



Planning Report

Combined Section 37(1) & 40T(1) Application

*Request to Amend the Launceston LPS and a
Related Permit for a Rural Residential
Subdivision*

'Paisley' - 40768 Tasman Highway, Waverley



Document Control Record

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1. Introduction

6ty° has been engaged by **Garry and Lesley Dawkins** to prepare a combined application for a proposed amendment to the Launceston Local Provisions Schedule (**'LPS'**) of the *Tasmanian Planning Scheme – Launceston* (**'Planning Scheme'**), and a permit for a proposed 23-lot subdivision at 40768 Tasman Highway, Waverley (the 'site').

The combined application is made to the City of Launceston (**'Council'**) planning authority in accordance with Section 37(1) and 40T(1) of the *Land Use Planning and Approvals Act 1993* (the **'Act'**). It is lodged on behalf of Garry Ivan Dawkins and Lesley Evelyn Dawkins, who are the owners of the site.

The proposed amendment seeks to rezone the site, and relevant parts of the adjoining Boomer Road, from Rural to Rural Living Zone A. This will enable the proposed subdivision development, and the construction of associated works, to be considered under the applicable provisions for the Rural Living Zone in the State Planning Provisions (**'SPPs'**) of the Planning Scheme.

1.1 Purpose of the Report

This Planning Report forms the basis of the combined application. It has been informed by the proposal plans and accompanying assessments. It has been prepared to provide a description of the site and the proposal. It includes a consideration of the relevant requirements and objectives of the Act and the details of relevant strategies and other planning documents, including:

- State Policies;
- *Northern Tasmania Regional Land Use Strategy* (**'NTRLUS'**);
- *Launceston Residential Strategy 2009-2029* (**'Residential Strategy'**);
- Council's *Eastern Approaches Long Term Conceptual Development Plan, 2010* (**'conceptual development plan'**);
- Council's *Strategic Plan 2014-2024: 2019 Review*; and
- the Planning Scheme.

1.2 Planning Overview

The matters summarised in Table 1 are described in greater detail throughout this Planning Report.

Table 1 – Overview of the Combined Application

Site		
Address:	40768 Tasman Highway, Waverley	
Property Identification ('PID') Number:	6934699	
Certificate of Title ('CT') Reference:	Volume	Folio
	104384	2
Owners:	Garry Ivan Dawkins Lesley Evelyn Dawkins	
Area:	25.47 hectares	

Statutory References	
Planning Instrument:	<i>Tasmanian Planning Scheme - Launceston</i>
Planning Authority:	City of Launceston
Existing Zoning:	Rural
Applicable Overlays:	Waterway and Coastal Protection Area (part) Priority Vegetation Area Bushfire-Prone Area Landslip Hazard Area (part) Airport Obstacle Limitation Area
Applicable General Overlay:	Nil
Proposed Amendment	
Description:	<p>Apply the Rural Living Zone A to the:</p> <ul style="list-style-type: none"> • Site; and • Relevant parts of the road parcels associated with Boomer Road, extending to the centreline of the road.
Permit Application	
Proposed Use:	Nil
Proposed Development:	<p>Subdivision</p> <ul style="list-style-type: none"> • Subdivide the site into 23 lots, plus a road lots, in stages. <p>On-Site Infrastructure Works</p> <ul style="list-style-type: none"> • Construction of associated works within the site, including: <ul style="list-style-type: none"> – Cul-de-sac road, associated vehicle crossings and shared driveway for Lots 14 and 15; – Water supply infrastructure; and – Electricity services; <p>Works in Boomer Road</p> <ul style="list-style-type: none"> • Construction of associated works in the road parcels associated with the adjoining Boomer Road, including: <ul style="list-style-type: none"> – New road junction associated with the cul-de-sac road; – Provision of vehicle crossings to service the relevant lots; – Upgrade of the junction with the Tasman Highway; – Installation of a new water main extending from the nearby reticulated water supply system; and – Provision of individual water connections to the relevant lots.

Permit Application	
	<p>Works in the Tasman Highway</p> <ul style="list-style-type: none"> Construction of associated works within the road reservation of the Tasman Highway, including: <ul style="list-style-type: none"> Upgrade of the junction with Boomer Road to include a Basic Left ('BAL') turn facility to accommodate traffic movements from the highway. <p>In accordance with the accompanying Traffic Impact Assessment, this upgrade will occur as part of the relevant stage involving the creation of the 13th lot within the subdivision.</p>
Applicable Zone:	Rural Living
Applicable Codes:	Parking and Sustainable Transport Road and Railway Assets Natural Assets Bushfire-Prone Areas Landslip Hazard
General Provisions:	7.10 Development Not Required to be Categorised into a Use Class
Application Status:	Discretionary

1.3 Accompanying Plans and Documents

This Planning Report considers the proposal plans and other assessments that accompany the combined application, which are listed in Tables 2 and 3. The report should be read in conjunction with these accompanying plans and assessments.

Table 2 – Current Proposal Plans

Drawing Title	Project Number	Drawing Number	Revision/ Issue	Date
Drawings by 6ty Ltd Ptd				
Proposal Plan of Subdivision	22.257	Cp01	G	21/05/2025
Proposal BAL Treatment Plan	22.257	Cp02	F	5/12/2024

The proposal plan of subdivision is reproduced in Figure 1 below.

[illegible]

Table 3 – Accompanying Assessments

Assessment Title	Consultant	Project Number	Revision/ Issue	Date
Rural Living Market Assessment	Urban Enterprise	-	1	February 2024
Agricultural Report	RMCG	2038	1.1	9/07/2025
Preliminary On-site Wastewater Disposal Evaluation	Geoton	GL23301Ab	01	4/07/2025
Traffic Impact Assessment	Traffic & Civil Services	-	7	20/12/2024
Flora and Fauna Report	RMCG	1462	1.1	9/07/2025
Bushfire Hazard Management Report	RMCG - Michael Tempest (BFP-153)	1308	2.0	9/07/2025

2. Location

2.1 Site Details

The site comprises the property located at 40768 Tasman Highway, Waverley (Property ID 6934699), as identified in Figure 2. It consists of a single lot with an area of 25.47 hectares.

Figure 2 – Aerial Image of the Site¹



The site has frontage to Boomer Road along its entire south-eastern boundary, extending approximately 578.64 metres, and along a portion of its north-eastern boundary, extending a further 131 metres. The site also has frontage to the Tasman Highway along its south-western boundary, with a total length of approximately 512.61 metres.

The site is identified as Lot 2 on Sealed Plan 104384 and is comprised in Certificate of Title Volume 104384 Folio 2. The registered owners are Garry Ivan Dawkins and Lesley Evelyn Dawkins.

The accompanying title documentation includes details of the following easements affecting parts of the site:

- A 3-metre-wide pipeline easement extending along the north-western boundary to Distillery Creek which benefits the adjoining land at 40770 Tasman Highway (shown as Lot 1 on Sealed Plan 50728); and
- A 3-metre-wide pipeline easement extending along part of north-eastern boundary, between Boomer Road and Distillery Creek. This benefits the adjacent properties to the south-east of Boomer Road created following the subdivision of the land shown within Lot 3 on Sealed Plan 104384 (previously described as 30 Boomer Road). This includes the current properties described as 40692 Tasman Highway and 20, 22 & 30 Boomer Road.

¹ Source: Base image and data from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

2.1.1 Other Land Involved

The combined application also involves land within the road parcels associated with Boomer Road and the road reservation of Tasman Highway.

The Rural Living Zone A is proposed to be applied to the relevant portions of the road parcels associated with the adjoining sections of Boomer Road to the south-east and north-east. This zoning will extend to the centreline of the road, consistent with the existing zoning application on the eastern side of Boomer Road.

The construction of associated works, involving the provision of road access, water supply and electricity services, as well as the upgrade of the junction of Boomer Road with the highway, will occur partly within the adjacent road parcels.

The adjoining sections of Boomer Road, to the south-east and north-east of the site, are situated within land shown as "Boomers Road 10.06 Wide" on the survey certificate associated with Sealed Plan 104384, as well as on Sealed Plan 50728. Copies of these plans form part of the title documentation accompanying the combined application.

In addition, two narrow strips of land, located either side section of Boomer Road to the south-east of the site, are dedicated as Road. This dedication is shown on Sealed Plan 104384, the same plan associated with the site, which was registered by the Recorder of Titles on 19 April 1993. It applies to Lots 4 and 5 on the plan, which have depths of 5.04m and 3.19m respectively. Lot 4 also extends for a relatively short distance along the Tasman Highway, tapering in width towards the north. Lot 5 similarly extends along the highway. The lots are comprised in Certificates of Title Volume 104384 Folio 4 and 5, respectively. Copies of these titles accompany the combined application.

Boomer Road is a public road administered by Council in accordance with the Local Government (Highways) Act 1982. It is vested in Council and administered through maintenance, control and care as a local highway.

While CT 104384/4 is formally dedicated as Road, it is currently fenced along its south-eastern boundary with rural-style fencing and appears visually to form part of the site. The land remains in the ownership of the former owners of the site. Council is seeking to have this land transferred into its ownership, consistent with its status as dedicated road.

CT 104384/5 is also dedicated as Road and remains in private ownership, although it effectively functions as part of the road corridor administered by Council. It includes rural-style fencing along its far (eastern) side, and is traversed by vehicle crossings serving three rural residential properties located on the opposite side of Boomer Road.

The adjoining section of the Tasman Highway is contained within a road reservation, which is Crown land administered by the Department of State Growth.

2.2 Site Characteristics

2.2.1 Zoning

The site is shown within a Rural Zone on Launceston LPS maps.

The land associated with Boomer Road that is involved in the combined application, located between the site frontage and the centreline of the road, is zoned Rural. The land on the opposite (eastern) side of the centreline is within a Rural Living Zone.

The land within the road reservation of the Tasman Highway is zoned Utilities.

2.2.2 Land Use History

The site contains two dwellings in its western corner, adjacent to the Tasman Highway frontage. Several sheds are also present within the site, the majority of which are situated within the same western corner.

Most of the site has predominantly been cleared of vegetation and is currently managed as pasture. The land is primarily used for grazing by horses and related equine activities. According to the accompanying Agricultural Report, the existing grazing use is classified as hobby scale. The property also contains riparian vegetation along the boundary with Distillery Creek, as well as isolated patches of vegetation in other parts of the site.

The site is not known to have previously been used for a potentially contaminating activity listed in the Potentially Contaminated Land Code of the SPPs.

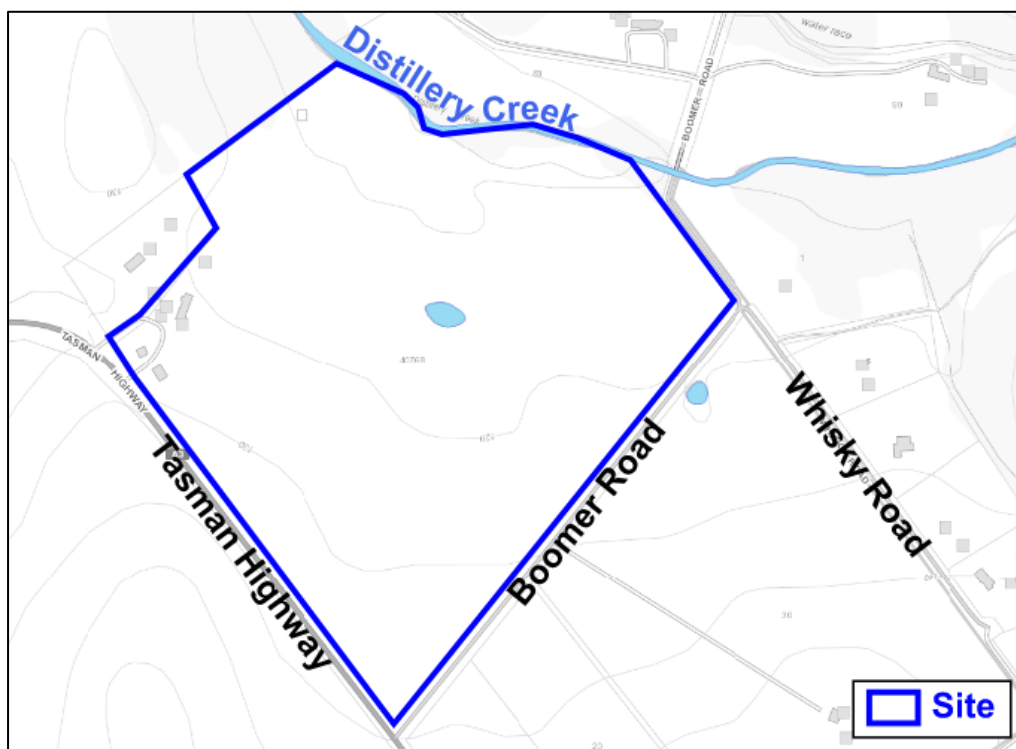
2.2.3 Land Capability

The published 1:100,000 scale land capability mapping (Pipers Report, 1991) identifies the entirety of the site as Class 4 land. The 1:10,000 scale mapping included in the accompanying Agricultural Report identifies a combination of Class 4 land (10.1ha), Class 5 land (8ha), Class 5+6 land (5.1ha) and Class 6 land (1.4ha). The land therefore does not fall within the definition of prime agricultural land in the *State Policy on the Protection of Agricultural Land 2009*.

2.2.4 Topography and Drainage

Distillery Creek forms part of the north-eastern title boundary, as indicated in Figure 3, and flows east to west.

Figure 3 – Topographic Details²



The site therefore has a northerly aspect. The fall in this direction is relatively gentle, with an average gradient of 5.5%. The land includes areas with exposed surface dolerite. It includes a small dam located centrally within the property, and existing drainage paths located further downslope.

² Source: Base image and data from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

2.2.5 Heritage Values

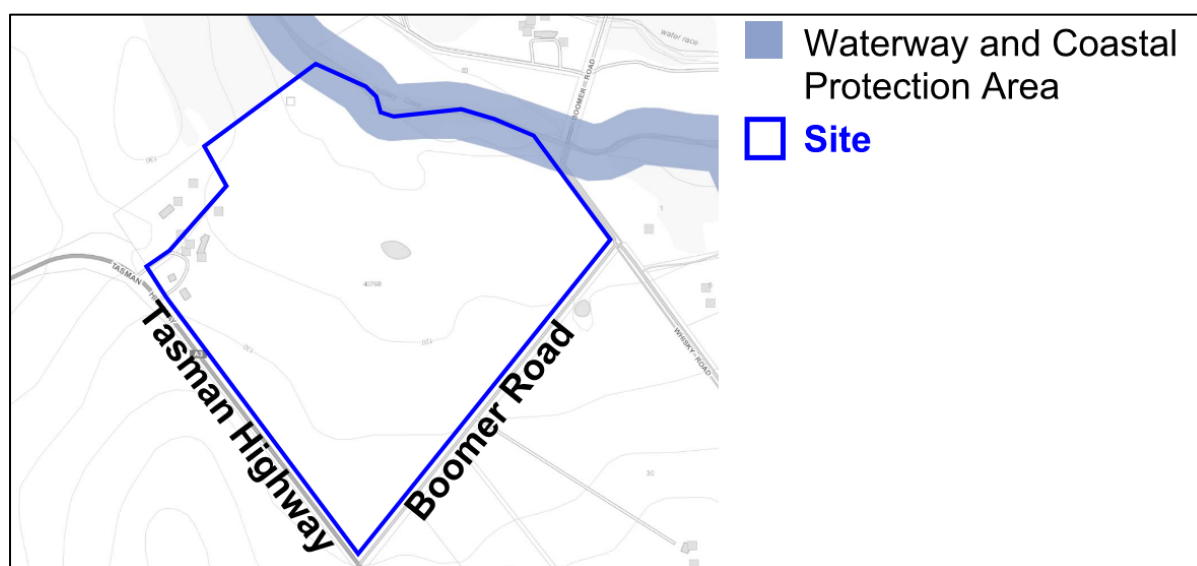
The site does not form part of a listing in the Launceston LPS or the Tasmanian Heritage Register.

A search of the Aboriginal Heritage Tasmania database has not identified any registered Aboriginal relics or apparent risk of impacting Aboriginal relics.

2.2.6 Natural Assets

The site is shown as being partially subject to a Waterway and Coastal Protection Area overlay on Launceston LPS maps, as identified in Figure 4. This overlay is associated with Distillery Creek and extends 40 metres on either side of the watercourse.

Figure 4 – Waterway and Coastal Protection Area Overlay³



Distillery Creek is a Class 1 watercourse, and the width of the overlay is therefore 40m to each side.

The entirety of the land involved in the combined application is shown as being subject to a Priority Vegetation Area overlay on the Launceston LPS maps.

TASVEG 4.0 mapping⁴ identifies most of the site (24.3 hectares) as agricultural land (FAG). Approximately 0.3 hectares is identified as eastern riparian scrub (SRE), associated with Distillery Creek, along the northern boundary. Riparian scrub is listed as a threatened native community under the *Nature Conservation Act 2002*. The mapped area of this community is almost entirely located within the Waterway and Coastal Protection Area overlay. It is noted that the proposed subdivision does not include any associated works within the area of riparian vegetation.

2.2.7 Scenic Values

The land involved is not shown as being subject to a Scenic Protection Area or Scenic Road Corridor overlay on the Launceston LPS maps.

³ Source: Base image and data from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

⁴ Tasmanian Vegetation Monitoring and Mapping Program, Natural Values Conservation Branch of the Department of Primary Industries, Parks, Water and Environment, May 2020.

2.2.8 Natural Hazards

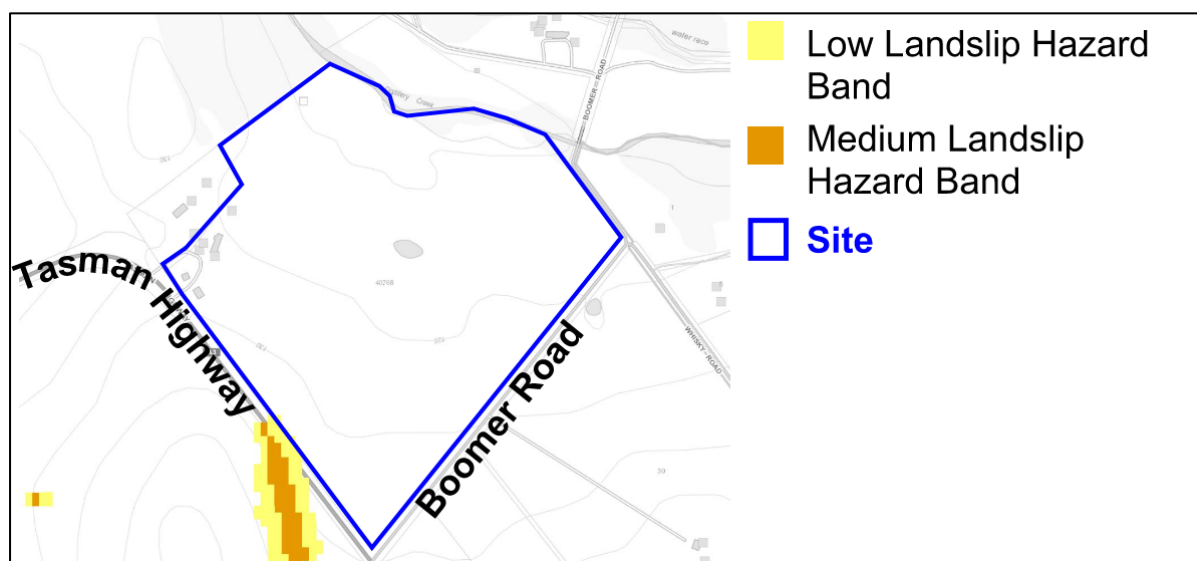
Flooding

The land involved is not shown as being subject to a Flood-Prone Hazard Area overlay on the Launceston LPS maps.

Landslip Hazard

The land involved is shown as being partially subject to a Landslip Hazard Area overlay on the Launceston LPS maps. The extent of land that is subject to this overlay is relatively limited, as identified in Figure 5. It includes an area within the section of the Tasman Highway adjoining the site to the south-west. This area extends across the frontage into the site, involving a low landslip hazard band.

Figure 5 – Landslip Hazard Area Overlay⁵



The proposed subdivision does not include any building area within the land that is subject to the overlay. It also does not include any associated works within the overlay, including those involved in upgrading the junction of Boomer Road and the Tasman Highway.

Bushfire Hazard

The land involved is shown as being wholly subject to a Bushfire-Prone Area overlay on the Launceston LPS maps. The accompanying Bushfire Hazard Management Report ('BHMR') classifies most of the site as grassland. For the purposes of the assessment of the Bushfire-Prone Areas Code, the riparian vegetation along the boundary with Distillery Creek is classed as forest. A patch of vegetation adjacent to the north-west boundary, which is contiguous with similar vegetation in the adjoining property in this direction, has also been classed as forest. The land associated with the existing dwellings in the western corner of the site has been classed as low threat vegetation.

2.2.9 Airport Obstacle Limitation Area

The land involved is shown as being subject to an Airport Obstacle Limitation Area overlay on the Launceston LPS maps. The relevant AHD height specified for the overlay is 316m AHD. The land involved reaches an elevation of approximately 140m. It is therefore well below the obstacle limitation surfaces associated with the Launceston Airport Runway.

⁵ Source: Base image and data from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

2.3 Site Context

2.3.1 Adjoining and Adjacent Land

There are nine properties that either adjoin the site or are directly adjacent, on the opposite side of Boomer Road or the Tasman Highway. These properties range between 1.305 hectares and 91.9 hectares in area. As shown in Figure 6, six contain existing dwellings. This includes three dwellings to the south-east, one to the east, one to the north-east and one to the west. The land to the south-east and east is zoned Rural Living, to the north-east and west is zoned Rural and to the north-west and south-west is zoned Agriculture.

There are four properties directly adjacent to the south-east, on the opposite side of Boomer Road, including 40692 Tasman Highway and 20, 22 & 30 Boomer Road (CTs 177465/1-4) within the Waverley locality. These properties are within a Rural Living Zone B, and therefore subject to a 2-hectare minimum lot size requirement under the relevant acceptable solution in the SPPs. The easternmost of these adjacent properties, which contains an existing dwelling, has an area of 16.08 hectares. The other three properties vary between 2.518 hectares and 3.191 hectares, and two contain existing dwellings.

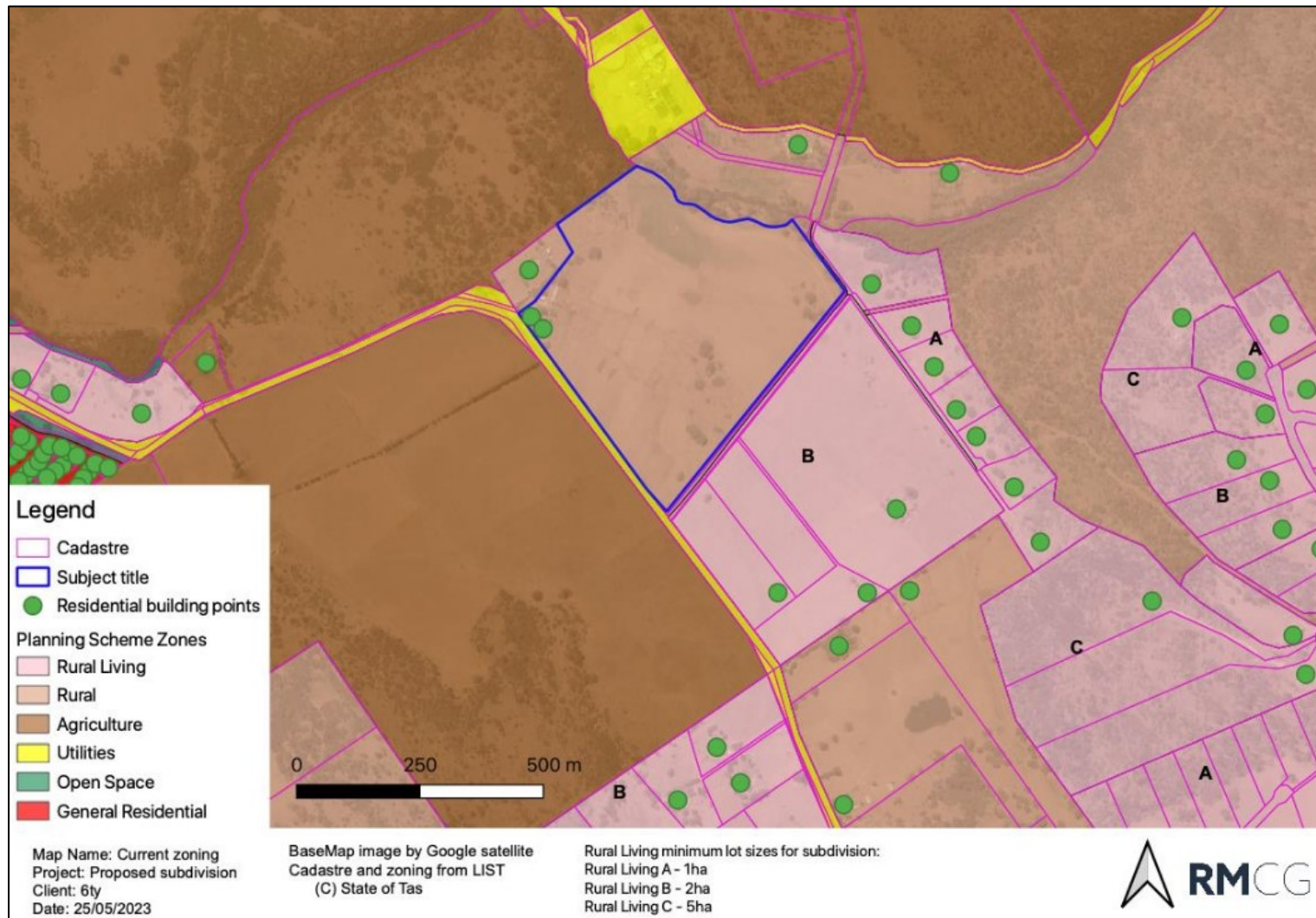
The directly adjacent property to the east of Boomer Road, at 1 Whisky Road (CT 165377/47) within the St Leonards locality, contains an existing dwelling. It is within a Rural Living Zone A, which has a 1-hectare minimum lot size acceptable solution. It has an area of 2.362 hectares however is subject to the Drivers Run Specific Area Plan in the Launceston LPS which includes a lot layout diagram. The existing lot layout within Drivers Run Estate is consistent with this diagram. Any potential future subdivision of the adjacent property would therefore be subject to performance criteria in the specific area plan provisions. There are a further six properties to the south-east along Whisky Road, within a Rural Living Zone A, which vary between 1.01 hectares and 1.832 hectares in area and also contain dwellings.

