

PLAN 5

DRAFT PLANNING SCHEME AMENDMENT 02/2020
& PLANNING APPLICATION PLN-20-0049
21 Napoleon Street, Perth

ATTACHMENTS:

- Application
- Responses from referral agencies

6ty Pty Ltd
ABN 27 014 609 900

15 April 2020

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Dear Paul,

**DRAFT AMENDMENT 02/2020 & PLN-20-0049 – 21 NAPOLEON STREET,
PERTH – RESPONSE TO ADDITIONAL INFORMATION REQUEST**

Further to Council's letter dated 23 March 2020, please find the following additional information which accompanies this response:

1. An amended proposal plan of subdivision (Project No. 19.007, Drawing No. P01, Rev. A); and
2. A Completed Tasmanian Planning Commission Form No. 1 – Owner's Consent signed by the owner of the adjoining 40 Cromwell Street in relation to the proposed stormwater connection.

The aerial photograph in the original proposal plan of subdivision showed a distorted view of the existing buildings and has been replaced. The existing garage is therefore now shown wholly within Lot 1.

The available distance between the garage and the northern boundary of Lot 2 is 5m. The width of the access strip has been widened to this full distance. This ensures that a driveway is capable of being constructed within the access strip in accordance with the requirements of Table E6.2 of the *Northern Midlands Interim Planning Scheme 2013*.

Please do not hesitate to contact me should you have any queries in relation to this response.

Yours faithfully
6ty° Pty Ltd



Ashley Brook
Planning Consultant



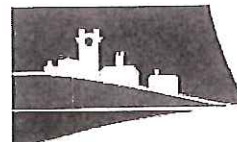
Project Details
 Project No. 19.007
 Project Name: SEWER, STORMWATER & WATER PLAN
 Location: 21 NAPOLEAN STREET, PERTH
 Client: AKA DEVELOPMENTS
 Date: 19/07/2019

DATE	DESCRIPTION	BY
01/10/2019	PLANNING APPROVAL	A
02/05/2019	PLANNING APPROVAL	A



CONDITIONS AND RESTRICTIONS APPLY TO THIS PLAN AND ANY VARIATION FROM THE ORIGINAL PLAN MUST BE APPROVED BY THE LOCAL AUTHORITY RESIDENTS.
PROPOSED PLAN OF SUBDIVISION
 21 NAPOLEAN STREET
 PERTH

DRAWN: SEWER, STORMWATER & WATER PLAN
 CHECKED: H.B.
 SCALE: 1:500
 PROJECT NO: 19.007
 SHEET NO: P01
 REV: A



**NORTHERN
MIDLANDS
COUNCIL**

Our ref: PLN-20-0049
Enquiries: Paul Godier

23/03/2020

Mr Ashley Brook
6ty° Pty Ltd
PO Box 63
RIVERSIDE TAS 7250

By email: abrook@6ty.com.au

Dear Mr Brook

Additional Information Required for Draft Planning Scheme Amendment 02/2020 combined with application for a 2 lot subdivision. at 21 Napoleon Street, Perth

I refer to the abovementioned application. Under section 43E (former provisions) of the *Land Use Planning & Approvals Act 1993*, the following information is required:

- A plan showing the garage wholly within Lot 1 or showing the garage to be demolished.
- A plan showing the internal access with passing bay/s in accordance with Table E6.2 (2m wide, in addition to the 3m carriageway width, by 5m long plus entry and exit tapers) or a Traffic Impact Assessment addressing clause E6.7.2 P2.

Stormwater connection is proposed through 40 Cromwell Street. While there is an easement on that property it is in favour of Northern Midlands Council, not 21 Napoleon Street.

Therefore, 40 Cromwell Street forms part of the subject site. The application form needs to be signed by the owner of 40 Cromwell Street and accompanied by the written permission of the owner of 40 Cromwell Street to the making of the application.

I note the Tasmanian Planning Commission's advice that applications lodged with a planning authority after 30 March 2020 are required to be accompanied by a completed owners' consent form (see attached).

Please contact me if you have any questions.

Yours sincerely



Paul Godier
SENIOR PLANNER

PLANNING APPLICATION Proposal

Description of proposal: Subdivision - 2 lots and associated works.

Note: Permit application made in conjunction with a request to rezone the site from Light Industrial to General Residential. Application made in accordance with Section 33(1) and 43A(1) of the Land Use Planning and Approvals Act 1993 ("Act").

(attach additional sheets if necessary)

If applying for a subdivision which creates a new road, please supply three proposed names for the road, in order of preference:

1..... 2..... 3.....

Site address: 21 Napoleon Street, Perth

CT no: CT 240512/1

Estimated cost of project \$..... *(include cost of landscaping, car parks etc for commercial/industrial uses)*

Are there any existing buildings on this property? Yes / No
If yes – main building is used as Dwelling

If variation to Planning Scheme provisions requested, justification to be provided:

Refer to response in Planning Submission in relation to Clause 10.4.15.1 Lot Area, Building

Envelopes and Frontage – Performance Criteria P1.

(attach additional sheets if necessary)

Is any signage required? No
(if yes, provide details)

OS-D 435

ANNEXURE TO CERTIFICATE OF TITLE

VOL. 3794

FOL. 38



REGISTERED NUMBER

ACTING

Recorder of Titles

240512

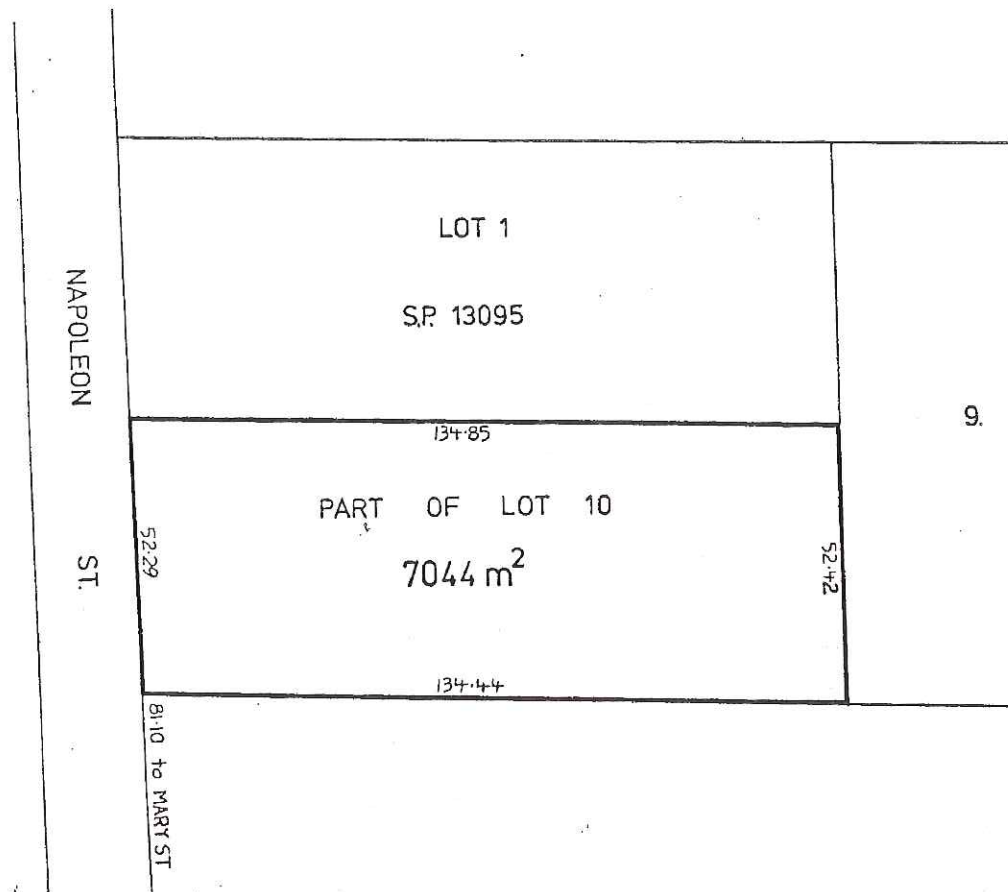
Lot of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.

MEAS. IN METRES

TWN. PERTH

SEC. Z

Napoleon Street, Perth





Planning Submission

Section 43A Application

**Request for a Planning Scheme Amendment and
Permit Application for a 2-Lot Subdivision**

21 Napoleon Street, Perth

Prepared for:

Northern Midlands Council



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Issue	01
Date	18 February 2020
Project Name	Combined Request for a Planning Scheme Amendment and Permit Application for a 2-Lot Subdivision – 21 Napoleon Street, Perth
Project Number	19.007
Author	Ashley Brook
Document	"I:\2019\19007\1 Administration\6 Authorities\2 Council\19.007 - Planning Submission.docx"

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1.0 Introduction

1.1 Purpose of the Report

6ty° Pty Ltd has been engaged to prepare a combined application for a proposed amendment of the *Northern Midlands Interim Planning Scheme 2013* (the "Scheme") and a permit application for a 2-lot subdivision. The application is made in accordance with Section 33(1) and 43A(1) of the *Land Use Planning and Approvals Act 1993* (the "Act"¹).

The proposed amendment seeks to rezone land at 21 Napoleon Street, Perth from Light Industrial to General Residential. It will enable the proposed subdivision to be considered under the applicable provisions for the General Residential Zone in the Scheme. The proposed use and development otherwise would not be allowable under the existing Light Industrial zoning.

This report, including its appendices, forms the basis of the application and has been prepared having regard to the relevant requirements and objectives of the Act and relevant strategic planning documents including:

- Northern Tasmania Regional Land Use Strategy;
- The Scheme;
- State Policies;
- Northern Midlands Council Strategic Plan 2017-2027; and
- Perth Structure Plan.

1.2 Application Overview

Subject Land	
Location	21 Napoleon Street, Perth
Title Information	Certificate of Title Volume 240512 Folio 1
PID	7417220
Land Area	7,044m ²
Current Zoning	24.0 – Light Industrial
Proposed Use	Residential
Status	Prohibited
Overlays	Urban Growth Boundary, Bushfire Prone Area (part)

¹ References to the provisions of the *Land Use Planning and Approvals Act 1993* are references to the requirements in Parts 2A and 3 of the former provisions of the Act, in accordance with Schedule 6 - Savings and Transitional Provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015*.

Statutory References

Planning Instrument *Northern Midlands Interim Planning Scheme 2013 (the "Scheme")*

Planning Authority Northern Midlands Council ("Council")

Legislative Instrument *Land Use Planning and Approvals Act 1993 (the "Act")*

Proposed Amendment

Description Rezone the site from Light Industrial to General Residential

Permit Application

Proposed Development Subdivision – 2 lots and associated works

Zone 10.0 – General Residential

Relevant Codes E1.0 – Bushfire-Prone Areas Code
E4.0 – Road and Railway Assets Code
E6.0 – Car Parking and Sustainable Transport Code
E10.0 – Recreation and Open Space Code
E11.0 – Environmental Impacts and Attenuation Code

Discretions Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage – Performance Criteria P1

2.0 Site and Surrounds

2.1 Subject Land

2.1.1 Location

The land that is subject to the application is identified in Figure 1. It comprises 1 lot which is located at 21 Napoleon Street, Perth (PID 7417220).

Figure 1 – Subject Site



Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

The site has a rectangular shape and an area of 7,044m². It has a 52.29m frontage to Napoleon Street along its western boundary. It has a depth, measured relative to the Hobart Road frontage, is 134m.

The site contains an existing dwelling and a 108m² outbuilding, which are located in the western portion of the lot.

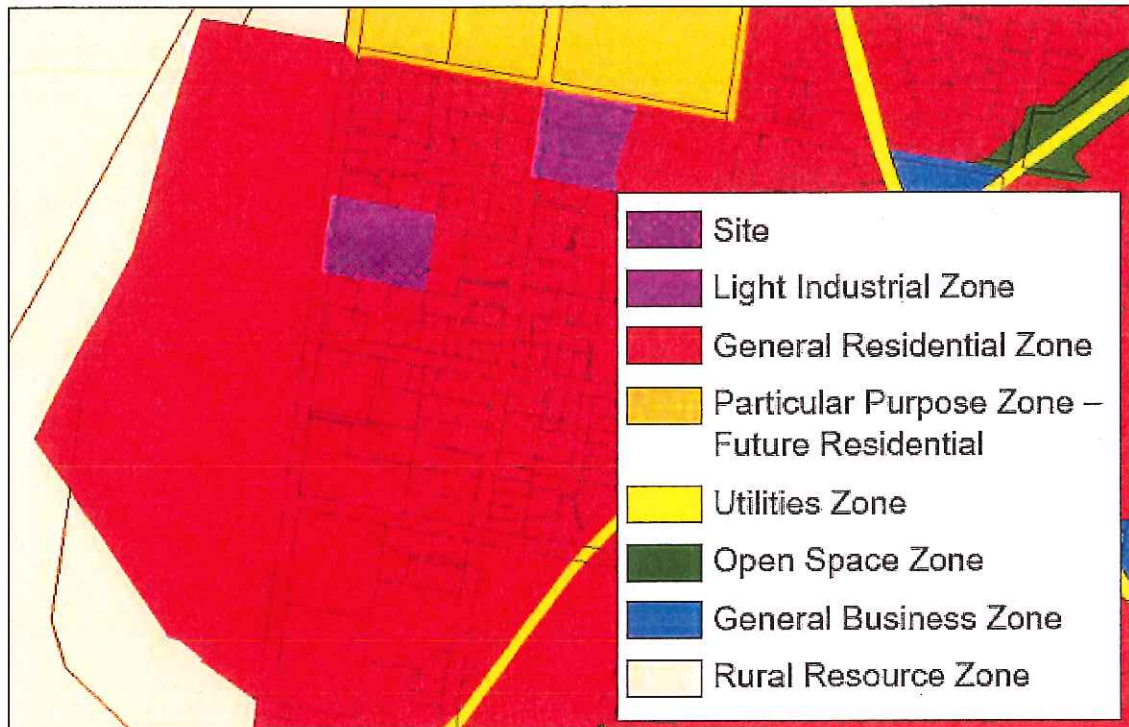
2.1.2 Title Information

The site is comprised in Folio of the Register Volume 240512 Folio 1. The registered owner is Norman Leslie Hill and Barbara Ann Hill.

