142279	PLAN SEALED BY: Hobart City Council DATE: 5/9/2028 5628796 REF NO. 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



<b>ANNEXURE TO SCHEDULE OF EASEMENTS</b> PAGE 2 OF 2 PAGES	Registered Number <b>SP 155437</b>
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 Scaled Plan Number SP149051 and ~~thereon~~ marked DRAINAGE EASEMENT 3.00 WIDE.  
on the Plan.

**FENCING COVENANTS**

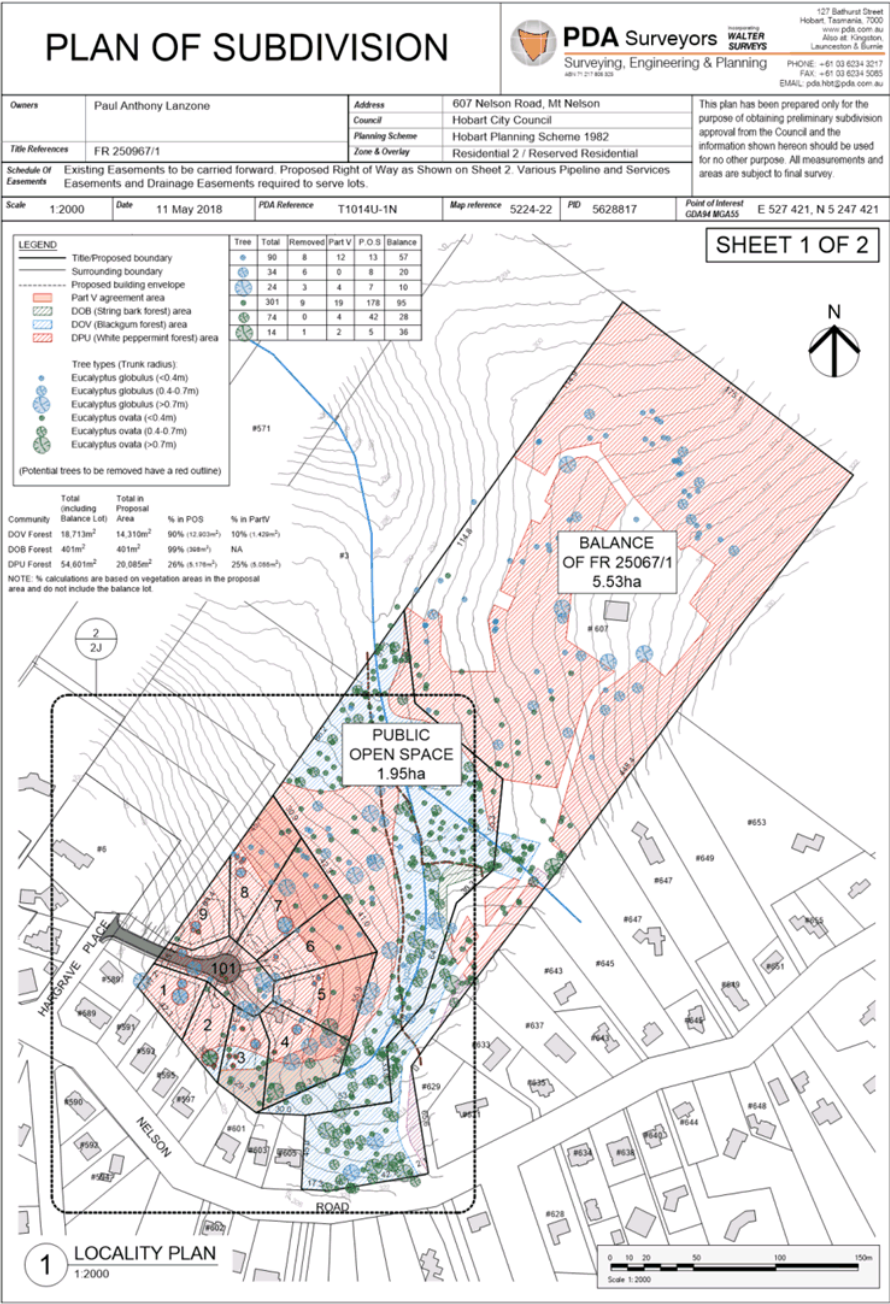
~~The Lots on the Plan are subject to the fencing covenants created by Scaled Plan Number SP9793 and Scaled Plan Number SP149051.~~

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.

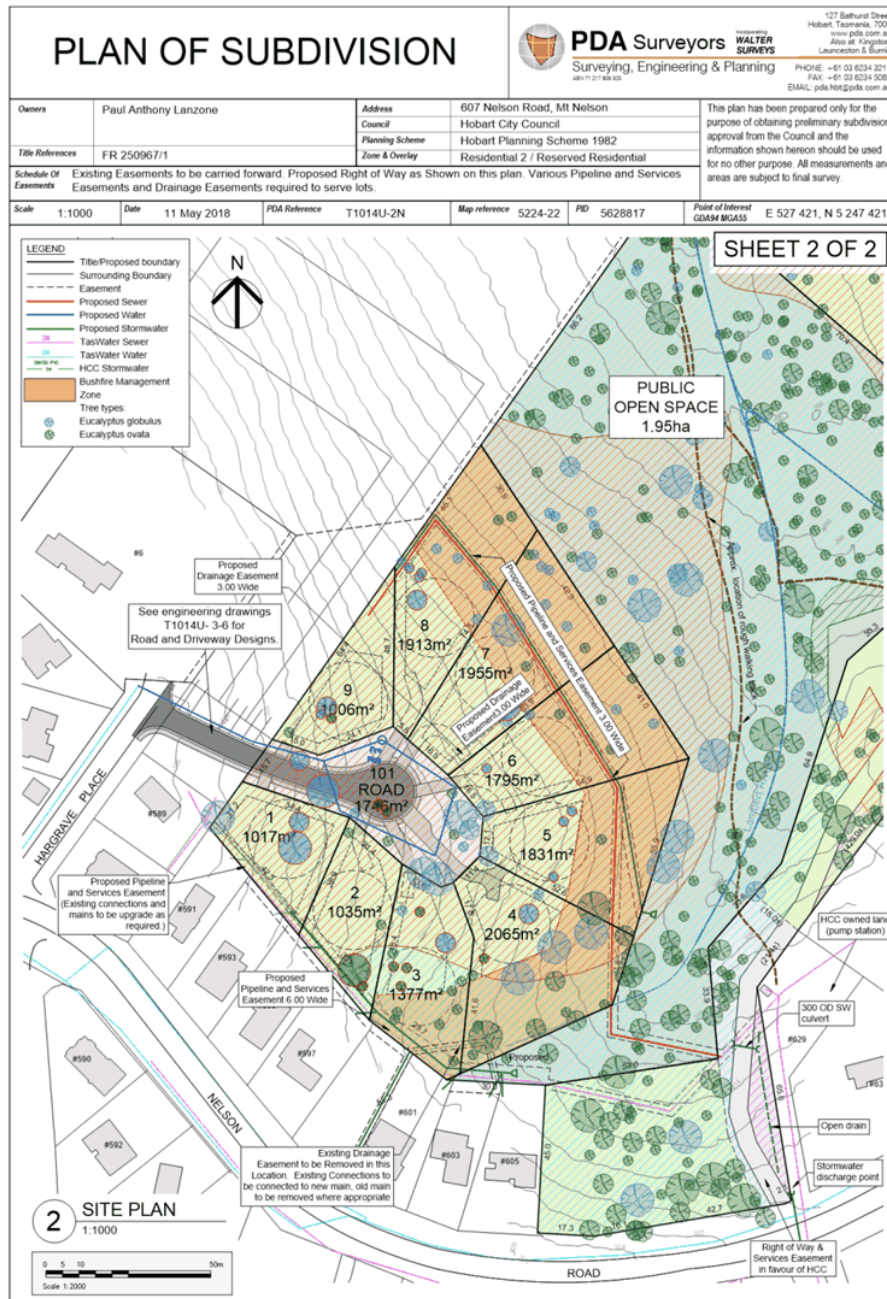
SIGNED by JEAN FLORENCE )  
 MARGARET BROUGHTON the )  
 registered proprietor of the land ) *J. Broughton*  
 comprised and described in Folio ) (Jean Florence Margaret Broughton)  
 of the Register Volume 149051 )  
 Folios 11 and 12 in the presence of: )

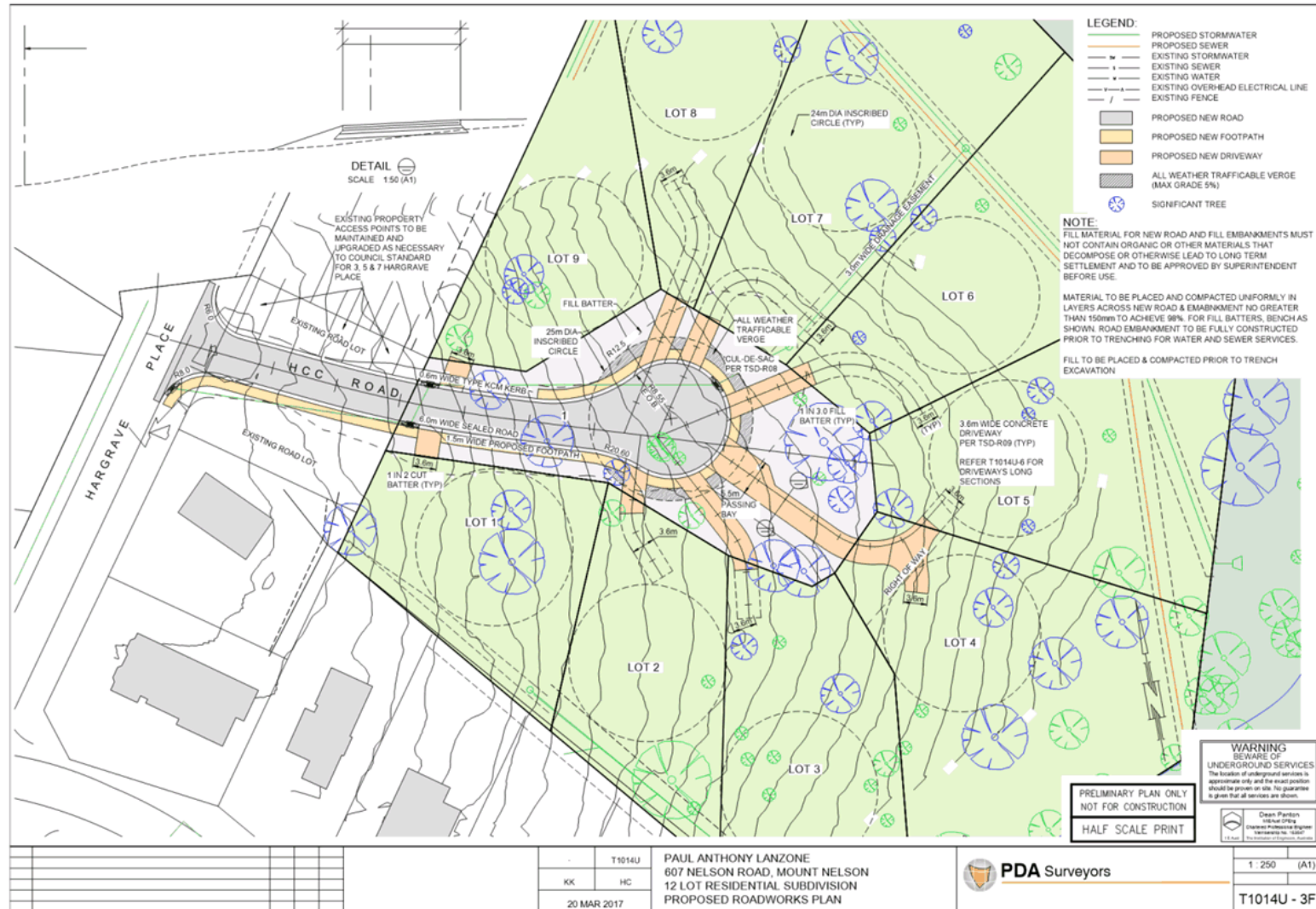
WITNESS: *[Signature]*  
 FULL NAME: *RUSSELL CHRISTOPHER MANNING*  
 ADDRESS: *10 VICTORIA STREET, HOBART*  
 OCCUPATION: *Solicitor*

