ANNEXURE 10: Traffic Impact Assessment



Woolcott Surveys

16523 Midland Highway Traffic Impact Assessment

April 2015



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1. Introduction

1.1 Background

Midson Traffic were engaged by Woolcott Surveys to prepare a traffic impact assessment for the Breadalbane Business and Industrial Park rezoning and subdivision at 16523 Midland Highway, Perth.

1.2 Traffic Impact Assessment (TIA)

1.2.1 TIA Definition

A traffic impact assessment (TIA) is a process of compiling and analysing information on the impacts that a specific development proposal is likely to have on the operation of roads and transport networks. A TIA should not only include general impacts relating to traffic management, but should also consider specific impacts on all road users, including on-road public transport, pedestrians, cyclists and heavy vehicles.

This TIA has been prepared in accordance with the Department of State Growth (DSG) publication, *A Framework for Undertaking Traffic Impact Assessments*, 2007. This TIA has also been prepared with reference to the Austroads publication, *Guide to Traffic Management*, Part 12: *Traffic Impacts of Developments*, 2009.

Land use developments generate traffic movements as people move to, from and within a development. Without a clear understanding of the type of traffic movements (including cars, pedestrians, trucks, etc), the scale of their movements, timing, duration and location, there is a risk that this traffic movement may contribute to safety issues, unforseen congestion or other problems where the development connects to the road system or elsewhere on the road network. A TIA attempts to forecast these movements and their impact on the surrounding transport network.

A TIA is not a promotional exercise undertaken on behalf of a developer. A TIA must provide an impartial and objective description of the impacts and traffic effects of a proposed development. A full and detailed assessment of how vehicle and person movements to and from a development site might affect existing road and pedestrian networks is required. An objective consideration of the traffic impact of a proposal is vital to enable planning decisions to be based upon the principles of sustainable development.

1.2.2 Planning Scheme Requirements

The Northern Midlands Planning Scheme, 2013 states the requirements for a TIA in Schedule E4.5. It states that a TIA is required to demonstrate compliance with performance criteria, and must be prepared in accordance with the DSG publication (formally known as DIER), A Framework for Undertaking Traffic Impact Assessments, 2007.

A TIA must be accompanied by written advice as to the adequacy of the TIA from the road authority in respect of a road. In this case, the road authority is the Department of State Growth.



1.3 Project Scope

The project scope of this TIA is outlined as follows:

- Review of the existing road environment in the vicinity of the site and the traffic conditions on the road network.
- Provision of information on the proposed development with regards to traffic movements and activity.
- Identification of the traffic generation potential of the proposal with respect to the surrounding road network in terms of road network capacity.
- Traffic implications of the proposal with respect to the external road network in terms of traffic efficiency and road safety.

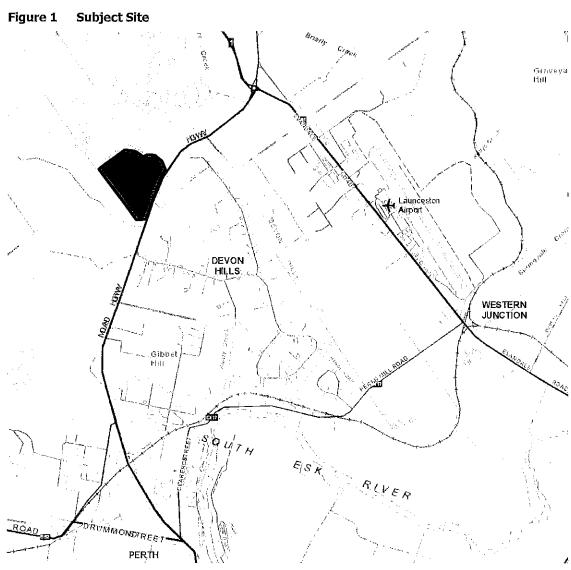
1.4 Subject Site

The subject site is located at 16523 Midland Highway. The site currently has several industrial land uses utilising the existing access to the Highway. These include:

- Digga Excavations;
- Island Block Paving; and
- Bis Industries Quarry.

The subject site in the context of the surrounding transport network is shown in Figure 1





Source: LIST Map, DPIPWE



1.5 Reference Resources

The following references were used in the preparation of this TIA:

- Northern Midlands Planning Scheme, 2013 (Planning Scheme)
- Roads and Maritime Services NSW, Guide to Traffic Generating Developments, 2002 (RTA Guide)
- Roads and Maritime Services NSW, Guide to Traffic Generating Developments Updated Traffic Surveys, 2013.
- Austroads, Guide to Traffic Management, Part 12: Traffic Impacts of Developments, 2009
- Department of State Growth, A Framework for Undertaking Traffic Impact Assessments, 2007
- Austroads, Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections, 2009
 (Austroads Part 4A)



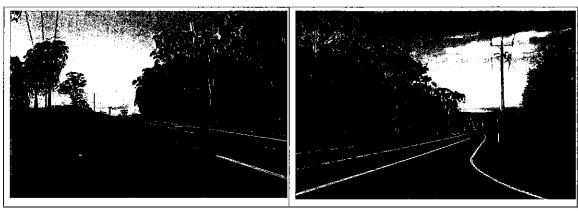
2. Existing Conditions

2.1 Transport Network

For the purpose of this report, the transport network consists only of the Midland Highway. Other roads such as the Southern Outlet and Evandale Road were considered during the preparation of the TIA, but not examined in detail.

The Midland Highway between the Breadalbane Roundabout and Perth carries approximately 11,260 vehicles per day¹. The posted speed limit is 100-km/h near the subject site.

Figure 2 Midland Highway from Site Access



2.2 Site Access

The subject site is accessed by a road that connects to the Highway at wide T-junction. The existing access to the subject site has a channelised right turn entry (CHR) and left turn entry slip lane. The right turn lane is approximately 150 metres in length. The left turn declaration lane is approximately 100 metres long.

The site's access is shown in Figure 3.

¹ Department of State Growth traffic data, 2013 Estimates



Figure 3 Site Access



2.3 Road Safety Performance

Crash data can provide valuable information on the road safety performance of a road network. Existing road safety deficiencies can be highlighted through the examination of available crash data, which can assist in determining whether traffic generation from the proposed development may exacerbate any identified issues.

Crash data was obtained from the Department of State Growth for a 5 year period between 1 January 2010 and 31 December 2014 for Midland Highway near the subject site. The findings of the crash data are summarised as follows:

- A total of 5 crashes were reported during this time. All crashes involved injury (4 minor injury and 1 serious injury).
- Due to the relatively low number of crashes, there was no clear crash trend. Two crashes involved a vehicle leaving the carriageway on a straight section of the Highway, one involved a head-on collision (non-overtaking), one involved a rear-end, and one involved a collision between two vehicles travelling in the same direction.
- Three of these crashes occurred in wet weather conditions, and two in dry conditions.
- Only one crash occurred in close proximity to the site. This crash occurred in October 2014 and involved a rear-end collision.



The crash data does not highlight any specific road safety deficiencies in the Midland Highway near the subject site. The data would be considered reasonably 'typical' of a rural Highway with moderate traffic volume.



3. Proposed Development

3.1 Development Proposal

The proposed development involves rezoning of land from Rural Resource to Light Industrial with Specific Area Plan (Translink Area 8). The current Translink industrial site adjacent the airport is split into 7 areas and the subject site is to be included as area 8 as part of the Translink Specific Area Plan (SAP). This will allow custom and definite parameters to be set up for allowable uses, lot size, building heights etc specific to the site.

The proposed industrial subdivision has 71 lots of varying sizes (ranging from approximately $1,500m^2$ to $2,000m^2$). The rezone area is shown in Figure 4, the proposed rezoning plan is shown in Figure 5, and the proposed subdivision plan is shown in Figure 6.



Figure 4 Subdivision Area



Figure 5 Rezoning Plan

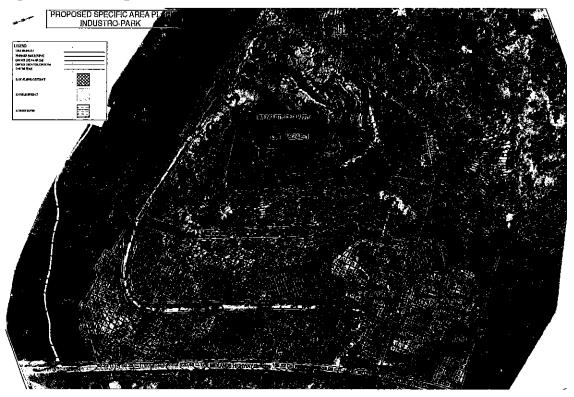
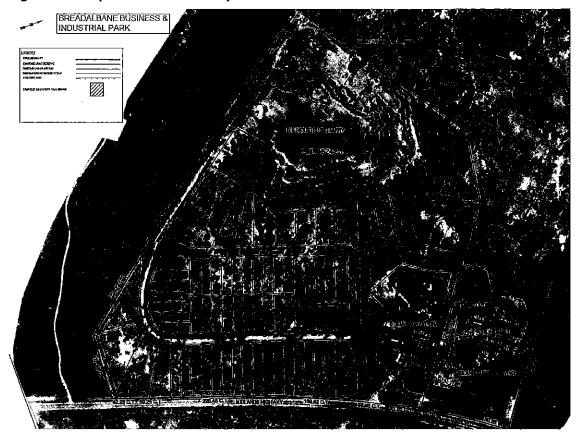




Figure 6 Proposed Subdivision Layout



3.2 Site Access

Access to the site is proposed via the existing access on the Midland Highway. A new road linking to the internal subdivision road will be constructed, with the access road to the existing industrial sites (Digga Excavations and Island Block Paving) will connect to this road as an internal T-junction.

3.3 Traffic Generation

Traffic generation rates were sourced from the Roads and Traffic Authority of NSW, *Guide to Traffic Generating Developments*, 2002 (RTA Guide).

Basic RTA Guide traffic generation rates were modified to suit the proposed development, based on the location, and traffic generation rates of nearby land. These traffic generation rates are summarised as follows:



- Factories 5 trips per 100m² per day of Gross Floor Area, 1 trip per 100m² GFA per hour peak
- Warehouses 4 trips per 100m² per day of Gross Floor Area, 0.5 trip per 100m² GFA per hour peak

Assuming each industrial is developed with a building with gross floor area averaging 300m² (further assuming the higher rate of 'factories') then the average traffic generation for each lot would be:

Industrial land

- Average 300m² GFA per lot = 15 vpd, 3 vph

The total traffic generation for the fully developed subdivision (71 lots) would therefore be:

Daily generation:

1,065 vehicles per day

Peak hour generation:

213 vehicles per hour

3.3.1 Existing Site Traffic Generation

The existing site has two large industries and a quarry that currently utilise the existing access. The existing traffic generation was estimated as follows:

Island Block Paving:

2,000m2 floor area (approx), 80 vehicles per day, 10 vehicles per hour

peak.

<u>Digga Excavations</u>:

650m2 floor area (approx), 33 vehicles per day, 4 vehicles per hour

peak,

 <u>Bis Industries Quarry</u>: Peak activity - 20 laden trucks per day (40 trucks per day including return unladed trips), 20 car movements per day. Peak 20 vehicles per hour. Based on similar sized quarry operations in Tasmania.

Total:

173 vehicles per day, 34 vehicles per hour

3.3.2 Total Land Use Traffic Generation

Combining the existing land use generation with the proposed development land use when fully developed, we have the following:

Daily Traffic Generation:

1,238 vehicles per day

Peak Hour Traffic Generation:

247 vehicles per hour

3.4 Trip Distribution

The following trip distribution has been assumed at the site's access:

Morning Peak Period:

80% inward trips, 20% outward trips

Evening Peak Period:

30% inward trips, 70% outward trips

Directional Split:

70% north, 30% south (all times)



4. Traffic Impacts

4.1 Road Network Impacts

The proposed development will generate an average of an additional 1,238 vehicle movements per day when all lots are fully developed. This relatively minor increase in traffic and will not have any detrimental impacts on traffic efficiency in the surrounding network. The Midland Highway is capable of absorbing this level of traffic growth without any loss of operational efficiency.

4.2 Sight Distance Assessment

Objective

c)

Schedule E4.7.4 of the Planning Scheme outlines the sight distance requirements at accesses. This is reproduced in Figure 7.

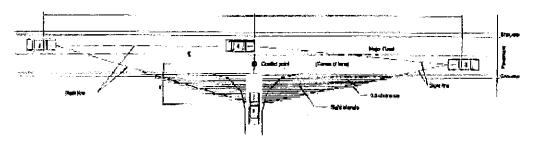
Figure 7 Planning Scheme Sight Distance Requirements

Standards Association of Australia; or If the access is a temporary access,

the written consent of the relevant authority has been obtained.

leve		e betv	ng or adjacent to accesses, junctions and se between vehicles and between vehicles :.				
Acc	eptable Solutions	Per	formance Criteria				
A1 a)	Sight distances at an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and	P1	The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.				
b)	rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings.						





The Austroads publication, *Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections*, 2009 defines Safe Intersection Sight Distance (SISD) as follows:

SISD is the minimum distance which should be provided on the major road at any intersection. SISD:

- provides sufficient distance for a driver of a vehicle on the major road to observe a vehicle on a minor road approach moving into a collision situation (e.g. in the worst case, stalling across the traffic lanes) and to decelerate to a stop before reaching the collision point.
- is viewed between two points to provide inter-visibility between drivers and vehicles on the major road and minor road approaches. It is measured from a driver eye height of 1.1 m above the road to points 1.25 m above the road which represents the drivers seeing the upper part of cars.
- assumes that the driver on the minor road is situated at a distance of 5.0 m (minimum of 3.0 m) from the lip of the channel or edge line projection of the major road. SISD allows for a 3 s observation time for a driver on the priority legs of the intersection to detect the problem ahead, (e.g. car from minor road stalling in through lane) plus the SSD.
- provides sufficient distance for a vehicle to cross the non-terminating movement on two-lane twoway roads, or undertake two-stage crossings of dual carriageways, including those with design speeds of 80 km/h or more.
- should also be provided for drivers of vehicles stored in the centre of the road when undertaking a crossing or right-turning movement.
- enables approaching drivers to see an articulated vehicle, which has properly commenced a manoeuvre from a leg without priority, but its length creates an obstruction.
- is measured along the carriageway from the approaching vehicle to the conflict point, the line of sight having to be clear to a point 5.0 m (3.0 m minimum) back from the holding line or stop line on the side road.



