

3/6/25

Re: DA-2023 / 113
Project : PROPOSED DWELLING AND
RESTROSPECTIVE APPROVAL OF
OUTBUILDING AND GROUND-BASED
SOLAR ARRAY



281 SNUG TIERS ROAD, SNUG, TAS

Dear Kingborough Council,

In response to council's first RFI of 2/10/23 regarding the above, and later RFI's of 8/5/25 and 29/5/25, I submit the following, addressing all items as follows, **with responses in red:**

Thank you for providing the plans requested in my previous request for information dated 25 August 2023.

A. B8.1 Application Requirements

*Thank you for providing the plans requested and I advise the application became valid on the day they were submitted – 10 September 2023. **Noted. Also noted is the recently extended date and acknowledge that the information will need to be submitted to Council's satisfaction by 2 June 2026 (see email from Brian Huang 2/4/26).***

An initial assessment has now been undertaken and the following information is requested under Section 54 of the Land Use Planning and Approvals Act 1993.

1. D14.4.3 Design in the Environmental Living Zone

Clause 14.4.3: Acceptable Solution A2 for this standard provides for colours with an LRV of no more than 40 percent. It is noted that the external walls are proposed to be a mix of fibre-cement sheeting painted in Dulux 'Shale Grey', and timber battens in either natural timber or Dulux 'Monument'. 'Shale Grey' has an LRV of 50%, which does not meet the Acceptable Solution. Please consider a colour with an LRV of less than 40% or otherwise please provide further information demonstrating compliance with Performance Criterion P2, which is:

Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views, and vistas.

RESPONSE : "Shale Grey" color now noted as Colorbond "Bluegum" with a LRV of 32%.

2. D14.4.4 Outbuildings in the Environmental Living Zone

It is noted the existing building, proposed to be an outbuilding, will be closer to the frontage than the proposed dwelling. However, the setbacks are not shown clearly on the partial site plan, or on the site plan with landslip overlays.

Please provide a revised partial site plan and site plan with landslip overlays showing the setbacks of the existing building and the proposed dwelling from the frontage and from the side boundary.

Note that Item 9 below asks for the waterway and coastal protection area to be shown on the site plans, and Item 11 below asks for the solar array also to be shown on the site plans

RESPONSE : The outbuilding setbacks shown on DWG-02 / C, being a frontage setback of 5.9m and a western boundary setback of 2.05m, are now shown more clearly. DWG-02 / C also shows the Waterways and Coastal Protection overlay, outside the BHMA.

DWG-02 / C also shows the trees identified within the BHMA as mapped and identified by ECOTAS, and an aerial photograph overlaid with the BHMA.

The setbacks are now repeated on the partial site plans DWG-03 and DWG-04 which show an aerial photo overlay and the landslip overlay respectively.

The solar array is shown on site plan DWG-03 / B.

3. Clause 14.4.3 Design in the Environmental Living Zone

Acceptable Solution A1 for this standard requires that buildings and works be either:

- (a) in a building area provided on the title, or
- (b) an addition or alteration to an existing building, or
- (c) located on a site that does not require the clearing of native vegetation.

While the proposed dwelling appears to be in an existing cleared area, the on-site wastewater system and bushfire management requirements appear to rely upon the removal of native vegetation.

Therefore, the proposal must be assessed against Performance Criterion 14.4.3 (P1)(a).

RESPONSE : The on-site wastewater system trench is, as shown on DWG -02, 03 and 04, in an existing cleared area.

The amount of vegetation that requires clearing to create a BAL-29 BHMA , as shown on DWG-02 / C, is approximately 650m², with an area to the eastern side of the BHMA of approximately 400m² and an area to the southern side of the BHMA of 250m.

This performance criterion provides that buildings and works may be in an area requiring the clearing of native vegetation only if:

- (i) there are no sites clear of native vegetation and clear of other significant site
RESPONSE : The proposed location is in an existing cleared area (cleared many years ago by a previous owner) and requires a modest amount of extra clearing. constraints such as access difficulties or excessive slope.
- (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works, and associated bushfire protection measures; and
RESPONSE : The proposed extra clearing is required to keep a BAL-29 BHMA to the north of the proposed dwelling within the property and not encroach over Snug Tiers Road, which TasFire will not allow.
- (iii) the location of clearing has the least environmental impact.
RESPONSE : As above – and see the tree report for number of trees involved, the species and size.