The adjoining property to the north-east at 83 Boomer Road, Waverley (CTs 41558/3-5), on the opposite side of Distillery Creek, is within the Rural Zone. The titles comprising this property have a combined area of 4.6 hectares. The property contains an existing dwelling and areas of vegetation and pasture used for grazing by horses and related equine activities. The adjoining property to the west at 40770 Tasman Highway (CT 50728/1), which is also zoned Rural, has an area of 1.305 hectares and contains a dwelling. The accompanying Agricultural Report describes both these properties as having lifestyle characteristics.

The adjoining property to the north-west at 40772 Tasman Highway, Waverley (CT 106269/1) is within the Agriculture Zone. It has an area of 40 hectares. It is in common ownership with other land contained in a 241-hectare title (CT 52627/1 – 129 Tasman Highway) to the north and east. The Agricultural Report identifies that the overall land holding appears to be utilised for grazing at potentially a commercial scale. However, CT 106269/1 is separated from the larger title by Distillery Creek and associated riparian vegetation. It is predominantly comprises of semi-improved pasture with gorse and paddock trees. The area within the title that adjoins the site is covered in vegetation and has surface dolerite present, which limits the agricultural potential.

The directly adjacent property to the south-west at 40855 Tasman Highway, Waverley (CT 116200/1 & CT 64472/1), on the opposite side of the highway, is within the Agriculture Zone. The titles comprising this property have a combined area of 91.9 hectares. CT 116200/1 has an area of 89.9 hectares, is utilised for dryland grazing and contains an existing dwelling in its western portion. CT 64472/1 contains a vineyard. The Agricultural Report identifies that there may be scope to develop a commercial scale vineyard on land also involving CT 116200/1. However, there is no water for irrigation associated with the land holding. It is likely water would need to be secured from Distillery Creek, which would require an agreement and easement developed with a relevant adjacent landowner. A pipeline under the Tasman Highway would also be required to convey the water to the property.

Figure 6 – Surrounding Zoning and Dwellings ⁶



⁶ Source: Figure A1-3 in the accompanying Agricultural Report by RMCG (2025).

2.3.2 Local Context

The site is located in the northern part of the Rural Residential Area at Waverley–St Leonards, as shown in Figure 7. The area currently within a Rural Living Zone includes Drivers Run Estate, Hillside Estate, the four properties on the opposite side of Boomer Road to the south-east and a number of properties at Abels Hill Road. Three properties are also located to the west along the Tasman Highway. The Rural Living Zone encompasses a combined area of 260 hectares and comprises 123 lots (excluding roads).

Figure 7 – Rural Residential Area at Waverley–St Leonards⁷

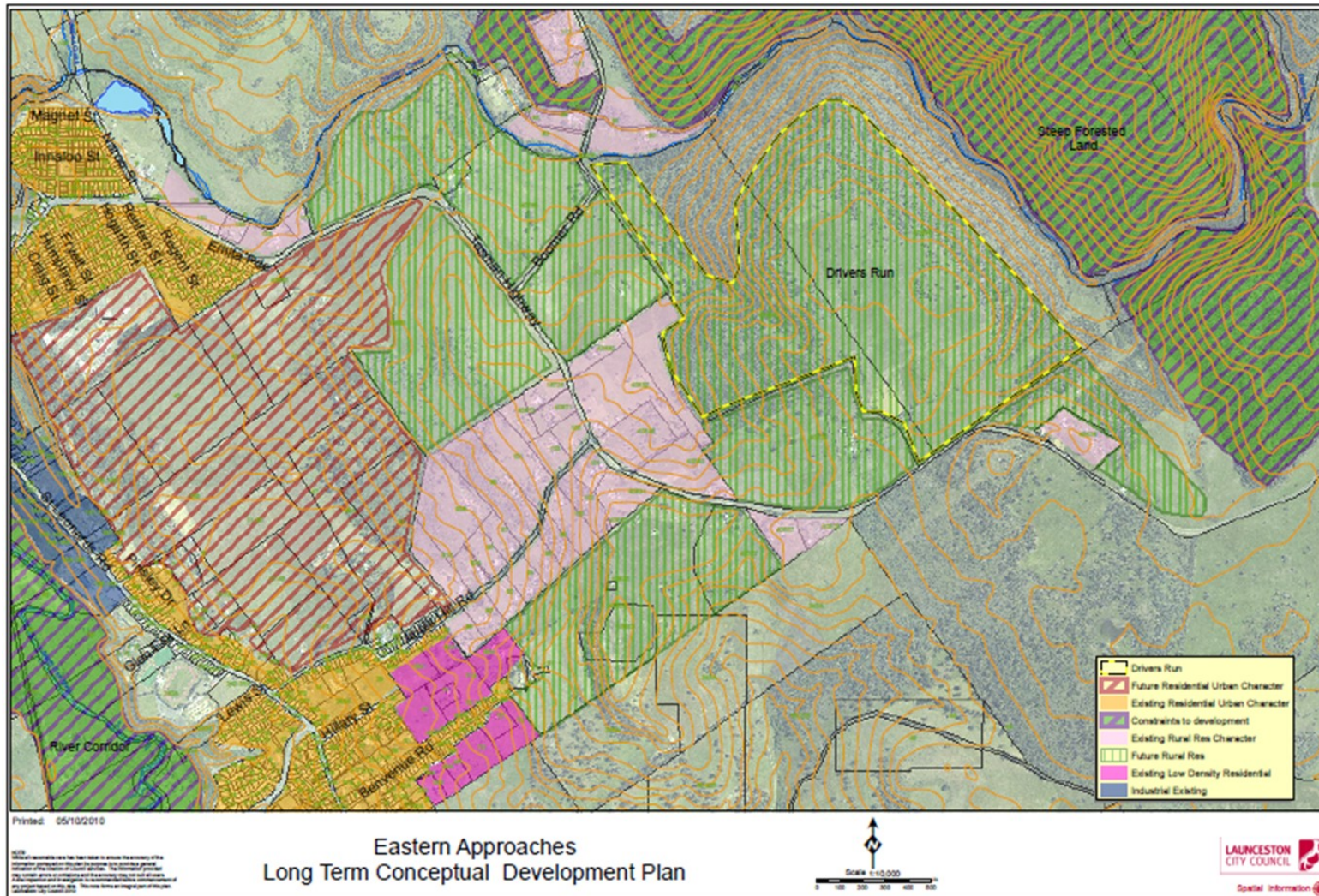


The land associated with Drivers Run Estate at St Leonards was rezoned to Rural Residential in 2011 and subsequently subdivided to create 63 lots. It was approved following the adoption of the Launceston Residential Strategy 2009-29, which did not specifically identify a Rural Residential Area in this part of the Launceston municipality. However, the Residential Strategy only allocated a portion of the anticipated demand for rural residential development in order to provide flexibility to consider other proposals.

The Drivers Run site, along with the site and other properties along the Tasman Highway, was subsequently identified as future rural residential on a map produced by Council in 2010, titled the *Eastern Approaches Long Term Conceptual Development Plan* (see Figure 8).

⁷ Source: Base image and data from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

Figure 8 – Eastern Approaches Long Term Conceptual Development Plan⁸



⁸ Council (2010).

The subdivision development within Drivers Run Estate included the construction of White Gum Rise, Escarpment Drive, Magpie Crescent and Whisky Road. 51 lots within the subdivision were ultimately included within a Rural Living Zone A under the Launceston LPS. This includes lots along White Gum Rise and Escarpment Drive with a lot size of less than 2 hectares, and all the lots along Whisky Road. The average size of the lots in the subdivision that are within the Rural Living Zone A is 1.29 hectares.

The Rural Living Zone B was applied to 7 lots within Drivers Run Estate with sizes ranging between 1.9 hectares and 2.7 hectares. The Rural Living Zone C was applied to five lots ranging between 3.7 hectares and 8 hectares. The larger lots that were created by the subdivision are mostly located on the western side of Escarpment Drive and Magpie Crescent and are subject to constraints relating to the existence of native vegetation and slope characteristics.

The land associated with Hillside Estate at St Leonards was previously comprised in a single property. It was identified as future rural residential on the conceptual development plan reproduced in Figure 8. It was rezoned to Rural Living in 2021 and subsequently subdivided to create 29 lots. The Rural Living Zone A was applied under the Launceston LPS. When the subdivision occurred, the existing dwelling associated with the parent property was retained on a relatively large 3.88-hectare lot. The lots within the subdivision otherwise range between 1.01 hectares and 1.62 hectares and have an average size of 1.15 hectares.

The land to the south-east of Boomer Road, and bounded by Whisky Road to the east, was previously comprised in a single property (30 Boomer Road). It was identified as future rural residential on the conceptual development plan reproduced in Figure 8. It was rezoned to Rural Living in 2018 and subsequently subdivided in 2019 to create three additional lots (40692 Tasman Highway and 20 and 22 Boomer Road). The Rural Living Zone B was applied under the Launceston LPS. When the subdivision occurred, the existing dwelling associated with the parent property was retained on a relatively large 16.08-hectare lot (the current 30 Boomer Road). This property has the potential to be subdivided in the future to create seven additional lots.

The land to the west of the Tasman Highway, on either side of Abels Hill Road at St Leonards, was identified as having rural residential characteristics on the plan reproduced in Figure 8. It includes 23 properties that were subsequently rezoned to Rural Living in 2016. The Rural Living Zone B was applied under the Launceston LPS. Planning approval was issued in 2023 to subdivide an 8.2-hectare property in this location (99 Abels Hill Road) into seven lots. The permit application for this subdivision was lodged prior to the introduction of the current Rural Living Zone B and was therefore approved under the previous zone provisions.

Three properties located to the west of the site along northern side of the Tasman Highway at Waverley were identified as having rural residential characteristics on the plan reproduced in Figure 8. They have subsequently been included in a Rural Living Zone. The Rural Living Zone A was applied under the Launceston LPS.

There are other properties adjacent to the current Rural Living-zoned area that contain existing dwellings and have lifestyle characteristics. This includes five Rural-zoned properties along the Tasman Highway to the west of Drivers Run and Hillside Estates. These properties, which vary between 2.1 hectares and 9.9 hectares, were identified as having rural residential characteristics on the plan reproduced in Figure 8.

There are two Rural-zoned properties directly to the south of Hillside Estate, on the opposite side of the Tasman Highway, which have areas of 1.5 hectares and 2.9 hectares. They are also identified as having rural residential characteristics on the plan reproduced in Figure 8.

The adjoining properties to the north-east and west of the have been described in the Agricultural Report as having lifestyle characteristics. These properties are both within the Rural Zone. The property to the north-east was identified as having rural residential characteristics on the plan reproduced in Figure 8, and the property to the west was identified as future rural residential.

Additionally, there is a single dwelling on a 1.07-hectare property to the west which is located between Rural Living-zoned properties in this location and 40772 Tasman Highway, Waverley. This property is within the Agriculture Zone. It was identified as having rural residential characteristics on the plan reproduced in Figure 8.

2.3.3 Regional Context

The localities of Waverley and St Leonards are located to the east and south-east of the Launceston Central Area respectively. Both include urban areas, fully serviced by utility infrastructure, that form part of the Greater Launceston Area ('GLA').

The urban area at Waverley includes medium density housing within a General Residential Zone, a primary school, a local shop and small café/restaurant, a light industrial area and Waverley Mills. Rural land, predominantly within an Agriculture Zone, is located within the locality to the east of the urban area. The resident population of the locality is 1583 persons according to the 2021 Census.

The urban area at St Leonards includes housing predominantly within a General Residential Zone and partly within a Low Density Residential Zone. It includes three primary schools, a small local shopping precinct, an aged care facility and a sports facility. It also includes an industrial precinct along St Leonards Road in the north-west of the locality, extending to Waverley.

Rural land in the locality includes the Rural Residential Area to the east and Agriculture-zoned land to the south. It also includes Rural-zoned land to the east of the urban area along St Leonards Road. Some rural land in this location, extending partly into the Waverley locality, is zoned General Residential and is awaiting subdivision for future dwelling development. The resident population of the St Leonards locality, including urban and rural areas, is 2531 persons according to the 2021 Census.

The site is within the southern part of the Waverley locality. It is located 850m to the east of the urban area in this locality, 2.3km to the north of the shopping precinct at St Leonards and 5.5km to the east of the Launceston Central Area. In addition to the services and facilities located within these locations, the suburbs of Newstead and Norwood are located 3km to the west.

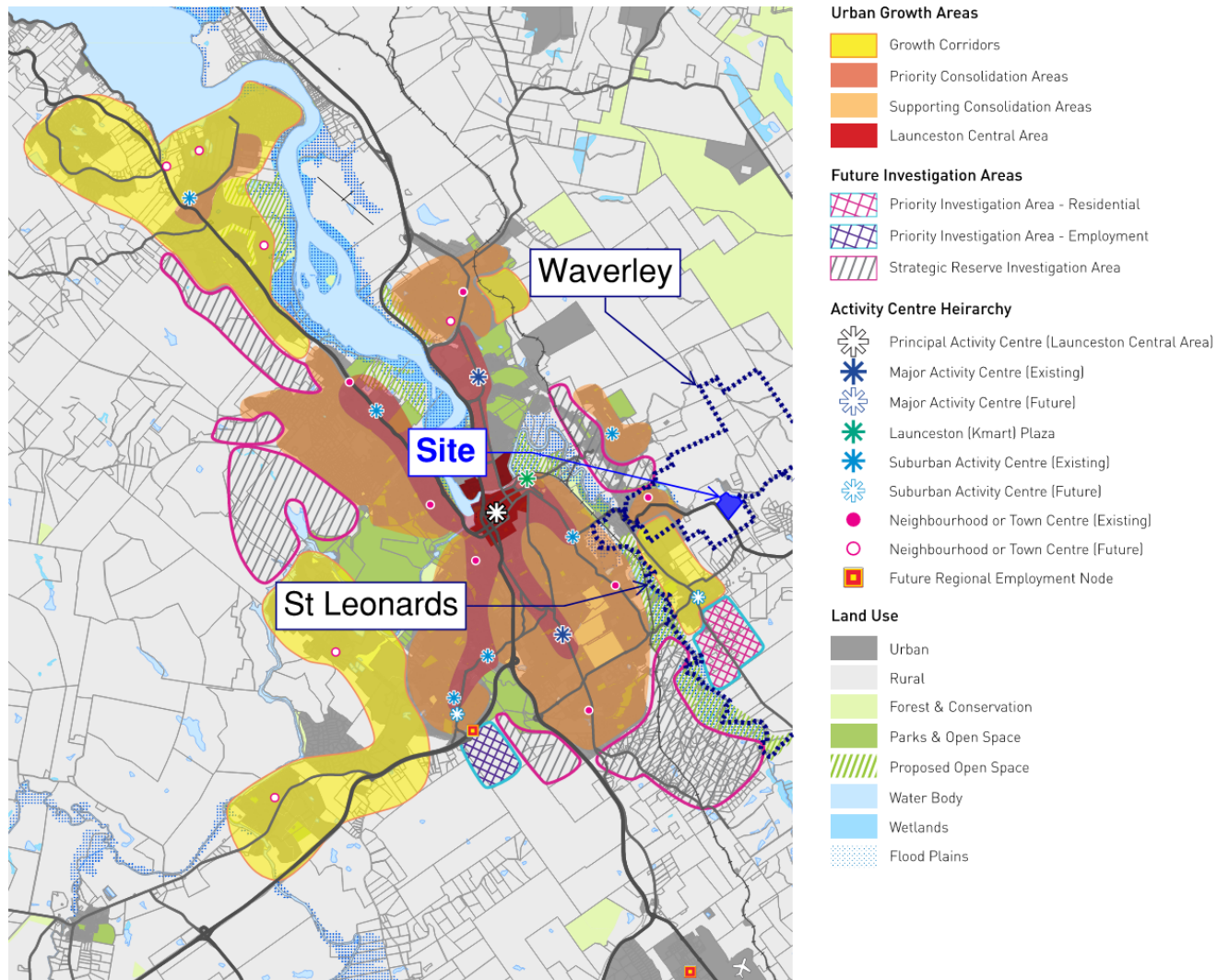
The *Northern Tasmania Regional Land Use Strategy* identifies land at St Leonards and southern part of the urban area at Waverley within a Growth Corridor, as shown on the Regional Framework Plan map reproduced in Figure 9. The Growth Corridor includes the predominantly undeveloped Rural and General Residential-zoned land adjacent to St Leonards Road, which extends as far east as Rural Living-zoned area at Abels Hill Road. Further, most of the existing urban area at Waverley is shown within a Supporting Consolidation Area. Rural land to the south of St Leonards is shown within a Future Investigation Area (Priority Investigation Area – Residential). This includes land that is currently zoned Future Urban, Agriculture, Rural and, to a lesser extent, General Residential.

The Growth Corridor, Supporting Consolidation Area and Future Investigation Area together comprise the extent of the Urban Growth Area at St Leonards and Waverley.

There are four Growth Corridors associated with the GLA that are shown on the Regional Framework Plan. The Growth Corridor at St Leonards and Waverley is located within the eastern part of the GLA. According to the NTRLUS, Growth Corridors include land contiguous with existing urban areas, including greenfield land, which have been identified to accommodate projected population growth where the land has been assessed against contemporary evidence and determined as being suitable for urban development. Future Investigation Areas have been identified to facilitate assessment of their potential for future urban development which will consolidate the GLA.

Council is in the process of preparing the *St Leonards and Waverley Neighbourhood Plan*, which will be based on the Urban Growth Area in this part of the GLA. The neighbourhood plan will provide a structure plan to guide future development including coordination with the delivery of roads, open space, shops and community services. A draft version was released for community consultation in April 2025.

Figure 9 – Northern Tasmania Regional Land Use Strategy – Map D.1 Regional Framework Plan ⁹



⁹ NTRLUS.

2.4 Utility Infrastructure

2.4.1 Road Network

Boomer Road is a local road administered by Council, as the relevant road authority. It is constructed to a rural standard with a sealed surface, having an approximate width of 5.2m, and minimal shoulders. It has a straight alignment along the south-eastern boundary of the site. The road also extends along a part of the north-eastern boundary of the site, beyond its junction with Whisky Road.

The junction of Boomer Road with Whisky Road adjoins the eastern corner of the site. Whisky Road extends in a south-easterly direction from the junction. It is a local road administered by Council. It has a length of 430m and a straight alignment. It is constructed to a rural standard with a sealed surface and no shoulders.

The accompanying Traffic Impact Assessment ('TIA') identifies that whilst Boomer Road and Whisky Road are subject to the 100 km/h general rural default speed limit, the speed environment is estimated at 60km/h. No street lighting is provided on either road.

Tasman Highway is a Category 4 Feeder Road under the State Road Hierarchy and is administered by the Department of State Growth, as the relevant road authority. Its junction with Boomer Road has a simple layout. The highway approaches to the junction have a speed environment of 100km/h. There is no give way sign on the approach to the junction along Boomer Road. The site has two established vehicle crossings north of the junction, providing highway access into the western corner of the site where the existing dwellings are located.

2.4.2 Reticulated Services

Water Supply

The site is not serviced by a reticulated water supply system. However, the existing Rural Living-zoned properties in the local area along the south-eastern side of Boomer Road, eastern side of Whisky Road, both sides of White Gum Rise, Escarpment Drive and Magpie Crescent (excluding 7, 9 and 11 Magpie Crescent) are serviced by a pressure supply system. This includes a pump station at the adjacent Distillery Creek Water Treatment Plant which supplies a water storage tank to the east of White Gum Rise via a trunk main. Another pump station is located at the site of the water storage tank and services reticulation mains which extend from this location. The system includes a DN100 reticulation main which extends to the south-east of Boomer Road.

Sewerage

The site is not within an area serviced by a reticulated sewerage system.

Stormwater

The site is not serviced by Council-managed stormwater infrastructure.

Electricity

The site is connected to overhead powerlines located along the Tasman Highway, which form part of the electricity distribution network. Additional overhead lines are also located along Boomer Road, situated on its northern-western side outside the fenceline associated with CT 104384/4, as well as along Whisky Road.

Furthermore, overhead lines extend along the north-western boundary of the site, which are subject to a deemed easement benefitting TasNetworks.

Communications

The existing dwellings within the site have a fixed wireless connection to the National Broadband Network. They are also connected to underground telecommunications infrastructure.

3. Proposal

3.1 Proposed Amendment

3.1.1 Proposed Rezoning

It is proposed to rezone the site at 40768 Tasman Highway, Waverley from the Rural Zone to the Rural Living Zone A.

It is also proposed to apply the Rural Living Zone A to the relevant portions of the road parcels associated with the adjoining sections of Boomer Road to the south-east and north-east. This zoning will extend to the centreline of the road, in accordance with *Practice Note 7 – Draft LPS Mapping: Technical Advice* issued by the Tasmanian Planning Commission (**‘Commission’**). This approach provides consistency with the existing zoning application on the eastern side of the road, in conjunction with the Rural Living Zone B applying to the land opposite the site to the south-east and the Rural Living Zone A applying to the land to the east.

3.1.2 Rationale

The proposed rezoning of the site will provide for the consolidation of an established Rural Residential Area at Waverley–St Leonards, a strategically preferred location for rural residential use and development. This area was originally identified on Council’s *Eastern Approaches Long Term Conceptual Development Plan* (2010), which mapped properties with existing rural residential characteristics, as well as those identified for future rural residential use.

The conceptual development plan formed the basis for a rezoning in 2011 that enabled the establishment of Drivers Run Estate. That subdivision site was assessed as consistent with suitability criteria in the *Launceston Residential Strategy 2009-2029*, which allowed for consideration of proposals outside of originally designated areas where criteria are met.

Together, the conceptual development plan and the strategy’s suitability criteria have informed subsequent rezonings of land at Waverley–St Leonards to a Rural Living Zone.

The Residential Strategy is the local strategy that is directly relevant to the proposed rezoning. It was endorsed by Council and remains current. Consistent with previous rezonings in the area, the subject site meets the strategy’s suitability criteria.

The proposal is also consistent with the *Northern Tasmania Regional Land Use Strategy*. This includes action **RSN-A26** in particular, which supports the consolidation and growth of Rural Residential Areas in locations identified through local strategy. The site satisfies the locational criteria for appropriate intensification or expansion of rural residential development. It is also consistent with the Key Planning Principles for Rural Areas, particularly the principle that supports providing lifestyle opportunities in suitable areas without compromising or fragmenting productive rural land.

Application of a Rural Living Zone A is proposed to provide compatibility with the existing pattern and density of development within the Rural Living-zoned land at Waverley–St Leonards, including most lots in Drivers Run Estate and the more recent Hillside Estate.

As outlined in the accompanying Rural Living Market Assessment (**‘RLMA’**), only a few properties currently remain on the market within the Waverley, St Leonards and Relbia local catchment. Once the remaining lots in Hillside Estate are sold, no Rural Living-zoned lots will be available in these areas. This proposal represents a logical next step in providing market-ready 1-hectare lots to meet ongoing demand for rural living opportunities.

3.2 Proposed Subdivision

It is proposed to subdivide the site into 23 rural residential lots, plus road lots, and construct associated works involving the provision of road access, water supply and electricity services and upgrading the junction of Boomer Road and the Tasman Highway.

The associated works therefore involve the site and the road parcels associated with Boomer Road and the Tasman Highway.

The subdivision development, including creation of titles for the lots, will be staged. The associated infrastructure will be constructed to at least the extent required to service the lots being created in each stage. In accordance with the accompanying Traffic Impact Assessment, the junction of Boomer Road and the Tasman Highway will be upgraded to include a Basic Left turn facility as part of the relevant stage involving the creation of the 13th lot within the subdivision.