Austroads sight distance requirements relate to the 'design speed', which is defined by Austroads as the 85th percentile speed.

The available sight distance on Midland Highway is approximately 255 metres north of the existing access, and more than 500 metres south of the access (as measured in accordance with Austroads and Planning Scheme requirements).

The Acceptable Solution A1(a) of the Planning Scheme requires Safe Intersection Sight Distance (SISD) to be provided as shown in Table 1.

Table 1 Planning Scheme SISD Requirements (Table E4.7.4)

Vehicle Speed	Safe Intersection Sight Distance (SISD) Metres, for speed limit of:			
km/h	60 km/h or less	Greater than 60 km/h		
50	80	90		
60	105	115		
70	130	140		
80	165	175		
90		210		
100		250		
110		290		

The Planning Scheme SISD values are based on the measured 85th percentile speed² values for the frontage road.

Based on a small sample of vehicle speeds obtained at the site's access, the 85th percentile speed is approximately 100-km/h (the posted speed limit for the frontage road), the Planning Scheme requires SISD values of 250 metres. Available SISD exceeds this minimum value in both directions from the site, and therefore the Acceptable Solution of E4.7.4 of the Planning Scheme is met.

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² The 85th percentile speed is the speed not exceeded by 85% of all vehicles.



4.2.1 Junction Layout

The existing junction has a channelised right turn entry and left turn entry deceleration lane. The existing access was assessed against the Austroads requirements for junction layout based on the forecast traffic generation.

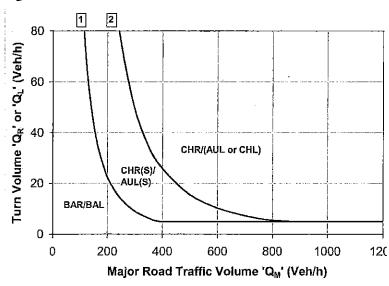
Using the trip generation from Section 3.3 and the trip distribution from Section 3.4, the peak hour turning movements at the access are summarised in Table 1.

Table 2 Access Turning Movements

	Low	ad .	Outward (fight			way
Peak Period	Left In	Right In	Left Out	Right Out	Northbound Through	Southbound Through
AM Peak	59	138	35	15	·· 631	270
PM Peak	22	52	121	52	360	540

The Austroads warrants for turn treatments are reproduced in Figure 8

Figure 8 Austroads Warrants for Turn Treatments



The turning movements summarised in Table 2 confirm that a Channelised right turn entry treatment and left turn deceleration lane are required. No further junction treatments are warranted.



4.2.2 SIDRA Analysis

Intersection Analysis software, SIDRA Intersection (Akcelik and Associates), was used to determine the likely performance impacts that future traffic growth will have on the existing access junction. In particular, the likely queue lengths and delays in the right turn entry lane were analysed. Delays for traffic exiting the development site were also assessed.

SIDRA uses complex analytical traffic models coupled with iterative approximation technique to provide estimates of capacity and performance of intersections. SIDRA is endorsed as a modelling tool by Austroads.

One of the key SIDRA outputs is an indication of level of service (LOS) at intersections. The LOS concept describes the quality of traffic service in terms of 6 levels, with level of service A (LOS A) representing the best operating condition (i.e. at or close to free flow) and level of service F (LOS F) representing the worst (i.e. forced flow). Other key outputs of SIDRA include movement delay and 95th percentile queue lengths³.

The level of service method used in the modelling is the Delay method, where level of service is based solely on average movement delay, including geometric delay, as summarised in Table 3.

Table 3 SIDRA LOS Performance standards

Level	of Service	Signals and Roundabouts	Sign Control (Give Way & Stop)	
	A	$d \le 10$	$d \le 10$	
	В	$10 < d \le 20$	10 < d ≤ 15	
	C	20 < d ≤ 35	15 < d ≤ 25	
11.	D	35 < d ≤ 55	25 < d ≤ 35	
	E	55 < d ≤ 80	35 < d ≤ 50	
	F	80 < d	.50 < d	

The lowest target level of service for an urban environment is LOS D, which corresponds to a maximum delay of 55 seconds for signals and roundabouts and 35 seconds for sign controlled intersections. LOS E and F represent the junction operating at capacity, with forced flow conditions.

The junction turning movements calculated in Table 2 were utilised as inputs into the SIDRA models developed for the AM and PM peak periods. The results of the SIDRA modelling for these periods are summarised in Table 4 and Table 5 respectively.

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 $^{^{\}rm 3}$ This is the queue length not exceeded 95% of the time



Table 4 AM Peak SIDRA Junction Summary

	Performance	Demand		Deg.	Average	Level of	95% Back of C	иене
Mov ID	Turn	Flow	HV	Saln	Delay	Service	Vehicles	Distance
		veh/h	%	w/c	Sec		veh	_ 531
South: Road	Vame							
1	Ł	62	5,0	0.035	8.4	LOSA	0.0	0.0
2	Т	664	5,0	0.352	0.0	LOSA	0.0	0.0
Approach		726	5.0	0.352	0.7	NA	0,0	0.0
North: Roadt	lame							•
8	T	284	5.0	0.150	0.0	LOSA	0.0	0.0
9	R	145	5.0	0.225	13.0	LOS B	0.9	6.5
Approach		429	5.0	0.225	4.4	NA	0,9	8.5
West Roadh	ame							
10	L	37	5.0	0.070	13.3	LQS B	0.2	1.8
12	R	16	5_0	0.128	37.2	LOS E	0.4	2.9
Approach		53	5.0	0.128	20.5	LOSC	0.4	2.9
All Vehicles		1208	5.0	0.352	2,9	NA	0.9	6.5

Table 5 PM Peak SIDRA Junction Summary

	_	Demand		Deg.	Average	Level of	95% Back of C	Duene
Ol voM	Tum	Flow	HV	Satn	Delay	Service	Vehicles	Dislance
		veluh	%	y/c	sec		veh	
South: Road	Name							
1	Ĺ	23	5.0	0.013	8₋4	LOSA	0,0	0.0
2	T	379	5.0	0.201	0.0	LOS A	0,0	0.0
Approach		402	5.0	0.201	0.5	NA	0.0	0.0
North: Roadi	Varne							
8	Т	568	5.0	0.301	0.0	105 A	0.0	0.0
9	R	<u>55</u>	5.0	0.057	10.2	LOS B	0,2	1,6
Approach		623	5.0	0.301	0.9	NA	0.2	1.6
West Road	lame						-	
10	L	127	5.0	0.163	10.8	LOS B	0.6	4.5
12	R	55	5.0	0.351	36.6	LOS E	1,3	9.5
Approach	****	182	5.0	0.351	18.5	LOSC	1.3	9.5
All Vehicles		1207	5.0	0.351	3.4	NA	1.3	9.5

It can be seen the 95th percentile queue length for the right turn into the site for the AM and PM peak periods was less than 1 vehicle.

All Midland Highway approaches to the junction performed at LOS-B or LOS-A. Exiting the subject site resulted in an overall LOS-C, however the right turn exit manoeuvre was LOS-E during both the AM and PM peak periods.

Looking at this movement in more detail, the following points are relevant:

- The average delay for the right turn exiting manoeuvre is 37 seconds. This would not be considered an unacceptable delay for most motorists during a peak period in a built up area.
- Corresponding 95th percentile queues for this manoeuvre were 1 or 2 cars during the AM and PM peak periods respectively. The right turn exit movement therefore will not block the junction or prevent left turning vehicles from exiting the site.



- It is likely that drivers will be aware of the higher delays during peak periods and select to turn left (potentially re-routing via the Breadalbane roundabout or other routes).
- During non-peak periods, this manoeuvre will function at LOS-C or better.
- The poor level of service for this movement is only applicable during full development of all lots within the site. This will take many years to occur. LOS-C or better applies to the overall development site up to approximately 60% of full development.

Therefore the existing junction layout is considered acceptable for the full development of the site.

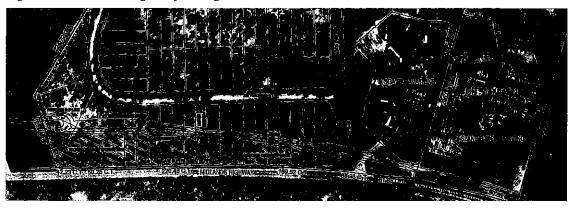
4.3 Midland Highway Future Alignment

The Department of State Growth have plans to realign the Highway near the subject site. A service road is proposed for access to the subject site, as shown in Figure 9.

It can be seen that the service road significantly impacts on the size of the lots fronting onto the Highway. Individual accesses are proposed for the existing Island Block Paving and Digga Excavations sites.

The proposed service road will provide a high level of service for the development site due to the significantly lower traffic volumes on the service road itself (compared to the current traffic on the Midland Highway).

Figure 9 Midland Highway Realignment Access





4.4 Road Safety Impacts

No significant road safety impacts are foreseen for the proposed development. This is based on the following:

- The surrounding road transport network is capable of absorbing the relatively small estimated traffic generation of the proposed development.
- The existing access has been in use for some time. The proposed development does not fundamentally alter the function of the access (ie. it will still have a similar mix of truck and car traffic utilising it).
- The crash history of the surrounding road network near the subject site does not indicate that
 there are any specific road safety issues that are likely to be exacerbated by the proposed
 development.



5. Recommendations & Conclusions

This traffic impact assessment has been conducted following a review of available traffic data and information, standard codes and guidelines, and other supplementary traffic data and information.

The key findings of this report are as follows:

- The surrounding road transport network is capable of absorbing the relatively small estimated traffic generation of the proposed development without any loss of transport efficiency or road safety.
- The existing junction configuration is considered acceptable for the forecast traffic generation of the fully developed lots in the proposed subdivision. All movements will operate at LOS-B or LOS-A, with the exception of the right turn exiting manoeuvre (which will operate at LOS-E during peak periods). It is estimated that 60% of all lots within the site can be developed before LOS-D is exceeded for this manoeuvre.
- The proposed realignment of the Highway, with the associated service road will provide appropriate high-level service for the site. This will be in the form of significantly reduced opposing flow on the service road compared to the Midland Highway traffic flow, as well as separate accesses to the site. It is noted that the service road is located through the middle of the lots that are proposed along the Midland Highway frontage.
- There is sufficient available Safe Intersection Sight Distance for the 85th percentile speed past the site's access to comply with the Acceptable Solution, E4.7.4 of the Planning Scheme.

Based on the findings of this report, and subject to the recommendations above, the proposed development is supported on traffic grounds.



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Document Status

Revision	Author	Review	Date
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1	Keith Midson	Zara Kacic-Midson	28 July 2015

ANNEXURE 11: Engineering Assessment

FNGINFERING ASSESSMENT FOR

WOOLCOTT SURVEYS

16523 MIDLAND HIGHWAY, PERTH

REZONE FROM RURAL RESOURCE TO LIGHT INDUSTRIAL WITH SPECIFIC AREA PLAN (TRANSLINK AREA 8)

August 2015





Johnstone McGee and Gandy Pty Ltd

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1	04-08-2015	Minor revisions - refer rezone	RB	DPL	RB ///5	

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- certain plant/ducts/pipework/switchboards,

• Iloor coverings covered by subsequent renovations.

For this reason anyone who reads this report should not presume that the asbestos containing material (ACM) identified in this report is the only ACM in the building, nor should the absence of a mention of ACM be taken as a guarantee that there is no ACM. All occupants/users/contractors in the building should, irrespective of the findings in this report, proceed with due caution and diligence in respect of their activities within the building and in respect of any materials uncovered, discovered, disturbed, and/or tikely to be disturbed in the course of their activities.

This report does not purport to be comprehensive nor definitive with respect to the extent or condition of asbestos in the building.

Where services performed by Johnstone McGee & Gandy Pty Ltd (JMG) involves, or is any way connected with, asbestos (whether or not its existence is known to you or JMG):

- IMG, its employees, subcontractors or agents are not liable for any loss, damage, personal injury or death to any person arising out of or in any way connected with the existence of asbestos;
 You will keep JMG indemnified against any claim, demand, suit or proceeding by any third party arising out of or in any way connected with the existence of asbestos;
- You will release JMG and hold it harmless for any loss, damage, personal injury or death to any person arising out of or in connection with the existence of asbestos

Professional Indemnity insurance cover for "claims which would not have arisen but for the existence of asbestos" is not available.

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er Reticulation4	Fire and Domestic Water	1.
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Appendix A - Google Image

Appendix B - LIST Map - Geology



Engineering Assessment

The paragraphs below outline engineering services options associated with the proposed Rezone from rural resource to light industrial with specific area plan (Translink Area 8).

1. Fire and Domestic Water Reticulation

The nearest location of TasWater infrastructure is at Devon Hills on both Summit drive and Devon Hills Road. Both of these supplies are fed from the south east. Initial research indicates that these supplies are limited in capacity and the as the elevation of the proposed subdivision is in some case higher than the Devon Hills supply, then pressure may be an issue, particularly for fire fighting.

A number of options are available to service the new subdivision, we have considered two at this stage, and both have been used in similar projects, approved by Tas Fire Service.

The first option could be to install sufficient capacity tanks on each proposed allotment that are able to meet the volume requirements of Tas Fire Service to attack a fire at a particular location. The fire appliance vehicle would hook into this supply, and boost it up to sufficient flow that equates to a hydrant. A fire booster pump could be installed on each site that provides sufficient fire flow to meet the criteria for on-site fire hose reels. The on-site tanks would have sufficient storage for the domestic requirements of each lot, with a permanent reserve for fire fighting.

