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SURVEYORS, ENGINEERS & PLANNERS



Planning Report

441 Tinderbox Road, Tinderbox
12 Lot subdivision

43586HC | June 2023

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EXECUTIVE SUMMARY

Council approval is sought for a 12 lot subdivision at 441 Tinderbox Road, Tinderbox (CT 139168/1). This planning assessment, combined with supplementary documentation has been provided in support of the proposed development.

Development Details:

Client/Owner	Tinderbox Proprietary Limited
Property Address	441 Tinderbox Road, Tinderbox
Proposal	12 lot subdivision
Land Area	321.1ha±

PID / CT	7438654	139168/1
Planning Ordinance	<i>Kingborough Interim Planning Scheme 2015</i>	
Land Zoning	14.0 Environmental Living 26.0 Rural Resource 29.0 Environmental Management	
Specific Areas Plans	N/A	
Code Overlays	Bushfire Prone Area Landslide Hazard Area Biodiversity Protection Area Waterway and Coastal Protection Area Scenic Landscape Area	

Use Status	Residential
Application Status	Discretionary

1. Introduction/Context

Council approval is sought for a 12 lot subdivision at 441 Tinderbox Road, Tinderbox. In support of the proposal the following associated documents have been provided in conjunction with this planning assessment:

- The Title Plan and Folio: CT 139168/1
- Proposed Plan of Subdivision: PDA 43586HC-1G-5G
- Whole Farm Management Plan prepared by Jim Mulcahy of Enviro-dynamics:
0288_Tinderbox_Whole Farm Plan_v2_31August21
- Bushfire Hazard Assessment & Bushfire Hazard Management Plan prepared by Jim Mulcahy of Enviro-dynamics: *43586HC_Bushfire Hazard Report_v2_31August21*
- Natural Values Report prepared by Jim Mulcahy of Enviro-dynamics:
0288_Tinderbox_Natural Values Report_v3_6September21

1.1. The Land



Figure 1. Existing aerial image of the subject land (LISTmap, 2023)

The subject land is located at 441 Tinderbox Road, Tinderbox (PID: 7438654). It is a large irregular shaped parcel of land with a total land area of 321.1ha±, as illustrated in Figure 1. The land is characterised predominately by forest on the eastern ridge of the Tinderbox Hills, farmland bisected by Tinderbox Road and pocketed throughout the northeast, and bound by the Tinderbox Peninsular coastline of Northwest Bay and Tinderbox Bay in the south. The land area

is part of 'Tinderbox Farm', which consists of an existing residential dwelling, vineyard, pasture, and associated outbuildings. *Note: The parcel of land highlighted in pink in the north east is subject to an existing approved permit for subdivision - DAS 2004-7.*

1.3. Natural Values

There is native vegetation, habitat for threatened and priority fauna species, and high conservation value trees identified on the subject land. To ensure the natural values of the land are suitably evaluated and subsequently protected, a Natural Values Assessment and Report has been prepared by Jim Mulcahy of Enviro-dynamics, refer to attached document *0288_Tinderbox_Natural Values Report_v3_6September21*

2. The Proposal

A Planning Permit for a 12 lot subdivision is sought, in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* and Clause 8.8.1 (b) of the *Kingborough Interim Planning Scheme 2015*.