3.2.1 Rural Residential Lots

The proposed lot layout is shown on the proposal plan of subdivision, which was reproduced in Figure 1.

The size and configuration of the proposed lots (excluding road lots) is summarised in Table 4.

Table 4 – Size and Configuration of the Proposed Lots

Lots	Area (hectares)	Frontage width (primary frontage ¹⁰)
1	±1.06 ha	80.8m to Boomer Road
2	±1.05 ha	69.6m to Boomer Road
3	±1.05 ha	69.6m to Boomer Road
4	±1.05 ha	54.5m to Boomer Road
5	±1.05 ha	54.7m to Boomer Road
6	±1.05 ha	69.6m to Boomer Road
7	±1.04 ha	68.7m to Boomer Road
8	±1.01 ha	167.2m to Boomer Road
9	±1.52 ha	7.8m to Boomer Road
10	±1.00 ha	62.1m to proposed road
11	±1.04 ha	95.9m to proposed road
12	±1.07 ha	20.2m to proposed road
13	±1.04 ha	8.6m to proposed road
14	±1.04 ha	18m to proposed road
15	±1.08 ha	0m (right of way proposed)
16	±1.11 ha	7.6m to proposed road
17	±1.11 ha	7m to proposed road
18	±1.06 ha	7m to proposed road
19	±1.04 ha	53.2m to proposed road
20	±1.04 ha	57.7m to proposed road
21	±1.06 ha	7m to proposed road
22	±1.06 ha	7m to proposed road
23	±1.05 ha	45.4m to proposed road

¹⁰ In accordance with the definition for the term in Table 3.1 of the Planning Scheme, the primary frontage is the sole frontage of a lot or, if there are more than two frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.

Therefore, the proposed lots will vary between 1-hectare and 1.52 hectares and will have an average size of 1.07 hectares.

The proposed Lot 1 will have primary frontage to Boomer Road and another frontage to the Tasman Highway. Lots 4 and 5 will have primary frontage to Boomer Road and another frontage to the proposed road. Lots 2–3, 6–7 and 9 will have a sole frontage to Boomer Road. Lots 10–14, 16, 19–20 and 23 will have sole frontage to the proposed road.

The proposed Lots 14 and 15 are internal lots¹¹. Lot 15 will benefit from a right of way over the 18-metre-wide access strip associated Lot 14. This will provide legal connection to the proposed road. In accordance with the accompanying BHMR, a shared driveway the two lots is proposed to be developed as part of the subdivision.

Lot 14 will be subject to additional proposed easements. This includes an 18-metre-wide strip along its entire eastern boundary, including the land within its access strip, which is intended to provide for a potential future road connection to the adjoining property to the north-west. It also includes drainage and service easements. The drainage easement will extend to Distillery Creek and the services easement will benefit Lot 15.

Additionally, the existing 3-metre-wide pipeline easement along the north-western boundary, which is registered on the current title for the site, will be carried over to proposed Lots 14 and 15. A 12-metre-wide easement will also be created over the existing overhead powerlines traversing these lots, aligning with the extent of the current deemed easement.

The proposed Lots 17–18 and 21–22 each comprise a pair of internal lots. For each pair, adjoining 7-metre-wide access strips will provide primary frontage to the proposed road. Mutual rights of way will be created over each access strip, benefiting the adjoining lot, thereby creating a 14-metre-wide shared access corridor for each pair. This arrangement will facilitate the future provision of a shared driveway. All four lots will back onto the Tasman Highway.

Lot 17 will retain the existing dwellings and nearby sheds associated with the site.

The existing 3-metre-wide pipeline easement along the north-eastern boundary of the site will be largely incorporated into proposed Lot 101 (Road). The remaining section of the easement will be carried over the relevant portion of proposed Lot 9.

3.2.2 Road Access

Proposed Road

The proposed subdivision will include the construction of an associated cul-de-sac road, which will extend from a new junction in Boomer Road. The accompanying Traffic Impact Assessment identifies that a simple junction layout will be adequate for the proposed junction, which will be located centrally along the south-eastern boundary of the site.

The proposed cul-de-sac road will extend, to the north-west, for an approximated distance of 340m. It will be constructed to a rural standard with a sealed width of 6m, plus shoulders, and roadside drainage. The proposed drainage easement within Lot 14 will accommodate a surface drain to be formed to direct stormwater from the road to Distillery Creek.

The turning circle at the end of the proposed cul-de-sac road will have a 12m outer radius in accordance with the accompanying Bushfire Hazard Management Report to provide a turning area for fire appliances. The proposed road may be constructed in stages in which event a temporary (gravel) turning circle, with a 12m radius and additional 1m horizontal clearance, would be constructed at the end of the relevant section of the road.

¹¹ In accordance with the definition for the term in Table 3.1, an internal lot is a lot that lies primarily behind another lot and has access to a road by an access strip, private road or right of way.

The cul-de-sac road will be contained within a proposed road lot ($\pm 7,291\text{m}^2$) with a width of 20m, widening to 50m at the location of the new junction and 34m at the location of the turning circle. Depending on the eventual staging, including the creation of titles for the rural residential lots, the road may eventually be split across multiple road lots.

Widening of Boomer Road

In accordance with Council's requirements, Boomer Road will be widened along its north-western side to provide a 6m sealed width plus an associated shoulder and table drain. These works will necessitate the removal of the existing fenceline associated with CT 104384/4.

A 3m strip along the part of north-eastern boundary of the site that abuts Boomer Road is proposed to be dedicated as Road (for future widening purposes). This land is shown as Lot 101 on the proposal plan and has an area of $\pm 388\text{m}^2$. No works are proposed this area, apart from the provision of a vehicle crossing for Lot 8.

Vehicle Crossings

The proposed rural residential lots will be provided a rural standard vehicle crossing, which will be sealed, and will include a culvert, in accordance with Tasmanian Standard Drawing TSD-R03-v3. The vehicle crossings for Lots 1–9 will provide road access from Boomer Road. All other lots will have access from the proposed cul-de-sac road. Lots 14–15, 17–18 and 21–22 will have shared vehicle crossings. In accordance with the accompanying BHMR, a shared driveway for Lots 14–15 is proposed to be developed as part of the subdivision.

Lot 17 will retain the existing accesses associated with the site.

3.2.3 Upgrade of the Boomer Road / Tasman Highway Junction

The accompanying Traffic Impact Assessment recommends upgrading the junction of the Tasman Highway with Boomer Road to include a Basic Left turn facility. This is required upon the occupancy of dwellings on 12 lots. Lots will be made available to market in stages for dwelling development by future owners. Therefore, it is proposed the junction upgrade will occur as part of the relevant stage involving the creation of the 13th lot (excluding the balance land).

BAL Turn Facility

The BAL turn facility will accommodate turn movements into Boomer Road from the north. It will require widening on the eastern side of the highway, including associated relocation of an existing table drain. The BAL widening will occur to the north of the junction for a distance of approximately 70m, mostly within the road reservation of the highway. It will extend partly into road parcels associated with Boomer Road and also into the site. The affected area within the site is shown within proposed Lot 103 ($\pm 31\text{m}^2$), which will be created for road widening purposes.

Give Way Sign

The proposed junction upgrade includes the installation of a give way sign, and associated holding line, at the Boomer Road approach to the highway.

3.2.4 Reticulated Services

Water Supply

The subdivision is proposed to be serviced by an extension of the nearby reticulated pressure water supply system. A new water main will be constructed, extending from the existing DN100 main located along Boomer Road to the south-east. This extension will provide individual water connections for proposed Lots 10–23. It is intended that the new main will run along the south-western side of the proposed road and form a loop around the turning circle.

The proposed Lots 1-8 will be serviced by individual connections to the existing water main, with connection works requiring under-road crossings beneath Boomer Road.

Proposed Lot 9 will be serviced by a dedicated connection to the existing trunk water main located in Boomer Road, to the north-east of the site.

Sewerage

Given that there is no available reticulated sewerage system, it is intended that future dwelling development on each lot will include provision of an on-site wastewater treatment and disposal system. The accompanying Preliminary On-site Wastewater Disposal Evaluation ('OSWDE') demonstrates the suitability of the lots for this purpose.

Lots 17 will retain existing on-site wastewater management arrangements associated with the existing dwellings.

Stormwater

It is intended that future dwelling development on each lot will include provision of an on-site stormwater disposal system.

Electricity

The subdivision is proposed to be serviced by the nearby electricity distribution network. The existing overhead powerlines along the north-western side of the Boomer Road will require relocation to accommodate road widening works in this location. It is also intended that the overhead network will be extended along the proposed cul-de-sac road within the subdivision. The details of the electricity services to be provided will be subject to a design and approval process involving TasNetworks.

Communications

The site is within an area serviced by the National Broadband Network. It is intended that future dwelling development on each lot will include a fixed wireless connection to this network.

3.2.5 Vegetation Management

Implementation of bushfire hazard management areas in accordance with the accompanying BHMR will predominantly involve maintenance of existing grassland vegetation in a low fuel state. Existing vegetation classed as forest along the north-western boundary of the site will be required to be managed as grassland prior to the creation of titles the lots in this part of the site.

4. Accompanying Assessments

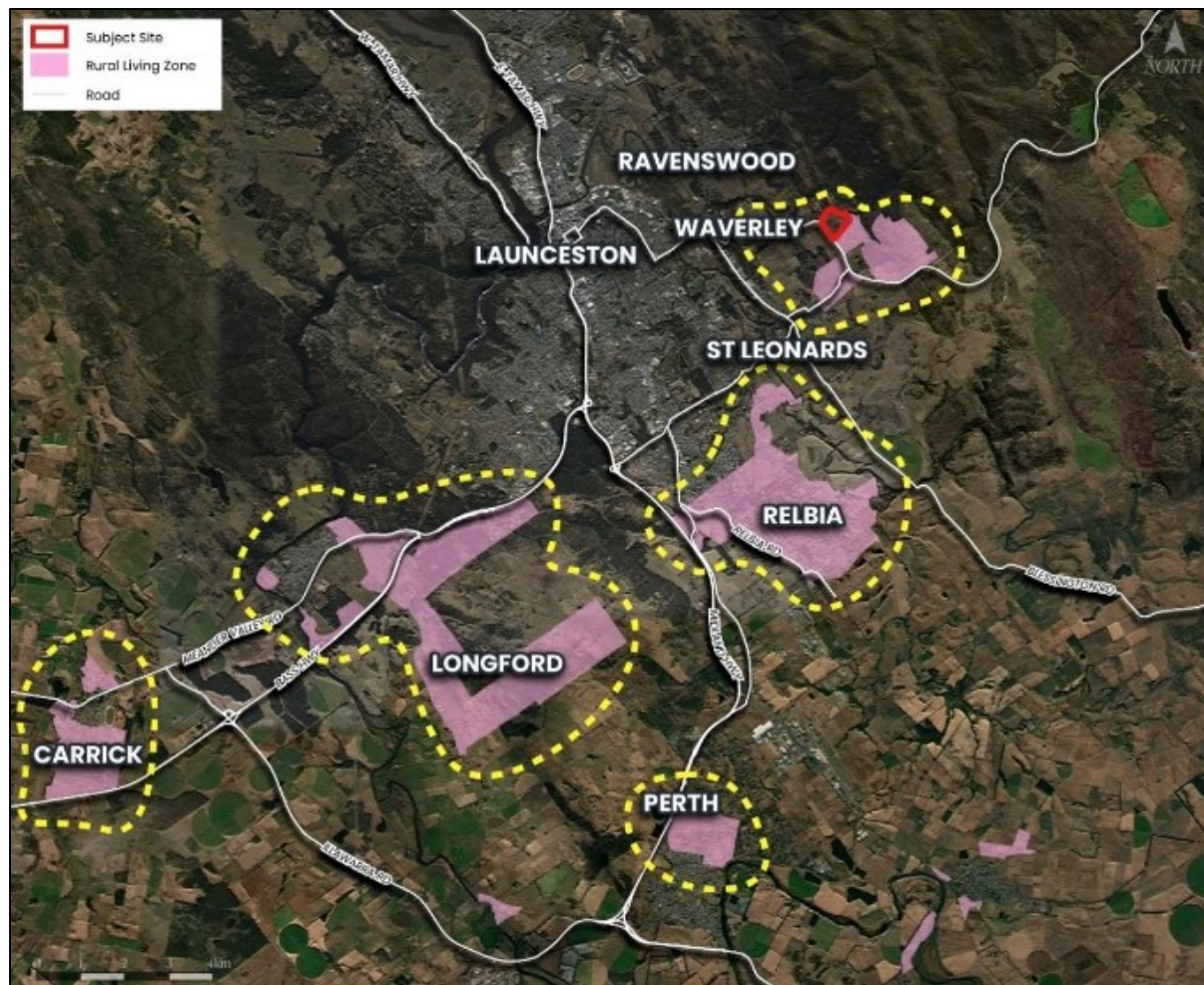
The other assessments accompanying the combined application are summarised below.

4.1 Rural Living Market Assessment

Urban Enterprise has prepared a Rural Living Market Assessment relevant to the proposed rezoning amendment and subdivision of the site.

The RLMA contains an assessment of the strategic context including the *Northern Tasmania Regional Land Use Strategy* and *Launceston Residential Strategy 2009-2029*. It establishes a relevant Rural Living supply catchment to the south and east of Launceston. This includes a local catchment incorporating land at Waverley – St Leonards and Relbia and a regional catchment incorporating this land together with land at Hadspen - Longford, Perth and Carrick. The regional catchment is shown in Figure 10. The Rural Living areas at Swan Bay and Dilston offer inherently different location and geographic characteristics and were therefore excluded from the catchment.

Figure 10 – Rural Living Regional Supply Catchment¹²



¹² Source: Figure F3 in the accompanying Rural Living Market Assessment by Urban Enterprise (2024).

4.1.1 Supply Assessment

The RMLA incorporates a supply assessment undertaken by 6ty° in February 2024. This quantified the lot capacity in the Rural Living-zoned areas within the catchment at the time. Land was allocated into four categories:

- Category 1 – Suitably zoned, vacant and considered ‘market ready’. This includes land approved for subdivision therefore involving lots that could be available for market consumption within 12 months or less, recently subdivided lots available to the market but not yet sold and other subdivided lots that have been purchased but do not yet contain a dwelling.
- Category 2 – Suitably zoned, vacant land that could be subdivided to create additional lots;
- Category 3 – Suitably zoned, occupied (underutilised) land that has subdivision potential; and
- Category 4 – Suitably zoned, underutilised land where potential subdivision would be reliant on coordination between adjoining landowners to consolidate unoccupied areas into a site of a suitable size.

The number of Category 1 lots was counted. The lot capacity for Category 2-4 land was estimated by dividing the area of each parcel by the applicable acceptable solution requirement for minimum lot size as specified in the Rural Living Zone in the SPPs or any applicable specific area plan provisions.

In undertaking this calculation, a 20% discount was applied to the parcel area where road infrastructure would likely be needed. A discount was not considered appropriate in most instances. It was not applied in relation to any Category 4 land because the subdivision of the relevant parcels is likely to occur incrementally, subject to coordination between adjoining landowners, and rely on road infrastructure already servicing the land.

The identified lot supply is shown in Tables 5 and 6 below. Category 1 lots that have been subdivided and sold, but do not yet contain a dwelling, are shown (as ‘Other’) in Table 6. However, these lots are considered to be consumed and unavailable to the market and are excluded from the overall summary in Table 5.

Table 5 – Lot Supply Summary of Category 1-4 Land by Locality in the Rural Living Regional Supply Catchment

Locality	1	2	3	4	Total
Waverley–St Leonards	11		9	5	25
Relbia		7	12	4	23
Perth	32	13	15	9	69
Hadspen - Longford		7	53	19	79
Carrick	1	2	13		16
Totals	44	29	102	37	212

Table 6 – Lot Supply Summary of Category 1 Land by Locality in the Rural Living Regional Supply Catchment

Land Category		Vacant Lots			
		Approved	Market Ready	Other	Total Vacant
1	Waverley–St Leonards	7	4	21	32
	Relbia			16	16
	Perth	25	7	5	37
	Hadspen - Longford			3	3
	Carrick	1		25	26
	Totals	33	11	70	114

The identified lot capacity represents the theoretical maximum supply that could be delivered. The actual supply is dependent upon the willingness and capacity of individual landowners to subdivide and other factors which may apply such as the existence of alternate uses and impact of any physical and servicing constraints. The primary focus in the RMLA is therefore upon the Category 1 supply shown in Table 6. This represents the supply that is currently available or will be available in the near future.

Within the local catchment, the Waverley–St Leonards localities include seven approved lots and a further four market ready lots. Additionally, the identified capacity includes 14 lots involving Category 3 and 4 land.

The Relbia locality includes no approved or market ready lots. The identified capacity includes 23 lots from Category 2-4 land.

The RMLA make reference to changes to the zoning and subdivision controls at Relbia that were proposed at the time, as outlined in draft amendment PSA-LLP0003 to the Launceston LPS. The draft amendment to implement Council's strategy for the locality, which seeks to maintain its character whilst providing limited opportunity for growth.

Council's analysis of the draft amendment identified a potential yield of 75 lots. This figure excluded a theoretical supply of six lots from land that would have continued to be subject to a 4- hectare minimum lot size. Subtracting the pre-existing lot capacity of 23 lots for Relbia identified in Table 5, the net increase in lot capacity as a result of the draft amendment was estimated by 6ty° to be 58 lots.

The draft amendment was ultimately modified by the Commission and approved in May 2024¹³. These modifications sought to maintain the limited change scenario as a desirable planning outcome, although had some impact on the potential lot yields.

In any event, most of theoretical maximum supply in the locality involves land that is partly occupied meaning that future subdivision will be dependent on the willingness and capacity of landowners and/or addressing any feasibility issues due to constraints on development. It is therefore expected that subdivisions would occur incrementally over time.

4.1.2 Demand Assessment

The RLMA contains an assessment of demand for housing by Urban Enterprise including, but not limited to, rural residential properties.

The number of dwellings counted in the local catchment increased by 105 between 2011 to 2021 according to Census data. This equates to 11 dwellings per annum on average. The growth rate of the population and number of dwellings was higher than for Greater Launceston and Northern Tasmania.

The number of dwelling approvals in the local catchment averaged 12 per annum between 2015 to 2020. The numbers were higher than the average between 2018 to 2022, coinciding with low interest rates, government incentives and housing development in the nearby Drivers Run and Hillside Estates.

Lot sales in Drivers Run Estate commenced in 2011 and competed in 2017, equating to 10 sales per annum on average. Approximately half of lots contained a dwelling by the end of 2015. Construction of dwellings across the balance of the estate (except for two lots) was completed by 2019.

Lot sales in Hillside Estate commenced in April 2021, with all 10 lots in Stage 1 selling in several months. At the time of preparing the RMLA, there were only four lots in the estate that had not sold. It is anticipated that these will sell in 2024-25.

¹³ *Tasmanian Planning Scheme - Launceston amendment PSA-LLP003 [2024] TASPCComm 33 (17 May 2024).*

The local catchment also includes urban housing. However, the RLMA identifies that approvals are weighted towards rural residential dwellings. It therefore indicates that the proposal would accommodate three years of housing demand in the local catchment.

There are only several properties that remain on the market within the local catchment. Once the remaining lots within Hillside Estate are sold, there will be no other available Rural Living lots in the local catchment. The proposal represents a logical next location to deliver market ready lots for Rural Living housing and absorb a transfer in demand.

Drivers Run and Hillside Estates provide evidence of expressed demand for Rural Living housing on lots of around 1-hectare in size at Waverley–St Leonards. Such development in this location has leveraged a suite of favourable attributes such as:

- High quality access and exposure to the Tasman Highway, providing a link to central Launceston;
- Elevation that provides a favourable outlook towards southern Launceston;
- A peri-urban setting that is within close proximity to Launceston's CBD; and
- Access to nearby amenity and services in St Leonards, Waverley and Norwood.

As identified in Table 6, most of the supply of market ready lots in the regional catchment is located at Perth. However, this township is located approximately 20km south-west of the site. It offers much different locational attributes compared with Waverley–St Leonards. Therefore, it would be serving a different part of the housing market.

4.2 Agricultural Report

RMCG has prepared an Agricultural Report relevant to the proposed rezoning amendment involving the site to assist in considering the strategic context.

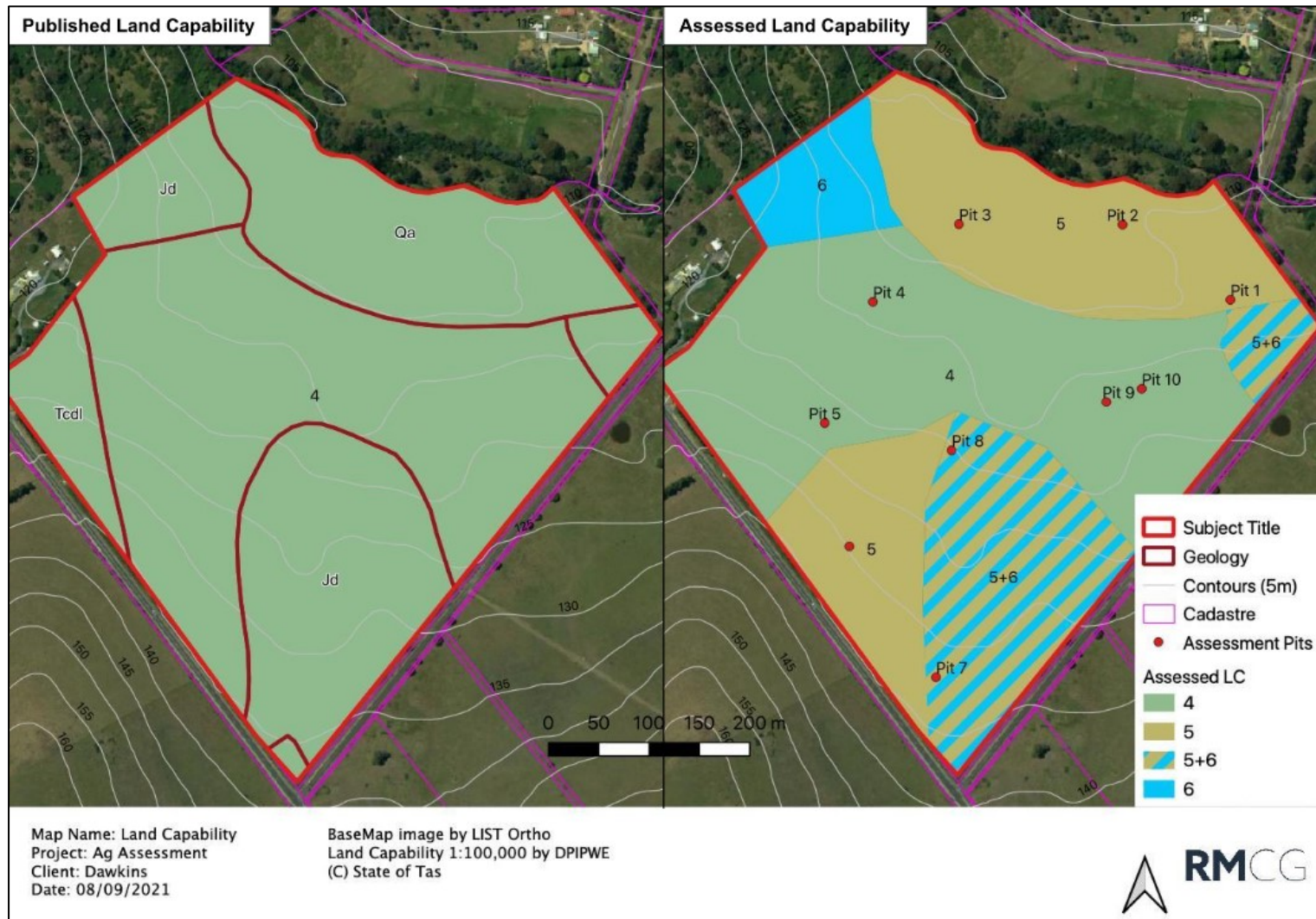
4.2.1 Assessed Land Capability

The Agricultural Report contains an assessment of land capability mapping undertaken at a scale of 1:10,000, which is reproduced in Figure 11. This identifies that the site includes a combination Class 4 land (10.1ha), Class 5 land (8ha), Class 5+6 land (5.1ha) and Class 6 land (1.4ha). The land therefore does not fall within the definition of prime agricultural land in the *State Policy on the Protection of Agricultural Land 2009*.

Class 4 land is well suited to grazing, but which is limited to occasional cropping or a very restricted range. Class 5 land is unsuited to cropping and with slight to moderate limitations to pastoral use. Class 6 land marginally suitable to grazing due to severe limitations.

The Agricultural Report identified that drainage was the key limitation that separated Class 5 land from Class 4 land. Surface dolerite and dolerite outcrops were abundant in the pasture in the areas assessed as Class 5+6. The presence of rocks significantly limits the agricultural potential of these areas. Occasional evidence of surface rock was also identified in the Class 4 and 5 areas.