2.2 Zoning and Overlays

The site is zoned Light Industrial as shown in Figure 2.

Figure 2 - Zoning of the Site and Surrounding Area



Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

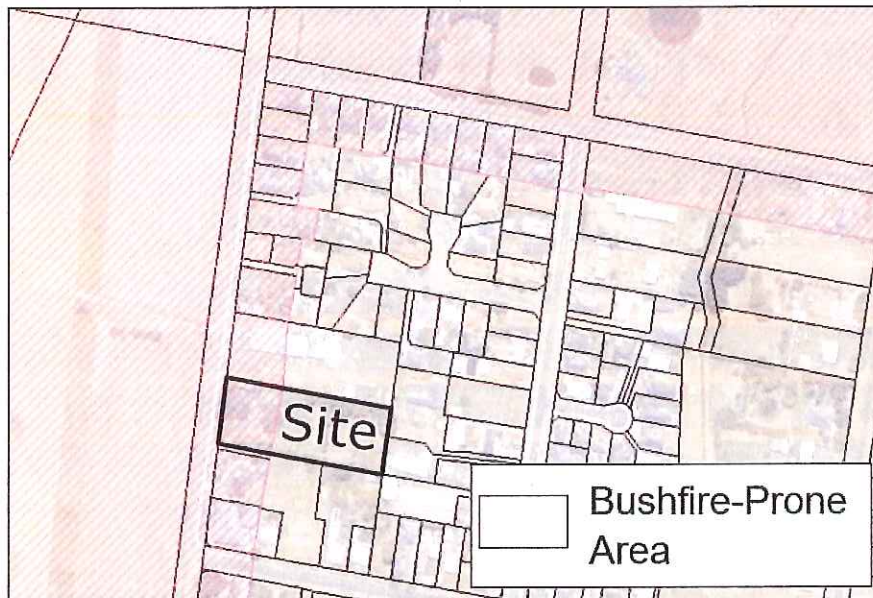
The proposed subdivision is currently Prohibited under the Light Industrial Zone provisions. It is intended to allow for future dwelling development on Lot 2. A proposed use or development is required to be categorised into a use class in accordance with Clause 8.2.1 of the Scheme. The proposal is categorised into the Residential use class, which applies to dwellings and other forms of self contained or shared living accommodation. The use class is not identified as No Permit Required, Permitted or Discretionary in the Use Table for the Zone in Clause 24.2 of the Scheme, and the site-specific qualification for land within the Zone at 10 Union Street is not applicable. The use class therefore had a Prohibited status in the Zone. The existing residential use at the site is therefore an existing non-conforming use, the continuance of which is protected by Section 20(3)(a) of the Act.

The Purpose statements for the Zone in Clause 24.1 of the Scheme are:

- 24.1.1.1 *To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.*
- 24.1.1.2 *To focus light industrial use and development into appropriate areas suitable for its needs.*
- 24.1.1.3 *To provide for 'non-industrial' uses that either support, supply or facilitate industrial development.*

The site is shown within an Urban Growth Boundary on the Scheme overlays. Its western portion is shown within a Bushfire-Prone Area (see Figure 3).

Figure 3 – Bushfire-Prone Area Overlay Associated with the Site



Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

2.3 Site Characteristics

2.3.1 Topography and Drainage

The site accommodates a slight fall towards the south-east. The 165m contour extends through the western portion of the site. There are no watercourses located within the site or in close proximity. Sheepwash is located 250m to the east.

2.3.3 Natural Values and Hazards

Natural Values

The site is located within an urban area that has previously been cleared of native vegetation. It contains vegetation that has been established as part of residential development.

Scenic Values

The site is not shown as being within a scenic management area on the Scheme overlays.

Bushfire Hazard

As identified in Figure 3, the western portion of the site is shown within a Bushfire-Prone Area on the Scheme overlays. The bushfire hazard relates to grassland to the west on the opposite side of Napoleon Street.

Landslide Risk

The site is not shown as being subject to a landslide hazard on the Scheme overlays or the Department of Premier and Cabinet (2013) Hazard Planning Maps.

Flood Hazard

The site is not shown as being subject to a flood risk on the Scheme overlay maps.

2.3.4 Heritage Values

The site does not form part of a historic cultural heritage listing in the Local Historic Cultural Heritage Code of the Scheme or the Tasmanian Heritage Register.

A search of the Aboriginal Heritage Tasmania database has not identified any registered Aboriginal relics, or an apparent risk of impacting Aboriginal relics, as a result of the development of the site.

2.4 Surrounding Area

2.4.1 Adjacent Land

The adjacent land is predominantly zoned General Residential, as shown in Figure 2, and includes detached dwellings which are developed at a medium density. The land adjoining to the south within 34 Edward Street is in the process of being subdivided, which will result in a net increase of 6 lots. The undeveloped land to the west on the opposite side of Napoleon Street is contained within a 19.15ha lot that is zoned General Residential. It adjoins the Perth Link Roads currently under construction further to the west.

The adjoining lot to the north at 17 Napoleon Street is zoned Light Industrial. It comprises a similar area as the subject site and contains a storage facility and joinery workshop. Land which is located 175m to the north-east of the site, which is evident in Figure 2, on the corner of Phillip Street and Cromwell Street is also zoned Light Industrial. This includes a furniture manufacturer and other light industrial development. The only other land within the Light Industrial Zone at Perth is located 1.5km to the south-east near the intersection of Drummond Street and Main Road. This property contains a joinery workshop.

2.4.2 Regional Context

Perth is a township within the Northern Midlands local government area ("LGA") that is located 20km south of Launceston and 10 minutes south-west of the Translink industrial precinct. It has an estimated resident population of 2,800. It has been gaining an increased share of the population in the LGA and, as identified in the Perth Structure Plan (GHD, 2017), this trend is forecast to continue into the future. Residential is the predominant land use throughout the town, accounting most of the land area. Local shops and businesses, together with several civic and community uses, are predominantly located along Main Road to the east of the site.

2.5 Infrastructure and Services

2.5.1 Reticulated Services

The site is located within an area that is fully service by reticulated water, stormwater, electricity and telecommunications infrastructure.

Water Supply

The site has an existing connection to a 100mm diameter reticulation main located in Napoleon Street.

Sewerage

A 150mm diameter gravity reticulation main extends through the centre of the site in a south-west direction. The site has an existing connection to the main.

Stormwater

Stormwater from the site is discharged to the kerb in Napoleon Street. Additionally, a 225mm diameter stormwater main is located within adjoining property to the east.

2.5.2 Road Network

Napoleon Street is a local access road maintained by Council. It contains a kerb and footpath on its eastern side, adjacent to the site. The site is accessed by a crossover across its frontage to Napoleon Street.

3.0 Combined Application

3.1 Proposed Planning Scheme Amendment

3.1.1 Rezoning

The proposed amendment to the Scheme seeks to rezone the site at 21 Napoleon Street, Perth from Light Industrial to General Residential.

3.1.2 Rationale

Whilst the site is zoned Light Industrial, it has historically been used for residential purposes. It is located within Perth township, which is identified as a satellite settlement in the Northern Tasmania Regional Land Use Strategy. Additionally, its existing urban area is identified within a Supporting Consolidation Area. The township contains three small areas of industrial land that are interspersed within existing residential areas. The Northern Tasmania Industrial Land Study, Stage 2 report (SGS Economics & Planning, 2014) does not identify Perth as containing suitable vacant industrial land; it accommodates 1% of the industrial land within the Northern Midlands LGA. The Perth Structure Plan (GHD, 2017) recommends that, in order to remove the potential for land use conflicts, the light industrial land in the north-west portion of the township is rezoned to enable future residential development.

The Purpose statements for the General Residential Zone in Clause 24.1 of the Scheme are:

- 10.1.1.1 *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.*
- 10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 10.1.1.3 *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.*
- 10.1.1.4 *To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.*

The Local Area Objectives for the Zone are:

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.

3.2 Permit Application

The application seeks planning approval to subdivide the site into 2 lots and to undertake associated works including the provision of vehicular access and connections to service infrastructure.

3.2.1 Subdivision

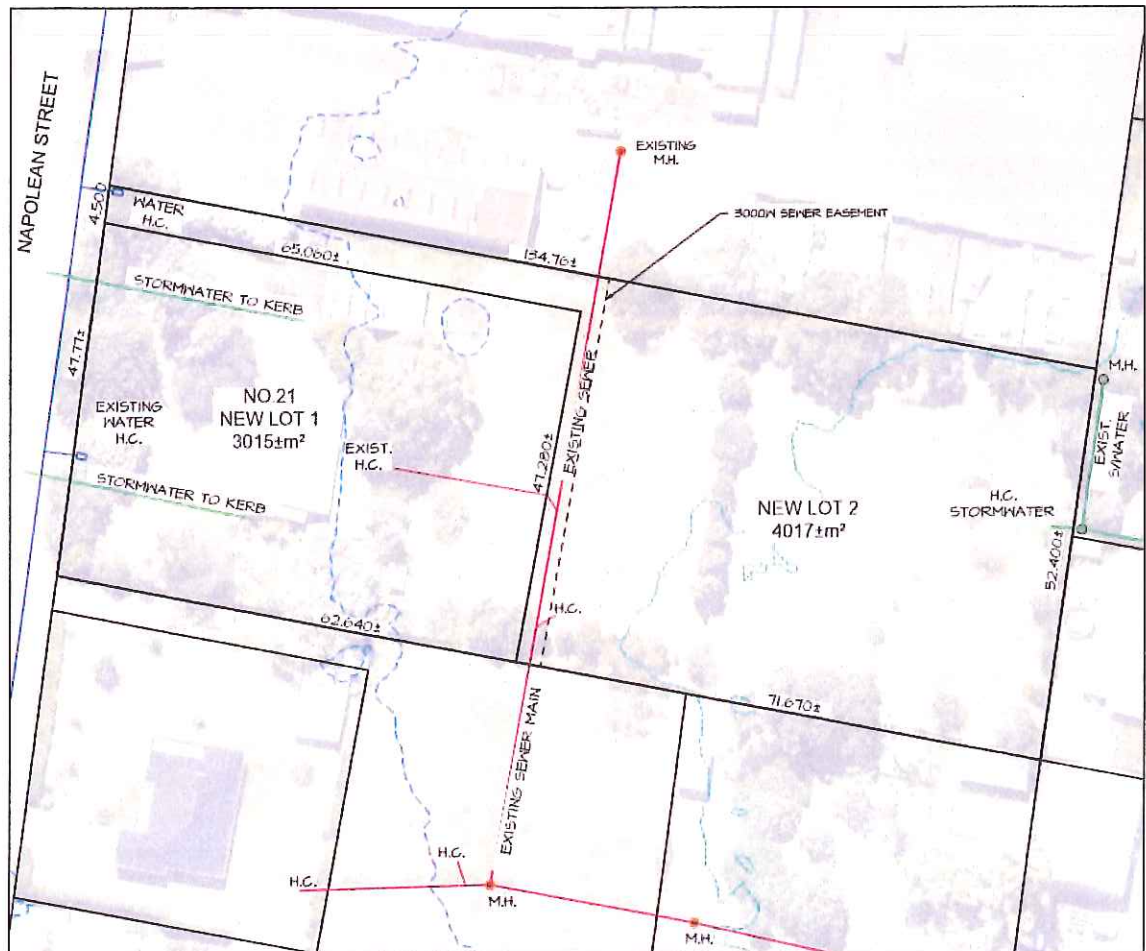
The size and configuration of the proposed lots is detailed in Table 1. The proposal plan of subdivision is reproduced in Figure 2.

Table 1: Size and Configuration of the Proposed Lots

Lot No.	Area	Frontage width (Napoleon St.)	Depth (minimum)	Rear boundary width
1	3,015 m ²	47.77 m	62.64 m	47.28 m
2	4,017 m ²	4.5 m	69.5m	52.4 m

The proposed Lot 1 will contain the existing dwelling and outbuilding associated with the site.