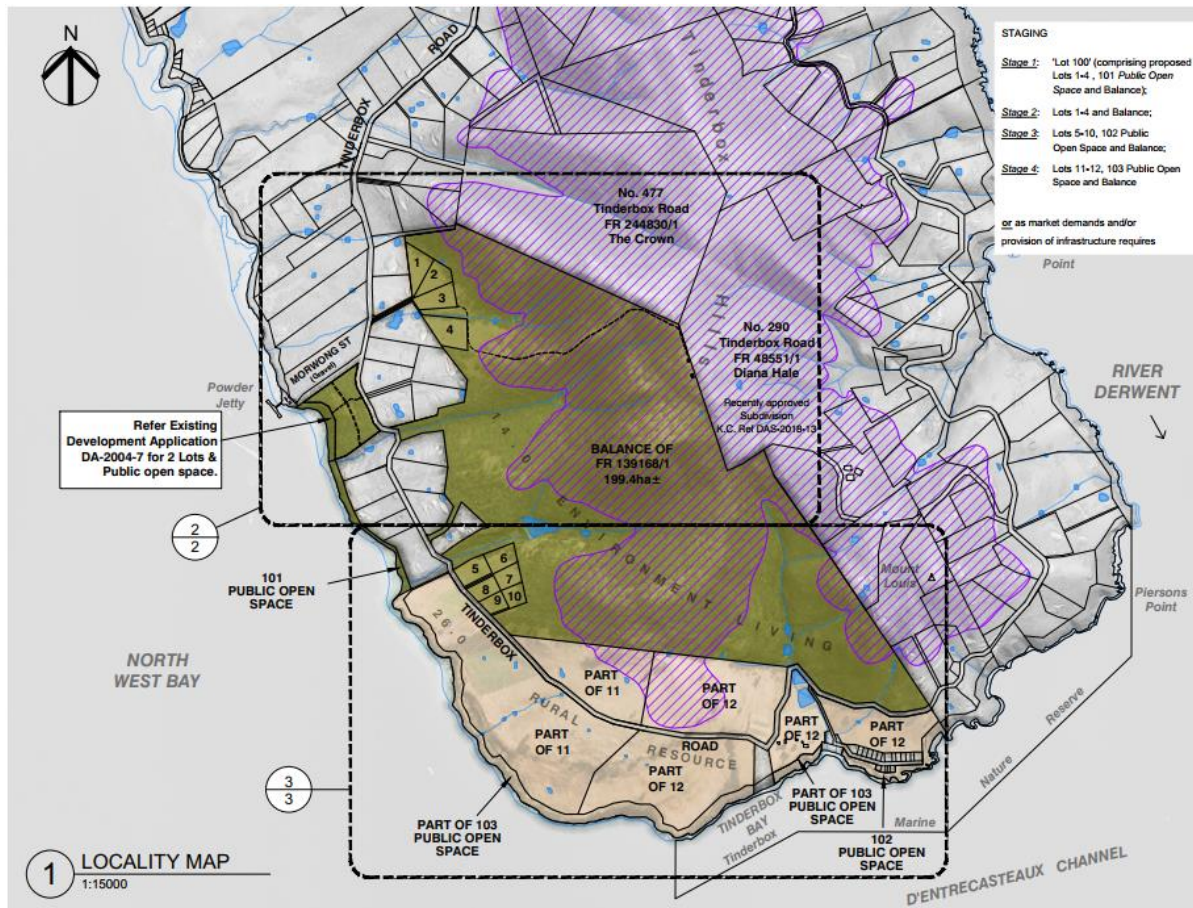


Figure 2. Proposed Plan of Subdivision

(Please refer to the attached file 43586HC-1G-5G for complete Plan of Subdivision)

It is proposed that the land of title CT 139168/1 be subdivided into 12 lots, balance, and Public Open Space (POS) allotments, and constructed in 4 stages, as illustrated in Figure 2. All proposed lots have been provided with an indicative building area, and vehicular access to Tinderbox Road, with exception of lot 12, of which will contain the existing dwelling, vehicular access, vineyard, services and outbuildings. The balance lot will encompass the majority of the forested area that contains high conservation values, and these values will be protected via a mechanism on title to permanently protect the area, prevent further subdivision, and deliver a significant net conservation benefit. Protection of the area is proposed by means of either a part Tinderbox has been prepared and attached as part of this application should council wish to use a Part 5 agreement.

