

27 SELBY ROAD, KETTERING

REZONING AND SUBDIVISION APPLICATION

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1 Introduction

Ireneinc Planning & Urban Design has been engaged by Steve Percival to prepare a request for amendment to the Kingborough Interim Planning Scheme. The amendment includes the rezoning of the land at 27 Selby Street, Kettering, as well as planning application for a three-lot subdivision.

This report forms part of the amendment request made under Section 37 and the application made under former Section 43A of the *Land Use Planning and Approval Act 1993* (LUPAA).

This report is divided into two parts. Part A deals with the proposed amendments to the Interim Planning Scheme including the site analysis, strategic background and consideration against the requirements of the *Land Use Planning and Approvals Act 1997*, the Regional Land Use Strategy and relevant State Policies.

Part B deals with the development application, providing detailed responses to the relevant planning controls.

1.1 Application Documentation

The application consists of the following documentation:

- Natural Values Assessment, Lark and Creese Land and engineering Surveyors, 3rd February 2026
- Tree Plan, Lark and Creese Land and engineering Surveyors, 6th January 2026
- GM consent is sought as part of this application
- Landowners consent (29 Selby Road)
- Letter of legal advice from Page Seagar Lawyers, 17 July 2025
- Subdivision Plan, Lark and Creese Land and engineering Surveyors, 25 February 2026
- Civil set, Gandy and Roberts, 23 February 2026
    - C200, Siteworks Overall Plan, REV B
    - C201, Siteworks Detail Plan REV B
    - C300, Driveway Long Section, REV B
    - C310, DRIVEWAY CROSS SECTIONS , REV B
    - C700, DETAILS 01
- Bushfire Hazard Report, Lark and Creese, 3 February 2026
- TPC letter, 21 January 2026
- Onsite Wastewater Assessment, Existing Dwelling, REV January 2026

1.2 Background

The site at 27 Selby Road is proposed for rezoning to the Low-Density Residential zone under the forthcoming Local Provisions Schedule (LPS). The representation received was in support of the proposed change. The subsequent Section 35F report issued by Kingborough Council recommended to the TPC that no modification be made to the draft LPS in response to the representation.

Whilst the site is earmarked for Low-Density Residential Zoning, due to delays with the Kingborough Council implementation of the State Planning Provisions, the Client is eager to expedite the process of rezoning and subdividing the land. As a result, a Section 43A application is being pursued to enable the subdivision to proceed in advance of the LPS coming into effect, ensuring timely delivery of the proposed development.

1.3 Proposed amendment

The proposal seeks a rezoning amendment to the Kingborough Interim Planning Scheme, specifically from Rural Living Zoning to Low Density Residential Zoning (A) at the site at 27 Selby Street to facilitate a three-lot subdivision.

2 Site Analysis

2.1 The Site

The site is located at 27 Selby Road, Kettering, and comprises of the following titles:

- 27 Selby Road - CT 141484/1
- 29 Selby Road - CT 141484/3
- LGA subdivision Road - CT 141484/100
- Selby Road Lot

The area proposed to be rezoned is limited to the CT 141484/1 title (27 Selby Road title), with the inclusion of the CT 141484/3 (29 Selby Road title) and CT141484/100 for the purposes of access.



Figure 1: area in red proposed for rezoning (source: the listmap, 2025)

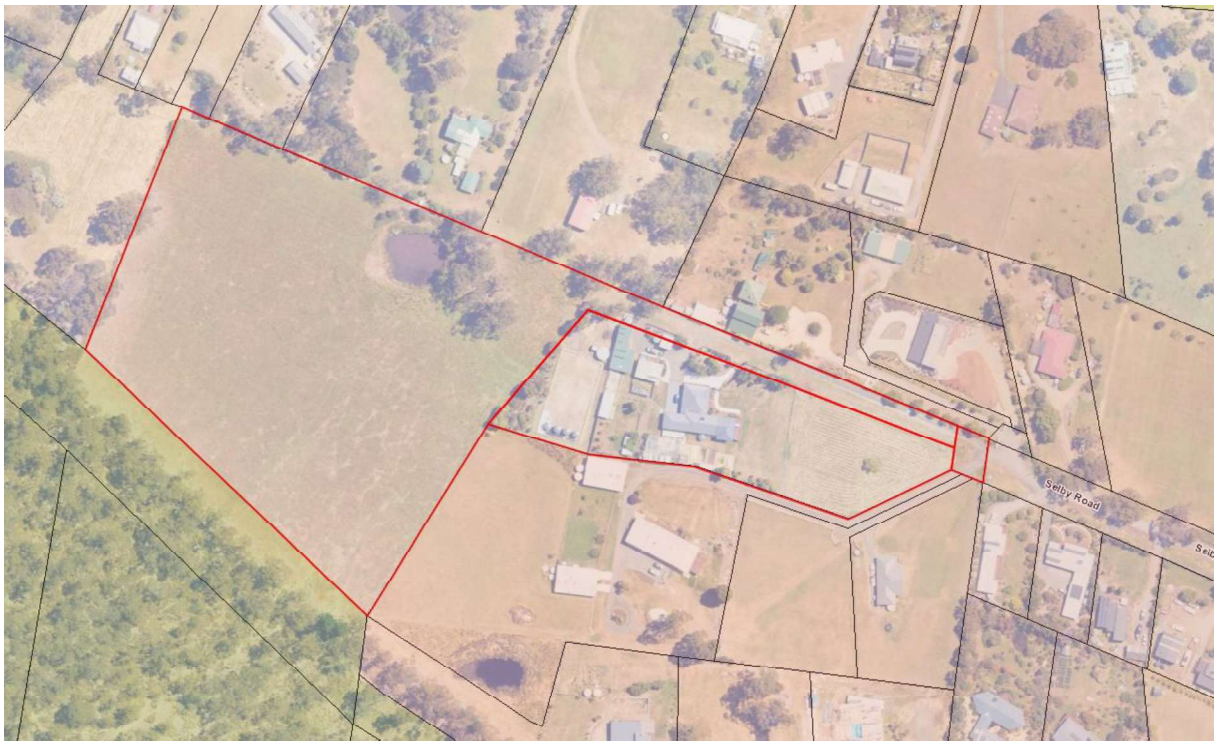


Figure 2: total site area including access lot (source: the listmap, 2025)

The land is currently occupied by a single residential dwelling and several outbuildings (including a shed workshop, storage, double carport, machinery shed, garden shed) on 10,100m^2.

2.1.1 Infrastructure and Services

The site is not within sewer or water serviced land. The lots are proposed to be serviced by on-site wastewater treatment systems and rainwater tanks for potable water supply. Stormwater will be managed on site via appropriately designed drainage infrastructure. Electricity and telecommunications services are available within the adjoining road reserve and can be extended to each lot in accordance with the relevant authority requirements.

2.1.2 Surrounding Land

The site at 27 Selby Road is situated within a predominantly low-density residential area, characterised by single dwellings on large allotments. To the north and east, the site adjoins established low-density residential properties, with some vacant or undeveloped lots interspersed. To the south, larger residential lots and areas of small-scale recreational open space contribute to a semi-rural character, while to the west, the land transitions toward semi-rural allotments and bushland. The surrounding development is generally single-storey, with landscaped gardens forming a consistent streetscape. The area exhibits a low-density, suburban-residential character, with no commercial, industrial, or high-density residential uses in the immediate vicinity.



Figure 3: Site surrounds (source: the listmap, 2024

2.1.3 Natural Values

The site is mapped partially as a modified urban area and agricultural land. The land is primarily cleared of vegetation aside from some mature vegetation along the western boundary. A small section along the northeastern boundary is mapped as (DOB) Eucalyptus obliqua dry forest, despite aerial imagery indicating that this portion of the site is totally cleared. A Natural values assessment has determined the DOB status to be a mapping anomaly. Biodiversity values within the subdivision are limited to individual native trees along the western boundary, and include Eucalyptus pulchella, Eucalyptus Ovata, and Eucalyptus viminalis species.

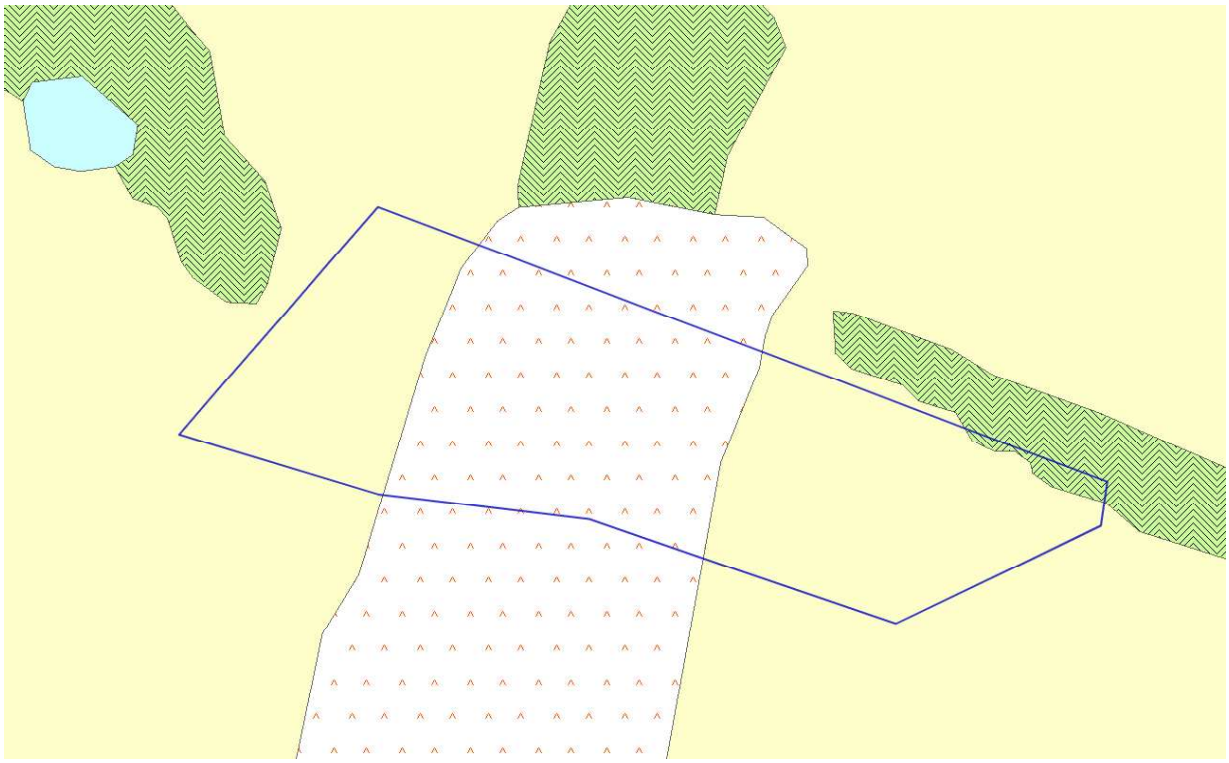


Figure 4 extent of DOB indicated in green (source: the LISTmap, 2024)



Figure 5: Aerial view of site – showing cleared extent of vegetation (source: the listmap, 2025)

2.1.4 Land Capability

The site is class 5 land, described as "land unsuited to cropping and with slight to moderate limitations to pastoral use." This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use.



Figure 6: Class 5 TASVEG mapping (source: the listmap, 2025)

The land is surrounded by similarly classed land, with larger allotments to the west and south comprising of severely constrained lots (due to being heavily vegetated).

2.1.5 Aboriginal Heritage

An Aboriginal Heritage search record has not identified any Aboriginal relics or apparent risk of impact to registered Aboriginal relics.

3 Current Planning Scheme Provisions

The following outlines the relevant planning scheme provisions that would currently apply to the site.

3.1.1 Zoning

The site area, including the access lot across 29 Selby Road, is currently zoned Rural living (B).