The second option would be to install a water reservoir on the elevated area just to the south of the existing quarry. This reservoir would have sufficient capacity to meet the fire fighting needs of the subdivision. With this option a domestic line could be extended form Devon Hills, and have a booster pump if needed.

In both cases the above fire tanks could be fed from the existing spring on site, pumped to the system or reservoir as required.

2. Sewerage System

It is proposed to provide a reticulation system on site which is designed to current TasWater requirements. This does not present any special issues.

In terms of the treatment system, there are a number of options to be considered. These are:

- a) Take the sewage to the existing ponds in Richard Street, Western Junction (3.3 km away)
- b) Take it to the existing ponds at Evandale (6.6 km)
- c) Take it to the existing ponds at Perth (9.4 km)
- d) Provide a new Wastewater Treatment system on site

Options a) and d) are the only viable ones. The favoured one would be determined in discussions with TasWater, optimal overall cost (capital and ongoing) and environmental outcomes.

Both of them are considered to be viable, and presenting no unusual technical issues.



3. Geotechnical

The proposed subdivision is located on the uplifted Jurassic Dolerite ridge which runs north west to north east for a significant distance (hence the existence of the Dolerite quarry there at the moment).

This rock is generally very important, with some weathered pockets on the flatter and lower areas.

While some rock excavations will have to be undertaken in order to prepare building site, this resultant product will be well suited to the proposed Light Industrial use. It may be expected that some blasting will be required for both footings and service trenches. Otherwise, excellent foundation conditions are available throughout the site.

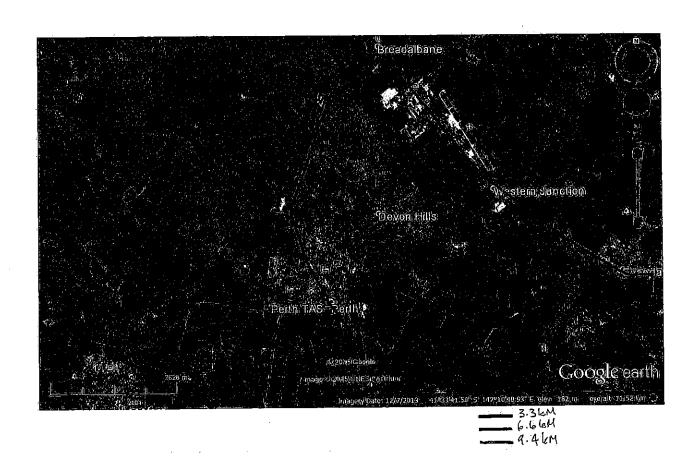
4. Stormwater Disposal

Currently the site discharges run-off in a number of different directions, however the largest amount of runoff collects at the south east corner adjacent to the Midlands Highway, and then via a natural water course to the north of Perth Township. As the new subdivision would ultimately have a large number of developments with impermeable surrounds, then the discharge could increase significantly. To alleviate any possible downstream problems, then a number of methods can be utilized. The site area is sufficient is such that each site could have a stormwater detention system installed, and the pipework reticulation could also have detention capacity. At the south east corner it would be possible to create a detention dam, capacity to be determined.



APPENDIX A

Google Image

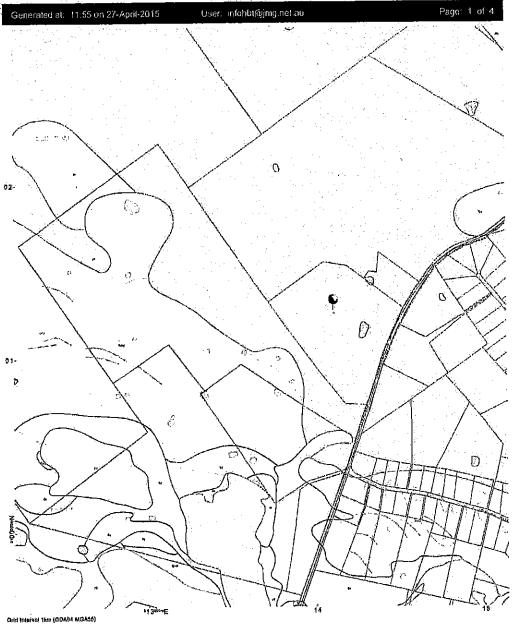


APPENDIX B

LIST Map Geology



www.thelist.tas.gov.au



www.thelist.tas.gov.au

O COPYFIGHT AND DISCLAPIER. Map data is compiled from a variety of sources and bence its accuracy is variable. If you widn to make dististions based on this data you should consult with the relevant authorities. Apart from any use permitted under the Copyright Act 1984, hoper of the operations of the general Manager information and Land Services, Department of Primary Industries, Parks Water and Embrandment, GPO 80x 44 Hobert 7001,





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ANNEXURE 12: Bushfire Assessment



Initial Bushfire Assessment Proposed Rezoning (Special Area Plan)

16523 and 16525 Midland Highway, Breadalbane For Digga Excavations (and others)

Prepared with the assistance of

IAN ABERNETHY BFP 124

July 2015

Scope of Works

As part of the proposal to amend the Northern Midlands Interim Planning Scheme 2013 to introduce a new element into the Translink Special Area Plan – Area 8 a request has been made for an initial assessment of Bushfire risk for the property and any possible subdivision of the land for the proposed use.

To assist the services of Ian Abernethy have been secured to develop this assessment. Ian Abernethy is certified to carry out Bushfire assessments – BFP 124.

Until a final layout is known this can only be a general assessment of matters to consider, threats, impact of possible bushfire on the subject site and possible ways to minimise impact.

Proposal

It is proposed to amend the Northern Midlands Interim Planning Scheme 2013 to introduce a new element into the Translink Special Area Plan – Area 8.



Figure 1 – site plan – proposal – source the LIST

TITLE

Property Address	16523 MIDLAND HWY PERTH TAS 7300
Property ID	6393538
Title Reference	13242/1

Property Address	16525 MIDLAND HWY PERTH TAS: 7300
Property ID	2505117
Title Reference	141442/1

Land Use Planning

The land use control document covering this site is the Northern Midlands Interim Planning Scheme 2013. The site is zoned Rural Resource use under the Planning Scheme. A key purpose of the Rural Resource zone is :-

- 26.1.1.1 To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
- 26.1.1.2 To provide for other use or development that does not constrain or conflict with resource development uses.
- 26.1.1.3 To provide for economic development that is compatible with primary industry, environmental and landscape values.
- 26.1.1.4 To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.

The proposed amendment and the assessment of the proposal for bushfire risk is not in conflict with this purpose.

Current Use in the Area



Figure 2 – Uses in the immediate area

Critical Threat Areas

The Highway, being in excess of 20m wide, provides an effective break in what would otherwise have been contiguous vegetation to the east. To the west, part south, part east and north the critical threat in regard to bushfire comes from grasslands (grazing) and sporadic woodland.



Figure 3 – Risk Area

Environmental Matters

Reference to Tas VEG 3 classifies the vegetation on the site and surrounding lots as:-

Vegetation Community Group	Non eucalypt forest and woodland
Vegetation Community Code	NBA
Vegetation Community Description	(NBA) Bursaria - Acacia woodland and scrub
Emergent Tree	
Forest Structure	Other
Source Date	3/5/1997
Field Checked	
Source Type	UNK

Tas VEG 3 also classifies a large portion of the site as Urban uses – recognizing the existence of the quarry and industrial buildings.

There are no threatened flora or fauna on this site or within 500m of the site.

Access

Access to the site will be from the Midland Highway a fully formed sealed public road. The Highway is an 11m wide sealed carriageway with 2m shoulders set within a 25m wide road reserve. Legal frontage for the quarry lot is the Highway. Practical access will be a right of way through Lot 1 (using the existing access) leading to the quarry lot.

Currently, there is an all weather two wheel drive perimeter access road around the site – taking in the quarry area and the workshop buildings.

Water

The site is serviced by a spring fed dam with an all year round supply. An easement will be placed on titles allowing all lots to be created access to this water supply for normal usage and fire fighting purposes.

There are currently a number of above ground water tanks around the site feeding a ring main and servicing five fire hydrants, strategically placed around the site. There is no reason to suggest that a similar water supply could not be made available for Light Industrial development.

Slope

The site slopes north to south and also west to east – with a ridge line central to the quarry lot. The fall across the site is 20m over 559m – giving a 3.5% fall. Excavations around the quarry have reduced this natural fall to little more than flat land.

Power Lines

Existing overhead power lines run parallel along the Highway. The power line easement has been substantially cleared.

Vegetation

To the south of the site is the Midland Highway which is an effective barrier to the contiguous vegetation of grassland (grazing). To the west and part north is grassland (grazing). To the part east is also grassland (grazing). The majority of the lands to the east can be classed as managed lawns as part of the Devonhills Rural Living area.

Fire Path (Likely)

The prevailing wind impacting on this site comes from the south west – along the valley compared to the site.

Current Fire Management

The current uses operate under a well defined fire management plan consisting of physical measures like hose reels and hydrants and management measures like safe assembly points and evacuation processes.

The quarry area including the surrounding bushland is actively managed through grazing by cattle. The owner runs 40 head of cattle on the site specifically to keep the fire risk under control.

There is nothing to suggest that the new use will not operate under a defined fire management plan and the land not covered by the Light Industrial use will continue to be grazed.

Assessment of Risk

The effective bushfire risk is graphically illustrated below. For new lots a BAL rating of BAL 19 must be achieved in any subdivision. There is an on-going opportunity to use the existing highway as perimeter barrier for bushfire prevention.

The assessment of risk is presented in a table form below:-

	North	South	East	West
Vegetation	Scrub	Grasslands	Urban Area	Grasslands
Slope	upslope	3.5%	Flat (contour)	3%
Distance	5m	26m	Nil	5m
Defendable Space	15 – 22m	10 – 14m	Nil	10 – 14m
Requirement				

Table 1 – Bushfire Risk Assessment

Conclusion

The Bushfire Code expects that new lots should achieve a BAL 19 rating. To do this there will need to be a final layout produced. Assessing a final layout is not the purpose of this report – the scope as required by Northern Midlands Council is "an initial assessment of Bushfire Risk".

To achieve a BAL 19 rating and taking into account the following:-

- the nature of the proposal;
- the availability of water;
- the quality of access from the Highway/ likely internal access roads
- the well developed fire management plans for the site (which can be extended to new lots) and
- the setback requirement for BAL 19 rating.

A BAL 19 rating is achievable taking into account the required setback distances (as above). These are easily achievable on the current uses/lot layout and should be easily achievable on a proposed layout which meets the uses/layout required by the Light Industrial zone.

References

Northern Midlands Interim Planning Scheme 2013.

Standards Australia. (2009). AS 3959-2009 Construction of Buildings in Bushfire Prone Areas.

Guidelines for development in Bushfire Prone Areas in Tasmania - 2005

Building Code of Australia (Tasmanian Section)

PREPARED BY

IAN ABERNETHY - BFP 124

July 2015

ANNEXURE 13: Airport Obstacle Limitations Surface Assessment

Rezoning Application for 16523-16526 Midland Highway — Launceston Airport OLS Analysis Report

3D Mapping Solutions was engaged to conduct an analysis of 16523-16526 Midland Highway in regards to the Launceston Airport Obstacle Limitation Surface (OLS) and a proposed rezoning of the site (FIG1). 3D Mapping Solutions is a registered aerial operator with the Civil Aviation Safety Authority (CASA) and Aviation Reference Number (ARN) 825632. This report outlines the methods used and recommendations made regarding the analysis.

The proposed parcel of land under which the rezoning application applies has a large area that falls within the Launceston Airport OLS of RL 211.5m AHD as outlined in the Launceston Airport Master Plan. Buildings of up to 12m in height are proposed across the site and hence analysis is required to ensure that these potential buildings will not impact on the OLS of Launceston Airport.

An area can be considered as shielded by a point if it's elevation is below an imaginary line at grade 1:10 from the initial point. To simulate this a conical shaped surface can be produced from any point reducing in elevation at a grade of 1:10. Anything falling under this conical surface can then be considered as shielded by the origin point of the conical surface. Points that can be used as shielding points must be permanent obstacles, this does not include trees as they are not considered permanent.

There is already significant infrastructure across the site and the points used for this analysis are the three obstacles that were thought to be the most appropriate for the purpose. The points used were the high point of the hill to the northwest of the site, a communications pole just to the southeast of the quarry and the batch plant tower in the existing operations. The coordinates of these points are:

POINT	EASTING	NORTHING	ELEVATION
HILL HIGH POINT	513975.211	5401555.006	259.00
COMMUNICATIONS POLE	514099.315	5401085.725	244.88
BATCH PLANT TOWER	514353.726	5401357.190	230.30

Using these three points a conical surface was created from each point reducing in elevation at a 1:10 grade (as described above). The three surfaces were then analysed separately against the Digital Elevation Model (DEM) (FIG 4) of the ground to determine areas protruding each conical surface.

The DEM was then raised by 12m to simulate a 12m high building being built at any location across the site. This new DEM was compared to each conical surface to determine where a 12m building would not be shielded by the three points across the site.

3D MAPPING SOLUTIONS

Mobile: 0457 596 868 F: (03) 6332 3764 10 Goodman Court, Invermay TAS 7248 P.O.Box 593, Mowbray Heights TAS 7248 Email: admin@3dmappingsolutions.com.au Website: www.3dmappingsolutions.com.au



FIG2 and FIG3 show the impact that the shielding will have over a straight forward lot layout over the site. FIG2 shows the site with the current Midland Highway and FIG3 shows the site with the proposed roadworks to be completed on the Midland Highway. It can be seen that between the three points used the proposed rezone site is largely shielded for future development with 2 exceptions being:

- 1. High on the hill to the east of the quarry
- 2. The area just south of the existing entrance.