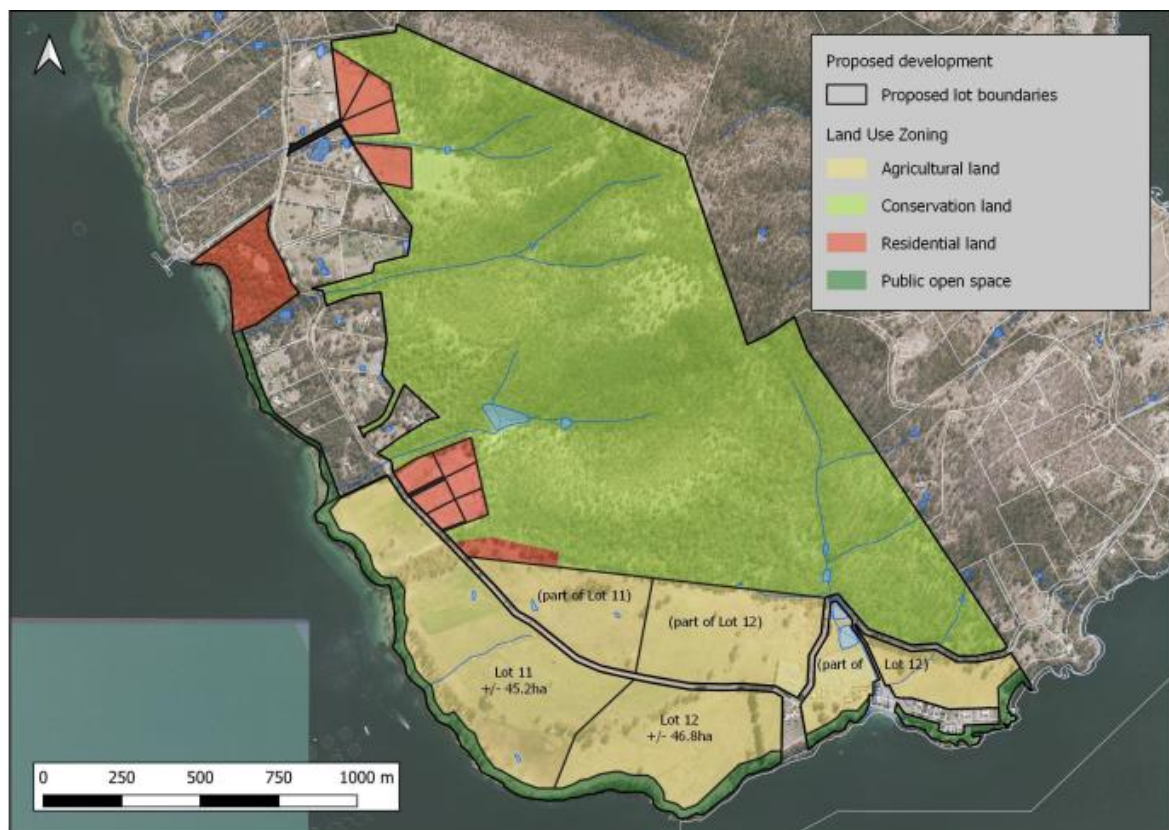


Figure 2a. Proposed extent of conversant area
 (Please refer to the attached Whole Farm Management Report and Natural Values Report)

Public Open Space lots 101, 102, and 103 are to be transferred to council as Public Open Space and have been located in conjunction with Kingborough Council to maximise connectivity and linkage with existing and proposed spaces along the North West Bay Coastline/Tinderbox Peninsular. As a result, promoting the protection and preservation of the Tinderbox Peninsular skyline and coastal edge, as per the recommendations of the *Kingborough Land Use Strategy 2019*.

A full summary of the proposed lots is provided in Appendix A.

3. Planning Assessment

This current proposal for subdivision has been developed in accordance with the *Derwent Valley Interim Planning Scheme 2015*.

3.1. Use Class

Residential

3.2 Zoning



Figure 3. Zoning identification of the subject land and surrounds (LISTmap, 2023)

The subject land is located within three zones, Environmental Living, Rural Resource, and a small section of Environmental Management, as shown in Figure 3.

3.3 Zone Standards

14.0 Environmental Living Zone

14.5 Development Standards for Subdivision

14.5.1 Lot design

Objective:

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas.

Acceptable Solutions

A1

Each lot, or a proposed lot in a plan of subdivision, must be for public open space, a riparian or littoral reserve, or a

Performance Criteria

P1

Each lot, or a proposed lot in a plan of subdivision, excluding for public open space, riparian or littoral reserve or utilities, must satisfy the following:

Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.

- (a) the number of lots is no more than 1 lot per 10ha, or 1 lot per 20ha on Bruny Island; except for:
 - (i) 3 Sawdust Road, Adventure Bay (CT 54720/9);
 - (ii) Lot 200 Bonnie Vale Drive, Howden (CT 162233/200); and
 - (iii) 50 Rada Road, Kettering (CT 102793/2 & 105924/1);
 - (iv) 367 Brightwater Road, Howden (CT62191/1);
 - (v) 105 Ferry Road, Kettering (CT 239256/1);
 - (vi) Lot 3 Channel Highway, Kingston (folio of the Register 249340/3); where the minimum lot size is determined as the entire portion of the land in this zone;
- (b) lots are clustered so that their building areas are in proximity to each other thereby reducing overall impact on natural values;
- (c) a net conservation benefit is provided through mechanisms on titles for collective responsibility and management of natural values on private land outside those areas required for building areas, private open space and bushfire protection measures;
- (d) mechanisms on large titles, with nominal future subdivision potential under A1, prevent further subdivision.

Response:

P1 is met: Proposed lots 1-10, 101 (POS), and balance, satisfy all of the performance criteria as follows:

- (a) With a land area of 212ha±, and 12 lots proposed, the number of lots is no more than 1 lot per 10ha;
- (b) Clustered Lots 1-4 and lots 5-10, have been located to minimise any potential impact on surrounding natural values, with close proximity building areas to further reduce overall impact on the land;
- (c) As previously stated, it is proposed that a registration of a covenant against the balance lot to permanently protect the natural values of the subject land. In doing so, delivering a significant nett conservation benefit, by means of either a part 5 agreement or restrictive covenant. A draft part 5 agreement has been prepared and attached as part of this application.
- (d) The implementation of the proposed Part 5 agreement or restrictive covenant, will provide security and prevention against future subdivision of the balance land.

A2

The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;

- (a) clear of the frontage, side and rear boundary setbacks;

P2

The design of each lot must contain a building area able to satisfy all of the following:

- (a) is reasonably capable of accommodating residential use and development;
- (b) meets any applicable standards in codes in this planning scheme;

(b) not subject to any codes in this planning scheme;
 (c) clear of title restrictions such as easements and restrictive covenants;
 (d) has an average slope of no more than 1 in 5;
 (e) is a minimum of 30 m x 30 m in size.