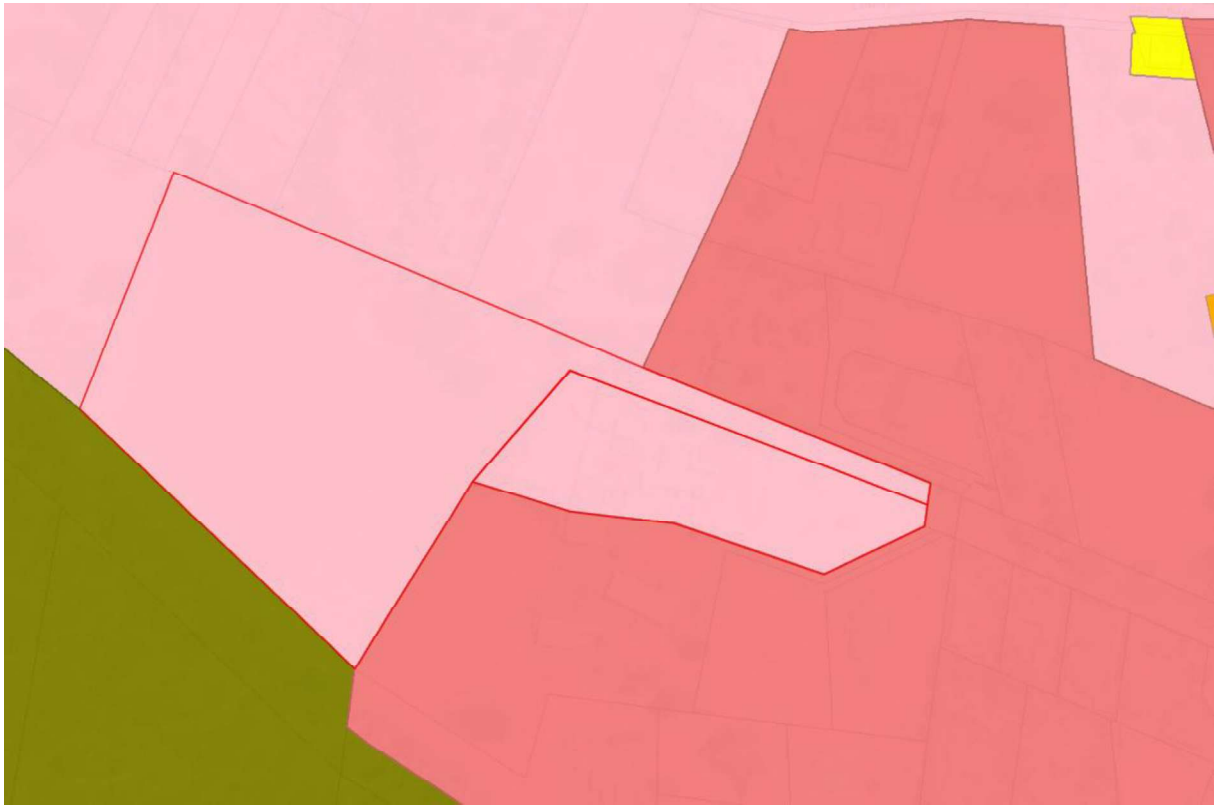


Figure 7: zoning, with rural living (light pink) and Low density residential (a) (dark pink) (source: the listmap, 2025)

The purpose of the rural living zone is as follows:

13.1.1.1 *To provide for residential use or development on large lots in a rural setting where services are limited.*

13.1.1.2 *To provide for compatible use and development that does not adversely impact on residential amenity.*

13.1.1.3 *To provide for agricultural uses that do not adversely impact on residential amenity.*

13.1.1.4 *To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages.*

13.1.1.5 *To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.*

13.1.1.6 *To provide for use and development that respects the natural landscape*

3.1.2 Development Standards for subdivision

13.5.1 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	***Performance Criteria***
A1 *The size of each lot must be no less than the following, except if 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: as specified in Table 13.1.*	***P1*** *No Performance Criteria.*
Response: **A1** As per the development standards for subdivision, the minimum lot size allowable within the zone is 5ha. As the current lot is only 10100m^2, subdivision under the current zoning is prohibited.	

3.1.3 Codes

The following codes currently apply to the entirety of the site:

- Bushfire Prone Areas Code
- Biodiversity Code
- Road and Railway Assets Code
- Parking and Access Code
- Stormwater management code
- On-site wastewater management code

The proposed scheme amendment will not alter or affect how these codes apply to the site.

4 Part A - Amendment

4.1 Strategic Analysis

The following strategic documents are relevant to the proposal.

4.1.1 Tasmanian Planning Policies

The Tasmanian Planning Policies are yet to be made by the Minister in accordance with section 12G of the Land Use Planning and Approvals Act 1993, however the current Draft Tasmanian Planning Policies[1] are considered.

1.4 SETTLEMENT TYPES
1.4.1 Application *Applies to all existing settlements and all land that is proposed, allocated or identified for future settlement growth including rural residential development.* ***1.4.3 Strategies*** *2. Establish urban or settlement growth boundaries around coastal settlement to ensure that growth in coastal areas is directed to existing settlements areas and prevents linear development along the coast.*
Response: *A rural residential settlement* is characterised by residential development on larger lots within a non-urban or semi-rural setting. Under the Kingborough Interim Planning Scheme, land within the Rural Living Zone is non-urban in nature, whereas the Low Density Residential Zone is identified as an urban zone. The subject land is therefore appropriately considered within the rural residential settlement typology. The proposed rezoning is located wholly within the existing rural residential area of Kettering, where development is already established and supported by existing road access and infrastructure. The proposal represents an infill and consolidation of development within a clearly defined settlement area, rather than a ribbon-style development along the coastline. The proposal does not facilitate linear coastal development, nor does it erode the separation between settlements. Instead, it reinforces the strategic intent of directing growth to existing settlements and defined settlement areas, consistent with the establishment and maintenance of settlement growth boundaries for coastal areas.
2.1 BIODIVERSITY
2.1.1 Application *Statewide.* ***2.1.3 Strategies*** *1. Identify biodiversity values, appropriately rank the significance of those values and map their location.*
Response:

[1] Draft provided to the Tasmanian Planning Commission in accordance with section 12C(3)(a) of the *Land Use Planning and Approvals Act 1993*, March 2023

The site is predominantly cleared, with biodiversity values largely limited to several individual native trees located along the western boundary. These trees have been identified through site assessment, and their Tree Protection Zones have been mapped to ensure future development avoids encroachment or disturbance. No tree removal is proposed, and the layout has been designed to retain these species.
2.5 COASTS
2.5.1 Application *Applies to the Coastal Zone as defined in the State Coastal Policy 1996, which is to be taken as a reference to State waters and to all land to a distance of one kilometre inland from the highwater mark.* ***2.5.3 Strategies*** *1. Protect natural coastal processes and coastal landforms from use and development that will prevent 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, unless engineering or remediation works are required to protect land, property, infrastructure and human life*
Response: The site is approximately 530m from the highwater mark, but within the coastal zone as defined. The proposed subdivision does not involve works that alter natural coastal processes or sensitive habitats. Lot layout maintains sufficient setback from the shoreline to avoid erosion and sea-level rise risks.
3.1 Bushfire
3.1.1 Application *Statewide* ***3.1.3 Strategies*** *2. The protection of human life from harm caused by bushfire will be considered and prioritised at every stage of the planning process*
Response: The subdivision design will comply with the Bushfire-Prone Areas Code, including appropriate building setbacks, access, and water supply provisions to prioritise human life and emergency management. A bushfire hazard report accompanies this application.
7.1 Public Engagement
7.1.1 Application *Statewide* ***7.1.3 Strategies*** *1. Facilitate the community's understanding of the planning system, land use planning issues and how they might be impacted, to encourage meaningful public engagement in land use planning.* *2. Promote public engagement that is fair, inclusive, respectful and genuine, allowing people to express themselves freely and strengthening their confidence in participating in land use planning.* *3. Support public engagement processes, and the outcomes generated from them, that are informative and transparent.*

4. Provide supporting information that adequately explains and justifies the reasons for proposed planning policies, strategies and regulation to facilitate public engagement and understanding of planning process. *5. Acknowledge that planning outcomes, derived through public engagement processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests.*
Response:
Public engagement will be undertaken in accordance with statutory requirements for planning scheme amendments and subdivision applications. A clear consultation process will be provided, including information on the rationale for rezoning and subdivision, environmental assessments, and how the proposal balances community, environmental, and planning objectives.

4.1.2 Section 8A Guidelines

The section 8A Guidelines have been issued by the Tasmanian Planning Commission to provide guidance on the application of zones and codes in the preparation of draft Local Provisions Schedules (LPSs) and amendments to LPSs.

While the proposal precedes finalisation of the LPS for the area, it is relevant to note that as part of the transition to the Tasmanian Planning Scheme, the subject site has been identified for inclusion within the Low-Density Residential Zone. The appropriateness of this zoning has already been considered and tested through the State Planning Scheme transition process, having regard to the Commission's guidelines and strategic criteria. Accordingly, the proposed zoning outcome is consistent with, and supported by, the relevant Guideline framework, notwithstanding that the LPS has not yet been applied.

The relevant section is considered below:

ZONE APPLICATION GUIDELINES

GENERAL RESIDENTIAL ZONE APPLICATION GUIDELINES	**RESPONSE**
LDRZ 1 *The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:* *(a) residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:* *(i) lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and* *(ii) environmental constraints that limit development (e.g. land hazards, topography or slope); or*	The site is part of an existing rural residential settlement with limited infrastructure services and few environmental constraints. The proposed subdivision into three lots maintains the existing low-density character of the area and aligns with the strategic intention to support development that is consistent with the established settlement pattern.

(b) small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or *(c) existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.*	
LDRZ 2 *The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.*	The proposed lots rely on non-reticulated infrastructure. The subdivision is consistent with the intent of the provision, allowing for low-density residential development in areas where reticulated services are not available.
LDRZ 3 *The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.*	The Zone is not being applied to protect areas of significant natural or landscape value. The site does not contain areas of high environmental or landscape significance, and the rezoning and proposed subdivision are guided by settlement and infrastructure considerations rather than environmental protection objectives.
LDRZ 4 *The Low Density Residential Zone should not be applied to land that is targeted for greenfield development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities*	The site is not identified as a greenfield development area. The proposed Low Density Residential zoning is justified due to existing constraints, including limited infrastructure capacity and environmental factors, which make higher density development unsuitable. The zoning appropriately reflects the intended use and settlement pattern for the area.

4.1.3 Regional Land Use Strategy

The applicable regional land use strategy is the Southern Tasmanian Regional Land Use Strategy. This is the Tasmanian Government's strategic framework that guides where and how residential development should occur across the state to support housing supply, infrastructure efficiency, and sustainable settlement patterns.

The following section details the relevant part of the strategy.

BIODIVERSITY AND GEODIVERSITY

BNV 1.1 *Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.*
Response: The land is largely cleared and does not contain areas of significant native vegetation of conservation significance. No clearance of native vegetation is required by the proposal.
THE COAST
C 1.2 *Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.*
Response: The proposal maximises growth within the existing settlement boundary of Kettering by facilitating subdivision within an established residential area. It does not represent outward expansion of settlement or linear coastal development, and instead consolidates development within the existing settlement footprint in accordance with strategic coastal planning objectives.
C 2.2 *Ensure growth is located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart .*
Response: The proposal does not exacerbate existing risks to the community, including coastal erosion or sea-level rise, and does not extend development into higher-risk coastal environments. Growth is appropriately directed to land that can safely accommodate low-density residential use.
MANAGING RISKS AND HAZARDS
MRH 1.1 *Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.*
Response: Bushfire risk has been considered at the rezoning stage through the proposed lot layout and the ability to provide appropriate setbacks, HMA, and access arrangements. The subdivision design allows for bushfire risk to be managed through compliance with the Bushfire-Prone Areas Code at subsequent development stages, ensuring protection of human life is prioritised early in the planning process.
MRH 1.4

Include provisions in planning schemes for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.
Response: The proposal relies on the application of planning scheme provisions for development in bushfire-prone areas. The Low-Density Residential Zone and associated codes provide an appropriate framework to ensure future use and development can adequately respond to identified bushfire risk.
SETTLEMENT S
SRD 1.3 *Support the consolidation of existing settlements by restricting the application of rural living and environmental living zones to existing rural living and environmental living communities. Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:* *b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other land better suited for rural living purposes, in accordance with the following:* *c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:* *(i) the land must predominantly share common boundaries with:* *• existing Rural Living zoned land; or* *• rural living communities which comply with SRD 1.3(a);* *(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;* *(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;* *(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;* *(v) the land rezoned to rural living use is not designated as Significant Agricultural Land;* *(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*
The proposal does not seek to expand or create new rural living areas but instead supports the consolidation of an existing rural residential settlement. The rezoning to Low Density Residential and subdivision into three lots represents infill development that is compatible with surrounding land uses, does not result in a significant increase in development intensity in the locality, and can be integrated with the existing road and movement network. The surrounding lots are already zoned Low Density Residential, and have been subdivided in a manner that is consistent with the proposal. The land is not identified as significant agricultural land, is not adjacent to the Urban Growth Boundary for Greater Hobart, and does not give rise to land use conflict.

SRD 1.6 *Utilise the low density residential zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.*
SRD 1.6 The application of the Low-Density Residential Zone is appropriate to acknowledge the existing low-density settlement pattern and to manage land constraints associated with limited infrastructure capacity. The proposal aligns with a low-growth strategy for Kettering by enabling a modest and controlled level of residential development that respects the village character and environmental context.

4.1.4 Kingborough Council Strategic Plan 2025-2035

This plan is the Council's long-term, whole-of-organisation strategy that sets out its vision, priorities, and outcomes to guide decision-making, service delivery, and growth management over the ten-year period.

1.1 A council that purposefully engages with its community
Response: Statutory public exhibition and notification enable affected landowners and the broader community to be informed of, and make representations on, the proposed rezoning and subdivision.
2.2 Embedded and contemporary land use planning systems to manage the current and future impacts of development.
Response: By requiring assessment against relevant zones, codes, and strategic planning provisions, the process ensures that the potential impacts of development—both current and future—are systematically evaluated.

