

## MEMO

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From:	George Walker	Position:	Director/Planning Consultant
Project No.	18.1116	Project Name	Ecclestone Road Subdivision
Purpose:	Information to accompany EPBCA application		

The following information is intended to provide a brief history of the subdivision development of the site:

1. Growth Developments (**'the proponent'**) purchased the site following a thorough due diligence process. This process included a review of the planning scheme controls.
2. The initial concept subdivision design for the site produced 64 lots with a minimum lot size of 5,000m<sup>2</sup> (the concept Subdivision Proposal Plan enclosed and excerpt provided in Figure 1 below).

**Figure 1 - excerpt of concept subdivision design which produced 64 lots.**



3. Once the Natural Values Assessment was completed, the subdivision design was altered to reflect the constraints associated with the site. In this regard, the south-eastern area of the site was identified as better quality vegetation community and the northern and south-western area of the site was identified as lower quality vegetation community (both relative to the quality, character and structure of vegetation within the site).
4. The main alteration to the subdivision design was to separate the site into a 'developable' area, being the lower quality vegetation area and a 'conservation' area being the better quality vegetation area. This was also further informed through consultation with Council and the community via an initial development application which was ultimately withdrawn.
5. A key target of the approved subdivision (38-lot subdivision) which was informed by further natural values investigation and consultation with Council was to clear less than 1/3rd (12.2ha) of the vegetation contained in the site which would represent the minimum amount of vegetation to be cleared to facilitate the proposed subdivision, fully developed. This was achieved by designing and locating the road along a pathway that requires the least amount of vegetation removal in order to retain as much vegetation within the road reserve (clear of necessary service infrastructure) and on residential lots.
6. At the time the subdivision proposal plans<sup>1</sup> for the approved subdivision were prepared, all natural values assessments relevant to the application had been undertaken which identified location and extent of threatened flora and fauna species (including possible habitat for these species) and the composition of vegetation communities across the site.
7. The known information relating to natural values, along with the subdivision controls within the Low Density Residential zone, informed the layout of lots, road and infrastructure. In this regard:
  - (a) the configuration of the road allows each lot to achieve the minimum frontage of 50m required by Acceptable Solution 12.4.3.1 A2.1(a)<sup>2</sup> of which there is no Performance Criteria. It is noted that proposed Lot 23 has a shorter frontage which is allowed under Acceptable Solution 12.4.3.1 A2.1(b) due to it having frontage at the cul-de-sac head.
  - (b) the proposed lot and internal road layout sought to avoid potential impacts on the watercourse and wedge-tailed eagles nest which will be contained within, and buffered by, the balance lot.
8. Following a review of the representations that were received during the public exhibition period, it was evident that the majority of representors held concerns

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<sup>1</sup> Project No. 18.116 Drawing No. P01 Rev. J dated 11.03.21 and Project No.18.116 Drawing No.P02 Rev. F dated 11.03.21

<sup>2</sup> West Tamar Interim Planning Scheme 2013.

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regarding the future development of the balance lot and the extent of vegetation that would be removed on the proposed residential lots once fully developed for residential purposes.

9. To directly address these concerns, the proponent voluntarily agreed to a condition requiring a Part V Agreement.
10. Condition 3 of Planning Permit PA2020501 was drafted in collaboration with the First Respondent. It seeks to limit future development of the balance lot to single dwelling use only and does not allow the balance lot to be further subdivided. It also secures a minimum of 92% of the area of the balance lot to be retained under native vegetation cover.
11. Condition 3, in conjunction with Condition 2, also secures a minimum of 30% of native vegetation cover to be retained on proposed Lots 2, 4-13, 17, 27-33 and 36 and a minimum of 20% of native vegetation cover to be retained on proposed Lots 1, 3, 14-15, 18-21, 34-35 and 37.
12. In determining the amount of vegetation that could comfortably be retained on each lot affected by Conditions 2 and 3, North Barker Ecosystems Services undertook an assessment to determine the minimum area that was required for bushfire hazard management areas to ensure the level of vegetation that is required to be retained by the conditions could do so without causing a conflict with the requirements of the Bushfire-Prone Areas Code.

In this regard, whilst the intent was to retain as much vegetation as possible to achieve greater compliance with the Biodiversity Code, it was important to make sure that the vegetation to be retained by the conditions was not required to be removed or modified for the purposes of bushfire hazard management. Accordingly, the conditions factor in all vegetation removal that would be necessary to facilitate the proposed subdivision and for future residential use and development on each proposed lot, including vegetation that is required to be cleared or modified for bushfire hazard management purposes.

13. The approved subdivision plans along with the Natural Values Assessment prepared by North Barker Ecosystem Services, Natural Values Planning Review prepared by ECOtas demonstrated that the Development Application satisfied clause E8.6.1 P2.1 of the Biodiversity Code without the need for further mitigation measures.
14. Notwithstanding, the proponent agreed to apply conditions to Planning Permit PA2020501 which sought to:
  - (a) minimise the amount of vegetation that could be removed on each proposed residential lot where practical, minimise perceived impacts on the eagles nest by locating it on the balance lot and buffering it from proposed residential lots through separation distance and retention of vegetation between the residential lots and eagles nest;

- (b) securing a minimum of 92% of native vegetation on the balance lot; and
  - (c) limiting future development of the balance lot to the use and development of a single dwelling only.
15. The approved subdivision represents a restrained development option when compared to the initial concept subdivision plans, the lot yield that the planning scheme provided for within the Low Density zone and the commitments voluntarily entered into by the proponent to minimise vegetation clearance within the site and to protect and conserve the better quality vegetation within the site.