(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;
 (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;
 (e) is located to minimise environmental impacts.
 (f) does not impact on native vegetation subject to any codes in this planning scheme.

Response:

P2 is met: Each proposed lot (excluding lot 101 - POS) has been provided with an 30m x 30m indicative building area, and are able to satisfy all of the performance criteria as follows:

(a) All proposed lots are generously designed to comfortably accommodate residential use or future development, with lot sizes ranging from 6613m²-1.94ha, as listed in the Table 1 *Extract Summary of Proposed Lots* shown below;

Table 1. Extract Summary Table of Proposed Lots

Lot #	Lot Type	Area	Frontage
1	Internal	1.37ha±	15.9m±
2	Internal	1.25ha±	6.1m±
3	Internal	1.41ha±	6.3m±
4	Internal	1.94ha±	14.1m±
5	Ordinary	1.16ha±	83.1 m±
6	Internal	1.11ha±	6m±
7	Internal	9041m ² ±	6m±
8	Ordinary	8080m ² ±	74.2m±
9	Ordinary	6613m ² ±	70.4m±
10	Internal	7536m ² ±	6.6m±
Balance	Ordinary	199.4ha±	858.5m±
101	POS	1.5ha±	n/a

See Appendix A for full Summary Table

(b) Meets all applicable standards in the relevant codes in this planning scheme, see below in *Section 3.3: Codes* of this report in conjunction with the attached Bushfire Hazard Report and Natural Values Assessment prepared by Envirodynamics Pty Ltd;

(c) The location of proposed lots enables future development to achieve reasonable solar access, given the slope and aspect of the land;

(d) The design of the proposed lots minimises the requirement for earthworks, retaining walls, and cut and fill associated with future development;

(e)(f) The proposed lots have been clustered and strategically located on previously cleared land to minimise potential environmental impacts, and no impact on native vegetation subject to any codes in the *Kingborough Interim Planning Scheme 2015*.

A3

The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot: 40 m.

P3

The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.

Response:

P3 is met: All proposed lots satisfy the performance criteria, with the frontage of each lot no less than 6m. Providing ample opportunity for reasonable vehicular and pedestrian access, as listed in Table 1 *Extract Summary of Proposed Lots* as shown above;

A4

No lot is an internal lot.

P4

An internal lot must satisfy all of the following:

- (a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;
- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;
- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;
- (d) the lot will contribute to the more efficient utilisation of environmental living land;
- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;
- (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;
- (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;
- (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;
- (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan;
- (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.

Response:

P4 is met: As previously demonstrated in Table 1 above, lots 1-4, 6, 7, and 10, are internal lots and satisfy the performance criteria as follows:

- (a) Access to the land is from a road existing prior to the planning scheme coming into effect, however the shape, form, and natural values of the subject land has led to forming internal lot as the only reasonable option to efficiently utilise the land;

- (b) As there is no future potential for further subdivision or development of the land due to topographic and natural value constrains, it would not be reasonable to provide a new road simply to create a standard frontage for each lot;
- (c) As previously stated, the shape, form, and natural values associated with the subject land has led to the formation of internal lot as the only viable low impact option to reasonably and efficiently utilise the land;
- (d) To minimise environmental impacts on the subject land and surrounds, the formation of internal lots on previously cleared land, contributes to more efficient utilisation of environmental living land;
- (e) The amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;
- (f) Each lot has been provided with vehicular access via an access strip or right of carriageway, with a width no less than: 4.5m wide to service lots 1-5 and balance; 6m wide to service lots 6 and 7; and 6m wide to service lot 10;
- (g) Passing bays have been provided where appropriate, and in accordance with the attached Bushfire Hazard Management requirements;
- (h) The proposed access strip to service lots 1-4, is combined with no more than three internal lot access strips. As there is no future potential for further subdivision or development of the land due to topographic and natural value constrains, it would not be reasonable or appropriate to create a new public road to service the lots;
- (i) All proposed vehicular access strips are to be a sealed rural access;
- (j) *Not applicable* as proposed lots are not in the vicinity of any public open spaces or public rights of way.

A5

Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.

Response:

A5 is met: Not applicable as there are no existing buildings or development on the subject land within the Environmental Living Zone.

10.6.2 Roads

Objective:	
To ensure that the arrangement of new roads within a subdivision provides for all of the following: (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian and cycling traffic; (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.	
Acceptable Solutions	
A1 The subdivision includes no new road.	
Response:	
A1 is met: No new roads are proposed as part of this subdivision.	