4.1.5 Kingborough Land Use Strategy 2019.

This document supports the preparation of the Local Provisions Schedule and examines local needs and strategic land use issues in detail. It aims to provide for a pleasant living environment and local employment opportunities while protecting environmental values. Noting that several of the outcomes of the LPS currently exhibited are not consistent with the outcomes of this document, the objectives of the strategy are still relevant for consideration.

Low density residential zone application framework *This applies to residential areas where there are large lots that cannot be developed to higher densities due to infrastructure, landscape or environmental constraints (where such constraints are unlikely to be removed in future) or small residential settlements without the full range of reticulated services or existing un-serviced low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development and where there is no desire to encourage development at higher densities. The Zone should not be applied to land that is targeted for greenfield development unless constraints (eg infrastructure, landscape or environmental) have been identified that impede the area being developed to higher densities.*
Response The site comprises of a large lot within an established low-density settlement pattern.

5.7.3.1 Residential Demand and Growth Opportunities   *Future residential development within Kettering is essentially limited to some minor infill subdivision opportunities – including some lots on Selby Street and Rada Road.*
Response   The proposal directly achieves this outcome.
Guiding principles   The amenity and individual characteristics of the existing settlements should be protected and enhanced wherever possible;
Response   The proposed three-lot subdivision is modest and designed to retain the existing streetscape and vegetation, maintaining the character and amenity of the area.
Guiding principles   *Compact urban centres are favoured over continued outward urban expansion in order to protect rural and coastal landscapes – and so the identity and separateness of existing settlements should be enhanced*
Response   The development occurs within the existing settlement boundary, providing limited additional density while avoiding expansion into surrounding rural or coastal landscapes, preserving the separateness of nearby settlements.
Guiding principles   *The local area's natural setting and cultural assets should be protected from inappropriate development;*
Response   The subdivision layout avoids impacts on significant natural or cultural features, with no native vegetation proposed for removal.

4.2 Amendment Format

4.2.1 Intent of the Proposed Amendment

The proposal seeks to amend the zoning of the land at 27 Selby Road from Rural Living (b) to Low Density Residential Zoning under the Kingborough Interim Planning Scheme.

4.2.2 Specific Amendment

Rezone the land at 27 Selby Road, Kettering, from the Rural Living (b) to the Low Density Residential Zone, as described in the following figure:

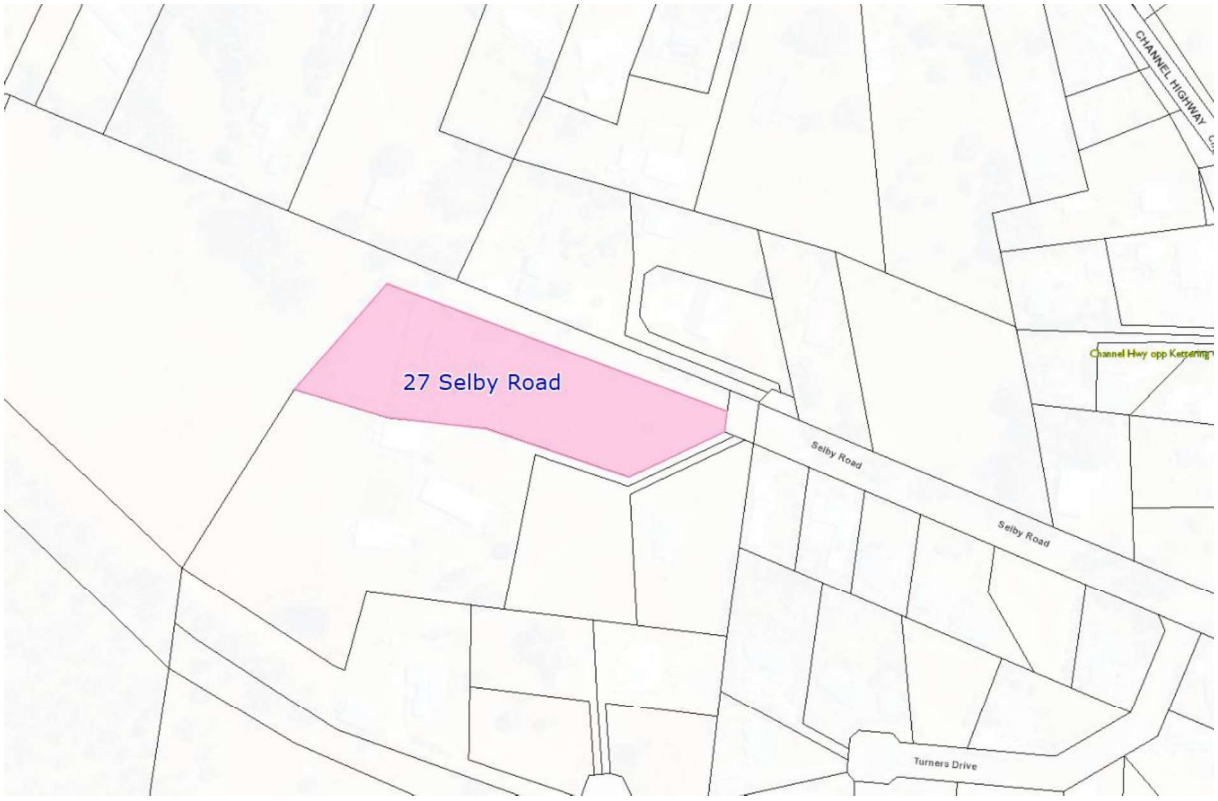


Figure 8: Rezoning diagram, with cadastral parcels and road names from www.thelist.tas.gov.au

5 Requirements under LUPAA

5.1.1 Requirements of the Act

3. Saving of various instruments

(2) Despite the substitution of Parts 2A and 3 of the former provisions, if there was, immediately before the commencement day, a planning instrument in operation in relation to a municipal area, then, on and from the commencement day until an LPS comes into effect in relation to the municipal area –

(a) the planning instrument remains in operation in relation to the municipal area; and

(b) Parts 2A and 3 of the former provisions remain in force in relation to the municipal area and accordingly a planning directive, and an interim planning directive, each within the meaning of the former provisions, may be made under Part 2A of the former provisions in relation to the municipal area; and

Section 3(2)(b) provides for a planning scheme amendment application to the planning instrument (i.e. *Kingborough Interim Planning Scheme 2015*) to be considered under the former provisions of LUPAA.

32. Requirements for preparation of amendments

(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –

(a) . . . . . .

(b) . . . . . .

(c) . . . . . .

(d) . . . . . .

(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and

(ea) must not conflict with the requirements of section 30O ; and

(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

(2) The provisions of section 20 (2) , (3) , (4) , (5) , (6) , (7) , (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.

e) Land use conflicts are discussed in further detail in section 5.1.2 of this report.

Ea) Section 30O of the former provisions of LUPAA requires that an amendment to an interim planning scheme is as far as practicable, consistent with the regional land use strategy. Strategic alignment with the Southern Tasmania Regional Land Use Strategy is addressed in section 4.1.3 of this report.

f) The amendment enables a modest increase in residential density within an existing settlement context, consistent with the principle of consolidating growth within serviced and partially serviced areas rather than facilitating dispersed rural residential development. The scale of development enabled by the amendment is limited to low density residential use and does not introduce land uses that would generate regionally significant environmental impacts. The site is not of a size or nature that would materially affect regional biodiversity, landscape values, agricultural productivity, or natural resource systems. No values have been

identified across the site area, and any site-specific environmental matters have been considered as part of this application.

From an economic perspective, the amendment supports efficient land use and housing supply within the existing settlement pattern of Kettering. The creation of three residential lots contributes incrementally to local housing availability without imposing demand for new regional infrastructure or services.

The proposal does not undermine existing rural or agricultural activities at a regional scale and is unlikely to displace productive land in a manner that would affect the broader regional economy. Instead, it supports orderly residential growth and investment within an established township, aligning with regional objectives for sustainable settlement development.

Socially, the amendment facilitates modest population growth within an existing community, supporting the vitality and sustainability of Kettering without altering its settlement role or character at a regional level. The scale of development is small and consistent with surrounding residential patterns, and will not generate regional-level social impacts such as changes to service hierarchies, community infrastructure demand, or settlement structure.

2) The proposed amendment complies with section 20(2)–(9) of LUPAA by following the same procedural, exhibition, representation and approval framework that applies to planning schemes. The proposal is therefore capable of being lawfully made, exhibited, assessed and approved in accordance with the Act.

Pursuant to section 33(1) of the former provisions of LUPAA, a person may request a planning authority to amend a planning scheme administered by it.

33. Request for amendment of planning scheme

(2A) If a request under subsection (1) is in respect of one parcel or several parcels of land covered by the planning scheme and is requested by a person who is not the owner of the land to which the proposed amendment applies, the request must be –

(a) signed by the owner or owners of the land; or

(b) accompanied by the written permission of the owner or owners to the making of the request.

Written consent from the relevant landowner at 29 Selby Road has been provided. Though this portion of the land is not proposed to be included in the rezoning, it is utilised for access as part of the subdivision.

(2B) Before making a decision as to whether or not to initiate an amendment of the planning scheme, the planning authority must consider –

(a) whether the requested amendment is consistent with the requirements of section 32 ; and

The proposal is able to satisfy the requirements of section 32, as demonstrated.

5.1.2 Land use conflicts

The proposed amendment from the Rural Living Zone to the Low-Density Residential Zone avoids, as far as practicable, the potential for land use conflict with use and development permissible under the planning scheme applying to adjacent land. The amendment enables low density residential use, which is compatible with the surrounding residential character of the area and does not introduce land uses that would generate unreasonable amenity impacts such as noise, traffic, odour or operational disturbance. In particular, the adjoining landowners at 29 Selby Road have provided written consent to the amendment (for the use and

development of the ROW) and are actively involved in the associated subdivision proposal, meaning there is no potential for land use conflict between these parcels. The proposal does not constrain the reasonable use or development of other surrounding land in accordance with the planning scheme.

5.1.3 Schedule 1 Objectives of LUPAA

6.1.5.1 Part 1- Objectives of the Resource Management and Planning System of Tasmania

Objectives of RMPS	Response
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;	The rezoning enables low-density residential subdivision consistent with the site's urban context and does not adversely affect ecological processes or natural values. Natural values will be retained onsite.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water;	The proposal provides for residential subdivision consistent with surrounding land uses and can be developed sustainably.
(c) to encourage public involvement in resource management and planning;	The application is subject to statutory public exhibition and representation.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a) , (b) and (c) ;	The proposal facilitates residential land supply and supports local economic activity in a manner consistent with these objectives
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	Assessment occurs within the statutory planning framework involving State and local government and community input.

Part 2 - Objectives of the Planning Process Established by this Act

Objectives of the Planning Process	Response
(a) to require sound strategic planning and co-ordinated action by State and local government;	The rezoning aligns with the intended Low Density Residential zoning proposed under the LPS.
(b) 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;	The amendment appropriately uses statutory planning controls to guide subdivision and development.
(c) 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;	Relevant impacts have been considered, with detailed matters addressed through future development approvals.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation	The proposal is consistent with State and municipal planning policy.

and resource management policies at State, regional and municipal levels	
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;	The rezoning establishes a clear framework for subdivision and future development approvals.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;	Low-density residential use supports a safe and appropriate living environment.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;	No identified heritage or cultural values are affected.
(h) 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;	Subdivision and development can be appropriately serviced without adverse impacts on infrastructure.
(i) to provide a planning framework which fully considers land capability.	The site can accommodate low-density residential subdivision consistent with its surroundings.

5.1.4 State Policies

5.1.4.1 The State Coastal Policy 1996

This policy protects the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection. The Policy applies to Tasmania's coastal area, the coastal zone includes State Waters (as defined in the Living Marine Resources Management Act 1995) and all land to a distance of 1km from the high water mark.

The area of the subject land proposed for rezoning is within 1km of the high water mark, thereby requiring consideration of the below:

Outcomes	***Response***
1.1. NATURAL RESOURCES AND ECOSYSTEMS	
1.1.2. The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.	The site does not contain identified ecological, geomorphological or geological coastal features, nor any recognised aquatic or biodiversity values. The proposed rezoning will not impact conservation values within the coastal zone.
1.1.10. The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.	Any future buildings, works or access infrastructure will be subject to planning consideration at the development application stage to ensure appropriate siting, scale and design that is compatible with the surrounding landscape.

