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Measured form and function

16 March 2020 Council Agenda - 16 April 2020 - Agenda Item 9.4  
Attachment 3 - Draft Amendment 58 and Permit DA0472-2019  
Response to Representation

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Dear Iain,

**DRAFT AMENDMENT 58 & DA0472/2019 – 40520 TASMAN HIGHWAY, ST LEONARDS – RESPONSE TO ISSUES RAISED IN REPRESENTATIONS**

Please find the following response to the issues raised in the representations to Draft Amendment 58 and Permit DA0472/2019 for Council's consideration.

### 1. Validity of the application

- Landowner permission from JCBGP Pty Ltd, in accordance with Section 33(2A) and 43D(1) of the Act, is dated 13 September 2019 and forms part of the application.
- Landowner permission from the Department of State Growth, in accordance with Section 43D(1) of the Act, to the extent that the application involves works within the State road network (Tasman Highway), is dated 24 September 2019 and forms part of the application.
- The proposed stormwater infrastructure identified in the application, including stilling zones and energy dissipation, has been designed to mitigate post-development flows and sedimentation prior to discharge from the site. Therefore, no works within the adjacent 22 Whisky Road, St Leonards form part of the application.

### 2. Landslide

- The Landslide Planning Report (Department of Premier and Cabinet, 2013) identifies that all Proclaimed Landslip B area have been included Medium landslide hazard bands. However, Medium landslide hazard band areas did not then become Proclaimed Landslip B areas, which are declared by Mineral Resources Tasmania under the *Mineral Resources Development Act 1995*. There are no Proclaimed Landslip B areas associated with the site and the restrictions under the *Building Act 2016* and *Building Regulations 2016*, including limitations water storages, do not apply. In any event, the provision of water storage tanks in conjunction with future dwelling development, and the associated piping of overflow water to roadside drainage where relevant, will assist in minimising the seepage of surface water into the ground in the identified Medium landslide hazard band areas.

### 3. Agricultural conflict

- Further advice obtained from AK Consultants, which authored the Agricultural Assessment, indicates that a 50m setback from the adjacent 6.269ha cropping farm to the south-west would be reasonable. This would be consistent with the setback recommended in the Agricultural Assessment relative to the farmland to the south-east (affecting Lots 27-30).

- Due to the requirement to maintain an adequate setback between a future on-site wastewater management disposal field and the drainage line and spring within Lot 18, as recommended by Geoton, a future dwelling would be located in the north-east portion of the lot outside a 50m setback. Therefore, there will be no impact on this lot.
- Lots 20 and 21 will be capable of accommodating a nominal 20m x 20m dwelling area that is setback a minimum of 20m from each boundary and 50m from the shared boundary with the land to the south-west.
- Lot 23 adjoins the Tasman Highway and a 50m setback within this lot therefore does not appear to be needed. However, in any event, the lot would be capable of accommodating a nominal 20m x 20m dwelling area that is setback a minimum of 20m from each boundary and 50m from the shared boundary.
- It is noted that Clause 13.4.2 A4 in the Rural Living Zone provision requires dwelling development to be setback at least 200m from the boundary of the Rural Resource zone. A lesser distance can be approved subject to an assessment against the associated performance criteria P4. The 50m setback identified by AK Consultants relative to the land to the south-east and south-west signifies that it would be reasonable to reduce the setback to this distance upon an assessment of the performance criteria.

#### **4. Traffic impacts**

- The Traffic Impact Assessment (“TIA”) which accompanies the application identifies that the White Gum Rise junction with the Tasman Highway is already built to a high standard and, given the low traffic volumes, can easily cope with the additional traffic generated by the proposed subdivision development. It is noted that the Department of State Growth has not raised any concerns regarding potential impacts on the safety and efficiency of the Tasman Highway.
- The available sight distances have been calculated, and identified as compliant, in accordance with the with the professional judgement of a qualified and experienced traffic engineer.
- There is no specific requirement to provide dedicated facilities for pedestrians in rural living subdivisions under the Scheme. The utilisation of roads and grassed roadside verges by pedestrians is common in these types of areas, where traffic volumes are typically relatively low. The proposal will not have an adverse impact on pedestrian safety or amenity.
- The TIA identifies that the new subdivision road junction with White Gum Rise, which will be constructed to the requirements of Council’s road authority, will be adequate.

#### **5. Reticulated water supply**

- The application can be distinguished from the proposal subject to the recent Tribunal decision in *6ty Pty Ltd v Northern Midlands Council [2019] TASRMPAT 29 (20 December 2019)*. The current subdivision proposal is not capable of being connected to an existing reticulated water system by means of an extension. Given issues with reliability, an upgrade/augmentation or duplication of key parts of the existing system, including the pump station at the Distillery Creek water treatment plant and reservoir to the east of White Gum Rise, would be required.

## **6. Impact on water supply for agriculture**

- The Hydraulic Assessment identifies that the changes in hydrology in the pre- and post-development scenarios will largely be caused by the routing of flows by the subdivision road and roadside drains, rather than development within individual lots. Therefore, in the event that the water storage capacity within individual lots is greater than assumed, this would not have a significant impact on the post-development scenario.