Our recommendations for these two areas are:

- 1. The area on the hill be restricted as an Airport Restricted Build Zone. This should not impact the site as there is sufficient area at the front of future lots where buildings up to 12m will not penetrate the buffers created by the three existing high points.
- 2. The area to the south of the existing entrance have a building restriction of 8m to the lots falling within this are. This would be sufficient to allow for shielding and will have additional shielding given by the road works once completed.

These OLS shielding calculations and report will now be submitted to both CASA and the Launceston Airport for approval.

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FIG 1



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FIG 2



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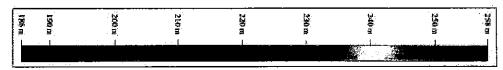
FIG 3

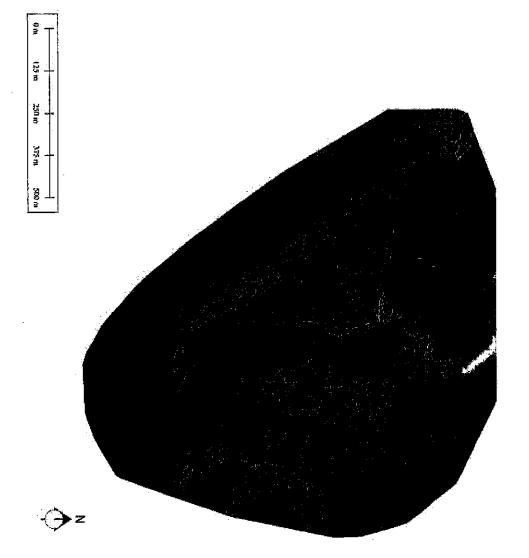


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ABN: 63 159 760 479



16523-16525 Midland Hwy DEM

PLAN 2

PLANNING APPLICATION P15-200 11A FREDERICK STREET, PERTH

ATTACHMENTS

- A Application & plans
- B Responses from referral agencies
- C Representations
- D Planning scheme assessment

A

PLANNING APPLICATION Proposal

Description of proposal:	<i>4ee</i>	supporting	g submissi	21
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(attach additional sheets if necessary)			······································	
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PERT	H		***************************************	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
ID no:and/or				247447474747
Area of land:382.5			164184/2	** * * * * * * * * * * * * * * * * * * *
Estimated cost of project			parks etc for commercia	
Are there any existing building	s on this	property? 🛈	S / No	
If yes – main building is used as	Stave	age (con	tainer)	*******
Is any signage required?				
		4641,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	if v.	res provide details

Measured form and function



29th June 2015

The General Manager Northern Midlands Council PO Box 156 LONGFORD TAS 7301

EXHIBITED

ABN 27 014 609 900 Postal Address

6fy Pty Ltd

Postal Address
PO Box 63
Riverside
Tasmania 7250
W 6ty.com.au
E admin@6ty.com.au

Tamar Sulte 103 The Charles 287 Charles Street Launceston 7250 P (03) 6332 3300

57 Best Street PO Box 1202 Devonport 7310 P (03) 6424 7161

Dear Sir,

RECREATION OPEN SPACE CODE - 2 LOT SUBDIVISION 11A FREDERICK STREET, PERTH

An application has been submitted to the Council for a 2 lot subdivision at the above mentioned address. With respect to this proposal, I am writing with regard to the requirements of E10.0 Recreation and Open Space Code, Northern Midlands Interim Planning Scheme.

In accordance with this Code, a request is made for your consent in writing that no land is required for public open space as part of this proposal. Instead we request that a cash payment in lieu is accepted for this application.

If you require further information regarding this matter, please contact the undersigned.

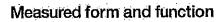
Yours faithfully 6ty Pty Ltd

Heidi Goess

Urban & Regional Planner

HMG.SJP

Enc.





6jy Pty Ltd ABN 27 014 609 900

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Tamar Sufte 103 The Charles 287 Charles Street Launceston 7250 P (03) 6332 3300

57 Best Street PO Box 1202 Devonport 7310 P (03) 6424 7161

EXHIBITED

2 Lot Subdivision

11A Frederick Street
Perth

Supporting Submission

Prepared for: Northern Midlands Council



Issue	1
Date	25 June 2015
Project Number	15.150
Project Name	11A Frederick Street, Perth
Author	Heidi Goess
Document	I:\2015\15150\1 Administration\6 Authorities\2 Council\R 15-06-24 DA Supporting Submission 11A Frederick Street.docx



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Appendix ACertificate of Title and Development Application Form

Appendix B Proposal Plans

1. INTRODUCTION

6ty Pty Ltd is engaged by Wrigley Contracting Pty Ltd Superfund to prepare a planning application for subdivision of land at 11A Frederick Street, Perth.

This supporting submission:

- Provides a description of the proposal;
- Details the site and the surrounding uses;
- Considers the provisions of the General Residential zone; and
- Considers all of the applicable codes.

1.1 Certificate of Title

The application applies to land identified on Certificate of Title 164184/2 (refer to Appendix A).

1.2 Planning Instrument

The planning instrument subject to this application is the Northern Midlands Interim Planning Scheme (NMIPS)

1.3 Zone and Overlay Map

The site is zoned General Residential under the NMIPS. The site is located within the Perth Heritage Precinct and urban growth boundary area.

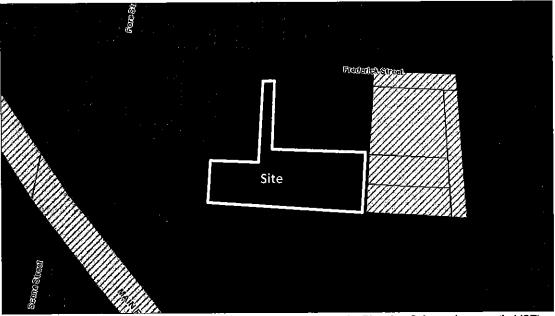


Figure 1: Zone and Overlay Map, Northern Midlands Interim Planning Scheme (source: theLIST)

2. PROPOSAL - 2 LOT SUBDIVISION

The application is seeking approval to create 2 serviced lots in accordance with the Proposal Plan drawing number 15.150 P01. An excerpt of this plan is shown on Figure 2.

Lot 1 will have an area of 1616m² +/- and will have a primary frontage Frederick Street of 3.6m.

Lot 2 will have an area of 2209m² +/- and will have a frontage of 3.6m to the Frederick Street.

The lots will be connected to reticulated water and sewer system. The lots will be connected to the reticulated stormwater system.

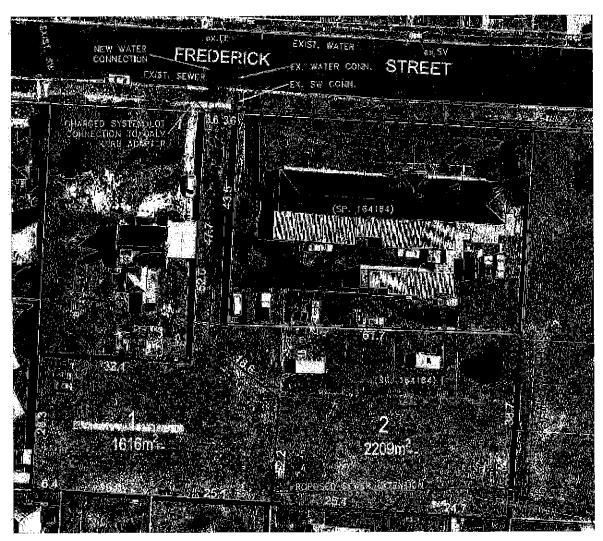


Figure 2: Excerpt from Proposal Plan 15.150 P01



3. SITE AND SURROUNDING USES

The site is an internal lot, comprising an area of $3825m^2$ lot situated behind 11 and 13 Frederick Street in the township of Perth (refer to Figure 1 below). The site sits in an area which is predominately surrounded by residential development on a range of lot sizes. Lots in the area bounded by Frederick Street, Clarence Street, Talisker Street, Main Road and Scone Street generally range between $500m^2$ and $4000m^2$.

The site currently contains fencing around the unused tennis courts, a container and a cricket pitch.

The site is directly to the west of the recently subdivided property of 56 Clarence Street (CT Volume 169062 Folios 1-3). Lot 1 contains the heritage listed St Andrews Church. The church on this lot is no longer in use and is likely to see it converted to residential or visitor accommodation.

A former school building and a single detached dwelling is located to the north of the site at 11 and 13 Frederick Street respectively. The former school building is now used as a large residence. Immediately west of the site, at 15B Frederick Street, is a single detached dwelling on an internal lot. Multiple dwellings and single detached dwellings are located to the south of the site at 20 -25 Talisker Street.

A desktop analysis of the site, including land immediately adjoining the site, has been undertaken utilising the LIST map.

This analysis did not identify any concerns with respect to:

- Threatened fauna or flora;
- Local Heritage;
- Landslip; or
- Flooding.

4. NORTHERN MIDLANDS INTERIM PLANNING SCHEME

The following section of this report examines the relevant provisions of the Scheme with respect to the proposed subdivision of land. This assessment demonstrates that the approval sought is consistent with the applicable standards of the General Residential zone and the provisions of the relevant codes.

4.1 Zone Purpose Statements

The proposed subdivision is considered to be infill development within the residential area of Perth. The proposed subdivision, if approved, will create two internal lots in in excess of 1500m². The proposal is consistent with the development pattern of this residential

area and the generous lot areas are respectful of the heritage nature of the immediate area. The site is serviced by reticulated mains water and sewer.

The proposal is consistent with the purpose of the General Residential zone.

4.2 Local Area Objectives

The proposed lots are located within the Urban Growth Boundary of Perth. The proposed subdivision consolidates growth within the existing urban land use framework of Perth. As noted above, the generous lot areas ensure that future use and development of these lots will retain a development pattern consistent with the Perth Heritage Precinct.

The proposal is consistent with the local area objectives.

4.3 Desired Future Character Statement

There are no desired future character statements.

4.4 Use Table

The proposed lots are intended for residential use. The Use Table lists 'residential' as a no permit required use.

4.5 General Residential Zone – Use and Development Standards

Table 1 assesses the objectives and applicable standards relevant to this proposed subdivision of land. Where the proposed subdivision cannot comply with an acceptable solution, this report provides further assessment against the relevant objective and performance criteria.

Table 1: Assessment of 10 General Residential Zone, Northern Midlands Interim Planning Scheme

10.3 Use Standard	S	
Scheme Standard	Comment	Assessment
10.3.1 Amenity		
A1.	The lots are intended for residential use.	Complies with Acceptable Solution
A2	The proposal is seeking approval for subdivision. No commercial activities proposed.	Not Applicable
A3	The lots are intended for residential use.	Complies with Acceptable Solution



10.3.2 Residential C	haracter – Discretionary Uses	
A1	The proposal is seeking approval for subdivision. No commercial activities proposed.	Not Applicable
A2	There is no discretionary use proposed.	Not Applicable
A3	There is no discretionary use proposed.	Not Applicable

10.4 Development Standards

Clauses 10.4.1 - 10.4.12 are not applicable as the application is for subdivision only. Clauses 10.4.13 - 10.4.13.9 are not applicable as the application is for subdivision only.

only.				
10.4.15 Subdivision 10.4.15.1 Lot Area, Building Envelopes and Frontage				
A1 (a)	The proposed lots have areas of approximately 1616m ² and 2209m ² respectively. Both lots are in excess of the minimum required area of 450m ² .	Complies with the Acceptable Solution		
A1(a)(i)	Both lots are capable of containing a rectangle measuring 10m by 15m as shown on the proposal plan.	Complies with the Acceptable Solution		
A1(a)(ii)	The container will be setback from lot boundaries in accordance with the requirements of the zone.	Complies with the Acceptable Solution		
A1(b)	Not required for public use by the Crown, an agency, or a corporation all the shares which are held by Councils or a municipality.	Not Applicable		
A1(c)	The proposal is not for the provision of utilities.	Not Applicable		
A1(d)	The proposal is not for the consolidation of lots.	Not Applicable		
A1(e)	The purpose of the proposal is not to align existing titles with zone boundaries and no	Not Applicable		



additional lots created.	
The lots have a frontage of 3.6m to Frederick Street. This meets the minimum frontage requirement of 3.6m.	Complies with the Acceptable Solution
of Services	
Each lot will be connected to a reticulated water supply.	Complies with the Acceptable Solution
Each lot will be connected to a reticulated sewerage system.	Complies with the Acceptable Solution
Each lot will be connected to a reticulated stormwater system.	Complies with the Acceptable Solution
ntation of Lots	
The proposed lots do not comply with the required lot orientation and therefore cannot comply with the acceptable solution.	Relies on the Performance Criteria
There are no lots less than 500m ² .	Not Applicable
. Safety and Security	
lised in the Northern Midlands Inte	rim Planning Scheme.
The proposal will not create a new road.	Complies with the Acceptable Solution
nd Cycling Network The proposal will not create a new road or footpath.	Complies with the Acceptable Solution
The proposal will not create a new road.	Complies with the Acceptable Solution
	The lots have a frontage of 3.6m to Frederick Street. This meets the minimum frontage requirement of 3.6m. If Services Each lot will be connected to a reticulated water supply. Each lot will be connected to a reticulated sewerage system. Each lot will be connected to a reticulated stormwater system. Each lot will be connected to a reticulated stormwater system. Itation of Lots The proposed lots do not comply with the required lot orientation and therefore cannot comply with the acceptable solution. There are no lots less than 500m². Safety and Security Lised in the Northern Midlands Interested in the Northern Midlands Intereste

4.6 CODES

The relevant Codes applicable to the application are summarised in Table 1 below. Where a code is applicable, further assessment of the relevant provisions is provided below.