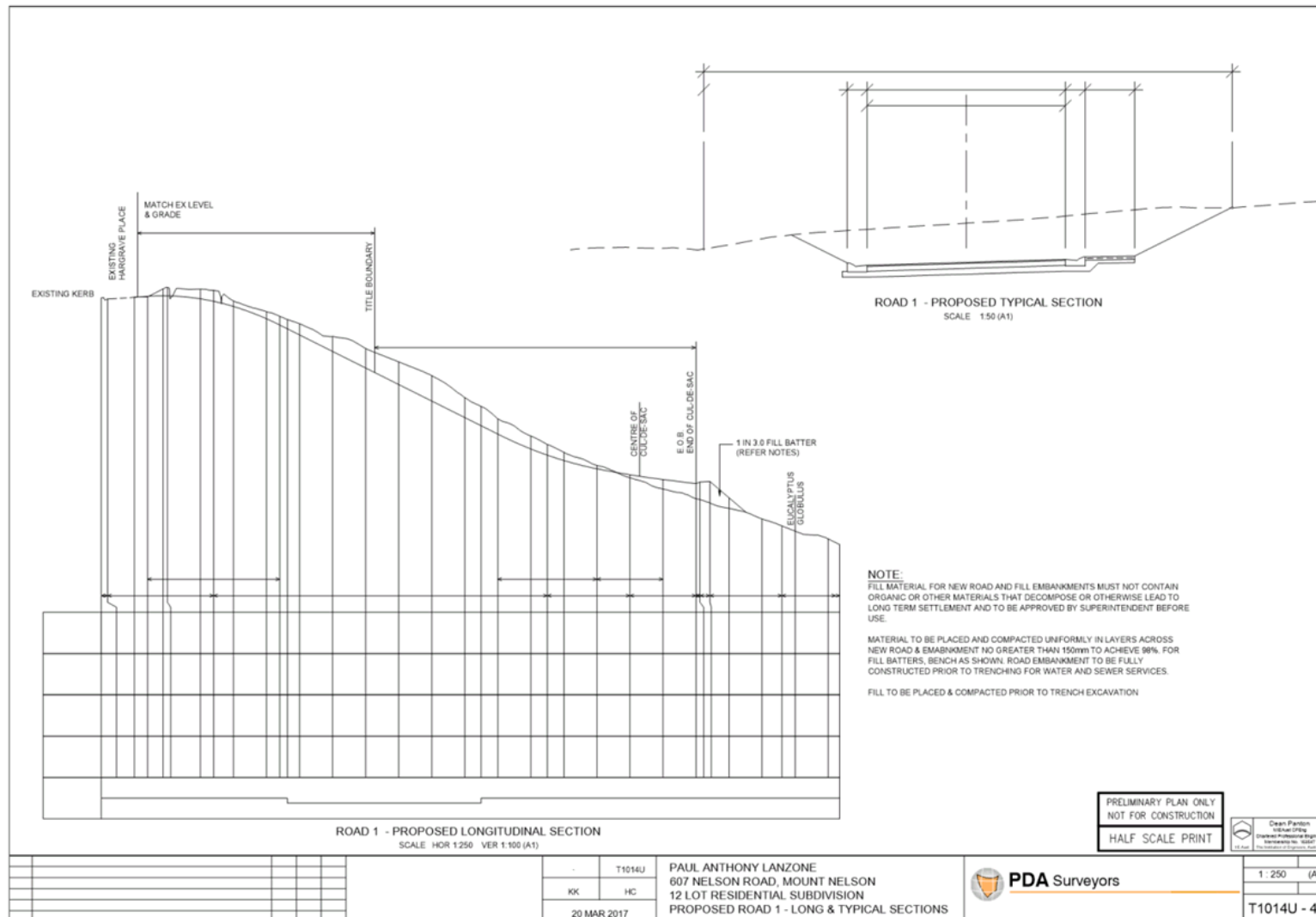
**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