Figure 11 – Published and Assessed Land Capability¹⁴



¹⁴ Source: Figure A1-4 in the accompanying Agricultural Report by RMCG (2025).

4.2.2 Productive Capacity of the Site

The Agricultural Report describes the existing grazing use within the site as being of a hobby scale. Its characteristics are similar to adjacent and nearby Rural Living-zoned properties. It would be difficult to run a viable enterprise due to the size of the site, land capability limitations (poor drainage and presence of surface rocks) and constraints from adjacent residential use and zoning (Rural Living).

The site would be best farmed in conjunction with other land however there are limited opportunities for this due to the existing dwellings on-site and the characteristics of adjacent land. It is unlikely to be farmed in conjunction with the adjacent land to the south-west (40855 Tasman Highway) due to the barrier to connectivity created by the Tasman Highway. The adjoining land to the north-west at 40772 Tasman Highway is the only land that is well connected, to the site, and has commercial scale characteristics. This land forms part of a larger land holding, including 129 Taman Highway. However, it is not well connected to the rest of the holding due to Distillery Creek. It has limited agricultural potential as evidenced by its usage which includes semi-improved pasture interspersed with gorse and paddock trees. It is unlikely that this holding would seek to expand to include land with similar limitations.

4.2.3 Significance to the Agricultural Estate

The Agricultural Report identifies that, due to its characteristics and land capability limitations, the site has little or no significance to the local or regional agricultural estates. The loss of the land as a result of applying a Rural Living Zone would be insignificant.

4.2.4 Potential to Constrain Adjacent Agricultural Use

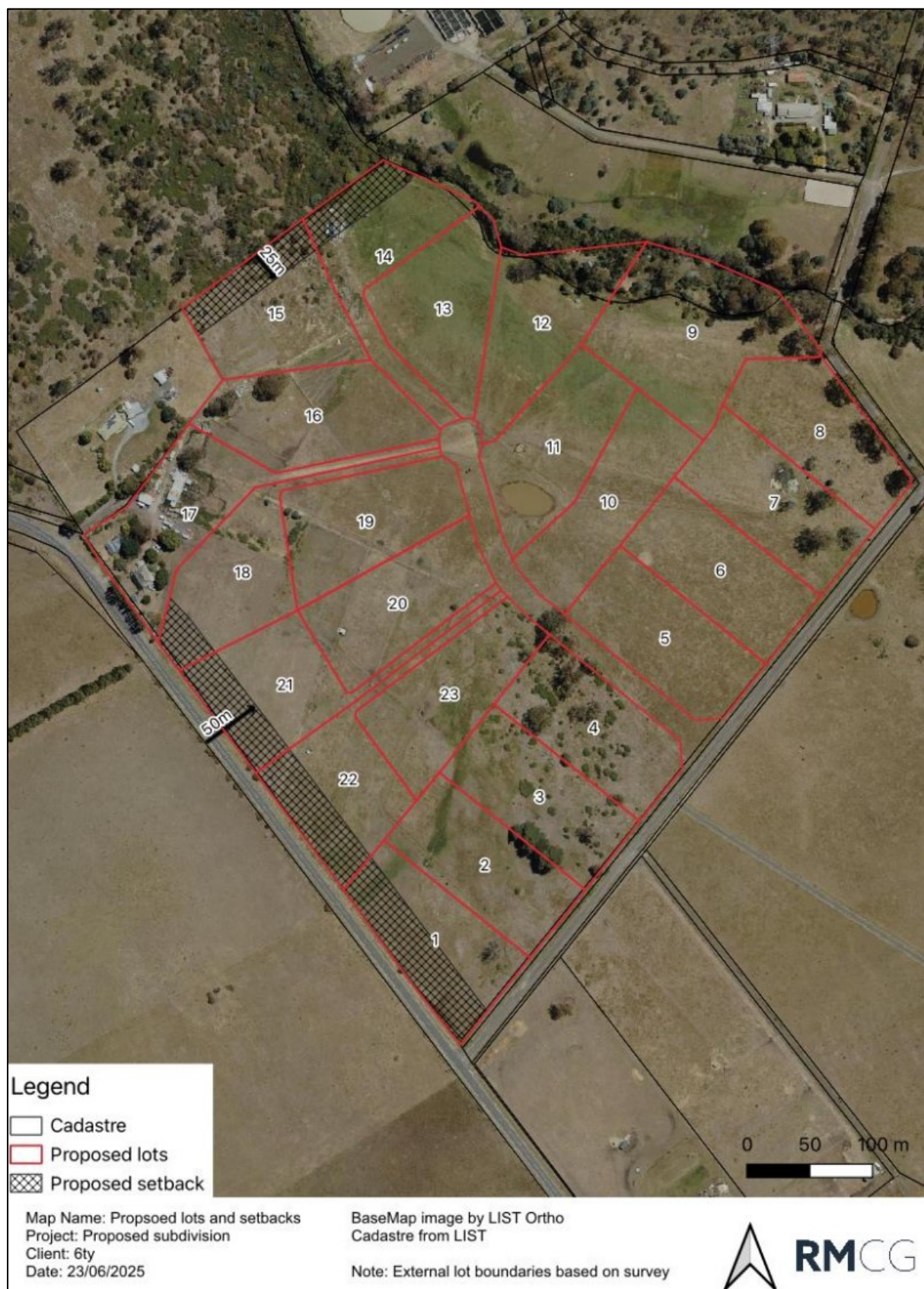
Future dwellings on the land as a result of the proposed rezoning, and subsequent subdivision of the land, has the potential to constrain adjacent agricultural use. The Agricultural Report recommends the setbacks outlined below in order to mitigate this risk.

- A 25m setback from the adjoining Agriculture-zoned land to the north-west within 40772 Tasman Highway. This setback is considered sufficient on the basis that the agricultural use of the adjoining property is unlikely to intensify. It will affect proposed Lots 14 and 15.
- A 50m setback from the adjacent Agriculture-zoned land to the south-west within 40855 Tasman Highway, which contains dryland grazing. As shown in Figure 12, this will affect proposed Lots 1, Lots 18 and 21–22.

It is proposed that these setbacks, which are applicable to future habitable buildings, will be given effect by way of an agreement with the planning authority in accordance with Part 5 of the Act.

The proposal is therefore consistent with the *State Policy on the Protection of Agricultural Land 2009*.

Figure 12 – Proposed Setbacks from Adjacent Agricultural Land¹⁵



¹⁵ Source: Figure A1-6 in the accompanying Agricultural Report by RMCG (2025).

4.3 Preliminary On-site Wastewater Disposal Evaluation

Geoton has prepared a Preliminary On-site Wastewater Disposal Evaluation for the proposed subdivision within the site based on the requirements of AS/NZS 1547:2012 On-site domestic wastewater management (**'AS/NZS1547'**).

The OSWDE identifies that the site is not suitable for a traditional trench system because the soils have very low permeability. The site is also shallow to bedrock. However, it indicates that the proposed lots are suitable for the disposal of secondary treated effluent comprising an Aerated Wastewater Treatment System (**'AWTS'**) and sub-surface irrigation or conventional raised bed. Alternatively, a Wisconsin mound treatment system may be suitable depending on the outcome of site-specific investigations for individual lots in conjunction with future dwelling development.

As an example of the minimum system requirements, the OSWDE identifies that a standard 4-bedroom dwelling on town water would require 600m² for an AWTS and sub-surface irrigation or 180m² for an AWTS and conventional raised bed. These areas include an effluent disposal area and a reserve area of equal size.

The OSWDE specifies minimum setback distances from disposal areas based on AS/NZS1547 and Director's Guidelines for On-site Wastewater Management Systems.

The OSWDE demonstrates that the lots have sufficient available area for the disposal of domestic effluent by way of secondary treated wastewater, including sufficient reserve area.

4.4 Traffic Impact Assessment

Traffic & Civil Services has prepared a Traffic Impact Assessment for the proposed subdivision. It considers the relevant standards in the Road and Railway Assets Code in the SPPs.

The TIA identifies that the road network, including the junction of the Tasman Highway with Boomer Road, will experience an increase in vehicular traffic of 207 vehicles per day (**'vpd'**) and 20 vehicles per hour at peak times. The existing vehicular traffic on the highway (approaching Boomer Road) is 2,000vpd, and this projected to increase to 2,600 vpd by 2033. The junction has no recorded crashes over the last five years and is considered a low crash risk.

The TIA identifies that, based on Austroads Guidelines, the highway junction technically warrants a Basic Right (**'BAR'**) turn facility to accommodate movements into Boomer Road from the south. However, due to the very low volume of right-turning traffic from the highway, the TIA concludes that a dedicated turn facility is not required.

However, a Basic Left turn facility is required to will accommodate turn movements into Boomer Road from the north. This is required once 12 lots have been developed including occupancy of dwellings. The BAL turn facility forms part of the proposed subdivision. It will be provided as part of the relevant stage involving the creation of the 13th lot.

The TIA identifies that the vehicle traffic on Boomer Road as a result of the proposal will continue to be low. Further, it identifies that a simple junction layout will be adequate for its junction with the proposed cul-de-sac road. It recommends that the construction of the road and associated vehicle crossings to a rural standard in accordance with the relevant Tasmanian Standard Drawings. The relevant standard drawing specifies a minimum road seal width of 6m.

The TIA concludes that there are no traffic capacity issues, and the proposal appropriately mitigates potential traffic safety issues arising due to the proposal.

The TIA recommends the following other works to address issues associated with existing conditions in the road network:

- Removal of some trees and shrubs in proximity of the junction of Boomer Road with Whisky Road which are limiting sight distance.

It is noted that vegetation removal within 2m of lawfully constructed infrastructure including roads is exempt in accordance with Clause 4.4.1(f) in the SPPs.

4.5 Flora and Fauna Report

RMCG has prepared a Flora and Fauna Report ('FFR') for the proposed subdivision. It considers the relevant standards in the Natural Assets Code in the SPPs.

The preparation of the FFR involved a desktop assessment using a number of sources and a field inspection focused on the identification of vegetation communities and a threatened species risk assessment based on habitat suitability.

The FFR confirms that the pasture land within the property is best described as agricultural land (FAG), as shown by TASVEG 4.0 mapping. It identifies that no native vegetation is considered to be at risk of being impacted as a result of the proposed subdivision, or by future works facilitated by the subdivision. However, it recommends that sediment barriers be installed downslope of works on lots adjacent to Distillery Creek if there is any risk of run-off during construction works.

Such measures are capable of being required by way of an agreement under Part 5 of the Act and would provide for consistency with the *State Policy on Water Quality Management 1997*.

According to Natural Values Atlas ('NVA'), one threatened flora species has previously been recorded within 500m of the site and 40 have been recorded within a 5km radius. The FFR identifies that, based on the availability of suitable habitat on-site and location of existing records, four of these species are considered to be at medium risk of occurring within the site. This includes sea clubsedge, starfruit, variable raspwort, and slender waterpepper, which were considered to have potential suitable habitat associated with the existing dam. Given that there is no vegetation within or around the dam, with the exception of pasture, the four species are all considered to be at low risk of being impacted.

According to the Forest Practices Authority Biodiversity Values Database and the NVA, there are 21 threatened fauna species with the potential to occur on-site. However, the FFR identifies that no threatened fauna species were identified during the site visit. None of the 21 potential species identified as part of the desktop assessment are considered to be at greater than a low risk of occurring based on potentially suitable habitat and proximity of previous records.

While it is likely that the site may be included in some species' ranging boundaries, such as the wedge-tailed eagle, quolls, Tasmanian devil, and eastern barred bandicoot, the no nests, dens, or scats were observed on-site. The closest eagle nest is located approximately 860m to the north east, however this is not within line of sight. All other recorded eagle nests in the vicinity are over 1.5km away.

Therefore, the FFR concludes that no threatened flora or fauna species are considered to be at greater than a low risk of being impacted by the proposed subdivision and any future works facilitated by the development.

There is a risk of increased weed incursion as works commence on construction of the subdivision. The FFR therefore recommends weed control within the site prior to, during, and following works to prevent further establishment of weeds throughout the area, particularly on the margins of, and within, the threatened riparian vegetation.

To minimise impacts on the native vegetation community (eastern riparian scrub) as a result of the proposed subdivision and future development, the FFR recommends ongoing non-invasive weed management, within and adjacent to the riparian community, as a minimum. This may include the cut and paint technique, biological control, hand pulling, and ground application of selective herbicide applied to target species.

The FFR also recommends strict washdown and disinfection protocols for all vehicles, machinery, and equipment accessing the site during works to prevent biosecurity incursions and further weed incursions.

4.6 Bushfire Hazard Management Report

Michael Tempest (BFP-153) of RMCG has prepared a Bushfire Hazard Management Report, incorporating a certified Bushfire Hazard Management Plan (**'BHMP'**) and Certificate under Section 51(2)(d) of the Act, for the proposed subdivision. It demonstrates that the proposal complies with the relevant standards in the Bushfire-Prone Areas Code in the SPPs.

The BHMR identifies that there will be sufficient area within the proposed lots to allow for the construction of dwellings and associated outbuildings buildings (within 6m) in accordance with BAL 19 or BAL 12.5 standards.

Implementation of hazard management areas (**'HMAs'**) will predominantly involve maintenance of existing grassland vegetation in a low fuel state. Existing vegetation classed as forest along the north-western boundary of the site, within proposed Lot 15, will be required to be managed as grassland prior to the creation of titles for the lots in this part of the site (also including Lots 13 and 14).

The BAL 19 or BAL 12.5 building areas shown on the associated BHMP take account of the setbacks from Agriculture-zoned land recommended in the Agricultural Report and avoid impacting the riparian vegetation and Waterway and Coastal Protection Area overlay associated with Distillery Creek. These building areas are shown in Figure 13.

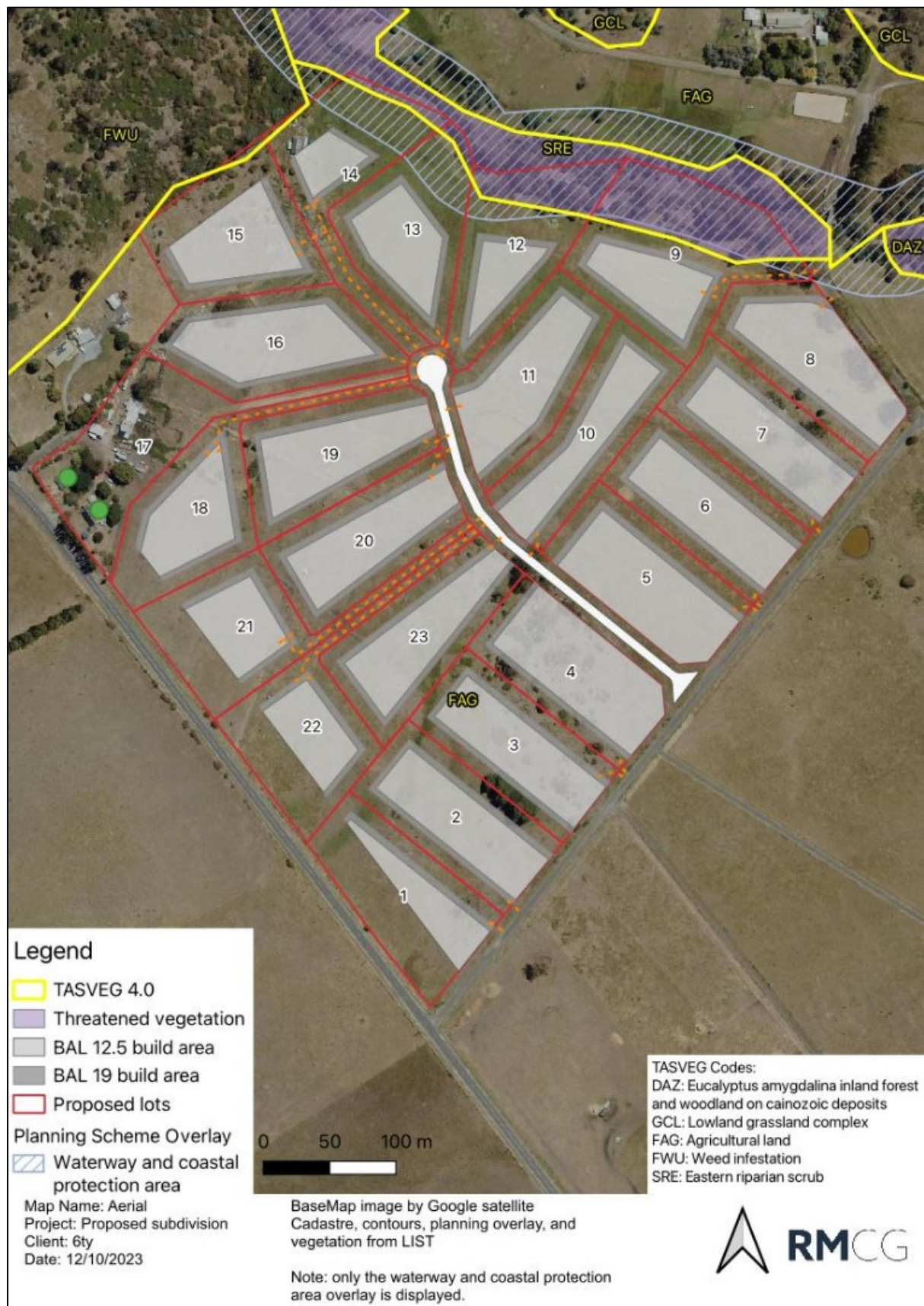
The proposal will not impact on the existing HMA around the existing dwellings on proposed Lot 17 or the distance of the dwellings to bushfire-prone vegetation. Therefore, this lot has been treated as exempt and is not subject to any additional bushfire requirements.

The proposed cul-de-sac road, and accesses for each lot, will be required to comply with the relevant code requirements. The turning circle will have a 12m outer radius. In the event that the proposed road is constructed in stages, a temporary turning circle (which can be unsealed) will be required at the relevant section of the road.

The proposed Lots 14 and 15 will have a shared driveway. This will be developed within the 18-metre-wide access strip associated Lot 14, with Lot 15 having the benefit of a right of way. The shared driveway is required to be developed prior to the creation of titles for the lots.

The extension of reticulated water supply services for the subdivision is required to include hydrants in accordance with the relevant code requirements. For any lot/s that cannot comply with the applicable requirements where such services are available, a static water supply would be required. Any such supplies would require installation on individual lots in accordance with the relevant code requirements in conjunction with future dwelling development.

Figure 13 – BAL 19 or BAL 12.5 Building Areas¹⁶



¹⁶ Source: Figure A2-3 in the accompanying Bushfire Hazard Management Report by RMCG (2025).

5. Planning Assessment – Proposed Amendment

5.1 Relevant Requirements of the Act

Section 38(1) of the *Land Use Planning and Approvals Act* 1993 requires the planning authority, in deciding whether to prepare a draft amendment in accordance with a request under Section 37(1), to be satisfied that the Local Provisions Schedule criteria will be met. The LPS criteria are set out in Section 34(2) of the Act, which is reproduced below.

- (2) *The LPS criteria to be met by a relevant planning instrument are that the instrument –*
- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
 - (b) *is in accordance with section 32; and*
 - (c) *further the objectives set out in Schedule 1; and*
 - (d) *is consistent with each State policy; and*
 - (da) *satisfies the relevant criteria in relation to the TPPs; and*
 - (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
 - (f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates; and*
 - (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
 - (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*

The following sections provide a consideration of each of these matters.

5.2 Section 34(2)(a) – LPS Requirements

Clause LP1.0 Local Provisions Schedule Requirements in the State Planning Provisions identifies the provisions that must be contained in an LPS. The Launceston LPS was prepared in accordance with these requirements.

Clause LP1.2 in the SPPs, which is reproduced below, relates to the preparation of zone maps.

LP1.2.1 Each LPS must contain a map that provides for the spatial application of the zones to land in the municipal area.

LP1.2.2 The zone map contained within each LPS must differentiate between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C and Rural Living Zone D and any particular purpose zones.

The proposed amendment is limited to modifying the zone maps that form part of the Launceston LPS, specifically to rezone the site from the Rural Zone to the Rural Living Zone A.

5.3 Section 34(2)(b) – Contents of an LPS

Section 32 of the Act specifies requirements relating to the contents of an LPS. The Launceston LPS was prepared in accordance with these requirements.

Section 32(2) includes a requirement relating to the inclusion of maps providing for the spatial application of the SPPs to land. The proposed amendment is limited to modifying the zone maps that form part of the Launceston LPS, specifically to rezone the site from the Rural Zone to the Rural Living Zone A. The provisions for these zones are contained in the SPPs.

*Guideline No. 1 – Local Provisions Schedule (LPS): Zone and Code Application*¹⁷ assists with preparing and amending LPSs. The guidelines for the Rural Living Zone ('RLZ') are considered in Table 7 in relation to the proposal.

Table 7 – Zone Application Guidelines for the Rural Living Zone

Zone Application Guideline	Response
<p><i>RLZ 1 The Rural Living Zone should be applied to:</i></p> <p>(a) <i>residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or</i></p> <p>(b) <i>land that is currently a Rural Living Zone within an interim planning scheme or a section 29 planning scheme,</i></p> <p><i>unless RLZ 4 below applies.</i></p>	<p>The site, at 40768 Tasman Highway, Waverley, is currently zoned Rural and was previously zoned Rural Resource under the <i>Launceston Interim Planning Scheme 2015</i>. Despite this, it is primarily used for grazing horses and related equine activities at a hobby scale.</p> <p>The adjoining Rural-zoned properties to the north-east and west are relatively small, contain dwellings and have lifestyle characteristics.</p> <p>The adjoining Agriculture-zoned property to the north-west, at 40772 Tasman Highway, supports limited agricultural activity. It includes semi-improved pasture interspersed with gorse and paddock trees, indicative of constrained agricultural potential.</p> <p>The adjacent Agriculture-zoned property to the south-west, at 40855 Tasman Highway, supports dryland grazing on the area directly opposite, across the highway.</p> <p>The surrounding area is predominantly residential in character, comprising relatively large lots. This includes the adjoining properties to the north-east and west, as well as adjacent Rural Living-zoned properties to the south-east on the opposite side of Boomer Road, and to the east along Whisky Road (extending into the St Leonards locality). The Drivers Run Estate and Hillside Estate, located further to the south-east, also contribute to this residential character. A small number of Rural-zoned properties lie between these subdivisions and the Tasman Highway; however, they also display lifestyle characteristics. Additional rural residential development within a Rural Living Zone is located further west along Abels Hill Road.</p>

¹⁷ Issued by the Tasmanian Planning Commission with the approval of the Minister for Planning and Local Government under Section 8A of the Act.

Zone Application Guideline	Response
<p><i>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <ul style="list-style-type: none"> <i>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i> <i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</i> 	<p>The Rural Residential Area at Waverley–St Leonards is a strategically preferred location. It was originally identified on Council's <i>Eastern Approaches Long Term Conceptual Development Plan</i> (2010), which formed the basis establishment of Drivers Run Estate following a rezoning approval in 2011.</p> <p>The site of that subdivision was assessed as consistent with suitability criteria in the <i>Launceston Residential Strategy 2009-2029</i>. These criteria allow for consideration of proposals outside of area that were specifically designated in the Residential Strategy.</p> <p>The site of the combined application has been assessed as being consistent with those same suitability criteria, as identified in Section 5.7.2 of this report.</p> <p>The proposal is also consistent with the <i>Northern Tasmania Regional Land Use Strategy</i>. This includes the considerations relevant to the Intensification or Expansion of Rural Residential Areas, Key Planning Principles for Rural Areas and the relevant regional planning policies and actions in Part E more broadly. The NTRLUS is considered in detail in Section 5.7.</p>
<p><i>RLZ 3 The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on:</i></p> <ul style="list-style-type: none"> <i>(a) a reflection of the existing pattern and density of development within the rural living area; or</i> <i>(b) further strategic justification to support the chosen minimum lot sizes consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i> 	<p>While the density of development on Rural Living-zoned properties in the surrounding area is varied, applying Subdivision Category A to the site would best reflect the established pattern of development.</p> <p>The four properties directly opposite on the south-eastern side of Boomer Road are within a Rural Living Zone B. However, the Rural Living Zone A applies to the seven properties along Whisky Road to the east, which vary between 1.01 hectares and 2.362 hectares.</p> <p>These properties, which extend along the eastern side of Whisky Road, form part of Drivers Run Estate. This subdivision included a total of 63 lots, 81% of which are within a Rural Living Zone A. The larger lots within the subdivision are mostly subject to constraints relating to the existence of native vegetation and slope characteristics.</p> <p>The Hillside Estate subdivision comprises 29 lots within a Rural Living Zone A, ranging in size from 1.01 to 1.62 hectares, with an average lot size of 1.15 hectares.</p> <p>The Rural Living Zone A was applied under the Launceston LPS to the three properties to the west of the site, along the northern side of the Tasman Highway, reflective of their established density.</p>

Zone Application Guideline	Response
	<p>The Rural Living B was applied to the rural residential properties along Abels Hill Road to reflect their established density, noting that these properties are located on the opposite side of the highway to the south of the site.</p>
<p><i>RLZ 4 The Rural Living Zone should not be applied to land that:</i></p> <ul style="list-style-type: none"> <i>(a) is suitable and targeted for future greenfield urban development;</i> <i>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</i> <i>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i> 	<p>The site is outside the extent of the Urban Growth Area at St Leonards and Waverley, as shown in the NTRLUS.</p> <p>The site has no notable landscape values beyond its proximity to surrounding rural residential development. It is not shown within a Scenic Protection Area or Scenic Road Corridor on the Launceston LPS overlay maps.</p> <p>Although the site is identified in the <i>Land Potentially Suitable for Agriculture Zone</i> mapping, it was included in a Rural Zone under the Launceston LPS, reflecting limitations to its agricultural potential. The proposed application of the Rural Living Zone is considered justified in accordance with the NTRLUS, as outlined in Section 5.7 of this report.</p>

Therefore, the proposal is consistent with the Zone Application Guidelines for the Rural Living Zone.