Table 1: Summary of Applicable Codes

Code	Comment
E1 Bushfire-Prone Areas Code	The site is in not in bushfire-prone area. This Code is not applicable.
E2 Potentially Contaminated Land Code	There is no known contaminated land on the site. This Code is not applicable.
E3 Landslip Code	The land is not identified as being within the Land Slip Hazard Area. This Code is not applicable.
E4 Road and Railway Assets Code	The application will intensify an existing access. This Code is applicable.
E5 Flood Prone Areas Code	The site is not identified as being within a flood prone area. This Code not applicable.
E6 Car Parking and Sustainable Transport Code	This Code applies to all use and development. This Code is applicable.
E7 Scenic Management Code	The site is not within a scenic management area. This Code is not applicable.
E8 Biodiversity Code	Priority habitat is not identified for the site. This Code is not applicable.
E9 Water Quality Code	The site is not within 30m of a waterway or wetland. This Code is not applicable.
E10 Open Space and Recreation Code	The proposal is for subdivision within the General Residential zone. This Code is applicable.
E11 Environmental Impacts and Attenuation Code	This Code is not applicable.
E12 Airports Impact Management Code	The site is not within Australian noise exposure forecast contours on the maps; and not within prescribed air space. This Code is not applicable.
E13 Local Historic Cultural Heritage Code	The site is within the Perth Heritage Precinct. This Code is applicable.
E14 Coastal Code	The site is more than 1km from any coast line. This Code is not applicable.
E15 Signs Code	This Code is not applicable.



4.6.1 E4 Road and Railway Assets Code

The proposed use and development will intensify an existing access. This Code applies to the proposed subdivision of land. Accordingly, Table 2 assesses the application against the applicable standards of this Code.

Table 2: Road and Railway Assets Code, Use and Development Standards

E4.6.1 Use Standards		
Scheme Standard	Comment	Assessment
E4.6.1 Use and road or ra	ail infrastructure	
A1	Dwellings are not proposed as part of this application.	Not Applicable
A2	Frederick Street has a speed limit in this location not exceeding 60km/hr. The lots will generate around 18 vehicle movements per day. This does not exceed the standard of 40 vehicle entry and exit movements per day.	Complies with the Acceptable Solution
A3	Frederick Street or the new road is not subject to a speed limit of more than 60km/hr.	Not Applicable
E4.7 Development Stand E4.7.1 Development on a Railways	dards nd adjacent to Existing and Futur	e Arterial Roads and
A1	The building envelopes of the proposed lots are not within 50m from an existing railway, future road and a category 1 and 2 road.	Complies with the Acceptable solution.
E4.7.2 Management of R	oad Accesses and Junctions	
A1	The proposed lots only include once access providing both entry and exit.	Complies with the Acceptable Solution
A2	Frederick Street or the new road does not have a speed limit exceeding 60km/hr.	Not Applicable



E4.7.3 Management of a Rail Level Crossing		
A1	The proposed subdivision does not require access across a railway.	Not Applicable
E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings		
A1 a) – c)	The proposed lots will have sight distances in excess of 80m.	Complies with Acceptable Solution
	The proposal does not involve a rail crossing or temporary access.	

4.6.2 E6 Car Parking and Sustainable Transport Code

This Code applies to all use and development of land. Accordingly, Table 3 assesses the application against the applicable standards of this Code.

Table 3: Car-Parking and Sustainable Transport Code, Use and Development Standards

E6.6 Use Standards		
Scheme Standard	Comment	Assessment
E6.6.1 Car Parking Numb	ers	
A1(a)	Each lot has sufficient area to provide on-site car parking for a residential use in accordance with Table E6.1.	Complies with Acceptable Solution.
E6.6.2 Bicycle Parking Nu	ımbers	
A1.1	Each lot is of sufficient area to provide bicycle parking and storage for a residential use in accordance with Table E6.1.	Complies with the Acceptable Solution
A1.2	Not Applicable	Not Applicable
E6.6.3 Taxi Drop-off and	Pickup	
A1	Not Applicable	Not Applicable
E6.6.4 Motorbike Parking		
A1	Each lot has sufficient area to accommodate a motorbike parking space.	Complies with Acceptable Solution



E6.7 Development Standards E6.7.1 Construction of Car Parking Spaces and Access Strips		
A1 (a)-(c)	The application is for subdivision only. There are no car parking, access strips or manoeuvring proposed at this stage.	Not Applicable.
E6.7.2 Design and Layou	it of Car Parking	
A1.1 and A1.2	The application is for subdivision only. There are no buildings proposed at this stage.	Not Applicable
A2.1 and A2.2	The application is for subdivision only. There are no buildings proposed at this stage.	Not Applicable
E6.7.3 Car Parking Acce A1	ss, Safety and Security The application is for subdivision only.	Not Applicable
A2	The application is for subdivision only.	Not Applicable
E6.7.4 Parking with a Pe	rson with a Disability	-
A1 and A2	The application is for subdivision only.	Not Applicable
A2	The application is for subdivision only.	Not Applicable
E6.7.6 Loading and Unic	pading of Vehicles, Drop-off and P	ckup
A1	The application is for subdivision only.	Not Applicable
E6.8.2 Bicycle Parking A	ccess, Safety and Security	
A1	The application is for subdivision only.	Not Applicable
A2	The application is for subdivision only.	Not Applicable
E6.8.5 Pedestrian Walky		Not Applicable
A1	The application is for subdivision only.	Not Applicable



4.6.3 E10 Recreation and Open Space Code

A request has been made to the General Manager of the Council seeking written consent that no land is required for public open space, but that instead there is to be a cash payment in lieu.

4.6.4 E13 Local Historic Heritage Code

This Code applies to all use and development of land. Accordingly, Table 4 assesses the application against the applicable standards of this Code.

Table 4: Local Historic Heritage Code, Use and Development Standards

E13.5 Use Standards		
Scheme Standard	Comment	Assessment
E13.5.1 Alternative Use of		7.00000mont
A1	There are no heritage buildings located on the site.	Not Applicable
E13.6.2 Development St E13.6.1 Demolition	andards	
A1	This acceptable solution is not applicable as there is no demolition of any building.	Not Applicable.
E13.6.2 Subdivision and		
A1	The application is for subdivision. There is no acceptable solution.	Relies on the Performance Criteria
E13.6.3 Site Cover		
A1	The application is for subdivision only.	Not Applicable
E13.6.4 Height and Bulk	of Buildings	
A1	The application is for subdivision only.	Not Applicable
E13.6.5 Fences		
A1	The application is for subdivision only.	Not Applicable
E13.6.6 Roof Form and I		
A1	The application is for subdivision only.	Not Applicable

E13.6.7 Wall Materials		
A1	The application is for subdivision only.	Not Applicable
E13.6.8 Siting of Buildings	s and Structures	
A1	The application is for subdivision only.	Not Applicable
E13.6.9 Outbuilding and S	Structures	
A1	The application is for subdivision only.	Not Applicable
E13.6.10 Access Strips a	nd Parking	
A1	The application is for subdivision only.	Not Applicable
E13.6.11 Places of Archa	eological Significance	
A1	The application is for subdivision only.	Not Applicable
E13.6.12 Tree and Veget	ation Removal	
A1	The application is for subdivision only.	Not Applicable
E13.6.13 Signage		
A1	The application is for subdivision only.	Not Applicable

4.7 Performance Criteria

The above assessment of the applicable standards has highlighted that the proposed use and development relies on a number of performance criteria. Accordingly, further information in regard to these performance criteria is offered and intended to assist the Council with their assessment of this application.

4.7.1 Clause 10.4.15.3 Solar Orientation of Lots

The subdivision proposes infill development. The development pattern limits the opportunity to align the long axis in accordance with the acceptable solution A1 of clause 10.4.15.3.

The long axes of the proposed lots do not comply with the acceptable solution A1 of Clause 10.4.15.3. The proposed lots comprise a land area that is well beyond the minimum requirement. The dimensions of lots can provide adequate solar access to any dwelling constructed on one of the proposed lots.



The proposal can satisfy the performance criterion P1, clause 10.4.15.3.

4.7.2 E13.6.2 Subdivision and development density

There is no acceptable solution for A1, clause E13.6.2 and therefore the corresponding performance criterion must be applied.

As noted earlier in this report lots surrounding the site range between 500m² and 4000m². The proposed subdivision will create two lots with areas in excess of 1500m² and is deemed to be consistent with existing lot density.

The generous lot areas proposed also have capacity to retain large setbacks between future buildings and lot boundaries. This ensures that the subdivision will facilitate a development pattern that is sympathetic to the character of the precinct and adjoining heritage listed properties.

There is no removal of vegetation proposed.

Future buildings on the proposed lots will have limited visibility from Frederick Street and therefore will not impact on the heritage qualities of the streetscape or adjoining buildings.

The proposal satisfies the objective and performance criterion P1 of this clause.

5. CONCLUSION

The application is seeking approval for the subdivision of land at 11A Frederick Street, Perth. The supporting submission has demonstrated that the proposed lots:

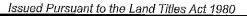
- Can be developed in accordance with the purpose of the General Residential zone;
- Will not adversely impact on the streetscape character of Frederick Street:
- Will facilitate development that is respectful of the Perth Heritage Precinct.

For these reasons this application can be supported.



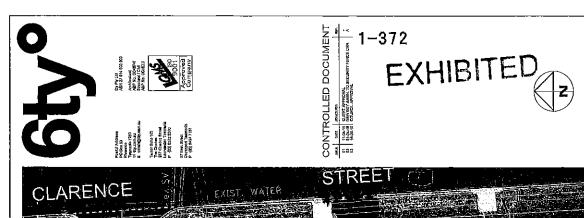
FOLIO PLAN

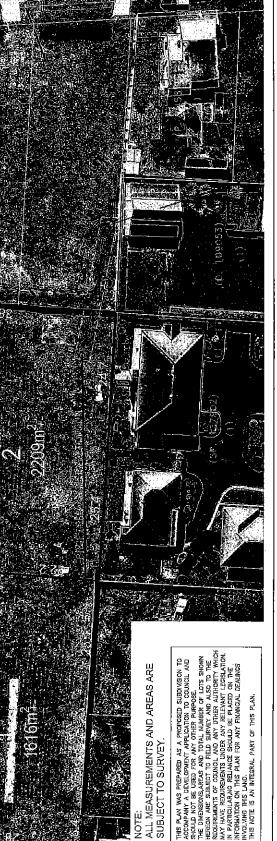
RECORDER OF TITLES-371





OWNER; CORNELIA ALBERDINA FRENCH OF SURVEY PLAN REGISTERED NUMBER BY SURVEYOR: M.R.ROSE OF SP164184 2/3 WALDEN STREET, NEWSTEAD 7250 FOLIO REFERENCE: FR. 125852-1 LOCATION TOWN OF PERTH APPROVED EFFECTIVE FROM 2 g JUL 2012 GRANTEE: WHOLE OF LOT 1 (6405m2) GRANTED Section I TO THE CROWN (P)15852) SCALE 1: 500 L'ENGTHS IN METRES Recorder of Titles MAPSHEET MUNICIPAL CODE No 123 (5039-24) ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN LAST UPI No 5601456 LAST PLAN: P 125852 Exhibited (P 16303) FREDERICK STREET 05" 7.20 62.12 1. (SP 130591) (P 210830) 2649 m² (P1-19) LO ŝ (B4-30) LO ċ (B4~30) LO 272° 01′ 55" 61.75 93° 17' 10" 32,12 (B4-30) LO (P 203855) 2 3825 m² (P 125852) 38.70 Ä DRAINAGE EASEMENT 3,00 WIDE ---(11°40' 3.00) 19.00 25.15 273°22 273°41′ 273°23 (281°40' 9.50) 25.47 273°40 273° 47 273°21′ 24.75 (STR 146006) ISP 24689) (SP 128407) (P 214638) (SP 137902) (D 109053) 16-7-12 COUNCIL DELEGATE





D A WRIGLEY CONTRACTING P I

SUBDIVISION PLAN
CT; Vol 164184 Fol 2
2 LOT SUBDIVISION
SOME PAS. SHEET

****** PROPOSED SUBDIVISION **** 11A FREDERICK STREET

PO1

sour 1,500

1 - 373

B.

Phone: 13 6992 Fax: 1300 862 066 Web: www.taswater.com.au

TasWater

<u> </u>	Submission	n to Plann	ing Auth	ority Notice	
Council Planning Permit No.				Council notice date	10/07/2015
TasWater details	5				<u>.</u>
TasWater Reference No.	TWDA 2015/01098-NMC		Date of response	13/07/2015	
TasWater Contact	David Boyle		Phone No.	6345 6323	-
Response issue	d to				
Council name	NORTHERN MIDLANDS COUNCIL				
Contact details	planning@northmidlands.tas.gov.au				
Development de	tails				
Address	11A FREDERICK ST, PERTH		Property ID (PID)	3189814	
Description of development	2.Lot Subdivision				
Schedule of draw	wings/documents				
Prepared by		Drawing/doc	ument No.	Revision No.	Date of Issue
6ty°		5.150 P01		3	15/06/2015
			<u> </u>	<u> </u>	
Conditions					

Pursuant to the *Water and Sewerage Industry Act* 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

CONNECTIONS & METERING

- 1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.
- 2. Any removal/supply and installation of water meters and installation of new property service connections must be carried out by TasWater at the developer's cost.

ASSET CREATION & INFRASTRUCTURE WORKS

- 3. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
- 4. Prior to applying for a Permit to Construct to construct new infrastructure the developer must obtain from TasWater formal Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a registered professional engineer showing the hydraulic servicing requirements for sewerage to TasWater's satisfaction.
- 5. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
- 6. In addition to any other conditions in this permit, all works must be constructed under the supervision of a qualified engineer in accordance with TasWater's requirements.
- 7. Prior to the issue of a Certificate for Certifiable Work (Building) and/or (Plumbing)/Consent to Register a Legal Document/Certificate of Compliance all additions, extensions, alterations or upgrades to TasWater's sewerage infrastructure required to service the development, generally as shown on the concept servicing plan "6ty 15.150 P01", are be at the expense of the developer and performed by a contractor approved by TasWater, to

Phone: 13 6992 Fax: 1300 862 066 Web: www.taswater.com.au

TasWater

the satisfaction of TasWater.