## **7. Discharge of stormwater**

- The management of water within the subdivision, including on-site disposal of wastewater by way of Aerated Wastewater Treatment Systems (AWTS), on-site disposal of stormwater on lots that are not within a Medium landslide hazard band and the provision of stilling zones and energy dissipation within the roadside drainage, will protect water quality and environmental values.

## **8. Lot sizes**

- The relevant performance criteria in Clause 13.4.4 P1.1 requires lots to have sufficient useable area and dimensions suitable for their intended use. The application demonstrates that the proposed lots are capable of accommodating a future dwelling area and associated bushfire hazard management area, on-site wastewater management systems, on-site stormwater management systems (where relevant), the provision of private open space and adequate setbacks from boundaries, the central drainage line native vegetation required by Council to be retained and adjoining agricultural land. The existing pattern of development in the area is a relevant matter to have regard to in assessing the performance criteria. There is no specific requirement for consistency however the analysis in the Planning Submission is intended to show that the proposed lot sizes are broadly compatible with those in the original Drivers Run subdivision. There is an mandatory minimum lot size of 1ha identified in the performance criteria, which the proposal complies with.

## **9. Implementation of the stilling zones**

- A concept plan for the stilling zones (Subdivision Concept, Roadside Drainage Concept Plan, Driveway Cross Section) was included with the application and is an endorsed plan identified in Condition 1(f) of Council's Permit DA0482/2019. Further details of these features will need to be provided to Council in seeking engineering design approval for the road and stormwater infrastructure.

## **10. Visual impact of overhead powerlines**

- As noted in our representation on behalf of JCBGP Pty Ltd dated 25 February 2020, the proposal seeks to extend the overhead electricity infrastructure which already exists within the original Drivers Run subdivision which itself was extended from overhead infrastructure along the Tasman Highway. The proposal is therefore compatible with the surrounding area with respect to the provision of overhead electricity infrastructure.

### **11. Sufficiency of on-site fire-fighting water supply**

- The provision of a (minimum) 10,000 litre water tank per dwelling is consistent with the requirements in the Bushfire-Prone Areas Code in the Scheme.
- Notwithstanding, JCBGP Pty Ltd would be agreeable to an additional clause in the Part 5 Agreement required by Permit DA0482/2019 stipulating that water storage tanks for fire-fighting purposes, provide in conjunction with future dwelling development, are to have a minimum capacity of 20,000 litres.

### **12. Bushfire hazard management plan**

- The Bushfire Report and Hazard Management Plan is an endorsed plan identified in Condition 1(j) of Permit DA0482/2019. The provision of slightly enlarged turning circles at the end of each cul-de-sac road (with a 12m radius) are capable of being accommodated, which involves a minor change to these features as currently shown on the proposal plan. Further details will need to be provided to Council in seeking engineering design approval for the road infrastructure.
- The provision of enlarged turning circles is considered to be required by Condition 1(j) of Permit DA0482/2019. However, JCBGP Pty Ltd would be agreeable to an amendment of Condition 10(b)(iii) of the permit to specifically require the turning circles at the end of each cul-de-sac road to have a radius of 12m.
- Condition 2 of Permit DA0482/2019 requires the Bushfire Hazard Management Plan to be amended for consistency with the On-Site Wastewater Plan (Drawing P07). This will overcome the minor inconsistencies between the two documents, relating to the location of indicative building areas.

### **13. On site wastewater assessment**

- The information shown on the Existing Drainage Features Plan (Drawing P13) which accompanies the application is based on LIDAR data and is therefore accurate than the details relevant to the site shown in Figure 5.2.2 of the Scheme. The drainage line shown along the northern boundary of the site, through Lots 10-18, is a runoff pathway. The central drainage line through the site is located further to the south.

### **14. Whether Drivers Run Specific Area Plan should be extended**

- The issues dealt with in the Specific Area Plan (“SAP”) relative to the original Drivers Run subdivision are addressed in the current application by the existing Rural Living Zone provisions (building height, stormwater management and water supply), Water Quality Code (stormwater management), the Part 5 Agreement required by Council (native vegetation removal and on-site wastewater management) and the proposal plan of subdivision (future road connectivity). Further detailed provisions, in the form of a SAP are therefore not warranted.

### 15. Footpath link to Magpie Crescent

- The provision of a footpath link to Magpie Crescent is proposed to satisfy a requirement identified by Council, in recognition of the utilisation of the road network within the original Drivers Run subdivision by pedestrians.

### 16. Public transport

- The integration of land use with public transport in proximity in and around regional activity centres is identified in several regional policies and actions in the Northern Tasmania Regional Land Use Strategy, including RSN-A6 and RSN-P6. There are other regional policies and actions relevant to rural living development. These do not identify that rural living areas are specifically intended to be integrated with public transport services.

### 17. Fencing

- JCBGP Pty Ltd confirms that there will be no restrictive covenants that would override the provisions of the *Boundary Fences Act 1908*.

Please do not hesitate to contact me should any clarification be required.

Yours faithfully

**6ty° Pty Ltd**



Ashley Brook

Planning Consultant

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