

Low Density Residential Zone

Clause 12.4.1(A5)

The application states that it complies with the acceptable solution as each lot can drain to a natural drainage channel west of the site. This drainage channel will be sited within the proposed lots 40, 41 and 42. There are no easements proposed to support drainage outside of these lot. There is no detail on how the application achieves compliance with the acceptable solution, therefore site suitability is only assumed.



Figure 1 – Source: Listmap – Tasmanian Interim Planning Scheme zoning and Hydrology All

Clause 12.4.2(P1)

The statement provided within Clause 12.4.1(A5) states that drainage of each lot will be to a natural drainage channel west of the lots to be formalised into a stormwater drain. The comment relative to this clause states that each lot will contain “onsite soakage of overflow”. This is contrary to the previous comment and no detail has been provided on whether each site can contain stormwater overflow without causing impact to adjoining property owners. The Sisters Beach area currently has flooding issues during the winter months, therefore careful consideration and demonstration of this clause is required. The application has not demonstrated compliance with the performance criteria.

Rural Living Zone

Clause 13.4.1 (P1)

The proposal states that lot 55 is compliant with the local area objectives and future character statement with no detail on how that is achieved. Again, no detail has been provided on whether the site can support on-site drainage for stormwater overflow. The application has not addressed the performance criteria in full.

Clause 13.4.1 (A4)

The acceptable solution clause b) ii requires demonstration of compliance with either a, b or c **AND iii**. The report provided states that the that “each lot (lots 42-58) intend on utilising on site wastewater systems for single dwellings that are to be constructed in accordance with AS/NZS 1547:2012. The clause states that the site must have “... capacity for on-site disposal of domestic wastewater in accordance with AS/NZS1547:2012...”. No site and soil reports have been provided to demonstrate that each site has capacity, therefore the application cannot achieve compliance with 13.4.1(A4).

Clause 13.4.2(P1)

The performance criteria requires consistency with 13.1.1, 13.1.2 and 13.1.3. The discussion provided does not address any of the specific statements within the local area objective, future character statement or zone purpose.

The discussion states that the proposal achieves compliance with the performance criteria, being just shy of 1ha, but as stated within P1 a)i), the number of dwellings on a lot must be consistent with “the size of any existing or approved lot or site on land in the vicinity”. There are no lots within the Rural Living zone at Sisters Beach which are less than 1ha in size, therefore the application cannot achieve compliance with the performance criteria.

Environmental Management Zone

Clause 29.3.4(P1)

In contradiction to 8.1.2(b) of the scheme, the application does not state a use for the Environmental Management zone. The application has however been advertised as a discretionary use within clause 29.3.4(P1). The performance criteria has not been addressed within the application and therefore it cannot be determined whether the proposal achieves compliance or not.

P1(c)(i) states that the proposal be on a site that – “has been assessed to have no potential or benefit for protection and conservation or hazard management.” As shown on figure 2 below, the lot contains the overlay for Threatened Native Vegetation Communities. No ecological reporting has been provided for the site. It is also shown of figure 3 that the site is also a Wedge Tailed Eagle nesting area. No consideration has been provided.