Based on the information submitted, it is unclear whether the proposal complies with those requirements, noting that:

- the site plan appears to show the extent of vegetation following establishment of the hazard management area rather than the current extent. **Now amended to show both the current extent (with aerial photo) and the proposed clearing to produce the BHMA.**
- no details are provided on tree removal and retention. **Now added in detail.**
- the dimensions of the hazard management area as shown on the site plan do not appear to be consistent with the Bushfire Hazard Management Plan (GES, 17/4/2023) submitted with the application. **Rectified – the BHMA with offset distances are shown on DWG-02 / C.**
- it is unclear from the plans whether the dwelling is proposed to be constructed to the assessed BAL and therefore whether the HMA as shown in the Bushfire Hazard Management Plan (GES, 17/4/2023) is achievable; and **To be constructed to BAL-29 as per above report**
- while the plans refer to a GES report for the on-site wastewater, the GES report submitted with the application does not include these details. It is also unclear where the on-site wastewater system is located relative to the HMA, native vegetation and individual trees.

RESPONSE : The GES report of March 2025 (attached) and On-Site Wastewater Management Plan from that report have a 24m² terraced absorption trench just to the south of the proposed dwelling, & parallel to it. Refer site plan DWG-03 and 04.

To demonstrate compliance with Clause 14.4.3 P1(a), please provide the following information:

(a) A revised site plan that:

- (i) shows the existing extent and type of native vegetation relative to the proposed development and confirms the extent proposed for removal (m²)

As above, the amount of vegetation that requires clearing to create a BAL-29 BHMA , as shown on DWG-02 / C, is approximately 650m².

The ECOtas report identifies 19 trees as numbered as shown on DWG-02 / C, with DBH of 250mm - These are :-

- 15 Eucalyptus Obliqua (two of which are just outside the BHMA to the north, -trees 1 & 2)
- 2 Acacia dealbata
- 2 Eucalyptus Regnans

Trees 1 & 2 are NOT proposed to be removed.

Tree 3, a Eucalyptus Obliqua, is also NOT proposed to be removed.

It is the only tree identified as of high conservation value within the BHMA, but as its substantial canopy height (approx 45m) allows for mitigation of ember attack risk should the tree be on fire, it is intended to leave the tree intact. This has been confirmed as acceptable by the author of the bushfire risk report, Mr Mark van Den Berg, Ph 0407 294 240.

With a DBH of 112cm, the RPZ of the tree is 13.44m, so the proposed dwelling is outside the RPZ, being approximately 15m away to the corner of the house.

(ii) an accurate tree plan and accompanying table of trees as per Section 1 of the attached guidelines for all trees within the hazard management area or within 15m of the proposed the dwelling, cut and fill, on-site wastewater system and associated infrastructure and any other works and confirming trees for removal and retention. The accurate tree plan and table is included in the ECOtas report updated on the 28/3/25. Also shown on DWG-02 / C.

(iii) shows the hazard management area consistent with the Bushfire Hazard Management Plan (GES, 17/4/2023). As above

(iv) includes a notation confirming the dwelling will be constructed to BAL-29.

Noted on DWG-02 / C

(v) shows the location of the on-site wastewater system and any associated infrastructure consistent with the GES report. Noted on DWG-02 / C, DWG-03 / B and DWG-04 / B

(b) A copy of the GES report on the on-site wastewater. Included with this response.

(c) sufficient justification for impacts on or the removal of trees as per Section 2 and 4 of the attached guidelines; and as above, NO high conservation value trees are being removed.

(d) an arborist assessment where required as per Section 3 of the attached guidelines. Not required, NO high conservation value trees are being removed.

4. Clause 14.4.5 Environmental Values in the Environmental Living Zone

Clause 14.4.5 of the Environmental Living zone, provides that unless located in a building area on the title, development must be accompanied by an environmental management plan for the whole site, setting out measures to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis, and identify measures to be used to mitigate and offset adverse environmental impacts.

It is acknowledged that a Natural Values Assessment (ECOtas, May 2020) has been submitted and includes recommendations in relation to the scope of an environmental management plan. However, this assessment does not constitute an environmental management plan. In addition, the assessment relates to a previous proposal and is no longer current. Updated Report of 28/3/25 attached.

Please provide an environmental management plan (EMP) by a suitably qualified person addressing the Scheme requirements. **RESPONSE : SEE EMP ATTACHED.**

For Advice:

If the EMP recommends design changes to minimise impacts, amended plans must also be submitted consistent with the recommendations in the EMP.