Sections 32(3) and 32(4) in the Act relate to detailed or customised planning controls that may be included in a purpose zone, specific area plan or site-specific qualification. The proposed amendment does not involve any such provisions—either existing or proposed.

The proposed amendment is therefore in accordance with Section 32.

5.4 Section 34(2)(c) – Objectives in Schedule 1 of the Act

Schedule 1 of the Act outlines the objectives of the Resource Management and Planning System in Part 1, and the objectives of the planning process established under the Act in Part 2. These objectives are addressed in relation to the proposal in Tables 8 and 9, respectively.

Table 8 – Objectives of the Resource Management and Planning System

Objective	Response
(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	<p>The site is located within Priority a Vegetation Area, and partly within a Waterway and Coastal Protection Area associated with Distillery Creek. However, it is mostly cleared and currently managed as pasture. A small patch (0.3ha) of remnant native vegetation—eastern riparian scrub, a threatened vegetation community—remains along the northern boundary adjacent to the creek. Impacts to this community are capable of avoided by future rural residential development facilitated by the proposed amendment, which will be subject to the relevant provisions in the Natural Assets Code of the State Planning Provisions.</p> <p>The accompanying Flora and Fauna Report identifies that the risk of impacting threatened flora and fauna species is low.</p> <p>Therefore, the proposed amendment will not result in any significant impact on natural and physical resources, ecological processes or genetic diversity.</p>
(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	<p>The proposed amendment will provide for fair, orderly, and sustainable use and development. It will facilitate the consolidation of the established Rural Residential Area at Waverley–St Leonards. This area is as a strategically preferred location, as originally identified through its inclusion on Council's <i>Eastern Approaches Long Term Conceptual Development Plan</i> (2010). In addition, the amendment supports the delivery of a diverse housing mix in alignment with planned residential growth within the Urban Growth Area in the eastern part of the Greater Launceston Area.</p>
(c) <i>to encourage public involvement in resource management and planning; and</i>	<p>The combined application will be placed on public exhibition for a 28-day period. This will provide an opportunity for public involvement and further consideration by Council. The Commission would likely conduct a hearing to provide any representors and the other stakeholders with an ability to discuss issues raised as part of the assessment process.</p>

Objective	Response
(d) <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The proposed amendment seeks to facilitate economic development, in accordance with objectives (a), (b) and (c), by enabling an intensification of the existing land supply for rural residential use and development.
(e) <i>to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The approval process for the combined application represents a sharing of responsibility for resource management and planning by different spheres of Government at a local and state level, the community and development industry.

Table 9 – Objectives of the Process Established by the Act

Objective	Response
(a) <i>to require sound strategic planning and co-ordinated action by State and local government; and</i>	<p>The proposed amendment has been assessed against the relevant policies and strategies and has regard to other relevant local government initiatives. These are considered in Sections 5.5, 5.7 and 5.8 of this Planning Report.</p> <p>The proposed amendment is consistent with each State Policy, to the extent that they apply. It is, as far as practicable, consistent with the <i>Northern Tasmania Regional Land Use Strategy</i>. It has regard to, and is consistent with, the relevant parts of Council's Strategic Plan. It also has regard to Council's draft <i>St Leonards and Waverley Neighbourhood Plan</i>.</p> <p>Therefore, the proposed amendment represents coordinated and sound strategic planning.</p>
(b) <i>to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The Act provides the process for making and amending planning instruments, including the Planning Scheme, in accordance with this objective. The proposed amendment seeks to modify the zone maps to apply the Rural Living Zone A to the site. It will not affect the overlays that apply to the site. The established provisions for the proposed zone in the SPPs will become applicable to the site. The established code provisions in the SPPs of the Planning Scheme will continue to apply to use and/or development at the site.
(c) <i>to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	Matters relating to the future use and development of land are required to be considered in accordance with the applicable provisions in the Planning Scheme as part of the assessment of permit applications.
(d) <i>to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	The proposed amendment is consistent with relevant State, regional and local strategies and policy directions which broadly seek to achieve sustainable development in consideration of environmental, social, economic and resource management objectives.

Objective	Response
(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The Act provides the process for making combined applications, in accordance with Sections 37(1) and 40T(1). This provides a coordinated approach to seeking planning approvals for proposed amendments to an LPS and a related permit for use and/or development.
(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and</i>	The proposed amendment is consistent with this objective because it will provide for further rural residential development that reflects the existing pattern and density of similar development in the surrounding area. Subdivision and future dwelling development will be required to comply with the applicable provisions in the Planning Scheme.
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The site is not known to contain any significant scientific, aesthetic, architectural or historical values or special cultural values.
(h) <i>to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	Rural residential development at the site, facilitated by the proposed amendment, is capable of connecting to available infrastructure in the surrounding area. The site is in proximity of social services and community facilities within the urban area of Greater Launceston.
(i) <i>to provide a planning framework which fully considers land capability.</i>	<p>The accompanying Agricultural Assessment contains land capability mapping undertaken at a scale of 1:10,000, which identifies that the site contains a combination of Class 4–6 land. The site's land capability is constrained by poor drainage and the presence of surface rocks.</p> <p>The site was zoned Rural Resource under the <i>Launceston Interim Planning Scheme 2015</i>. However, it was not included in an Agriculture Zone in the draft LPS, which included an analysis at the local level of constraints to land identified by the <i>Land Potentially Suitable for Agriculture Zone</i> mapping¹⁸. The Rural zoning that was applied reflect the constraints to agricultural use at the site.</p> <p>The relevant provisions of the <i>State Policy on the Protection of Agricultural Land 2009</i> are considered further below.</p>

The assessment demonstrates that the proposed amendment furthers the Objectives set out in Schedule 1 of the Act.

¹⁸ As identified in Council's *Launceston Local Provisions Schedule Supporting Report* (August 2019).

5.5 Section 34(2)(d) – State Policies

5.5.1 State Policy on the Protection of Agricultural Land 2009

The purpose of the State Policy is:

To conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

Its objectives are:

To enable the sustainable development of agriculture by minimising:

- (a) *conflict with or interference from other land uses; and*
- (b) *non-agricultural use or development on agricultural land that precludes the return of that land to agricultural use.*

The relevant principles in Section 3 of the State Policy are considered in Table 10 in relation to the proposal.

Table 10 – Relevant Principles in the State Policy on the Protection of Agricultural Land 2009

Principle	Response
1. <i>Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development.</i>	<p>The accompanying Agricultural Report identifies that the site's potential for agricultural use is limited due to its small size, land capability constraints and proximity to existing rural residential development. Furthermore, the site has limited potential to be farmed in conjunction with adjoining or adjacent land.</p> <p>To the north-west, the site adjoins Agriculture-zoned land at 40772 Tasman Highway. While this property forms part of a larger commercial scale holding, its agricultural potential is also constrained. It is not well-connected to the broader holding, which is primarily located on the northern side of Distillery Creek, and currently supports only limited agricultural activity. The area within the adjoining property that adjoins the site is covered in vegetation and has surface dolerite present.</p> <p>To the south-west, 40855 Tasman Highway comprises agricultural land used for dryland grazing; however, it is physically separated from the site by the Tasman Highway.</p> <p>Given the existing land use context and the nature of adjoining and adjacent land, appropriate on-site buffers can be provided to minimise the risk of land use conflict arising from future non-agricultural use or development.</p> <p>Accordingly, the sustainable development of agriculture will not be confined or restrained due to the proposed conversion of the site from its existing Rural zoning.</p>

Principle	Response
<p>5. <i>Residential use of agricultural land is consistent with this Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land.</i></p>	<p>Given the site's limited agricultural potential, and its lack of significance to the local and regional agricultural estates, its conversion to support residential use under a proposed Rural Living Zone is reasonable and acceptable.</p> <p>The accompanying Agricultural Report recommends setbacks, for future habitable buildings within the site, from the adjoining and adjacent agricultural land to mitigate the risk of land use conflict. This includes:</p> <ul style="list-style-type: none"> • To the north-west (40772 Tasman Highway), a setback of 25m taking account that the agricultural use of this property is unlikely to intensify; and • To the south-west (40855 Tasman Highway), a setback of 50m, which will be partly accommodated within the highway corridor. <p>These site has sufficient area to accommodate these setbacks.</p> <p>It is proposed that they will be given effect by way of an agreement with the planning authority in accordance with Part 5 of the Act.</p> <p>Accordingly, the proposed Rural Living zoning will not result in an unreasonable conversion of agricultural land and will not confine or restrain agricultural use that remains in the surrounding area.</p>
<p>7. <i>The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.</i></p>	<p>The accompanying Agricultural Assessment identifies that that, due to its characteristics and land capability limitations, the site has little or no significance to the local and regional agricultural estates. The conversion of the land, as a result of applying a Rural Living Zone, would be insignificant.</p>

The proposed amendment is therefore consistent with the State Policy.

5.5.2 State Coastal Policy 1996

The State Policy is structured around three main principles:

Natural and cultural values of the coast shall be protected.

The coast shall be used and developed in a sustainable manner.

Integrated management and protection of the coastal zone is a shared responsibility.

It applies to the coastal zone, which is defined by reference to State waters and all land to 1 kilometre inland from the high-water mark. The site is not within 1 kilometre of State waters. Therefore, it is not within the coastal zone and the State Policy does not apply to the proposed amendment.

5.5.3 State Policy on Water Quality Management 1997

The State Policy applies to all surface waters, including coastal waters, and groundwaters, other than privately owned waters that are not accessible to the public and are not connected to, or flow directly into, waters that are accessible to the public or waters in any tank or cistern.

The purpose of the State Policy is:

To achieve the sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the objectives of Tasmania's Resource Management and Planning System.

In accordance with the relevant requirements of the Act, the Planning Scheme has been prepared to ensure consistency with the State Policy. This includes the identification of the relevant portion of the site—adjacent to Distillery Creek—as being within a Waterway and Coastal Protection Area overlay, as shown on the Launceston LPS maps. Development within this overlay, including subdivision, is subject to an assessment under the applicable provisions of the Natural Assets Code in the SPPs. The proposed amendment does not alter the application of this code. Therefore, it is consistent with the State Policy.

5.5.4 National Environmental Protection Measures

The National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled waste between States and Territories and the national pollutant inventory. They relate to matters that are not affected by the proposed amendment.

5.6 Section 34(2)(da) – Tasmanian Planning Policies

There are no TPPs currently in effect and the requirement in Section 34(2)(da) does not apply.

5.7 Section 34(2)(e) – Regional Land Use Strategy

Section 34(2)(e) of the Act requires the amendment to be, as far as practicable, consistent with the relevant regional land use strategy.

The *Northern Tasmania Regional Land Use Strategy* (“NTRLUS”) sets out the strategy and policy basis to facilitate and manage change, growth, and development in the region to 2032. It was originally declared by the Minister for Planning on 27 October 2011. The current version was declared and came into operation on 23 June 2021.

The NTRLUS outlines four key strategic goals—Economic Development, Liveability, Sustainability, and Governance—each supported by strategic directions that together form the broad policy framework for regional planning. These goals inform the regional planning policies set out in Part E, which are intended to guide local policy development and implementation.

5.7.1 Regional Land Use Categories

Part D in the NTRLUS defines three land use categories to create a context for the relevant zoning of land. The categories and their associated purpose statements are reproduced below.

- **Urban Growth Areas** will identify sufficient land to sustainably meet the region's urban development needs considering population, housing, employment projections and reasonable assumptions about future growth.
- **Rural Areas** will protect significant high value productive rural land and primary industries; support the sustainable development and use of natural resources; and provide appropriate opportunities for rural living and other non-agricultural activities.

- **Natural Environment Areas** will promote and protect:
 - *Environmentally significant conservation areas;*
 - *Regionally significant landscapes;*
 - *Open space areas, including outdoor recreation areas, forests and reserves; and*
 - *Regionally significant biodiversity areas including ecosystems that are endangered, threatened or vulnerable.*

The Rural Areas land use category is further divided into two sub-categories: Productive Resource Areas and Rural Residential Areas, as outlined in Section D2.2.

5.7.2 Rural Residential Areas

Sub-Section D.2.2.2 of Part D identifies that the rural landscape of the region includes land suitable for rural residential use and development on large lots, in preferred locations. This includes areas where services are limited or where existing natural and landscape values are intended to be retained.

The NTRLUS states that Rural Residential Areas are typically intended to be included in a Rural Living Zone to reflect established land use patterns or additional areas identified through local strategy. An established Rural Residential Area is described as land with limited potential for efficient or practical agricultural or rural resource use on a commercial basis, and where the land use pattern:

- *Is predominantly residential land use, including lifestyle blocks, hobby farms and/or low density residential subdivision; and*
- *Is characterized by fragmentation of the cadastral base and property ownership; and*
- *May include topographical constraints resulting in physical impediments to rural resource use or connectivity, including biodiversity protection and/or conservation.*

The site is located within an established Rural Residential Area. The land use pattern is predominantly residential in nature, comprising relatively large lots. As a result, the area is highly fragmented in terms of lot boundaries and property ownership.

Service availability within the area is relatively limited. Despite proximity to the Distillery Creek Water Treatment Plant, not all properties—including the subject site—are connected to the reticulated water supply system. There is no reticulated sewerage system or Council-managed stormwater infrastructure servicing the area. Electricity is supplied by overhead distribution lines. Broadband services are available through fixed wireless infrastructure associated with the National Broadband Network, although underground telecommunications infrastructure is also present within the area. A comprehensive range of social services and community facilities is accessible within the urban area of Greater Launceston.

The area contains some natural values, including priority vegetation, and lies adjacent to Distillery Creek. However, most of the site has been cleared and is currently managed as pasture. A small patch (0.3ha) of remnant native vegetation—eastern riparian scrub, a threatened vegetation community—remains along the northern boundary adjacent to the creek and warrants retention. Otherwise, the accompanying Flora and Fauna Report indicates that most threatened flora species previously recorded within a 5-kilometre radius are unlikely to occur on-site due to its highly modified condition and limited habitat features. or similar reasons, the risk of occurrence for threatened fauna species is also low.

The site has no notable landscape values beyond its proximity to surrounding rural residential development. The adjoining properties to the north-east and west are zoned Rural although have lifestyle characteristics. The site itself is primarily used for grazing horses and related equine activities, though this occurs at a hobby scale. Adjacent properties to the south-east and east predominantly consist of existing rural residential development within a Rural Living Zone. This zoning includes the Drivers Run Estate and Hillside Estate, located further to the south-east, as identified in Figure 7. A small number of Rural-zoned properties are situated between these subdivisions and the Tasman Highway, though they also have lifestyle characteristics. Further rural residential development, within a Rural Living Zone, is located further to the west along Abels Hill Road.

Given the existing land use pattern and soil characteristics, the area has limited agricultural potential. The accompanying Agricultural Assessment identifies that the site's land capability is constrained by poor drainage and the presence of surface rocks. The adjoining Agriculture-zoned property to the north-west at 40772 Tasman Highway has limited potential due to its separation from other suitable land. The adjacent property to the south-west at 40855 Tasman Highway, Waverley is utilised for dryland grazing and viticulture, though is separated from the site by the highway.

The land at 40772 Tasman Highway was identified as future rural residential on Council's *Eastern Approaches Long Term Conceptual Development Plan* (2010), which also identified the site and other properties along the highway for this purpose. The land at 40855 Tasman Highway was identified as a combination of future rural residential and future residential urban character. The western portion of this property is included in the draft *St Leonards and Waverley Neighbourhood Plan*, where it is identified as part of a future investigation area.

The *Eastern Approaches Long Term Conceptual Development Plan* was prepared following the completion of the *Launceston Residential Strategy 2009-2029*. It formed the basis for a rezoning in 2011 that enabled the establishment of Drivers Run Estate. That subdivision site was assessed as consistent with suitability criteria in the Residential Strategy. Notably, the strategy allocated land for only a portion of the anticipated rural residential demand, in order to allow market flexibility and to support individual landowner proposals for rezoning.

The Residential Strategy is the local strategy that is directly relevant to the proposed rezoning. It was endorsed by Council and remains current. It outlines the attributes of land that is considered suitable and unsuitable for rural residential development, which are considered in Table 11 in relation to the proposal. Council endorsed the *Launceston Housing Plan 2025-2040* at its meeting on 29 May 2025, which projects that rural areas will continue to capture some of the housing demand associated with the municipal area.

Table 11 – Suitability Criteria for Rural Residential Development – Launceston Residential Strategy

Suitability Criteria	Response
<i>Negative Attributes for Rural Residential Development</i>	
<ul style="list-style-type: none"> <i>high conservation value forest</i> 	The small (0.3ha) patch of remnant native vegetation (riparian scrub) that remains along the northern boundary of the site adjacent to Distillery Creek is capable of being avoided by future rural residential development. It will be protected by the relevant provisions in the Natural Assets Code of the SPPs.
<ul style="list-style-type: none"> <i>land zoned for other uses i.e. industrial or closed residential</i> 	The site is not zoned, or otherwise identified for, future industrial or medium density housing development.
<ul style="list-style-type: none"> <i>potential landslip</i> 	A Landslip Hazard Area overlay affects a small portion of the site, along a part of its south-eastern boundary. It can be avoided by future rural residential development.
<ul style="list-style-type: none"> <i>within a water catchment protection area</i> 	The site is outside of the water catchment associated with the Distillery Creek Water Treatment Plant, and downstream of its intake.
<ul style="list-style-type: none"> <i>within identified buffer areas</i> 	The site is not located within any identified buffer area. Adequate buffers from the adjoining and adjacent agricultural land, to the north-west and south-west, can be provided within the site as part of rural residential development.

Suitability Criteria	Response
Negative Attributes for Rural Residential Development	
<ul style="list-style-type: none"> <i>prime land under the PAL policy</i> <i>can be sewerred (land with sewerage should be developed at a higher density than rural residential)</i> <i>flood risk</i> <i>non-freehold land</i> <i>slope greater than 17 degrees</i> <i>no road frontage</i> 	<p>The site does not contain prime agricultural land as defined in the <i>State Policy on the Protection of Agricultural Land 2009</i>.</p> <p>The site, along with the larger established Rural Residential Area, is not serviced by a reticulated sewerage system.</p> <p>The site is not subject to a Flood-Prone Hazard Area overlay.</p> <p>The site is freehold land.</p> <p>The mostly includes relatively gentle slopes. There are no slopes greater than 17°, other than in small, localised areas.</p> <p>The site has frontage to Boomer Road and the Tasman Highway.</p>
Positive Attributes for Rural Residential Development	
<ul style="list-style-type: none"> <i>within 500m of reticulated water</i> <i>sealed road frontage</i> <i>gravel road frontage</i> <i>on current garbage collection route</i> <i>not in Scenic Protection Special Area</i> <i>not containing TASVEG native forest</i> <i>continuous with existing Rural Residential zones</i> 	<p>A reticulated water supply system services some of the properties in the established Rural Residential Area. The site is within 500m of this system.</p> <p>Boomer Road and the Tasman Highway are both sealed roads.</p> <p>The site, along with the larger established Rural Residential Area, serviced by kerbside collection of waste and recycling.</p> <p>The site is not subject to a Scenic Protection Area or Scenic Road Corridor overlay.</p> <p>A small area of native vegetation, which is not a forest community, is shown along the northern site boundary on TASVEG 4.0 mapping. However, it is capable of being avoided by future rural residential development.</p> <p>The site is contiguous with existing Rural Living-zoned land to the south-east, across Boomer Road, and to the east along Whisky Road.</p>

Designation of the site for rural residential development is therefore considered to be consistent with the suitability criteria in the Residential Strategy.

Sub-Section D.2.2.2 of Part D in the NTRLUS further recognises that Rural Residential Areas play an important role in addressing residential demand by diverting pressure away from Productive Resource Areas. These areas provide opportunities for rural and environmental lifestyle preferences, contributing to the housing market and supporting the Northern Tasmanian Regional Settlement Hierarchy. The strategic provision of Rural Residential Areas minimises future land use conflicts and maximises infrastructure efficiencies.

The NTRLUS identifies that opportunities to increase the capacity of established Rural Residential Areas—where aligned with sustainability criteria—will be given higher priority than expansion. However, expansion, or establishment of new areas, may be preferable where it can be demonstrated that this more effectively meets sustainability objectives and supports local strategies for settlement growth. In this context, the NTRLUS outlines a range of matters, which are considered in Table 12 in relation to the proposal.

Table 12 – Intensification or Expansion of Rural Residential Areas – Matters for Consideration

Matters for Consideration	Response
<p><i>Intensification or expansion of established Rural Residential Areas, or new Rural Residential Areas must balance a range of matters including:</i></p> <ul style="list-style-type: none"> <i>Impact on the agricultural and environmental values of the land and surrounding areas;</i> <i>Proximity to existing settlements containing social services;</i> <i>Land use efficiency, consolidating gaps in established rural residential land use patterns;</i> <i>Access to road infrastructure with capacity to support an intensified land use;</i> <i>On-site waste water system suitability;</i> <i>Impact on natural values or the potential land use limitations as a result of natural values;</i> <i>Impact on agricultural land and land conversion;</i> <i>Impact on water resources required for agricultural and environmental purposes;</i> <i>Consideration of natural hazard management;</i> 	<p>The intensification of rural residential use and development at the site will have limited impact on agricultural and environmental values.</p> <p>The site is in close proximity to the urban area of Greater Launceston and is therefore accessible to a comprehensive range of social services and community facilities.</p> <p>The proposed rezoning of the site will provide for the consolidation of the established Rural Residential Area at Waverley–St Leonards.</p> <p>The road network has sufficient spare capacity to support the proposal.</p> <p>The land is capable of accommodating on-site wastewater treatment and disposal.</p> <p>Impacts to the small (0.3ha) patch of remnant native vegetation (riparian scrub) that remains along the northern boundary of the site, adjacent to Distillery Creek, are capable of being avoided by future rural residential development. This will not create any significant land use limitations.</p> <p>The land has limited agricultural potential as evidenced by its current usage for grazing at a hobby scale. The size of Rural Living-zoned lots ensures that future dwellings are capable of being sited in a manner that minimises the risk of confining or restraining Agriculture-zoned land adjoining to the north-west and adjacent to the south-west.</p> <p>The proposal will not impact any water supply required for agricultural or environmental purposes.</p> <p>Bushfire hazards associated with the grassland vegetation within the site are capable of being adequately managed.</p>

Matters for Consideration	Response
<ul style="list-style-type: none"> <i>The housing mix available in a locality and the contribution additional rural residential land use may make in support of settlements;</i> <i>Potential future requirement for the land for urban purposes; and</i> <i>The ability to achieve positive environmental outcomes through rezoning.</i> 	<p>The small portion of the site that is affected by a Landslip Hazard Area overlay is relatively limited and capable of being avoided as part of subdivision and subsequent dwelling development.</p> <p>The site is not subject to a Flood-Prone Hazard Area overlay.</p> <p>The proposal supports the delivery of a diverse mix of housing types at Waverley–St Leonards. This includes a diverse mix in conjunction with planned future urban residential development within these localities.</p> <p>The site is not identified within an Urban Growth Area on the Regional Framework Plan and has not been identified by Council, including on the <i>Eastern Approaches Long Term Conceptual Development Plan</i> or draft <i>St Leonards and Waverley Neighbourhood Plan</i>, as being required for urban purposes.</p> <p>The proposal represents an efficient and sustainable provision of land for rural residential purposes. It will not have a significant impact on any environmental values.</p>

The proposed intensification of the established Rural Residential Area at Waverley–St Leonards, through the inclusion of the site within a Rural Living Zone to allow further subdivision, appropriately balances these considerations.

5.7.3 Key Planning Principles for Rural Areas

Sub-Section D.2.2.4 outlines the Key Planning Principles for the Rural Areas land use category, which are considered in Table 13 in relation to the proposal.