1.4.1. Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sealevel rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.	The site is located on elevated land set back from the coast and is not subject to coastal hazards such as flooding, erosion, storm surge, dune mobility or sea level rise. The rezoning does not increase exposure to coastal risks or require engineering protection works
2.1 COASTAL USES AND DEVELOPMENT	
2.1.1. The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.	The proposed rezoning enables low density residential use in a sustainable manner consistent with the objectives and outcomes of the State Coastal Policy and does not encroach upon conservation reserves or constrained coastal land.
2.1.4. Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.	The proposal is assessed through established statutory planning processes under the Kingborough Interim Planning Scheme, ensuring appropriate consideration of coastal policy objectives and competing land use demands.
2.4. URBAN AND RESIDENTIAL DEVELOPMENT	
2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.	The rezoning does not affect environmentally sensitive areas and does not result in the expansion of urban development into undeveloped coastal environments.
2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.	The site is located within an existing residential area of Kettering and represents a contained and incremental urban outcome. The proposal avoids ribbon development and isolated coastal development.
2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.	The rezoning formally identifies the land for residential use within the planning scheme, consistent with the objectives and outcomes of the State Coastal Policy

3.3.4. Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.	The planning scheme amendment is subject to statutory public exhibition and representation, providing opportunity for community involvement in accordance with the Policy.

5.1.4.2 The State Policy on Water Quality Management 1997

This policy aims 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 the RMPS. The Policy applies to surface waters, including coastal waters, and groundwaters.

The Objectives of the Policy are:

Objectives of the Policy	Response
a) focus water quality management on the achievement of water quality objectives which will maintain or enhance water quality and further the objectives of Tasmania's Resource Management and Planning System;	The rezoning does not involve works or activities that would result in changes to water quality. The amendment has been assessed against the relevant provisions of the Kingborough Interim Planning Scheme.
b) ensure that diffuse source and point source pollution does not prejudice the achievement of water quality objectives and that pollutants discharged to waterways are reduced as far as is reasonable and practical by the use of best practice environmental management;	The land is located within an established urban area and does not directly adjoin or impact upon any waterway. Any future development arising from the proposed subdivision would be required to manage stormwater in accordance with best practice environmental management measures at the development application stage.
c) ensure that efficient and effective water quality monitoring programs are carried out and that the responsibility for monitoring is shared by those who use and benefit from the resource, including polluters, who should bear an appropriate share of the costs arising from their activities, water resource managers and the community;	The proposed amendment will not affect existing water quality monitoring programs. Any future development of the land would be subject to standard regulatory requirements, with responsibility for managing potential impacts appropriately assigned at the time of development.
d) facilitate and promote integrated catchment management through the achievement of objectives (a) to (c) above; and	The proposed rezoning is not expected to have any adverse impact on catchment management. The scale and nature of development facilitated by the Low Density Residential zoning is consistent with surrounding land uses and does not introduce activities that would compromise integrated catchment management outcomes.

e) apply the precautionary principle to Part 4 of this Policy.	The precautionary principle is not directly relevant to the proposed rezoning, as the amendment does not introduce activities with the potential to cause serious or irreversible harm to water quality. Any future development would be assessed through subsequent mechanisms (planning and building processes), ensuring appropriate safeguards are applied where necessary.

5.1.4.3 The State Policy on the Protection of Agricultural Land 2009

The purpose of this policy is to conserve and protect agricultural land so that it remains available for the sustainable use and development of agriculture, recognising the particular importance of prime agricultural land. The Policy applies to all agricultural land in Tasmania.

The objective of the Policy is:

> *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*.

This Policy is not applicable to the subject land given it relates to an areas of semi-urban land not considered to be agricultural land.

5.1.4.4 National Environment Protection Measures (NEPMs)

National Environment Protection Measures (NEPMs) – statutory instruments that specify national standards for a variety of environmental issues – are also taken to be State Policies in Tasmania.

Current NEPMS include:

- Air Toxics NEPM
- Ambient Air Quality NEPM
- Assessment of Site Contamination NEPM
- Diesel Vehicle Emissions NEPM
- Movement of Controlled Waste between States and Territories NEPM
- National Pollutant Inventory (NPI) NEPM
- Used Packaging Materials NEPM

None of the above NEPMs are applicable to the amendment or subject land.

5.1.5 Relationship to adjacent LPSs

The proposed amendment to rezone 27 Selby Road is not in proximity to any adjoining municipal area LPS and will not impact upon any other LPSs.

5.1.6 The Safety Requirements under the Gas Safety Act 2019

The safety requirements of the *Gas Safety Act 2019* are not directly relevant to the proposed amendment given there is no applicable infrastructure within proximity of the subject land.

6 Part B - The Planning Application – Subdivision

The following is an assessment of the applicable statutory controls under the *Kingborough Interim Planning Scheme 2015*. These standards have been addressed on the basis that the amendment has been approved.

6.1 The Site

The site is located at 27 Selby Road, Kettering, and comprises of the following titles:

- 27 Selby Road - CT 141484/1
- 29 Selby Road - CT 141484/3
- LGA subdivision Road - CT 141484/100
- Selby Road Lot

The area proposed to be rezoned is limited to the CT 141484/1 title (27 Selby Road title), with the inclusion of the CT 141484/3 (29 Selby Road title) and CT141484/100 for the purposes of access.



Figure 9: area in red proposed for rezoning (source: the listmap, 2025)

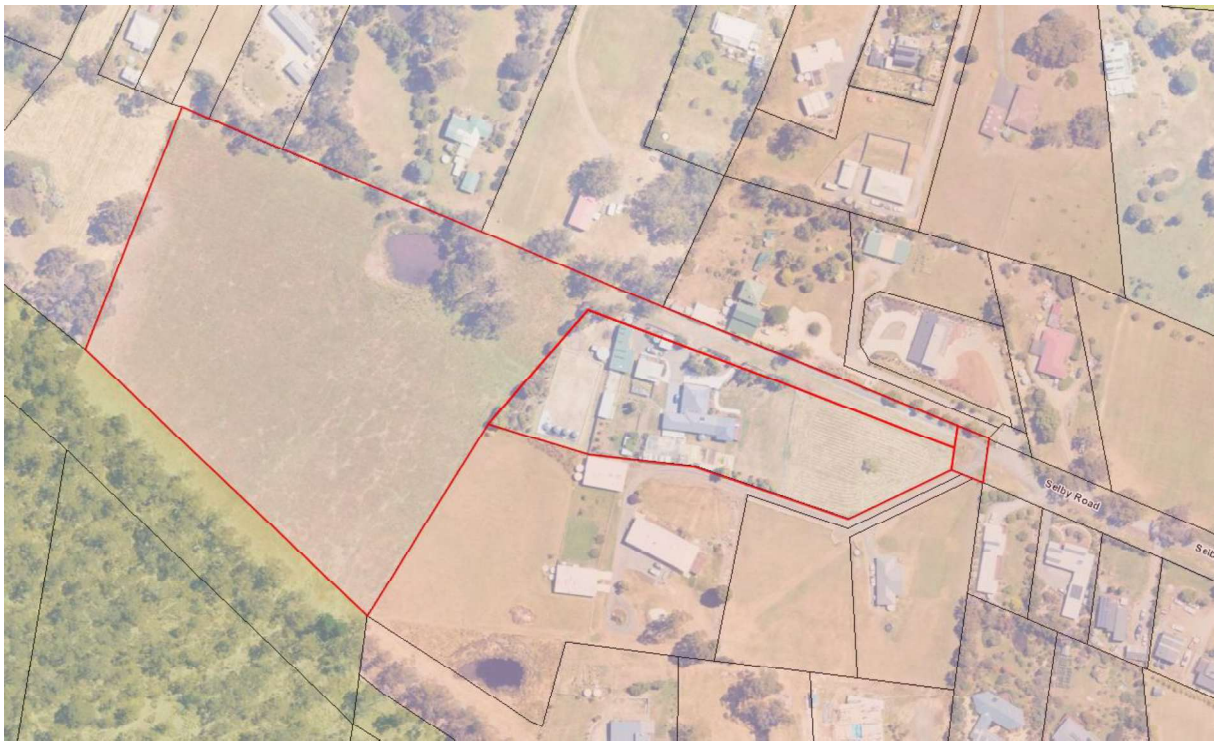


Figure 10: total site area including access lot (source: the listmap, 2025)

The land is currently occupied by a single residential dwelling and several outbuildings (including a shed workshop, storage, double carport, machinery shed, garden shed) on 10,100m^2.

6.2 Proposal Description

The subdivision proposes separating the existing title at 27 Selby Road into 3 separate allotments as follows:

- Lot 1 – 4450m2
- Lot 2 – 2990m2
- Lot 3 – 2660m2

Lot 1 will comprise of the existing dwelling, cottage, and miscellaneous sheds. Lot 3 will comprise of two existing sheds, and lot 2 will be vacant. Each lot will be accessed by a ROW over the land at 29 Selby Road. Upgrades to this ROW are required to accommodate the submission, including road widening, and passing bays. Each lot will contain an onsite wastewater area. No demolition is proposed as part of this application.

The following figure describes the proposed subdivision layout:

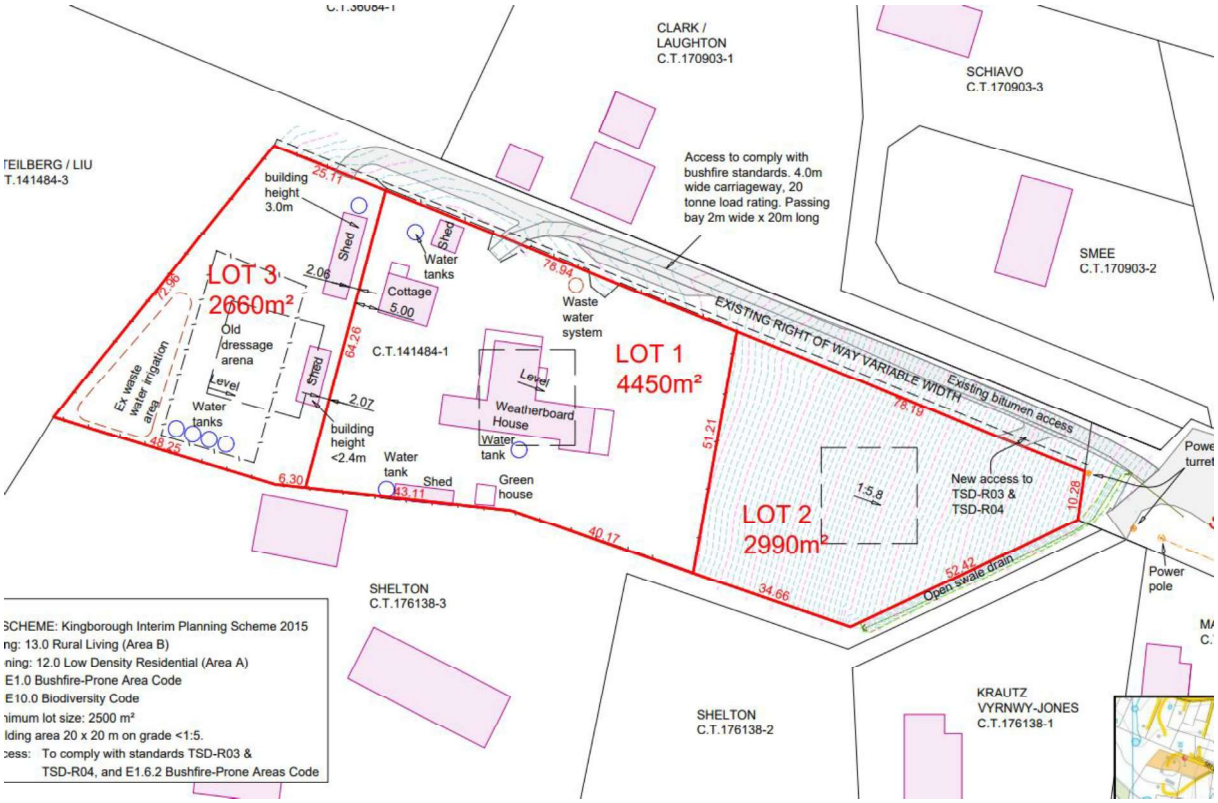


Figure 11: Subdivision plan (lark and creese 2026)

The proposal also seeks retrospective approval for the partial demolition of the shed on Lot 1 (the former stables) to achieve compliance with the required setback to the new boundaries. The demolition was limited to removal of the verandah and store room components only, as shown below. The submitted subdivision plan set accurately reflects the current site conditions (post-demolition).

A water tank previously located to the west of the stables has also been removed. The removal of this structure is exempt from planning approval pursuant to Clause 5.6.7 (Minor Structures) and therefore constitutes exempt demolition.