Figure 4 – Proposed Subdivision



3.2.2 Service Infrastructure

The proposed Lot 1 will be serviced by the existing site connections to the water main in Napoleon Street and sewer main which extends through the site (which will be placed within an easement). The existing discharge locations to the kerb in Napoleon Street will also be retained.

It is proposed that the proposed Lot 2 will be provided with new connections to the water main in Napoleon Street and sewer main that extends through the site. It will also be provided with a connection to the stormwater main to the east.

3.2.3 Road Network

The proposed Lot 1 will be accessed by the existing crossover in Napoleon Street. It is proposed that Lot 2 will be provided with a new driveway crossover, clear of the electricity pole adjacent to the frontage.

4.0 Planning Assessment – Draft Scheme Amendment

4.1 Relevant requirements of the Act

In accordance with Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*, Parts 2A and 3 of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act) remain in force until a Local Planning Schedule comes into effect in relation to the municipal area. References to the relevant requirements of the Act in this report are therefore references to requirements in the former provisions of the Act.

4.1.1 Section 32(1) of the Act

The relevant requirements for the preparation of a draft amendment of a planning scheme in Section 32(1) of the Act are addressed below.

- (e) *must, as far as practicable, avoid the potential for land use conflicts with use and development applying to the adjacent area; and*

Response: Section 32(1)(e) is not applicable to the application because the site does not adjoin an adjacent local government area.

In any event, the proposed zoning reflects the existing land use and the predominant zoning in the surrounding area whilst providing for further residential use and development within the site. As identified in the Purpose Statement in Clause 24.1.1.1 which is reproduced in Section 2.2 of this report, the Light Industrial Zone is intended for uses that typically have minimal off-site impacts or which can be managed to minimise conflict or impact on the amenity of any other uses. Consistent with this statement, the land at 17 Napoleon Street contains a storage facility and joinery workshop which are capable of being managed to minimise potential impacts on residential amenity. Any expansion or change of use in the future within that property would be subject to the use standard in Clause 24.3.1 ‘Emissions’ or alternatively the Environmental Impacts and Attenuation Code. These provisions seek to mitigate the potential adverse impacts associated with industrial activities and, given that 17 Napoleon Street is already surrounded by land within the General Residential Zone, would be relevant irrespective of the proposed amendment. The potential for land use conflict will, as far as is practicable, therefore be avoided.

- (ea) *must no conflict with the requirements of section 30(O); and*

Response: Section 30O of the Act requires that an amendment of an interim planning scheme is as far as practicable consistent with the relevant regional land use strategy. It also includes several requirements relating to the amendment of a local provision and its consistency with a common provision or overriding local provision.

Consistency with the Northern Tasmania Regional Land Use Strategy is addressed in Section 4.2.

The proposed rezoning amendment involves a change a local provision (i.e. zoning of land) and will not create any conflict with a common provision or an overriding local provision. It complies with the other relevant requirements in Section 300.

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

Response: The proposed rezoning will provide for further residential use and development on an underutilised site within an Urban Growth Area, and a Supporting Consolidation Area, identified in the Northern Tasmania Regional Land Use Strategy ("RULS"). Consistency with the RLUS is addressed in Section 4.2. The proposal is of a scale that ensures it will not have a negative impact on the use and development of the region as an entity in environmental, economic and social terms.

4.1.2 Section 20(1) of the Act

The requirements in Section 20(1) of the Act are also relevant and are addressed in the following sections, as identified below.

Table 1 – Requirements in Section 20(1) of the Act

Requirement	Response
(a) <i>seek to further the objectives set out in Schedule 1 within the area covered by the Scheme; and</i>	The objectives of the Act are addressed in Section 4.3.
(b) <i>prepare the scheme in accordance with State Policies made under section 11 of the State Policies and Projects Act 1993; and</i>	The State Policies are addressed in Section 4.4.
(c)	N/A
(d) <i>have regard to the strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993 as adopted by the council at the time the planning scheme is prepared; and</i>	The Northern Midlands Council Strategic Plan 2017-2027 is addressed in Section 4.5.
(e) <i>have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.</i>	The <i>Gas Pipelines Act 2000</i> is addressed in Section 4.7.

4.2 Northern Tasmania Regional Land Use Strategy

The Northern Tasmania Regional Land Use Strategy (“RLUS”) was originally declared by the Minister for Planning in accordance with the relevant provisions of the Act on 27 October 2011. The current version was declared by the Minister for Planning on 18 June 2018 and came into operation on 27 June 2018.

The RLUS is a strategic regional land use plan for the eight (8) Council areas in the north and north-east of Tasmania. It has a 20-year time horizon to 2032 for integrated infrastructure, land use development and transport planning, and is underpinned by economic development, social and environmental strategies.

The RLUS defines three key land use categories to direct the allocation of all land in the region. These categories are:

- Urban Growth Areas
- Rural Areas
- Natural Environment Areas

Urban Growth Areas comprise land within developed urban settlements or areas intended for urban development as identified in a Priority Consolidation Area, Supporting Consolidation Area or Growth Corridor on the Regional Framework Maps. The Regional Framework Map D.1 in the RLUS identifies the site within a Supporting Consolidation Area (see Figure 4), and therefore an Urban Growth Area.

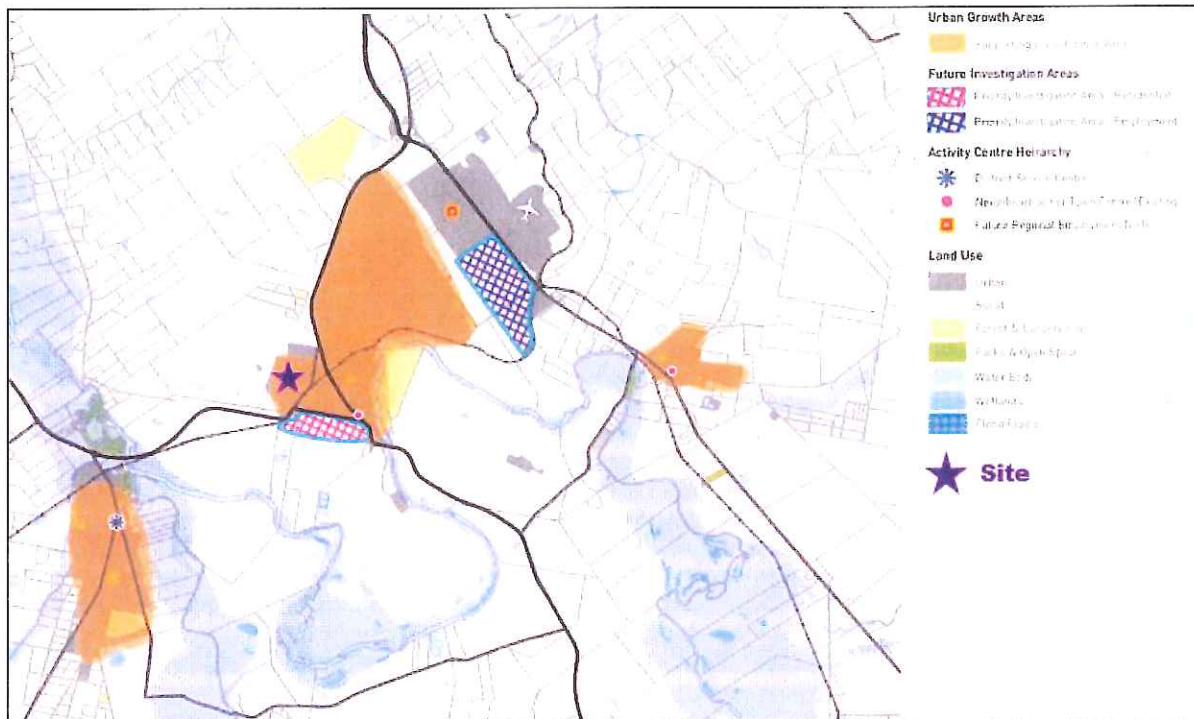
4.2.1 Urban Growth Areas

The relevant key principle in Section D.2.1.3 of the RLUS states:

- *Opportunities to increase the capacity of existing Urban Growth Areas should be given higher priority than to their expansion. Expansion of Urban Growth Areas should only occur where additional demand to accommodate growth in an area has been identified.*

The proposed rezoning will provide for further residential use and development on an underutilised site within an Urban Growth Area (Supporting Consolidation Area) identified in the RLUS (see Figure 4). It does not involve the expansion of an Urban Growth Area.

Figure 3 – Regional Framework Plan for Longford, Perth and Evandale



Source: Northern Tasmania Regional Land Use Strategy, Map. D.3 Regional Framework Plan

4.2.2 Regional Settlement Network

The settlement network strategies in Section E.2.3 of the RLUS under the heading Settlement Pattern, which are of particular relevance, state:

Settlement Pattern

- *Support sustainable growth in identified Urban Growth Areas.*
- *Contain settlements within identified Urban Growth Areas with a focus on consolidating and developing the Greater Launceston Area and sub-regional centres identified in the Regional Settlement Hierarchy.*
- *Support development of the Greater Launceston Area consistent with the Regional Framework Plan Maps D.1, D.2 and D.3 to promote efficient function, servicing and future development of the area.*
- *Consolidate existing land use patterns and identify infill opportunities within existing settlements and urban centres, and around activity centres and key public transport nodes and networks.*
- *Complement and support a viable Regional Activity Centres Network to maximise regional productivity, economic activity and employment opportunities.*

The proposal will support each of these regional settlement network strategies. It will support the development of contained settlement areas within the Greater Launceston Area consistent with Regional Framework Plan Map D.3. It will support the Perth Neighbourhood/Town Centre activity centre including the efficient use of existing services.

4.2.3 Regional Planning Policies

The relevant regional policies and actions in the RLUS are considered in Table 1 below.

Table 2 – Response to Relevant Regional Policies and Actions in the Northern Tasmania Regional Land Use Strategy

Policy	Actions	Response
Regional Settlement Networks		
<i>RSN-P1 Urban settlements are contained within identified Urban Growth Areas. No new discrete settlements are allowed and opportunities for expansion will be restricted to locations where there is a demonstrated housing need, particularly where spare infrastructure capacity exists (particularly water supply and sewerage).</i>	<p><i>RSN-A1 Provide an adequate supply of well located and serviced residential land to meet projected demand. Land owners/developers are provided with the details about how development should occur through local settlement strategies, structure plans and planning schemes. Plans are to be prepared in accordance with land use principles outlined in the RLUS, land capability, infrastructure capacity and demand.</i></p> <p><i>RSN –A2 Land supply will be provided in Urban Growth Areas identified as:</i></p> <ul style="list-style-type: none"> • Priority Consolidation Areas; • Supporting Consolidation Areas; or • Growth Corridor. <p><i>RSN-A3 Apply zoning that provides for the flexibility of settlements or precincts within a settlement and the ability to restructure under-utilised land.</i></p>	The site is located within an Urban Growth Area, specifically a Supporting Consolidation Area. It is serviced by existing connections to reticulated infrastructure and a road network that has adequate capacity.

Policy	Actions	Response
Regional Settlement Networks		
<i>RSN-P2 Provide for existing settlements to support local and regional economies, concentrate investment in the improvement of services and infrastructure, and enhance quality of life.</i>	<p><i>RSN-A4 Provide for the long term future supply of urban residential land that matches existing and planned infrastructure capacity being delivered by TasWater, specifically in parallel with existing water and sewerage capacity and required augmentation to meet urban development growth and capacity – both residential and industrial.</i></p> <p><i>RSN-A6 Encourage urban residential expansion in-and-around the region's activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater public transport use and services.</i></p>	The proposed rezoning of the land to General Residential will represent consolidation and residential infill within an Urban Growth Area. This will support the viability of the Perth Neighbourhood/Town Centre activity centre including the efficient use of existing services.
Housing Dwellings and Densities		
<i>RSN-P5 Encourage a higher proportion of development at high and medium density to maximise infrastructure capacity. This will include an increased proportion of multiple dwellings at infill and redevelopment locations across the region's Urban Growth Areas to meet residential demand.</i>	<i>RSN-A10 Apply zoning provisions which provide for a higher proportion of the region's growth to occur in suitably zoned and serviced areas. The application of Urban Mixed Use, Inner Residential and General Residential Zones should specifically support diversity in dwelling types and sizes in appropriate locations.</i>	The proposed application of the General Residential Zone will enable the dwelling density at the site to be increased.