Table 13 – Key Planning Principles for Rural Areas

Key Planning Principles	Response
<p><i>Planning for Rural Areas should consider the way in which it can:</i></p> <ul style="list-style-type: none"> <i>Conserve and manage rural areas to enhance their contribution to the regional economy, rural industries and regional rural landscape values;</i> <i>Support rural and environmental lifestyle opportunities in appropriate locations (Rural Residential Areas) as a legitimate residential choice subject to appropriate location criteria and where it does not compromise or fragment productive rural land;</i> 	<p>The site is located within an established Rural Residential Area at Waverley–St Leonards and, as such, has limited potential to make a meaningful contribution to the rural economy. Its landscape values are primarily derived from its relationship with the surrounding rural residential development.</p> <p>The proposal has been assessed in Table 12 as being consistent with these criteria. It will not compromise or fragment productive rural land.</p>

Key Planning Principles	Response
<ul style="list-style-type: none"> • <i>Encourage the participation of rural communities in determining planning outcomes and identifying the benefits of regional growth;</i> • <i>Provide and maintain appropriate levels of infrastructure and services to support Rural Residential Area;</i> • <i>Recognise that the Furneaux Group of Islands are more reliant on local strategies for Rural Residential Area and the protection of agricultural land to respond to the complexities of the remote area economics;</i> • <i>Accommodate the required growth of rural villages;</i> • <i>Consolidate future rural population growth within existing rural settlements and associated Rural Residential Area;</i> • <i>Ensure land use and water management policies and regulations do not unreasonably constrain the development of agriculture, agribusiness, and appropriate ecotourism and recreation opportunities in Rural Areas;</i> • <i>Protect quality agricultural land from incompatible development and provide for the expansion of agricultural production in Productive Resource Areas;</i> • <i>Promote 'clustering' of residential development in Rural Residential Areas where a higher density of development is appropriate;</i> • <i>Identify and protect mineral resources from inappropriate development; and</i> 	<p>The combined application will be placed on public, which will provide an opportunity for public involvement along with further consideration by Council and ultimately the Commission.</p> <p>Rural residential development at the site is capable of being an appropriate level of infrastructure, as available in the surrounding area. The site also is in proximity of social services and community facilities within the urban area of Greater Launceston</p> <p>The site is not within the Furneaux Group of Islands. Therefore, this principle is not relevant.</p> <p>The site is not within of adjacent to a rural village. Therefore, this principle is not relevant.</p> <p>The proposal will provide for the consolidation of an established Rural Residential Area.</p> <p>Given the location of the site and the nature of the surrounding area, the proposal will not unreasonably constrain the development of agriculture, agribusiness, and appropriate ecotourism and recreation opportunities.</p> <p>The land has limited agricultural potential as evidence by its current usage for grazing at a hobby scale. Rural residential development at the site is capable of being sited in a manner that minimises the risk of the risk of confining or restraining adjoining and adjacent agricultural land.</p> <p>The proposal will consolidate an established Rural Residential Area. The proposed application of a Rural Living Zone A will provide compatibility with the existing pattern and density of surrounding use and development.</p> <p>The site is located within an area identified as having high prospectivity for metallic minerals. In this context, an exploration licence (EL20/2022) was granted in September 2023. The site lies within the southern portion of this area, which covers approximately 250 km² and includes other properties within the surrounding Rural Residential Area. This includes Rural Living-zoned land to the south-east of Boomer Road and along Whisky Road, as well as most of Drivers Run Estate and all of Hillside Estate.</p>

Key Planning Principles	Response
	<p>The proposed amendment would result in Extractive Industry becoming a prohibited use on the site. However, this use is already prohibited across much of the surrounding Rural Residential Area.</p> <p>It is important to note that the granting of an exploration licence does not authorise the extraction of mineral resources. Any such activity would require additional mining, planning, and environmental approvals, including assessment of potential impacts on established sensitive uses.</p> <p>In this respect, the broader exploration licence area extends northwards toward Lilydale Road and eastward toward Prossers Forest Road. These areas are predominantly zoned Rural, Agriculture and Environmental Management, with some General Residential and Utilities-zoned land encompassed by the exploration licence in the vicinity of Mowbray.</p>
<ul style="list-style-type: none"> <i>Permit secondary or non-agricultural land uses where water quality, scenic rural landscapes, agricultural activities and the natural environment are not adversely impacted and the strategic purpose of rural land use zones is not undermined, preferably in locations proximate to existing settlement.</i> 	<p>The site is bounded by Distillery Creek to the north. Future rural residential development would be capable of being undertaken in a manner that minimises impacts on water quality, including in the context of the established provisions in the Natural Assets Code of the SPPs.</p> <p>Similarly, impacts to the small (0.3ha) patch of remnant native vegetation (riparian scrub) that remains adjacent to the creek are capable of being avoided. The relevant requirements in the Natural Assets Code will also apply.</p> <p>The site and surrounding area is not within a Scenic Protection Area.</p> <p>The land has limited agricultural potential and the risk of confining or restraining adjoining and adjacent agricultural land can be minimised.</p> <p>Given the established rural residential character of the area, the Rural zoning applying to the site and the Agriculture zoning applying to the adjoining and adjacent agricultural land will not be undermined by the proposal.</p>

The proposal is therefore consistent with the relevant key principles.

5.7.4 Regional Planning Policies

The regional planning policies and associated actions in Part E of the NTRLUS are presented under the following headings:

- Regional Settlement Network Policy;
- Regional Activity Centre Network Policy;
- Regional Infrastructure Network Policy;
- Regional Economic Development Policy;
- Social Infrastructure and Community Policy; and
- Regional Environment Policy.

The policies most relevant to the proposed amendment are addressed in Table 14, taking particular account of the preceding assessment of matters outlined in Sub-sections D.2.2.2 and D.2.2.4 of the NTRLUS.

Table 14 – Relevant Policies and Actions in the NTRLUS

Policy	Action	Response
Regional Settlement Networks		
Rural and Environmental Living Development		
RSN-P21 <i>Rural and environmental lifestyle opportunities will be provided outside urban areas.</i>	RSN-A20 <i>Rural living land use patterns will be identified based on a predominance of residential land use on large lots in rural settings with limited service capacity.</i>	<p>The site is outside the Urban Growth Areas identified on the Regional Framework Plan in the NTRLUS.</p> <p>It is located within an established Rural Residential Area Waverley–St Leonards.</p>
RSN-P22 <i>Rural and environmental lifestyle opportunities will generally be located in established Rural Residential Areas.</i>	RSN-A21 <i>Planning schemes should prioritise the consolidation of established Rural Residential Areas over the creation of Rural Residential Areas.</i>	<p>The proposed amendment will provide for the consolidation of this established area.</p>
RSN-P23 <i>Growth opportunities will be provided in strategically preferred locations for rural living and environmental living based on sustainability criteria and local strategies to support settlement growth.</i>	RSN-A22 <i>Target growth to preferred areas based on local strategies to support settlements.</i>	<p>The established area is a strategically preferred location as originally identified through its inclusion on Council's <i>Eastern Approaches Long Term Conceptual Development Plan</i> (2010) under the terms of the <i>Launceston Residential Strategy 2009-2029</i>.</p> <p>The site of the proposal has been assessed as consistent with the suitability criteria contained in the Residential Strategy and NTRLUS.</p>
RSN-P24 <i>Growth opportunities for rural living will maximise the efficiency of existing services and infrastructure.</i>	RSN-A23 <i>Planning scheme provisions must specifically enable subdivision opportunities in preferred areas by setting minimum lot sizes based on locality.</i>	

Policy	Action	Response
Rural and Environmental Living Development		
		The proposed application of a Rural Living Zone A will provide compatibility with the existing pattern and density of surrounding use and development. It will also support the efficient utilisation of existing infrastructure and services.
RSN-P25 <i>Recognise that the Furneaux Group of islands are more reliant on local strategies for Rural Residential Areas and the protection of agricultural land that respond to the complexities of remote area economics and the need to retain or increase population and visitation.</i>	RSN-A24 <i>Future locations of the Rural Living Zone should not require extension of Urban Growth Areas, or unreasonably compromise the productivity of agricultural lands and natural productive resources (within Rural Areas).</i> RSN-A25 <i>Ensure future locations for rural residential opportunities do not unreasonably compromise environmental values.</i>	<p>The proposal does not require an extension of the Urban Growth Area. Instead, it will facilitate the intensification of rural residential use and development at the site, with limited impact on agricultural or environmental values.</p> <p>Given the established rural residential character of the site and surrounding area, the proposal is not expected to unreasonably impact access to mineral resources. The exploration licence associated with these resources extends over a much larger area of land to the north.</p>
	RSN-A26 <i>Consolidation and growth of Rural Residential Areas is to be directed to areas identified in local strategy, that align with the following criteria (where relevant):</i> <ul style="list-style-type: none"> <i>Proximity to existing settlements containing social services;</i> <i>Access to road infrastructure with capacity;</i> <i>On-site waste water system suitability;</i> 	<p>The proposal aligns with the criteria outlined in RSN-A26, as identified below.</p> <p>The site is in close proximity to the urban area of Greater Launceston and is therefore accessible to a comprehensive range of social services and community facilities.</p> <p>The road network has sufficient spare capacity to support the proposal.</p> <p>The land is capable of accommodating on-site wastewater treatment and disposal.</p>

Policy	Action	Response
Rural and Environmental Living Development		
	<ul style="list-style-type: none"> <i>Consideration of the impact on natural values or the potential land use limitations as a result of natural values;</i> <i>Minimisation of impacts on agricultural land and land conversion;</i> <i>Minimisation of impacts on water supply required for agricultural and environmental purposes;</i> <i>Consideration of natural hazard management;</i> <i>The housing mix available in a locality and the contribution additional rural residential land use may make in support of settlements;</i> 	<p>Impacts to the small (0.3ha) patch of remnant native vegetation—eastern riparian scrub, a threatened vegetation community—that remains along the northern boundary of the site, adjacent to Distillery Creek, are capable of being avoided by future rural residential development. This will not create any significant land use limitations.</p> <p>The land has limited agricultural potential as evidenced by its current usage for grazing at a hobby scale. The size of Rural Living-zoned lots ensures that future dwellings are capable of being sited in a manner that minimises the risk of constraining Agriculture-zoned land adjoining to the north-west and adjacent to the south-west.</p> <p>The proposal will not impact any water supply required for agricultural or environmental purposes.</p> <p>Bushfire hazards associated with the grassland vegetation within the site are capable of being adequately managed.</p> <p>The small portion of the site that is affected by a Landslip Hazard Area overlay is relatively limited and capable of being avoided as part of subdivision and subsequent dwelling development.</p> <p>The site is not subject to a Flood-Prone Hazard Area overlay.</p> <p>The proposal supports the delivery of a diverse mix of housing types at Waverley–St Leonards. This includes a diverse mix in conjunction with planned future urban residential development within these localities.</p>

Policy	Action	Response
Rural and Environmental Living Development		
	<ul style="list-style-type: none"> <i>Potential for future requirement for the land for urban purposes; and</i> <i>The ability to achieve positive environmental outcomes through the rezoning.</i> 	<p>The site is not identified within an Urban Growth Area on the Regional Framework Plan and has not been identified by Council, including on the <i>Eastern Approaches Long Term Conceptual Development Plan</i> or draft <i>St Leonards and Waverley Neighbourhood Plan</i>, as being required for urban purposes.</p> <p>The proposal represents an efficient and sustainable provision of land for rural residential purposes. It will not have a significant impact on any environmental values.</p>
Regional Infrastructure Network		
<p>RIN-P1 <i>Coordinate, prioritise and sequence the supply of infrastructure throughout the region to match the settlement framework.</i></p> <p>RIN-P2 <i>Identify infrastructure capacity, need and gaps in current provision to meet requirements for projected population and economic activity.</i></p> <p>RIN-P3 <i>Direct new development towards settlement areas that have been identified as having spare infrastructure capacity.</i></p>	<p>RIN-A1 <i>Liaise with relevant state agencies including the Department of State Growth to develop transport initiatives.</i></p> <p>RIN-A2 <i>Liaise with relevant state agencies, including the Department of State Growth, to develop infrastructure strategies for Northern Tasmania.</i></p> <p>RIN-A3 <i>Direct growth to areas where existing infrastructure capacity is underutilised and give preference to urban expansion that is near existing transport corridors and higher order Activity Centres.</i></p>	<p>The site is within an established Rural Residential Area and service availability is therefore relatively limited. It is capable of being serviced by an appropriate level of infrastructure.</p>

Policy	Action	Response
Regional Infrastructure Network		
<p>RIN-P4</p> <p><i>Recognise the Department of State Growth Road Hierarchy and protect the operation of major road and rail corridors (existing and planned) from development that will preclude or have an adverse effect upon existing and future operations.</i></p> <p>RIN-P5</p> <p><i>Recognise the region's port, airport and other intermodal facilities (existing and planned), including operations, and protect from development that will preclude or have an adverse impact on existing and future.</i></p>	<p>RIN-A4</p> <p><i>Recognise the operation and future expansion potential of key intermodal facilities, particularly the three major seaports and the Launceston Airport and protect from surrounding incompatible uses by applying appropriate zoning and buffers in planning schemes.</i></p> <p>RIN-A7</p> <p><i>Protect the region's road and rail infrastructure network and enable a transition between compatible land uses and an adequate separation between conflicting development that would compromise safe and efficient operations of existing and future planned road and rail corridors.</i></p> <p>RIN-A8</p> <p><i>Protect strategic road corridors that are predominately State Roads (Category 1-3) under Tasmanian Road Hierarchy which include:</i></p> <p>...</p> <ul style="list-style-type: none"> • <i>Tasman Highway</i> <p>...</p>	<p>The established Rural Living-zoned lots adjacent to the site to the south-east and east, along Boomer Road and Whisky Road, rely on Boomer Road for access to and from the Tasman Highway. Similarly, traffic associated with the future rural residential use and development at the site will rely on the highway for access.</p> <p>Tasman Highway is a Category 4 Feeder Road under the State Road Hierarchy. The accompanying Traffic Impact Assessment indicates that the highway has sufficient capacity.</p> <p>The Road and Railway Assets Code in the SPPs of the Planning Scheme are applicable to use and development at the site, including subdivision. This code seeks to protect the safety and efficiency of the road network. It also deals with potentially conflicting use and development; however, the site and surrounding area is not within a Road or Railway Attenuation Area overlay.</p> <p>The site is subject to an Airport Obstacle Limitation Area overlay, and the associated provisions in the Safeguarding of Airports Code will be relevant to development. However, the site is well below the AHD height specified for the overlay. Therefore, future development is unlikely create conflict with the operation of the Launceston Airport.</p>

Policy	Action	Response
Regional Infrastructure Network		
RIN-P6 <i>Facilitate and encourage active modes of transport through land use planning.</i>	RIN-A10 <i>Roads created in new subdivisions are to be designed and constructed to meet the needs of all users and to reinforce the function, safety and efficiency of the road.</i> RIN-A11 <i>Future subdivision design is to allow for permeability and connectivity in the transportation network.</i>	<p>The established Rural Living Zone provisions contain a standard in Clause 11.5.2 of the SPPs that applies to new roads in proposed subdivisions. This requires an appropriate level of access, connectivity, safety, convenience and safety to be provided for also vehicles, and also involves a consideration of access for pedestrians and cyclists.</p>
RIN-P7 <i>Facilitate an efficient and convenient public transport system through land use planning.</i>	RIN-A18 <i>Provide for future higher density residential areas, mixed use developments and new commercial areas to be integrated with public transport services.</i> RIN-A19 <i>Provide for new urban subdivisions to be designed to cater for buses (road width, junction/roundabout design, entry and exit points) and are designed in accordance with Australian Standards.</i>	<p>The site is located within a rural area and is serviced by public transport. The nearest bus routes extend along Regent Street and Naroo Street in Waverley approximately 1.5km to the west. The proposal does not conflict with this regional planning policy and the associated actions.</p>
Regional Economic Development		
Rural Land Natural Productive Resources		
ED-P6 <i>Encourage sustainable and appropriate land use planning practices that seek to manage development and use of the region's natural resources.</i>	ED-A6 <i>Apply a regionally consistent GIS spatial methodology and mapping of productive agricultural land.</i>	<p>The site is located within an established Rural Residential Area at Waverley–St Leonards and, as such, has limited potential to make a meaningful contribution to the rural economy.</p>
ED-P7 <i>Prevent the loss of future rural production (including agriculture, mineral extraction, forestry).</i>	ED-A7 <i>Protect the long-term operation of rural industries and support an expanded agricultural sector.</i>	<p>The site has limited potential for rural production, including agriculture. It is of limited size, has land capability constraints and is in proximity to existing rural residential use and development. Its conversion would have little impact on the local and regional agricultural estates.</p>

Policy	Action	Response
Rural Land Natural Productive Resources		
ED-P8 <i>Manage the region's natural economic resources to sustainably and efficiently meet the needs of existing and future communities.</i>	ED-A9 <i>Limit the encroachment of 'Rural Residential' styles of development onto existing and potential agricultural lands.</i> ED-A11 <i>Identify natural economic resource areas and protect from further fragmentation and inappropriate land use.</i>	<p>The site is currently zoned Rural and supports hobby-scale horse grazing. It is adjoined by two relatively small Rural-zoned properties that exhibit lifestyle characteristics, with established Rural Living-zoned properties located to the south-east and east.</p> <p>The proposal will consolidate the established rural residential land use pattern. Future dwelling on the site can be appropriately sited to minimise the risk of confining or restraining adjoining or adjacent agricultural land.</p> <p>Accordingly, the proposal represents only a limited encroachment on agricultural land.</p>
	ED-A12 <i>Identify and protect extractive and mineral resources for potential future extraction (including providing appropriate transport corridors and buffers) and protect these, ensuring that planning preserves the opportunity for discovery and development of new resources in appropriate areas.</i>	<p>The site is located within an area identified as having high prospectivity for metallic minerals, and the proposed amendment would result in Extractive Industry becoming a prohibited use on the site. However, this use is already prohibited across much of the surrounding Rural Residential Area.</p> <p>The broader exploration licence area, associated with the metallic minerals, extends well beyond the site, encompassing land to the north and east—towards Lilydale Road and Prossers Forest Road—including areas zoned Rural, Agriculture, Environmental Management.</p> <p>Accordingly, the proposal is not expected to unreasonably impact access to mineral resources.</p>

Policy	Action	Response
Regional Environment		
Biodiversity and Native Vegetation		
<p>BNV-P01 <i>Implement a consistent regional approach to regional biodiversity management, native vegetation communities and native fauna habitats including comprehensive spatial regional biodiversity mapping.</i></p> <p>BNV-P02 <i>Except where planning scheme provisions provide for exemptions, restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest communities declared under the Nature Conservation Act, coastal wetlands and remnant and appropriate cultural vegetation within settlement areas.</i></p> <p>BNV-P03 <i>Land use planning is to minimise the spread and impact of environmental weeds.</i></p> <p>BNV-P04 <i>Land use planning processes are to be consistent with any applicable conservation area management plans or natural resource management strategy.</i></p>	<p>BNV-A01 <i>Apply appropriate zoning and/or overlays through planning schemes to protect areas of native vegetation.</i></p> <p>BNV-A02 <i>Implement a planning assessment approach consistent with the 'avoid, minimise, mitigate, offset' hierarchy.</i></p> <p>BNV-A03 <i>Provide for environmental assessments through planning schemes for development proposals with the potential to impact on the habitats of native species of local importance.</i></p>	<p>The site is located within Priority Vegetation Area overlay. It is mostly cleared land although includes a small patch (0.3ha) of remnant native vegetation (riparian scrub) adjacent to Distillery Creek. Most of this vegetation community is located within a Waterway and Coastal Protection Area overlay associated with the creek.</p> <p>Impacts to this community are capable of avoided by future rural residential development facilitated by the proposed amendment.</p> <p>The established relevant provisions in the Natural Assets Code of the SPPs are applicable to such development, including subdivision. This code seeks to protect minimise impacts on water quality, identified priority vegetation and other natural assets.</p>

Policy	Action	Response
Natural Hazards		
<p>NH-P01</p> <p><i>Future land use and urban development is to minimise risk to people and property resulting from land instability by adopting a risk-managed based approach, consistent with Practice Note Guidelines for Landslide Risk Management 2007 and AGS (2007a) Guideline for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning; AGS (2007e) Australian GeoGuides for Slope Management and Maintenance.</i></p>	<p>NH-A01</p> <p><i>Manage further development in declared landslip zones. Complete regional land slide hazard mapping to allow identification of land susceptible to landscape hazards and its associated level of risk to specific scale and types of land uses and developments.</i></p> <p>NH-A02</p> <p><i>Permit appropriate land uses and urban development in areas of susceptibility only where risk is very low or where it can be managed by prescriptive controls to avoid undue risk to persons including life of loss and damage to property.</i></p> <p>NH-A03</p> <p><i>If there is doubt about the geotechnical stability of land proposed for urban development, Council may require a geotechnical assessment to identify risks and mitigation techniques.</i></p>	<p>A Landslip Hazard Area affects a small portion of the site. The established provisions associated with this overlay are contained in the Landslip Hazard Code in the SPP. This seeks to ensure that a tolerable level of risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within the overlay.</p> <p>However, all likelihood, the overlay will be avoided as part of subdivision and subsequent dwelling development. This is because extends across a part of the site's south-west boundary. It is located within a much larger area recommended, in the accompanying Agricultural Assessment, to be subject to a habitable building setback from adjacent agricultural land.</p>
<p>NH-P02</p> <p><i>Future land use and development is to minimise risk to people and property resulting from flooding</i></p>	<p>NH-A04</p> <p><i>Include controls in planning schemes based on current best practice to manage risk to persons and property resulting from inundation.</i></p>	<p>The land involved is not shown as being subject to a Flood-Prone Hazard Area overlay on the Launceston LPS maps.</p>
<p>NH-P03</p> <p><i>Future land use and development is to minimise risk to people and property resulting from bushfire hazard.</i></p>	<p>NH-A05</p> <p><i>Include controls in planning schemes based on current best practice to minimise risk to persons and property resulting from bushfire hazard.</i></p> <p>NH-A06</p> <p><i>Subdivision design is to respond to bushfire hazard risks by providing for alternative access, building setbacks and buffer distances based on current best practice.</i></p>	<p>The site is located within a Bushfire-Prone Area. The established provisions associated with this overlay, which are applicable to subdivision, are contained in the Bushfire-Prone Areas Code in the SPP. This seeks to ensure that subdivision development is appropriately designed, serviced and constructed to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>

Policy	Action	Response
Natural Hazards		
NH-P04 <i>Where avoidance of hazards is not possible or the level of risk is deemed acceptable, best practice construction and design techniques and management practices are to be implemented.</i>	NH-A07 <i>Adopt the relevant risk management AS/NZS standard as part of core management methods for emergency, hazard and risk management.</i>	The Bushfire-Prone Areas Code contains detailed standards that are applicable to the design, servicing and construction of subdivision development.

The assessment demonstrates that the proposed amendment is, as far as practicable, consistent with the NTRLUS.

5.8 Section 34(2)(f) – Council’s Strategic Plan

The relevant goals and relevant associated focus areas of Council’s *Strategic Plan 2014-2024: 2019 Review* are considered in Table 15.

Table 15 – Consideration of the Relevant Strategic Plan Goals and Focus Areas

Relevant Goals and Focus Areas	Consideration
<i>Goal 4: To sustain and promote Launceston as a unique place to live, work, learn and play.</i> 2. <i>To continue to offer an attractive network of parks, open spaces and facilities throughout Launceston.</i> 5. <i>To support sustainable population growth in the Northern Region.</i>	The proposed amendment will support the delivery of a diverse housing mix to cater for a growing population that is planned to be accommodated in the broader St Leonards and Waverley area.
<i>Goal 5: To offer access to services and spaces for all community members, and to work in partnership with stakeholders to address the needs of vulnerable communities.</i> 7. <i>To develop and manage infrastructure and resources to protect our community from natural and other hazards.</i>	The relevant natural hazards associated with the site—including bushfire, and to a lesser extent, landslip—will require consideration in accordance with the established code provisions in the SPPs. In relation to the permit application for the proposed subdivision, this is undertaken in the assessment which follows in Section 6.
<i>Goal 6: To enhance the unique natural character, values, and amenity of our city by minimising the impacts of our organisations and our community’s activities in the environment.</i> 1. <i>To reduce our and the community’s impact on the natural environment.</i> 2. <i>To contribute to air and river quality improvements in Launceston.</i> 3. <i>To manage the risks of climate related events, particularly in the area of stormwater management and riverine flooding.</i>	Potential impacts on the natural environment, including water quality and native vegetation, will require consideration in accordance with the established code provisions in the SPPs. This includes the Natural Assets Code. In relation to the permit application for the proposed subdivision, this is undertaken in the assessment which follows in Section 6.