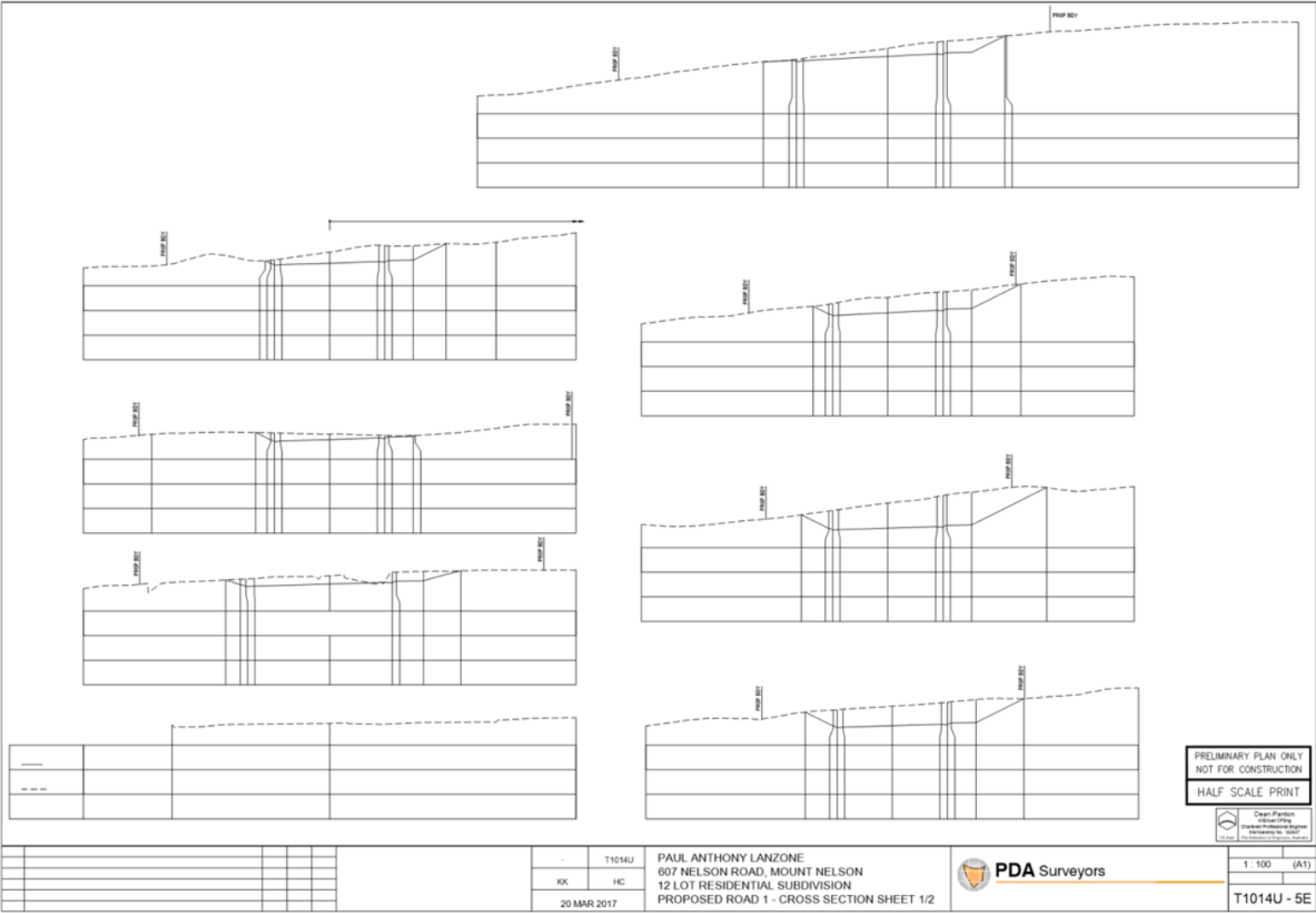


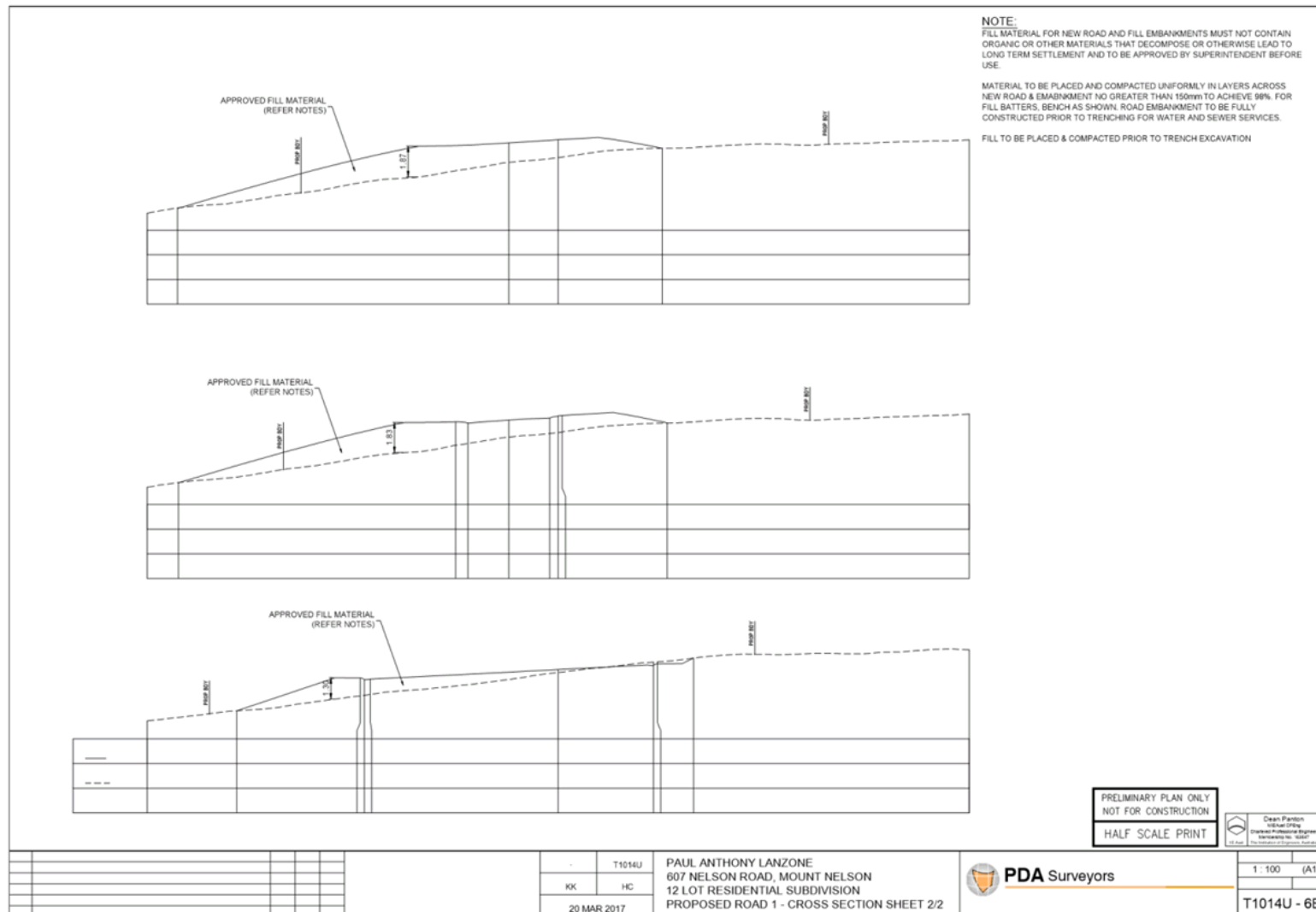




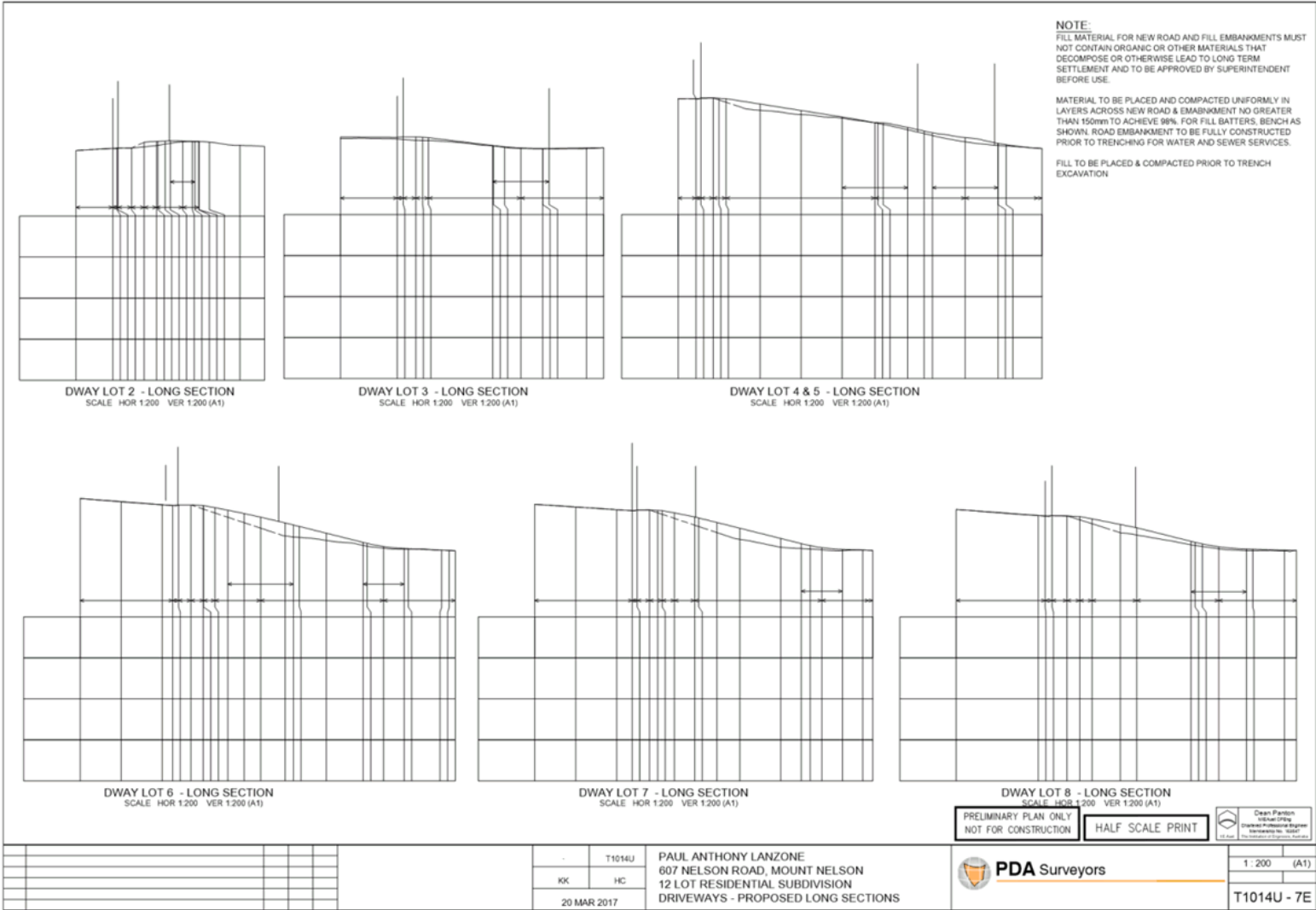












HOBART  
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Our Ref: T1014U  
L180814\_T1014U re response to email

14<sup>th</sup> August 2018

Dear Rowan,

Please see below, in response to the further information and plan changes you requested in your e-mail dated 16<sup>th</sup> May 2018.

1. 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.
2. 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.
3. 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.
4. 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

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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



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**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 Lanzzone.

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 DPIWE for advice. In the absence of being in a position to issue a permit under Section 51 of the Act, DPIWE'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 (DPIWE) 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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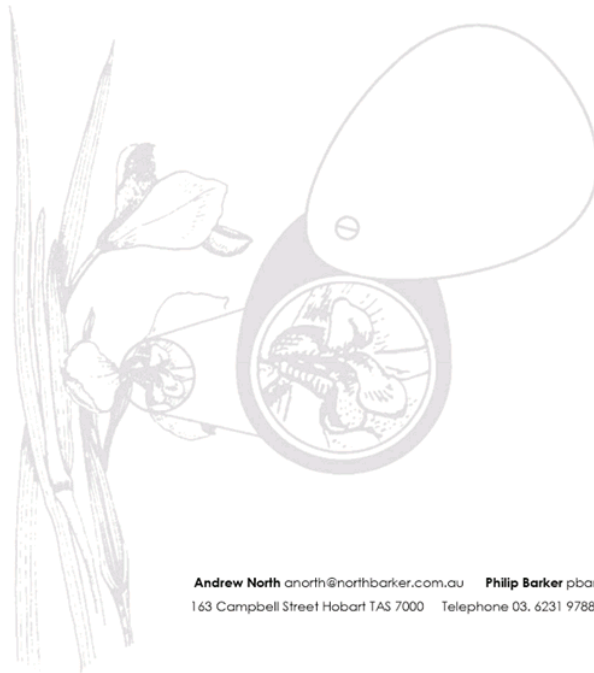


607-627 Nelson Rd,  
Mt Nelson

### VEGETATION ASSESSMENT

January 5 2005 – CRO02

For P&A Lanzone



**Andrew North** [anorth@northbarker.com.au](mailto:anorth@northbarker.com.au) **Philip Barker** [pbarker@northbarker.com.au](mailto:pbarker@northbarker.com.au)  
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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

: 20 December 2004

Andrew North

Planning Authority: Hobart City Council

: Timed Meander Search Procedure <sup>1</sup>

Subdivision potential is being investigated for 607-627 Nelson 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.

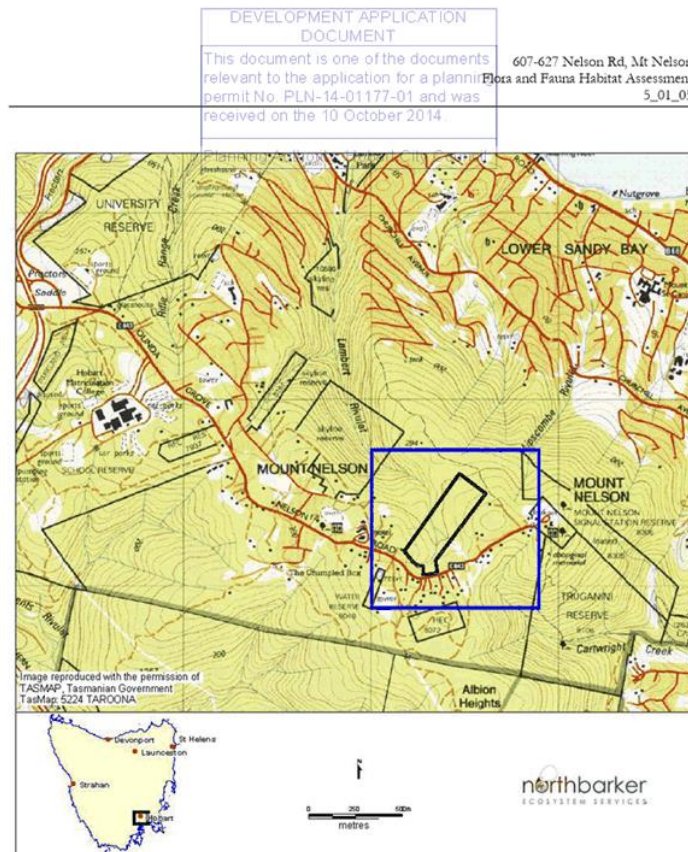
The size of the study area is approximately 9.1 hectares. It is situated within the 500 mm to 625 mm annual rainfall zone. The geology is Jurassic dolerite supporting fertile clay rich soils with significant surface rocks and underling bedrock exposed in some locations content. The study area occurs 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.