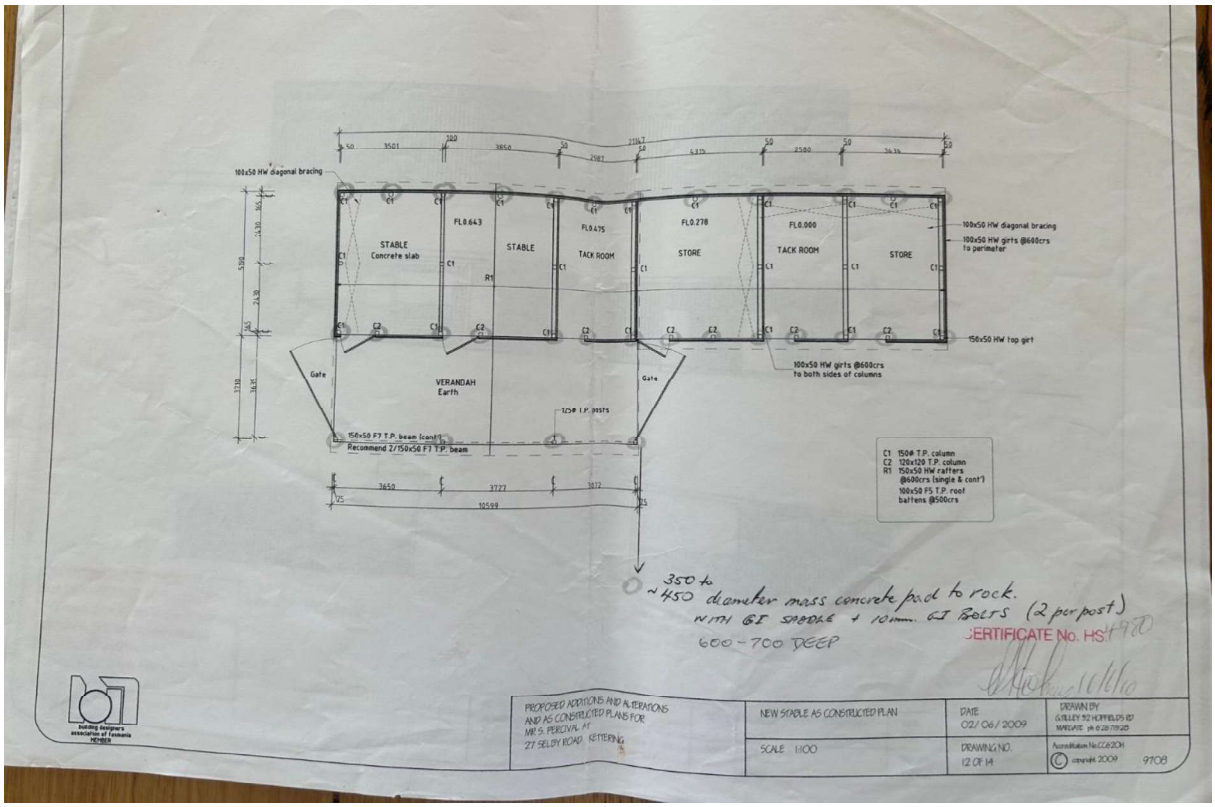


Figure 12: Approved Stable plans (2009)

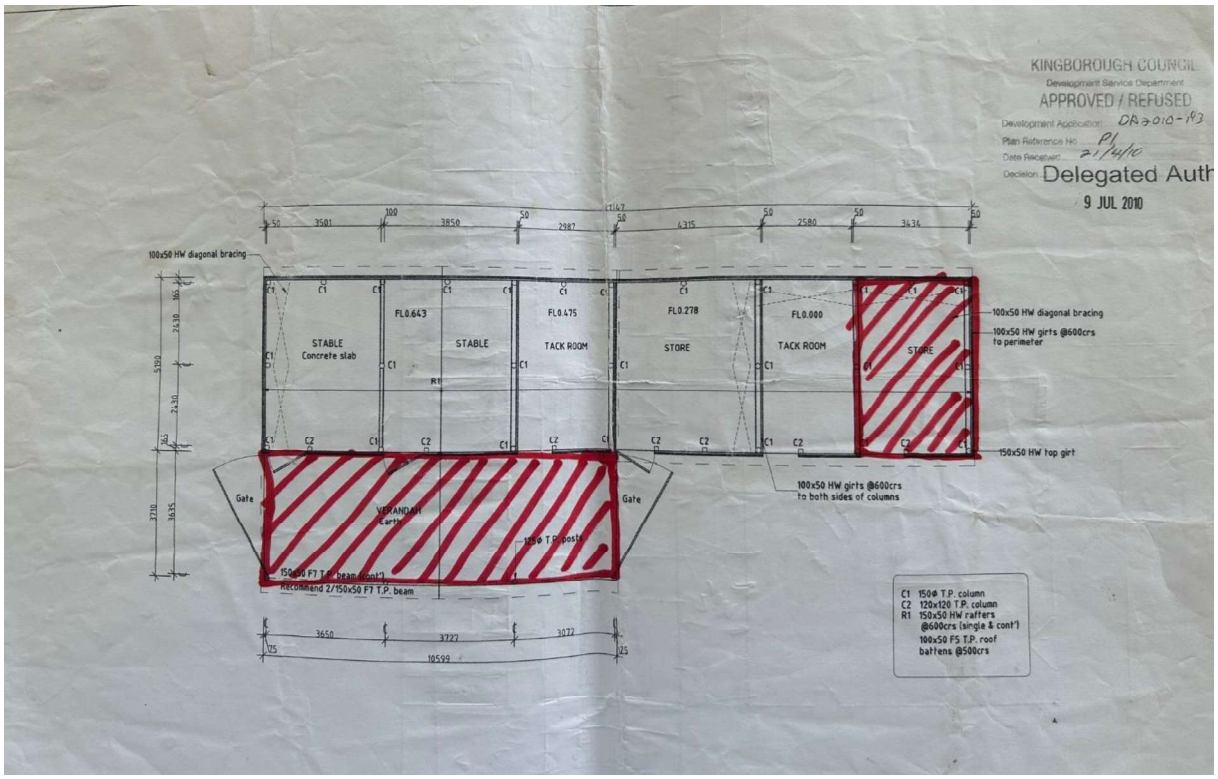


Figure 13: area requiring approval for demolition retrospectively

6.3 Planning Scheme Assessment

The following provisions are relevant to the subdivision application.

6.3.1 Special Provisions

The proposed subdivision relies on existing access over 29 Selby Road, which is located in a different zone (Rural Living Zone B). Consideration of Clause 9.7.1 is provided as follows:

9.7.1 If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:

(a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;

(b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and

(c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

a) The existing right-of-way over 29 Selby Road represents the only practical and reasonable means of access to the three lots. Retaining the established access avoids the creation of additional or parallel rights-of-way, which would result in an inefficient use of land and unnecessary duplication of access infrastructure. Providing an alternative access through the site would require the establishment of a new right-of-way adjoining the existing access, increasing land fragmentation and built form impacts without any corresponding planning benefit.

The access arrangement would remain unchanged under the Local Provisions Schedule, as 29 Selby Road is intended to retain its Rural Living zoning. Accordingly, access to 27 Selby Road would continue to occur across land in a different zone irrespective of whether the proposal proceeds.

b) The Rural Living Zone is intended to provide for residential use and development on larger lots where servicing is limited. The use of an existing right-of-way for access is consistent with this purpose and does not undermine the intent of the zone. Relevant codes applying to the access land, including the Biodiversity Protection Overlay, Parking and Access Code, Road and Railway Assets Code, and Bushfire Prone Areas Code, are addressed in further detail below and can be satisfied.

c) The access is an established right-of-way currently used to service the site and will not introduce new or incompatible land use impacts. The owner of 29 Selby Road has agreed to the continued use of the access for the subdivision, and the arrangement will not result in conflict with adjoining properties or permissible uses within the Rural Living Zone. Written consent from the owners at 29 Selby Road has been provided as part of this application.

6.3.2 Zoning

The following figure describes the zone plan including the proposed Low Density Residential Zone (a), for the subject land and surrounding area:

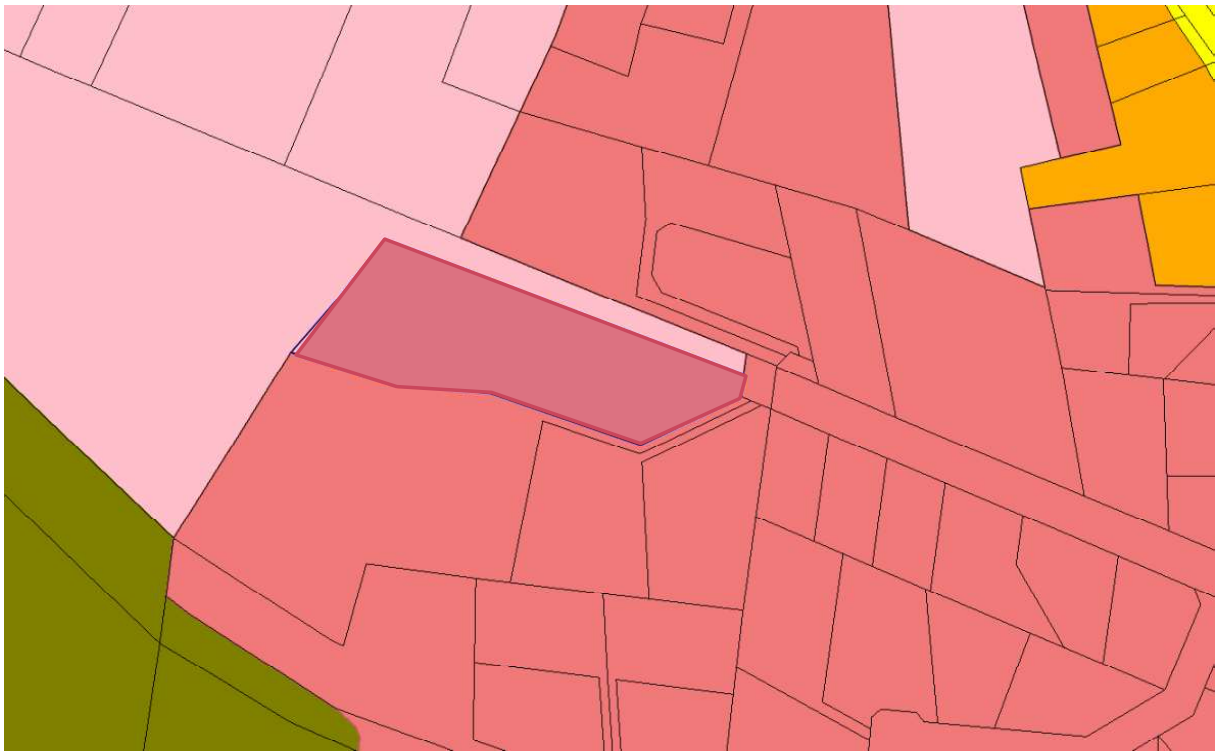


Figure 14: Zone plan (including proposed Low density residential Zone area) with TPS zones, cadastral parcels and road names from www.thelist.tas.gov.au

The purpose of the Low-Density Residential Zone is as follows:

12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

12.1.1.2 *To provide for non-residential uses that are compatible with residential amenity.*

12.1.1.3 *To avoid land use conflict with adjacent Rural Resource or Significant Agricultural zoned land by providing for adequate buffer areas.*

12.1.1.4 *To provide for existing low density residential areas that usually do not have reticulated services and have limited further subdivision potential.*

The proposed three-lot subdivision achieves the above objectives by providing for residential development on larger allotments that reflect existing infrastructure and servicing constraints, maintaining a low-intensity development outcome. The subdivision is residential in nature only and will not introduce uses incompatible with residential amenity. The proposal is consistent with the established low density residential character of the area, which typically lacks full reticulated services and has limited capacity for further subdivision.

The following Local Area Objectives and Implementation Strategy are also applicable:

Local Area Objectives
Kettering's natural values should be protected - including water views, foreshore access and vegetated visual surrounds.
Implementation strategy
Future development will strive to protect water quality, native vegetation, views and public access

Response No native vegetation is proposed for removal. The subdivision occurs at the outer edge of the urban landscape, minimising any potential impacts to water views. The proposal is not located along the foreshore.

6.3.2.1 Development Standards for Development

The partial demolition of the stables, including the removal of the storeroom and veranda, complies with all requirements for non-dwelling development. The building is able to maintain a 4.5 m setback from the frontage and a 2m setback from the new eastern side boundary, with no impacts to existing trees. Site coverage will be reduced overall, the lot is large enough to accommodate a 6 × 4 m area for private open space, and no additional overshadowing will occur.