Relevant Goals and Focus Areas	Consideration
<p><i>Goal 7: To facilitate appropriate development via integrated land-use planning, infrastructure investment, and transport solutions within our municipality and region.</i></p> <ol style="list-style-type: none"> <i>1. To ensure that our application of the land-use planning system at a local and regional level is effective and efficient.</i> <i>2. To take a strategic approach to development sites and infrastructure investment within the municipality to maximise public benefit and encourage development and investment.</i> <i>3. To improve and maintain accessibility, transport options, and infrastructure within the Launceston area, including its rural areas.</i> <i>4. To ensure our suite of strategic planning initiatives are coordinated, and representative of our community's needs and aspirations.</i> 	<p>The proposed amendment has been assessed as being consistent with the <i>Northern Tasmania Regional Land Use Strategy</i> and Council's local strategy as relevant to land use planning.</p> <p>This includes the <i>Launceston Residential Strategy 2009-2029</i>, which allowed for consideration of proposals for rural residential development outside of originally designated areas where criteria are met. This resulted in the preparation of the <i>Eastern Approaches Long Term Conceptual Development Plan (2010)</i>, which identified the site and others in the surrounding area for future rural residential use and development, some of which has occurred.</p> <p>Council's recently endorsed <i>Launceston Housing Plan 2025-2040</i> projects that rural areas will continue to accommodate a portion of the municipality's future housing demand.</p>

Council has also recently released its draft *Strategic Plan 2025-2035*, which contains an objective, in relation to housing, that seeks to increase supply to meet demand and align with planned growth. This will involve aiming and planning for 4,300 new homes in priority development and infill areas by 2035. The identified associated housing actions include:

- *Implement Neighbourhood Plans and Infrastructure Funding Frameworks for priority growth areas such as South Prospect, Newnham and St Leonards.*
- *Implement Neighbourhood Plans in Kings Meadows, Mowbray, Lilydale and the northern suburbs.*

The proposal will support the planned growth to be guided by the *St Leonards and Waverley Neighbourhood Plan*, which is currently under preparation. This will include contributing to the housing mix that will be available in these localities.

5.9 Section 34(2)(g) – Adjacent Local Government Areas

Section 34(2)(g) of the Act requires the amendment, as far as practicable, to be consistent and coordinated with any LPS applying to adjacent local government areas. The proposed amendment seeks to modify the zone maps associated with a site that is located 6.2km from the nearest municipal boundary. Therefore, it will not affect any adjacent LPS.

5.10 Section 34(2)(h) – Gas Safety Act 2019

Section 34(2)(h) of the Act requires the amendment to have regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*. The proposed amendment does not affect the attainment of these requirements because it will not have an adverse impact on any aspect of the gas supply industry.

6. Planning Assessment – Proposed Subdivision

The permit application for the proposed subdivision is made for consideration in conjunction within the proposed amendment to the Launceston Local Provisions Schedule. Section 40T(1) of the Act provides for the making of such an application where permit that is sought could not be issued unless the relevant LPS was amended as requested.

The maps forming part of the Launceston LPS show the site within a Rural Zone. Subdivision within this zone is subject to the development standards contained in Clause 20.5.1 (Lot design) of the State Planning Provisions of the Planning Scheme. The acceptable solution in Clause 20.5.1 A1(d) specifies a minimum lot size of 40 hectares for any proposed subdivision. The site has an area of 25.47 hectares. Therefore, any subdivision of the site that does not fall within the purposes outlined in Clause 20.5.1 A1(a) to (c)—including subdivision for public use by the Crown, a council or state authority, for the provision of Utilities or irrigation infrastructure, or for the consolidation of lots—would need to be assessed against the associated performance criteria in Clause 20.5.1 P1. The performance criteria does not provide for subdivision of land that is intended for Residential use, other than for the excision of a dwelling.

Therefore, a permit could not be issued for the subdivision based on the proposed lot sizes outlined in Table 4 of Section 3.2.1, unless the Launceston LPS is amended as requested. The proposed amendment seeks to apply the Rural Living Zone A to the site. The minimum lot size specified in Table 11.1 of the SPPs for this zone of 1-hectare. The minimum that is capable of being approved under the performance criteria in Clause 11.5.1 P1 is 8,000m².

In accordance with Section 40Y(4) of the Act, the following considers the applicable Planning Scheme provisions as though the Launceston LPS has been amended in accordance with the proposed amendment.

6.1 Zoning

As identified, the proposed amendment will result in the site being shown within a Rural Living Zone A on the maps that form part of the Launceston LPS of the Planning Scheme.

6.2 Overlays

The site is subject to give overlays shown on the LPS overlay maps. The proposed amendment does not seek to modify these overlays.

6.2.1 Waterway and Coastal Protection Area

The site is shown as partially subject to this overlay, as identified in Figure 4. This overlay is associated with Distillery Creek and extends 40 metres on either side of the watercourse.

6.2.2 Priority Vegetation Area

The entirety of the site is shown within this overlay.

6.2.3 Bushfire-Prone Area

The entirety of the site is shown within this overlay.

6.2.4 Landslip Hazard Area

A small part of the site is shown within this overlay, within a low hazard band, as identified in Figure 5. It extends across its south-western boundary from land along a small section of the Tasman Highway that is also subject to the overlay.

6.2.5 Airport Obstacle Limitation Area

The entirety of the site is subject to this overlay.

6.3 Categorisation of Use

In accordance with Clause 6.2.6 in the SPPs of the Planning Scheme, development which is for subdivision does not need to be categorised into one of the uses classes identified in Table 6.2.

6.4 General Provisions

Clause 7.10 in the SPPs is relevant to development that is not required to be categorised into a use class.

Sub-clause 7.10.1 identifies that the general provision applies where the planning authority has a discretion in relation to a proposed development under Clause 6.8.2. This includes where the development relies on any performance criteria to demonstrate compliance with an applicable standard.

The proposed subdivision relies on several performance criteria, which are considered in Section 6.7. Therefore, the proposal is subject to Clause 7.10.

Sub-clause 7.10.2 states that:

An application must only be approved under sub-clause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.

The proposed subdivision is compatible with the existing pattern of development on established properties in the surrounding area. Therefore, it will not cause an unreasonable detrimental impact on adjoining uses or the amenity of the area.

Sub-clause 7.10.3 states that:

In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:

- (a) the purpose of the applicable zone;*
- (b) the purpose of any applicable code;*
- (c) any relevant local area objectives; and*
- (d) the purpose of any applicable specific area plan.*

These matters are considered in the assessment that follows, noting that there are no local area objectives or specific area plans in the Launceston LPS that are applicable to the site.

6.5 Rural Living Zone

6.5.1 Zone Purpose

The purpose statements for the zone in Clause 11.1 in the SPPs of the Planning Scheme are reproduced below.

- 11.1.1 *To provide for residential use or development in a rural setting where:*
- (a) *services are limited; or*
 - (b) *existing natural and landscape values are to be retained.*
- 11.1.2 *To provide for compatible agricultural use and development that does not adversely impact on residential amenity.*
- 11.1.3 *To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.*
- 11.1.4 *To provide for Visitor Accommodation that is compatible with residential character.*

The proposed subdivision seeks to facilitate further residential use and development within a rural setting. Due to the nature of this setting, the site is not capable of being fully serviced by reticulated infrastructure. However, the proposed lots will be connected to available utility infrastructure, including the road network, water supply system and electricity services. Private systems will otherwise be capable of being provided in conjunction with future dwelling development, including water tanks, on-site wastewater treatment and disposal and on-site stormwater disposal.

In relation to natural values, most of the site has predominantly been cleared of vegetation and is currently managed as pasture. However, a small patch (0.3 ha) of remnant native vegetation—eastern riparian scrub, a threatened vegetation community—remains along the northern boundary adjacent to Distillery Creek. The subdivision has been designed to avoid impacting this community. However, the accompanying Flora and Fauna Report recommends that sediment barriers be installed downslope of works on lots adjacent to Distillery Creek if there is any risk of run-off during construction works. Such measures are capable of being required by way of an agreement under Part 5 of the Act.

The FFR otherwise concludes that no threatened flora or fauna species are likely to be impacted beyond a low level of risk as a result of the proposed subdivision and any future residential development facilitated by it.

The proposed subdivision and future dwelling development will be compatible with the existing landscape character, which is predominantly defined by rural residential development in the surrounding area.

The proposed subdivision is therefore consistent with the purpose statement in Clause 11.1.1.

It is primarily intended to facilitate future residential use and development on the new lots. Therefore, the purpose statements in Clauses 11.1.2, 11.1.3 and 11.1.4 are not relevant.

6.5.2 Use Standards

Clause 11.3 includes standards for discretionary uses and Visitor Accommodation. The proposed subdivision does not involve a use, and the use standards therefore do not apply.

6.5.3 Development Standards for Buildings and Works

Standard		Assessment	Compliance
Clause 11.4.1 Site coverage			
A1	<i>The site coverage must be not more than 400m².</i>	The proposed subdivision will not affect site coverage (measured in m ²) associated with existing roofed buildings.	Not Applicable
11.4.2 Building height, setback and siting			
A1	<i>Building height must be not more than 8.5m.</i>	The proposed subdivision will not affect the height of existing buildings to be retained within the site.	Not Applicable
A2	<i>Buildings must have a setback from a frontage of not less than 20m.</i>	The proposed subdivision will not affect the setback of the existing dwellings and sheds to be retained within Lot 17, from the Tasman Highway frontage. These buildings will be setback well over 20m from the proposed cul-de-sac road.	Complies with Acceptable Solution
A3	<i>Buildings must have a setback from side and rear boundaries of not less than 10m.</i>	The existing dwellings and sheds to be retained within proposed Lot 17 will be setback at least 10m from the relevant new boundaries, which will be shared with Lots 16 and 18.	Complies with Acceptable Solution
A4	<i>Buildings for a sensitive use must be separated from an Agriculture Zone or Rural Zone a distance of:</i> <i>(a) not less than 200m; or</i> <i>(b) if the setback of an existing building is within 200m, not less than the existing building.</i>	The proposed subdivision will not affect the setback of the existing buildings to be retained, including the dwellings within proposed Lot 17, from the Agriculture Zone to the north-west and south-west and Rural Zone to the north-east.	Not Applicable

6.5.4 Development Standards for Subdivision

Standard		Assessment	Compliance
11.5.1 Lot design			
A1	<i>Each lot, or a lot proposed in a plan of subdivision, must:</i> <i>(a) have an area not less than specified in Table 11.1 and:</i>	The minimum lot size specified for Subdivision Category A is 1 hectare. As outlined in Table 4, the proposed lots will range in size from 1 hectare to 1.52 hectares.	Complies with Acceptable Solution

Standard		Assessment	Compliance
	<p>(i) <i>be able to contain a minimum area of 15m x 20m clear of:</i></p> <p>a. <i>all setbacks required by clause 11.4.2 A2 and A3; and</i></p> <p>b. <i>easements or other title restrictions that limit or restrict development; and</i></p> <p>(ii) <i>existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</i></p> <p>(b) <i>be required for public use by the Crown, a council or a State authority;</i></p> <p>(c) <i>be required for the provision of Utilities; or</i></p> <p>(d) <i>be for the consolidation of a lot with another lot provided each lot is within the same zone.</i></p>	<p>The size, shape and dimensions of the proposed lots ensure that each can accommodate a minimum area of 15 metres by 20 metres, clear of all relevant setbacks, easements and other title restrictions. This includes the setbacks from the Agriculture-zoned land to the north-west and south-west, as recommended in the accompanying Agricultural Assessment for future habitable buildings.</p> <p>As identified in the assessment of Clause 11.4.2 A2 and A3, the existing buildings within the site to be retained within proposed Lot 17 comply with the acceptable solution requirements for frontage, side and rear boundary setbacks.</p> <p>The subdivision is not for the purpose specified.</p> <p>The subdivision is not for the purpose specified.</p> <p>The subdivision is not for the purpose specified.</p>	<p></p> <p></p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>
A2	<i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</i>	As outlined in Table 4, the proposed Lots 9, 12–18 and 21–22 will have a primary frontage width of less than 40m. However, Lots 17 and 21–22 will have a frontage of more than 40m to the Tasman Highway.	Relies on Performance Criteria
A3	<i>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</i>	The requirements of the road authority will be assessed as part of Council's consideration of the combined application. Therefore, a consideration of the performance criteria is provided.	Relies on Performance Criteria
11.5.2 Roads			
A1	<i>The subdivision includes no new roads.</i>	The proposed subdivision includes a new cul-de-sac road that will extend from Boomer Road.	Relies on Performance Criteria

Standard		Assessment	Compliance
11.5.3 Services			
A1	<p><i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</i></p> <p>(a) <i>be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</i></p> <p>(b) <i>be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</i></p> <p><i>unless a regulated entity advises that the lot is unable to be conn</i></p>	It is proposed that each new lot will be connected to a reticulated water supply, achieved through a combination of connections to existing water mains and the construction of a new water main along the proposed road.	Complies with Acceptable Solution
A2	<p><i>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</i></p> <p>(a) <i>be connected to a reticulated sewerage system; or</i></p> <p>(b) <i>be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</i></p>	There is no reticulated sewerage system in the area. Therefore, provision of on-site wastewater treatment and disposal systems will be required as part of future dwelling development. The suitability of the lots for this purpose requires consideration in the context of the associated performance criteria.	Relies on Performance Criteria

6.6 Codes

6.6.1 Code Applicability

The applicability of the codes in the Planning Scheme is considered below. The identified applicable codes are considered in Sections 6.6.2 to 6.6.5.

Clause	Code Application	Assessment	Applicability
C1.0 Signs Code			
C1.2.1	<p><i>Unless otherwise stated in a particular purpose zone, this code applies to all development for signs, unless the following clauses apply:</i></p> <p>(a) C1.4.2; or</p> <p>(b) C1.4.3.</p>	The proposed subdivision does not involve signage.	Not Applicable

Clause	Code Application	Assessment	Applicability
C2.0 Parking and Sustainable Transport Code			
C2.2.1	<i>Unless stated otherwise in a particular purpose zone, or sub-clause C2.2.2, C2.2.3 or C2.2.4, this code applies to all use and development.</i>	The code requires consideration in relation to all types of use or development.	Applicable
C3.0 Road and Railway Assets Code			
C3.2.1	<p><i>This code applies to a use or development that:</i></p> <p>(a) <i>will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;</i></p> <p>(b) <i>will require a new vehicle crossing, junction or level crossing; or</i></p> <p>(c) <i>involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.</i></p>	<p>The proposed subdivision will not increase the number of vehicle movements associated with any existing vehicle crossing.</p> <p>Lot 17 will retain the existing accesses and associated dwellings. In addition, the proposed road will include a new vehicle crossing for the lot, which will be shared with Lot 18.</p> <p>The proposal includes the provision of new vehicle crossings. It also a new junction in Boomer Road, associated with the proposed cul-de-sac road.</p> <p>The site is not located within a Road or Railway Attenuation Area shown on the Launceston LPS overlay maps.</p> <p>It is also not within 50m of a Category 1, 2 or 3 road under the State Road Hierarchy, or a major road as listed in the Launceston LPS. Tasman Highway, to the south-west of the site, is a Category 4 road.</p> <p>Further, the site is not within 50m of the rail network, nor is it not within 50m of a future major road or future railway as shown on the overlay maps.</p> <p>Accordingly, the site is not otherwise within a Road or Railway Attenuation Area.</p>	<p>Not Applicable</p> <p>Applicable</p> <p>Not Applicable</p>
C4.0 Electricity Transmission Infrastructure Protection Code			
C4.2.1	The code has applicability to specified developments within an electricity transmission corridor, communications station buffer area or substation facility buffer area.	The site is not shown within an Electricity Transmission Corridor, Communications Station Buffer Area or Substation Facility Buffer Area on the Launceston LPS overlay maps.	Not Applicable

Clause	Code Application	Assessment	Applicability
C5.0 Telecommunications Code			
C5.2.1	<i>Unless otherwise stated in a particular purpose zone, this code applies to all development for telecommunication facilities.</i>	The proposal does not involve a telecommunications facility.	Not Applicable
C6.0 Local Historic Heritage Code			
C6.2.1	This code has applicability to development within a local heritage place, local heritage precinct, local historic landscape precinct, excavation within a place or precinct of archaeological potential or lopping, pruning, removal or destruction of a significant tree.	The site is not included in the list of Local Heritage Places and Local Heritage Precincts in the Launceston LPS. There are no Local Historic Landscape Precincts, Places or Precincts of Archaeological Potential or Significant Trees.	Not Applicable
C6.2.1	<i>This code does not apply to a registered place entered on the Tasmanian Heritage Register, unless for the lopping, pruning, removal or destruction of a significant tree as defined in this code.</i>	The site is not entered on the Tasmanian Heritage Register and this provision therefore is not relevant.	Not Applicable
C7.0 Natural Assets Code			
C7.2.1	<i>This code applies to development on land within the following areas:</i> <i>(a) a waterway and coastal protection area;</i> <i>(b) a future coastal refugia area; and</i> <i>(c) a priority vegetation area only if within the following zones:</i> <i>(i) Rural Living Zone;</i>	 The site is shown as partially subject to this overlay, as identified in Figure 4. The site is not subject to this overlay. The entirety of the site is subject to this overlay and is also within a proposed Rural Living Zone.	Applicable Not Applicable Applicable
C8.0 Scenic Protection Code			
C8.2.1	This code has applicability to development within a scenic protection area or scenic road corridor.	The site is not shown within a Scenic Protection Area or Scenic Road Corridor on the Launceston LPS overlay maps.	Not Applicable
C9.0 Attenuation Code			
C9.2.1	<i>This code applies to:</i> <i>(a) activities listed in Tables C9.1 and C9.2;</i> <i>(b) sensitive uses; and</i> <i>(c) subdivision if it creates a new lot where a sensitive use could be established, within an attenuation area.</i>	 The proposal is for a subdivision. The proposal is for a subdivision. The proposal is for a subdivision that will create lots for sensitive uses (dwellings). However, it has not been identified as being within an Attenuation Area.	 Not Applicable Not Applicable Not Applicable

Clause	Code Application	Assessment	Applicability
C10.0 Coastal Erosion Hazard Code			
C10.2.1	<p><i>This code applies to:</i></p> <p>(a) <i>use and development of land within a coastal erosion hazard area; or</i></p> <p>(b) <i>development identified in a report, that is lodged with an application, or required in response to a request under section 54 of the Act, as located on an actively mobile landform within the coastal zone.</i></p>	<p>The site is not shown within a Coastal Erosion Hazard Area on the Launceston LPS overlay maps.</p> <p>The site does not contain an actively mobile landform as defined in the State Coastal Policy.</p>	<p>Not Applicable</p> <p>Not Applicable</p>
C11.0 Coastal Inundation Hazard Code			
C11.2.1	<i>This code applies to use and development of land within a coastal inundation hazard area.</i>	The site is not shown within a Coastal Inundation Hazard Area on the Launceston LPS overlay maps.	Not Applicable
C12.0 Flood-Prone Areas Hazard Code			
C12.2.1	<i>This code applies to development of land within a flood-prone hazard area.</i>	The site is not shown within a Flood-Prone Hazard Area on the Launceston LPS overlay maps.	Not Applicable
C13.0 Bushfire-Prone Areas Code			
C13.2.1	<p><i>This code applies to:</i></p> <p>(a) <i>subdivision of land that is located within, or partially within, a bushfire-prone area; and</i></p> <p>(b) <i>a use, on land that is located within, or partially within, a bushfire-prone area, that is a vulnerable use or hazardous use.</i></p>	The entirety of the site is shown within this overlay, and the proposal is for a subdivision.	Applicable
C14.0 Potentially Contaminated Land Code			
C14.2.1	This code has applicability to specified uses, including a sensitive use or specified uses in the Passive Recreation and Sports and Recreation use classes, or development on potentially contaminated land.	The site has not been identified as potentially contaminated land, as defined in the code.	Not Applicable
C15.0 Landslip Hazard Code			
C15.2.1	This code has applicability to use or development within a landslip hazard area.	A small part of the site is shown within this overlay, within a low hazard band, as identified in Figure 5. An exemption from the code applies, as identified in Section 6.6.6.	Not Applicable

Clause	Code Application	Assessment	Applicability
C16.0 Safeguarding of Airports Code			
C16.2.1	This code has applicability to sensitive use within an airport noise exposure area or development within an airport obstacle limitation area.	The site is not shown to be subject to an airport noise exposure area on the Launceston LPS overlay maps.	Not Applicable
C16.4.1	<p><i>The following use or development is exempt from this code:</i></p> <p>(a) <i>development that is not more than the AHD height specified for the site of the development in the relevant airport obstacle limitation area.</i></p>	The site is subject to an Airport Obstacle Limitation Area overlay, which specifies a height of 316m AHD. The land involved reaches an elevation of approximately 140m. It is therefore well below the obstacle limitation surfaces associated with the Launceston Airport Runway.	Exempt

6.6.2 Parking and Sustainable Transport Code

Code Purpose

The purpose statements for the code in Clause C2.1 in the SPPs of the Planning Scheme are reproduced below.

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.*
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.*
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.*
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.*
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.*
- C2.1.6 To provide for parking precincts and pedestrian priority streets.*

The proposed subdivision will not affect the requirements for, or the existing provision of, parking within the site. It will retain the existing parking provision for the dwellings to be retained within Lot 17. The parking requirements relevant to each other proposed lot will be determined in conjunction with specific proposals for future dwelling development. Therefore, the proposal is consistent with the code purpose.

Use Standards

The permit application seeks approval for a proposed subdivision development only. It does not seek approval for a use. Therefore, in accordance with Clause 5.6.2 (c)¹⁹, the use standards under Clause C2.5 do not apply.

Development Standards for Buildings and Works

The proposed subdivision does not involve the provision of parking areas. Therefore, in accordance with Clause 5.6.2 (c), most of the development standards under Clause C2.6 do not apply. The only exception is the standard that is considered below.

¹⁹ A standard in a zone or code is an applicable standard if it deals with a matter that could affect, or could be affected by, a proposed use or development.

Standard	Assessment	Compliance
C2.6.3 Number of accesses for vehicles		
A1.1 <i>The number of accesses provided for each frontage must:</i> <i>(a) be no more than 1; or</i> <i>(b) no more than the existing number of accesses,</i> <i>whichever is the greater.</i>	Each of the proposed lots will be provided with no more than a single vehicle crossing per frontage.	Complies with Acceptable Solution

6.6.3 Road and Railway Assets Code

Code Purpose

The purpose statements for the code in Clause C3.1 in the SPPs of the Planning Scheme are reproduced below.

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

The accompanying Traffic Impact Assessment demonstrates that the proposed subdivision adequately protects the safety and efficiency of the surrounding road network. It identifies a requirement to upgrade the junction of the Tasman Highway with Boomer Road to include a Basic Left turn facility. This is proposed to occur as part of the relevant stage involving the creation of the 13th lot within the subdivision. Therefore, the proposal is consistent with the code purpose.

Use Standards

Standard	Assessment	Compliance
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction		
A1.1 <i>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</i> <i>(a) a new junction;</i> <i>(b) a new vehicle crossing; or</i> <i>(c) a new level crossing.</i>	The proposal does not involve any access to a Category 1 Trunk Road, as defined in the State Road Hierarchy, or a limited access road declared under the <i>Roads and Jetties Act 1935</i> . Tasman Highway is a Category 4 Road, and Boomer Road is a local road administered by Council.	Not Applicable
A1.2 <i>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</i>	The proposed road junction and vehicle crossings, that will service the relevant proposed lots, have not yet been authorised by Council's road authority and will instead be considered as part of the planning approval process.	Relies on Performance Criteria
A1.3 <i>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</i>	The proposal does not involve the rail network.	Not Applicable

Standard	Assessment	Compliance
<p>A1.4 <i>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</i></p> <p>(a) <i>the amounts in Table C3.1; or</i></p> <p>(b) <i>allowed by a license issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</i></p>	<p>The proposed subdivision will not increase the number of vehicle movements associated with any existing vehicle crossing. This includes the existing accesses associated with the site, which will be retained for Lot 17.</p> <p>In any event, the traffic generation associated with the proposed subdivision, including future dwelling development, is considered in the accompanying TIA.</p>	<p>Complies with Acceptable Solution</p>
<p>A1.5 <i>Vehicular traffic must be able to enter and leave a major road in a forward direction.</i></p>	<p>The adjoining roads are major roads as defined in the code²⁰. Tasman Highway is not a Category 1, 2 or 3 road. Boomer Road is not listed as a major road in the Launceston LPS.</p> <p>In any event, the proposed lots are of sufficient size to enable traffic associated with existing and future dwelling development to enter and leave the adjoining roads in a forward direction.</p>	<p>Not Applicable</p>

Development Standards for Buildings and Works

The proposed subdivision does not involve habitable buildings for sensitive uses within a Road or Railway Attenuation Area. Therefore, the development standard in Clause C3.6.1 does not apply.

Development Standards for Subdivision

The proposed subdivision is not located on land within a Road or Railway Attenuation Area. Therefore, the development standard in Clause C3.7.1 does not apply.

6.6.4 Natural Assets Code

Code Purpose

The purpose statements for the code in Clause C7.1 in the SPPs of the Planning Scheme are reproduced below.

- C7.1.1 *To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.*
- C7.1.2 *To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.*
- C7.1.3 *To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*

²⁰ In accordance with the definition for the term in Clause C3.3.1, a major road is a category 1, 2 or 3 road as defined in the State Road Hierarchy, and any other road listed in the relevant LPS.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The site is partially subject to a Waterway and Coastal Protection Area overlay, which is associated with Distillery Creek. The proposed subdivision will only result in a limited amount of development and works within the overlay. The accompanying Flora and Fauna Report recommends that sediment barriers be installed downslope of works on lots adjacent to Distillery Creek if there is any risk of run-off during construction works.