<sup>1</sup> Goff *et al*, 1982



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

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.

607-627 Nelson Rd, Mt Nelson  
Flora and Fauna Habitat Assessment  
5\_01\_05

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.

DEVELOPMENT APPLICATION  
DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-14-01354-01 and was received on the 27 March 2014.

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 1st October 2014.

607-627 Nelson Rd, Mt Nelson  
Flora and Fauna Habitat Assessment  
5\_01\_05

*E. pulchella*

Equivalent described floristic community <sup>2</sup>	Equivalent Mapped TASVEG Community	State-wide Conservation Priority	Regional Conservation Priority <sup>3</sup>
<b>Grassy and Shrubby <i>E. ovata</i> forest</b>			
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
<b><i>Eucalyptus pulchella</i> forest</b>			
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

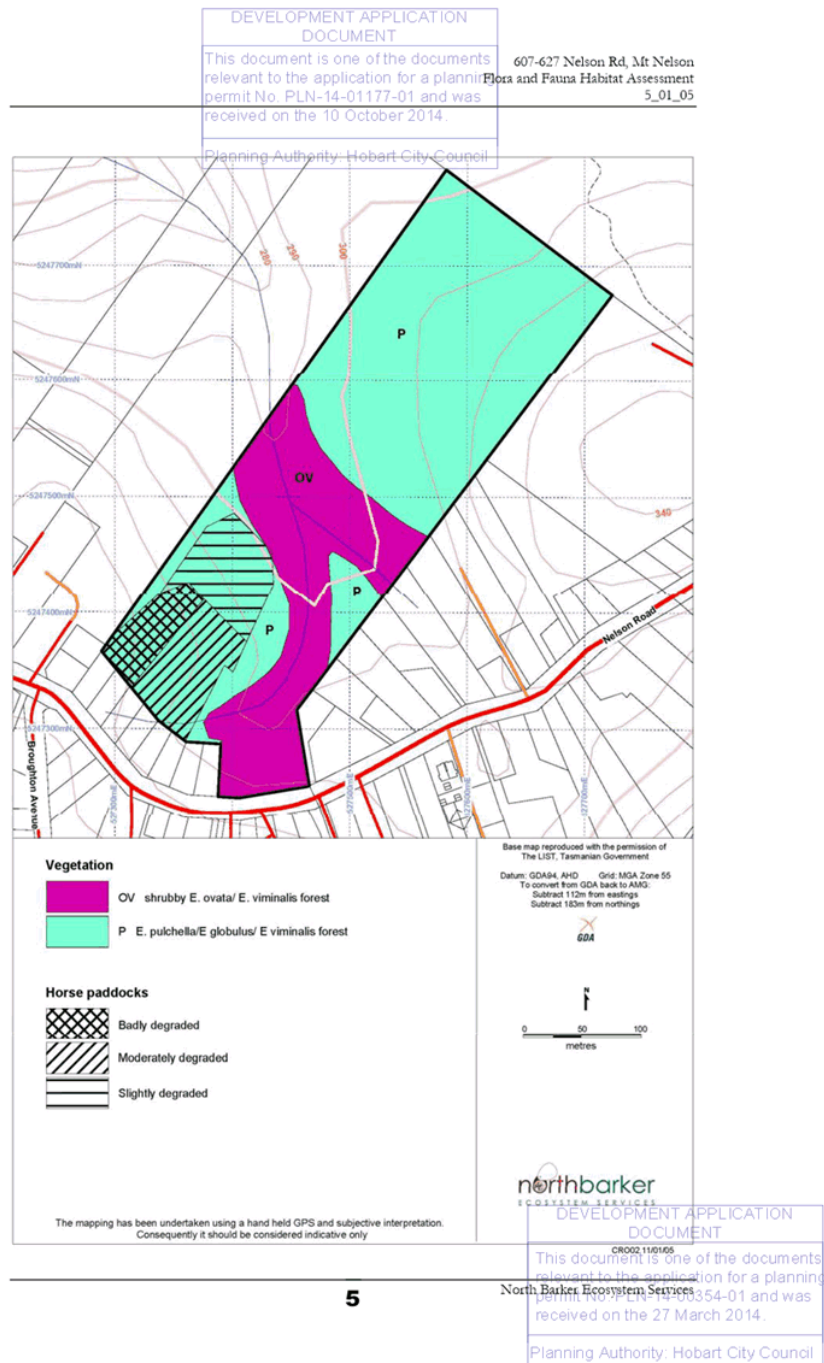
<sup>2</sup> Kirkpatrick et al 1995, North et al 1998

<sup>3</sup> CARSAG 2003

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This document is one of the documents relevant to the application for a planning permit No. PLN-14-03354-01 and was received on the 27 March 2014.

Planning Authority: Hobart City Council



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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 Council<sup>4</sup>. 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 <sup>5</sup>		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

<sup>4</sup> North Barker 2004

<sup>5</sup> *Tasmanian Threatened Species Protection Act 1995*, Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

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Species	Conservation Status <sup>5</sup>		Observations/Comments
	State	National	
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.



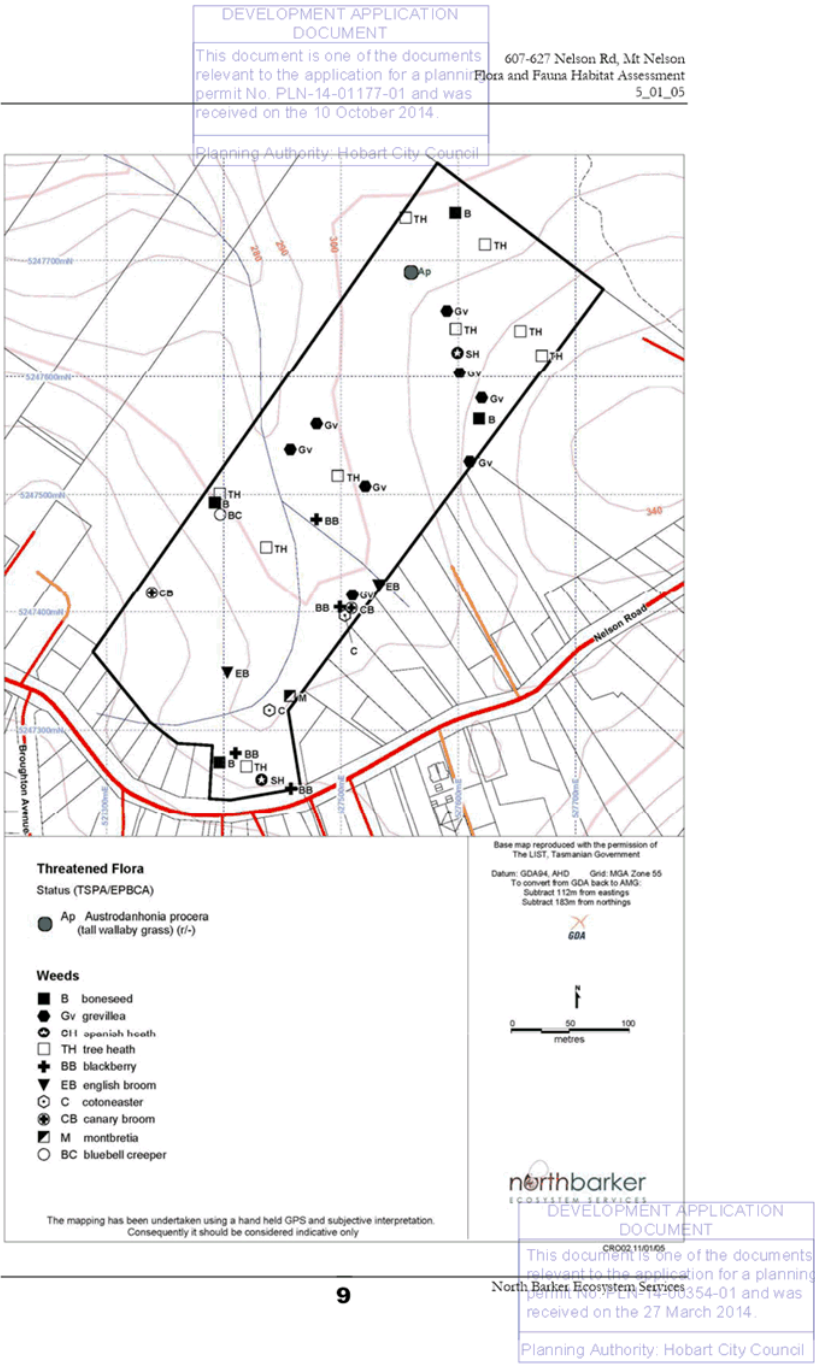
*Erica arborea*

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 (*Crocsmia Xerocosmiiflora*), Bluebell Creeper (*Sollya heterophylla*), *Grevillea* hybrids and *Cotoneaster* spp.

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**Lathamus discolor** Listed as City Council

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 <sup>6</sup>		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 novae-hollandiae</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

<sup>6</sup> 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".<sup>7</sup>

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.<sup>8</sup>



<sup>7</sup> North Barker 2004

<sup>8</sup> HCC 1998

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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<sup>9</sup>

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 2002<sup>11</sup> 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 Agreement<sup>12</sup> 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'<sup>13</sup>.