10.6.3 Ways and Public Open Space

Objective:	
To ensure that the arrangement of ways and public open space provides for all of the following: (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community; (b) the adequate accommodation of pedestrian and cycling traffic; (c) the adequate accommodation of equestrian traffic.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following: (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate; (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate; (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate; (d) topographical and other physical conditions of the site are appropriately accommodated in the design; (e) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority; (f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.
Response:	
P1 is met: Lot 101 is to be transferred to council as Public Open Space (POS) and has been arranged to maximise connectivity and linkage with existing and proposed spaces along the	

North West Bay coastline/Tinderbox Peninsular, and satisfies the performance criteria as follows:

- (a) Lot 101 provides connection and continuation of the POS track associated with the approved development application DA-2004-7 to the north, whilst also adjoining and providing connection and continuation to proposed POS lot 103 to the south, and subsequent POS lot 102;
- (b) *Not applicable* - the proposed POS has been formulated in conjunction with Kingborough Council with the intent for Council to create a North West Bay/Tinderbox Peninsular walking track in the future, whilst also increasing the protection and preservation of the Tinderbox Peninsular skyline and coastal edge, as per the recommendations of the *Kingborough Land Use Strategy 2019*;
- (c) *Not applicable* - as above;
- (d) The extent and serviceability of Lot 101 was examined in conjunction with Kingborough Council to identify any topographical or physical conditions that may affect the POS, of which were appropriately accommodated in the final design;
- (e) *Not applicable* as there is currently no specific pedestrian & cycle way or public open space plan for the Tinderbox Peninsular. However, the proposed POS is in keeping with the *Kingborough Open Space Strategy 2019*, and follows the recommendations of the *Kingborough Land Use Strategy 2019*;
- (f) *Not applicable* as there is currently no equestrian trail plan available for the Tinderbox Peninsular.

A2 No Acceptable Solution.	P2 Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.
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Response:

P2 is met: The Public Open Space contribution is to be provided as land, in the form of lot 101 within the Environmental Living Zone (in conjunction with lot 102 & lot 103 of the Rural Resource Zone), in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, May 2019.

10.5.4 Services

Objective:

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Acceptable Solutions

A1

It is not necessary to connect a lot to a reticulated potable water supply.

Response:

A1 is met: No connections available, as the subject land is not within a reticulated potable water supply area.

A2

No Acceptable Solution.

P2

Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

Response:

P2 is met: The proposed lots range from $6613\text{m}^2 \pm -1.94\text{ha} \pm$, and are therefore capable of accommodating an on-site wastewater treatment adequate for future use and development of the land.

A3

Each lot must be connected to a stormwater system able to service the building area by gravity.

P3

Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.

Response:

P3 is met: As previously stated, the proposed lots range from $6613\text{m}^2 \pm -1.94\text{ha} \pm$, and are therefore capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.

26.0 Rural Resource Zone

26.5 Development Standards for Subdivision

26.5.1 New Lots

Objective:	
To prevent further fragmentation and fettering of rural resource land.	
Acceptable Solutions	Performance Criteria
<p>A1 A lot is for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority.</p>	<p>P1 A lot must satisfy all of the following: (a) be no less than 40 ha; (b) have a frontage of no less than 6 m; (c) not be an internal lot unless the site contains existing internal lots or creation of an internal lot is necessary to facilitate rural resource use; (d) be provided with safe vehicular access from a road; (e) provide for the sustainable commercial operation of the land by either: (i) encompassing sufficient agricultural land and key agricultural infrastructure, as demonstrated by a whole farm management plan; (ii) encompassing an existing or proposed non-agricultural rural resource use; (f) if containing a dwelling, setbacks to new boundaries satisfy clause 26.4.2; (g) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the lot containing the primary dwelling; (h) if vacant, must: (i) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3; (ii) not result in a significant increase in demand for public infrastructure or services; (i) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area. (j) each lot must be capable of containing a building area clear of all hazards and environmental values.</p>
Response:	
<p>P1 is met: Proposed lots 11, 12, 102(POS) and 103(POS), satisfy all of the performance criteria as follows:</p> <ul style="list-style-type: none"> (a) At 45.2ha± and 46.8ha±, proposed lots 11 and 12 respectively no less than 40ha; (b) Lot 11 and lot 12 have a frontage over 6m along Tinderbox Road; (c) No proposed lot within the Rural Resource Zone is an internal lot; 	

- (d) Lot 11 has been provided with a new vehicular access via Tinderbox Road, whilst lot 12 will retain and utilise the existing access, as illustrated in the attached Plan of Subdivision;
- (e) Provision for the sustainable commercial operation of the land by encompassing the existing vineyard operations within lot 12, and grazing within lot 11, as demonstrated in the attached whole farm management plan prepared by Jim Mulcahy or Enviro-dynamics;
- (f) The existing dwelling within lot 12 satisfies clause 26.4.2 Setback: A1, P2, A3 & P4;
- (g) *Not applicable* as there is only a single dwelling on the subject land;
- (h) Lot 11 has been provided with a 30mx30m indicative building area located within existing cleared land, and satisfies clauses 26.4.2 and 26.4.3;
- (i) Not applicable as there are currently no Local Area Objectives or Desired Future Character Statements for the Tinderbox area;
- (j) The proposed indicative building area provided for lot 11 is clear of all hazards and environmental values.