The site is entirely located within a Priority Vegetation Area overlay. However, the proposed subdivision does not involve the clearance of any native vegetation within the overlay. The proposed lots have been designed so that future development, including building areas and bushfire hazard management areas, accommodated outside the extent of the small patch of native vegetation—specifically the remnant eastern riparian scrub community—located within the site.

Therefore, the proposal is consistent with the relevant parts of the code purpose.

Development Standards for Buildings and Works

The relevant development standards are considered below.

Standard		Assessment	Compliance
C7.6.1 Buildings and works within a Waterway and Coastal Protection Area or a Future Coastal Refugia Area			
A1	<i>Buildings and works within a waterway and coastal protection area must:</i> <i>(a) be within a building area on a sealed plan approved under this planning scheme;</i> <i>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</i> <i>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</i>	The only works that will be undertaken within the Waterway and Coastal Protection Area overlay as part of the subdivision development is the provision of a vehicle crossing for Lot 9. This will be located in Boomer Road, along its section to the north of Whisky Road.	Relies on Performance Criteria
A3	<i>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</i>	The proposed subdivision seeks to retain an existing stormwater point of discharge into Distillery Creek, which is currently associated with the site.	Complies with Acceptable Solution

Standard		Assessment	Compliance
C7.6.2 Clearance within a priority vegetation area			
A1	Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	The subdivision development does not any proposed clearance of native vegetation.	Not Applicable

Development Standards for Subdivision

The development standards that are applicable to subdivision of land within a Waterway and Coastal Protection Area or Priority Vegetation Area are considered below.

Standard	Assessment	Compliance	
C7.7.1 Subdivision within a Waterway and Coastal Protection Area or a Future Coastal Refugia Area			
A1	<p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.</p>	<p>Lot 17 will retain existing buildings, however the proposed subdivision is not limited to this purpose.</p> <p>The subdivision is not for the purpose specified.</p> <p>The subdivision is not for the purpose specified.</p> <p>The subdivision is not for the purpose specified.</p> <p>As identified in the accompanying Flora and Fauna Report, the design of the proposed subdivision ensures that almost all future development can occur outside the Waterway and Coastal Protection Area overlay. The only exception is a future driveway extending from the vehicle crossing associated with Lot 9, which will be in the outer section of the overlay.</p>	<p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Relies on Performance Criteria</p>
C7.7.2 Subdivision within a Priority Vegetation Area			
A1	<p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p>	<p>The proposed subdivision is not for the purpose specified.</p>	<p>Not Applicable</p>

Standard	Assessment	Compliance
(b) <i>be required for public use by the Crown, a council, or a State authority;</i>	The proposed subdivision is not for the purpose specified.	Not Applicable
(c) <i>be required for the provision of Utilities;</i>	The proposed subdivision is not for the purpose specified.	Not Applicable
(d) <i>be for the consolidation of a lot; or</i>	The proposed subdivision is not for the purpose specified.	Not Applicable
(e) <i>not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</i>	The Priority Vegetation Area overlay applies to the entirety of the site is. As a result, development facilitated by the proposed subdivision would be unable to avoid the overlay.	Relies on Performance Criteria

6.6.5 Bushfire-Prone Areas Code

Code Purpose

The purpose statements for the code in Clause 13.1 in the SPPs of the Planning Scheme are reproduced below.

C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.

The proposed subdivision will be required to be undertaken in accordance with the accompanying Bushfire Hazard Assessment Report, which ensures consistency with the code purpose.

Use Standards

The proposal does not involve a use, and the use standards in Clause C13.5 therefore do not apply.

Development Standards for Subdivision

Standard	Assessment	Compliance
C13.6.1 Provision of hazard management areas		
A1	<p>(a) <i>TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</i></p> <p>(b) <i>The proposed plan of subdivision:</i></p> <p>(i) <i>shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</i></p>	Complies with Acceptable Solution

Standard	Assessment	Compliance
<p>(ii) <i>shows the building area for each lot;</i></p> <p>(iii) <i>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 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone areas; and</i></p> <p>(iv) <i>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 2.6 of Australian Standard AS3959:2018 Construction of buildings in bushfire-prone Areas; and</i></p> <p>(c) <i>if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</i></p>		

Standard		Assessment	Compliance
C13.6.2 Public and fire fighting access			
A1	<p>(a) <i>TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</i></p> <p>(b) <i>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></p> <p style="padding-left: 40px;">(i) <i>demonstrates proposed roads will comply with Table C13.1, proposed property accesses will comply with Table C13.2 and proposed fire trails will comply with Table C13.3 and</i></p> <p style="padding-left: 40px;">(ii) <i>is certified by the TFS or an accredited person.</i></p>	The accompanying BHMR certifies that the proposed subdivision complies with Clause C13.6.2 A1 (a), in relation to the existing dwellings, and (b) in relation to the other lots.	Complies with Acceptable Solution
C13.6.3 Provision of water supply for fire fighting purposes			
A1	<p><i>In areas serviced with reticulated water by the water corporation:</i></p> <p>(a) <i>TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</i></p> <p>(b) <i>A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table C13.4; or</i></p> <p>(c) <i>A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</i></p>	The accompanying BHMR certifies that the proposed subdivision complies with Clause C13.6.3 A1 (b).	Complies with Acceptable Solution

Standard	Assessment	Compliance
C13.6.3 Provision of water supply for fire fighting purposes		
<p>A2 <i>In areas that are not serviced by reticulated water by the water corporation:</i></p> <p>(a) <i>The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</i></p> <p>(b) <i>The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table C13.5; or</i></p> <p>(c) <i>A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</i></p>	<p>The accompanying BHMR certifies that the proposed subdivision complies with Clause C13.6.3 A2 (a), in relation to the existing dwellings to the extent necessary, and (b) in relation to the other lots for any building areas unable to be serviced by the reticulated water supply.</p>	<p>Complies with Acceptable Solution</p>

6.6.6 Landslip Hazard Code

Code Purpose

The purpose statement for the code in Clause 15.1 of the SPPs of the Planning Scheme are reproduced below.

C15.1.1 To ensure that a tolerable risk can be achieved and maintained for the type, scale and intensity and intended life of use or development on land within a landslip hazard area.

The Landslip Hazard Area applies to a relatively small part of the site, as shown in Figure 5. The overlay can be avoided by development facilitated by the proposed subdivision. Additionally, the exemption in Sub-Clause C15.4.1 (d) applies, as outlined below. Therefore, the proposal is consistent with the code purpose.

Use of Development Exempt from the Code

The relevant part of Sub-Clause C15.4.1 is reproduced below.

C15.4.1 The following use or development is exempt from this code:

...

(d) *development (including subdivision) on land:*

(i) *within a low landslip hazard band, if for:*

a. *building work or plumbing work as defined in the Building Act 2016 including significant works related to the building work and plumbing work, or*

- b. works if it does not involve significant works; or
- (ii) within a medium landslip hazard band, if for:
 - a. building work or plumbing work as defined in the Building Act 2016 including significant works related to the building work and plumbing work;
 - b. subdivision if no additional lots are created, if it does not involve significant works;
 - c. Resource Development, if it does not involve significant works;
 - d. minor utilities or utilities associated with sewer, water, stormwater systems, electricity, gas, telecommunications and roads infrastructure, if it does not involve significant works; or
 - e. any other works, if it does not involve significant works.

The proposed subdivision does not include any works within the Landslip Hazard Area, which affects the rear of proposed Lot 22 and a part of the Tasman Highway. This includes the proposed upgrade of the junction between the Tasman Highway and Boomer Road, which is located entirely outside the overlay.

It is also noted that the proposal is consistent with the acceptable solution in Clause C15.7.1, which is relevant to subdivision, in that the proposed lots can, including Lot 22 in particular, contain a building area, and associated services and driveway, outside the overlay.

6.7 Applicable Performance Criteria

6.7.1 Clause 11.5.1 Lot Design – Performance Criteria P2 and P3

The proposed Lots 9, 12–16 and 18 will not have frontage to a road that is 40m or greater in length, as required by Clause 11.5.2 A2. Therefore, the subdivision relies on performance criteria P2 for the standard. It is noted that the primary frontage of Lots 17 and 21–22, to the proposed cul-de-sac road, will be less than 40m.

Clause 11.5.2 A3 provides a compliance pathway where the vehicle accesses to be provided for lots will be provided in accordance with the requirements of the road authority. Those requirements will be assessed as part of Council's consideration of the combined application. A consideration of the associated performance criteria P3 is therefore provided below.

11.5.1 Lot design	
<p>Objective: That each lot:</p> <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development. 	
Performance Criteria	Assessment
<p>P2</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</i></p>	<p>The proposed lots will be provided with access to the cul-de-sac road or Boomer Road in a manner that will be suitable for their intended rural residential usage having regard to matters (a) to (f), as relevant, which are considered below.</p>

Performance Criteria	Assessment
(a) <i>the width of frontage proposed, if any;</i>	<p>As outlined in Table 4, the frontage widths associated with the relevant proposed lots are:</p> <ul style="list-style-type: none"> • Lot 9 – 7.8m to Boomer Road; • Lot 12 – 20.2m to proposed road; • Lot 13 – 8.6m to proposed road; • Lot 14 – 18m to proposed road; • Lot 15 – 0m to proposed road; • Lot 16 – 7.6m to proposed road; • Lots 17 – 7m to proposed road (primary frontage) • Lot 18 – 7m to proposed road; and • Lots 21-22 - 7m to proposed road (primary frontages).
(b) <i>the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</i>	<p>The accesses for Lots 9, 12–13, and 16 will be dedicated solely to each respective lot and will not be subject to any right of way providing access to other land.</p> <p>Lot 15 will benefit from a right of way over the 18-metre-wide access strip associated with Lot 14, providing a legal connection to the proposed road. This access arrangement will also accommodate a shared driveway serving only Lots 14 and 15.</p> <p>Lots 17–18 will have adjoining 7-metre-wide access strips that will provide frontage. Mutual rights of way will be created over each access strip, benefiting the adjoining lot and creating a 14-metre-wide shared access corridor. This corridor will be used exclusively by the two lots, with no rights of access granted to any other land.</p> <p>Lots 21-22 will have these same access arrangements, with the exception that Lot 17 will also retain the existing accesses and associated dwellings.</p>
(c) <i>the topography of the site;</i>	<p>The topography of the site, which mostly includes relatively gentle slopes, does not constrain the provision of access from the road.</p>
(d) <i>the functionality and useability of the frontage;</i>	<p>The proposed frontages and associated rights of way, for the relevant lots, will provide functional and useable access arrangements, suitable for the intended rural residential usage. Vehicles will be able to enter and exit the road in safe and efficient appropriate manner. Following construction, vehicle movements associated with the lots will predominantly involve light vehicles, with relatively low traffic volumes expected due to the rural residential nature of the subdivision.</p>
(e) <i>the ability to manoeuvre vehicles on the site; and</i>	<p>The size of the proposed lots ensures that there will be sufficient area to enable vehicles to manoeuvre appropriately on-site.</p>

Performance Criteria	Assessment
<p>(f) <i>the pattern of development existing on established properties in the area,</i></p> <p><i>and is not less than 3.6m wide.</i></p>	<p>The surrounding area, including the established Rural Living-zoned lots in Boomer Road, Whisky Road, Drivers Run Estate, Hillside Estate and Abels Hill Road, include lots with a mix of sizes and shapes. It also includes internal lots with access strips. The proposed access arrangements are compatible with the patter of development in the area.</p> <p>Additionally, the proposed frontages and rights of way, for the relevant lots, will exceed 3.6m, which is the minimum that can be approved.</p> <p>Therefore, the proposal complies with the performance criteria.</p>
<p>P3</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</i></p> <p>(a) <i>the topography of the site;</i></p> <p>(b) <i>the length of the access;</i></p> <p>(c) <i>the distance between the lot or building area and the carriageway;</i></p> <p>(d) <i>the nature of the road and the traffic;</i></p> <p>(e) <i>the anticipated nature of vehicles likely to access the site; and</i></p>	<p>The proposed lots will be provided with reasonable vehicular access having regard to matters (a) to (f), as relevant, which are considered below.</p> <p>The topography of the site, which mostly includes relatively gentle slopes, does not constrain the provision of access from the road.</p> <p>The majority of the proposed lots are capable of accommodating building areas near their respective primary road frontages. The proposed Lots 14–15, 18, and 21–22 are as internal lots, intended for future dwelling development. These lots will be served by shared access corridors ranging from approximately 130 to 160 metres in length, which is considered reasonable and appropriate for a rural residential subdivision. The proposed corridor widths of between 14 to 18 metres will provide adequate space for vehicle manoeuvring and passing, ensuring safe and functional access.</p> <p>As identified, the proposed lots will be able to contain building areas in a location that provides reasonable and appropriate separation between the road carriageway.</p> <p>Taking account of the rural residential nature of the proposed subdivision development, the road and associated vehicle crossings are proposed be constructed to a rural standard. Traffic volumes will be relatively low.</p> <p>Following construction, vehicle movements associated with the lots will predominantly involve light vehicles, with relatively low traffic volumes expected due to the rural residential nature of the subdivision. As a result, vehicles are unlikely to experience any difficulties with the proposed access arrangements, which are considered appropriate.</p>

Performance Criteria	Assessment
(f) <i>the ability for emergency services to access the site.</i>	<p>Given that the site is located within a bushfire-prone area, the proposed road and relevant vehicle accesses will be constructed to accommodate fire appliances as identified in the accompanying Bushfire Hazard Management Report.</p> <p>Therefore, the proposal complies with the performance criteria.</p>

6.7.2 Clause 11.5.2 Roads – Performance Criteria P1

The proposed subdivision includes a new cul-de-sac road that will extend from Boomer Road, and a consideration of the performance criteria in Clause 11.5.2 P1 is therefore required.

11.5.2 Roads	
<p>Objective: <i>That the arrangement of new roads with a subdivision provides:</i></p> <ul style="list-style-type: none"> (a) <i>safe, convenient and efficient connections to assist accessibility and mobility of the community;</i> (b) <i>adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</i> (c) <i>the efficient ultimate subdivision of the entirety of the land and of surrounding land.</i> 	
Performance Criteria	Assessment
<p>P1 <i>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, having regard to:</i></p> <ul style="list-style-type: none"> (a) <i>any relevant road network plan adopted by the council;</i> (b) <i>the existing and proposed road hierarchy;</i> (c) <i>maximising connectivity with the surrounding road network;</i> 	<p>The proposed cul-de-sac road will provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles having regard to matters (a) to (e), as relevant, which are considered below.</p> <p>No relevant road network plan adopted by Council for the area has been identified. The proposed road layout is considered appropriate in the context of the site location and intended rural residential use.</p> <p>The proposed cul-de-sac road will connect with Boomer Road. This is a local road constructed to a rural standard that services part of the established Rural Residential Area, providing connectivity to the broader road network.</p> <p>The road access arrangements associated with the proposed subdivision development will provide an appropriate level of connectivity, taking account of the rural residential nature of the area.</p> <p>The 18-metre-wide access strip associated with Lot 14 is intended to provide for a potential future road connection to the adjoining property to the north-west. This connection would support any future rural residential subdivision and development in the surrounding area.</p>

Performance Criteria	Assessment
<p>(d) <i>appropriate access to public transport;</i></p> <p>(e) <i>access for pedestrians and cyclists</i></p>	<p>To safeguard this future connectivity, an appropriate easement is proposed to be registered on the title for Lot 14, formally recognising the potential for a road extension.</p> <p>The site is not within an area that is serviced by public transport. The nearest bus routes extend along Regent Street and Naroo Street in Waverley approximately 1.5km to the west.</p> <p>Taking account of the rural residential nature of the area, it is reasonable to expect parts of the surrounding local road network to accommodate shared usage.</p> <p>Matters (a) to (f) are not mandatory requirements that the proposed subdivision must satisfy. They are matters to consider in determining compliance with the overarching requirement in the performance criteria. The cul-de-sac road will assist in providing the subdivision with a safe, convenient and efficient connection with the road network. Therefore, the proposal complies with the performance criteria.</p>

6.7.3 Clause 11.5.3 Services – Performance Criteria P2

The proposed lots will require the provision of on-site wastewater treatment and disposal systems as part of future dwelling development. Therefore, a consideration of the performance criteria in Clause 11.5.3 P1 is required.

11.5.3 Services	
<p>Objective: <i>That the subdivision of land provides services for the future use and development of the land.</i></p>	
Performance Criteria	Assessment
<p>P1</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</i></p>	<p>The accompanying Preliminary On-site Wastewater Disposal Evaluation demonstrates that each of the proposed lots intended for future dwelling development contains sufficient available area to accommodate the on-site disposal of domestic effluent via a secondary treated wastewater system, including a sufficient reserve area.</p> <p>Therefore, the proposal complies with the performance criteria.</p>

6.7.4 Clause C3.5.1 Traffic Generation – Performance Criteria P1

The proposed subdivision will include the provision of a new road junction in Boomer Road and new vehicle crossings, in Boomer Road and along the new cul-de-sac road, which will service the proposed lots. The requirements of the road authority in respect to these access arrangements will be assessed as part of Council's consideration of the combined application. Therefore, the subdivision relies on the performance criteria in Clause C3.5.1 P1 is therefore provided.

This performance criteria is assessed in the accompanying Traffic Impact Assessment. This also includes a consideration of the traffic generation associated with the proposed subdivision, including future dwelling development.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	
<i>Objective: To minimise any adverse effects on the safety and efficiency of the road and rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</i>	
Performance Criteria	Assessment
P1 <i>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</i> <i>(a) any increase in traffic caused by the use;</i> <i>(b) the nature of the traffic generated by the use;</i> <i>(c) the nature of the road;</i> <i>(d) the speed limit and traffic flow of the road;</i> <i>(e) any alternative access to a road;</i> <i>(f) the need for the use;</i> <i>(g) any traffic impact assessment; and</i> <i>(h) any advice received from the rail or road authority.</i>	The TIA identifies that the proposed subdivision complies with the performance criteria. It concludes that there are no traffic capacity issues, and the proposal appropriately mitigates potential traffic safety issues arising due to the proposal.

6.7.6 Clause C7.6.1 Buildings and Works Within a Waterway And Coastal Protection Area – Performance Criteria P1.1

The works associated with the proposed subdivision development that will be undertaken within the Waterway and Coastal Protection Area overlay will be limited to the provision of a vehicle crossing for Lot 9. In this respect, the subdivision relies on the performance criteria in Clause C7.6.1 P1.

C7.6.1 Buildings and works within a Waterway and Coastal Protection Area or a Future Coastal Refugia Area	
<p>Objective: <i>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</i></p>	
Performance Criteria	Assessment
<p>P1.1 <i>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) impacts caused by erosion, siltation, sedimentation and runoff;</i> <i>(b) impacts on riparian or littoral vegetation;</i> <i>(c) maintaining natural streambank and streambed condition, where it exists;</i> <i>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i> <i>(e) the need to avoid significantly impeding natural flow and drainage;</i> <i>(f) the need to maintain fish passage, where known to exist;</i> <i>(g) the need to avoid land filling of wetlands;</i> <i>(h) the need to group new facilities with existing facilities, where reasonably practical;</i> <i>(i) minimising cut and fill;</i> <i>(j) building design that responds to the particular size, shape, contours or slope of the land;</i> <i>(k) minimising impacts on coastal processes, including sand movement and wave action;</i> <i>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</i> <i>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</i> <i>(n) the guidelines in the Tasmanian Coastal Works Manual.</i> 	<p>Whilst the performance criteria requirement is not specifically assessed in the accompanying Flora and Fauna Report, it identifies that the access for Lot 9 will be in the outer section of the Waterway and Coastal Protection Area overlay. The potential impact on natural assets as a result of this access is negligible.</p> <p>The FFR recommends that sediment barriers be installed downslope of works on lots adjacent to Distillery Creek if there is any risk of run-off during construction works</p> <p>The proposed subdivision complies with the performance criteria.</p>

Performance Criteria	Assessment
<p>P1.2</p> <p><i>Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the need to access a specific resource in a coastal location;</i> <i>(b) the need to operate a marine farming shore facility;</i> <i>(c) the need to access infrastructure available in a coastal location;</i> <i>(d) the need to service a marine or coastal related activity;</i> <i>(e) provision of essential utility or marine infrastructure; or</i> <i>(f) provisions of open space or for marine-related educational, research, or recreational facilities.</i> 	<p>No part of the land involved in the combined application is within the spatial extent of tidal waters. Therefore, the performance criteria requirement does not apply.</p>

6.7.7 Clause C7.7.1 Subdivision Within a Waterway And Coastal Protection Area – Performance Criteria P1

The design of the proposed subdivision ensures that almost all future development, including bushfire hazard management areas, can occur outside the Waterway and Coastal Protection Area overlay. The only exception is a future driveway extending vehicle crossing associated with Lot 9, which will be in the outer section of the overlay. In this respect, the subdivision relies on the performance criteria in Clause C7.7.1 P1.

C7.7.1 Subdivision within a Waterway and Coastal Protection Area or a Future Coastal Refugia Area	
<p>Objective:</p> <p>That:</p> <ul style="list-style-type: none"> <i>(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and</i> <i>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.</i> 	
Performance Criteria	Assessment
<p>P1</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and</i> <i>(b) future development likely to be facilitated by the subdivision.</i> 	<p>The accompanying Flora and Fauna Report contains an assessment of the performance criteria, demonstrating that the proposed subdivision complies.</p>

6.7.8 Clause C7.7.2 Subdivision Within a Priority Vegetation Area – Performance Criteria P1.1 and P1.2

The proposed subdivision, and future dwelling development, associated bushfire hazard management areas, services and driveways, will occur within a Priority Vegetation Area overlay. Therefore, a consideration of the performance criteria in Clause C7.7.2 P1.1 and P1.2 is required.

C7.7.2 Subdivision within a Priority Vegetation Area	
<p>Objective: That:</p> <ul style="list-style-type: none"> (a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation 	
Performance Criteria	Assessment
<p>P1.1</p> <p><i>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</i></p> <ul style="list-style-type: none"> (a) <i>subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</i> (b) <i>subdivision for the construction of a single dwelling or an associated outbuilding;</i> (c) <i>subdivision in the General Residential Zone or Low Density Residential Zone;</i> (d) <i>use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</i> (e) <i>subdivision involving clearance of native vegetation where it is demonstrated that ongoing pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</i> (f) <i>subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</i> 	<p>The accompanying Flora and Fauna Report contains an assessment of the performance criteria, demonstrating that the proposed subdivision complies. In particular, it demonstrates compliance with the requirements in P1.1 (f).</p>

Performance Criteria	Assessment
<p>P1.2</p> <p><i>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</i> <i>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</i> <i>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</i> <i>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</i> <i>(e) any on-site biodiversity offsets; and</i> <i>(f) any existing cleared areas on the site.</i> 	<p>The accompanying FFR contains an assessment of the performance criteria, including matters (a) to (f). It demonstrates that the proposed subdivision complies.</p> <p>In particular, it identifies that the lots have been designed so that future development, including building areas and bushfire hazard management areas, can be accommodated outside the native vegetation community extent.</p>

7. Conclusion

The proposed amendment seeks to rezone the property at 40768 Tasman Highway, Waverley, along with relevant sections of the adjoining Boomer Road, from the Rural Zone to the Rural Living Zone A. The rezoning will facilitate the consolidation of an established Rural Residential Area at Waverley–St Leonards, which is identified as a strategically preferred location for rural residential use and development.

The assessments which accompany the combined application, including this Planning Report, demonstrate that the proposed amendment is consistent with the following:

- State Policies;
- *Northern Tasmania Regional Land Use Strategy*;
- *Launceston Residential Strategy 2009-2029*;
- Council's *Eastern Approaches Long Term Conceptual Development Plan, 2010*; and
- Council's *Strategic Plan 2014-2024: 2019 Review*.

The proposed amendment also complies with the relevant requirements in the Act, including the Local Provisions Schedule criteria in Section 34(2).

The permit application seeks to subdivide the site into 23 lots and constructed associated works involving the provision of road access, water supply and electricity services and upgrading the junction of Boomer Road and the Tasman Highway.

This Planning Report demonstrates that the proposal complies with the applicable provisions and standards under the following headings in the Planning Scheme:

- Clause 7.10 Development Not Required to be Categorised into a Use Class;
- Clause 11.0 Rural Living Zone;
- Clause C2.0 Parking and Sustainable Transport Code;
- Clause C3.0 Road and Railway Assets Code;
- Clause C7.0 Natural Assets Code;
- Clause C13.0 Bushfire-Prone Areas; and
- Clause C15.0 Landslip Hazard Code.

This includes the performance criteria in the relevant zone and code provisions listed below.

- Rural Living Zone
 - Clause 11.5.1 Lot design – Performance Criteria P2 and P3.
 - Clause 11.5.3 Services – Performance Criteria P2.
- Road and Railway Assets Code
 - Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction – Performance Criteria P1.
- Natural Assets Code
 - Clause C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area – Performance Criteria P1.1.
 - Clause C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area – Performance Criteria P1.
 - Clause C7.7.2 Subdivision within a priority vegetation area – Performance Criteria P1.



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