*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

<sup>9</sup> section 51(2) (b) – Part 4 Enforcement of Planning Control – Division 2 Development Control LUPA 1993

<sup>10</sup> page 56 - LUPA 1993

<sup>11</sup> Forest Practices Board 2002

<sup>12</sup> Commonwealth of Australia / State of Tasmania 2003

<sup>13</sup> 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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## Appendix 1 – Plant Communities

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 potentillodes*, *Gonocarpus tetragynus*, *Goodenia lanata*, *Hypericum gramineum*, *Leptorhynchus 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*, *Centaurium erythraea*, *Dianella brevicaulis*, *Dianella revoluta*, *Gastrodia sesamoides*, *Gonocarpus tetragynus*, *Goodenia lanata*, *Helichrysum scorpioides*, *Hypochoeris radicata*, *Leptorhynchus nitidulus*, *Leptorhynchus squamatus*, *Linum marginale*, *Microseris lanceolata*

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607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05	
<i>Plantago varia</i> , <i>Senecio glomeratus</i> , <i>Solenogyne dominii</i> , <i>Sphaerolobium minus</i> , <i>Thelymitra peniculata</i> , <i>Wahlenbergia gymnoclada</i>	
Graminoids:	<i>Carex breviculmis</i> , <i>Diplazena moraea</i> , <i>Lepidosperma curtisiae</i> , <i>Lepidosperma laterale</i> , <i>Lomandra longifolia</i> , <i>Schoenus apogon</i>
Grasses:	<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>
Climbers:	<i>Cassytha pubescens</i> , <i>Comesperma volubile</i>

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

607-627 Nelson Rd, Mt Nelson  
Flora and Fauna Habitat Assessment  
5\_01\_05

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
------	-------------	--------

DICOTYLEDONAE

APIACEAE

Foeniculum vulgare

fennel, aniseed, dill

i

ASTERACEAE

Bedfordia salicina

tasmanian blanket leaf

en

Brachyscome aculeata

hill or coarse daisy

Brachyscome spathulata glabra

blue daisy

Cassinia aculeata

dolly bush

Chrysanthemoides monilifera monilifera

boneseed

i

Cirsium vulgare

spear thistle

i

Helichrysum scorpioides

curling everlasting

Hypochoeris radicata

cat's ear

i

Leptorhynchos nitidulus

shiny buttons

Leptorhynchos squamatus

scaly buttons

Microseris lanceolata

native dandelion

Olearia ericoides

heathy daisy bush

en

Olearia erubescens

daisy bush

Olearia floribunda

heath daisy bush

Olearia glandulosa

swamp daisy bush

Olearia phlogopappa

dusty daisy bush

Olearia ramulosa

twiggy daisy bush

Ozothamnus ferrugineus

tree everlasting

Ozothamnus scutellifolius

scale-leaf everlasting

en

Picris angustifolia

hawkweed ox-tongue

Senecio glomeratus

fireweed

Senecio quadridentatus

cotton fireweed

Solenogyne dominii

flat-herb, flatweed

Taraxacum officinale

common dandelion

i

CAMPANULACEAE

Pratia pedunculata

matted pratia

Wahlenbergia gymnoclada

naked bluebell

CASUARINACEAE

Allocasuarina littoralis

black sheoak, bulloak

DEVELOPMENT APPLICATION DOCUMENT

This document is one of the documents relevant to the application for a planning permit No. PLN-14-00009-01 and was received on the 27 March 2014.

Planning Authority: Hobart City Council

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North Barker Ecosystem Services

DEVELOPMENT APPLICATION DOCUMENT		
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607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05		
Name	Common name	Status
<i>Allocasuarina verticillata</i>	sheoak, drooping sheoak	
<b>CLUSIACEAE</b>		
<i>Hypericum gramineum</i>	small st. johns wort	
<b>DILLENIACEAE</b>		
<i>Hibbertia hirsuta</i>	hairy guinea-flower	en
<b>EPACRIDACEAE</b>		
<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	
<b>ERICACEAE</b>		
<i>Erica arborea</i>	tree heath, bruyere, heath	i
<i>Erica lusitanica</i>	spanish heath	i
<b>EUPHORBIACEAE</b>		
<i>Phyllanthus australis</i>	austral spurge	
<b>FABACEAE</b>		
<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
<b>GENTIANACEAE</b>		
<i>Centaurium erythraea</i>	common centaury	i
<b>GERANIACEAE</b>		
<i>Geranium potentilloides</i>	mountain geranium	
<i>Geranium solanderi</i>	austral cranesbill	
<b>GOODENIACEAE</b>		
<i>Goodenia lanata</i>	native primrose	
<i>Goodenia ovata</i>	parrot's food, hop goodenia	
<b>HALORAGACEAE</b>		
<i>Gonocarpus tetragynus</i>	common raspwort	
<b>LAMIACEAE</b>		
<i>Prunella vulgaris</i>	heal-all, self-heal	
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DEVELOPMENT APPLICATION DOCUMENT		
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North Barker Ecosystem Services		
Planning Authority: Hobart City Council		

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607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05		
Name	Common name	Status
Planning Authority: Hobart City Council		
<b>LAURACEAE</b>		
<i>Cassytha pubescens</i>	hairy dodder-laurel	
<b>LINACEAE</b>		
<i>Linum marginale</i>	wild or native flax	
<b>MIMOSACEAE</b>		
<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	
<b>MYRTACEAE</b>		
<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	
<b>OXALIDACEAE</b>		
<i>Oxalis perennans</i>	native wood-sorrel	
<b>PITTOSPORACEAE</b>		
<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
<b>PLANTAGINACEAE</b>		
<i>Plantago lanceolata</i>	common plantain	i
<i>Plantago varia</i>	variable plantain	
<b>POLYGALACEAE</b>		
<i>Comesperma volubile</i>	blue love creeper	
<b>PROTEACEAE</b>		
<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
<b>RANUNCULACEAE</b>		
<i>Ranunculus lappaceus</i>	common buttercup	
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North Barker Ecosystem Services		
Planning Authority: Hobart City Council		



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607-627 Nelson Rd, Mt Nelson Flora and Fauna Habitat Assessment 5_01_05		
Name	Common name	Status
Planning Authority: Hobart City Council		
<b>ROSACEAE</b>		
<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 sp.</i>	cotoneaster	i
<i>Crataegus monogyna</i>	hawthorn,	i
<i>Rubus fruticosus</i>	blackberry, bramble	i
<i>Sanguisorba minor</i>	salad burnet	i
<b>RUBIACEAE</b>		
<i>Coprosma quadrifida</i>	native currant	
<b>RUTACEAE</b>		
<i>Boronia pilosa pilosa</i>	hairy boronia	
<i>Correa reflexa reflexa</i>	common correa	
<i>Philotheca verrucosa</i>	fairy wax-flower	
<b>SANTALACEAE</b>		
<i>Exocarpos cupressiformis</i>	native cherry	
<i>Exocarpos strictus</i>	dwarf cherry, pale fruit ballart	
<b>SAPINDACEAE</b>		
<i>Dodonaea viscosa spatulata</i>	broadleaf hop-bush	
<b>SCROPHULARIACEAE</b>		
<i>Veronica gracilis</i>	slender speedwell	
<b>STYLIDIACEAE</b>		
<i>Stylidium graminifolium</i>	common trigger plant	
<b>THYMELAEACEAE</b>		
<i>Pimelea humilis</i>	common or dwarf rice-flower	
<i>Pimelea nivea</i>	round-leaf rice-flower, cotton bush	en
<b>VIOLACEAE</b>		
<i>Viola hederacea</i>	ivy-leaf violet	
<b>MONOCOTYLEDONAE</b>		
<b>CYPERACEAE</b>		
<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	
DEVELOPMENT APPLICATION DOCUMENT		
This document is one of the documents relevant to the application for a planning permit No. PLN-14-00009-01 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 Oct 2014.		
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	
<b>IRIDACEAE</b>		
<i>Crocasmia Xcrocasmiflora</i>	montbretia	i
<i>Diplarrena moraea</i>	white flag iris, butterfly iris	
<b>JUNCACEAE</b>		
<i>Juncus articulatus</i>	rush, jointed rush	i
<i>Juncus subsecundus</i>	finger rush	
<b>LILIACEAE</b>		
<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	
<b>ORCHIDACEAE</b>		
<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	
<b>POACEAE</b>		
<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 stiposa</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	
<b>XANTHORRHOACEAE</b>		
<i>Lomandra longifolia</i>	sagg	

DEVELOPMENT APPLICATION  
DOCUMENT

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607-627 Nelson Rd, Mt Nelson  
Flora and Fauna Habitat Assessment  
5\_01\_05

**APPENDIX 3 - LAND CLEARING REGULATIONS**

Planning Authority: Hobart City Council

Forest Practices Board, 2001 – Information Sheet on Land Clearing - From:  
[www.fpb.tas.gov.au](http://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



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Proposed Subdivision 607 - 627 Nelson Road, Mount Nelson.

## Bushfire Management Planning Report

Applicant: PDA Surveyors

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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

<b>Title reference/s:</b>	250967/1
<b>Address:</b>	607 - 627 Nelson Road, Mount Nelson, Tas
<b>Owner:</b>	P. A. Lanzone
<b>Applicant:</b>	PDA Surveyors
<b>Municipality:</b>	City of Hobart
<b>Zoning:</b>	Residential 2 / Reserved Residential
<b>Planning Scheme</b>	City of Hobart planning Scheme 1982
<b>Land size:</b>	Total ~9.2 Ha
<b>Proposal:</b>	9 lot subdivision plus balance
<b>Bushfire Attack Level</b>	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

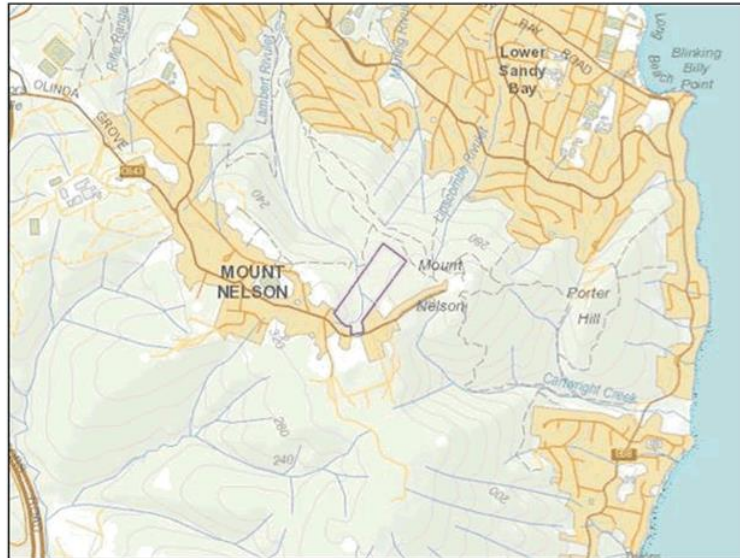
A site inspection has been undertaken and report provided on the understanding that: The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report. The report only identifies the size, volume and status of vegetation at the time the site inspection 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 do 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, 1<sup>st</sup> September 2017.

E1.6 Development Standards, Acceptable solutions.

Table 2. Compliance with Planning Directive 5.1 Bushfire-prone Areas Code.