- 8. After testing, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
- 9. At practical completion of the infrastructure sewerage works and prior to TasWater issuing Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month maintenance period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. The maintenance period will be deemed to be complete on issue of a "Certificate of Final Acceptance" from TasWater. To obtain a Certificate of Practical Completion:
 - a) Written confirmation from a qualified engineer certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved.
 - b) A request for a joint on-site inspection with TasWater's authorised representative must be made.
 - c) Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee.
 - As Constructed Drawings must be prepared by a qualified Surveyor to TasWater's satisfaction and forwarded to TasWater.
- 10. Upon completion, to TasWater's satisfaction, of the defects liability period the newly constructed infrastructure will be transferred to TasWater and the developer must request TasWater to issue a "Certificate of Final Acceptance".
- 11. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
- 12. Ground levels over the TasWater assets /easements must not be altered without the written approval of TasWater.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

- 13. Prior to the Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made;
- 14. Pipeline easements must be created over existing/proposed sewerage pipelines on TasWater's standard pipeline easement conditions. Pipeline easement width, location of easements relative to pipes, and terms and conditions must be to TasWater's satisfaction.

DEVELOPMENT ASSESSMENT FEES

- 15. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater for this proposal of:
 - a. \$240.00 for development assessment; and
 - b. \$130.00 for Consent to Register a Legal Document as approved by the Economic Regulator and the fees will be indexed as approved by the Economic Regulator from the date of:
 - a. The Submission to Planning Authority Notice for the development assessment fee; and
 - b. The Consent to Register a Legal Document for the Legal Document until the date they are paid to TasWater; and payment is required within 30 days from the date of the invoice.

Advice

For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards

For application forms please visit http://www.taswater.com.au/Development/Forms

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any

Phone: 13 6992 Fax: 1300 862 066 Web: www.taswater.com.au

TasWater

drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

If you need any clarification in relation to this document, please contact TasWater. Please quote the TasWater reference number. Phone: 13 6992, Email: development@taswater.com.au

Authorised by

Jason Taylor

Development Assessment Manager

1 - 376

From: Des Jennings [des.jennings@nmc.tas.gov.au]

Sent: Tuesday, June 30, 2015 2:50:51 PM

To: Jan Cunningham CC: Natalie Horne

Subject: P15-200 - GM's consent for POS contribution for 2-lot subdivision - 11a Frederick St,

Perth

Hi Jan,

I consent to the cash payment.

Thanks Des

Des Jennings



General Manager | Northern Midlands Council

Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301

T: (03) 6397 7303 [F: (03) 6397 7331

E: des.jennings@nmc.tas.gov.au | W: www.northernmidlands.tas.gov.au

Tasmania's Historic Heart

From: Jan Cunningham

Sent: Tuesday, 30 June 2015 2:47 PM

To: Des Jennings

Subject: P15-200 - 2-lot subdivision - 11a Frederick St, Perth

The applicant has requested your consent for cash payment in lieu of public open space for this subdivision. Do you consent?

Regards, Jan Cunningham

Administration Supervisor | Planning & Development Department | Northern Midlands Council Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301

T: (03) 6397 7303 | F: (03) 6397 7331

E: Planning@nmc.tas.gov.au | W: www.northernmidlands.tas.gov.au

Tasmania's Historic Heart

REFERRAL OF DEVELOPMENT APPLICATION P15-200 to Works & Infrastructure Department

Property/Subdivision No: 105100.575; 27/003/734

Date:

09-Jul-2015

Applicant:

6ty Degrees (obo

Proposal:

2-lot subdivision (heritage precinct)

Location:

11A Frederick Street, Perth

Planning admin: Engineering fees paid.

Please inspect the property and advise regarding stormwater/drainage,

traffic/access, and any other engineering concerns.

tranicraccess, and any other engineering concerns.				
Is there is a house on one of the lots?	No			
Is it connected to all Council services?	N/A			
Are any changes / works required to the house lot?	No			
Are the discharge points for stormwater,	No			
infrastucture that is maintained by Council?				
(This requires a check to ensure the downstream				
infrastructure is entirely owned, maintained, operated by				
Council and have been taken over as Council assets.)				

Stormwater:

Is the property connected to Council's stormwater services?	Yes		
If so, where is the current connection/s?	Connects to kerb in Frederick St		
Can all lots access stormwater services?	Yes		
If so, are any works required?	No		
Stormwater works required:			
Works to be in accordance with Standard Drawing stormwater connection.	g 7 11 SW25 – a 100mm		
Is there kerb and gutter at the front of the property?	Yes		
Are any kerb-and-gutter works required?	No		

Road Access:

Does the property have access to a made road?	Yes		
If so, is the existing access suitable?	Yes		
Does the new lot/s have access to a made road?	Yes		
If so, are any works required?	Yes, see below		
Is off-street parking available/provided?	Yes		
Road / access works required: Driveway to be widened to a double width crossover			
Is a sealed internal driveway required?	Planning issue		
Is a vehicular crossing application form required?	Yes		
Is a footpath required?	No		
Extra information required regarding driveway	No		

Are any road works required:	No
Are Street Trees required?	No
Additional Comments:	An Engineer's design is not required.

Engineer's comment:

Council services for this subdivision can be addressed by standard conditions.

NOTE: THE FOLLOWING ARE STANDARD CONDITIONS FOR SMALL SUBDIVISIONS

Works & Infrastructure Department conditions - access & stormwater

W.1 Stormwater

Each lot shall be provided with a connection to the Council's stormwater system, constructed in accordance with Council standards and to the satisfaction of Council's Works & Infrastructure Department.

W.2 Access (Urban)

- The existing crossover shall be widened to allow access to both properties in accordance with Council standards.
- b) Prior to the commercement of any access works, a vehicular crossing application form shall be completed and approved by Council prior to commencement of any works.

W.3 As constructed information

As Constructed Plans and Asset Management Information shall be provided in accordance with Council's standard requirements.

W.4 Municipal standards & certification of works

Unless otherwise specified within a condition, all works shall comply with the Municipal Standards including specifications and standard drawings. Any design shall be completed in accordance with Council's subdivision design guidelines to the satisfaction of the Works & Infrastructure Department. Any construction, including maintenance periods, shall also be completed to the approval of the Works & Infrastructure Department.

W.5 Works in road reserve

No works shall be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works & Infrastructure Manager. Twenty-four hours (24) notice shall to be given to the Works & Infrastructure Department to inspect works within road reserve and before placement of concrete or seal. Failure to do so may result in rejection of the vehicular access or other works and its reconstruction.

W.6 Hydraulic separation

- a) Any existing pipes and stormwater connections shall be located and where required pipes are to be rerouted to provide an independent system for each lot.
- b) Certification shall be provided that hydraulic separation between the two lots has been achieved for stormwater services.

W.7 Easements to be created

Easements shall be created over all Council-owned services in favour of the Northern Midlands Council. Such easements shall be created on the final plan to the satisfaction of the Planning & Development Manager.

W.8 Pollutants

- The developer/property owner shall be responsible for ensuring pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development works the developer/property owner must install all necessary silt fences and cut-off drains to prevent soil, gravel and other debris from escaping the site. No material or debris is to be transported onto the road reserve (including the naturestrip footpath and road pavement). Any material that is deposited on the road reserve shall be removed by the applicant. Should Council be required to clean or carry out works on any of their infrastructure as a result of pollutants being released from the site the cost of these works may be charged to the developer/property owner.

W.9 Naturestrips

Any new naturestrips, or areas of naturestrip that are disturbed during construction, shall be topped with 100mm of good quality topsoil and sown with grass. Grass must be established and free of weeds prior to Council accepting the development.

Jonathon Galbraith (Works & Infrastructure Officer) Date: 10/7/15

Paul Godier

From:

David Denman [denmanarchitects@bigpond.com]

Sent:

Friday, 7 August 2015 11:08 AM

To:

Paul Godier

Subject:

RE: P15-200 - Proposed subdivision - 11A Frederick Street

Thanks Paul,

My comments,

I have addressed each point in the Subdivision Provisions – Heritage Precinct separately as follows;

Subdivision must;

a) Be consistent with and reflect the historic development pattern of the precinct or area;

Comment: The subject land and adjoining lots had historically mixed uses, including, Place of Worship, Public School and residential.

Therefore, the lots sizes and pattern of development in and around the subject site varies and has evolved as the uses have changed due to the changing social and economic circumstances in the Perth Town. This has been confirmed by the recent subdivision of the large corner church site into three separate lots. It should also be noted that there has been residential infill development within some of the adjoining lots. This is a normal transitions of the use of land that is surplus as part of its original use.

For the above reasons, it is my opinion that the proposed two lots will not be inconsistent with the historic development pattern of the precinct.

b) not facilitate buildings or a building pattern unsympathetic to the charter or layout of buildings and lots in the area;

Comment: Any future buildings and the layout of buildings on the two new lots will be subject to a discretionary development application which will include compliance with the historic design standards etc. This will ensure that any future buildings on the new lots will have an acceptable impact on the historic heritage values of the site.

 not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance;

Comment: The existing former school building has extensive rear additions that are not sympathetic with the historic architectural design of the front building with frontage onto Frederick Street. Therefore, the rear of the site has already lost much of its integrity in respect to its original context. However, I recommend that you consider moving the proposed rear boundary behind the former school buildings back to align with the adjoin western rear property boundary line. This would seem to be the most logical alignment for the new boundary line.

 d) not required the removal of vegetation, significant trees of garden settings where this is assessed as detrimental to conserving the historic heritage significance of the place or heritage precinct;

Comment: It doesn't appear that there is any threat to significant historic landscape elements as a result of this proposal.

e) not detract from meeting the management objectives of a precinct identified in Table E13.1 Heritage Precincts;

Comments: As above comments

Please let me know if you need any further clarification on any of the above comments.

Regards,
David
David Denman + Assoc
ARCHITECTS + Heritage Consultants

From: Paul Godier [mailto:paul.godier@nmc.tas.gov.au]

Sent: Tuesday, 4 August 2015 11:53 AM

To: David Denman

Subject: P15-200 - Proposed subdivision - 11A Frederick Street

Importance: High

Hello David,

Can you please comment on this application taking into account the subdivision provisions for the heritage precinct, and the representation with regard to heritage matters.

Subdivision Provisions - Heritage Precinct

Subdivision must:

- a) be consistent with and reflect the historic development pattern of the precinct or area; and
- b) not facilitate buildings or a building pattern unsympathetic to the character or layout of buildings and lots in the area; and
- c) not result in the separation of building or structures from their original context where this leads to a loss of historic heritage significance; and
- d) not require the removal of vegetation, significant trees of garden settings where this is assessed as detrimental to conserving the historic heritage significance of a place or heritage precinct; and
- e) not detract from meeting the management objectives of a precinct identified in Table E13.1: Heritage Precincts, if any.

Management Objectives

To ensure that new buildings, additions to existing buildings, and other developments which are within the Heritage Precincts do not adversely impact on the heritage qualities of the streetscape, but contribute positively to the Precinct.

To ensure developments within street reservations in the towns and villages having Heritage Precincts do not to adversely impact on the character of the streetscape but contribute positively to the Heritage Precincts in each settlement.

Representation

Extract from attached representation from J.J. & P. Wilson, 13 Frederick Street, Perth:

We are writing to voice our opposition to the subdivision in a heritage precinct. This land was originally part of the Perth public school in the 1860's. When the old school was closed, the Land was excised and a new school built. This school was eventually closed and sold along with the land. In 2012, the land was again excised. The owner now wants to subdivide into two lots. If approved, there is no guarantee that the two lots would not be subdivided yet again. This land has historical links and as such, should be left whole.

Can I please have this by Friday afternoon.

Thanks, Paul.

Paul Godier

NORTHERN MIDLANDS COUNCIL

Senior Planner | Northern Midlands Council

Council Office, 13 Smith Street (PO Box 156), Longford Tasmania 7301

T: (03) 6397 7303 | F: (03) 6397 7331

E: paul.godier@nmc.tas.gov.au | W: www.northernmidlands.tas.gov.au

Tasmania's Historic Heart

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(CAF)...

C. 1

JAMES R FRENCH 11 FREDERICK STREET PERTH TAS 7300

FOR AND DUE TO ILLNESS OF CORNELIA ALBERDINA FRENCH ABOVE ADRESS AT HER REQUEST AND AUTHORITY I make this objection. 17 - 7 - 2015 (JRF). Signed

TO
THE GENERAL MANAGER
13 SMITH STREET
LONGFORD

RE: Your Reference No P15-200 , 11A Frederick Street Perth.

2-lot subdivision (Heritage precinct)

Cornelia Alberdina French submits OBJECTION to the proposed sub-division as above, on the grounds as follows;

- 1) The land in question as above is HER property, and submits proof of same as follows; THE (PSUEDO) SALE WAS NOT THE ORIGINAL CONTRACT AS THE DOCUMENTS HERE-IN VARIFY THEREFORE IT IS ILLEGAL.
- 2) From this point in the submission I trust it may be approved that the term "WE" be used , that is my husband and myself JAMES R FRENCH have discussed this matter for over seven (7) years aND I have come to the conclusions as being put here-in , and he has acted for me most of that time , and we begin by giving a pre-amble for proper understanding of the issue in question.
- 3) This began when we put the whole property on the market for sale so as to move back to Melbourne where our Grand son died and to be with the family, back in 2007.
- 4) Mr David Wrigley hurriedly approached us wanting the land given in the original state on Council map as we were prepared to sell and a contract was drawn up by RAY IRONSIDE for RESORT BROKERS QUEENSLAND through State Wide Real Estate where he used to work.
- 5) Eventually the selling price was agreed with Mr Wrigley through State Wide (John Joyce , and Resort Ray Ironside) that we were to get a clear \$175,000-00 clear of all costs which was to be paid for by Mr Wrigley.
- 6) The AGENTS as above mentined said it could not be done this /that way , and went back to see (they said) Mr Wrigley who said / offered \$5000-00 to cover the costs, and they agree this would cover ALL the costs
- 7) The contract was presented to us and they added the \$5000-00 to the purchase price, and added it in writing that we would pay the various costs to Council and others involved in total which the way it was put, actually made US the developers, and the costs that we were assured quickly shot up over the \$5000-00 mark. Mr Wrigley had signed this contract....