6.3.2.2 Subdivision

12.5.1 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 desired residential density.* *(d) contain building areas which are located to avoid environmental values.*
Acceptable Solutions	***Performance Criteria***
A1 *The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities: as specified in Table 12.1.*	***P1*** *No Performance Criteria.*
Response: The minimum lot size required by the Low Density Residential Area (a) is 2,500m2. Lot 1 is 4450m^2, Lot 2 is 2990m^2 and Lot 3 is 2660m^2. All lots comply.	
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;*	***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;*

(a) clear of the frontage, side and rear boundary setbacks; *(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 20 m x 20 m in size.* *(f) No environmental values will be adversely impacted*	*(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 & dill associated with future development;* *(e) avoids, minimises and mitigates environmental impact arising from future use and development;* *(f) offsets impacts on trees of high conservation value.*
A2 As the subdivision is proposed to occur on land that is subject to several codes, (b) cannot be satisfied, thereby relying on assessment against the performance criteria. **P2** a) The building areas are reasonably capable of accommodating residential use and development, being clear of easements and providing a minimum buildable area of approximately 20 m × 20 m. Slopes within the building areas are generally level to gently sloping, with a maximum gradient of approximately 9 degrees (less than a 1 in 5 grade), and are compliant with frontage, side and rear setback requirements. b) The building areas are capable of meeting applicable standards of the relevant codes, with detailed code compliance addressed in subsequent sections of this report. c) Each lot can achieve reasonable solar access due to their size, orientation and separation distances. Future development is unlikely to result in unreasonable overshadowing between lots (east to west orientation with no lot north of another). d) The majority of the site is level to gently sloping (up to approximately 5 degrees). While the eastern portion of the site has slopes of up to approximately 9 degrees, building areas have been located to enable development to occur generally following natural contours, minimising the need for future cut and fill, retaining walls or excessive earthworks. e) No unacceptable environmental impacts are anticipated. Although the site is subject to the Biodiversity Protection Overlay, no specific biodiversity values require removal to accommodate access, or future development. f) The proposal does not involve the removal of trees of high conservation value, accordingly, offsetting is not required.	
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: 30m.*	***P3*** *The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than: 6m.*
Response: **P3**	

Lot 2 is not an internal lot and provides a road frontage exceeding 10m, thereby satisfying the relevant performance criteria.	
A4 *No lot is an internal lot [R1].*	***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 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-ofway, 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: This response relates to lots 1 and 3. **P1** a) The access will come from the Selby Road subdivision lot which is an existing road. The site has a limited frontage to Selby Road and a deep lot configuration, which constrains the ability to create multiple compliant frontage lots. The existing right-of-way provides a direct, established access to the rear of the site and allows subdivision without introducing additional access points or duplicating infrastructure. An internal lot configuration therefore represents the most efficient use of the land.	

b) Providing a new road is not feasible due to the scale of the subdivision, the width required to meet public road standards, and the consequential loss of developable land. furthermore, the road would have to terminate as there is no scope to continue the road through adjoining private land. The creation of a public road would also introduce unnecessary infrastructure for a small number of residential lots.

c) The rear of the existing lot cannot be reasonably subdivided as a standard frontage lot due to its separation from Selby Road. Use of the existing right-of-way enables access to the rear land while maintaining appropriate lot sizes and avoiding land fragmentation.

d) The proposal enables low-density residential infill within an existing residential area without overdevelopment. The subdivision increases land efficiency while remaining consistent with surrounding lot sizes and development patterns.

e) Impacts on neighbouring amenity are limited, as access is via an established right-of-way, traffic generation will be low, and future development will be single dwellings subject to standard setback, height and site coverage planning controls. The owners of 29 Selby Road have provided their consent as part of this application. The process of formally registering the right-of-way easement required for the subdivision is currently underway, with documentation shortly to be lodged with the Titles Office. Upon lodgement, written confirmation and supporting evidence will be provided, noting that registration of the easement is expected to follow as a procedural formality.

f) One access strip exists, and no additional access strips are proposed to service the new lots. Several rights-of-way extend over this access strip, servicing 29 Selby Road, 27 Selby Road, and proposed Lots 1, 2 and 3. This arrangement results in two additional lots being serviced compared to the existing situation.

Access is provided via an existing right-of-way with an approximate width of 10.33m, which is sufficient to safely accommodate the proposed level of use. Legal advice confirms that Clause 12.5.1 does not require each lot to be provided with an individual 3.6m wide access. Rather, the clause requires that access be provided via a right of carriageway with a minimum width of 3.6m, and that the connection to the public road is appropriate for its intended use, having regard to factors such as the number of lots served.

Unlike Section 109(3)(i) of the Local Government (Building and Miscellaneous Provisions) Act 1993, Clause 12.5.1 does not prohibit multiple lots from relying on a shared access easement, nor does it require the access strip to serve only a single lot. The planning scheme adopts a performance-based approach that allows for shared access arrangements, provided the access is adequate for the proposed use.

In this case, the existing right of carriageway over 29 Selby Road exceeds the minimum width requirement and is capable of servicing the proposed lots via a shared arrangement. Accordingly, the proposal satisfies Clause 12.5.1 without the need to establish additional access strips.

Page Seagar Lawyers note that previous advice confirms the Right of Way has a minimum width of 10.9 m at its narrowest point. This exceeds the 3.6 m access requirement for Lots 1 and 3, which are the only lots reliant on the easement (noting that Lot 2 and 29 Selby Road have direct frontage). This conclusion remains valid even under a more conservative interpretation requiring a separate 3.6 m width for each benefiting lot—being Lots 1, 3, and 29 Selby Road—as the combined requirement of 10.8 m is still accommodated within the existing 10.9 m width.

g) A Passing bay is provided as required.

h) An “access strip” is defined under the scheme as *means land, the purpose of which is to provide access to a road*. In this case, there is only one existing access strip servicing the site, and no alterations or

additional access strips are proposed as part of the subdivision. The proposal does not create any new access strips, rather, it continues to utilise the existing shared access arrangement.

The intent of this provision is to avoid the proliferation of multiple parallel or sequential access strips that cumulatively erode amenity and infrastructure efficiency. The proposal does not give rise to this outcome. Instead, it maintains the existing single access strip arrangement and merely increases the number of lots utilising it within that access framework. There is no material intensification or duplication of access strips beyond current conditions, and is therefore considered to comply.

Furthermore, in relation to the provision of access to a public road, the shape and configuration of the site make direct access for all proposed lots impractical. Any design seeking to achieve this outcome would result in irregular lot layouts—namely, three long, narrow parcels with constrained functionality and limited usability.

i) The existing sealed driveway along the ROW will be upgraded to the required standards.

j) The internal lots do not front public open space or public rights of way. As such, passive surveillance requirements are not applicable to the subdivision design.

A5	***P5***
Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	*Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback*

Response:

A5

The applicable Acceptable Solution requires a setback of 4.5 m from a frontage and 1.5 m from a side boundary. The subdivision proposes new boundaries that are side boundaries only, no new frontage boundaries are created in proximity to existing buildings.

Lot 2

Lot 2 contains no existing buildings and therefore complies with the setback requirements. No percent of the site is covered by roofed buildings.

Lot 1

Lot 1 contains an existing cottage, Shed 1, Shed 2, a greenhouse, and a weatherboard dwelling. All buildings maintain setbacks in excess of 1.5 m from the proposed new side boundaries. The cottage is located approximately 5 m from the new western boundary and approximately 60 m from the new eastern boundary. Shed 1 is located approximately 11 m from the new western boundary and approximately 60 m from the new eastern boundary. Shed 2 is located approximately 17 m from the new western boundary and approximately 50 m from the new eastern boundary.

While some sheds are positioned close to an existing boundary, that boundary is not being altered as part of this subdivision and therefore does not trigger the A5 requirement.

Lot 1 has a site coverage of approx. 627m2, or 14%.

Lot 3

Lot 3 contains two existing sheds. Due to the partial demolition of the stables veranda, both sheds maintain a setback of approximately 2 m from the proposed new eastern side boundary and therefore

comply. The setback for the building area on lot 3 exceeds 4.5m from the rear boundary of lot 1. Lot 3 has a site coverage of 141m2, or 5.3%.

In considering compliance with Clause 12.4.2(a)(i), it is necessary to determine the location of the frontage and rear boundaries of the internal lots. The Scheme defines frontage as a boundary of a lot which abuts a road. Lots 1 and 2 are internal lots and do not directly abut a road. Access is obtained via a right of way extending over 29 Selby Road. As neither lot has a boundary that directly abuts a road, neither lot possesses a frontage in the conventional sense contemplated by the definition.

Clause 12.4.2(a)(i) requires, for an internal lot, a building envelope to be established by *"a distance of 4.5m from the rear boundary of a lot with an adjoining frontage."* The purpose of this provision is considered to be the establishment of a building envelope for internal lots that broadly replicates the frontage setback relationship applying to conventional lots. In effect, the provision seeks to identify the frontage-facing side of an internal lot and ensure development maintains an appropriate setback relationship equivalent to that expected where a lot directly adjoins a road. Where an internal lot does not contain a boundary that abuts a road, a literal application of the definition produces uncertainty as to the location of both the frontage and rear boundaries. In such circumstances, it is reasonable to identify the frontage side of the lot by reference to the practical means of access to the site.

For Lots 1 and 2, the northern boundary functions as the effective frontage side of the lots, being the boundary oriented toward the access arrangement by which the lots are accessed. This boundary performs the same functional role as a frontage on a conventional lot, providing the principal point of arrival and access to the dwelling and associated development. Accordingly, the opposite southern boundary is most appropriately regarded as the rear boundary for the purpose of applying Clause 12.4.2(a)(i). Under this interpretation, the retained outbuildings are capable of achieving the required 4.5m setback from the rear boundary of the adjoining lot.

No fences are proposed as part of this application.

All trees of high conservation value are proposed to be retained. The works proposed as part of this application, as discussed in the accompanying arborist report, will not have any adverse impacts on these trees.

12.5.2 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	***Performance Criteria***
A1 *The subdivision includes no new roads.*	***P1*** *The arrangement and construction of roads within a subdivision must satisfy all of the following:* *(a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;*

	(b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority; *(c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;* *(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;* *(f) connectivity with the neighbourhood road network is maximised;* *(g) the travel distance between key destinations such as shops and services is minimised;* *(h) walking, cycling and the efficient movement of public transport is facilitated;* *(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;* *(j) multiple escape routes are provided if in a bushfire prone area.*
Response: **A1** No new roads are proposed as part of the subdivision.	

12.5.3 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 Solutions	***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) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;* *(e) topographical and other physical conditions of the site are appropriately accommodated in the design;* *(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;* *(g) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:* *(i) the width of the way;* *(ii) the length of the way;* *(iii) landscaping within the way;* *(iv) lighting;* *(v) provision of opportunities for 'loitering';* *(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).* *(h) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.*
Response: **P1** No ways or public open space are proposed.	
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, November 2021.
Response: **P2** Discussions are currently underway with Kingborough Council regarding the appropriate Public Open Space contribution. It is anticipated that a cash-in-lieu contribution will be agreed, consistent with the Kingborough Public Open Space Contribution Policy (Policy 6.3, November 2021), and formalised as a condition of any permit issued.	

12.5.4 Services	
Objective:	*To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.*
Acceptable Solutions	***Performance Criteria***
A1 *Each lot must be connected to a reticulated potable water supply where such a supply is available. R1*	***P1*** *No Performance Criteria.*
Response: **A1** No supply is available to the site, therefore this provision is not applicable.	
A2 *Each lot must be connected to a reticulated sewerage system where available. R1*	***P2*** *Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land*
Response: **A2** No reticulated sewerage is available onsite. **P2** A wastewater assessment has been provided to accompany this application. The lots are able to accommodate onsite wastewater as required.	
A3 *Each lot must be connected to a stormwater system able to service the building area by gravity. R2*	***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: **A3** Please refer to engineering advice letter from Gandy and Roberts.	

Stormwater from Lot 02 is proposed to be managed via a DN150 connection to the existing table drain within the road reserve. Runoff is limited to match current flows through the use of an onsite detention system. Lot 02 is fully connected to the stormwater system by gravity and therefore complies with A3.

Stormwater from Lot 03 is proposed to be managed via a DN150 connection to the proposed shared drainage system on 29 Selby Road. Onsite detention will ensure runoff does not exceed existing flows. Lot 03 is fully connected to the stormwater system by gravity and therefore complies with A3.

P3

Stormwater from Lot 01 is proposed to be managed via a DN150 connection to the proposed shared drainage system on 29 Selby Road. Rainwater tank overflows will be directed through a pumping system to the relocated tanks within Lot 2 before connection to the shared drainage system. While this system is not strictly gravity-fed and therefore requires assessment against P3, the lot is able to accommodate stormwater management as required.

A4	***P4***
The subdivision includes no new road.	*The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.*

Response

The subdivision includes no new roads.

6.3.3 Codes

The following codes are applicable to the proposal.

6.3.4 Bushfire prone area code

The entirety of the site is mapped as a bushfire prone area. This code applies to subdivision of land within the mapped overlay.