29.0 Environmental Management Zone

26.5 Development Standards for Subdivision

26.5.1 Subdivision

Objective:	
To ensure subdivision of land is for the management of environmental values.	
Acceptable Solutions	Performance Criteria
A1 Subdivision must comply with any of the following: (a) be for the purpose of providing for public open space, a reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority. (b) be for lots proscribed in an applicable reserve management plan.	P1 Subdivision is for the purpose of providing a lot for an allowable use.
Response:	
A1 is met: <i>Not applicable</i> the land zoned Environmental Management is unaffected by this application. It is however noted that there is an approved development application for subdivision of this land, per DA-2004-7.	

3.4 Codes



Figure 4. Scheme Overlay identification of the subject land and surrounds (LISTmap, 2023)

The subject land is overlaid with a Bushfire-Prone Area, Landslide Hazard Area, Biodiversity Protection Area, Waterway and Coastal Protection Area, and Scenic Landscape Area, as illustrated in Figure 4. Therefore, the proposed subdivision requires the following Codes under the *Kingborough Interim Planning Scheme 2015* to be considered.

Code	Comments:
E1.0 Bushfire-Prone Area	Please refer to the attached <i>Bushfire Hazard Report</i> prepared by Jim Mulcahy of Enviro-dynamics.
E2.0 Potentially Contaminated Land	N/A
E3.0 Landslide	<i>Exempt - as per E3.4 (b)</i> No new lots have been created within a Low Landslide Hazard Area. All Landslide Hazard Areas are contained within the balance lot;
E5.0 Road and Railway Asset Code	As this Code is relevant to this proposal, an assessment is provided below
E6.0 Parking and Access Code	As this Code is relevant to this proposal, an assessment is provided below
E7.0 Stormwater Management Code	As this Code is relevant to this proposal, an assessment is provided below.
E8.0 Electricity Transmission Infrastructure Code	N/A
E9.0 Attenuation Code	N/A

E10.0 Biodiversity Code	Please refer to the attached <i>Natural Values Report</i> prepared by Jim Mulcahy of Enviro-dynamics.
E11.0 Waterway and Coastal Protection Code	As this Code is relevant to this proposal, an assessment is provided below.
E13.0 Historic Heritage Code	N/A
E14.0 Scenic Landscape Code	As this Code is relevant to this proposal, an assessment is provided below.
E15.0 Inundation Prone Area Code	N/A
E16.0 Coastal Erosion Hazard Code	N/A
E17.0 Signs Code	N/A
E18.0 Wind and Solar Energy Code	N/A
E19.0 Telecommunications Code	N/A
E20.0 Acid Sulfate Soils Code	N/A
E21.0 Dispersive Soils Code	N/A
E23.0 On-Site Wastewater Management Code	As this Code is relevant to this proposal, an assessment is provided below.

3.5 Code Standards

E1.0 Bushfire-Prone Areas Code

A Bushfire Hazard Assessment and Bushfire Hazard Management Plan has been prepared and supplied in support of the proposed subdivision. As shown below, Section 7.0 of Environmental Bushfire Hazard Report by Jim Mulcahy, provides the following concluding statement of compliance:

7.0 Conclusions

The Bushfire Hazard Management Plan at Attachment A demonstrates the capacity of the subdivision to comply with the Code and AS3959 in respect of Building Areas, Provision of hazard management areas, Public and firefighting access and Provision of water supply for firefighting purposes. As a result, the Bushfire Hazard Management Plan has been certified.

E5.0 Road and Railway Assets Code

E5.6 Development Standards

E5.6.1 Development adjacent to roads and railways

Objective:	
To ensure that development adjacent to category 1 or category 2 roads or the rail network:	
<ul style="list-style-type: none"> (a) ensures the safe and efficient operation of roads and the rail network; (b) allows for future road and rail widening, realignment and upgrading; and (c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network. 	
Acceptable Solutions	
A1.1	
Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:	
<ul style="list-style-type: none"> (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots. 	
A1.2	
Buildings, may be:	
<ul style="list-style-type: none"> (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: <ul style="list-style-type: none"> (i) the existing building; or (ii) an immediately adjacent building. 	

Response:

A1 is met: *Not applicable* as the proposal is not located within 50m of the rail network, category 1 or category 2 road. Tinderbox Road is a collector road with a posted speed limit of 60km/hr for both the sealed and unsealed sections of road that adjoin the subject land.