5. **E3.0 Landslide Code**

The site has low and medium landslide hazard overlays. The existing outbuilding and driveway appear to be a low landslide hazard area and the proposed dwelling, onsite wastewater and bushfire hazard management clearance appear to be at least partly in a medium landslide hazard area.

As there are no Acceptable Solutions for the relevant standards, 'Buildings and works other than minor extensions' in a landslide hazard area must satisfy Clause E3.7.1 Performance Criteria 1 of the Scheme.

P1: Buildings and works must satisfy all of the following:

- (a) no part of the buildings and works is in a High Landslide Hazard Area;
- (b) the landslide risk associated with the buildings and works is either:
 - (i) acceptable risk; or
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk

'Major works' in a landslide hazard area must satisfy Clause E3.7.3 Performance Criteria P1 of the Scheme.

P1 Major works must satisfy all of the following:

- (a) no part of the works is in a High Landslide Hazard Area; **There are none.**
- (b) the landslide risk associated with the works is either:
 - (i) acceptable risk; or
 - (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.

Note that 'Major works' means any of the following:

- excavation of 100 m³ or more in cut volume **Not the case, 20m³ of cut only.**
- excavation or soil disturbance of an area of 1,000 m² or more **Not the case**
- clearance of vegetation involving an area of more than 1,000 m² **Not the case**
- water storages or swimming pools with a volume of 45,000 litres or more. **N/A**

The following information is required to verify the proposal complies with the requirements of the Code:

- (a) clarification on the volume of cut and/or fill (m³), the extent of excavation or soil disturbance (m²), and the extent of vegetation removal (m²) relative to the Code overlay.

RESPONSE : 20m³ of cut only, used as fill (a 2m NGL fall over the platform)

- (b) a Landslide Risk Management Report prepared by a suitably qualified person (landslide) prepared in accordance with the Australian Geomechanics Society - Practice Note Guidelines for Landslide Risk Management 2007 and demonstrating the proposal complies with Clauses E3.7.1(P1) and E3.7.3 (P1) of the Scheme (if applicable); and

RESPONSE : WCEA Pty Ltd landslip report attached.

- (c) amended plans that:

(i) demonstrate consistency with and incorporate any specific mitigation measures recommended in the Landslide Risk Management Report.

RESPONSE : see plan DWG-04 / B – mitigation measures from landslip report included.

6. **E6.0 Parking and Access Code**

Please demonstrate compliance with the Parking and Access Code of the Kingborough Interim Planning Scheme 2015 (Scheme) as follows:

- (a) There seems to be an existing crossover to the lot, but the plans appear to indicate a new crossover, please clarify if a new crossover is to be built or if the existing one is to be used. **RESPONSE : The existing crossover is to be used. The site plan DWG-03 / B has been corrected and now indicates this.**

If a new crossover is to be constructed, the following information is requested:

Clause E6.7.2 Design of Vehicular Accesses – to meet the Acceptable Solution, new accesses must comply with Australian Standard AS/NS 2890 section 3 including the required sight distance provision. The design for the driveway/access road must detail the following:

- (i) long and cross section of the driveway/access road.
- (ii) cut and fill batters and any stabilisation work required.
- (iii) contours, finish levels and gradients of the driveway/access road.
- (iv) proper drainage.
- (v) sight distances.

If the proposal cannot meet the requirements of the Acceptable Solution, please demonstrate compliance with Performance Criterion E6.7.2 P1.

7. E7.0 Stormwater Management Code

Please submit a Stormwater Management Plan. Since the site is not serviced by any public stormwater infrastructure, the plan must indicate that the stormwater runoff from all impervious surfaces will be managed on-site using water tanks and/or soakage devices to comply with the Clause E7.7.1 (P1) of the Scheme.

RESPONSE : Refer site plan DWG-03 / B.

8. E10.0 Biodiversity Code

The site is in a Biodiversity Protection Area and, if not within a building area on a subdivision approved under the current planning scheme, impacts on native vegetation must be assessed under Clause E10.7.1 P1.