Item	Compliance
<b>E1.6.1 Subdivision: Provision of hazard management areas</b>	
<b>A1</b> (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.
<b>E1.6.2 Subdivision: Public and firefighting access</b>	
<b>A1</b> (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.
<b>E1.6.3 A1 Subdivision: Provision of water supply for fire-fighting purposes</b>	
<b>A.</b> 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>B.</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 29<sup>th</sup> August 2017*. Consumer, Building and Occupational Services, Department of Justice, Tasmania

Standards Australia 2009, *Construction of buildings in bushfire prone areas*, 3<sup>rd</sup> 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 1<sup>st</sup> 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 required	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		
	--	--	--		
	--	--	--		

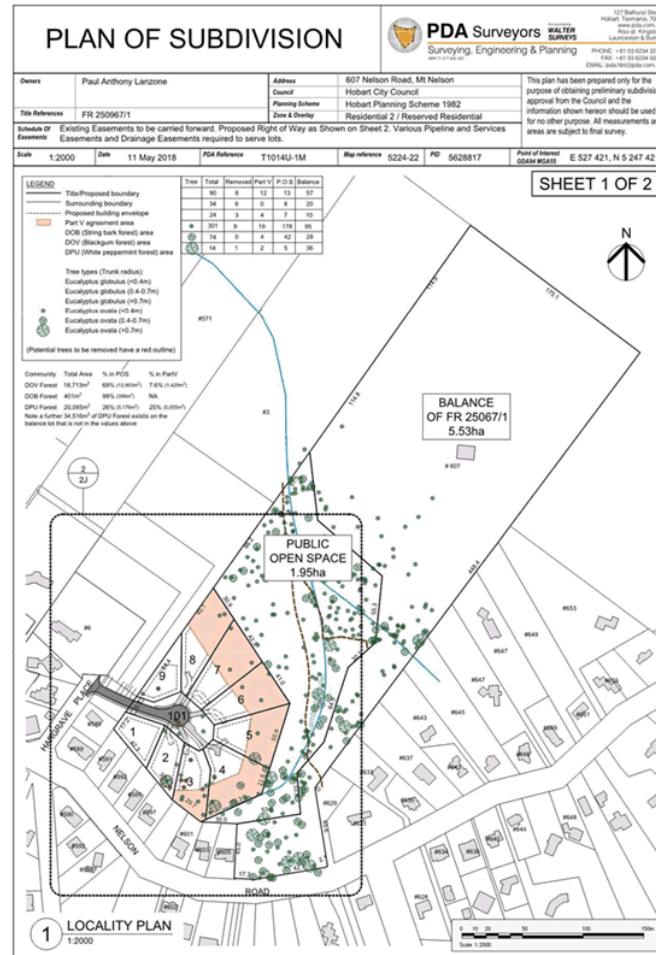
^ Vegetation classification as per AS3959-2009 amendment 3, Table 2.3 and Figures 2.4(A) to 2.4 (G).

Lot 9

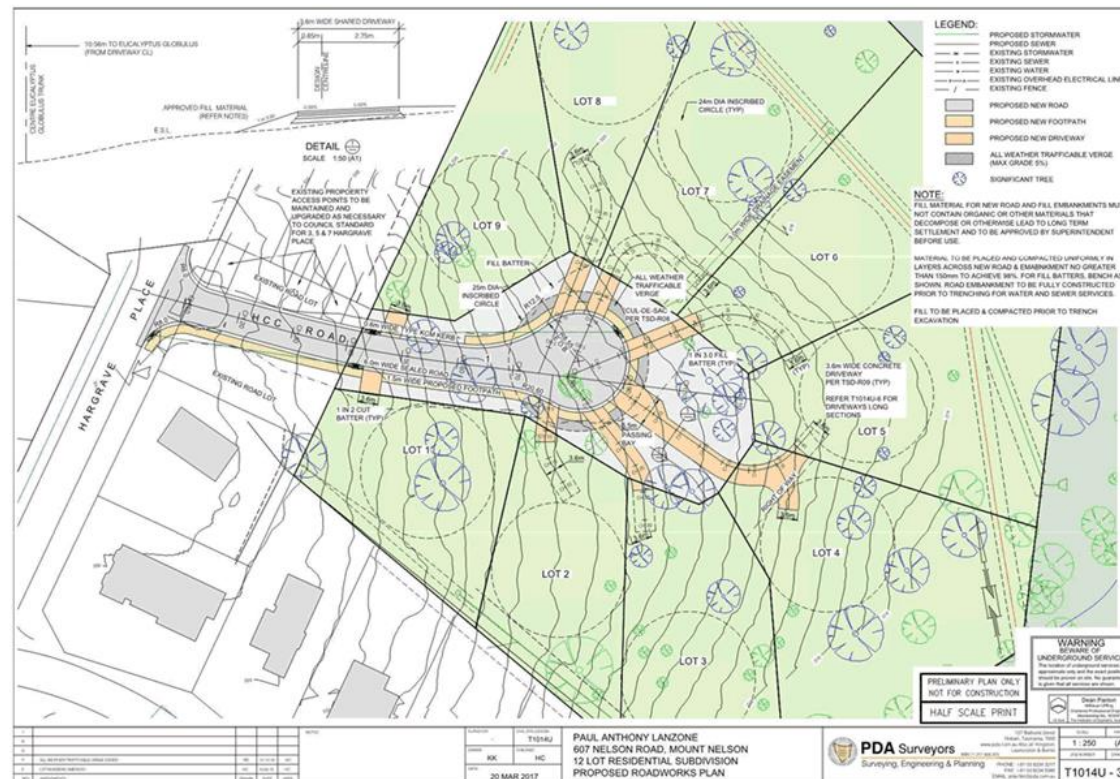
Azimuth	Vegetation Classification	Effective Slope	Distance to Bushfire-prone vegetation	Hazard management area width	Bushfire Attack Level
North-east	Exclusion 2.2.3.2 (e, f)^	>5° to 10° downslope	0 to 62 metres	Not required	BAL-12.5
	Forest^	>5° to 10° downslope	62 to >100 metres		
	--	--	--		
	--	--	--		
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