Policy	Actions	Response
Regional Activity Centre Network Policy		
<i>RAC-P1 Maintain and consolidate the Regional Activity Centres Network so future urban development consolidates and reinforces the spatial hierarchy of existing centres. This will be achieved through the reuse and redevelopment of existing buildings and land to integrate a mix of land uses including the coordinated provision of residential development, retail, commercial, business, administration, social and community facilities, public and active transport provision and associated infrastructure.</i>	<p><i>RAC-A1 Integrate the Regional Activity Centres Network into government policy and strategies (including strategic plans, corporate plans, planning schemes and capital works programs).</i></p> <p><i>RAC-A2 Zoning and land use planning provisions are to minimise potential for decentralisation of functions outside of the Regional Activity Centres Network and reinforce the spatial hierarchy, role and function of centres.</i></p>	Perth is identified as a Neighbourhood/Town Centre within the Regional Activity Centre Hierarchy. The role and anticipated land uses within a Neighbourhood or Town Centre, as identified in the RLUS, are reproduced in Table 3. Perth broadly contains the types of non-residential services and facilities identified in the table, the utilisation of which will broadly be supported by the proposal (together with other planned urban consolidation and expansion within the township).

Table 3 – Northern Tasmania Regional Activity Centre Hierarchy – Neighbourhood or Town Centres – Northern Tasmania Regional Land Use Strategy

Neighbourhood or Town Centres	
Role	<i>To serve daily needs of surrounding community and provide a focus for day-to-day life within a community.</i>
Employment	<i>Includes a mix of small-scale retail, community, and health services. Limited office based employment.</i>
Land Uses	
Commercial and Retail	<i>An independent supermarket or discount department store as anchor tenant, surrounded by a small range of specialty shops.</i> <i>In rural context often tourism related businesses.</i>
Government and Community	<i>Local community services, including Child Health Centre.</i>
Residential	<i>Some adjoining in centre/town residential development offering a greater mix of housing types and densities than outer lying residential areas.</i>
Arts, Cultural and Entertainment	<i>May include dining and restaurants and/or local bar to support local or tourist trade.</i>
Access	<i>When in urban context, ideally located nearby a public transport corridor or bus service.</i> <i>Should be highly accessible by cycling or walking from surrounding area to enhance local access.</i>
Public Open Spaces	<i>Local sports grounds, playgrounds and linear parks.</i> <i>Active sports facilities such as skate parks, basketball/tennis courts.</i>
Indicative Catchment	<i>Serves rural areas not served by regional level activity centres.</i>

4.3 Objectives of the Act

Table 4 - Objectives of the Resource Management and Planning System

Objective	Response
(a) <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and</i>	The site is located within an urban area that has previously been modified by building development and other works. It does not contribute significantly to ecological processes or genetic diversity within the local area and region.
(b) <i>to provide for the fair, orderly and sustainable use and development of air, land and water; and</i>	The proposed amendment will provide for fair, orderly and sustainable use and development. It will provide an opportunity to develop underutilised land within an existing urban area at Perth for residential use. The land is adjacent to existing residential properties, reticulated services, road infrastructure and other community services and facilities. It is therefore well suited to residential zoning and development. There are no particular natural or cultural values associated with the land, and future use and development allowed by the proposed General Residential Zone would be unlikely to impact air and water resources. The existing provisions in the Scheme will, as far as is practicable, avoid the potential for land use conflict with the adjoining Light Industrial-zoned land to the north of the site.
(c) <i>to encourage public involvement in resource management and planning; and</i>	Public involvement will be undertaken through the exhibition of the proposed amendment, and associated permit application.
(d) <i>to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</i>	The proposed amendment will facilitate economic development through the future development of the site for residential purposes. This will assist in accommodating the planned population growth within the settlement and will broadly support the functioning of the activity centre.

Objective	Response
<i>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i>	The amendment process represents a sharing of responsibility for resource management and planning between Council the Commission, stakeholders and the community.

Table 5 - Objectives of the Process Established by the Act

Objective	Response
<i>(a) to require sound strategic planning and co-ordinated action by State and local government; and</i>	The proposed amendment is consistent with the Regional Land Use Strategy of Northern Tasmania. It will provide an opportunity to develop underutilised land within an Urban Growth Area at Perth for residential use. It therefore represents coordinated and sound strategic planning.
<i>(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The amendment process is part of the system involved in establishing and reviewing planning instruments. The proposed amendment involves a change in zoning. The General Residential Zone would apply to the future use and development of the site in place of the current Light Industrial Zone. The relevant Code provisions will continue to apply.
<i>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and</i>	There are no particular natural values associated with the site and future use and development allowed by the proposed General Residential Zone would be unlikely to have adverse environmental, social or economic impacts.
<i>(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	The proposed amendment is consistent with the relevant State, regional and local strategy and policy directions which broadly seek to achieve sustainable development that does not compromise environmental, social, economic, conservation and resource management objectives.

(e) <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The proposed rezoning amendment to the Scheme is able to be considered in conjunction with a permit application for the proposed subdivision development, in accordance with the relevant provisions in the Act. The application therefore represents a coordinated approach to planning approvals.
(f) <i>to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and</i>	The proposed amendment will allow residential development within an established urban settlement in a sustainable manner which will broadly support the functioning of the activity centre. It will therefore assist with the creation of a secure, pleasant, efficient and safe built environment.
(g) <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The proposed amendment will not result in any impact on a place listed or known to be significant for its scientific, aesthetic, architectural, historical or cultural value.
(h) <i>to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The site is adjacent to, and serviced by, existing public utilities and other community facilities. The proposal will assist in maximising the efficient utilisation of existing infrastructure and services.
(i) <i>to provide a planning framework which fully considers land capability.</i>	The site is located within an urban environment and is not zoned for agricultural purposes and the objective is therefore not relevant.

4.4 State Policies

4.4.1 State Policy on the Protection of Agricultural Land 2009

The provisions of the State Policy are reflected in the Rural Resource Zone in the Scheme. The site is currently zoned Light Industrial and is developed for urban purposes. It is therefore not agricultural land and the State Policy therefore does not apply.

4.4.2 State Coastal Policy 1996

The site is located more than 1 km from the coastal zone, which is defined by reference to State Waters, and the State Policy therefore does not apply.

4.4.3 State Policy on Water Quality Management 1997

The provisions of the State Policy are reflected in the Water Quality Code in the Scheme. The provisions of the Code do not apply because the site will not involve development within more than 30m from a wetland or watercourse. Additionally, it is noted that future development of the site is capable of connecting into existing infrastructure services including sewerage and stormwater which will ensure all concentrated runoff and sewage is disposed and managed appropriately to minimise potential environmental impacts.

4.4.4 National Environmental Protection Measures

The National Environmental Protection Measures (NEPMs), which have been adopted as State Policies, relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled waste between States and Territories and the national pollutant inventory. The NEMPs therefore relate to matters that are not affected by the proposed amendment.

4.5 Northern Midlands Council Strategic Plan 2017-2027

The Northern Midlands Council Strategic Plan 2017-2027 ("Strategic Plan") is prepared under the *Local Government Act 1993*. It outlines Council's strategic outcomes, strategies and priorities that direct its operations over a broad range of areas. It articulates the following vision:

Northern Midlands is an enviable place to live, work and play. Connected communities enjoy safe, secure lives in beautiful historical towns and villages. Our clean, green agricultural products are globally valued. Local business and industry is strongly innovative and sustainable.

It identifies the following municipal goals which are relevant:

- *Sustainable progress creates a vibrant future.*
- *We strategically plan and deliver infrastructure.*

The Perth Structure Plan (GHD, 2017)("Structure Plan") is identified as a Strategic Infrastructure Project in the Strategic Plan. The proposed amendment is consistent with the Structure Plan and is therefore consistent with the Strategic Plan.

4.6 Perth Structure Plan

The Perth Structure Plan (GHD, 2017) (“Structure Plan”) was prepared to establish a preferred pattern for urban consolidation and the future residential growth of the township, having regard to forecast population growth. It includes a framework for revitalisation of the town centre, acknowledging its historic values and strong relationships with other nearby activity centres.

Within the Northern Midlands LGA, Translink to the north of Perth is identified as a regionally significant industrial precinct whilst Longford and Campbell Town are identified as locally significant precincts. Perth contains 1% of the industrial land within the LGA. Commercial development within the township is centred on the highway and residential development disperses out from the central area. The Structure Plan recommends that, in order to remove the potential for land use conflicts, the light industrial land in the north-west portion of the township is rezoned to enable future residential development. Further, provision for light industry service related activities and storage/warehousing is recommended to be provided outside the Perth study area.

4.7 Gas Pipelines Act 2000

The site is not affected by the gas pipeline corridor. The requirements in the *Gas Pipelines Act 2000* are therefore not applicable.

5.0 Planning Assessment – Permit Application

The following assessment addresses the applicable Scheme provisions and identifies whether the relevant acceptable solutions are satisfied.

5.1 Categorisation of the Development

A proposed use and development is required to be categorised into a use class in accordance with Clause 8.2.1 of the Scheme. The proposal is categorised into the Residential use class, which is defined as follows:

use of land for self contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

The proposed subdivision is intended to facilitate future dwelling development on Lot 2.

Future dwelling development, or other forms of residential use and development, will need to be assessed separately for their compliance with the applicable Scheme provisions. A single dwelling and multiple dwellings are identified as being No Permit Required and Permitted uses respectively in the Use Table for the General Residential Zone in Clause 10.2 of the Scheme.

5.2 Status of the Application

The status of the subdivision proposal is dependent upon whether it complies with the acceptable solutions for each applicable standard, or if it relies upon an associated performance criteria. The acceptable solution requirements for the applicable standards in each relevant zone and code are considered in Sections 5.3 to 5.8. The proposal relies the following performance criteria to demonstrate compliance:

- Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage – Performance Criteria P1.

A Discretionary permit is therefore sought for the proposal. The relevant performance criteria is addressed in Section 6.

5.3 General Residential Zone

6.3.1 Use Standards

Although categorisation into a use class is required, the application does not seek approval to establish a use. The use standards therefore do not apply. It is noted that the standards apply to uses identified as Discretionary in the Zone. However, the proposed subdivision is intended to facilitate future Residential use and development involving single or multiple dwellings, which are identified either as No Permit Required or Permitted uses in the Zone.

6.3.2 Development Standards

The standards in the Zone provisions that apply to the proposed subdivision development are addressed in the following tables.

Clause 10.4 Development Standards			
Clause 10.4.15 Subdivision			
Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage			
Requirement/s		Assessment	Compliance
A1	<p>Lots must:</p> <p>(a) have a minimum area of at least 450m² which:</p> <p>(i) is capable of containing a rectangle measuring 10m by 15m; and</p> <p>(ii) has new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks; or</p>	<p>The proposed Lots 1 and 2 will have an area of 3,015m² and 4,017m² respectively.</p> <p>Given the configuration and dimensions of lots identified in Table 1, each is able to contain a theoretical rectangle measuring 10 m by 15 m.</p> <p>An existing dwelling and outbuilding within the site will be retained within Lot 1. The new boundaries associated with Lot 1 will include its northern side boundary and rear boundary. The dwelling will be setback 8.5m from the northern side boundary and 28m from the rear boundary. This satisfies the relevant acceptable solution for setbacks in Clause 10.4.2 A3.</p>	<p>Relies on performance criteria in relation to the setback of the existing outbuilding within Lot 1 from its new northern side boundary.</p>

Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage			
Requirement/s	Assessment	Compliance	
A1	<p>The garage will be setback 20m from the rear boundary, which is also in accordance with Clause 10.4.2 A3. However, its northern side wall, which has a length of 13.5m, will be located along the northern side boundary and therefore within the 1.5m setback required by Clause 10.4.2 A3(b).</p> <p>The proposed lots are not for a purpose listed in A1 (b)-(e).</p>	A1 (b)-(e) are not applicable.	
(b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or			
(c) be for the provision of utilities; or			
(d) be for the consolidation of a lot with another lot with no additional titles created; or			
(e) be to align existing titles with zone boundaries and no additional lots are created.			
A2	Each lot must have a frontage of at least 3.6m.	The proposed Lots 1 and 2 will have frontage widths of 43.3m and 4.5m respectively.	Complies with acceptable solution.
Clause 10.4.15.2 Provision of Services			
Requirement/s	Assessment	Compliance	
A1	Each lot must be connected to a reticulated:	Complies with acceptable solution.	
(a) water supply; and	The proposed lots will be connected to a reticulated water supply system.		
(b) sewerage system; and	The proposed lots will be connected to a reticulated sewerage system.		

Clause 10.4.15.2 Provision of Services			
Requirement/s		Assessment	Compliance
A2	Each lot must be connected to a reticulated stormwater system.	The proposed lots will be connected to a reticulated stormwater system.	Complies with acceptable solution.
Clause 10.4.15.3 Solar Orientation of Lots			
Requirement/s		Assessment	Compliance
A1	At least 50% of lots must have a long axis within the range of: (a) north 20 degrees west to north 30 degrees east; or (b) east 20 degrees north to east 30 degrees south.	The long axis of the proposed Lots 1 and 2 will be orientated 11° south of east.	Complies with acceptable solution.
A2	The long axis of residential lots less than 500m ² , must be within 30 degrees east and 20 degrees west of north.	The proposed lots will not have an area that is less than 500m ² .	Not applicable.
Clause 10.4.15.5 Integrated Urban Landscape			
Requirement/s		Assessment	Compliance
A1	The subdivision must not create any new road, public open space or other reserves.	The proposed subdivision will not create any new road, public open space or other reserves.	Complies with acceptable solution.
Clause 10.4.15.6 Walking and Cycling Network			
Requirement/s		Assessment	Compliance
A1	The subdivision must not create any new road, footpath or public open space.	The proposed subdivision will not create any new road, footpath or public open space.	Complies with acceptable solution.
Clause 10.4.15.7 Neighbourhood Road Network			
Requirement/s		Assessment	Compliance
A1	The subdivision must not create any new road.	The proposed subdivision will not create any new road.	Complies with acceptable solution.