While a Natural Values Assessment (ECOtas, May 2020) has been submitted with the application, this relates to a previous proposal and is no longer current. **Updated Report of 28/3/25 attached.**

Please provide a current natural values assessment by a suitably qualified ecological consultant and relating to this proposal. This assessment must include:

- (a) assessment of the environmental values on the site including the type and extent of any native vegetation, fauna and flora values, individual trees, riparian values, and threats to these values.
- (b) classification of the significance of priority biodiversity values, with reference to Table E10.1 of the Scheme.
- (c) assessment of the anticipated impact on these values. The anticipated impact must consider impacts within the footprint of the proposed development as well as any associated impacts including but not limited to access construction, utilities installation, wastewater disposal, bushfire hazard management, existing and proposed activities on the site, and weeds, pests, and pathogens. The assessment of the impact must identify the extent (m or hectares) of any native vegetation being removed or modified, loss of threatened species and their habitat, bird collision risk and details of individual trees proposed for retention and removal.
- (d) demonstration that impacts are avoided and minimised to the extent practicable, including recommendations for the design and siting of the proposed development to avoid and minimise identified impacts.
- (e) recommendations for the mitigation, management, and offsetting of any residual impacts.
- (f) an assessment against Clause E10.7.1 P1; and
- (g) a revised site plan or map demonstrating the above information, with detail regarding native vegetation to be removed and retained, including individual trees.

Updated Report of 28/3/25 attached.

9. E11.0 Waterway and Coastal Protection Code

There is a Class 2 waterway along the southern portion of the site subject to a 30m Waterway and Coastal Protection Area, measured from the top of the bank.

E11.7.1: Acceptable Solution A1 requires that building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme. As there is no building area on the title, works within the Waterway and Coastal Protection Area must be assessed against Performance Criterion P1, which reads:

RESPONSE : There is no building or works within the Waterway & Coastal Protection area.

The BHMA at its closest point is still 15m from the protection area.

Refer site plan DWG-02 / C.

Building and works within a Waterway and Coastal Protection Area must satisfy all the following:

- (a) avoid or mitigate impact on natural values;
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;
- (c) avoid or mitigate impacts on riparian or littoral vegetation;
- (d) maintain natural streambank and streambed condition, (where it exists);
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- (f) avoid significantly impeding natural flow and drainage;
- (g) maintain fish passage (where applicable);
- (h) avoid landfilling of wetlands;
- (i) works are undertaken generally in accordance with Waterways and Wetlands Works Manual (DPIWE, 2003) and Tasmanian Coastal Works Manual (DPIPWE, December 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

E11.7.1: Acceptable Solution A4 provides that development must involve no new stormwater point discharge into a watercourse. If A4 cannot be satisfied, the proposal must satisfy Performance Criterion P4, which reads:

Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all the following:

- (a) risk of erosion and sedimentation is minimised.
- (b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed.
- (c) potential for significant adverse impact on natural values is avoided.

Refer site plan DWG-02 / C. The stormwater is discharged into rubble trenches within the BHMA and not into the natural watercourse.

Based on the application documentation, it is unclear whether the proposed development involves buildings and works in the Waterway and Coastal Protection Area, including any clearing for bushfire hazard management, a new stormwater discharge point or other works.

To confirm the extent of proposed works and whether these require assessment against the performance criteria, please provide the following information:

(a) an amended site plan that shows:

- (i) the location of the 30m Waterway and Coastal Protection Area, measured from the top of the bank, relative to all elements of the proposed development.
- (ii) how stormwater will be managed, as requested under Item 7 above

(b) if works extend into the Waterway and Coastal Protection Area, please demonstrate compliance with Performance Criterion P1; and

(c) if the proposal involves a new discharge into the waterway, please provide plans to demonstrate compliance with Performance Criterion P4.

Refer site plan DWG-02 / C and DWG-03 / B

10. E14.0 Scenic Landscapes Code

The proposed development is in a Scenic Landscape Area and the proposal requires assessment against Clause E14.7.1 and E14.7.2.

Clause E14.7.1: If the responses to Items 3 and 5 confirm the extent of native vegetation removal exceeds 500m², please provide sufficient documentation to demonstrate how the proposal will satisfy Performance Criterion P1:

- (a) result in only negligible change to the silhouette of skylines; and
- (b) maintain scenic landscape value.

The amount of vegetation that requires clearing to create a BAL-29 BHMA, as shown on DWG-02 / C, is approximately 650m², with an area to the eastern side of the BHMA of approximately 400m² and an area to the southern side of the BHMA of 250m.