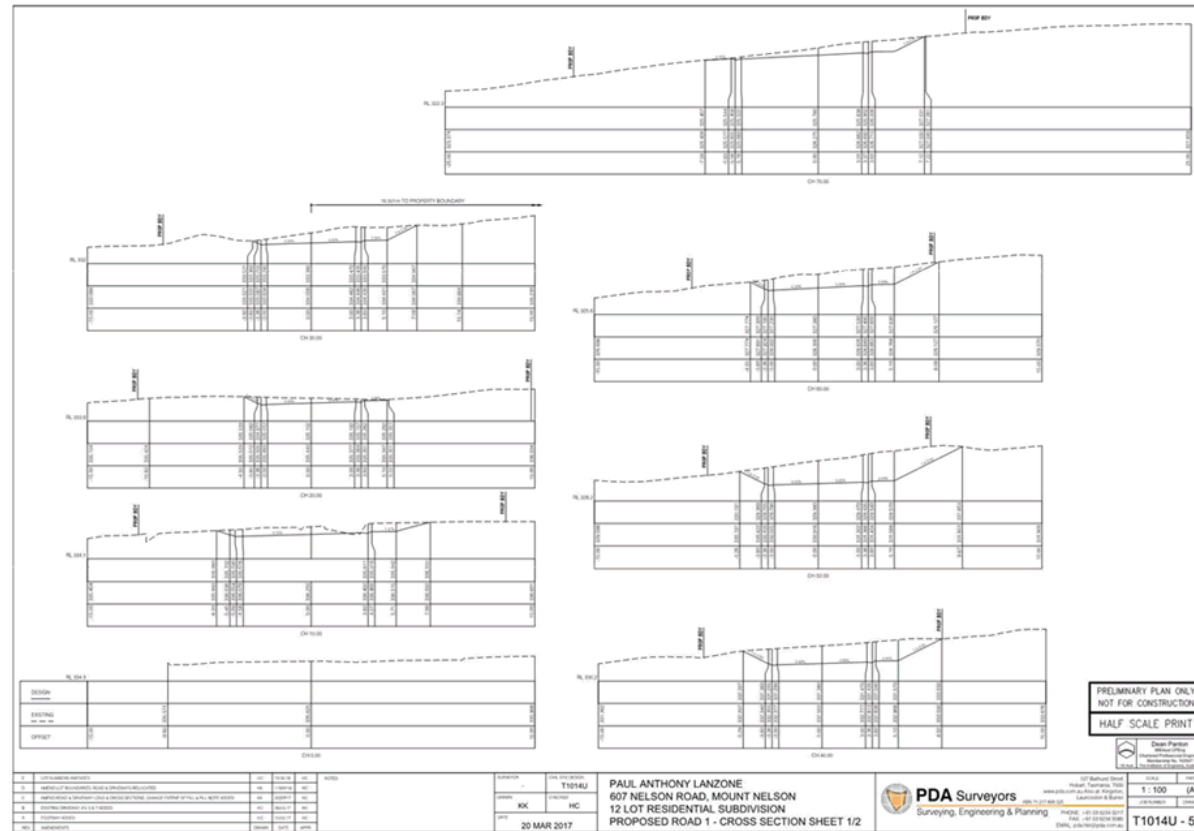


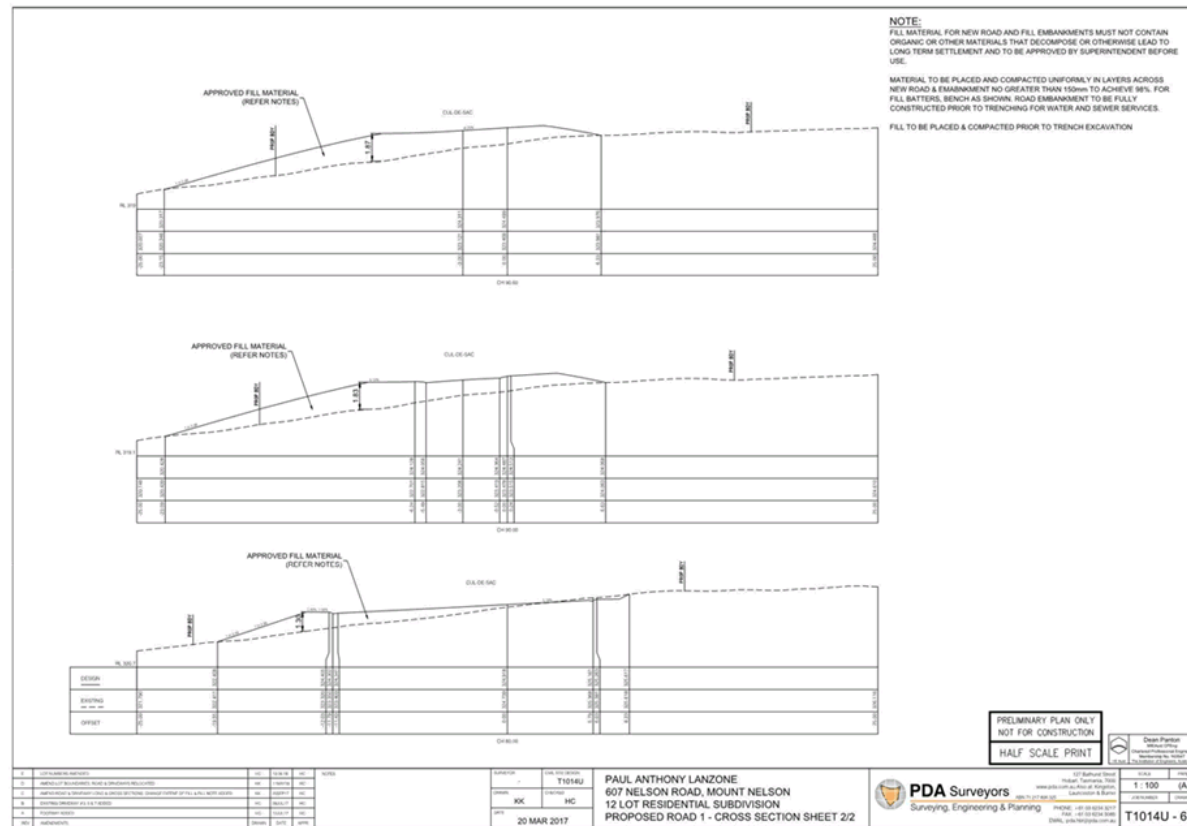
## Appendix 3 – Public roadworks

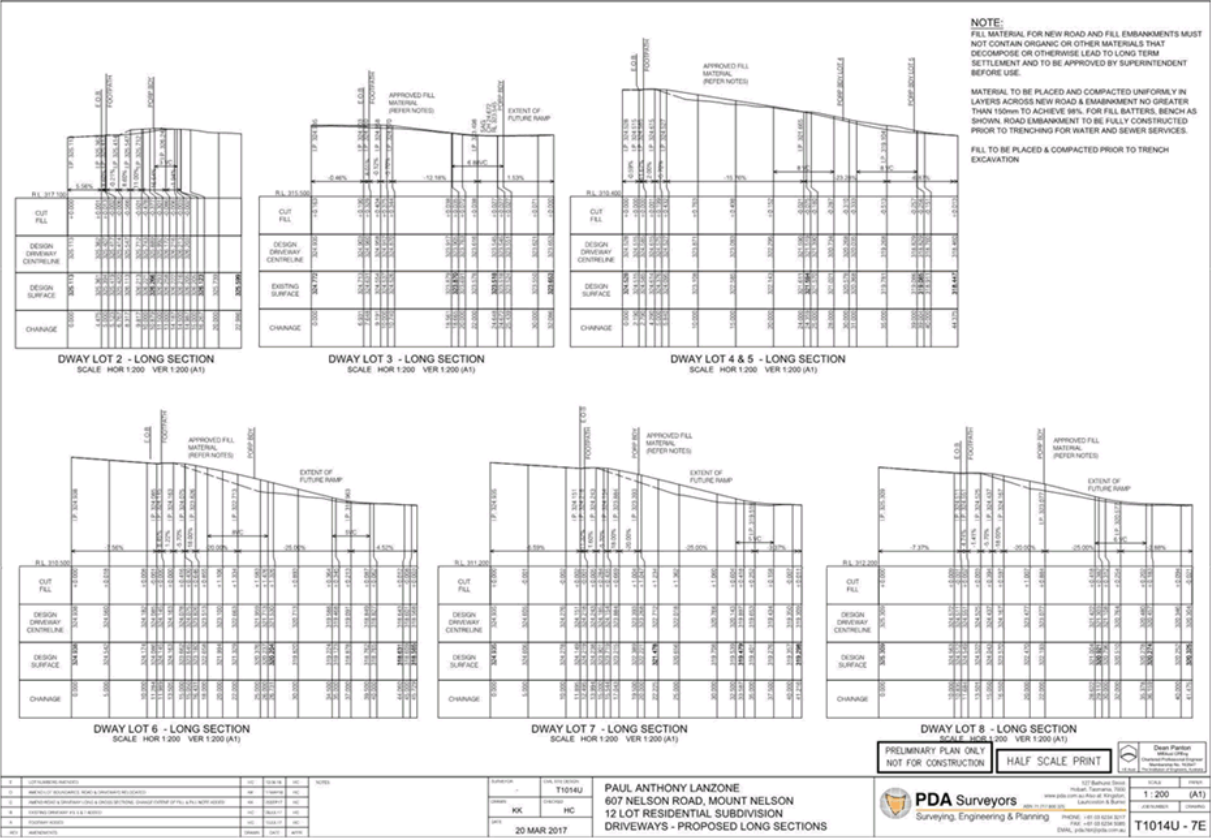


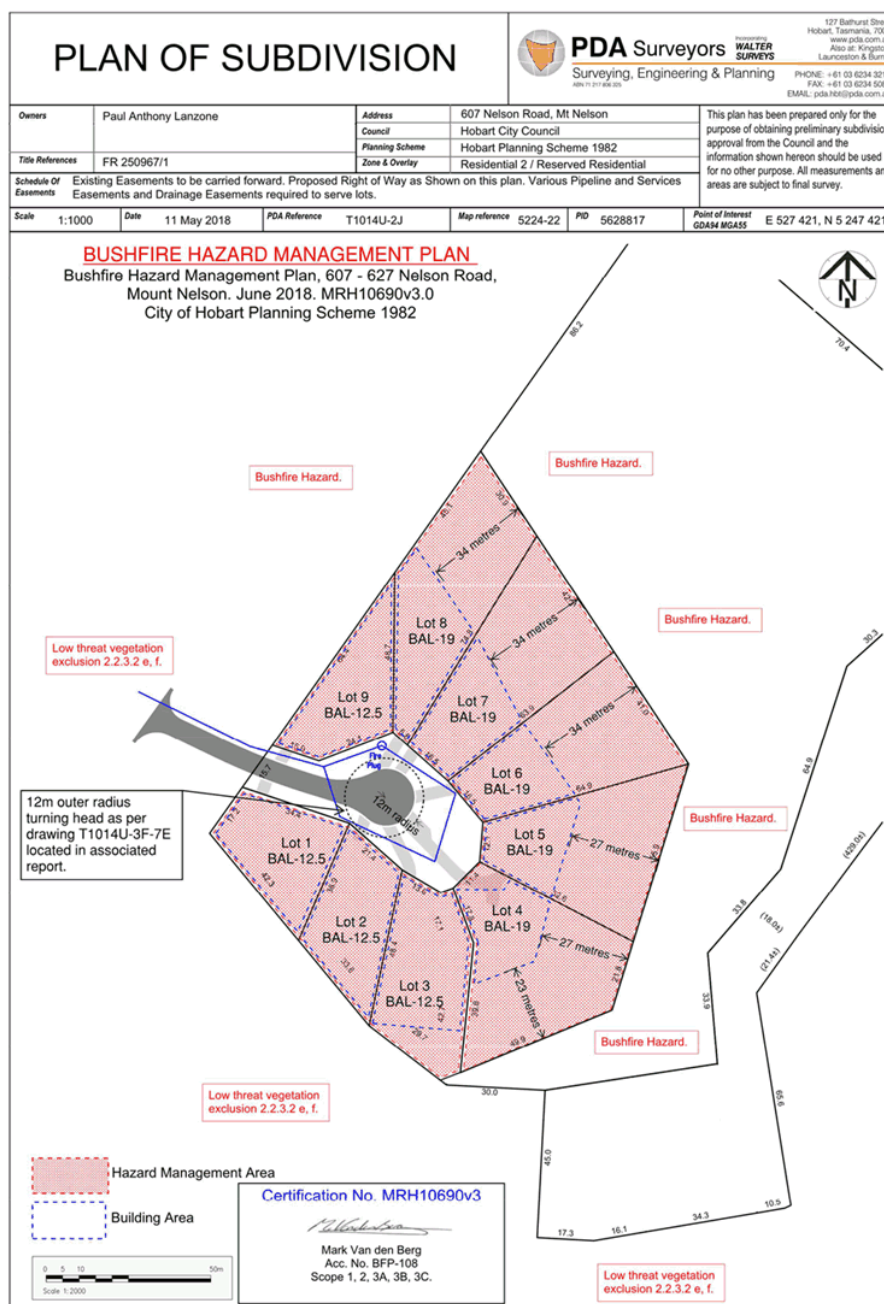












**BUSHFIRE HAZARD MANAGEMENT PLAN**

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.

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**BUSHFIRE-PRONE AREAS CODE****CERTIFICATE<sup>1</sup> UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993**

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**1. Land to which certificate applies<sup>2</sup>**

*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**

<sup>1</sup> This document is the approved form of certification for this purpose, and must not be altered from its original form.

<sup>2</sup> 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**

<b>Title:</b>	Plan of Sub-division 607 Nelson Road Mount Nelson		
<b>Author:</b>	PDA Surveyors		
<b>Date:</b>	May 2018	<b>Version:</b>	T1014U-1M

**Bushfire Hazard Report**

<b>Title:</b>	Bushfire Management Report 607 Nelson Road Mount Nelson, June 2018. MRH10690v3		
<b>Author:</b>	Geo-Environmental Solutions (Mark Van den Berg)		
<b>Date:</b>	21/6/2018	<b>Version:</b>	3.0

**Bushfire Hazard Management Plan**

<b>Title:</b>	Bushfire Hazard Management Plan 607 Nelson Road Mount Nelson, June 2018. MRH10690v3		
<b>Author:</b>	Geo-Environmental Solutions ( Mark Van den Berg)		
<b>Date:</b>	21/06/2018	<b>Version:</b>	3.0

**Other Documents**

<b>Title:</b>			
<b>Author:</b>			
<b>Date:</b>		<b>Version:</b>	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 Practitioner<sup>3</sup>**

<b>Name:</b>	Mark Van den Berg	<b>Phone No:</b>	03 62231839
<b>Address:</b>	29 Kirksway Place	<b>Fax No:</b>	
	Battery Point	<b>Email Address:</b>	mvandenberg@geosolutions.net.au
	Tas	7004	
<b>Accreditation No:</b>	BFP – 108	<b>Scope:</b>	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 –

<p><i>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.</i></p>	<input type="checkbox"/>
--	--------------------------

or

<p><i>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.</i></p>	<input type="checkbox"/>
---	--------------------------

and/or

<p><i>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.</i></p>	<input checked="" type="checkbox"/>
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**Signed:**  
certifier



**Date:** 1/10/2018

**Certificate No:** MRH10690v3

<sup>3</sup> 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](http://www.fire.tas.gov.au).