5.4 Bushfire-Prone Areas Code

The Bushfire Report prepared by Scott Livingston (BFP-105) dated 3 February 2020 which accompanies the application certifies that the application is exempt in accordance with Clause E1.4(a) of the Code. The western portion of the proposed Lot 1 is shown within a Bushfire-Prone Area on the Scheme overlay maps. The bushfire hazard relates to grassland to the west on the opposite side of Napoleon Street. Lot 1 will contain an existing dwelling and there will be no change in the risk to the dwelling as a result of the subdivision. A portion of the access strip associated with the proposed Lot 2 will also be located within the identified Bushfire-Prone Area. However the main body of Lot 2, where future dwelling development will be located, will be clear of the overlay area and therefore no bushfire requirements will apply to future dwelling development. The Bushfire Report certifies that there is an insufficient increase in risk from the subdivision to warrant any specific bushfire protection measure.

5.5 Road and Railway Assets Code

Clause E4.7 Development Standards			
Clause E4.7.2 Management of Road Accesses and Junctions			
Requirement/s		Assessment	Compliance
A2	For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.	The existing site access will be retained for the proposed Lot 1. A new driveway crossover will be provided across the frontage of the proposed Lot 2 to provide access. Each lot will have an access providing both entry and exit.	Complies with acceptable solution.

Clause E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings			
Requirement/s	Assessment	Compliance	
A1	<p>Sight distances at:</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>The available Safe Intersection Sight Distance at the access locations for the proposed Lots 1 and 2 exceeds the 80 m required by Table E4.7.4.</p> <p>The application does not involve a rail level crossing or temporary access, and the requirements in A1(b) and (c) therefore do not apply.</p>	Complies with acceptable solution.

5.6 Car Parking and Sustainable Transport Code

Clause E6.2.1 of the Scheme identifies that the code applies to all use and development. On the other hand, the application does not seek approval to establish a residential use. The parking requirements relevant to each lot will be determined in conjunction with specific proposals for future use and development. The current application does not affect the issues dealt with by the code directly, and it does not apply to the subdivision in accordance with Clause 7.5.2(b) of the Scheme.

5.7 Recreation and Open Space Zone

Clause E10.6 Development Standards			
Clause E10.6.1 Provision of Public Open Space			
Requirement/s	Assessment	Compliance	
A1	<p>The application must:</p> <p>a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.</p>	Consent from Council's General Manager is sought in conjunction with the lodgement of the application.	Complies with acceptable solution upon receipt of the advice from Council's General Manager.

5.8 Environmental Impacts and Attenuation Code

The adjoining light-industrial lot to the north (17 Napoleon Street) does not contain a use listed in Tables 11.2 or 11.3 of the Scheme, and the provisions of the Code therefore do not apply.

6.0 Planning Assessment – Performance Criteria

The performance criteria applicable to the proposed use and development is addressed below.

6.1 Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage – Performance Criteria P1

Objective

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.

Performance Criteria

P1

Each lot for residential use must provide sufficient useable area and dimensions to allow for:

- (a) a dwelling to be erected in a convenient and hazard-free location; and*
- (b) on-site parking and manoeuvrability; and*
- (c) adequate private open space.*

The proposed Lot 1 will have an area of 3,015m², a minimum depth of 62.64m and a minimum width of 43.3m. Its area and dimensions will be sufficient to accommodate the existing dwelling and outbuilding associated with the site in a manner that ensures they will be useable and conveniently located. As identified in the Bushfire Report, the proposed subdivision will not change the bushfire risk to the existing dwelling. The driveway areas to be retained within Lot 1 will be sufficient to accommodate vehicle movements associated with the existing dwelling and outbuilding. Given the proposed lot area, the private open space areas surrounding the dwelling that will be retained will be more than adequate.

The proposed Lot 2 will have an area of 4,017m². Its main body will have a minimum depth of 69.5m and a minimum width of 52m. Its area and dimensions will be sufficient to accommodate future dwelling development in a location that will be useable, convenient and hazard free. The main body of Lot 2, where future dwelling development will be located, will be clear of the bushfire-prone overlay area. The lot area and dimensions, including the access strip, will be sufficient to accommodate vehicle movements within the site. There will also be sufficient area to provide private open space that has a northerly orientation.

The proposal therefore complies with the performance criteria.

It is noted that the outbuilding to be retained within Lot 1 will be located along the new northern side boundary associated with the lot. This boundary will be shared with the access strip associated with the proposed Lot 2. It is anticipated that the access strip will contain a driveway associated with future dwelling development. The location of the boundary relative to the shared boundary therefore will not cause an unreasonable loss of amenity within Lot 2 by reason of overshadowing or visual impacts caused by the apparent scale, bulk and proportions of the building. There are other existing buildings in the surrounding area that are located in close proximity of a side of rear boundary, including the existing building located along the southern boundary of the adjoining lot to the north (17 Napoleon Street). The separation between the outbuilding and the shared boundary between the proposed Lots 1 and 2 is therefore compatible with the range of setbacks in the surrounding area.

7.0 Conclusion

The application seeks to rezone land at 21 Napoleon Street, Perth from Light Industrial to General Residential under the *Northern Midlands Interim Planning Scheme 2013* and to undertake a 2-lot subdivision and associated works.

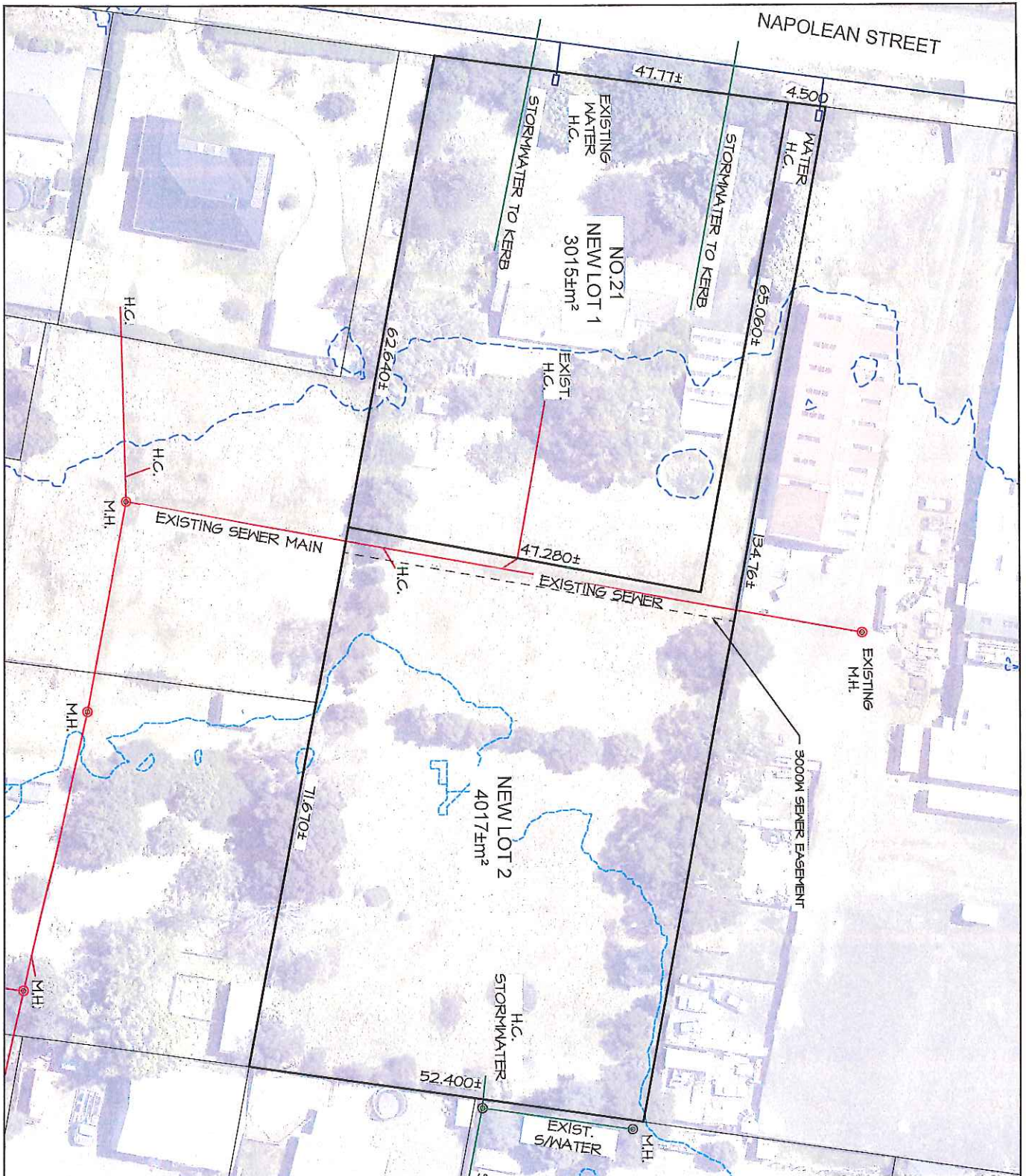
The proposed rezoning amendment is consistent with the following:

- The requirements in the *Land Use Planning and Approvals Act 1993*;
- Northern Tasmania Regional Land Use Strategy;
- The Scheme;
- State Policies;
- Northern Midlands Council Strategic Plan 2017-2027; and
- Perth Structure Plan.

The proposed amendment will provide for residential development on underutilised land within an existing urban area at Perth. The site is located within an Urban Growth Area, specifically a Supporting Consolidation Area, identified in the Northern Tasmania Regional Land Use Strategy. The proposal will support the viability of the Perth activity centre and efficient use of existing services and infrastructure. The proposal is compatible with the existing Light Industrial-zoned property to the north of the site, which is already adjoined by other residential properties. It is consistent with the Perth Structure Plan which recommends that the small number of Light Industrial-zoned properties in the north-west portion of the township are rezoned to provide for their eventual residential development.

The proposed subdivision development complies with the applicable Scheme standards in the (proposed) General Residential Zone and the relevant code provisions, including the following performance criteria

- Clause 10.4.15.1 Lot Area, Building Envelopes and Frontage – Performance Criteria P1



Project Address: 84/74/141
 Reference: RES/2/018/03/398
 File No: 19007
 Applicant: HIB
 E: gordon@hib.com.au
 P: (08) 9437 3444
 Title: 19007
 The Council Staff
 Landmarks Team
 P: (08) 9437 3444
 52 Bath Street
 Perth WA 6000
 P: (08) 9437 3700

DATE: 18/02/21
 TIME: 10:00 AM
 STATUS: PLANNING APPROVAL



CONDITIONS AS SET OUT IN THE DEVELOPMENT APPLICATION APPROVAL. ALL CONDITIONS SET OUT IN THESE CONDITIONS ARE TO BE STRICTLY COMPLIED WITH. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE GOVERNMENT. THE LOCAL GOVERNMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE STATE GOVERNMENT.

PROJECT: PROPOSED PLAN OF SUBDIVISION
 ADDRESS: 21 NAPOLEAN STREET
 PERTH

DRAWN: SEWER, STORMWATER & WATER PLAN
 CHECKED: SHAW HIB
 SCALE: 1:300
 DATE: 19/02/21
 DRAWING NO: P01

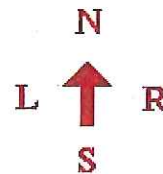
Bushfire Report: Subdivision

Report for: 6ty Pty Ltd

Property Location: 21 Napoleon St, Perth

Prepared by: Scott Livingston
Livingston Natural Resource Services
12 Powers Road
Underwood, 7268

Date: 3rd February 2020



Summary

Client:

6ty Pty Ltd

**Property
identification:**

21 Napoleon Street, Perth. CT 174051/1 & 2, PID 7417220
Current Zoning; General Residential, Northern Midlands Interim
Planning Scheme, 2013

Proposal:

The owner proposes to subdivide 1 existing title creating 2 lots.

Conclusion:

The subdivision area is partially mapped as bushfire prone. However, there is insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The proposed subdivision is considered exempt under clause E1.4.a of *Planning Directive No.5. 1 Bushfire-Prone Areas Code*.

**Assessment
by:**



Scott Livingston,
Master Environmental Management,
Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act
1979:
Accreditation # BFP-105, (scope 1,2, 3A, 3B, 3C)

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Figure 1: Bushfire Prone Area. Lot 1 red, Lot 2 blue 1
Figure 2: Proposed Plan of subdivision 2

LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

No assurance is given or inferred for the health safety or amenity of the public or occupants in the event of a bushfire.

No warranty is offered or inferred for any buildings constructed on the property in the event of a bushfire.