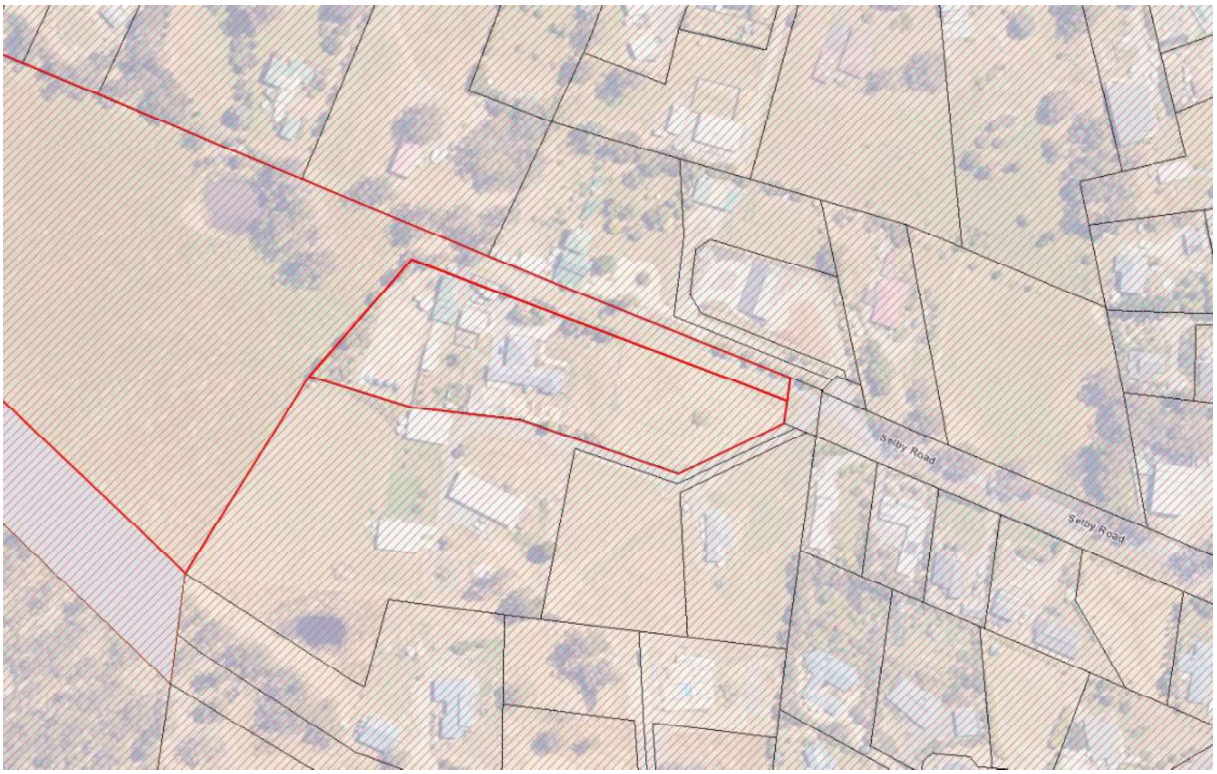


Figure 15: Extent of bushfire prone area (hatched orange lines) (source: the listmap, 2025)

Assessment against the relevant provisions is provided under the accompanying bushfire hazard assessment by Lark and Creese.

6.3.5 Biodiversity Code

The entirety of the site is mapped under the biodiversity code , shown below.

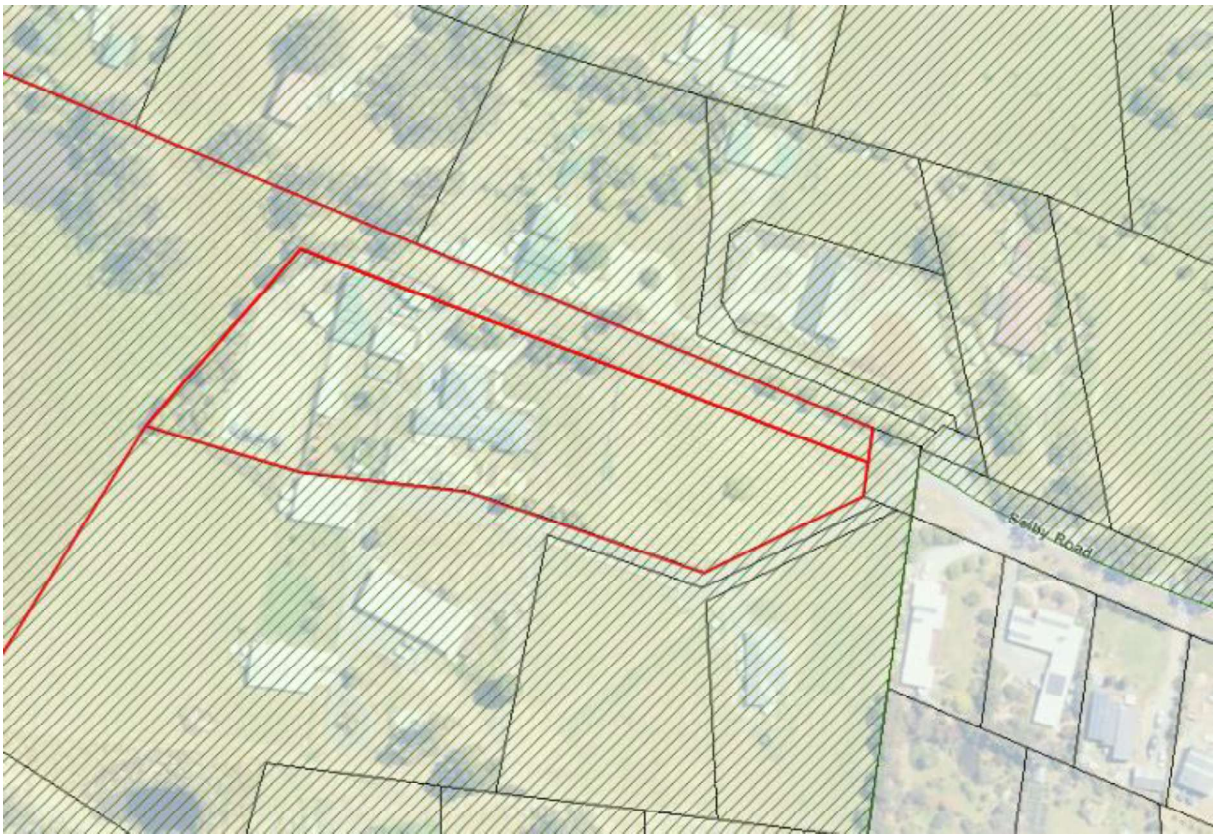


Figure 16: Biodiversity code overlay (hatched green lines) (source: the listmap, 2026)

This code applies to development that requires clearance and conversion or disturbance to native vegetation. Although no tree removal is proposed, it is acknowledged that access to Lot 3 requires the driveway to pass through the Tree Root Protection Zone of Tree 1 (Tree Plan, 2026). While this represents only a minor encroachment and the tree is intended to be retained, the relevant standards have been considered as a precautionary measure.

E10.8.1 Subdivision	
Objective:	*To ensure that: (a) works associated with subdivision resulting in clearance and conversion or disturbance will not have an unnecessary or unacceptable impact on priority biodiversity values; (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority biodiversity values.*
Acceptable Solutions	***Performance Criteria***
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:* *(a) be for the purposes of separating existing dwellings;* *(b) be for the creation of a lot for public open space, public reserve or utility;*	***P1*** *Clearance and conversion or disturbance must satisfy the following:* *(a) if low priority biodiversity values:* *(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; and*

(c) no works, other than boundary fencing works, are within the Biodiversity Protection Area; *(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area..*	*(ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area; and/or* ...
Response: **P1** a) The Natural Values Assessment undertaken by Lark and Creese has determined the values across the site to be low (due to its nature being modified land/urban areas). There are no limitations resulting from topography or land hazards. A review of the bushfire hazard management report and site assessment indicates surrounding land has been classified as managed land. Recommended subdivision layout and associated bushfire hazard management areas will not impact priority biodiversity and no additional management measures are required.	
A2 *Subdivision is not prohibited by the relevant zone standards.*	***P2*** *No performance criteria.*
Response: **A2** Subdivision is not prohibited by the relevant zone standards, as considered in this report.	

6.3.6 Stormwater Management Code

There are no subdivision standards under this code. However, the subdivision does require an increase in impervious surfaces due to upgrades to the ROW, and as such, the below standards have been considered.

E7.7.1 Stormwater Drainage and Disposal	
Objective:	*To ensure that stormwater quality and quantity is managed appropriately.*
Acceptable Solutions	***Performance Criteria***
A1 *Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure*	***P1*** *Stormwater from new impervious surfaces must be managed by any of the following:* *(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles* *(b) collected for re-use on the site;* *(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*
Response:	

A1

Drainage from new impervious surfaces (ie the access) will be directed to public stormwater infrastructure.

A2	***P2***
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*	*A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.*

Response:

A2

The subdivision is for three lots, with no increase in parking and with new impervious areas on the 29 Selby Rd access totalling approx. 487m^2. As such, water sensitive urban design principles are not required by the development.

A3	***P3***
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.*	*No Performance Criteria.*

Response:

A3

Stormwater from the development is proposed to be no greater than existing, with a small onsite detention system proposed to manage the increase in stormwater flows from the upgraded driveway access over 29 Selby Road.

A4	***P2***
A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years	*No Performance Criteria.*

Response:

A4

A major drainage system is not proposed.

6.3.7 Onsite wastewater Management Code

6.3.7.1 Development Standards for Subdivision

E23.9.1 Development Standards for New Lots	
Objective:	To ensure sustainable onsite wastewater management for new lots.
Acceptable Solutions	***Performance Criteria***
A1 *A new lot must have an area no less than: 5,000 m2*	***P1*** *The area of a new lot must be adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms.*
Response: **P1** There is sufficient area on the proposed lots to comply with the requirements of ASNZS1547 for a three-bedroom dwelling. The assessment assumes a design wastewater loading of 600 L/day per lot and secondary treatment with subsurface irrigation. Based on Category 5 (Light Clay) soils and a Design Irrigation Rate of 3 mm/day, each lot requires approximately 200 m^2 of irrigation area, with a further 100% reserve area provided. The report concludes that all proposed lots can accommodate these requirements within their boundaries Please refer to accompanying wastewater report by GES for more details.	
A2 *Subdivision is not prohibited by the relevant zone standards.*	***P2*** *No performance criteria.*
Response: **A2** Subdivision is not prohibited by the relevant zone standards.	
E23.9.2 Development Standards for New Boundaries	
Objective:	To ensure subdivisions and boundary adjustments creating new boundaries do not increase the potential for existing onsite wastewater management systems and land application areas to cause environmental harm.
Acceptable Solutions	***Performance Criteria***
A1	***P1***

A new boundary must have a separation distance from an existing land application area that complies with E.23.10.1 A3.	*A new boundary must have a separation distance from an existing land application area that satisfies E.23.10.1 P3*
Response: **P1** The only existing wastewater system is associated with the existing dwelling on the balance lot (proposed Lot 1). The wastewater assessment states that the existing land application area is to be disconnected and decommissioned as part of the subdivision and replaced with a new system contained wholly within the future boundaries of Lot 1. Accordingly, no existing land application area will encroach upon or be compromised by the creation of new boundaries, and the proposed subdivision is consistent with the objective of E23.9.2	

E23.10.1 Land Application Areas	
Objective:	To provide for sustainable onsite wastewater management through the provision of appropriate land application areas
Acceptable Solutions	***Performance Criteria***
A1 *Horizontal separation distance from a building to a land application area must comply with one of the following:* *(a) be no less than 6m;* *(b) be no less than;* *(i) 2m from an upslope or level building;* *(ii) if primary treated effluent be no less than 4m plus 1m for every degree of average gradient from a downslope building;* *(iii) if secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a down slope building.*	***P1*** *Horizontal separation distance from a building to a land application area must satisfy all of the following:* *(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;* *(b) be no less than 2m.*
Response: **P1** The wastewater report concludes that sufficient space exists on each proposed lot to accommodate these setbacks, noting that final compliance will be confirmed at the plumbing permit stage once building footprints are finalised.	
A2	***P2***

Horizontal separation distance from downslope surface water to a land application area must comply with any of the following: *(a) be no less than 100m;* *(b) if the site is within a high rainfall area or the site soil category is 4, 5 or 6, be no less than the following;* *(i) if primary treated effluent standard or surface application, 50m plus 7m for every degree of average gradient from downslope surface water;* *(ii) if secondary treated effluent standard and subsurface application, 50m plus 2m for every degree of average gradient from down slope surface water.* *(c) if the site is not within a high rainfall area or the site soil category is not 4, 5 or 6, be no less than the following;* *(i) if primary treated effluent 15m plus 7m for every degree of average gradient from downslope surface water;* *(ii) if secondary treated effluent and subsurface application, 15m plus 2m for every degree of average gradient from down slope surface water*	*Horizontal separation distance from downslope surface water for a land application area must satisfy all of the following:* *(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;* *(b) be no less than 15m;* *(c) the surface water is not of high resource or environmental value;* *(d) the average gradient is no more than 16 degrees;* *(e) the site is not in a flood prone area with an ARI of no less than 20 years;* *(f) either of the following applies:* *(i) the site soil category is 1, 2 or 3;* *(ii) a raised bed is used.*
Response: **P2** The wastewater assessment identifies indicative minimum setbacks to downslope surface water of approximately 68 m, based on secondary treatment, subsurface irrigation and an average slope of 9 degrees. It concludes that wastewater disposal areas can be located to meet these setback requirements.	
A3 *Horizontal separation distance from a property boundary to a land application area must comply with either of the following:* *(a) be no less than 40m from a property boundary;* *(b) be no less than:* *(i) 1.5m from an upslope or level property boundary; and*	***P3*** *Horizontal separation distance from a property boundary to a land application area must satisfy all of the following:* *(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;* *(b) be no less than 1.5m* *(c) the average gradient is no more than 16 degrees;* *(d) either of the following applies:*

(ii) if primary treated effluent 2m for every degree of average gradient from a downslope property boundary; or *(iii) if secondary treated effluent and subsurface application, 1.5m plus 1m for every degree of average gradient from a downslope property boundary*	*(i) the vertical separation between the land application area and groundwater or any limiting layer is no less than 1.5m;* *(ii) a raised bed is used to achieve a minimum vertical separation of 1.5m between the land application area and groundwater or any limiting layer.*

Response:

P3

Indicative modelling demonstrates that minimum boundary setbacks can be achieved using secondary treated effluent and subsurface irrigation, with minimum setbacks of 1.5 m to upslope or level boundaries and increased setbacks to downslope boundaries based on slope.