8) The ORIGINAL contract of 15th november 2007 was given as the buyer as ..." D.A.Wrigley Contractors Superannuation fund " (which was later found to be Null and Void BECAUSE a Superanuation Fund is not an entity to buy and sell land "

This was discovered by Barrister from Devonport in 2011 , Mr CRAMPDEN . There is a very god reason for this which I will relate later in 2011 ,thus second Contract had to be made.

- 9) In about the middle of 2008 we decided to CANCELL the sale because we could see the costs were going to be \$30,000 to \$40,00-00 instead of \$5000-00. How an experienced Developer and two experienced Real Estate Agents could make such error we could not understand. Our Solicitors, Shields Heritage AFTER BEING ASKED and .. agreed to peruse the contract, did in fact take EIGHT MONTHS of asking, before they did so. Then only because we asked for our Deeds back, and they it seems thought we were going to change solicitors.
- 10) That brought us to mid 2008, and we gave Wrigley written advice that the sale was withdrawn. He put a Caveat on the property and then went on his yearly about five monthe holiday to Queensland, Shields said don't worry about the Caveat as we asked them to challenge it in Court. Easily removed.
- ll) Things went very quiet for a long time and we went and cancelled the Council matters we had paid for .
- 12) In about 2010 Wrigley issued a Damages Writ upon us on the grounds that by not performing we had damaged them by \$700,000 -00, and that was about the time that Mr CRAMPDEN (Barrister) was brought into the matter and quickly found that "A Superannuation Fund was not an entity to buy and sell land".

Wrigley's solicitor said he would fight in court that they would possibly allow the Superannuation Fund to, in this circumstance allow the Fund to buy the land. This was never put to the test. In fact it was avoided by opting for a new second contract.

- 13) However, instead of continueing the Court Action they instead arranged a MEDIATION at the Launceston Supreme Court where they, still holding the Damages action over our head, conceded to have a second contract drawn up instead.
- 14) This time it was worded .." D.A.Wrigley contracting P/L AS TRUSTEE of the D.A.Wrigley Contracting Superannuation Fund was entered as the buyer. Changed from the FIRST contract , it made it legal doing it through the TRUSTEE .
- 15) WE now had RAE & PARTNERS as our solicitors. WE could not gamble on a Court Case as we are old pensioners (as of now 78 and near 80) and we had to be very careful at our age.
- 16) The MEDIATION BEGAN , and Mr CRAMPDEN Barrister attended with Rae & Partners solicitor FABIONO CANGELOSI sitting with him ,and Mr PAGE and his second adressed the Mediation and said they were happy with a second put differently, differently

in as much as Wrigley now WOULD pay all his costs directly to the council on request by their solicitors to ours assuring us it was OK. (NOTE, Real Estate agents said was not allowed.) 17) They had to have have price reduced by \$15,000. Wrigley took over the Surveyor we had usd initially as he had some knowledge of what had been done before. The written withdrawall we issued late June / early July should have been accepted as the first contract HAD been Null & Void, proof of which was that on the Second contract it was put in a LEGAL manner. Although non agreement they DID change it to correction.

This was drawn up initally by Mr Crampden , and Phillip Page over night drew up another one seemingly similar that was used.

Our team was sent to a smaller room in the court to peruse the contract, and have EACH PAGE initialed SO AS TO agree THAT page was apart of the total contract of four pages in NEW contract.

We, my wife and I carefully read the contract, as Mr FABIONO CANGELOSI (Rae & Partners for us) read the contract in total.

TO CONFIRM THIS , he , on letter dated 22 December 2011 sent us a letter (marked 2 in RED enclosed) which States Clearly ..." You Cornelia , signed a contract for the sale of the SAME PORTION of land to D.A.Wrigley Contracting as in the original contract of sale . (That portion being 3787 Sq Mts in TOTAL)

Copy of the original contract First Schedule enclosed as Red 3 , is enclosed , 15th November 2007 , CLEARLY identifies the portion in question as " TOTALING 3787 Sq Mts ".

So the process began. Surveyor Mick Rose commenced and upon completing his survey, gave it straight away to Wrigley's Solicitor, and Rae & Partners asked for the Deeds which were sent on request, and they sent them onto Wrigley Solicitors and they IMMEDIATELY, without advising Rae & Partners of their intentions or advising them of the essence of the documents sent in relation to the sale to complete the sale, (so says Rae & Partners) put the sale through DIFFERENTLY to the contract signed on 16th December 2011. It had been CHANGED without our knowledge or consent, and their excuse was that their conveyancer did not do his job properly and I have a written apology he made a mistake (in not checking the documents before sale completed to ensure Wrigley conveyancer did not error)

I later wrote to the ACCC, Canberra, a copy of their reply, and I have reduced it to the comment re the contract as given on copy of document copy in RED 7, CONFIRMING that Contracts are Binding agreements between two parties...etc as enclosed.

THIS CONTRACT THEN IS ALSO BECOME NULL & VOID , NOT LEGAL because it had been ALTERED - AMENDED - changed , wIthout permission or in fact WITHOUT our knowledge . We relied upon the letter by Fabiono Cangelosi of 22 nd December 2011 only six days from the original signing of THAT contract on 16th December 2011 enclosed as copy RED 2 .

We began to question them (Rae & Partners conveyancer) who pointed out that the contract had contained the words..." or thereabouts " was ONE amendment inserted.

This was NOT on the initial contract read out to us or seen by us in the reading, it was " TOTALING 3787 Sq Mts " the same as on the original contract of 15th November 2007, DEFINATELY not mentioning " or thereabouts " when Fabiono read it to us.

Then we noticed that the INITIALS on the first page of the new contract of 16th December 2011 was distinctly DIFFERENT to that on the Second page, third page, and fourth page, isolated and shown clearly on copy in RED 4.

I wrote to the Police , an Inspector Ward , who called and perused the matter , and agreed it was a different initial on the first page, AND he thought the other initials of F.C.C and D.A.W had been photocopied onto the same paper.(also shown)

A difference in the survey was claimed by surveyor Mick Rose saying the council map was out of date , being done last time in about 1880 , and more up to date equipment identified the difference. Rae & Partners argued THIS was the reason the contract HAD to be changed . We did not agree BECAUSE we did not sell or intend to sell Wrigley a " Percentage " of the total land, ONLY as given , 3787 Sq Mts. Hence , "someone" changed the dimensions of the contract , for WRIGLEY from 3787 Sq Mts ...to 3825 Sq Mts , a total according to Fair trading Hobart as 60 Sq Mts . A changed/ amendmented contract.

The issue here was that , and as given by Accc Canberra , ONLY a party to the agreement can make a claim relating to that agreement. NOT the surveyor, NOT the solicitors , NO ONE except binding parties between them can change the contract .

THE CHANGED PSUEDO CONTRACT as mentioned above was NOT the legal contract TO SELL the land , NOT the original contract 16/12/11.

After about two years of continueing argueing with Mr Hart of Rae & Partners where-in he continually DENIED changes in the contract, finally says to us, in his letter dated 26 August 2013, copy RED 5," It is perfectly correct for you to point out the fact there are AMENDMENTS to the contract "

AMENDMENTS means CHANGES. He admits that the contract CHANGED.

It had become a FALSE contract to transact the sale.It was NOT the same contract that we initialled at the Supreme Court 16thDecember 2011 , this was agreed by Fabiono Cangelosi 22/12/11 and it was NEVER changed by us nor was it mentioned anytime.

There-fore we claim that the "Psuedo SALE to WRIGLEY "August 2012 was NOT a valid BUT CHANGED contract (see ACCC comment) and thus it was not a sale at all , it was ILLEGAL. Null & VOID , meaning nothing WAS LEGAL in the contract in fact.

THERE-FORE , as ACCC advise in document dated 24 February 2015 under " contracts " (RED 7) the contract has been VIOLATED

by (plural) Amendments as admitted by Rob Hart in his letter to us dated 26/8/13 ,after a long battle to get this to be brought out in the open , concluding , as in many other matters ,the last paragraph on first page and part of the second page of same letter (Quote)..." THE FACT IS THAT THE ISSUE OF THE CONTRACT DID NOT ARISE BECAUSE THE MATTER PROCEEDED TO COMPLETION WITHOUT YOU BEING AWARE AS TO THE 'CHANGES' IN THE SURVEY PLAN.

THAT IS SOMETHING THAT SHOULD HAVE BEEN BROUGHT TO YOUR ATTENTION AS THIS WOULD HAVE ENABLED YOU TO 'REQUISITION' THE REASON FOR THE ALTERATION IN THE PLAN" (NOTE - ALTERATION AGAIN)

The next paragraph re the 'fence' and offer is negated as the contract IS NULL & VOID anyway , and as soon withdrawn.

He continues (QUOTE)...." We apologise for the distress that has been occasioned to you with respect to this unfortunate matter ".

Such APOLOGIES are given in MOST of his many letters. 30/40.

The letter /advice given by ACCC of Canberra say NOTHING about anyone INCLUDING solicitors , doing and changeing as they see fit and then allowing us or anyone else in our position then later being informed so that they can REQUISITION the reason for the alterations. This changes the original contract to an adulterated meaningless false attempt to take the land from us old pensioners , decieving us for anothers benefit.

All through in this and other matters relating it seems obvious that Mr Hart(now reported in the Examiner as standing for a seat in Politics) went far beyond his limitations and tried to have us accept that he had the right to act in this / these ways .

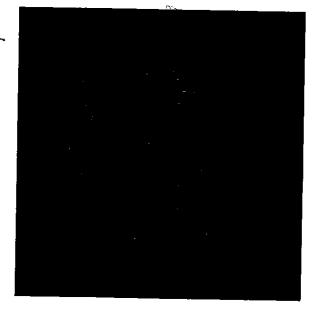
Australian Competition & Consumer Commission (ACCC) do NOT agree (RED 7) .

As such we OBJECT to the application to council Ref; P15-200.

Our phone number is (03) 6398-2473 only , as pensioners and mostly home , with answerphone if stepped out occasionally.

Yours Faithfully

James R French for and on behalf of Cornelia A French .



P/Sas an after thought I decided t include this document as it does have 'some' bearing on the matter I think.

I have called it RED 5A , consmer Affairs & Fair trading dated 27 May 2013 . Without prejudice or malice , I see it as a document of "mis-understanding " , and conflicting observations and advice .

For example , the writer says , ROSE recieved instructions from the Lawyer to survey the land area as described in the contract dated December 2011....described as 3787 or thereabouts .

It is said that the original survey was in $1880\,$ etc, BUT in I am told by the purchaser , Bob Hayes (deceased 2005) that they had bought the old school Masters house (and once school) as I recall in about 1986 , SURELY a survey would have been conducted then ,and the FACTS of the matter uncovered then , AND then sold again to a buyer about four years ago.

The writer says the 2011 survey disclosed a total excess of 60 m2 , and I make it 69 M2 , ie , present 6474 M2 less the old 6405 , leaves a difference of 69 M2 . Beth Frake of Rae & Partners had a top valuer , valuethe land in total as being value at 2007 of (3787 M2) \$245,000-00.

Next the writer says , because of the excess found, the surveyor proportioned the land between both parties , most going to Wrigley . (He had no authority to do that what - so - ever)

Next he says ... " Mr Rose was not required to do anything more Had Wrigley's solicitors believed he had not than that " followed instructions then they should have instructed him to re-do the survey ,they did not . No surprises there .

Then , forwarded the documents to Rae & Partners etc , the last line of his letter of comment says , BUT as with other matters this was all done AFTER the deal had been completed, and Rae & Partners advised that as such , there was NOTHING we could do about it because of THAT status....finished .

In one of his letters as I recall , Rob Hart said that WE should have monitored the progress and dealt with these matters BEFORE the conclusion of the transaction , BUT, as we all know that if I or we had contacted Wrigley Solicitor asking these questions, the answer would have been...ASK YOUR SOLICITOR.

They would TO have divulged ANY information directly to us, and I know that as a fact they would not have done that .

SO , really it would read that the Surveyor surveyed, proportioned the excess as he saw fit , and took or sent the result to Wrigley solicitors.....AND as the writer says ... THAT is all he had to doand when it was OUT OF TIME .

Could this be called FAIR TRADING ?????. I think not.

This was all explained to Consumer afforms and ?

This was all explained to Consumer afforms and?

This was all explained to Consumer afforms and?

This was all explained to consumer afforms and?

Contract dated 15th November 2007 Contract for the Sale of Real Estate

1672, day of This Contract is made the

December

2011

Between CORNELIA ALBERDINA FRENCH of 11 Frederick Street, Perth in Tasmania ("the

and D A WRIGLEY CONTRACTING PTY LTD (ACN 009 493 645) of 182 Fairtlough Street, Perth in Tasmania, as Trustee of the D A Wrigley Contracting Superannuation Fund ("the Purchaser")

1. Agreement To Sell And Buy

110-

The Vendor agrees to sell, and the Purchaser agrees to buy, free from encumbrances, ALL THAT piece of land containing 3787 M2 or thereabouts being that part of the Vendor's land situate and known as 11 Frederick Street, Perth in Tasmania comprised in Folio of the Register Volume 125852 Folio 1 which is shown as Lot 2 on the Proposal Plan prepared for the Vendor by Mick Rose, Authorised Surveyor, a copy of which is annexed hereto ("the Property").