INTRODUCTION

The proponent is applying to subdivide existing titles CT 174051/1 at 21 Napoleon Street, Perth, creating 2 lots. Proposed lot 1 contains an existing dwelling.

SITE DESCRIPTION

Proposed Lots and surrounding land to the north east and west is residential and considered low threat vegetation, lawns and gardens. Grassland occurs on land to the west of Napoleon Street. The majority of proposed Lot 1 is mapped as bushfire prone in Planning Scheme Bushfire Prone Areas Overlay. While the western 47m of the 65m panhandle access for Lot 2 is mapped as Bushfire prone the bulk of the lot is not and not buildable area is mapped as bushfire prone.

The lots front Napoleon Street. The area is serviced by a reticulated water supply with a hydrant adjacent to the lot.

See Appendix 1 for maps.

RISK ASSESSMENT

Lot 1 while bushfire prone has an existing dwelling and there will be no change in the risk to that dwelling. All potential building areas of Lot 2 are not bushfire prone therefore there will be no bushfire requirements for future dwellings on that lot. Insufficient increase in risk from bushfire will occur from the subdivision and no specific bushfire protection measures are warranted.

ACCESS

There are no access requirements as the development is exempt.

FIREFIGHTING WATER SUPPLY

There are no water supply requirements as the development is exempt.

CONCLUSIONS

The subdivision area is partially mapped as bushfire prone. However, there is insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The proposed subdivision is considered exempt under clause E1.4.a of *Planning Directive No.5. 1 Bushfire-Prone Areas Code*.

REFERENCES

- DPIPWE. (2010, March 22th). *Tasmanian Register of Water Licences and Dam Permits*. Retrieved March 29th, 2010, from Water Information Management System: <http://wims.dpiwe.tas.gov.au>.
- DPIPWE. (n.d.). Model Isohyets 1970 - 2005.
- Grose, C. J. (1999). *Land capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania*. (Second Edition ed.). Tasmania, Australia: Department of Primary Industries, Water and Environment.
- Gunn, R. H., Beattie, J. A., Reid, R. E., & van de Graaff, R. H. (1988). *Australian Soil and Land Survey Handbook: Guidelines for Conducting Surveys*. Melbourne: Inkata Press.
- Isbell, R. F. (2002). *The Australian soil classification* (Revised Edition ed.). Melbourne: CSIRO Publishing.
- Launceston City Council. (2012). *Launceston Interim Planning Scheme*.
- Learmonth, R., Whitehead, R., Boyd, B., & Fletch. (2007). *Living and Working in Rural Areas. A handbook for managing land use conflict issues on the NSW North Coast*.
- McDonald, R. C., Isbell, R. F., Speight, J. G., Walker, J., & Hopkins, M. S. (1998). *Australian Soil and Land Survey Field Handbook* (Second Edition ed.). Canberra: Australian Collaborative Land Evaluation Program, CSIRO Land and Water.
- Noble, K. E. (1993). *Land Capability Survey of Tasmania. Meander Report, 1:100 000*. Tasmania, Australia: Department of Primary Industry.
- Queensland Government. (2008). Buffer Areas - Minimising conflict between agriculture and residential areas. Queensland Government - Natural Resources, Mines and Water.
- Queensland Government Natural Resources Mines and Water. (2008). *Buffer areas; Minimising conflict between agricultural and residential areas*. Queensland: Department of Natural Resources Mines and Water.
- Spanswick, S. a. (1999). *Quamby Soil report - Reconnaissance Soil Map Series of Tasmania, revised edition*. Department of Primary Industries, Water and Environment .
- Standards Australia. (2009). *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.

Planning Commission (2017), *Planning Directive No. 5.1 Bushfire-Prone Areas Code*

APPENDIX 1 – MAPS



Figure 1: Bushfire Prone Area. Lot 1 red, Lot 2 blue



Figure 2: Proposed Plan of subdivision

BUSHFIRE-PRONE AREAS CODE**CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993****1. Land to which certificate applies²**

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

Northern Midlands Interim Planning Scheme 2013

Street address:

21 Napoleon Street, Perth

Certificate of Title / PID:

CT 240512/1,
PID 7417220

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

Certificate of Title / PID:

2. Proposed Use or Development**Description of Use or Development:**

Subdivision, 1 lots to 2 lots

Code Clauses: **E1.4 Exempt Development** **E1.5.1 Vulnerable Use**

¹ This document is the approved form of certification for this purpose, and must not be altered from its original form.

² If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

E1.5.2 Hazardous Use

E1.6.1 Subdivision

3. Documents relied upon

Documents, Plans and/or Specifications

Title: Proposed Plan of Subdivision

Author: 6tty Pty Ltd

Date: 13/9/2019

Version: PO1

Bushfire Hazard Report

Title: Bushfire report 21 Napoleon Street, Perth

Author: Scott Livingston

Date: 3/2/20

Version: 1

Bushfire Hazard Management Plan

Title: na

Author:

Date:

Version:

Other Documents

Title:

Author:

Date:

Version:

4. Nature of Certificate

×	E1.4 – Use or development exempt from this code		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
×	E1.4 (a)	Insufficient increase in risk	Bushfire report 21 Napoleon St Perth

<input type="checkbox"/>	E1.5.1 – Vulnerable Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.1 P1	Residual risk is tolerable	
<input type="checkbox"/>	E1.5.1 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.1 A3	Bushfire hazard management plan	

<input type="checkbox"/>	E1.5.2 – Hazardous Uses		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.2 P1	Residual risk is tolerable	
<input type="checkbox"/>	E1.5.2 A2	Emergency management strategy	
<input type="checkbox"/>	E1.5.2 A3	Bushfire hazard management plan	

<input type="checkbox"/>	E1.6 – Development standards for subdivision		
	E1.6.1 Subdivision: Provision of hazard management areas		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
<input type="checkbox"/>	E1.6.1 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.1 A1 (b)	Provides BAL 19 for all lots	

<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	
--------------------------	---------------	------------------------------	--

E1.6.2 Subdivision: Public and fire fighting access			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.2 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.3 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	
<input type="checkbox"/>	E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.3 A2 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A2 (b)	Static water supply complies with Table E5	
<input type="checkbox"/>	E1.6.3 A2 (c)	Static water supply is consistent with the objective	

5. Bushfire Hazard Practitioner³

Name:	Scott Livingston	Phone No:	0438 951 021
Address:	12 Powers Road	Fax No:	
	Underwood	Email Address:	scottlivingston.lnrs@gmail.com
	Tasmania		7268
Accreditation No:	BFP – 105	Scope:	1,2, 3A, 3B, 3C.

6. Certification

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

<i>The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.</i>	x
---	---


or

<i>There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.</i>	<input type="checkbox"/>
--	--------------------------

and/or

<i>The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.</i>	<input type="checkbox"/>
--	--------------------------

Signed:
certifier



Date:

3/2/20

Certificate No:

SRL20/8E

³ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of *Fire Service Act 1979*. The list of practitioners and scope of work is found at www.fire.tas.gov.au.

To: Owner /Agent
 Address
 Suburb/postcode

Form **55**

Qualified person details:

Qualified person:
 Address: Phone No:
 Fax No:
 Licence No: Email address:

Qualifications and Insurance details: *(description from Column 3 of the Director of Building Control's Determination)*
 Speciality area of expertise: *(description from Column 4 of the Director of Building Control's Determination)*

Details of work:

Address: Lot No:
 Certificate of title No:
 The assessable item related to this certificate: *(description of the assessable item being certified)*
Assessable item includes –
 - a material;
 - a design
 - a form of construction
 - a document
 - testing of a component, building system or plumbing system
 - an inspection, or assessment, performed

Certificate details:

Certificate type: *(description from Column 1 of Schedule 1 of the Director of Building Control's Determination)*

This certificate is in relation to the above assessable item, at any stage, as part of - *(tick one)*
 building work, plumbing work or plumbing installation or demolition work:
 or
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

- Bushfire Attack Level Assessment & Report

Relevant calculations:

Not Bushfire Prone- BAL Low

References:

- Australian Standard 3959
- Planning Directive No.5.1
- Building Amendment Regulations 2016
- Director of Building Control, Determinations
- Guidelines for development in bushfire prone areas of Tasmania

Substance of Certificate: (what it is that is being certified)

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959

*Scope and/or Limitations***Scope:**

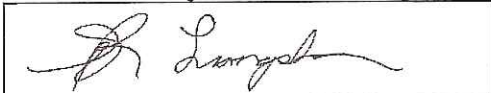
This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Planning Directive No 5.1, Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code of Australia and Australian Standards, AS 3959-2009, Construction of buildings in bushfire-prone areas.

Limitations:

The inspection has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

I certify the matters described in this certificate.

Qualified person:	<i>Signed:</i> 	<i>Certificate No:</i> SRL20/08E	<i>Date:</i> 3/2/2020
-------------------	---	-------------------------------------	--------------------------

Bushfire Report: Subdivision

Report for: 6ty Pty Ltd

Property Location: 21 Napoleon St, Perth

Prepared by: Scott Livingston
Livingston Natural Resource Services
12 Powers Road
Underwood, 7268

Date: 3rd February 2020



Summary

Client:

6ty Pty Ltd

**Property
identification:**

21 Napoleon Street, Perth. CT 174051/1 & 2, PID 7417220
Current Zoning; General Residential, Northern Midlands Interim
Planning Scheme, 2013

Proposal:

The owner proposes to subdivide 1 existing title creating 2 lots.

Conclusion:

The subdivision area is partially mapped as bushfire prone. However, there is insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The proposed subdivision is considered exempt under clause E1.4.a of *Planning Directive No.5. 1 Bushfire-Prone Areas Code*.

**Assessment
by:**



Scott Livingston,
Master Environmental Management,
Natural Resource Management Consultant.

Accredited Person under part 4A of the Fire Service Act
1979:
Accreditation # BFP-105, (scope 1,2, 3A, 3B, 3C)

Contents

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FIREFIGHTING WATER SUPPLY 1

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Figure 1: Bushfire Prone Area. Lot 1 red, Lot 2 blue 1

Figure 2: Proposed Plan of subdivision 2

LIMITATIONS

This report only deals with potential bushfire risk and does not consider any other potential statutory or planning requirements. This report classifies type of vegetation at time of inspection and cannot be relied upon for future development or changes in vegetation of assessed area.

No assurance is given or inferred for the health safety or amenity of the public or occupants in the event of a bushfire.

No warranty is offered or inferred for any buildings constructed on the property in the event of a bushfire.

INTRODUCTION

The proponent is applying to subdivide existing titles CT 174051/1 at 21 Napoleon Street, Perth, creating 2 lots. Proposed lot 1 contains an existing dwelling.

SITE DESCRIPTION

Proposed Lots and surrounding land to the north east and west is residential and considered low threat vegetation, lawns and gardens. Grassland occurs on land to the west of Napoleon Street. The majority of proposed Lot 1 is mapped as bushfire prone in Planning Scheme Bushfire Prone Areas Overlay. While the western 47m of the 65m panhandle access for Lot 2 is mapped as Bushfire prone the bulk of the lot is not and not buildable area is mapped as bushfire prone.

The lots front Napoleon Street. The area is serviced by a reticulated water supply with a hydrant adjacent to the lot.

See Appendix 1 for maps.

RISK ASSESSMENT

Lot 1 while bushfire prone has an existing dwelling and there will be no change in the risk to that dwelling. All potential building areas of Lot 2 are not bushfire prone therefore there will be no bushfire requirements for future dwellings on that lot. Insufficient increase in risk from bushfire will occur from the subdivision and no specific bushfire protection measures are warranted.

ACCESS

There are no access requirements as the development is exempt.

FIREFIGHTING WATER SUPPLY

There are no water supply requirements as the development is exempt.

CONCLUSIONS

The subdivision area is partially mapped as bushfire prone. However, there is insufficient increase in risk from the development to warrant the provision of bushfire hazard management measures for the development.

The proposed subdivision is considered exempt under clause E1.4.a of *Planning Directive No.5. 1 Bushfire-Prone Areas Code*.