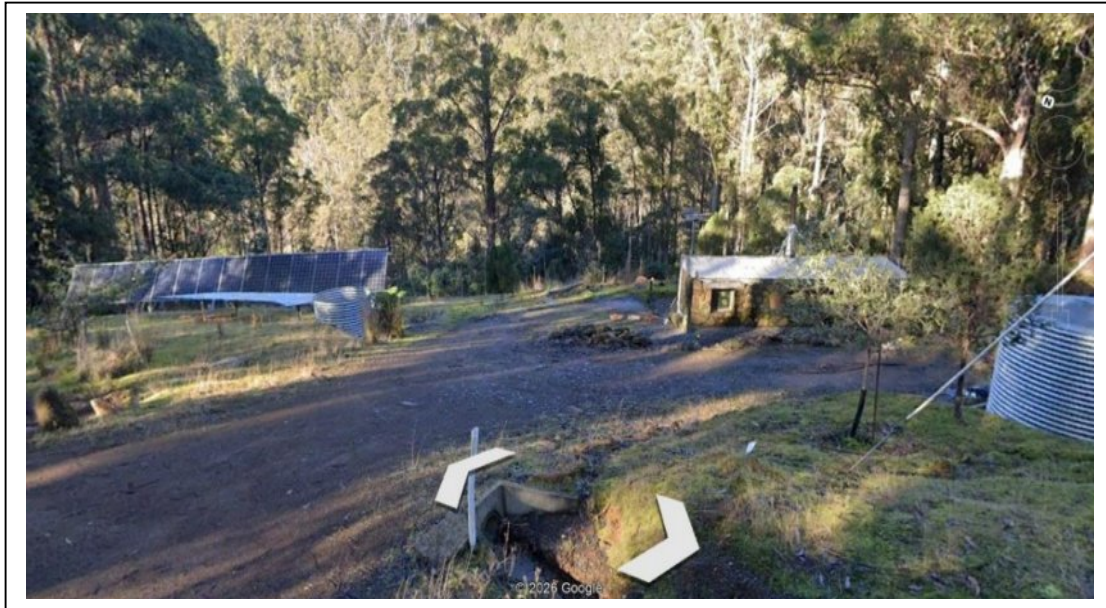
The effect on the skylight of the removal of trees 4 – 19 will result in only negligible change to the silhouette of skylines to the south viewed from Snug Tiers Road; and maintain scenic landscape value.

PLEASE ALSO NOTE AS PER THE FOLLOWING PAGE THAT THE EXISTING SOLAR PANEL ARRAY AND EXISTING OUTBUILDING (PROPOSED LAUNDRY) AND WATER TANKS ARE PROPOSED TO BE SCREENED OFF VIA A HEDGE OF PITTOSPORM TO 2M HIGH ACROSS THE FRONTAGE. SEE THE ILLUSTRATION.

Clause E14.7.2: As the solar array, the existing building and the parking area are visible from the road, and the proposed dwelling is likely to be visible from the road and has a different finish from the existing building, the proposal cannot meet Acceptable Solutions A1 or A2 for this standard. Please address Performance Criteria P1 and P2 for the solar array, the existing building, the carparking area and the proposed dwelling.

Please show the array on the site plans showing its setback from the frontage, **SHOWN ON SITE PLAN DWG-03 / B** and total area in m². Please also provide an elevation showing its height above natural ground level.

RESPONSE – SEE THE PHOTO BELOW - existing solar panel array approximately 15m long & 2m long (30m²)



EXISTING FRONTAGE – existing solar panel array approximately 15m long & 2m long (30m²)



PROPOSED FRONTAGE - with Pittosporum shrubs as screening to solar array, existing & proposed building and driveway. Request this could be a planning condition.

11. E18.0 Wind and Solar Energy Code

Clause E18.7.5 A1(b) Please also identify the distance of the solar array from vegetation with high or medium priority biodiversity values as will be identified in the response to Item 8. If the solar array is within 100m of those values, please address Performance Criterion P1, which is:

Buildings and works must minimise significant risk of collision with native bird and bat species.

RESPONSE : - the ground-mounted solar panels at 15m long x 2m high, angled back, will not be transparent or reflective sufficiently to cause bird collision risk.
The windows to the proposed house are small and not opposed to each other, resulting in minimal bird or bat collision risk.

From the two very high conservation value trees, which are staying, the eastern end of the solar array is :-

- over 15m from tree No 1 - a E. obliqua with a DBH of 102cm.
- over 17m from tree No 3 - a E. obliqua with a DBH of 102cm.

Thank you & regards

Dennis Cantwell

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