The assessment confirms that the proposed lots are capable of accommodating compliant land application areas without encroaching on boundaries.

A4	***P4***
Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must be no less than 50m.	*Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must satisfy all of the following: (a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system; (b) be no less than 15m; Kingborough Interim Planning Scheme 2015 Part E | Codes E23.0 On-Site Wastewater Management (c) the water is not high resource value water.*

Response:

P4

Confirmation of the location and status of any nearby private or third-party water supplies were not provided under the wastewater assessment. it is acknowledged that at the planning application stage for dwellings this will be required.

A5	***P5***
Vertical separation distance between groundwater and a land application area must be no less than 1.5m.	*Vertical separation distance between groundwater and a land application area must satisfy all of the following: (a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system; (b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed).*

Response:

P5

The report concludes that compliant land application areas can be achieved on all proposed lots.

A6	***P6***
Vertical separation distance between a limiting layer and a land application area must be no less than 1.5m.	*Vertical separation distance between a limiting layer and a land application area must satisfy all of the following:* *(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;* *(b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed).*

Response:

P6

A limiting layer (weathered dolerite) was encountered at shallow depth in test holes. The assessment recommends subsurface irrigation and, where necessary, raised beds to achieve the required vertical separation.

A7	***P7***
The arrangement of a land application area must comply with both of the following: *(a) not include areas beneath buildings, driveways or other hard stand areas;* *(b) have a minimum horizontal dimension of 3m.*	*no performance criteria.*

Response:

P7

The wastewater assessment specifies that land application areas are to be excluded from buildings, driveways and trafficable areas, and that sufficient area exists on each lot to configure compliant irrigation fields with appropriate dimensions. Final layout is to be resolved at detailed design and plumbing permit stage.

6.3.8 Parking and Access code

This code applies to all use and development.

6.3.8.1 Use Standards

E6.6.1 Number of Car Parking Spaces
Objective: *To ensure that:*

(a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport. *(b) a use or development does not detract from the amenity of users or the locality by:* *(i) preventing regular parking overspill;* *(ii) minimising the impact of car parking on heritage and local character*	
Acceptable Solutions	***Performance Criteria***
A1 *The number of on-site car parking spaces must be:* *(a) no less than the number specified in Table E6.1; except if:* *(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cashin-lieu) must be in accordance with that plan;*	***P1*** *The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:* *(a) car parking demand;* *(b) the availability of on-street and public car parking in the locality;* *(c) the availability and frequency of public transport within a 400m walking distance of the site;* *(d) the availability and likely use of other modes of transport;* *(e) the availability and suitability of alternative arrangements for car parking provision;* *(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;* *(g) any car parking deficiency or surplus associated with the existing use of the land;* *(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;* *(i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;* *(j) any verified prior payment of a financial contribution in lieu of parking for the land; (k) any relevant parking plan for the area adopted by Council;*

	(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code; *(m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.*
Response: **A1** It is likely the lots will be used for residential purposes. The size of the lots are considered sufficient to accommodate future parking requirements.	

The following provisions are not applicable:

- E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability
- E6.6.3 Number of Motorcycle Parking Spaces
- E6.6.4 Number of Bicycle Parking Spaces

6.3.8.2 Development Standards

E6.7.1 Number of Vehicular Accesses	
Objective:	*To ensure that: (a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising: (i) the number of vehicle access points; and (ii) loss of on-street car parking spaces; (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses; (c) vehicle access points do not have a dominating impact on local streetscape and character*
Acceptable Solutions	***Performance Criteria***
A1 *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*	***P1*** *The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:* *(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;* *(b) whether the additional access points can be provided without compromising any of the following:* *(i) pedestrian safety, amenity and convenience;* *(ii) traffic safety;* *(iii) residential amenity on adjoining land;*

	(iv) streetscape; *(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;* *(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity*
Response: **A1** The existing access is proposed to be retained and widened. No additional access results from the proposal.	

E6.7.2 Design of Vehicular Accesses	
Objective:	*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.*
Acceptable Solutions	***Performance Criteria***
A1 *Design of vehicle access points must comply with all of the following* *(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;* *(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.*	***P1*** *Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:* *(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;* *(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;* *(c) suitability for the type and volume of traffic likely to be generated by the use or development;* *(d) ease of accessibility and recognition for users.*
Response: **A1** a) Any upgrades to the proposed access point will be made to be compliant with the required standards.	

E6.7.3 Vehicular Passing Areas Along an Access	
Objective:	*(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	***Performance Criteria***
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.*	***P1*** *Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:* *(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;* *(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;* *(c) suitability for the type and volume of traffic likely to be generated by the use or development;* *(d) ease of accessibility and recognition for users*
Response: **A1** Vehicular passing areas have been provided as the ROW is more than 30m long. Due to the driveway serving Lot 2 being immediately adjacent to the road frontage, construction of a passing bay at the kerb is not practical. The proposal is therefore assessed against P1. **P1** a) The passing bay enables opposing vehicles to pass within the access strip without the need for reversing manoeuvres onto Selby Road or encroachment into pedestrian areas. Functionally, the access into Lot 2 is able to act as an extension to the passing bay, providing additional width for passing. The arrangement reduces the potential for vehicle-to-vehicle conflict and allows movements to occur in a predictable manner. b) The access connects to the terminal section of Selby Road where traffic volumes are low. The straight alignment of both Selby Road and the access strip provides good sight lines in both directions, allowing drivers to identify approaching vehicles and adjust their movements accordingly. The passing bay allows vehicles to wait and pass within the access strip, ensuring vehicle manoeuvring does not interfere with the operation of Selby Road. c) The proposal generates only low-volume residential traffic associated with two additional lots. The passing bay dimensions are adequate to accommodate expected resident, visitor and service vehicle movements and provide sufficient opportunity for vehicles travelling in opposing directions to pass safely within the access strip.	

d) The passing bay is located along a straight section of the access strip where visibility is available from both directions. The access strip itself is straightforward in design and easy to navigate, enabling drivers to readily identify the passing opportunity and use it effectively when required.

E6.7.4 On-Site Turning	
Objective:	To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.
Acceptable Solutions	***Performance Criteria***
A1	***P1***
On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:	*On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:*
(a) it serves no more than two dwelling units;	*(a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;*
	(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;
	(c) suitability for the type and volume of traffic likely to be generated by the use or development;
	(d) ease of accessibility and recognition for users;
	(e) suitability of the location of the access point and the traffic volumes on the road.
Response:	
A1	
The lots are sufficient in size to accommodate onsite turning. This will be considered as part of the development of residential dwellings at a future stage.	

The following provisions are not relevant to this subdivision applicaiton:

- E6.7.5 Layout of Parking Areas
- E6.7.7 Lighting of Parking Areas
- E6.7.8 Landscaping of Parking Areas
- E6.7.9 Design of Motorcycle Parking Areas
- E6.7.10 Design of Bicycle Parking Facilities
- E6.7.11 Bicycle End of Trip Facilities
- E6.7.12 Siting of Car Parking
- E6.7.13 Facilities for Commercial Vehicles

E6.7.14 Access to a Road	
Objective: To ensure that access to the road network is provided appropriately..	
Acceptable Solutions	***Performance Criteria***
A1 *Access to a road must be in accordance with the requirements of the road authority.*	***P1***
Response: **A1** General Managers Consent is sought as part of this application.	

6.3.9 Road and Railway Assets Code

This Code applies to all use and development that 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.

6.3.9.1 Use Standards

E5.5.1 Existing road accesses and junctions	
Objective:	To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.
Acceptable Solutions	***Performance Criteria***
A1 *The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.*	***P1*** *Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:* *(a) the increase in traffic caused by the use;* *(b) the nature of the traffic generated by the use;* *(c) the nature of the road;* *(d) the speed limit and traffic flow of the road;* *(e) any alternative access to a road;* *(f) the need for the use;* *(g) any traffic impact assessment; and* *(h) any written advice received from the road authority.*
Response: **A1** Selby Road is not a category 1 or 2 road.	

A2	***P2***
The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater	*Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:* *(a) the increase in traffic caused by the use;* *(b) the nature of the traffic generated by the use;* *(c) the nature and efficiency of the access or the junction;* *(d) the nature and category of the road;* *(e) the speed limit and traffic flow of the road;* *(f) any alternative access to a road;* *(g) the need for the use;* *(h) any traffic impact assessment; and* *(i) any written advice received from the road authority.*

Response:

A2

Based on the Guide to Traffic Generating Developments (Transport for NSW), low-density residential development typically generates approximately 8–10 vehicle movements per dwelling per day . Accordingly, the potential future development of two additional dwellings could result in an increase of approximately 16–20 vpd, which is negligible in the context of the existing road network.

P2

a) The subdivision itself generates no additional traffic. Even when considering the ultimate development scenario, the increase of approximately 16–20 vpd is minor and will not materially affect road performance.

b) Traffic generation is expected to be limited to typical residential movements, however, detailed consideration of traffic impacts would be undertaken as part of any future development application for the site.

c) Access is via an existing Right of Way of adequate width and standard, consistent with surrounding properties. The access arrangement will continue to operate safely and efficiently. Refer to information above regarding the ROW.

d) Selby Road is a local rural/residential road and, at this location, effectively functions at the terminus of the sealed section. It services a limited number of properties and carries low traffic volumes.

e) While the posted speed limit is 90 km/h, actual operating speeds are typically lower given the local context and low traffic environment. The road is straight with good sight distances, enabling safe vehicle movements. The proposal will not affect traffic flow.

f) Due to the site's configuration, alternative direct access arrangements are impractical and would result in inferior lot design outcomes. The proposed shared access is appropriate.

g) The subdivision facilitates orderly residential development consistent with zoning and the existing pattern of development.

h) Given that the subdivision itself generates no traffic, and the ultimate increase is minimal, a traffic engineering assessment is not warranted. Any future dwelling applications can address site-specific traffic matters if required.

i) Not applicable.

A3	***P3***
The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	*Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:* *(a) the increase in traffic caused by the use;* *(b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road;* *(f) any alternative access to a road;* *(g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.*

Response:

P3

Assuming each lot is developed with a single residential dwelling, the RTA traffic guidelines (NSW) indicate that a residential dwelling generates an average of 9 vehicle trips per day. With the addition of two new lots, this equates to an additional 18 vehicle trips per day, which is well within the 40 vehicle movements per day threshold.

The following provisions are not applicable:

- E5.5.2 Exiting level crossings

6.3.9.2 Development Standards

The following provisions are not applicable:

- E5.6.1 Development adjacent to roads and railways - The development standards pertain to buildings, as well as works within 50m of 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. As no buildings nor works are proposed within the 50m buffer, the development standards are not applicable.
- E5.6.2 Road accesses and junctions – whilst the existing access is proposed to be widened at the road front, no new accesses are created.
- E5.6.3 New level crossings

- E5.6.4 Sight distance at accesses, junctions and level crossings - as no new accesses are created.

7 Conclusion

This report forms part of a request for an amendment to the Kingborough Interim Planning Scheme – 2015. This proposal seeks a rezoning amendment to the Kingborough Interim Planning Scheme, specifically from Rural Living to Low Density Residential Zoning (A) at the site at 27 Selby Street to facilitate a three-lot subdivision. This is to allow for the subsequent subdivision of the site into three lots.

The requested amendment aligns with the strategies for development as set out in regional and local government residential land use strategies. The amendment has been assessed against the relevant criteria under the following statutory documents:

- The Tasmanian Planning Policies
- The Section 8A guidelines
- The Southern Tasmanian Regional Land Use Strategy
- The Kingborough Council Strategic Plan
- The Kingborough Land Use Strategy 2019

The proposal has also been assessed against the objectives and requirements of the Land Use Planning and Approvals Act, particularly the State Policies, Requirements of Section 32, Schedule 1 Objectives and the provisions of Section 34.

The permit application seeks approval for a three lot subdivision. The proposal performs well against the relevant provisions of the planning scheme.