E5.6.2 Road accesses and junctions

Objective:

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Acceptable Solutions

A1

No new access or junction to roads in an area subject to a speed limit of more than 60km/h.

Response:

A1 is met: As Tinderbox Road has a posted speed limit of 60km/hr, no new access or junction is proposed in an area subject to a speed limit of more than 60km/hr.

Acceptable Solutions

A2

No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.

Response:

A2 is met: Each proposed lot has been provided with one access point to serve as both entry and exit, as illustrated in the attached Plan of Subdivision.

E5.6.4 Sight distance at accesses, junctions and level crossings

Objective:

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions

A1

Sight distances at:

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and
- (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

Response:

A1 is met: All proposed vehicular access points comply with the Safe Intersection Sight Distance of 105m, as stipulated in Table E5.1.

E6.0 Parking and Access Code

E6.7 Development Standards

E6.7.1 Number of Vehicular Accesses

Objective:	
<p>To ensure that:</p> <p>(a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:</p> <ul style="list-style-type: none"> (i) the number of vehicle access points; and (ii) loss of on-street car parking spaces; <p>(b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;</p> <p>(c) vehicle access points do not have a dominating impact on local streetscape and character.</p>	
Acceptable Solutions	
<p>A1</p> <p>The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	
Response:	
<p>A1 is met: Each lot has been provided with no more than one vehicle access point per road frontage, as illustrated in the attached Plan of Subdivision.</p>	

E6.7.2 Design of Vehicular Accesses

Objective:	
<p>To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.</p>	
Acceptable Solutions	
<p>A1</p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>	
Response:	
<p>A1 is met: All proposed access points will be designed and constructed to comply with the location, sight distance, width and gradient stipulated in AS/NZS 2890.1:2004 and AS2890.2:2002</p>	

E6.7.3 Vehicular Passing Areas Along an Access

Objective:	
To ensure that: (a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists; (b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.	
Acceptable Solutions	
A1 Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day (b) be 6 m long, 5.5 m wide, and taper to the width of the driveway; (c) it meets a road serving more than 6000 vehicles per day; (d) have the first passing area constructed at the kerb; (e) be at intervals of no more than 30 m along the access.	
Response:	
A1 is met: any access more than 30m long will have a passing bay, as required. For lots 1-4, the shared access from Tinderbox West Road to lot proper, will be constructed at a minimum width of 5.5m to allow vehicles to pass safely in either direction.	

E6.7.4 -E6.7.13: Not Applicable

E6.7.14 Access to a Road

Objective:	
To ensure that access to the road network is provided appropriately.	
Acceptable Solutions	
A1 Access to a road must be in accordance with the requirements of the road authority.	
Response:	
A1 is met: Access to the road is in accordance with the requirements of the road authority.	

E7.0 Stormwater Management Code

E7.7 Development Standards

E7.7.1 Stormwater Drainage and Disposal

Objective:

To ensure that stormwater quality and quantity is managed appropriately.

Acceptable Solutions

A1

Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

Response:

A1 is met: Stormwater will be contained within each lot via absorption areas. It is noted that these lots are not in a water serviced area, therefore the majority of stormwater will be collected via rainwater tanks, with only minimal hardstand areas needing to be drained to the absorption areas.

A2

A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:

- (a) the size of new impervious area is more than 600 m²;
- (b) new car parking is provided for more than 6 cars;
- (c) a subdivision is for more than 5 lots.

Response:

A2 is met: Not applicable as all stormwater will be managed onsite through rainwater tanks and absorption areas.

A3

A minor stormwater drainage system must be designed to comply with all of the following:

- (a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;
- (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

Response:

A3 is met: *Not Applicable* as stormwater will be no greater than the pre-existing runoff.

A4

A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.

Response:

A4 is met: *Not applicable.*

E10.0 Biodiversity Code

E10.8 Subdivision Standards

E10.8.1 Subdivision

<p>Objective:</p> <p>To ensure that:</p> <p>(a) works associated with subdivision resulting in clearance and conversion or disturbance will not have an unnecessary or unacceptable impact on priority biodiversity values;</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority biodiversity values.</p>	
<p>Acceptable Solutions</p> <p>A1 Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:</p> <p>(a) be for the purposes of separating existing dwellings;</p> <p>(b) be for the creation of a lot for public open space, public reserve or utility;</p> <p>(c) no works, other than boundary fencing works, are within the Biodiversity Protection Area;</p> <p>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.</p>	<p>P1 Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p> <p>(b) if moderate priority biodiversity values:</p> <p>(i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision;</p> <p>(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area;</p>
<p>Response:</p> <p>P1 is met: No clearance, conversion, or disturbance of area with priority biodiversity values is proposed. However, as the entirety of the subject land is overlaid with a biodiversity protection area, a Natural Values Assessment <i>0288_Tinderbox_Natural Values Report_v3_6September21</i> has been prepared and supplied in support of the development, whilst the proposal satisfies the performance criteria as follows:</p> <p>(i) The subject land has been identified as having low, medium, and high areas of priority biodiversity values, as a result, the lot layout and design has taken into consideration these values by means of providing subdivision works located on existing cleared land, outside of any known threatened fauna colonies or nesting habitats, to assisting in minimising any potential impacts.</p>	

(ii) The design and layout has also taken into consideration the topography of the land, prioritised utilisation of existing accesses and tracks, and has cited indicative building areas where BFHMA can be confined to the existing cleared grassland. Resulting in minimising and mitigating any foreseeable potential impacts of future bushfire management of the subject land.