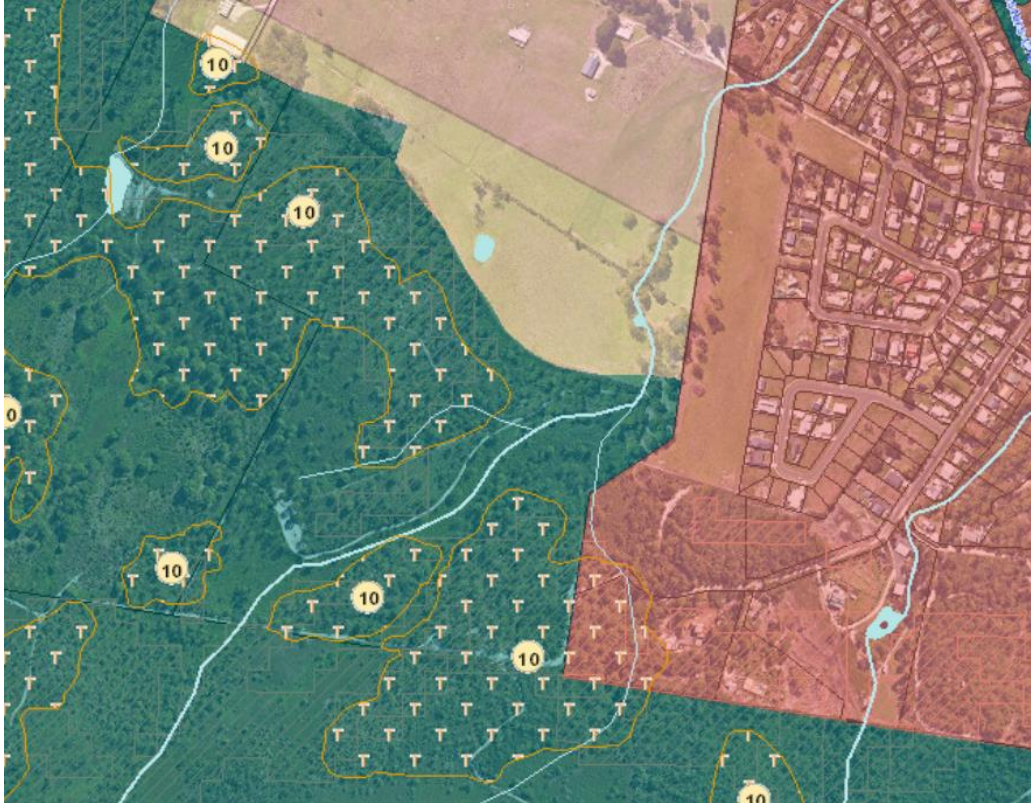


Figure 2 – Source Listmap – Threatened Native Vegetation Communities

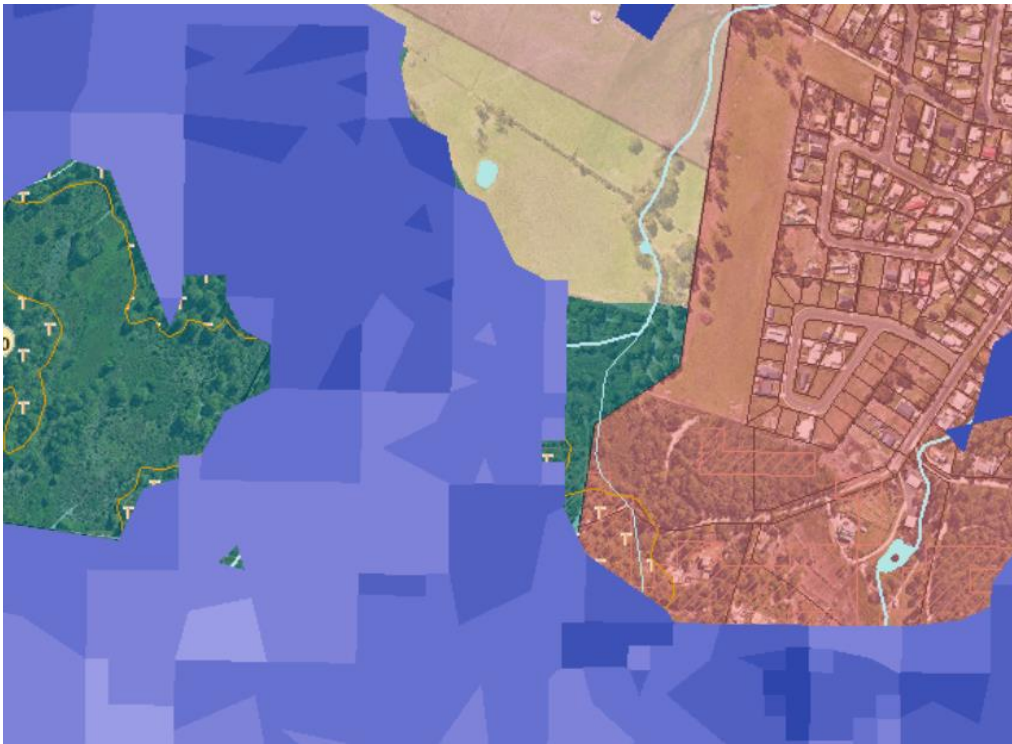


Figure 3 – Source – Listmap – Wedge-tailed Eagle Nesting Habitat – North West Model.

Clause 29.4.4(P1)

Although the application has been assessed as a residential use under 29.3.4 (P1), the discussion within this clause states “the proposed subdivision of lots 40 & 41 intends to retain the land in its natural state for ‘natural and cultural values management’ in order to protect the habitat where no habitable buildings area intended to be located within the zone”. These are two contradictory points within the application and if intended for residential use will require clearing and conversion as per the Bushfire Hazard Management Plan.

Code E1 – Bushfire Prone Areas Code

Concerns raised in relation to the Bushfire Assessment are as follows;

- The building area for lot 39 shows the site maintained to the eastern boundary, yet land on lot 32 is only maintained for 32 metres to the north. The BAL level for lot 39 on the eastern boundary therefore exceeds a BAL 19 and is non-compliant.
- Lots 41 requires clearing of native bush as shown within plan B0.1. It is also noted the building envelope for lots 40 and 41 are sited within a waterway, therefore would invoke discretion E3.6.1 (P1). This has not been addressed or advertised; therefore, the application is not valid.
- Lot 39 is also shown at less than 32 metres from the north/western boundary, therefore if lot 40 is not developed (which is unclear), then a BAL of 12.5 cannot be achieved as stated.
- There is also no requirement for the developer to maintain the hazard management area until all lots are sold, therefore a situation may arise where new dwellings are put at risk pending the sale of each site.

Code E3 – Clearing of Native Vegetation Code

The report provided states that there is no clearing of native vegetation proposed, yet to achieve a BAL 12.5 for lots 39, native vegetation within lot 40 is required to be cleared. As stated above, the area shown on plan B0.1 for these lots is sited over a waterway, therefore invokes a discretion which has not been addressed or advertised with the application.

Code E10 - Water and Waterways Code

The 10m x 15m envelope for lot 40 within plan SD04 and for both lots 40 and 41 within plan B0.1 is sited within a waterway as shown on Figure 4 below. The application has not addressed this clause taking into consideration it is a natural waterway with building envelopes, road works and development occurring within 30 metres.



Figure 4 – Source: Listmap – Hydrology All

It is concluded that the application is not compliant with the application requirements within Part 8.1.2 as a use class for Environmental Management zone have not been provided.

It is requested that should the Council wish to determine the application, that they recommend refusal as per section 8.8.1 as there are several performance criteria which have not been addressed and others in which the application cannot comply.