2. Price and Deposit

The price is ONE HUNDRED AND SEVENTY THOUSAND DOLLARS (\$170,000.00), payable as follows:

a deposit of One hundred dollars (\$100.00) to Messrs Rae & Partners as stakeholder (a) upon the signing this Contract; and

the balance, either in cash or by a cheque drawn by a bank, on completion.

3. Completion

(b)

This Contract will be completed on the expiration of thirty (30) days from the issue 3.1 by the Recorder of Titles of a Notice of Acceptance of the Survey Plan of the Property.

On completion, the Vendor must ensure that the Purchaser obtains vacant 3.2

possession of the Property.

Conditions Precedent

The following are conditions precedent to completion of this Contract:

that, unless disclosed in this Contract, there are no restrictions on the use of the Property at this date which may hinder or prevent the Purchaser from using the Property for the purpose of a residential building allotment;

That, within eight (8) months from the date hereof, Northern Midlands Council approves in terms to the same effect as the now lapsed Northern Midlands Council Planning Permit P07-438, a copy of which is annexed hereto, with the exception of the quantum of the water headworks charge and the sewer headworks charge, which shall be such amounts as are usually levied by Ben Lomond Water, or, in the event that Northern Midlands Council imposes conditions different from those contained in the said Planning Permit P07-438, in terms acceptable to the Purchaser, the

subdivision of the Vendor's land comprised in Folio of the Register Volume 125852 Folio 1 as shown in the Proposal Plan prepared for the Vendor by Mick Rose, Authorised Surveyor, and the Recorder of Titles registers the

Survey Plan of that subdivision.

If the Purchaser does not approve the terms of Northern Midlands Council approval 4.2 of the subdivision of the Vendor's land comprised in Folio of the Register Volume 125852 Folio 1, the Purchaser may elect to either appeal the subdivision approval to the Resource Management and Planning Appeal Tribunal or terminate this Contract. If the Purchaser terminates this Contract by notice in writing to the Vendor, the Vendor must immediately authorise and instruct the stakeholder to refund the deposit to the Purchaser.

This 1st page removed and TAPLACED to include " OR themabout "To that more Land for purchaser Plus other Andrewents (Hunt ICA)

Your Reference:

"Our Reference: BDF:HR:105479

1-390

RAE & PARTNERS
An Investment in Quality Advice LAWYERS

Direct E-Mail:

: bethan@raepartners.com.au

Direct Line:

03 6337 5555

22 December 2011

MR ROSS HART

DIRECTORS Phillip Lebski Ross Hart

Scott Chellis Nicholas Reaburn

Melanie Kerrison Marthew Pawson

Mr J R & Mrs C A French 11 Frederick Street PERTH TAS 7300

Dear Mr & Mrs French

RE: CLAIM BY D A WRIGLEY CONTRACTING PTY LTD

We refer to the above matter and to the successful mediation of this matter on 16 December 2011. We confirm the outcome of mediation:

- You, Cornelia, signed a contract for the sale of the same portion of land to D A Wrigley Contracting Pty Ltd as in the original contract of sale.
- D A Wrigley Contracting Pty Ltd paid into our trust account a deposit of \$100.00, which we confirm that we are holding as stakeholders.
- The price of the land is \$170,000.00. This amount will be payable to you, with the deposit, on *completion* of the contract.

The contract will be completed thirty days after the Recorder of Titles has issed a Notice of Acceptance of the Survey Plan of the property.

Prior to completion of the contract, the Northern Midlands Council must approve the subdivision of your land within 8 months either:

- In terms to the same effect as the now lapsed Northern Midlands Council Planning

 Permit P07-438, with the exception of the amount of the water headworks charge,

 which must be at the amount usually levied by Ben Lomond Water; or
 - In terms different from Planning Permit P07-438, but which are still acceptable to D A Wrigley Contracting Pty Ltd.

If the Northern Midlands Council should not do so, D A Wrigley Contracting Pty Ltd may either appeal their decision, or terminate the contract.

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Yours faithfully

RAE & PARTNERS LAWYERS

FABIANO CANGELOSI

ASSOCIATE

Encl.

Page 4 of 5

Integral Pariet ST Contract 15th November 2007

3

FIRST SCHEDULE

Description of Property

All that piece or parcel of land situated in Tasmania and known as

LOT 2 OF CERTIFICATE OF HILE 125852 FOLIDI

DS PER SKETCH ATTACHED LOTALING

REFER ADDENDUM LAS

RH

* NOTE: "OR THEREABOUTS" IS NOT MENTIONED IN FIRST CONTRACT 2007

SECOND SCHEDULE
Description of Chattels

NIL.

* NOTE: my write Almays Signs Invitals

(The value of chattels is agreed as being \$
As Witness the hand of the parties to this day

SIGNED by the Vendors

in the presence of:

SIGNED by the Purchaser

in the presence of:

Je Jugar

J. Joy m

ddel-j

WARNING: Until completion either by the Vendor or the Purchaser may be at risk in the event of damage by fire, and it is recommended that each party should protect his interest by Insurance.

3. Completion This Contract will be completed on the expiration of thirty (30) days from the issue by the Recorder of Titles of a Notice of Acceptance of the Survey Plan of the On completion, the Vendor must ensure that the Purchaser obtains vacant 3.2 possession of the Conditions Precei ract. The following an 4.1 onderse ions on the use of (a) that, unless e Purchaser from the Proper llotment; using the P orthern Midlands That, with 1 lapsed Northern Council ap EASIEY which is annexed Midlands (lworks charge and hereto, witl its as are usually the sewer orthern Midlands levied by ined in the said Council in 3 Purchaser, the Planning 1 Register Volume subdivision or the Vendor by 125852 Fo. Mick Rose, Aumorised Surveyor, and the Recorder of Titles registers the Survey Plan of that subdivision. If the Purchaser does not approve the terms of Northern Midlands Council approval 4.2 of the subdivision of the Vendor's land comprised in Folio of the Register Volume 125852 Folio 1, the Purchaser may elect to either appeal the subdivision approval to the Resource Management and Planning Appeal Tribunal or terminate this Contract. If the Purchaser terminates this Contract by notice in writing to the Vendor, the Vendor must immediately authorise and instruct the stakeholder to refund the VERY DIFFERENT to OTHERS deposit to the Purchaser. MAGE EC.C. Mage . 2. OLICE WSPOCTUR WARD Kage 3 * my curse alway eign with BIG PAGE 4

Your Reference:

Our Reference: RAH/AP 130856

Direct E-Mail: ross.hart@raepartners.com.au

Direct Line:

03 6337 5555

26 August 2013

1-394 RAE & PARTNERS

incorporating Levis Stace & Cooper Will Edwards Lawyers



DIRECTORS Phillip Lebski Ross Hart Scott Chellis Nicholas Reaburn Melanie Kerrison

CONSULTANTS Will Edwards Leon Wootton Peter Swan Matthew Pawson

11 Frederick St PERTH TAS 7301

Mr JR French

Dear Sir

RE: WRIGLEY

Thank you for your further correspondence of 20 August 2013.

We would like to emphasise that it is not the case that your solicitors, Rae & Partners, have been a party to a conspiracy to deprive you of the land, which is the subject of this dispute.

It is perfectly correct for you to point out the fact there are amendments to the Contract. The fact that the amendments to the Contract were made, including the use of the words "or thereabouts" does not affect your present predicament. The issues that you have raised may have affected your ability to question a contractual obligation to transfer the subject land prior to completion of the sale of the land, but as you have pointed out on a number of occasions, that occurred without you having been aware of the amendment to the final plan.

We have explained to you, in some detail, that if the discrepancy had been identified prior to completion of the Contract, then you would have had the opportunity to dispute your legal obligation to transfer the land in dispute to the purchaser. You would have been entitled at the time to make enquiry of the surveyor as to the reason for the discrepancy, the fact that you had only ever intended to sell land in accordance with the original proposal plan and, in our view, may have been entitled to refuse to complete, irrespective of whether the Contract referred to "or thereabouts" or conformed with the original Contract.

The fact is that the issue of the Contract did not arise because the matter proceeded to completion without you being aware as to the changes in the survey plan. That is something that should have been brought to your attention, as this would have enabled you

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RAE & PARTNERS PTY ABN 39 109 423 645

Level 3 113 Cimitiere Street Launceston Tasmania 7250 PO Box 1257 Launceston Tasmania 7250 Australia T 03 6337 5555 F 03 6334 1693 www.raepartners.com.au firm@raepartners.com.au DX 70118 Launceston



to requisition the reason for the alteration in the plan.

We are uncertain what further assistance we can offer to you, except to pursue Mr Wrigley, as we have previously offered with respect to his alleged failure to comply with his obligation to complete the fence in accordance with the terms of the Contract.

We are happy to undertake that legal work on your behalf at no cost to you but should it be necessary for proceedings to be commenced against Mr Wrigley, we would require you to pay any necessary filing fees with respect to that litigation.

We apologise for the distress that has been occasioned to you with respect to this unfortunate matter.

Yours faithfully RAE & PARTNERS LAWYERS

Page 2 of 2 o:\Docs\130856\734051.doc

COMMERCE ENGAGE IN CONDUCT THAT IS MIS-LEADING OR E, OR IS LIKELY TO MIS-LEAD OR DECIEVE (\$150,000-00) DECEPTIVE

(s) 15 defluction a CLASS TRAABS PRACTICES ACT COLOVE DEAL(s) EXOMPLE

Competition & Commission Australian Consumer

GPO Box 3131 Canberra ACT 2601

Mr James R French

11 Frederick St Perth TAS 7300

Dear Mr French

24 February 2015

Canberra ACT 2601

tel: (02) 6243 1111 fax: (02) 6243 1199

www.accc.gov.au

23 Marcus Clarke Street



Our Ref: Contact Officer: Contact Phone:

Competition and Consumer Commission (ACCC) regarding the sale of your land. Thank you for your correspondence received 28 January 2015 by the Australian

apologise for the delay in responding.

Contracts

already incurred a considerable loss whilst pursuing this dispute, I recommend you agreement can make a claim relating to that agreement. We are not a party to the agreement, so we cannot assist in this matter. Whilst I appreciate that you have Contracts are binding agreements between two parties. Only a party to the continue to consult with your legal counsel about your land sale contract.

I appreciate the time you taken to lodge your concerns with us. , , This telled is concluded on The book here-o yours Sincerally 21 Mora Thomas (Suprace Cha) Spying

TO THE GENERAL MANAGER J. J. & P. WILSON

13 FREDERICK ST

13 FREDERICK ST

14 PERTH 7300.

REF NO:- P15-200 Final Tel: 63 981912.

We are writing to voice our opposition to the subdivision in a heritage precinct. This land was originally part of the Perth public school in the 1860's. When the old school was closed, the land was excised and a new school built. This school was eventually closed and sold along with the land. In 2012, the land was again excised. The owner new wants to subdivide into two lots. If approved, there is no guarantee that the two lots would not be subdivided yet again. This land has historical links and as such, should be left

The present owner has been trying to sell the land as one lot for development with plans (not passed by council) for nine two-bedroom homes in an area 3825m², which would make it very congested. This would also increase noise pollution etc. in the area.

The current real estate advert states that there is potential for running a business involving trucks on this land. The council zoning for this land is general residential and we have been advised by council that only certain types of businesses would be permitted and certainly nothing mirelying trucks.

In the past few months, the land has been used for commercial purposes. Firstly, it has

been used as a depot by a contractor for Tas Water, as a drop-off for road materials and picking up of said materials. This was done by tiptricks along with front-end loaders and other heavy machinery. This went on all day, mondays to fridays, for weeks, creating a lot of noise and vibrations of the ground adjacent to a Heritage Visted building These have now moved on. However, there is also a tiptrick belonging to a I & A . SHERRIF using the block to park his vehicle overnight. He leaves every morning between 6.30 a.m. and Jam and in the process, wakes us up as he drives past our bedroom. On occasions, he also brings a hip type trailer as large as his truck - At other times, he brings a low loader complete with a backhoe.

We have been told by council (the compliance officer) that this is not permitted under the land zoning as it stands and therefore, the currer and others are in breach of the regulation regarding this land.

We have been complaining to the compliance officer for the past three to four months but to no avail.

We would also like to point out that the trees that were along the eastern boundary between not 13 and 11A were removed by the moner of Nº 11A. These trees were all in a healthy state, all over 6 metres tall and in a historic precinct and subject to the council's tree preservation in historic precincts. Was permission, by council to remove these trees?

	1–388
	We were never able to get an answer, when
	we enquired about this, from the council
	on three to four occasions.
м	In summing up, we are opposed to said
• • • • • • • • • • • • • • • • • • • •	Subdivision on the above grounds.
	;
	Yours faithfully, Vulelan
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ATTACHMENT D

GENERAL RESIDENTIAL ZONE

ZONE PURPOSE

To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.

To provide for compatible non-residential uses that primarily serve the local community.

Non-residential uses are not to be at a level that distorts the primacy of residential uses within the zones, or adversely affect residential amenity through noise, activity outside of business hours traffic generation and movement or other off site impacts.

To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Assessment: The proposal complies with the zone purpose.

LOCAL AREA OBJECTIVES

To consolidate growth within the existing urban land use framework of the towns and villages.

To manage development in the General residential zone as part of or context to the Heritage Precincts in the towns and villages.

To ensure developments within street reservations contribute positively to the Heritage Precincts in each settlement.

Assessment: The proposal complies with the local area objectives.

10.4.15 Subdivision

10.4.15.1 Lot Area, Building Envelopes and Frontage

Objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.

Acc	Acceptable Solutions			Comment	
A1	Lots a)		e a minimum area of at t 450m² which: is capable of containing a rectangle measuring 10m by 15m; and has new boundaries aligned from buildings that satisfy	from buildings that satisfy the relevant acceptable solutions for setbacks	