(iii) As previously detailed, it is proposed that the balance land be registered with a covenant against the title to permanently protect the majority of the forest on the subject land and to deliver a significant nett conservation benefit and prevent further subdivision.

E11.0 Waterway and Coastal Protection Code

E11.8 Subdivision Standards

E11.8.1 Subdivision

Objective:

To ensure that:

- (a) works associated with subdivision in proximity to a waterway, the coast, identified climate change refugia and potable water supply areas will not have an unnecessary or unacceptable impact on natural values;
- (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural values.

Acceptable Solutions

A1

Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:

- (a) be for the purpose of separation of existing dwellings;
- (b) be for the creation of a lot for public open space, public reserve or utility;
- (c) no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;
- (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.

Response:

A1 is met: The proposal meets acceptable solution (b), (c), and (d). Proposed lots 101, 102, and 103 are for the creation of public open space to be transferred to council, whilst no other works, other than boundary fencing works, are proposed within any other identified Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.

E14.0 Scenic Landscape Code

E14.7 Development Standards

E14.7.1 Removal of Bushland within Scenic Landscape Areas

Objective:	
To ensure that removal or disturbance of bushland does not cause an unreasonable change to, or have an unreasonable adverse impact on, the scenic landscape value of Scenic Landscape Areas.	
Acceptable Solutions	
A1 Removal or disturbance of bushland must comply with both of the following: (a) be on land no less than 50 m (in elevation) from a skyline; (b) be no more than 500 m ² in extent.	
Response:	
A1 is met: <i>Not applicable</i> as no removal or disturbance of bushland within the Scenic Landscape Area is proposed as part of this subdivision.	

E14.7.2 Appearance of Buildings and Works within Scenic Landscape Areas

Objective:	
To ensure that buildings and works do not cause an unreasonable change to, or have an unreasonable adverse impact on, the scenic landscape value of Scenic Landscape Areas.	
Acceptable Solutions	
A1 Buildings must comply with one of the following: (a) not be visible from public spaces; (b) be an addition or alteration to an existing building that; (i) increases the gross floor area by no more than 25%; (ii) does not increase the building height; (iii) provides external finishes the same or similar to existing	
Response:	
A1 is met: <i>Not applicable</i> as no buildings or works within the Scenic Landscape Area are proposed as this application if for subdivision of land only.	

E23.0 On-Site Wastewater Management Code

E23.9 Development Standards for Subdivision

E23.9.1 Development Standards for New Lots

Objective:	
To ensure sustainable onsite wastewater management for new lots	
Acceptable Solutions	
A1 A new lot must have an area no less than: 5,000 m ²	
Response:	
A1 is met: All proposed lots are over 5000m ² , as listed in the <i>Summary Table of Proposed Lots</i> in Appendix A and illustrated in the attached Plan of Subdivision.	

Conclusion

The planning assessment and supporting documentation provided, demonstrates that the development proposal for a 12 lot subdivision at 441 Tinderbox Road, Tinderbox, meets all requirements of the *Kingborough Interim Planning Scheme 2015*.

Yours faithfully,
PDA Surveyors, Engineers & Planners
 Per:



Jane Monks

Appendix A

Summary Table of Proposed Lots

Lot #	Lot Type	Area	Frontage
1	<i>Internal</i>	1.37ha±	15.9m±
2	<i>Internal</i>	1.25ha±	6.1m±
3	<i>Internal</i>	1.41ha±	6.3m±
4	<i>Internal</i>	1.94ha±	14.1m±
5	Ordinary	1.16ha±	83.1 m±
6	<i>Internal</i>	1.11ha±	6m±
7	<i>Internal</i>	9041m ² ±	6m±
8	Ordinary	8080m ² ±	74.2m±
9	Ordinary	6613m ² ±	70.4m±
10	<i>Internal</i>	7536m ² ±	6.6m±
11	Ordinary	45.2ha±	1890m±
12	Ordinary	46.8ha±	2533m±
Balance	Ordinary	199.4ha±	858.5m±
101	POS	1.5ha±	n/a
102	POS	1.91ha±	n/a
103	POS	8120m ² ±	n/a

(Subject to final survey)

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