### Submission to Planning Authority Notice

Council Planning Permit No.	PLN-14-01177-01	Council notice date	15/10/2014
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2014/01071-HCC	Date of response	18 June 2018
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242
<b>Response issued to</b>			
Council name	HOBART CITY COUNCIL		
Contact details	coh@hobartcity.com.au		
<b>Development details</b>			
Address	607-627 NELSON RD, MOUNT NELSON	Property ID (PID)	5628817
Description of development	Subdivision		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA	Plan of Subdivision Sheet 2		11 May 2018
<b>Conditions</b>			
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:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>			
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>			
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>8. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must</li> </ol>			



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

**10. Draft Southern Tasmanian Regional Cat Management Strategy**  
**File Ref: F21/47669; 17/65**

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Ref: Open [CPC 8.1](#), 31/05/2021

- That: 1. 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*.
2. An invitation be extended to the Executive Officer of Ten Lives Cat Centre, to present to Elected Members in relation to cat management within the City of Hobart.

**11. 2021-22 Fees and Charges - City Planning - Animal Management**  
**File Ref: F21/51819**

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Ref: Special Open [CPC 4.1](#), 7/06/2021

A recommendation will be submitted to the meeting



**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT  
(MEETING PROCEDURES) REGULATIONS 2015**

**12. Taste of Tasmania  
File Ref: F21/50579**

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Alderman Zucco

**Motion**

- “1. That the Council seek an urgent meeting with the Premier & or the Events Minister to discuss options for a Taste or similar event for 2021-22 in particular and not limited to a joint partnership to deliver an event in conjunction with Stallholders & other Stakeholders.
  - a) That a small delegation consisting of the Lord Mayor, Alderman Zucco and one other elected member meet with the Premier & or the Events Minister as a matter of urgency.
2. That the Council consider provide in providing in-kind assistance, advice and or staffing to assist in the delivery of any event (should one proceed) and costed accordingly.
3. Should the Government agree to a collective approach to deliver an event in 2021-22; a further report be prepared as per possible funding assistance above any in-kind assistance.
4. That should an appropriate alternative approach to deliver a 2021-22 Taste or similar event be forthcoming the CEO be delegated to negotiate with Stallholders and Stakeholders and report to Council with options and or funding requirements.
5. Should an alternative approach to deliver an event proceed; and that as part of an alternative approach being either an Authority or Committee. The CEO is delegated to nominate to partake on any such group or a nominee as directed by the CEO on the basis that no elected members form part of any such group.”

**Rationale:**

"The Taste has been an Iconic event across the waterfront for years and it plays an important role during the Sydney to Hobart yacht race during the busiest Tourist time of the year.

It is widely known the economic benefits that the Taste has provided Southern Tasmania and the State. It is also understandable that the HCC cannot continue to be the sole funding provider for the event and that alternative models must be considered.

I firmly believe that the Council decision of May 10<sup>th</sup> was the incorrect process to alleviate the ratepayers of Hobart from being the sole funding source for the Taste and other process should have been explored to proceed forward for a potential new funding model or partnership for an event to occur in 2021-22 and beyond.

The Council resolved that

1. The Council resolve that it no longer needs to own nor deliver the Taste of Tasmania
2. The CEO develop a transition plan to divest the City of the Exclusive ownership and delivery of the Taste of Tasmania.
3. A further report be provided to the Council with a transition plan outcome and proposal for the future of the Taste of Tasmania by the end of the 2021/2022 financial year.
4. A further report be provided to Council on the proposal for a 2021-22 waterfront summer season activation program that includes Christmas & New Year programming.
5. The new State Government be requested to honour the commitment of the previous Government to support the consideration of further options around the Taste of Tasmania.

The State Government resolved not to pursue an event in 2020-21 and on that basis it's clear that what occurred in 2021-22 is not relevant this is clarified by memos provided in 2020.

The resolution above does not direct the HCC to formally engage with the Premier or others to deliver a Taste or Similar in 2021/22.

Not pursuing urgent discussions with the Government to me is the HCC demonstrating that as the Capital City the HCC is not considering its role and importance towards the big picture of the State. Hobart is the Capital and must demonstrate leadership in particular in its important role it plays State-wide. The Sydney to Hobart Yacht race is a world renowned yacht race and it places Hobart on the World stage which has far more benefits that are not evaluated in dollar terms.

Notwithstanding that there may be “other” potential stake holders that may consider delivering an event for 2021. For the Council to simply walk away from providing in kind or financial assistance that ensures that an event is held in 2021 would be irresponsible.

Irrespective of the covid situation the Council has an obligation to either deliver or assist within reason to ensure that the Taste or similar event is delivered for 2021.

Even though the event draws tourists in the covid situation we are all having to endure an event such as the Taste allows the General public an opportunity to enjoy the stresses that covid has delivered all the community in general hence the importance of an event in 2021.

The HCC staff are aware of a timeline required to deliver such an event and time is of essence.

I have personally had discussions with various business people, Stall holders and Stakeholders including “other” events experts and also former Lord Mayor and the original Taste initiator Dr John Freeman who ALL believe that a Taste or similar events based on the original concept should be considered for 2021-22.

Considering the Premier has demonstrated his willingness to see an event is held in 2020-21 and this did proceed it would also be inconsiderate to the Premier should the HCC not seek an urgent meeting to discuss what plans the Premier may put forward for a Taste or Similar event for 2021-22 and on this point alone; it is relevant and important to officially have discussions with the Premier and or Events Minister forthwith.

It is clear and evident that the decision by the HCC on May 10<sup>th</sup> does not provide the Council with options to formally pursue or discuss options for the Council to meet with the Premier or “others” on the potential to deliver the Taste or similar in 2021-22 and not enter into any possible “partnerships” and or providing in-kind or other assistance. On that basis it is also imperative and important that the Council proceed to formalise and meetings.”

**The Chief Executive Officer reports:**

1. The CEO and Director Community Life have met twice with senior government representatives from the Department of State Growth (that oversees cultural and tourism development). The purpose of these meetings was to implement item 5 of the Council's resolution from the 10 May 2021 Council meeting and to assist in planning for an interim event for the 2021-22 Christmas / New Year period.

At these meetings the State Government indicated a willingness to run an expression of interest process to find an events operator to run an interim event for 2021-22 while the Council continues to develop the longer term transition plan for the Taste of Tasmania.

2. The Director Community Life has continued to meet with key long term Taste stallholders who were consulted in the drafting of the report to Council and are supportive of the development of a transition plan to develop a proposal for the future of the Taste of Tasmania. They agree that taking the time to transition the Taste over an 18 month period would allow the time for a well scoped and considered new Taste style event to be planned with a strong board of governance in place to deliver the event over the 2022-23 Christmas / New Year period and further into the future.
3. Officers have undertaken some preliminary work on this transition plan.  
The plan will include:
  - A focussed engagement with key Taste stallholders and stakeholders run by an experienced consultant.
  - A consultant brief that includes facilitation of stakeholder meetings, development of a governance model for the Taste based on consultation with the hospitality and events sector and a long range financial plan that considers all income and expenditure of the new event including federal, state and local government financial support.
  - Careful consideration of the Taste brand in the process of this transition.
4. As per item 4 of the Council resolution of 10 May 2021, a draft activation plan will be presented for consideration at a future Council meeting.

**COMMUNITY, CULTURE AND EVENTS COMMITTEE**

**13. Busking and Street Performance 6-month trial**  
**File Ref: F21/24134**

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Ref: Open [CCEC 6.1](#), 27/05/2021

- That:
1. The Council approve an expanded Busking and Street Performance Program for the City of Hobart.
  2. Based on the findings of the Busking and Street Performance trial of 1 October 2020 to 30 March 2021, the Chief Executive Officer finalise the terms and conditions for delivery of the expanded program to commence by August 2021.

<b>SPECIAL REPORT - LORD MAYOR</b>
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**14. Elected Member Professional Development Plan - Deputy Lord Mayor Cr Burnet**  
**File Ref: F21/49374**

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Memorandum of the Lord Mayor of 2 June 2021 and attachment.

Delegation: Council



City of **HOBART**

**MEMORANDUM: COUNCIL**

**Elected Member Professional Development Plan - Deputy Lord Mayor Cr Burnet**

The estimated costs associated with the professional development plan is \$950.00 which will be deducted from Deputy Lord Mayor Cr Burnet's individual allocation and attributed to the Elected Member professional development allocation within the Elected Member Allowances and Expenses Function of the Annual Plan 2020-21.

**RECOMMENDATION**

***That the Professional Development Plan for Deputy Lord Mayor Cr Burnet, as attached to the Open Council Agenda of 7 June 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.*

Councillor A M Reynolds  
**LORD MAYOR**

Date: 2 June 2021  
File Reference: F21/49374

Attachment A: Professional Development Plan - Deputy Lord Mayor - Cr Burnet - May 2021 ↓ 



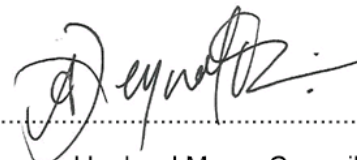
**Professional Development Plan for Elected Member DLM Cr Helen Burnet ..... for the 12 month period commencing Nov 2020...**

<b>Development need:</b>	<b>Targeted Outcome:</b>	<b>Identified activity / training and location:</b> (if known)	<b>Date of activity</b> (if known):	<b>Cost</b> (if known):	<b>Supporting documentation attached</b> ✓	<b>Date report provided:</b> (office use)
Media Training	Improved communications and messaging skills	Media training face to face	May 2021	<b>\$950 approx</b>		



Elected Member

Date: 19/05/2021



Approved by Lord Mayor Councillor Anna Reynolds

Date: 24/05/2021

Date plan provided to Council for noting: 7 June 2021

## 15. CLOSED PORTION OF THE MEETING

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### RECOMMENDATION

That the Council resolve by absolute 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:

- Legal Action involving the Council
- Information of a personal nature
- Contract Information
- Purchase of Land
- Minutes of a Closed meeting

The following items are listed for discussion:-

- |              |  |
|--------------|--|
| Item No. 1   | Minutes of the last meeting of the Closed Portion of the Council Meeting                               |
| Item No. 2   | Communication from the Chairman  |
| Item No. 3   | Leave of Absence   |
| Item No. 4   | Consideration of supplementary Items to the agenda   |
| Item No. 5   | Indications of pecuniary and conflicts of interest   |
| Item No. 6   | Response to Petition - Dynnyrne Road - Resealing<br>LG(MP)R 15(2)(d)                                   |
| Item No. 7   | Collins Street at Molle Street Intersection Upgrades -<br>Purchase of Land<br>LG(MP)R 15(2)(f) and (g) |
| Item No. 8   | Review of Awards Bestowed by the Council<br>LG(MP)R 15(2)(g)   |
| Item No. 9.1 | PLN-19-319 63 Davey Street Hobart TAS 7000 - Appeal -<br>Mediation<br>LG(MP)R 15(4)(a)                 |
| Item No. 10  | Minutes - Risk and Audit Panel<br>LG(MP)R 15(2)(g)   |