REFERENCES

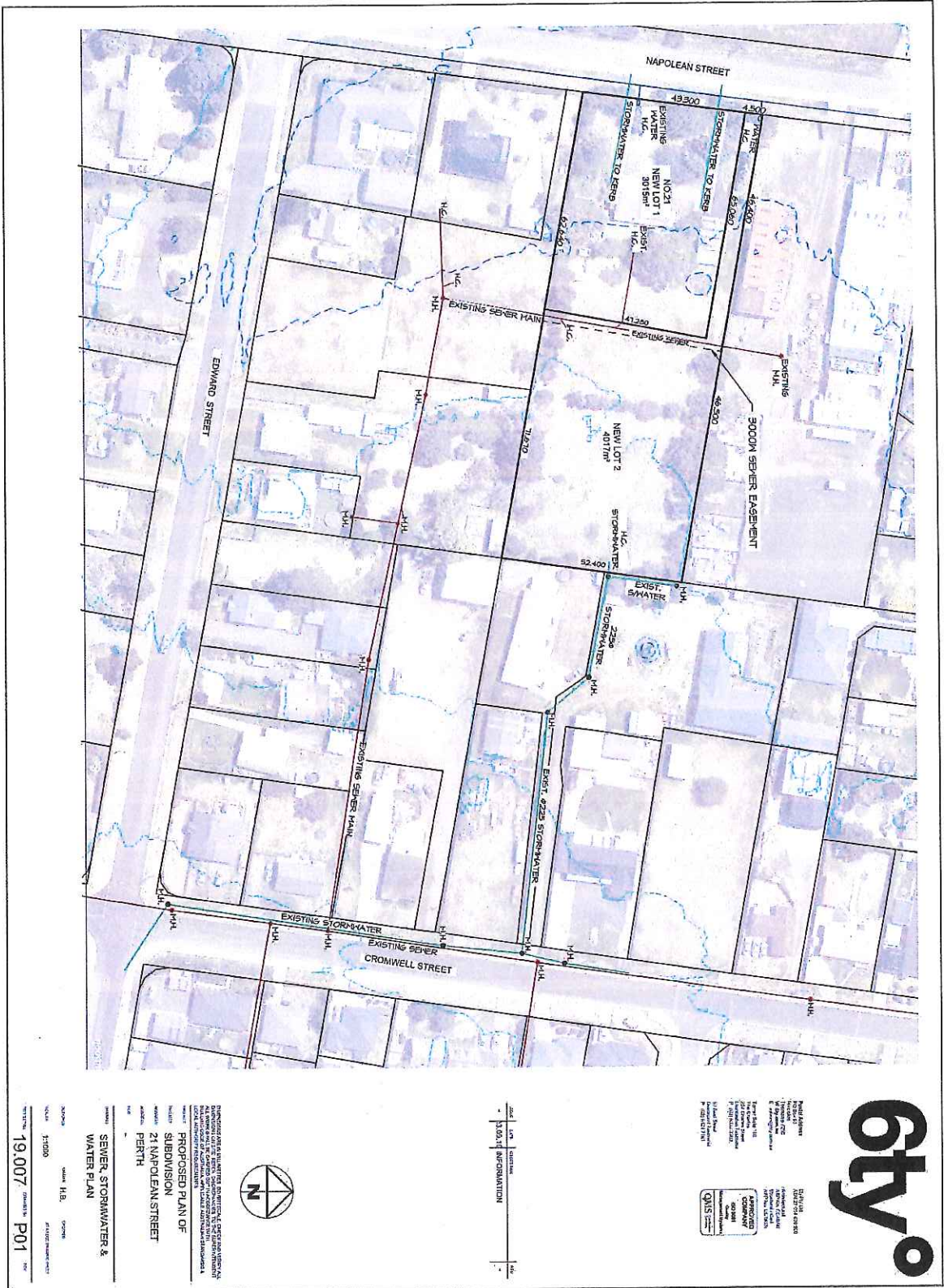
- DPIPWE. (2010, March 22th). *Tasmanian Register of Water Licences and Dam Permits*. Retrieved March 29th, 2010, from Water Information Management System: <http://wims.dpiwe.tas.gov.au>.
- DPIPWE. (n.d.). Model Isohyets 1970 - 2005.
- Grose, C. J. (1999). *Land capability Handbook. Guidelines for the Classification of Agricultural Land in Tasmania*. (Second Edition ed.). Tasmania, Australia: Department of Primary Industries, Water and Environment.
- Gunn, R. H., Beattie, J. A., Reid, R. E., & van de Graaff, R. H. (1988). *Australian Soil and Land Survey Handbook: Guidelines for Conducting Surveys*. Melbourne: Inkata Press.
- Isbell, R. F. (2002). *The Australian soil classification* (Revised Edition ed.). Melbourne: CSIRO Publishing.
- Launceston City Council. (2012). *Launceston Interim Planning Scheme*.
- Learmonth, R., Whitehead, R., Boyd, B., & Fletch. (2007). *Living and Working in Rural Areas. A handbook for managing land use conflict issues on the NSW North Coast*.
- McDonald, R. C., Isbell, R. F., Speight, J. G., Walker, J., & Hopkins, M. S. (1998). *Australian Soil and Land Survey Field Handbook* (Second Edition ed.). Canberra: Australian Collaborative Land Evaluation Program, CSIRO Land and Water.
- Noble, K. E. (1993). *Land Capability Survey of Tasmania. Meander Report, 1:100 000*. Tasmania, Australia: Department of Primary Industry.
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- Queensland Government Natural Resources Mines and Water. (2008). *Buffer areas; Minimising conflict between agricultural and residential areas*. Queensland: Department of Natural Resources Mines and Water.
- Spanswick, S. a. (1999). *Quamby Soil report - Reconnaissance Soil Map Series of Tasmania, revised edition*. Department of Primary Industries, Water and Environment .
- Standards Australia. (2009). *AS 3959-2009 Construction of Buildings in Bushfire Prone Areas*.
- Planning Commission (2017), *Planning Directive No. 5.1 Bushfire-Prone Areas Code*

APPENDIX 1 – MAPS



Figure 1: Bushfire Prone Area. Lot 1 red, Lot 2 blue

Figure 2: Proposed Plan of subdivision



BUSHFIRE-PRONE AREAS CODE**CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993****1. Land to which certificate applies²**

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

Northern Midlands Interim Planning Scheme 2013

Street address:

21 Napoleon Street, Perth

Certificate of Title / PID:

CT 240512/1,
PID 7417220

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

Certificate of Title / PID:

2. Proposed Use or Development**Description of Use or Development:**

Subdivision, 1 lots to 2 lots

Code Clauses: **E1.4 Exempt Development** **E1.5.1 Vulnerable Use**

¹ This document is the approved form of certification for this purpose, and must not be altered from its original form.

² If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

E1.5.2 Hazardous Use

E1.6.1 Subdivision

3. Documents relied upon

Documents, Plans and/or Specifications

Title: Proposed Plan of Subdivision

Author: 6tty Pty Ltd

Date: 13/9/2019

Version: PO1

Bushfire Hazard Report

Title: Bushfire report 21 Napoleon Street, Perth

Author: Scott Livingston

Date: 3/2/20

Version: 1

Bushfire Hazard Management Plan

Title: na

Author:

Date:

Version:

Other Documents

Title:

Author:

Date:

Version:

4. Nature of Certificate			
× E1.4 – Use or development exempt from this code			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
×	E1.4 (a)	Insufficient increase in risk	Bushfire report 21 Napoleon St Perth
□ E1.5.1 – Vulnerable Uses			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
□	E1.5.1 P1	Residual risk is tolerable	
□	E1.5.1 A2	Emergency management strategy	
□	E1.5.1 A3	Bushfire hazard management plan	
□ E1.5.2 – Hazardous Uses			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
□	E1.5.2 P1	Residual risk is tolerable	
□	E1.5.2 A2	Emergency management strategy	
□	E1.5.2 A3	Bushfire hazard management plan	
□ E1.6 – Development standards for subdivision			
E1.6.1 Subdivision: Provision of hazard management areas			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
□	E1.6.1 P1	Hazard Management Areas are sufficient to achieve tolerable risk	
□	E1.6.1 A1 (a)	Insufficient increase in risk	
□	E1.6.1 A1 (b)	Provides BAL 19 for all lots	

<input type="checkbox"/>	E1.6.1 A1 (c)	Consent for Part 5 Agreement	
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E1.6.2 Subdivision: Public and fire fighting access			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.2 P1	Access is sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.2 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.2 A1 (b)	Access complies with Tables E1, E2 & E3	

E1.6.3 Subdivision: Provision of water supply for fire fighting purposes			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.3 A1 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A1 (b)	Reticulated water supply complies with Table E4	
<input type="checkbox"/>	E1.6.3 A1 (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.3 A2 (a)	Insufficient increase in risk	
<input type="checkbox"/>	E1.6.3 A2 (b)	Static water supply complies with Table E5	
<input type="checkbox"/>	E1.6.3 A2 (c)	Static water supply is consistent with the objective	

5. Bushfire Hazard Practitioner³

Name:	Scott Livingston	Phone No:	0438 951 021
Address:	12 Powers Road	Fax No:	
	Underwood	Email Address:	scottlivingston.lnrs@gmail.com
	Tasmania		7268
Accreditation No:	BFP – 105	Scope:	1,2, 3A, 3B, 3C.

6. Certification

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

<p><i>The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.</i></p>	x
--	---


or

<p><i>There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.</i></p>	<input type="checkbox"/>
---	--------------------------

and/or

<p><i>The Bushfire Hazard Management Plan/s identified in Section 3 of this certificate is/are in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.</i></p>	<input type="checkbox"/>
---	--------------------------

Signed:
certifier



Date: 3/2/20 **Certificate No:** SRL20/8E

³ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at www.fire.tas.gov.au.

To: Owner /Agent
 Address
 Suburb/postcod

Form **55**

Qualified person details:

Qualified person:
 Address: Phone No:
 Fax No:
 Licence No: Email address:

Qualifications and Insurance details: *(description from Column 3 of the Director of Building Control's Determination)*

Speciality area of expertise: *(description from Column 4 of the Director of Building Control's Determination)*

Details of work:

Address: Lot No:
 Certificate of title No

The assessable item related to this certificate: *(description of the assessable item being certified)*
 Assessable item includes –
 - a material;
 - a design
 - a form of construction
 - a document
 - testing of a component, building system or plumbing system
 - an inspection, or assessment, performed

Certificate details:

Certificate type: *(description from Column 1 of Schedule 1 of the Director of Building Control's Determination)*

This certificate is in relation to the above assessable item, at any stage, as part of - *(tick one)*
 building work, plumbing work or plumbing installation or demolition work:
 or
 a building, temporary structure or plumbing installation:

In issuing this certificate the following matters are relevant –

Documents:

- Bushfire Attack Level Assessment & Report

Relevant calculations:

Not Bushfire Prone- BAL Low

References:

- Australian Standard 3959
- Planning Directive No.5.1
- Building Amendment Regulations 2016
- Director of Building Control, Determinations
- Guidelines for development in bushfire prone areas of Tasmania

Substance of Certificate: (what it is that is being certified)

1. Assessment of the site Bushfire Attack Level (BAL) to Australian Standards 3959

*Scope and/or Limitations***Scope:**

This report was commissioned to identify the Bushfire Attack Level for the existing property. All comment, advice and fire suppression measures are in relation to compliance with Planning Directive No 5.1, Bushfire-Prone Areas Code issued by the Tasmanian Planning Commission, the Building Code of Australia and Australian Standards, AS 3959-2009, Construction of buildings in bushfire-prone areas.

Limitations:

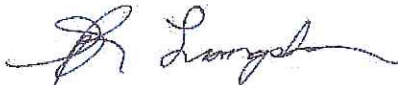
The inspection has been undertaken and report provided on the understanding that:-

1. The report only deals with the potential bushfire risk all other statutory assessments are outside the scope of this report.
2. The report only identifies the size, volume and status of vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development.
3. Impacts of future development and vegetation growth have not been considered.

I certify the matters described in this certificate.

Qualified person:

Signed:

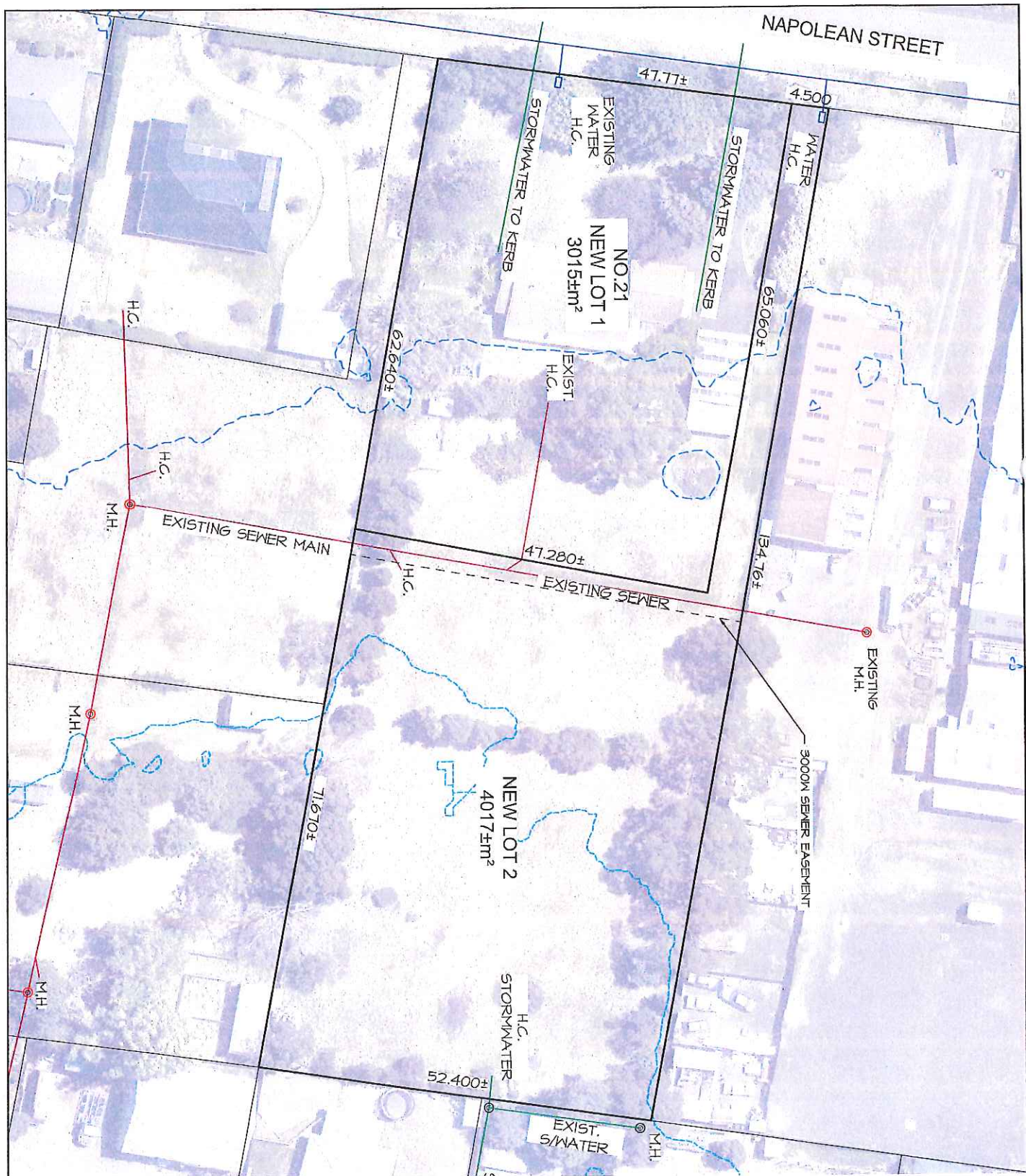


Certificate No:

SRL20/08E

Date:

3/2/2020



Project Address
 21 Napoleon Street
 Perth
 Western Australia
 6000
 E: info@cityofperth.wa.gov.au
 T: (08) 9447 1000
 F: (08) 9447 1000
 City of Perth
 100 St James Street
 Perth WA 6000

DATE: 19/07/2019
 TIME: 10:00 AM
 PROJECT: 19.007
 DRAWING: P01



DISCLAIMER: THE CITY OF PERTH DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE CITY OF PERTH IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN. THE CITY OF PERTH IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN.

PROPOSED PLAN OF SUBDIVISION
 21 NAPOLEON STREET
 PERTH

SEWER, STORMWATER & WATER PLAN

DATE: 19/07/2019
 DRAWN: H.B.
 CHECKED: G.D.
 PROJECT: 19.007
 DRAWING: P01

Our Ref: 19.182

Measured form and function

6ty Pty Ltd
ABN 27 014 609 900

24 February 2020

Des Jennings
General Manager
Northern Midlands Council
By Email: council@nmc.tas.gov.au

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

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

Dear Des,

**COMBINED SCHEME AMENDMENT / PERMIT APPLICATION –
21 NAPOLEON STREET, PERTH – PUBLIC OPEN SPACE**

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

We have been engaged to prepare and lodge a combined application for a proposed amendment to the *Northern Midlands Interim Planning Scheme 2013* ("Scheme") to rezone the land at 21 Napoleon Street, Perth from Light Industrial to General Residential, and an associated permit application for a 2-lot subdivision.

Lot 1 will have an area of 3,015m² and will contain an existing dwelling, outbuilding and property access. Lot 2 will have an area of 4,017m² and is proposed to be created for future dwelling development. The proposed subdivision will result in a net increase of 1 lot. Given the nature of the subdivision, the provision of public open space is not proposed.

The Recreation and Open Space Code in the Scheme deals with the provision of public open space as part of subdivision development. The Acceptable Solution A1 in Clause 10.6.1 provides an approval pathway in circumstances where Council's General Manager provides consent in writing to the effect that no land is required for public open space and instead there is to be a cash payment in lieu.

Given the nature of the proposed subdivision, we a writing to formally request your written consent in accordance with Acceptable Solution A1 in Clause 10.6.1.

Please do not hesitate to contact me should you have any queries on this application.

Yours faithfully
6ty° Pty Ltd

Ashley Brook
Planning Consultant

Attachments: Proposal plan of subdivision

Paul Godier

From: Des Jennings
Sent: Monday, 23 March 2020 4:29 PM
To: Paul Godier
Subject: 21 Napoleon Street - proposed subdivision - request for cash in lieu of land for public open space

Hi Paul,

I agree to accept the cash in lieu of open space. Regards 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



**employer
of choice**

From: Paul Godier <paul.godier@nmc.tas.gov.au>
Sent: Monday, 23 March 2020 3:02 PM
To: Des Jennings <des.jennings@nmc.tas.gov.au>
Subject: 21 Napoleon Street - proposed subdivision - request for cash in lieu of land for public open space

Dear Des, please see the attached proposed subdivision and request to pay cash in lieu of land for public open space.

Given the vacant lot will be internal, and the front lot contains a house, I recommend that we take cash in lieu of land for open space.

Can you please advise whether, in accordance with clause E10.6.1 A1 of the Northern Midlands Interim Planning Scheme 2013, you consent to a cash payment in lieu of land for public open space.

Thanks,

Paul Godier



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



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Officers are available for phone enquiries and face to face appointments to discuss building and planning matters at the following times:

- Monday - between 9:00am and 12:00pm
- Wednesday - between 2:00pm and 5:00pm
- Friday - between 9:00am and 12:00pm

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Meetings can be arranged at other times by appointment.

For general enquiries please refer to the Fact Sheet located on our website at <http://northernmidlands.tas.gov.au>

Submission to Planning Authority Notice

Council Planning Permit No.	PLN-20-0049 - PSA 02/2020	Council notice date	3/04/2020
TasWater details			
TasWater Reference No.	TWDA 2020/00439-NMC	Date of response	6/04/2020
TasWater Contact	David Boyle	Phone No.	6345 6323
Response issued to			
Council name	NORTHERN MIDLANDS COUNCIL		
Contact details	Planning@nmc.tas.gov.au		
Development details			
Address	21 NAPOLEON ST, PERTH	Property ID (PID)	7417220
Description of development	Rezone Light Industrial to General Residential and 2 Lot Subdivision		
Schedule of drawings/documents			
	Prepared by	Drawing/document No.	Revision No. Date of Issue
	6ty°	19.007 P01	18/02/2020
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater makes the following submission(s):			
1. TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
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/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.			
3. Prior to use of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.			
FINAL PLANS, EASEMENTS & ENDORSEMENTS			
4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i>			
5. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.			

DEVELOPMENT ASSESSMENT FEES

6. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
- a. \$211.63, for development assessment; and
 - b. \$149.20 for Consent to Register a Legal Document
- The payment is required by the due date as noted on the statement when issued by TasWater.

Advice**General**

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

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

Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan.

Declaration

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

Authorised by


Jason Taylor
Development Assessment Manager

TasWater Contact Details

Email	development@taswater.com.au	Web	www.taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001		

Paul Godier

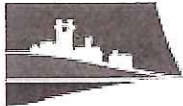
From: Jonathan Galbraith
Sent: Monday, 20 April 2020 10:32 AM
To: Paul Godier
Cc: NMC Planning
Subject: Referral 21 Napoleon St
Attachments: WI referral PLN-20-0049 21 Napoleon Street Perth.doc

Paul,

Referral attached. An alternative solution might be to connect out to the street if levels allow with a building envelope on the area that can be drained.

Regards,

Jonathan Galbraith



NORTHERN
MIDLANDS
COUNCIL

Engineering Officer | Northern Midlands Council
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T: (03) 6397 7303 | M: 0400 935 642 | F: (03) 6397 7331
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T a s m a n i a ' s H i s t o r i c H e a r t

REFERRAL OF DEVELOPMENT APPLICATION PLN-20-0049 TO WORKS & INFRASTRUCTURE DEPARTMENT

Property/Subdivision No: 110400.04

Date: 3 April 2020

Applicant: 6ty° Pty Ltd

Proposal: Draft Planning Scheme Amendment 02/2020 to rezone from Light Industrial to General Residential combined with an s43A application for a 2 lot subdivision.

Location: 21 Napoleon Street, Perth

W&I referral PLN-20-0049, 21 Napoleon Street, Perth

Planning admin: W&I fees paid.

Jonathan - if you require further information, advise planning section as soon as possible – there are only 14 days from receipt of permitted applications and 21 days from receipt of discretionary applications to stop the clock.

Please inspect the property and advise regarding stormwater/drainage, access, traffic, and any other engineering concerns.

Is there is a house on one of the lots?	Yes
Is it connected to all Council services?	Yes
Are any changes / works required to the house lot?	Yes
Are the discharge points for stormwater, infrastructure 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.)	Yes

Stormwater:

Does the physical location of stormwater services match the location shown on the plan? (Requires an on-site inspection)	Yes
Is the property connected to Council's stormwater services?	Yes
If so, where is the current connection/s?	
Can all lots access stormwater services?	Yes
If so, are any works required?	No
Is stormwater detention required	Yes Part V agreement
Has a stormwater detention design been submitted	N/A
If so, is it designed for 20- year ARI with overland flow path to road or any other low risk Council approved place of discharge.	N/A
If no to above , has the design for 100 – year ARI been done.	N/A
If yes to any of the above, does it comply with Councils stormwater policy	N/A
Is the design approved by works & infrastructure	N/A
Please quote drawing numbers and any other relate documentation (email etc.)	#:
Additional Comments/information	No

Stormwater works required:

Works to be in accordance with Standard Drawing TSD-SW25 – a 100mm stormwater connection.

Multiple Dwellings: Works to be in accordance with Standards – a 150mm stormwater connection

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?	No
Is off-street parking available/provided?	Yes

Road / access works required:

Works to be in accordance with Standard Drawing TSD R09 - concrete driveway crossover & hotmix sealed apron from the edge of Napoleon Street to the property boundary of each lot

Is an application for vehicular crossing form required?	Yes
Is a footpath required?	No
Extra information required regarding driveway approach and departure angles	Yes
Are any road works required?	No
Are street trees required?	No
Additional Comments:	An Engineer's design is not required.

Engineer's comment:

WORKS & INFRASTRUCTURE DEPARTMENT CONDITIONS

STANDARD CONDITIONS FOR SMALL SUBDIVISIONS

W.1 Stormwater

- a) Each lot must 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.
- b) oA part 5 agreement shall be entered into for each lot requiring that a dispersion drain is constructed prior to any building works on the lot. The part 5 agreement shall require that;
 - o The drain shall be sized taking into account the permeability of the soil
 - o The drain shall be sized to meet the full range of storms for the 10 year ARI for storage capacity with an additional safety factor volume 50% above the calculated need
 - o The drain shall be located to command the stormwater discharge from all areas of the site which cannot be drained via a gravity connection to the kerb
 - o The drain shall be installed along the contour at a minimum of 6.0 metres clear of boundaries down slope of the facility
 - o The installation shall be located to ensure there is no concentrated discharge from the facility
 - o A system operation / maintenance manual is to be provided and approved by the Engineering Services Manager
 - o The system shall be marked on an "As Constructed" plan to Council requirements with the plan provided to Council
 - o The system to be installed prior to site occupancy, operated and maintained by the owner in conformity with the manufacturer or design engineer's

instruction manual and any additional conditions as required by Council. Any nuisance / concentrated discharge from the facility shall be rectified by the owner to Council's requirements and at the owner's expense within 14 days notice of the nuisance.

W.2 Access (Urban)

- c) A concrete driveway crossover and apron must be constructed from the edge of the Road to the property boundary of each Lot in accordance with Council standards.
- d) Access works must not commence until an application for vehicular crossing has been approved by Council.

W.3 As constructed information

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

W.4 Municipal standards & certification of works

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

W.5 Works in Council road reserve

- a) Works must not be undertaken within the public road reserve, including crossovers, driveways or kerb and guttering, without prior approval for the works by the Works Manager.
- b) Twenty-four (24) hours notice must 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 Separation of hydraulic services

- a) All existing pipes and connections must be located.
- b) Where required, pipes are to be rerouted to provide an independent system for each lot.
- c) Certification must be provided that all hydraulic services have been separated between the lots.

W.8 Pollutants

- a) The developer/property owner must ensure that pollutants such as mud, silt or chemicals are not released from the site.
- b) Prior to the commencement of the development authorised by this permit 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. Material or debris must not be transported onto the road reserve (including the nature strip, footpath and road pavement). Any material that is deposited on the road reserve must be removed by the developer/property owner. 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 Nature strips

Any new nature strips, or areas of nature strip that are disturbed during construction, must 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.

Jonathan Galbraith (Engineering Officer)

Leigh McCullagh (Works Manager)

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Stormwater discussed with Cam Oakley 20/4/20 – The stormwater pipe is under capacity. If any works are done on the rear lot a dispersion drain is required or alternatively a building envelope and a connection to the drain in Napoleon St if levels allow.

Date: 20/4/20